

DR 84-3 - DRAFT INTERGOVERNMENTAL REVIEW PROCESS

ACTION

DATE

COMMITTEE

M.A.P.C.	Approved as recommended	3-22-84
B.C.C./B.C.C.C.	Approved as recommended	4-17-84
Bd. G.C.C.	Approved as recommended (2-1 copy)	4-15-84
Bd W C	Rescind action.	4-18-84 2-27-85

FROM mm DATE _____

ADMINISTRATION	ADVANCE PLANS	CURRENT PLANS	ENGINEERING	GRAPHICS
<input type="checkbox"/> Lakin	<input checked="" type="checkbox"/> Stewart	<input checked="" type="checkbox"/> Stewart	<input type="checkbox"/> Lindebak	<input type="checkbox"/> Pierce
<input type="checkbox"/> Walter	<input type="checkbox"/> Schwartz	<input type="checkbox"/> Lytle	<input type="checkbox"/> Cain	<input type="checkbox"/> Commer
<input type="checkbox"/> Doramus	<input type="checkbox"/> Dudark	<input type="checkbox"/> Young	<input type="checkbox"/> Rutz	<input type="checkbox"/> Crook
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T9-105

**BOARD OF SEDGWICK COUNTY COMMISSIONERS
PROCEEDINGS**

MEETING OF THE BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

FEBRUARY 27, 1985

(Welcome to Channel 8 viewing audience and an overview of agenda items to be considered)

- A. Call Meeting to Order at 9:00 a.m.
- B. Invocation of the Christian Businessmen's Committee
- C. Flag Salute
- D. Roll Call
- E. Approval of Minutes, Regular Meeting of February 13, 1985
- F. Certification as to the availability of funds - County Controller's Office.
- G. Proclamation proclaiming the week of March 3-9, 1985, as Women's History Week. Presented by Louanna Honeycutt, Public Affairs Officer.

ACTION: Approve the proclamation and authorize the Chairman to sign.
- H. Proclamation proclaiming the week of March 3-9, 1985, as American Association of University Women Week. Presented by Louanna Honeycutt, Public Affairs Officer.

ACTION: Approve the proclamation and authorize the Chairman to sign.
- I. Vacation Hearing #3000-515. The south 5 feet of a 20-foot side utility easement being 10 feet each side of the common lot line between Lot 7, Block 3 and Reserve I, Block 3, Crestview County Club Estates Southcrest Addition to Sedgwick County, Kansas, except the east 20 feet and the west 20 feet thereof. District #1.
- J. Personnel Department. Presented by Mary Ann Mamoth, Director.

Presentation of a retirement certificate to Mildred Poague from the Department of Mental Health.

Mildred Poague began her employment with Sedgwick County on October 17, 1955, as a Registered Nurse for the County Hospital, and she resigned as Head Nurse on May 16, 1973. She returned to Sedgwick County Hospital on December 4, 1973 as Charge Nurse, and was transferred to the Mental Health Department on April 10, 1978, to work at the Holding Unit as Head Nurse. Her title changed to Psychiatric Nurse on May 1, 1981, and she will retire with that title on March 1, 1985.

**BOARD OF SEDGWICK COUNTY COMMISSIONERS
PROCEEDINGS**

Agenda - Page 2
February 27, 1985

- K. **Public Hearing on County proposal to construct a cul-de-sac on the frontage road near the intersection of K-15 and 47th Street South.** Presented by David Spears, Acting Director, Department of Public Works.

The laboratory complex being constructed by Boeing will generate considerably more traffic on the frontage road. A problem already exists at this intersection, and the additional traffic will compound it. A cul-de-sac is the most viable solution due to the poor geometrics at this location.

ACTION: Open the public hearing, receive public comment, close the public hearing and direct the Department of Public Works to forward the public comment to the Kansas Department of Transportation for its review and recommendations.

- L. **Designation of the Wichita-Sedgwick County Metropolitan Area Planning Commission to be the reviewing body for projects per the Kansas Intergovernmental Review Act (formerly A-95 Reviews).** Presented by Mac Manning, City Administrator, Valley Center.

On April 18, 1984, the Board of County Commissioners took action to designate the Wichita/Sedgwick County Metropolitan Area Planning Commission as the review agency for Sedgwick County in regards to the Kansas Intergovernmental Review Act.

Approval of this revised designation will rescind the 1984 action and designate the Board of County Commissioners of Sedgwick County, Kansas, to be the reviewing authority.

ACTION: 1. Rescind the 1984 action and designate the Board of County Commissioners of Sedgwick County, Kansas, to be the reviewing authority; or
2. Take no action.

- M. **Presentation of the Sedgwick County Detention System Master Plan Notebook.** Presented by Kenneth W. Arnold, Corrections Facility Project Manager.

Dennis A. Kimme of Kimme Planning and Architecture, Champaign, Illinois, and Wesley Darnell of Wilson Darnell Associates, Wichita, Kansas, who are the County's criminal justice system consultants, will present three documents to the Commission. These documents are the Sedgwick County Detention System Master Plan Notebook, a summary of the Master Plan and the Correctional Facility Functional Program.

These documents review the work of the Corrections Facility Advisory Board, the consultants and County staff over the last two years. Additionally, they provide recommendations on how the County should proceed in addressing the needs of our present jail as well as the building of a new facility to alleviate existing problems and meet future requirements.

The Master Plan concludes the fourth phase of the six phase Criminal Justice Planning Process: A Total Systems Model being followed by the County in the jail program. The Plan logically leads into the last two phases of the Model, which include design, construction, move in and on-going evaluation of a new detention facility.

**BOARD OF SEDGWICK COUNTY COMMISSIONERS
PROCEEDINGS**

Agenda - Page 3
February 27, 1985

The Corrections Facility Advisory Board, at its February 15, 1985 meeting, reviewed and unanimously recommended approval of the Master Plan to the Commission.

- ACTION:**
1. Adopt the Sedgwick County Detention System Master Plan; or
 2. Take such action as the Board deems appropriate.

- N. **Metropolitan Area Planning Department.** Presented by Bob Lakin, Director.

Approval of a revised Air Quality Plan (SIP).

For the past several years, Wichita has been working towards the goal of meeting Federal clean air standards -specifically for the pollutant carbon monoxide (CO). Through the implementation of an air quality plan (known as the SIP, or State Implementation Plan), which was endorsed in 1979 by the MAPC, City Commission and County Commission, Wichita is now within reach of meeting its goal. What remains is the following:

- * Approval and submittal of an acceptable SIP Revision;
- * A modeling analysis demonstrating attainment (i.e., that the area meets Federal standards); and
- * Continuation of clean air readings.

The proposed SIP Revision was reviewed and approved by the Planning Commission on January 24th. The plan was also reviewed and approved by the Air Quality Advisory Subcommittee on January 15, 1985. (The Air Quality Advisory Subcommittee is composed of three Planning Commissioners, one City Commissioner, one County Commissioner and one representative each from Derby, Haysville and Valley Center.)

A public hearing regarding the Plan Revision was held on February 15, 1985, at 2:30 p.m. in the City Commission Chambers. A summary of the hearing will be presented at the Commission meeting.

- ACTION:**
1. Approve the revised SIP; or
 2. Disapprove the revised SIP.

- O. **Acceptance of the resignation of John E. Fieser, D.V.M., from the Sedgwick County Animal Care Advisory Board.** Presented by William D. Rustin, County Counselor.

ACTION: Accept the resignation.

- P. **Resolution appointing Donna Rae Malone to the Wichita-Sedgwick County Board of Health.** Presented by William D. Rustin, County Counselor.

The Wichita-Sedgwick County Board of Health is charged with the responsibility of promoting public health and sanitation in the City of Wichita and Sedgwick County.

**BOARD OF SEDGWICK COUNTY COMMISSIONERS
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February 27, 1985

As there is a vacancy on this Board due to the resignation of one of its members, this action appoints Donna Rae Malone to serve on this Board for the remainder of the unexpired term, or until August 7, 1986.

ACTION: 1. Adopt the resolution; or
2. Deny the resolution.

- Q. Resolution appointing Rod M. Stewart to serve on the Board of Canvassers on March 1, 1985. Presented by William D. Rustin, County Counselor.

This resolution authorizes Rod M. Stewart to serve on the Board of Canvassers on March 1, 1985, to certify the results of the primary election in Sedgwick County, Kansas. Mr. Stewart will be serving for and in the place of Chairman Donald E. Gragg, who will be absent that day.

ACTION: 1. Adopt the resolution; or
2. Deny the resolution.

- R. Resolution rescinding Sedgwick County Resolution No. 237-1976 and amending the Sedgwick County Personnel Policy and Procedures Manual relating to appeals of findings of the Sedgwick County Grievance Board by employees of the Sedgwick County Mental Health Department. Presented by William D. Rustin, County Counselor.

Sedgwick County Resolution No. 237-1976 establishes a grievance appeals procedure for employees of the Sedgwick County Mental Health Department which allows appellate review of the decisions rendered by the Sedgwick County Grievance Board to the Sedgwick County Sheriff's Civil Service Board. The same is referenced in certain sections of the Sedgwick County Personnel Policy and Procedures Manual.

Adoption of this resolution would rescind Sedgwick County Resolution No. 237-1976, voiding the appeals procedure as set out therein for employees of the Sedgwick County Mental Health Department, and would amend the Sedgwick County Personnel Policy and Procedures Manual by deleting all references to Sedgwick County Resolution No. 237-1976.

Employees of the Sedgwick County Mental Health Department would then be entitled to the grievance procedure available to other County employees pursuant to Sedgwick County Resolution No. 236-1976 and referenced in the "Sedgwick County Personnel Policy and Procedure Manual".

ACTION: 1. Adopt the resolution; or
2. Deny the resolution.

- S. Resolution providing for the licensing and regulation of alarm systems in the unincorporated areas of Sedgwick County, Kansas. Presented by Kenneth M. Duckworth, Director, Emergency Communications.

On January 3, 1985, a presentation regarding a proposed Sedgwick County false alarm resolution was made to the Board of County Commissioners by Mr. Duckworth. At that time, direction was given to the Legal Department to develop a false alarm resolution similar to the draft resolution which was presented to the Board of City Commissioners for consideration on October 16, 1984.

**BOARD OF SEDGWICK COUNTY COMMISSIONERS
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To carry out this direction, a committee consisting of the County Counselor, the Sheriff, the County Fire Chief, the Director of EMS and the Director of Emergency Communications was formed.

The purpose of the Committee was to draft a false alarm resolution designed to control and reduce the amount of false alarms that the Emergency Services respond to in the unincorporated areas of Sedgwick County that are false and unnecessary. The Committee believes it has formulated a workable resolution that will succeed in reducing false alarm calls, and the same is now being presented for the Board of County Commissioners' approval.

ACTION: 1. Adopt the resolution; or
2. Deny the resolution.

- T. Resolution authorizing bidding of Phase II of renovation of heating and cooling systems in the Jungle Building at the Sedgwick County Zoo. Presented by Sandy Roberts, County Architect.**

This resolution authorizes the bidding of mechanical work, electrical work, the control systems, and general construction of Phase II of the renovation of the heating and cooling systems in the Jungle Building at the Sedgwick County Zoo. Each of the four areas will be bid as separate items.

ACTION: 1. Adopt the resolution; or
2. Deny the resolution.

- U. Approval of a request by the Mid-America All Indian Center to use the Sedgwick County Park for the 1985 Pow-Wow. Presented by William D. Rustin, County Counselor.**

The Mid-America All Indian Center has filed a request with the Board to allow it to hold the 1985 Annual Pow-Wow at Sedgwick County Park on July 26, 27, and 28, 1985. They expect from 2,000-3,000 persons to attend the Pow-Wow over the three-day period.

ACTION: 1. Approve the request; or
2. Disapprove the request.

- V. Approval of consent documents relating to the transfer of supervising agent services and responsibilities under the 1984 Reno-Sedgwick-Finney County \$43,000,000 mortgage revenue bond issue. Presented by Kim C. Dewey, Economic Development Coordinator.**

MGIC Investment Corporation, the supervising agent for the above referenced bond issue, has been sold to Management Financing Corporation. The consent documents allow Management Financing Corporation to carry on the responsibilities under the Origination and Servicing Agreement.

ACTION: Approve the consent documents and authorize the Chairman to sign.

**BOARD OF SEDGWICK COUNTY COMMISSIONERS
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February 27, 1985

- W. Consideration of a position on Senate Bills 242 and 256.** Presented by Kim C. Dewey, Economic Development Coordinator.

Four members of the Sedgwick County Senate Delegation have introduced Senate Bills 242 and 256. Senate Bill 242 would require approval of the County Commission before any bonds could be issued to construct facilities to be leased to tenants at Wichita Mid-Continent Airport. Senate Bill 256 would expand the Airport Authority Board to eleven members, six appointed by the City of Wichita and five appointed by the Board of Sedgwick County Commissioners. This legislation is a response to concerns raised by various County officials, including members of the Board, that a significant amount of assessed valuation was escaping taxation through lease arrangements with the Wichita Airport Authority. This legislation would afford the Board of County Commissioners the opportunity to ensure that in lieu of tax payments would be required in future lease agreements.

ACTION: Take such action as the Board deems appropriate.

- X. Approval of an agreement with Boling Engineering Consultants, Inc., for professional design services.** Presented by Sandy Roberts, County Architect.

The approval of this agreement would allow the consultant to provide for the County the design work necessary for a new electrical system to allow for the implementation of a "variable air volume" HVAC system currently being designed for the Sedgwick County Courthouse.

ACTION: 1. Approve the request; or
2. Disapprove the request.

- Y. Approval of an agreement for treatment of noxious weeds.** Presented by Richard A. Euson, Assistant County Counselor.

This annual agreement with AT&SF Railroad provides for the County's treatment of noxious weed infested areas on railroad rights-of-way within Sedgwick County.

ACTION: 1. Approve the contract; or
2. Disapprove the contract.

- Z. Department on Aging Mill Levy Agreements.** Presented by Irene Hart, Director.

The following agreements are being recommended for funding from Aging mill levy monies budgeted specifically for the support of In-Home services. The requests have been reviewed by members of the Aging Council, and are recommended for approval by the Board of County Commissioners.

1. **Approval of an agreement with the Wichita-Sedgwick County Health Department in the amount of \$46,500 for the provision of Personal Care/Homemaker Services.**

This agreement was one of two to be considered by the Board at their February 13, 1985 meeting, and was deferred at that time.

**BOARD OF SEDGWICK COUNTY COMMISSIONERS
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February 27, 1985

Both this agreement, and the one with Medical Personnel Pool approved by the Board of February 13, 1985, allow for the provision of both Personal Care and Homemaker Services. Provision of dual service is being recommended as it has been determined that a large number of homebound elders were in need of both services and became confused when they were forced to deal with two service providers in a home setting.

- ACTION:**
1. Approve the agreement and authorize the Chairman to sign; or
 2. Disapprove the agreement.
-
2. Approval of an agreement with Legal Aid Society of Wichita, Inc., in the amount of \$10,500 for the provision of Protective Legal Services.

Legal Aid Society of Wichita, Inc., has applied for \$10,500 in Aging mill levy funds for the provision of legal services for the elderly. Services to be provided include guardianships, conservatorships, powers of attorney, home equity conversions, and the handling of cases involving abuse of the elderly.

- ACTION:**
1. Approve the agreement and authorize the Chairman to sign; or
 2. Disapprove the agreement.

AA. Department of Public Works. Presented by David Spears, Acting Director.

1. Resolution:

Resolution classifying and assigning the following roads to Riverside Township Road System: 61st Street South, Kansas Court, Kansas, and Kansas Court. Two of these roads were platted with the same title. All located in Riverside Township, Orchard View 2nd Addition. Maintenance and upkeep of these roads would become the responsibility of Riverside Township. District #2.

- ACTION:**
1. Adopt the resolution; or
 2. Deny the resolution.

2. Approvals:

- a. Approval of authorization to conduct a Phase II Field Reconnaissance of the Highway Archeological Salvage Program. Sedgwick County Project 815-C-4385; bridge on West Street over Jester Creek between 101st Street North and 109th Street North. CIP #B-17 (1985 Design and Construction). District #1.

- ACTION:**
1. Approve the authorization; or
 2. Disapprove the authorization.

**BOARD OF SEDGWICK COUNTY COMMISSIONERS
PROCEEDINGS**

Agenda - Page 8
February 27, 1985

- b. Approval of an agreement between the City of Wichita, Kansas, and Sedgwick County, Kansas, in connection with Sedgwick County Project #831-North $\frac{1}{2}$ S; Rock Road between Oak Knoll and McConnell AFB. CIP #R-36 (Construction 1985). District #2.

ACTION: 1. Approve the agreement; or
2. Disapprove the agreement.

- c. Approval of Sedgwick County matching share using a 75/25 matching ratio for Sedgwick County Project 598-22 to 24, 85th Street North from Ridge Road to Valley Center. It is requested that David C. Spears, P.E., Acting County Engineer, be authorized to sign and send a letter of intent from the Board of County Commissioners that Sedgwick County is still participating in this project, and is anticipating a bid letting of March 21, 1985. CIP #R-21 (Construction 1985). District #1.

ACTION: 1. Approve the matching share and authorize David C. Spears, P.E., Acting County Engineer, to sign a letter of intent from the Board of County Commissioners; or
2. Disapprove the matching share.

- BB. Report of the Board of Bids and Contracts.** Presented by Bob Rogers, County Controller.

ACTION: 1. Approve the recommendations of the Board of Bids and Contracts; or
2. Disapprove specific items.

- CC. Approval of the Consent Agenda.** Presented by Forest Tim Witsman, County Administrator.

DD. Other

WICHITA-SEDGWICK COUNTY

March 4, 1985

METROPOLITAN AREA PLANNING DEPARTMENT

TO: Metropolitan Area Planning Commission

FROM: Robert A. Lakin, Director of Planning

SUBJECT: DR 84-3 - Intergovernmental Review Process

The Commission may remember that in March 1984, it approved and recommended to the City Commission and County Commission that the governor establish an intergovernmental review process (replacing the A-95 review) and designate MAPC as the regional reviewing coordinating agency. On April 17, the City Commission concurred; and on April 18, the County Commission concurred.

On February 27, the County Commission, at the request of the ALARM group of second and third class cities, requested that MAPC not be the review agency and that the County Commission provide that function (see attachment - agenda). The County Commission, by a 3-0 vote, acted to rescind their 1984 action and request the governor to designate the Board of County Commissioners to be the reviewing authority. This is for your information. No further action is needed.

Robert A. Lakin
Director of Planning

RAL:rme
Attachment

WICHITA-SEDGWICK COUNTY

March 4, 1985

METROPOLITAN AREA PLANNING DEPARTMENT

TO: E. H. Denton, City Manager
FROM: Robert A. Lakin, Director of Planning
SUBJECT: DR 84-3 - Intergovernmental Review Process

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Robert A. Lakin
Director of Planning

RAL:rme
Attachment

BOARD OF SEDGWICK COUNTY COMMISSIONERS
PROCEEDINGS

Agenda - Page 2
February 27, 1985

- K. **Public Hearing on County proposal to construct a cul-de-sac on the frontage road near the intersection of K-15 and 47th Street South.** Presented by David Spears, Acting Director, Department of Public Works.

The laboratory complex being constructed by Boeing will generate considerably more traffic on the frontage road. A problem already exists at this intersection, and the additional traffic will compound it. A cul-de-sac is the most viable solution due to the poor geometrics at this location.

ACTION: Open the public hearing, receive public comment, close the public hearing and direct the Department of Public Works to forward the public comment to the Kansas Department of Transportation for its review and recommendations.

- L. **Designation of the Wichita-Sedgwick County Metropolitan Area Planning Commission to be the reviewing body for projects per the Kansas Intergovernmental Review Act (formerly A-95 Reviews).** Presented by Mac Manning, City Administrator, Valley Center.

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- M. **Presentation of the Sedgwick County Detention System Master Plan Notebook.** Presented by Kenneth W. Arnold, Corrections Facility Project Manager.

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FROM _____

DATE _____

ADVANCE PLANS **CURRENT PLANS** **ENGINEERING** **GRAPHICS**

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REMARKS

Do not need to certify. T.C. Granting approved 5/15/58
Re Transit Garage.
Need to send back through regular.
Roy: See me about RTH's comment.

TS-105

WES



U.S. Department
of Transportation

Urban Mass
Transportation
Administration

REGION VII
Iowa, Kansas
Missouri, Nebraska

6301 Rock Hill Road
Suite 100
Kansas City, Missouri 64131

February 12, 1985

TO: Kansas State DOT, Metropolitan Planning
Organizations and Transit Operators

Re: Implementation of Executive
Order 12372, Intergovernmental
Review of Federal Programs in
the State of Kansas

On July 14, 1982, President Reagan signed Executive Order 12372 ("Intergovernmental Review of Federal Programs") which phases out the A-95 process. The U.S. Department of Transportation implementing regulation of the Executive Order is 49 CFR 17, Intergovernmental Review of Department of Transportation Programs and Activities. The new Executive Order shifts the initiative for setting Federal program review procedures and priorities to the states and localities, which are given considerable discretion to determine what type of review to establish. UMTA Circular 9500.1, dated March 30, 1984 and entitled "Intergovernmental Review of UMTA Planning, Capital and Operating Programs and Activities," provides guidance for implementing Executive Order 12372 and 49 CFR 17 (copy attached).

We have been notified that the State of Kansas is now in compliance with the Executive Order having implemented its procedure effective January 1, 1985. Therefore, notwithstanding application instructions previously published for various planning, capital and operating program grants, the applicant must also certify in any grant application approved on or after January 1, 1985 that it has complied with the provision of the order, i.e., that the application has been coordinated in accordance with the new review system developed by states and localities. The following certification should be prepared and submitted with each application:

"Certification is given _____, the applicant, with respect to its application for assistance pursuant to Section _____ of the Urban Mass Transportation Act of 1964, as amended filed with the Urban Mass Transportation Administration (UMTA) that the recipient has complied with the provision of 49 CFR 17, Intergovernmental Review of Department of Transportation Programs and Activities."

RECEIVED

FEB 14 1985

METROPOLITAN PLANNING

ROUTE _____

The State contact for applicants' questions concerning the procedures established by the State of Kansas for compliance with the Intergovernmental Reviews of Department of Transportation Programs and Activities is Ms. Judy Krueger, Department of Human Resources, 401 Topeka Avenue, Topeka, Kansas 66603, telephone (913) 296-5075.

If you have any questions or need any additional information, please advise.

Sincerely,



Lee Waddleton
Regional Administrator

U.S. Department of Transportation
Urban Mass Transportation Administration
Washington, D.C. 20590

CIRCULAR

UMTA C 9500.1

SUBJECT: INTERGOVERNMENTAL REVIEW OF UMTA PLANNING, CAPITAL AND OPERATING PROGRAMS AND ACTIVITIES

1. **PURPOSE.** This Circular provides guidance for implementing Executive Order 12372, Intergovernmental Review of Federal Programs, and 49 CFR 17, Intergovernmental Review of Department of Transportation Programs and Activities.

2. **REFERENCES**

- a. Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966;
- b. Section 401 of the Intergovernmental Cooperation Act of 1968;
- c. Executive Order 12372, Intergovernmental Review of Federal Programs;
- d. Intergovernmental Review of Department of Transportation Programs and Activities, (48 FR 29264) 49 CFR 17; and
- e. DOT Order 4600.13, "Intergovernmental Review of Department of Transportation Programs and Activities," dated 10/3/83.

3. **APPLICABILITY**

This Circular is applicable to grants for planning, capital, and operating assistance made available under Section 3, 5, 8, 9A, 9, 16, and 18 of the Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. 1601, et seq. It is also applicable to mass transportation projects funded under Title 23, 103(e)(4) (Interstate Transfer) and 104(b)(6) (Federal-Aid Urban Systems). Projects funded under Section 3(a)(1)(C) (Technology Introduction); Section 4(i) (Innovative Techniques); Sections 6, 10, 11, and 20 of the UMT Act and Section 320 of the Surface Transportation Assistance Act of 1978 are not covered by this Circular.

4. **EFFECTIVE DATE.** This Circular is effective for grant applications received on or after the date of issuance.

DISTRIBUTION: UMTA Headquarters Offices (U-W-2)
UMTA Regional Offices (U-X-2)

OPI: Office of Grants
Management

5. BACKGROUND

Until October 1, 1983, consultation between State and local officials and Federal agencies concerning Federal programs and activities had taken place through a process established by the Office of Management and Budget (OMB) Circular A-95, "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects." The A-95 system required state and local governments to follow prescribed procedures to review Federal programs and was implemented for UMTA programs by UMTA/FHWA joint regulations published on August 9, 1976. On July 14, 1982, Executive Order 12372 was issued. The Executive Order revoked OMB Circular A-95, and provided a new system of intergovernmental consultation involving a State process for review of Federal activities.

When state and local elected officials use this new process to comment on proposed UMTA projects, UMTA will have to address these comments. For those cases where the concerns cannot be accommodated, UMTA must provide a written explanation of its decision in a timely manner. This accommodation or explanation provision gives greater weight to state or local views than provided by Circular A-95. State and local officials can still make their views known directly to UMTA; however, under the final rule the requirement for UMTA to accommodate or explain only applies to recommendations made through a formal State process.

On June 24, 1983, the Department of Transportation published a final rule to implement the Executive Order at 48 FR 29264.

6. STATE PROCESS

A State process is the procedure established by a State, developed in consultation with local officials, to undertake intergovernmental reviews of Federal programs and activities.

After establishing a State process, the Governor must notify the Office of Management and Budget (OMB) of those Federal programs and activities which the State will review through its process and who will serve as the State single point of contact. This information is provided to UMTA by OMB through the Office of the Secretary of Transportation. UMTA has no review or approval role in the setting of a State process. There is no requirement that the State establish a process. However, for those States without a process, UMTA still has certain notification responsibilities which are discussed in paragraph 8.

A State has the option to designate an agency to serve as the single point of contact for transportation matters. If the State designates a transportation contact, this contact will be responsible for coordinating the review of all transportation activities among state, areawide, regional and local officials and for providing comments directly to UMTA.

Each State is free to establish its own review process and procedures best suited to its own situation. Consequently, some States may elect to review "programs of projects," such as the Transportation Improvement

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Program (TIP), the Section 18 program of projects, etc., while others may choose to review project applications on an individual basis. Where the State elects project-by-project review, UMTA review and approval of program documents, such as the TIP and Unified Planning Work Program (UPWP) should proceed without regard to these coordination requirements. Individual project applications will, however, be affected by the State process review in these cases. Each UMTA Regional Office should contact the respective State single point of contact and request the specific process requirements UMTA program activities will be required to meet.

The final rule provides a maximum sixty (60) day review period, although a State may develop a process which is completed in less time if it desires. The 60 day period starts when the State single point of contact receives the required review materials (eg. TIP, UPWP, grant application, etc.) from the applicant. The presumptive date of receipt is 5 days from the date the materials are mailed to the State process.

The State process is not required to "approve" any program or project it reviews. Consequently, in the absence of a specific notification of "no comment", UMTA will presume that there are no comments upon expiration of the review period.

7. ACCOMMODATE OR EXPLAIN

If a State process review of an UMTA activity results in the provision of a formal State process recommendation through the single point of contact, UMTA is obligated to act upon the recommendation by either "accommodating" the State process recommendation or by explaining, to the State single point of contact, in writing, the reasons UMTA is taking an action contrary to the process recommendation. "Accommodation" in this sense means either accepting the recommendation or reaching a mutually agreeable solution with the State process. If an UMTA Regional Office decides not to accommodate a process recommendation, the Regional office must not approve the questioned activity (eg: TIP approval, grant approval etc.) until 10 days after the single point of contact receives the written explanation. The presumptive date of receipt is five days from the date the letter is sent, unless a telephone call is made to the State contact. If a call is made to the State contact, the 10 days start from the date of the call. If the process recommendation is accepted, no additional notice, beyond furnishing the completed Standard Form 424 (Part III) to the single point of contact, is necessary.

Should a process recommendation not be accepted, a copy of the written explanation must be furnished to UMTA Headquarters by the Regional Office for monitoring purposes at the time it is sent to the single point of contact.

8. UMTA PROCESS IN ABSENCE OF A STATE PROCESS

Where there is no State process, or where a program listed under the "applicability" paragraph is not included in a State's process, UMTA still has the responsibility to notify state, local and areawide officials of its activities and to consider any comments it receives.

This is required by the final rule in accordance with Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and Section 401 of the Intergovernmental Review Act of 1968. Comments may be submitted to the applicant or UMTA for consideration, but no formal response is required in the absence of a formal State process.

11.

In urbanized areas, the joint preparation of the UPWP and the TIP by the State, Metropolitan Planning Organization (MPO) and transit operators is sufficient to meet the intent of Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and Section 401 of the Intergovernmental Review Act of 1968. Applicants, therefore, should ensure that their planning, operating and capital assistance needs are included in these MPO-endorsed documents.

In other than urbanized areas, UMTA program assistance is usually for grants under Section 3, 8, 16(b)(2) or 18. For these program elements, more limited notification processes will satisfy UMTA responsibilities under the final rule. These are covered in paragraphs 12 and 14.

9. ENVIRONMENTAL DOCUMENTS

If the State or an applicant decides to use the State process to review environmental impact documents, UMTA will instruct the applicant to have the State single point of contact forward all comments received to the applicant for subsequent transmittal to UMTA. The States are advised, however, that this is not the recommended means for accomplishing the review of environmental impact documents. The existing environmental regulation, 49 CFR 622, provides for more efficient and equally effective review and coordination procedures and its use is encouraged.

10. CERTIFICATION AND DETERMINATIONS

12.

Notwithstanding application instructions previously published for various planning, capital and operating program grants, the applicant must also certify that it has complied with the provisions of the final rule. The following certification should be prepared for each application:

"Certification is given by _____,
the applicant, with respect to its application for assistance
pursuant to Section _____ of the Urban Mass Transportation Act of
1964, as amended, filed with the Urban Mass Transportation
Administration (UMTA) that the recipient has complied with the
provision of 49 CFR 17, Intergovernmental Review of Department
of Transportation Programs and Activities.

In approving grants for assistance, the UMTA approving official must determine that these requirements were met. The determination should be based upon the receipt of the applicants certification.

11. PLANNING ASSISTANCE - URBAN

For those States including the Section 8 Planning and Technical Studies Program in their State process, applicants will be required to have the activity cleared through the State single point of contact before a Section 8 grant can be awarded. The review period provided for by the final rule is sixty (60) days which means that the UPWP or scope of work for the Section 8 grant, as appropriate, should be initiated into the State review process at least 60 days before the applicant plans on actually making application to UMTA. Concurrent review by UMTA and the State process is acceptable. Although UMTA has no direct control over the State process, the transit operators and MPOs, as potential applicants, are encouraged to work with the State single point of contact to develop procedures to allow the MPO to submit the UPWP for State process review. This will permit all planning projects in an urbanized area, including those to be funded under the Special Studies program, to be covered by a single review action.

Should a State process recommendation be provided to UMTA, the Regional Office must adhere to the "accommodate or explain" responsibility.

If there is no State process, or should the Section 8 program not be included in the State process, the development and endorsement of a UPWP and subsequent UMTA approval letter to the MPO is determined to meet the requirements of the final rule for UMTA to notify State and local entities of its Section 8 activities.

Where the State is the grantee for urbanized areas of under 200,000 population, paragraph 12 should be followed.

12. PLANNING ASSISTANCE - NON URBAN

As with the urbanized Section 8 Planning and Technical Studies Grants, State managed Section 8 grants are subject to review by the State single point of contact before a grant can be made. The sixty day (60) review period still applies and UMTA is still responsible to "accommodate or explain" in accordance with paragraph 7.

Should there be no State process, or should the State not include State managed Section 8 grants in the State process, UMTA's responsibilities will be satisfied by the State's preparation of, and UMTA's approval letter for, a State Work Program in support of the grant application.

Where a Section 8 grant is made directly to a local unit of government or a transit operator, the State level transit agency and the areawide review agency (if one exists) should be notified of the pending grant by the Regional Office and provided a reasonable time to comment upon the project prior to grant approval.

13. CAPITAL AND OPERATING ASSISTANCE - URBAN

For those States including the Section 3, 5, 9, 9A, 16(b)(2), 103(3)(4) (Interstate Substitution) and 104(b)(6) (Urban System) projects in their State process, applicants will be required to have the appropriate activities cleared through the State single point of contact before a grant can be awarded. The review period provided for by the final rule is sixty (60) days, which means that programs or projects (TIP's or applications, as appropriate) should be initiated into the State process at least 60 days before the applicant plans on actually making application to UMTA, although concurrent review, by UMTA and the State process is acceptable.

Transit operators and MPOs, as potential grant applicants, are encouraged to work with the State single point of contact to develop procedures that would minimize the use of project-by-project reviews, focusing instead on programming documents, specifically the TIP and annual (or biennial) element. Since all of the categories of projects covered by the final rule must, by regulation, be in the TIP, a single review by the State process that would cover all capital and operating program elements would be preferable to project-by-project review.

Should a State process recommendation be provided to UMTA, the Regional Office must adhere to the "accommodate or explain" responsibility.

Should there be no State process, or should one of the above noted capital or operating programs not be included in a State process, the development and endorsement of a TIP and annual (or biennial) element at the urbanized area level and the subsequent UMTA approval letter to the MPO is determined to meet the requirements of the final rule for UMTA to notify State and local officials of its capital and operating grant activities.

14. CAPITAL AND OPERATING ASSISTANCE - NON URBAN

For those States including the Section 3, Section 16(b)(2) and Section 18 programs in their State process, the applicant will be required to have the activity cleared through the State single point of contact before a grant can be awarded.

Applicants are encouraged to have the State process procedures set to allow review of the Section 16(b)(2) and Section 18 programs of projects so the review can be moved upstream of the grant application process. In the instances where a non-urbanized Section 3 project is proposed, there is little alternative to an individual project review by the State process.

The sixty day (60) review period applies and UMTA is responsible to "accommodate or explain" in accordance with paragraph 7.

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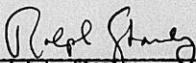
Should there be no State process, or should the State process not include Section 16(b)(2) and Section 18 grants, UMTA's notification responsibilities will be deemed to be satisfied by the notification of the Section 16(b)(2) and Section 18 apportionments in the Federal Register. Upon notification, a reasonable period should be allowed before any grant supporting these activities is approved to provide opportunity for comment.

Should there be no State process, should the State process not include non-urbanized Section 3 grants, or should a Section 3 grant be made directly to a local unit of government or transit operator, the State level transit agency, unless that agency is the applicant and the areawide review agency (if one exists) should be notified of the pending Section 3 grant by the Regional Office and provided a reasonable time to comment upon the project prior to grant approval.

15. GRANT APPROVAL

Upon receipt of an application and the certification required by paragraph 9, a grant may be approved as long as there are no outstanding process recommendations with unresolved accommodation issues. As noted in paragraph 6., a non-response by the single point of contact will be presumed as "no comment" after the review period has expired.

OMB Form SF-424 is still in use under the new system and is still required as part of the grant application process under OMB Circular A-102. Part III of SF-424 should continue to be completed and returned to the State single point of contact upon grant approval.



 Ralph L. Stanley
 Administrator

Page 1 of 1

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The City of Maize

123 Khedive
P.O. Box 245
Maize, Kansas 67101
(316) 722-7561

January 23, 1985

Chairman Don Gragg
Sedgwick County Commission
Sedgwick County Courthouse
525 N. Main
Wichita, KS 67203

Dear Chairman Gragg,

The Maize City Council has asked that I write this letter to urge reconsideration of action which named the Metropolitan Area Planning Commission to serve as the A-95 Intergovernmental Review Agency. The Council prefers that the Board of County Commissioners take responsibility for this function.

Clearly, there is no objection to the use of Metropolitan Area Planning Department staff--or any of your staff you direct to work on such reviews--but the Council feels that the County Commission should have final authority. Allowing our elected officials to have this authority will enhance accountability of the review process.

Thank you for your time and consideration.

Sincerely,

Dennie C. Bretz

Dennie C. Bretz
Mayor

dd

cc Tim Witsman, County Administrator

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FEB 19 1985

METROPOLITAN PLANNING

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CITY OF PARK CITY

6125 N. Hydraulic

OUR NEW NUMBER

(316) 744-2026

Wichita, Kansas 67219 • (316) 744-2481

February 6, 1985

Mr. Don Gragg
County Commissioner - 1st District
Sedgwick County Courthouse
525 No. Main
Wichita, KS 67203

Dear Commissioner Gragg:


The Park City City Council has requested that I write to you concerning the Kansas Intergovernmental Review Process for Sedgwick County. Park City is concerned about this process since we have been a past Federal grant recipient and hopefully a future recipient as well.

The City's concern stems from past experiences with the Metropolitan Area Planning Commission regarding federal grant applications. We feel that an urban bias of the MAPC has at times been detrimental to the development activities of the more rural parts of Sedgwick County. We fear that this bias could continue and manifest itself in the Intergovernmental Review Process.

The City of Park City therefore wishes to endorse the position recently adopted by the Association for Legislative Action of Rural Mayors (ALARM). We support the concept that the Board of Sedgwick County Commissioners be the local review agency for Sedgwick County, excluding Wichita. If this change takes place we feel that adequate emphasis will be given to the development plans and activities of the small communities and the unincorporated area of Sedgwick County.

Please contact me if you have any questions regarding this matter.

Sincerely,


OFFICE OF SEDGWICK COUNTY COMMISSIONERS

Ray Reiss
Mayor

cc. Governor John Carlin
Park City Council Members

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OFFICE OF THE GOVERNOR
State Capitol
Topeka 66612-1590

METROPOLITAN PLANNING

ROUTE

John Carlin Governor

January 3, 1985

The Honorable Glenn O. Crum
Mayor of Haysville
Post Office Box 404
Haysville, Kansas 67060

Dear Mayor Crum:

Thank you for your letter of December 12, 1984. I understand your concern for small cities and I am glad you conveyed your feelings.

One of the reasons for the Kansas Intergovernmental Review Process is to ensure local units of government that they will have the opportunity to learn about and comment on federally assisted projects which may have an effect on their plans and policies. Hence, it is a vehicle through which Haysville can learn about federally funded projects proposed in other towns in Sedgwick County which may have an impact on Haysville, as well as the other way around. It also provides a simple system through which an applicant can be sure that his project complies with Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, with Title IV of the Intergovernmental Cooperation Act of 1968, with the Historic Preservation Act, with the Environmental Protection Act, Equal Opportunity regulations and with state plans, as well as with local plans and policies.

We worked with the Wichita-Sedgwick County Metropolitan Area Planning Commission during the formative stages of the Review Process, and your participation comes through your agreement with that commission. It is your prerequisite to decide to participate in the Review Process contingent upon the rules of membership in that body. If you feel your concerns are not adequately represented on the commission, that is a statutory question out of my jurisdiction, but I believe that the 1982 amendment to Kansas Statute 12-718 should help to address that situation.

Kansas does not use its review system to determine priorities, but only to establish whether or not federally assisted projects are consistent with state and local programs and satisfy the review criteria listed on pages seven and eight. (A copy of the Review Process is enclosed.) Those who participate have a systematic way to gather information on federally assisted projects which may affect plans and policies in their areas or

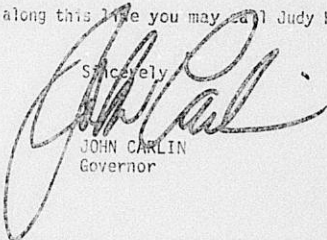
The Honorable Glenn O. Crum
January 3, 1985
Page Two

over which they might have some responsibility. Comments by reviewers have served to strengthen proposals by adding to the applicants' knowledge and perspective. In addition, the Single Point of Contact receives early announcements of grant funding cycles and disseminates that and other relevant information to participants. The Review Process stresses cooperation and coordination.

Again, should you choose to participate, the Review Process does not establish priorities, but is in place for the benefit of state and local units of government to check the consistency of federally assisted projects with their own plans and policies and to assure that the rights of states and local governments receive more than tokenism from the federal government. I understand your concern for home rule and also your appreciation for the resources available to you from Wichita. Foremost, I know you are all interested in well-planned and consistent future growth and I urge continued cooperation among all parties in Sedgwick county. With resources becoming progressively more scarce, coordination and cooperation are essential in order to avoid the waste of duplication and conflict.

If you desire more information along this line you may call Judy Krueger at 913-296-5075.

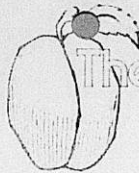
Sincerely,



JOHN CARLIN
Governor

JC:ca

Enclosure



The City of Haysville

"THE PEACH CAPITAL OF KANSAS"

P.O. Box 404
Haysville, Kansas 67060

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GOVERNOR

December 12, 1984

The Honorable John Carlin
Governor of Kansas
State Capitol Building
Topeka, KS 66612

Dear Governor Carlin:

The City of Haysville must go on record to protest and convey general disfavor to you in regards to your executive order of October 12, 1984 instituting the Kansas Intergovernmental Review Process.

As the City understands it, we must submit a copy of any federal assistance grant to the Regional Planning Commission of the area involved. In our instance, the City has been told that the Wichita-Sedgwick County Metropolitan Area Planning Commission is the local regional planning commission that will review our grants. To this, we strongly object.

When this City applies for governmental assistance, it does so through the concurrence of its own planning commission which represents persons not only within its jurisdiction, but within its subdivision rules and regulations jurisdiction which extends beyond the City limits. It is our feeling that the City Council and its Planning Commission properly represent the City's immediate and long term interests and thus, there is no need, nor there has ever been a need, to have a separate authority (that does not require representation on its Board from outside the Wichita city limits until we pressed for legislation to require it) to determine whether or not federal assistance is required or not for our City.

What you will be doing under this directive is causing our priorities to be matched with the City of Wichita's and to a lesser effect, Sedgwick County's. Although we have had little disagreement with Sedgwick County on future growth concern, we have differed with Wichita on its priority settings in the past.

Case-in point is the Highway 81 Project (81 in '83). Had MAPC ruled on this federal assistance project, the City is sure the priority to Wichita's interest would be lower than ours. With MAPC reviewing that grant application, the City doubts that the Highway 81 Project would ever be built over MAPC's objections. Perhaps a new highway in Wichita would take priority. That would be a mistake in our minds.

So before you seriously consider extending this executive order further, I ask that you open this process up for public hearing and input from other cities that may be in similar situations. Every city in this state has flourished under the home rule charter that allows it to control its own destiny. I would hope you would reconsiders your executive order to allow more consideration of this matter under these circumstances.

Sincerely,
Henry O'Connell

cc: Charles F. Vogt, City Administrator
Haysville City Council
Haysville Planning Commission
Carol C. Neucnt, Administrative Assistant

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

October 24, 1984

TO: Metropolitan Area Planning Commission
FROM: Robert A. Lakin, Director of Planning
SUBJECT: Kansas Intergovernmental Review Process

On October 12, 1984, Governor John Carlin signed an Executive Order establishing the Kansas Intergovernmental Review Process and designating the Office of the Secretary of Human Resources as the Kansas Single Point of Contact. This action is in response to a prior Executive Order by President Reagan which revoked OMB Circular A-95 but afforded each state the opportunity to substitute its own process for review of federally assisted programs and projects.

Basically, the Kansas Department of Human Resources has been designated as a "clearinghouse" for review and comment on federal grant applications. Applicants are required to submit copies of applications and supporting information to the Single Point of Contact within the Department of Human Resources. The Single Point of Contact distributes the applications to affected state agencies and local governmental organizations. Comments and recommendations are then returned to the Single Point of Contact who in turn submits the information to the applicant and the involved federal agency. Normally the comments are advisory only. However, if a majority of comments ask that a project be modified, the state may transmit an official request called a "State Process Recommendation" which obligates the federal agency and applicant to accept the recommendation, reach a mutually agreeable solution, or provide a written explanation of why a change cannot be accommodated. This provision offers state and local governments some added means of influencing proposed federal actions.

The Metropolitan Area Planning Commission has been designated as the local review agency for Sedgwick County. If the MAPC continues to support our participation in the state review process, the staff is prepared to coordinate local project reviews among affected City and County agencies. In anticipation of MAPC support, the staff has prepared a list of guidelines which describes how the local review process would operate (attached).

Upon MAPC approval of our participation and the guidelines, staff will: 1) notify local governments and agencies of the need to send a copy of all applications for federal assistance to the State Single Point of Contact for review and 2) provide those organizations involved in the local review process a copy of the state review procedures and local review guidelines. Implementation of the review program will be assigned to the Advance Plans Division.

Metropolitan Area Planning Commission

Page 2
10/24/84

With regards to MAPC involvement, staff will include in each regular agenda mailout a listing of all projects received by the department. Members may call the staff for more information or bring up the item for discussion at the next regular meeting. If the proposed project is of major importance, I may consult with the Chairman and propose that the item be listed on the Planning Commission's agenda.

Recommended Action:

Unless the Planning Commission has objections, I would recommend that the Commission support our involvement in the Kansas Intergovernmental Review Process, approve the local review guidelines, and authorize the staff to implement a local review process.


Robert A. Lakin
Director of Planning

RAL:RD:rh
Attachment

cc: Board of City Commissioners
Board of County Commissioners
E. H. Denton, City Manager

MAPD Intergovernmental Review Guidelines
October 24, 1984

1. Reviews will generally be performed only for economic development and public facility grant applications for projects to be undertaken within Sedgwick County. Such projects will normally involve applications to the following Federal agencies: Environmental Protection Agency, Housing and Urban Development, Urban Mass Transportation Administration, Federal Highway Administration, Farmers Home Administration, Economic Development Administration, Department of Energy, Federal Emergency Management Agency, Federal Aviation Administration, and Department of Interior. These projects will be reviewed by MAPD staff and transmitted to appropriate local agencies and the MAPC for review and comment.
2. An application which is appropriate for review but which has: 1) statewide impact and thus does not involve Sedgwick County exclusively; or 2) does not involve any direct physical activity, will generally receive a less comprehensive review. Such applications will likely be sent to only those local agencies having a direct interest in the project and to the MAPC. Examples of the types of applications which will receive a more limited review include research studies, plans, and regulatory programs for the entire State of Kansas.
3. An application for federal financial assistance for a social service project will normally not be reviewed. Unless specifically warranted, such applications will not be circulated and instead be placed in a holding file with a discard date 90 days from receipt of the application.
4. Depending upon the location and type of project included in the application, all or only selected local agencies drawn from the following list, will be given an opportunity to comment.

City of Wichita

City Manager (City Commission)
Department of Health
CPO Coordinator
Department of Housing and Economic Development
Water Department
Operations and Maintenance
Engineering
Human Resources
Metropolitan Transit Authority
City Archeologist
Historic Preservation Planner

Sedgwick County

County Administrator (County Commission)
Department of Environmental Resources
Public Works Department
Civil Preparedness
Community Corrections
Emergency Communications

Other

Chamber of Commerce
SCKEDD
Mayors of Small Cities

5. The following information will be provided to each reviewing agency:
 - a) a brief description of the project and a comment transmittal form to be used in the review.
 - b) notice of the availability of the complete application in MAPD offices for review and/or xeroxing.
 - c) the date comments are due at MAPD. (In the case of the MAPC, the agenda date on which the project would need to be discussed and acted upon, if desired.)
6. In order to meet state review deadlines and have adequate time for local review, projects will be transmitted to affected agencies every two (2) weeks. This will be coordinated with the MAPC agenda mailout every other Friday. This schedule may have to be modified in the event the applicant requests a "fast track" review.
7. Major steps in the process may be summarized as follows:
 - Step 1 - MAPD receives application and transmittal form from State Single Point of Contact (SPOC) and/or the applicant.
 - Step 2 - MAPD Intergovernmental Review Coordinator classified application as requiring: a) a normal review, b) limited review or c) no review.
 - Step 3 - MAPD disseminates a brief description of the project and a copy of the transmittal form to appropriate reviewing agencies and MAPC, noting the date that comments are due. Inappropriate applications are placed in a holding file for discard at a later date.
 - Step 4 - MAPD makes available complete applications upon request and responds to any inquiries from local agencies and MAPC.
 - Step 5 - MAPD receives completed transmittal forms from the local reviewing agencies, documents any action taken by MAPC, and completes any departmental comments on transmittal form.
 - Step 6 - MAPD returns completed transmittal forms by the date comments are due to SPOC.

THE CITY OF WICHITA



OFFICE OF THE MAYOR
CITY HALL — FIRST FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4331

April 25, 1984

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METROPOLITAN PLANNING
ROUTE

Mark
Please in our
A95 File

The Honorable Governor John Carlin
State House
Topeka, Kansas 66612

Dear Governor Carlin:

On April 17, 1984 the Board of City Commissioners endorsed the establishment of an Intergovernmental Review Process for Kansas. They also recommend that the Wichita-Sedgwick County Metropolitan Area Planning Commission be designated as the official agency for Sedgwick County and that the draft review process prepared by the Department of Human Resources be modified in accordance with the following observations:

- 1) The State Point-of-Contact (SPOC) should not evaluate the significance of proposals (C.1.b, page 4) but only coordinate review by local commissions and state departments.
- 2) Reviewing entities should include regional planning commissions composed of local elected officials and/or representatives appointed by local elected officials.
- 3) "If membership in the RPC's change. . ." should be clarified to indicate that if a County joins or leaves a regional planning commission, the SPOC will be notified (D.1.a., page 5).
- 4) Applicants should be free to notify directly local planning commissions. The requirement that project notifications be sent to the SPOC who then distributes them to local planning commissions (B.1, page 7 and C.2., page 9) will add five days to local review times. (This requirement seems to contradict D.1, page 10).
- 5) The narrative should highlight and include a separate section which allows and encourages applicants to coordinate development of a proposal and "fast track" the review process (5., page 8, and 6., page 9).

THE CITY OF WICHITA

The Honorable Governor John Carlin
April 25, 1984
Page 2

For instance, development of a Transportation Improvement Program by the State and local officials should satisfy the review requirement for each road or bridge project in the TIP.

The proposed program would allow planning commissions to select the kinds of proposals they wish to review (see 3., page 11 and Appendix VI). Under the proposed program, comments on a project generated locally will be submitted both to the applicant and the appropriate federal agency (D., pages 10-12). Yet, the program encourages that any disagreements or conflicts be resolved informally at the local level (7., page 12).

Thank you for your consideration of our request.

Sincerely,



Robert G. Knight
Mayor

RGK:jh

cc: E. H. Denton, City Manager
Robert Lakin, Director of Planning

THE CITY OF WICHITA

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OCT 6 1982

METROPOLITAN PLANNING

ROUTE

OFFICE OF THE MAYOR
CITY HALL - FIRST FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67203
(316) 268-4321

October 5, 1982

The Honorable John Carlin
Governor
State of Kansas
State Capitol, Second Floor
Topeka, KS 66612

Dear Governor Carlin:

The Board of City Commissioners of the City of Wichita, Kansas, recently considered President Reagan's Executive Order rescinding OMB Circular A-95 and the options that might be available to the State.

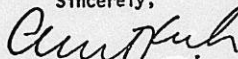
We believe that there is a need for some type of review process below the State level. Applications for federal assistance or development projects undertaken directly by the Federal government should be reviewed.

The City Commission recommends that the Metropolitan Area Planning Commission (MAPC) be designated as the local review agency in Sedgwick County. The MAPC should review projects which affect land use, the provision of utilities, housing and transportation.

There may be other groups in a better position to review education and social programs. We suggest that some formal review procedure be established for education and social programs at the State and local level.

The Commission has authorized the Planning Director and/or a member of the MAPC to work with the State in developing rules, regulations and procedures for review of applications.

Sincerely,



Albert Kirk
Mayor

AK/pd

cc: The Honorable Board of City Commissioners
E. H. Denton; City Manager
Lynn Muchmore, Budget Director, State of Kansas
Robert A. Lakin, Director of Planning

DRAFT

September 28, 1982

The Honorable John Carlin, Governor
State of Kansas
State Capitol, Second Floor
Topeka, KS 66612

Dear Governor Carlin:

As President Regan has rescinded the requirements of OMB Circular A-95, effective April 30, 1983, the Board of Sedgwick County Commissioners have considered alternatives which might be available to Kansas.

We believe, with the President, that the reduction of federal requirements and the return to the State and local governments responsibilities and decision-making is a step in the right direction.

We do believe, in particular, that there is a need for some method by which local governments have an opportunity to learn about and review proposed federal grants, loans, and projects. This will help local elected officials to solve problems, resolve conflicts, avoid duplication, and minimize costs.

Therefore, we ask that you consider, in conjunction with elected local officials, the establishment of a notification and review procedure to be conducted at the local or area-wide level. The procedure should be similar to the A-95 procedures we now have. We urge that the system developed, minimize paperwork and provide for direct communication between the local reviewing agency and appropriate federal agencies.

We and our staff will be glad to assist in the development of any review policy.

Sincerely,

Jack Spratt, Chairman
Board of County Commissioners

JL:RAL:vn

cc: Don Gragg, Sedgwick County Commissioner
Tom Scott, Sedgwick County Commissioner
Lynn Muchmore, Budget Director, State of Kansas
Tim Witsman, Sedgwick County Director of Administration
Robert A. Lakin, Director of Planning/Secretary to the Wichita-Sedgwick County
Metropolitan Area Planning Commission

WICHITA-SEDGWICK COUNTY

DATE 4/5/84

METROPOLITAN AREA PLANNING DEPARTMENT

TO Board of County Commissioners
FROM Robert A. Lakin, Director of Planning
SUBJECT DR 84-3 DRAFT KANSAS INTERGOVERNMENTAL REVIEW PROCESS

On July 24, 1982, President Reagan issued an Executive Order which rescinded the A-95 program. Under A-95, states and local planning organizations (including the MAPC) were notified of federal grant applications and proposed federal actions and given the opportunity to comment on these proposals. Under the Executive Order, states may develop programs to replace A-95. Every state with the exception of Idaho and Kansas have created such programs.

Federal agencies are required to notify and cooperate with state and local grant and project reviewers if a state program is in place. According to the President's Executive Order, the State must consult with local elected officials when developing a program to replace A-95.

On August 21, 1982, the MAPC passed a motion requesting that the City and County Commissioners formally state that there is a need for a program to replace A-95. The Board of County Commissioners authorized "the sending of a letter to the Governor indicating the Commission's desire to retain the A-95 review process at the local level" on September 22, 1982. The Wichita City Commission approved a similar motion on September 7, 1982.

On November 21, 1983, Governor Carlin assigned responsibility for Developing a Kansas Intergovernmental Review Process to the Department of Human Resources. This department has developed a draft proposal (enclosed).

Staff has reviewed the proposal according to local and state considerations and has the following reactions:

- 1) The State Point-of-Contact (SPOC) should not evaluate the significance of proposals (C.1.b, page 4) but only coordinate review by local commissions and state departments.
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April 5, 1984

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The proposed program would allow planning commissions to select the kinds of proposals they wish to review (see 3., page 11 and Appendix VI). Under the proposed program, comments on a project generated locally will be submitted both to the applicant and the appropriate federal agency (D., pages 10-12). Yet, the program encourages that any disagreements or conflicts be resolved informally at the local level (7., page 12).

On March 22, 1984, the MAPC unanimously approved the following motion:

Request that the City and County Commissions recommend that: 1) Governor Carlin establish a Kansas Intergovernmental Review Process; 2) the Process should include those modifications presented in the Staff report; and 3) the MAPC be designated as the review organization for Sedgwick County.

RECOMMENDED ACTION:

It is recommended that the Board of County Commissioners:

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2. The Process should include those modifications presented in the staff report; and
3. Recommend that the MAPC be designated as the review organization for Sedgwick County;
4. Take such action as the Board deems to be in the best interests of the general public.

Robert A. Lakin
Director of Planning

RAL:CEL:rh

WICHITA-SEDGWICK COUNTY

DATE
April 5, 1984

METROPOLITAN AREA PLANNING DEPARTMENT

TO Board of City Commissioners
THROUGH E. H. Denton, City Manager
FROM Robert A. Lakin, Director of Planning

SUBJECT DR 84-3 DRAFT KANSAS INTERGOVERNMENTAL REVIEW PROCESS

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April 5, 1984

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Robert A. Lakin
Director of Planning

RAL:CEL:rh

FROM _____

DATE _____

ADMINISTRATION	ADVANCE PLANS	CURRENT PLANS	ENGINEERING	GRAPHICS
<input type="checkbox"/> Lakin	<input type="checkbox"/> Stockwell	<input type="checkbox"/> Galbraith	<input checked="" type="checkbox"/> Lipsett	<input type="checkbox"/> Pierce
<input type="checkbox"/> Walter	<input type="checkbox"/> Schwartz	<input type="checkbox"/> Lytle	<input type="checkbox"/> Cain	<input type="checkbox"/> Commer
<input type="checkbox"/> Doramus	<input type="checkbox"/> Leivo	<input type="checkbox"/> Young	<input type="checkbox"/> Ruiz	<input type="checkbox"/> Crook
<input type="checkbox"/> Eubanks	<input type="checkbox"/> Bechtel	<input type="checkbox"/> Chambers	<input type="checkbox"/> Henry	<input type="checkbox"/> Jones
<input type="checkbox"/> Hanson	<input type="checkbox"/> Clark	<input type="checkbox"/> Daniels	<input type="checkbox"/> Schneider	<input type="checkbox"/> Whitney
<input type="checkbox"/> Henderson	<input type="checkbox"/> Dudark	<input type="checkbox"/> Lahey	<input type="checkbox"/> _____	
<input type="checkbox"/> _____	<input type="checkbox"/> Hart	<input type="checkbox"/> Nagley	<input type="checkbox"/> _____	
<input type="checkbox"/> Scott	<input type="checkbox"/> Kelley	<input type="checkbox"/> Olivaraz	<input type="checkbox"/> _____	
	<input type="checkbox"/> Losew	<input type="checkbox"/> Shirkey	<input type="checkbox"/> _____	
	<input type="checkbox"/> Shen			
	<input type="checkbox"/> Vinson			

REMARKS _____

- Note & Return
- Handle
- All Staff
- Comment
- Signature
- Library
- Information
- Files
- Type

U.S. Department of Transportation
Urban Mass Transportation Administration
Washington, D.C. 20590

CIRCULAR

UMTA C 9500.1

March 30, 1984

SUBJECT: INTERGOVERNMENTAL REVIEW OF UMTA PLANNING, CAPITAL AND OPERATING PROGRAMS AND ACTIVITIES

1. **PURPOSE.** This Circular provides guidance for implementing Executive Order 12372, Intergovernmental Review of Federal Programs, and 49 CFR 17, Intergovernmental Review of Department of Transportation Programs and Activities.

2. **REFERENCES**

- a. Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966;
- b. Section 401 of the Intergovernmental Cooperation Act of 1968;
- c. Executive Order 12372, Intergovernmental Review of Federal Programs;
- d. Intergovernmental Review of Department of Transportation Programs and Activities, (48 FR 29264) 49 CFR 17; and
- e. DOT Order 4600.13, "Intergovernmental Review of Department of Transportation Programs and Activities," dated 10/3/83.

3. **APPLICABILITY**

This Circular is applicable to grants for planning, capital, and operating assistance made available under Section 3, 5, 8, 9A, 9, 16, and 18 of the Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. 1601, et seq. It is also applicable to mass transportation projects funded under Title 23, 103(e)(4) (Interstate Transfer) and 104(b)(6) (Federal-Aid Urban Systems). Projects funded under Section 3(a)(1)(C) (Technology Introduction); Section 4(i) (Innovative Techniques); Sections 6, 10, 11, and 20 of the UMT Act and Section 320 of the Surface Transportation Assistance Act of 1978 are not covered by this Circular.

4. **EFFECTIVE DATE.** This Circular is effective for grant applications received on or after the date of issuance.

DISTRIBUTION: UMTA Headquarters Offices (U-W-2)
UMTA Regional Offices (U-X-2)

OPI: Office of Grants
Management

J R

5. BACKGROUND

Until October 1, 1983, consultation between State and local officials and Federal agencies concerning Federal programs and activities had taken place through a process established by the Office of Management and Budget (OMB) Circular A-95, "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects." The A-95 system required state and local governments to follow prescribed procedures to review Federal programs and was implemented for UMTA programs by UMTA/FHWA joint regulations published on August 9, 1976. On July 14, 1982, Executive Order 12372 was issued. The Executive Order revoked OMB Circular A-95, and provided a new system of intergovernmental consultation involving a State process for review of Federal activities.

When state and local elected officials use this new process to comment on proposed UMTA projects, UMTA will have to address these comments. For those cases where the concerns cannot be accommodated, UMTA must provide a written explanation of its decision in a timely manner. This accommodation or explanation provision gives greater weight to state or local views than provided by Circular A-95. State and local officials can still make their views known directly to UMTA; however, under the final rule the requirement for UMTA to accommodate or explain only applies to recommendations made through a formal State process.

On June 24, 1983, the Department of Transportation published a final rule to implement the Executive Order at 48 FR 29264.

6. STATE PROCESS

A State process is the procedure established by a State, developed in consultation with local officials, to undertake intergovernmental reviews of Federal programs and activities.

After establishing a State process, the Governor must notify the Office of Management and Budget (OMB) of those Federal programs and activities which the State will review through its process and who will serve as the State single point of contact. This information is provided to UMTA by OMB through the Office of the Secretary of Transportation. UMTA has no review or approval role in the setting of a State process. There is no requirement that the State establish a process. However, for those States without a process, UMTA still has certain notification responsibilities which are discussed in paragraph 8.

A State has the option to designate an agency to serve as the single point of contact for transportation matters. If the State designates a transportation contact, this contact will be responsible for coordinating the review of all transportation activities among state, areawide, regional and local officials and for providing comments directly to UMTA.

Each State is free to establish its own review process and procedures best suited to its own situation. Consequently, some States may elect to review "programs of projects," such as the Transportation Improvement

Program (TIP), the Section 18 program of projects, etc., while others may choose to review project applications on an individual basis. Where the State elects project-by-project review, UMTA review and approval of program documents, such as the TIP and Unified Planning Work Program (UPWP) should proceed without regard to these coordination requirements. Individual project applications will, however, be affected by the State process review in these cases. Each UMTA Regional Office should contact the respective State single point of contact and request the specific process requirements UMTA program activities will be required to meet.

The final rule provides a maximum sixty (60) day review period, although a State may develop a process which is completed in less time if it desires. The 60 day period starts when the State single point of contact receives the required review materials (eg. TIP, UPWP, grant application, etc.) from the applicant. The presumptive date of receipt is 5 days from the date the materials are mailed to the State process.

The State process is not required to "approve" any program or project it reviews. Consequently, in the absence of a specific notification of "no comment", UMTA will presume that there are no comments upon expiration of the review period.

7. ACCOMMODATE OR EXPLAIN

If a State process review of an UMTA activity results in the provision of a formal State process recommendation through the single point of contact, UMTA is obligated to act upon the recommendation by either "accommodating" the State process recommendation or by explaining, to the State single point of contact, in writing, the reasons UMTA is taking an action contrary to the process recommendation. "Accommodation" in this sense means either accepting the recommendation or reaching a mutually agreeable solution with the State process. If an UMTA Regional Office decides not to accommodate a process recommendation, the Regional office must not approve the questioned activity (eg: TIP approval, grant approval etc.) until 10 days after the single point of contact receives the written explanation. The presumptive date of receipt is five days from the date the letter is sent, unless a telephone call is made to the State contact. If a call is made to the State contact, the 10 days start from the date of the call. If the process recommendation is accepted, no additional notice, beyond furnishing the completed Standard Form 424 (Part III) to the single point of contact, is necessary.

Should a process recommendation not be accepted, a copy of the written explanation must be furnished to UMTA Headquarters by the Regional Office for monitoring purposes at the time it is sent to the single point of contact.

8. UMTA PROCESS IN ABSENCE OF A STATE PROCESS

Where there is no State process, or where a program listed under the "applicability" paragraph is not included in a State's process, UMTA still has the responsibility to notify state, local and areawide officials of its activities and to consider any comments it receives.

This is required by the final rule in accordance with Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and Section 401 of the Intergovernmental Review Act of 1968. Comments may be submitted to the applicant or UMTA for consideration, but no formal response is required in the absence of a formal State process.

In urbanized areas, the joint preparation of the UPWP and the TIP by the State, Metropolitan Planning Organization (MPO) and transit operators is sufficient to meet the intent of Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and Section 401 of the Intergovernmental Review Act of 1968. Applicants, therefore, should ensure that their planning, operating and capital assistance needs are included in these MPO-endorsed documents.

In other than urbanized areas, UMTA program assistance is usually for grants under Section 3, 8, 16(b)(2) or 18. For these program elements, more limited notification processes will satisfy UMTA responsibilities under the final rule. These are covered in paragraphs 12 and 14.

9. ENVIRONMENTAL DOCUMENTS

If the State or an applicant decides to use the State process to review environmental impact documents, UMTA will instruct the applicant to have the State single point of contact forward all comments received to the applicant for subsequent transmittal to UMTA. The States are advised, however, that this is not the recommended means for accomplishing the review of environmental impact documents. The existing environmental regulation, 49 CFR 622, provides for more efficient and equally effective review and coordination procedures and its use is encouraged.

10. CERTIFICATION AND DETERMINATIONS

Notwithstanding application instructions previously published for various planning, capital and operating program grants, the applicant must also certify that it has complied with the provisions of the final rule. The following certification should be prepared for each application:

"Certification is given by _____, the applicant, with respect to its application for assistance pursuant to Section _____ of the Urban Mass Transportation Act of 1964, as amended, filed with the Urban Mass Transportation Administration (UMTA) that the recipient has complied with the provision of 49 CFR 17, Intergovernmental Review of Department of Transportation Programs and Activities.

In approving grants for assistance, the UMTA approving official must determine that these requirements were met. The determination should be based upon the receipt of the applicants certification.

11. PLANNING ASSISTANCE - URBAN

For those States including the Section 8 Planning and Technical Studies Program in their State process, applicants will be required to have the activity cleared through the State single point of contact before a Section 8 grant can be awarded. The review period provided for by the final rule is sixty (60) days which means that the UPWP or scope of work for the Section 8 grant, as appropriate, should be initiated into the State review process at least 60 days before the applicant plans on actually making application to UMTA. Concurrent review by UMTA and the State process is acceptable. Although UMTA has no direct control over the State process, the transit operators and MPOs, as potential applicants, are encouraged to work with the State single point of contact to develop procedures to allow the MPO to submit the UPWP for State process review. This will permit all planning projects in an urbanized area, including those to be funded under the Special Studies program, to be covered by a single review action.

Should a State process recommendation be provided to UMTA, the Regional Office must adhere to the "accommodate or explain" responsibility.

If there is no State process, or should the Section 8 program not be included in the State process, the development and endorsement of a UPWP and subsequent UMTA approval letter to the MPO is determined to meet the requirements of the final rule for UMTA to notify State and local entities of its Section 8 activities.

Where the State is the grantee for urbanized areas of under 200,000 population, paragraph 12 should be followed.

12. PLANNING ASSISTANCE - NON URBAN

As with the urbanized Section 8 Planning and Technical Studies Grants, State managed Section 8 grants are subject to review by the State single point of contact before a grant can be made. The sixty day (60) review period still applies and UMTA is still responsible to "accommodate or explain" in accordance with paragraph 7.

Should there be no State process, or should the State not include State managed Section 8 grants in the State process, UMTA's responsibilities will be satisfied by the State's preparation of, and UMTA's approval letter for, a State Work Program in support of the grant application.

Where a Section 8 grant is made directly to a local unit of government or a transit operator, the State level transit agency and the areawide review agency (if one exists) should be notified of the pending grant by the Regional Office and provided a reasonable time to comment upon the project prior to grant approval.

13. CAPITAL AND OPERATING ASSISTANCE - URBAN

For those States including the Section 3, 5, 9, 9A, 16(b)(2), 103(3)(4) (Interstate Substitution) and 104(b)(6) (Urban System) projects in their State process, applicants will be required to have the appropriate activities cleared through the State single point of contact before a grant can be awarded. The review period provided for by the final rule is sixty (60) days, which means that programs or projects (TIP's or applications, as appropriate) should be initiated into the State process at least 60 days before the applicant plans on actually making application to UMTA, although concurrent review, by UMTA and the State process is acceptable.

Transit operators and MPOs, as potential grant applicants, are encouraged to work with the State single point of contact to develop procedures that would minimize the use of project-by-project reviews, focusing instead on programming documents, specifically the TIP and annual (or biennial) element. Since all of the categories of projects covered by the final rule must, by regulation, be in the TIP, a single review by the State process that would cover all capital and operating program elements would be preferable to project-by-project review.

Should a State process recommendation be provided to UMTA, the Regional Office must adhere to the "accommodate or explain" responsibility.

Should there be no State process, or should one of the above noted capital or operating programs not be included in a State process, the development and endorsement of a TIP and annual (or biennial) element at the urbanized area level and the subsequent UMTA approval letter to the MPO is determined to meet the requirements of the final rule for UMTA to notify State and local officials of its capital and operating grant activities.

14. CAPITAL AND OPERATING ASSISTANCE - NON URBAN

For those States including the Section 3, Section 16(b)(2) and Section 18 programs in their State process, the applicant will be required to have the activity cleared through the State single point of contact before a grant can be awarded.

Applicants are encouraged to have the State process procedures set to allow review of the Section 16(b)(2) and Section 18 programs of projects so the review can be moved upstream of the grant application process. In the instances where a non-urbanized Section 3 project is proposed, there is little alternative to an individual project review by the State process.

The sixty day (60) review period applies and UMTA is responsible to "accommodate or explain" in accordance with paragraph 7.

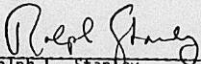
Should there be no State process, or should the State process not include Section 16(b)(2) and Section 18 grants, UMTA's notification responsibilities will be deemed to be satisfied by the notification of the Section 16(b)(2) and Section 18 apportionments in the Federal Register. Upon notification, a reasonable period should be allowed before any grant supporting these activities is approved to provide opportunity for comment.

Should there be no State process, should the State process not include non-urbanized Section 3 grants, or should a Section 3 grant be made directly to a local unit of government or transit operator, the State level transit agency, unless that agency is the applicant and the areawide review agency (if one exists) should be notified of the pending Section 3 grant by the Regional Office and provided a reasonable time to comment upon the project prior to grant approval.

15. GRANT APPROVAL

Upon receipt of an application and the certification required by paragraph 9, a grant may be approved as long as there are no outstanding process recommendations with unresolved accommodation issues. As noted in paragraph 6., a non-response by the single point of contact will be presumed as "no comment" after the review period has expired.

OMB Form SF-424 is still in use under the new system and is still required as part of the grant application process under OMB Circular A-102. Part III of SF-424 should continue to be completed and returned to the State single point of contact upon grant approval.



Ralph L. Stankey
Administrator

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE
April 5, 1984

TO Board of City Commissioners
THROUGH E. H. Denton, City Manager
FROM Robert A. Lakin, Director of Planning

SUBJECT DR 84-3 DRAFT KANSAS INTERGOVERNMENTAL REVIEW PROCESS

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Robert A. Lakin
Director of Planning

RAL:CEL:rh

WICHITA-SEDGWICK COUNTY

DATE

March 16, 1984

METROPOLITAN AREA PLANNING DEPARTMENT

RE: AGENDA ITEM NO. I-2/14

TO Metropolitan Area Planning Commission
FROM Robert A. Lakin, Director of Planning
SUBJECT DRAFT KANSAS INTERGOVERNMENTAL REVIEW PROCESS

On July 24, 1982, President Reagan issued an Executive Order which rescinded the A-95 program. Under A-95, states and local planning organizations (including the MAPC) were notified of federal grant applications and proposed federal actions and given the opportunity to comment on these proposals. Under the Executive Order, states may develop programs to replace A-95. Every state with the exception of Idaho and Kansas have created such programs.

On August 21, 1982, the MAPC passed the following motion:

That the Planning Commission request the City and County Commissioners to: 1) formally state that there is a need to have some type of review process for applications for federal assistance or direct federal development; 2) recommend to Governor Carlin that the MAPC be designated as the review agency for Sedgwick County for those applications for federal assistance or direct federal development that would affect land use, the provision of utilities, housing and transportation; 3) recommend that some formal review procedure be established for social type programs and projects at the State and local level; and 4) authorize the Director of Planning and/or a member of the Planning Commission to work with the State in developing rules, regulations and procedures for review of applications.

The City and County Commissions both approved and submitted letters supporting creating of a Kansas Intergovernmental Review Process.

On November 21, 1983, Governor Carlin assigned responsibility for Developing a Kansas Intergovernmental Review Process to the Department of Human Resources. This department has developed a draft proposal (enclosed).

Staff has reviewed the proposal according to local and state considerations and has the following reactions:

- 1) The State Point-of-Contact (SPOC) should not evaluate the significance of proposals (C.l.b, page 4) but only coordinate review by local commissions and state departments.
- 2) Reviewing entities should include regional planning commissions composed of local elected officials and/or representatives appointed by local elected officials. (D., page 5).

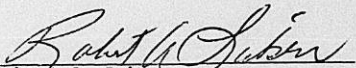
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- 3) "If membership in the RPC's change, ..." should be clarified to indicate that if a County joins or leaves a regional planning commission, the SPOC will be notified (D.l.a., page 5).
- 4) Applicants should be free to notify directly local planning commissions. The requirement that project notifications be sent to the SPOC who then distributes them to local planning commissions (B.l., page 7 and C.2., page 9) will add five days to local review times. (This requirement seems to contradict D.l., page 10).
- 5) The narrative should highlight and include a separate section which allows and encourages applicants to coordinate development of a proposal and "fast track" the review process (5., page 8, and 6., page 9). For instance, development of a Transportation Improvement Program by the State and local officials should satisfy the review requirement for each road or bridge project in the TIP.

The proposed program would allow planning commissions to select the kinds of proposals they wish to review (see 3., page 11 and Appendix VI).

RECOMMENDED ACTION

Request that the City and County Commissions recommend that: 1) Governor Carlin establish a Kansas Intergovernmental Review Process; 2) the Process should include those modifications presented in the Staff report; and 3) the MAPC be designated as the review organization for Sedgwick County.


Robert A. Lakin
Director of Planning

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Attachment: Draft Kansas Intergovernmental Review Process.

KANSAS INTERGOVERNMENTAL REVIEW PROCESS

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KANSAS INTERGOVERNMENTAL REVIEW PROCESS

INTRODUCTION

The establishment of the Kansas Intergovernmental Review Process is the culmination of efforts of many parties across the State to fully implement and utilize the opportunities provided to the State by Presidential Executive Order 12372: Intergovernmental Review of Federal Programs. This Presidential Executive Order is intended to foster a strengthened intergovernmental partnership among the various levels of government as set forth in Title IV of the Intergovernmental Cooperation Act of 1968 and Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966; and to enhance federalism by relying on state and local processes for coordination and review of proposed federal financial assistance or direct federal development. For these purposes, Executive Order 12372 (amended by Executive Order 12416), requires federal agencies to provide for consultation with state and local governments that supply nonfederal funds for, or that would be directly affected by, proposed federal financial assistance or direct federal development. This review system is designed to provide an opportunity for local and state elected officials to influence federal decisions on proposed projects that may affect their own plans and programs, recognizing also the benefits of private sector involvement. It is concerned with achieving the most effective and efficient utilization of federal assistance resources through coordination and the elimination of conflict and duplication.

To the extent that the states develop their own review processes, the federal agencies shall: (1) communicate with state and local elected officials as early as possible in the program planning cycle; (2) utilize the state process to determine official local and state views; (3) make efforts to accommodate state and local recommendations when those recommendations are transmitted through the state Single Point of Contact; if the agency cannot accommodate this recommendation, it must explain, in writing, and in a timely manner, why not; (4) when legal, allow states to simplify, consolidate, or substitute state plans for federally required ones when those state plans are sufficient; and (5) seek coordination of state and local views when several states may realize an impact from a proposed federal activity in one.

The Kansas Intergovernmental Review Process has been designed to subject projects of federal assistance and direct federal development to a comprehensive review at the local, regional, and State levels of government thereby coordinating federal programs with one another and with state, regional, and local plans and programs. The Kansas Department of Human Resources, Office of the Secretary has been designated the State Single Point of Contact (SPOC), and for this function shall be known as the Office of Federal Assistance Management. It is charged with providing opportunity for local, regional, and State input, where applicable and in a timely manner, to the cognizant federal agency. At the State level this

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task will be accomplished by identifying those State agencies which should be involved in the planning and development of activities covered by Executive Order 12372, and providing these agencies with the opportunity to evaluate proposals in a timely, effective manner.

The agencies concerned with regional planning are designated to gather and coordinate input from potentially effected local and regional governments and organizations in order to accomplish a comprehensive evaluation of the impact of those selected federal activities on their plans and programs. For counties or cities not covered by a regional planning agency, the local general government unit may provide this impact evaluation input. The benefits to be gained from this review system are to coordinate planning and development activities among all levels of government; to increase the awareness of the many federal programs co-existing in the State, thereby increasing the ability to manage these programs within the scope of State plans; and to obtain increased accommodation from the federal agencies.

The Kansas Department of Human Resources, Office of the Secretary, will implement the evaluation and review process opportunity provided by Presidential Executive Order 12372 and specified by the Kansas Intergovernmental Review Process Procedures and will coordinate the assistance applications with the following federal acts.

- a. The Demonstration Cities and Metropolitan Development Act, Section 204, requiring all applications made after June 30, 1967, for federal loans or grants to various health and economic projects within any metropolitan area to be submitted for review. (Appendix III)
- b. Title IV of the Intergovernmental Cooperation Act of 1968. (Appendix IV)
- c. Section 102(2)(C) of the National Environmental Policy Act covering the submission of a detailed statement of the environmental impact of federal projects and programs. (Appendix V)

PURPOSE

The purposes of the Kansas Intergovernmental Review Process (KIRP) are:

1. To implement Presidential Executive Order 12372 (dated July 14, 1982, and amended April 8, 1983);
2. To secure the benefits of intergovernmental cooperation by providing a sure and simple means for learning about and commenting on selected programs of federal assistance and direct federal development;
3. To encourage an expeditious process of intergovernmental cooperation and review of federal projects by facilitating contact between applicants and local, regional and State levels of government; and

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4. To receive increased accommodation from federal funding agencies as provided by Presidential Executive Order 12372 by responding to said Executive Order with the establishment of this Kansas Intergovernmental Review Process and designating a Single Point of Contact.

PROGRAMS AND ACTIVITIES SUBJECT TO THIS POLICY

- A. The potential list of programs which may be selected for inclusion in the Kansas Intergovernmental Review Process is attached as Appendix VI for your comments.
- B. All federal plans, federally required State plans, and direct federal development activities are inclusions in the Kansas Intergovernmental Review Process. (Appendix VIII is attached for your comments).
- C. Before a federal agency may exclude a program or activity subject to the Executive Order, it will publish a notice in the Federal Register proposing the exclusion and seeking public comment.

PROGRAMS AND ACTIVITIES NOT SUBJECT TO THIS POLICY

- A. Modifications to existing plans, minor budget amendments and supplemental budgets and continuation paperwork for programs that have been reviewed.
- B. Assistance for programs and activities including:
 1. Direct financial assistance to individuals or families for housing, welfare, health care services, education, training, economic improvement, and other direct assistance for individual and family enhancement.
 2. Incentive payments or insurance for private sector activities not involving real property development or land use development.
 3. Agricultural crop supports or payments.
 4. Assistance to organizations and institutions for the provision of education or training not designed to meet the needs of specific individual states or localities.
 5. Research, not involving capital construction, which is national in scope.
 6. Assistance for staff development or management improvement purposes.

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7. Assistance to educational institutions for activities that are part of a school's regular academic program and are not related to local programs of health, welfare, employment or other social services.
 8. Assistance for construction involving only routine maintenance, repair, or minor construction which does not change the use or the scale or intensity of use of a federal structure or facility.
- C. Competitive bids or proposals for federal or state programs for which reviews have been completed.

When an application for these projects comes to the SPOC, it will be assigned a State Application Identifier (SAI) Number and returned to the applicant. The applicant may forward it to the federal funding agency. All proposed projects should comply with the Kansas Act Against Discrimination and with Historic Preservation requirements.

FUNCTIONAL UNITS AND THEIR FUNCTION

- A. The federal agencies are those agencies at the federal level which administer programs of federal assistance and projects of direct federal development.
- B. The applicant is the individual or entity seeking federal financial assistance or approval for a project or activity under a program subject to the review process.
- C. The Single Point of Contact is the link of coordination among the various participants in the review, coordination, and funding process.
 1. Within the scope of Presidential Executive Order 12372, the Kansas Single Point of Contact shall:
 - a. Receive and disseminate project notification to appropriate local units of government and State agencies;
 - b. Evaluate the significance of proposals for federal assistance to local, regional or State plans and programs;
 - c. Provide public agencies charged with administering State and local laws the opportunity to review and comment on project proposals which might affect their plans and/or programs;
 - d. Provide liaison between federal agencies contemplating direct federal development projects at the local, regional and State level(s) of government which might be affected by the proposed project; and

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e. Develop and/or transmit State Process Recommendations to the federal agencies and receive statements of accommodation or nonaccommodation back from the agencies.

2. The Kansas Department of Human Resources, Office of the Secretary, is designated the Kansas Single Point of Contact for the Kansas Intergovernmental Review Process, and for this function shall be called the Kansas Office of Federal Assistance Management.
3. The SPOC shall be appointed by the Secretary of the Department of Human Resources upon recommendation by the Governor.

D. Reviewing entities are those parties (local elected officials, regional planning commissions composed of local elected officials, State officials, and State agencies) designated by the Governor as being appropriate forums for review and coordination of federal assistance programs and direct federal development activities.

1. The State's Regional Planning Commissions are recognized as the primary forum for review by local elected officials. If a municipality or county is not represented by a RPC, an application will be sent for review and comment to the appropriate city or county commission (or similar general purpose local unit of government, or notification will be provided through the Kansas Register and The Resource.) (See List of Reviewing Entities, Appendix IX)
 - a. If membership in the RPC's change, proper notification (in writing) must be given to the SPOC. Also, if a new RPC is formed for the purpose of regional planning and review, proper notification (in writing) must be sent to the SPOC, and, henceforth, the newly formed RPC will be designated the review and comment opportunity and responsibility for those municipalities and/or counties it represents.
 - b. The RPC's will communicate with appropriate local elected officials (LEO's) to ensure the review process is accomplishing the intent of Executive Order 12372.
 - c. The Executive Director will be recognized as the RPC's Coordinating Official to whom Application Information Packages will be sent and from whom review forms, comments and statements will be received.
2. Each State agency shall designate one Coordinating Official who shall be responsible for receiving applications for review from the SPOC and transmitting back to the SPOC the results of that agency's review.
 - a. The State agency Coordinating Official will coordinate reviewing activities within the agency after receipt of an application for review from the SPOC and will transmit the

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results of that review back to the SPOC. If there are no comments to be included, that agency's Coordinating Official may transmit that information to the SPOC by telephone. (The same may hold true for regional planning commissions or local units of government when time for mailing the transmittal form is not adequate, but only when there is no comment on a proposal.)

- b. The chief administrator of each State agency shall keep current with the SPOC the designation of the agency's Coordinating Official.

GENERAL REQUIREMENTS

A. Early notification by the federal "funding" agencies.

1. It is the responsibility of the federal agency to insure that applicants are provided sufficient notice to develop and submit a proposal within the established time parameters. Therefore;
2. As early in the planning cycle as possible, the federal funding agency shall provide notification and information of proposed plans for programs or direct development to the Single Point of Contact, Office of Federal Assistance Management, Kansas Department of Human Resources, 401 Topeka Avenue, Topeka, Kansas, 66603.
3. If a federal agency receives an application for federal financial assistance under a program on the Kansas Inclusion List and the applicant has not notified the Single Point of Contact to initiate review, or if a federal agency proposes to engage in direct federal development, the federal agency shall notify the SPOC to determine the views of local, regional and State officials.
4. Generally, a federal agency will allow State and local officials at least 60 days for review and comment. For certain programs and activities (i.e., noncompetitive continuation grants and the Department of Housing and Urban Development's mortgage insurance and urban development action grant programs) a lesser time of at least 30 days will be allowed. The shorter review period is permitted because it is believed that controversy is unlikely for these transactions or because a federal decision must be timely. The federal agencies with programs or activities to which the 30-day review may apply are: The Departments of Agriculture, Commerce, Education, Energy, Health and Human Services, Housing and Urban Development, Interior, Justice, Labor and Action, The Environmental Protection Agency, and the National Science Foundation.

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5. Most federal agencies authorize the use of emergency time waivers in the rare instances for which an unanticipated situation necessitates prompt action and does not allow for full compliance with the rules. The agencies must keep a record of all emergency waivers.
6. Federal agencies are required to consult with and seek the advice of other federal agencies to produce coordinated actions on interrelated federal programs and activities.
7. If a State Process Recommendation is transmitted by the Single Point of Contact, the federal agency must:
 - a. Accept the recommendation;
 - b. Reach a mutually agreeable solution (compromise or alternative) with the reviewing entities, SPOC, and applicant; or
 - c. Provide an explanation of the federal agency's decision not to accept the State Process Recommendation or not to reach an agreeable solution.
 - (1) This explanation of "nonaccommodation" must be written and provided to the Single Point of Contact.
 - (2) The federal agency may not carry out its decision of "nonaccommodation" until 15 days after providing explanation to the SPOC; if, however, the federal agency also telephones or sends a telegram to the SPOC explaining that a statement of "nonaccommodation" is being sent, that waiting period may be reduced to ten days (from the day of the telephone call or telegram.)

B. Notification and Application Information Package provided by the applicant.

1. An applicant for federal financial assistance under a program on the Inclusion List (Appendix VI), on submission to a federal agency of an application (or substantial modification or amendment to a previous application) shall simultaneously provide notification to the SPOC. This notification and Application Information Package shall include:
 - a. Standard Form 424 (or other similar form provided by the federal agency) with the applicant's portion fully completed including:
 - (1) The name, address, telephone number, and description of the applicant (agency, organization, or individual) and that of the applicant's contact person;
 - (2) The geographic location of the proposed project;

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- (3) The name and catalog number of the federal program as listed in the Catalog of Federal Domestic Assistance;
 - (4) A breakdown of the budget for the proposed project; and
 - (5) The name and address of the administering federal agency.
- b. A site map (with all significant and appropriate information which should be considered) when construction, earth-altering activities, land acquisition, or pollutant discharge will or may be involved in the proposed project;
 - c. A summary, or brief description of the proposed project by type, purpose, general size or scale, estimated cost, beneficiaries, and any other characteristics which would enable the SPOC and other reviewing parties to identify agencies of local, regional or State government having programs, plans, or projects that might be affected by the proposed project; and
 - d. An environmental impact statement, if required by the federal agency or by existing laws.
2. Inadequate application information (incomplete Standard Form 424, absence of summary, environmental impact statement or site map when necessary), will cause the application to be returned to the applicant and will delay the review process.
 3. A federal agency proposing a project of direct federal development is considered an applicant as well and will provide notification and an Information Package to the Single Point of Contact so that review and comments on such a project may commence.
 4. To assure adequate time for effective coordination and to provide an opportunity for the applicant to respond to comments developed through intergovernmental review, an applicant should notify the SPOC at the earliest time feasible. The applicant may file a Notice of Intent to submit an application as a means of providing an early alert to potentially affected parties.
 5. If the applicant can anticipate those parties which might be affected by the proposed project, can coordinate with them during the proposal's development, and with his Information Package to the Single Point of Contact includes official review statements by those reviewing entities, the application will be reviewed by the Single Point of Contact and if no further review is necessary, it will be assigned a State Application Identifier Number and returned to the applicant to relay to the federal agency.

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6. If a proposed project has statewide or widely dispersed effects, and if the applicant gives assurances that it has adequately consulted with affected local governments during the development of the proposal, the application will not be distributed to each affected local jurisdiction for additional review. However, summary notice will be included in the Kansas Register and/or The Resource.
7. The applicant shall attach the Summary Memorandum to the application, if the SPOC did not send a copy directly to the federal agency. The applicant may also attach a statement explaining the consideration that the applicant has given to reviewers' comments and recommendations. A copy of any such explanatory statement shall be sent to the SPOC.
8. The applicant will notify the SPOC of award decisions by the federal agency concerning its application.

C. Coordination by the Single Point of Contact (SPOC).

1. Applicants seeking funds from programs of federal assistance subject to the Kansas Intergovernmental Review Process (KIRP) and federal agencies proposing direct federal development activities subject to the KIRP shall provide notification and Application Information Packages to the:

Kansas Single Point of Contact
Office of Federal Assistance Management
Kansas Department of Human Resources
401 Topeka Avenue
Topeka, Kansas 66603
(913) 296-5075

2. Within five working days after receiving notification and an Application Information Package, the SPOC will assign the application a Kansas Review Number and distribute it to those local and State parties which may have plans, programs or policy affected by the proposed project.
 - a. The Kansas Review Number will reflect the month, day, year and Order of receipt, the catalog number from the Catalog of Federal Domestic Assistance and the location (county) of the project (or applicant); for example, DHR010184-001-11303SN.
 - b. The SPOC will acknowledge receipt of an Application Information Package by sending the applicant a Kansas Review Form which will indicate those entities receiving the application for review.
3. Summary notification of applications open to review and comment will also be provided to interested parties and State Legisla-

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tors in the Kansas Register and in The Resource. The closing date for comments will be specified, as will the applicant's contact person. All comments will be sent to the SPOC.

4. When all Kansas Review Forms have been returned, or other acknowledgment of review completion has been received, or upon the review closing date, or if review is not necessary, the SPOC will change the Kansas Review Number to, or assign a State Application Identifier Number and send a Summary Memorandum to the applicant to be forwarded by the applicant to the federal agency.
 - a. The State Application Identification Number will reflect the date the review process is completed, along with the other information (i.e., KS840215-001-11303SN).
 - b. If a State Process Recommendation is called for, the SPOC will transmit that recommendation to the federal agency, indicating that it is a State Process Recommendation and include copies of all comments. Copies of the State Process Recommendation and all comments will also be provided to the applicant.
5. A report of applications sent to the federal agencies having completed the review process and any State Process Recommendations regarding those applications will appear in the Kansas Register and in The Resource.
6. During the last 60 days of the federal fiscal year, or in some other rare unanticipated circumstance where time is of the essence, the SPOC may engage the reviewing entities in an abbreviated review process that might accommodate both the time element and the concerns of local, regional and State officials.

D. Review and comment by the Reviewing Entities.

1. Reviewing entities can receive notice of proposed projects from the SPOC, the applicant, the Kansas Register, The Resource, or from the federal agency in the case of direct federal development.
2. The reviewing parties will have up to 45 days from the date of the Kansas Transmittal Number assignment to conduct their review and coordination efforts and send their completed review forms and comments back to the SPOC. The remaining 15 days will be used to compile comments, address conflicts, and determine if a State Process Recommendation is appropriate. If the review relates to an application for noncompeting continuation of federal financial assistance, the total time for review will be 30 days, as prescribed in Executive Order 12372. (Parties responding to notification provided in the Kansas Register or The Resource will abide by the same review time periods.

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3. State and local officials will focus on those activities for which they have the greatest interest or concern. This emphasis on priority matters will help raise the importance of recommendations received by the federal agency, and will commensurately reduce the paperwork at all levels of government.
4. If any reviewing entity (party) needs additional information about a proposed project, direct contact should be made with the applicant. Copies of correspondence between a reviewing entity and applicant should be provided to the SPOC. The SPOC may extend the review period to accommodate the exchange of additional information (within the time parameters established in Executive Order 12372.)
5. Comments and recommendations made with respect to any proposed project are for the purpose of assuring maximum consistency of such project with local, regional and State policies, plans and programs. They are also intended to assist the federal agency (or State agency, in the case of projects for which the State, under certain federal grants, has final project approval) administering such a program in determining whether the project is in accord with applicable federal requirements. Comments should relate directly to the project, not to the program through which it is funded. Comments not related to the following "review criteria" will not be submitted to the federal agency or applicant.
 - a. The extent to which the proposed project is consistent with or contributes toward the fulfillment of comprehensive planning for the State, region, metropolitan area, or locality;
 - b. The extent to which the project contributes to the achievement of State, regional, metropolitan, and local objectives as specified in Section 401(a) of the Intergovernmental Cooperation Act of 1968, as follows:
 - (1) Appropriate land uses for housing, commercial, industrial, governmental, institutional, and other purposes;
 - (2) Wise development and conservation of natural resources, including land, water, minerals, wildlife, and others;
 - (3) Balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods;
 - (4) Adequate outdoor recreation and open space;
 - (5) Protection of areas of unique natural beauty, historical and scientific interest;

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- (6) Properly planned community facilities, including utilities for the supply of power, water, and communications for the safe disposal of wastes, and for other purposes; and
 - (7) Concern for high standards of design.
- c. As provided under Section 102(2)(C) of the National Environmental Policy Act of 1969, the extent to which the project significantly affects the environment including consideration of:
- (1) The environmental impact of the proposed project;
 - (2) Any adverse environmental effects which cannot be avoided should the project be implemented;
 - (3) Alternatives to the proposed project;
 - (4) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and
 - (5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed project or activity, should it be implemented.
- d. The extent to which the project contributes to more balanced patterns of settlement and delivery to all sectors of the area population, including minority groups.
- e. In the case of a project for which assistance is sought by a special purpose unit of government, whether the general purpose unit of local government having jurisdiction over the area in which the project is to be located has applied, or plans to apply for assistance for the same or similar type projects. This information is necessary to enable the federal (or State) agency to make the judgments required under Section 402 of the Intergovernmental Cooperation Act of 1968.
6. The Kansas Intergovernmental Review is valid for three years. If an applicant wishes to pursue a project not begun or an application not funded within three years, the applicant shall notify the SPOC in order that a new review may be conducted.
7. The reviewing parties shall try to resolve informally any disagreements or conflicts identified during the review process. Methods of informal resolution may include telephone conferences, correspondence, and in-person communication. The SPOC should be advised of such activities and any changes resulting.

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SPECIAL FUNCTIONS

- A. A State Process Recommendation is a special set of views (concerns) sent to a federal agency through the Single Point of Contact. (If a state fails to designate a Single Point of Contact, no other organization or official may send such a recommendation.)
1. A State Process Recommendation is developed by local, regional and/or State reviewing officials. This recommendation can be a consensus with which all the reviewing parties agree; or a majority opinion representative of a particular view with some reviewing comments which differ from that view. All comments will accompany a majority opinion recommendation when it is sent to the federal agency.
 2. The SPOC will strive to form a consensus recommendation when a recommendation is called for.
 3. A recommendation may be formed even though all those levels of government directly affected did not comment on the proposed project.
 4. Furthermore, a State Process Recommendation may be developed on a proposed project for a program which is not on the Inclusion List of programs. This allows local, regional and State officials to obtain federal agency responsiveness even on programs and activities for which they did not anticipate significant interest.
 5. In all instances, the State Process Recommendation must be transmitted by the Single Point of Contact.
 6. When a proposed project or activity has an impact on interstate or interstate metropolitan areas, that interstate planning commission which is the designated participant in the Kansas Intergovernmental Review Process may prepare a State Process Recommendation. However, that recommendation must be transmitted through the states' Single Points of Contact. The SPOC will transmit all recommendations to the federal agency with copies to the applicant.
- B. Opportunity for simplification, consolidation and substitution of state plans is provided by Executive Order 12372.

The Departments of Agriculture, Education, Energy, Health and Human Services, Interior, Justice, Labor, Transportation, the Environmental Protection Agency and the Federal Emergency Management Agency have listed federally required state plans that are eligible for simplification, consolidation, or substitution. (See Appendix VII for List of State Plans Eligible for Simplification, Consolidation and Substitution.)

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1. Some federal agency rules permit a state to use state planning and budget documents in place of similar documents for which the content and format are established by a federal agency. This allows a state to develop its own plan format, choose the plan submission date, and/or define the time period covered by the plan; combine two or more plans into one document; or substitute its own existing plan for the federally required document.
 - a. States must satisfy federal statutory and regulatory requirements when simplifying, consolidating, or substituting plans. No prior federal agency approval is needed before undertaking a simplification, consolidation, or substitution.
 - b. The federal agency reviews each plan for which a state has used its own planning and budget documents and accepts the plan only if its contents fulfill applicable federal statutory and regulatory requirements. A decision not to accept a state plan can be appealed through each federal agency's normal procedures.
 - c. Each federal agency with eligible state plans has designated a focal point with whom state officials can discuss state plan matters. The Office of Management and Budget has established a steering group of these federal agencies to meet periodically for coordination and to promote consistent determinations on state plans among and with agencies. Federal agencies will periodically publish updated lists of state plans that are eligible for simplification, consolidation, or substitution.
2. For state plan review, any state plan or amendment and supporting information should be supplied to the SPOC at least 30 days prior to the planned date of submission to the involved federal agency. Supporting information should include:
 - a. Standard Form 424, with Sections I, II, III, 24, 26, 27 and 29 completed.
 - b. A summary of the plan including:
 - (1) A statement of the plan's objective, beneficiaries, procedures and the anticipated timetable of activities.
 - (2) Anticipated results and evaluation indicators.
 - c. If this is a continuing program:
 - (1) Notable changes from prior years.
 - (2) Historical and projected expenditures.

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(3) Anticipated date of next plan submittal.

- d. Reference to the state budget--decision items which are addressed or affected by this plan.
- e. Indicate if the Governor's signature is required on the funding request or if a letter of support is desired.

Upon submission of the state plan, the SPOC will notify all RPC's and other agencies and reviewing entities of the availability of the plan for review. (All agencies should cooperate with reviewing entities if additional information is requested.)

When review is completed, the submitting agency will receive the Governor's comments along with the appropriate endorsement or signature.

- 3. To amend the Kansas Intergovernmental Review Process, opportunity for input from local, regional and State officials will be provided annually. As practice and experience indicate, changes will be implemented so the intent to comply with Presidential Executive Order 12372 remains consistent, but so the most effective and efficient review and comment process may be achieved. However, revision of forms by the federal agencies, the U. S. Office of Management and Budget, or the Office of Federal Assistance Management may be expected during the year and is not considered an amendment to the Process.

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APPENDIX I
STATE OF KANSAS



OFFICE OF THE GOVERNOR

State Capitol
Topeka 66612

November 21, 1983

John Carlin Governor

Mr. Harold I. Steinberg
Associate Director for Management
Executive Office of the President
Office of Management and Budget
Room 238
Washington, D. C. 20503

Dear Mr. Steinberg:

In response to Executive Order 12372 entitled "Intergovernmental Review of Federal Programs," I am designating the Kansas Department of Human Resources, Office of the Secretary, as the Single Point of Contact for the State of Kansas.

This agency will soon be contacting the regional clearinghouses and other state and local government representatives for the purpose of establishing a state process that will be comprehensive but simple and efficient. In the near future I will officially establish the state process for review which will include a listing of those programs covered by the Executive Order which Kansas deems as its priorities.

Communications for the Single Point of Contact should be addressed to:

Single Point of Contact
Kansas Department of Human Resources
Office of the Secretary
Attention: Judy Krueger
401 Topeka Avenue
Topeka, Kansas 66603
(913) 296-5075

We are excited to be participating in this process of intergovernmental review which has as its principles the restoration of the state/local authority, flexibility, and regulatory relief; and increased federal responsiveness.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Carlin".

JOHN CARLIN
Governor

JC:jat

APPENDIX II

Intergovernmental Review of Federal Programs

Executive Order 12372

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 401(a) of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4231(a)) and Section 301 of Title 3 of the United States Code, and in order to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for the State and local government coordination and review of proposed Federal financial assistance and direct Federal development, it is hereby ordered as follows:

Section 1. Federal agencies shall provide opportunities for consultation by elected officials of those State and local governments that would provide the non-Federal funds for, or that would be directly affected by, proposed Federal financial assistance or direct Federal development.

Sec. 2. To the extent the States, in consultation with local general purpose governments, and local special purpose governments they consider appropriate, develop their own processes or refine existing processes for State and local elected officials to review and coordinate proposed Federal financial assistance and direct Federal development, the Federal agencies shall, to the extent permitted by law:

- (a) Utilize the State process to determine official views of State and local elected officials.
- (b) Communicate with State and local elected officials as early in the program planning cycle as is reasonably feasible to explain specific plans and actions.
- (c) Make efforts to accommodate State and local elected officials' concerns with proposed Federal financial assistance and direct Federal development that are communicated through the designated State process. For those cases where the concerns cannot be accommodated, Federal officials shall explain the bases for their decision in a timely manner.
- (d) Allow the States to simplify and consolidate existing Federally required State plan submissions. Where State planning and budgeting systems are sufficient and where permitted by law, the substitution of State plans for Federally required State plans shall be encouraged by the agencies.
- (e) Seek the coordination of views of affected State and local elected officials in one State with those of another State when proposed Federal financial assistance or direct Federal development has an impact on interstate metropolitan urban centers or other interstate areas. Existing interstate mechanisms that are redesignated as part of the State process may be used for this purpose.
- (f) Support State and local governments by discouraging the reauthorization or creation of any planning organization which is Federally-funded, which has a Federally-prescribed membership, which is established for a limited purpose, and which is not adequately representative of, or accountable to, State or local elected officials.

Sec. 3. (a) The State process referred to in Section 2 shall include those where States delegate, in specific instances, to local elected officials the review, coordination, and communication with Federal agencies.

(b) At the discretion of the State and local elected officials, the State process may exclude certain Federal programs from review and comment.

Sec. 4. The Office of Management and Budget (OMB) shall maintain a list of official State entities designated by the States to review and coordinate proposed Federal financial assistance and direct Federal development. The Office of Management and Budget shall disseminate such lists to the Federal agencies.

Sec. 5. (a) Agencies shall propose rules and regulations governing the formulation, evaluation, and review of proposed Federal financial assistance and direct Federal development pursuant to this Order, to be submitted to the Office of Management and Budget for approval.

(b) The rules and regulations which result from the process indicated in Section 5(a) above shall replace any current rules and regulations and become effective April 30, 1983.

Sec. 6. The Director of the Office of Management and Budget is authorized to prescribe such rules and regulations, if any, as he deems appropriate for the effective implementation and administration of this Order and the Intergovernmental Cooperation Act of 1968. The Director is also authorized to exercise the authority vested in the President by Section 401(a) of that Act (42 U.S.C. 4231(a)), in a manner consistent with this Order.

Sec. 7. The Memorandum of November 6, 1968, is terminated (33 *Fed. Reg.* 16487, November 13, 1968). The Director of the Office of Management and Budget shall revoke OMB Circular A-65, which was issued pursuant to that Memorandum. However, Federal agencies shall continue to comply with the rules and regulations issued pursuant to that Memorandum, including those issued by the Office of Management and Budget, until new rules and regulations have been issued in accord with this Order.

Sec. 8. The Director of the Office of Management and Budget shall report to the President within two years on Federal agency compliance with this Order. The views of State and local elected officials on their experiences with these policies, along with any suggestions for improvement, will be included in the Director's report.

THE WHITE HOUSE,
July 14, 1982.

Ronald Reagan

APPENDIX III

SECTION 204 OF THE DEMONSTRATION CITIES AND
METROPOLITAN DEVELOPMENT ACT OF 1966,
as amended (80 Stat. 1263, 82 Stat. 208)

"Sec. 204. (a) All applications made after June 30, 1967 for Federal loans or grants to assist in carrying out open-space land projects or for planning or construction of hospitals, airports, libraries, water supply and distribution facilities, sewerage facilities and waste treatment works, highways, transportation facilities, law enforcement facilities, and water development and land conservation projects within any metropolitan area shall be submitted for review--

"(1) to any areawide agency which is designated to perform metropolitan or regional planning for the area within which the assistance is to be used, and which is, to the greatest practicable extent, composed of or responsible to the elected officials of a unit of areawide government or of the units of general local government within whose jurisdiction such agency is authorized to engage in such planning, and

"(2) if made by a special purpose unit of local government, to the unit or units of general local government with authority to operate in the area within which the project is to be located.

"(b)(1) Except as provided in paragraph (2) of this subsection, each application shall be accompanied (A) by the comments and recommendations with respect to the project involved by the areawide agency and governing bodies of the units of general local government to which the application has been submitted for review, and (B) by a statement by the applicant that such comments and recommendations have been considered prior to formal submission of the application. Such comments shall include information concerning the extent to which the project is consistent with comprehensive planning developed or in the process of development for the metropolitan area or the unit of general local government, as the case may be, and the extent to which such project contributes to the fulfillment of such planning. The comments and recommendations and the statement referred to in this paragraph shall, except in the case referred to in paragraph (2) of this subsection, be reviewed by the agency of the Federal Government to which such application is submitted for the sole purpose of assisting it in determining whether the application is in accordance with the provisions of Federal law which govern the making of the loans or grants.

"(2) An application for a Federal loan or grant need not be accompanied by the comments and recommendations, and the statements referred to in paragraph (1) of this subsection, if the applicant certifies that a plan or description of the project, meeting the requirements of such rules and regulations as may be prescribed under subsection (c), or such application, has lain before an appropriate areawide agency or

instrumentality or unit of general local government for a period of sixty days without comments or recommendations thereon being made by such agency or instrumentality.

"(3) The requirements of paragraphs (1) and (2) shall also apply to any amendment of the application which, in light of the purposes of this title, involves a major change in the project covered by the application prior to such amendment.

"(c) The Bureau of the Budget, or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this section."

APPENDIX IV

TITLE IV OF THE INTERGOVERNMENTAL COOPERATION
ACT OF 1968 (82 Stat. 1103)

"TITLE IV -- COORDINATED INTERGOVERNMENTAL
POLICY AND ADMINISTRATION OF DEVELOPMENT
ASSISTANCE PROGRAMS"

"DECLARATION OF DEVELOPMENT ASSISTANCE POLICY"

"Sec. 401. (a) The economic and social development of the Nation and the achievement of satisfactory levels of living depend upon the sound and orderly development of all areas, both urban and rural. Moreover, in a time of rapid urbanization, the sound and orderly development of urban communities depends to a large degree upon the social and economic health and the sound development of smaller communities and rural areas. The President shall, therefore, establish rules and regulations governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development, including programs providing Federal assistance to the States and localities, to the end that they shall most effectively serve these basic objectives. Such rules and regulations shall provide for full consideration of the concurrent achievement of the following specific objectives and, to the extent authorized by law, reasoned choices shall be made between such objectives when they conflict:

"(1) Appropriate land uses for housing, commercial, industrial, governmental, institutional, and other purposes;

"(2) Wise development and conservation of natural resources, including land, water, minerals, wildlife, and others;

"(3) Balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods;

"(4) Adequate outdoor recreation and open space;

"(5) Protection of areas of unique natural beauty, historical and scientific interest;

"(6) Properly planned community facilities, including utilities for the supply of power, water, and communications, for the safe disposal of wastes, and for other purposes; and

"(7) Concern for high standards of design.

"(b) All viewpoints - national, regional, State and local - shall, to the extent possible, be fully considered and taken into account in

planning Federal or federally assisted development programs and projects. State and local government objectives, together with the objectives of regional organizations shall be considered and evaluated within a framework of national public objectives, as expressed in Federal law, and available projections of future national conditions and needs of regions, States, and localities shall be considered in plan formulation, evaluation, and review.

"(c) To the maximum extent possible, consistent with national objectives, all Federal aid for development purposes shall be consistent with and further the objectives of State, regional, and local comprehensive planning. Consideration shall be given to all developmental aspects of our total national community, including but not limited to housing, transportation, economic development, natural and human resources development, community facilities, and the general improvement of living environments.

"(d) Each Federal department and agency administering a development assistance program shall, to the maximum extent practicable, consult with and seek advice from all other significantly affected Federal departments and agencies in an effort to assure fully coordinated programs.

"(e) Insofar as possible, systematic planning required by individual Federal programs (such as highway construction, urban renewal, and open space) shall be coordinated with and, to the extent authorized by law, made part of comprehensive local and areawide development planning."

"FAVORING UNITS OF GENERAL LOCAL GOVERNMENT"

"Sec. 402. Where Federal law provides that both special-purpose units of local government and units of general local government are eligible to receive loans or grants-in-aid, heads of Federal departments and agencies shall, in the absence of substantial reasons to the contrary, make such loans or grants-in-aid to units of general local government rather than to special-purpose units of local government."

"RULES AND REGULATIONS"

"Sec. 403. The Bureau of the Budget, or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this title."

APPENDIX V

SECTION 102(2)(C) OF THE NATIONAL ENVIRONMENTAL
POLICY ACT OF 1969 (83 Stat. 853)

"SECTION 102. The Congress authorizes and directs that, to the fullest extent possible; (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the federal government shall

- "(c) include in every recommendation or report on proposals for legislation and other major federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on --
- "(i) the environmental impact of the proposed project,
- "(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- "(iii) alternatives to the proposed action,
- "(iv) the relationship between local short-term use of man's environment and the maintenance and enhancement of long-term productivity, and
- "(v) any irreversible or irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

"Prior to making any detailed statement, the responsible federal official shall consult with and obtain the comments of any federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state, and local agencies, which are authorized to develop and enforce environmental standards shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of Title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

NOTE: The Southwest Federal Regional Council voted and adopted, on July 10, 1973, a standard environmental assessment guideline that essentially required the federal agencies in Region VI to conform to a standard assessment form. This form can be obtained at the State Clearinghouse or from your local areawide clearinghouse.

APPENDIX VI

POTENTIAL LIST OF PROGRAM INCLUSIONS

DEPARTMENT OF AGRICULTURE

Animal Plant and Health Inspection Services

10.025 Plant and Animal Disease and Pest Control

Agricultural Marketing Service

10.156 Federal/State Marketing Service

Farmers Home Administration

10.405 Farm Labor Housing Grants
10.409 Irrigation and Drainage Loans
10.411 Self-Help Development Loans
10.411 Self-Help Site Development Loans
10.413 Recreation Facility Loans
10.414 Resources Conservation and Development Loans
10.415 Rural Rental Housing Loans
10.416 Soil and Water Loans
10.418 Water and Waste Disposal Loan and Grant Program
10.419 Watershed Loans and Advances
10.420 Mutual and Self-Help Housing Grants
10.420 Self-Help Technical Assistance Grants
10.422 Business and Industrial Loans
10.423 Community Facilities Loans
10.424 Industrial Development Grants
10.427 Rural Assistance Payments
10.430 Energy Impacted Area Development Assistance
10.431 Technical and Supervisory Assistance Grants
10.432 Biomass Energy and Alcohol Fuel Loans

Food Safety and Inspection Service

10.475 Cooperative Meat and Poultry Inspection Program

Food and Nutrition Service

10.550 Food Processing
10.550 Food Distribution Program on Indian Reservations
10.553 School Breakfast Program
10.555 National School Lunch Program
10.556 Special Milk Program for Children
10.557 Special Supplemental Food Program for Women, Infants and Children
10.558 Child Care Food Program

10.559 Summer Food Service Program
10.560 State Administrative Expenses for Child Nutrition
10.561 State Administrative Matching Grants for Food Stamp Program
10.564 Nutrition Education and Training Program
10.565 Commodity Supplemental Food Program

Forest Service

10.664 Cooperative Forestry Assistance

Rural Electrification Administration

10.850 Rural Electrification Loans and Loan Guarantees to Governmental Entities
10.851 Rural Telephone Loans and Loan Guarantees to Governmental Entities

Soil Conservation Service

10.901 Resource Conservation and Development
10.904 Watershed Planning and Operations
10.904 Flood Plain Management
10.906 River Basin Survey and Investigation

DEPARTMENT OF COMMERCE

Economic Development Administration

11.300 Economic Development-Grants for Public Works and Development Facilities
11.301 Economic Development-Business Development Assistance
11.302 Economic Development-Support for Planning Organizations
11.303 Economic Development-Technical Assistance
11.304 Economic Development-Public Works Impact Projects
11.305 Economic Development-State and Local Economic Development Planning
11.306 Economic Development-District Operational Assistance
11.307 Special Economic Development and Adjustment Assistance Program
Long-Term Economic Deterioration

National Oceanic and Atmospheric Administration

11.405 Anadromous and Great Lake Fisheries Conservation
11.407 Commercial Fisheries Research and Development
11.417 Sea Grant Support
11.419 Coastal Zone Management Program Administration
11.420 Coastal Zone Management Estuarine Sanctuaries
11.421 Coastal Energy Impact Program-Formula Grants
11.422 Coastal Energy Impact Program-Planning Grants
11.423 Coastal Energy Impact Program-Loans and Guarantees
11.424 Coastal Energy Impact Program-Environmental Grants

- 11.425 Coastal Energy Impact Program-Outer Continental Shelf State Participation Grants
- 11.426 Financial Assistance for Marine Pollution Research
- 11.427 Fisheries Development and Utilization Research and Development Grants and Cooperative Agreements Program
- 11.428 Intergovernmental Climate Program

National Telecommunications and Information Administration

- 11.550 Public Telecommunications Facilities

Minority Business Development Agency

- 11.800 Minority Business Development-Management and Technical Assistance

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

- 13.217 Family Planning Projects
- 13.224 Community Health Centers
- 13.246 Migrant Health Centers Grants
- 13.258 National Health Service Corps
- 13.260 Family Planning Services
- 13.268 Immunization
- 13.293 State Health Planning and Development Agencies
- 13.294 Health Systems Agencies
- 13.392 Cancer Construction

Office of Human Development Service

- 13.600 Head Start
- 13.623 Runaway Youth
- 13.628 Child Abuse
- 13.630 Developmental Disabilities-Basic Support and Advocacy Grants
- 13.631 Developmental Disabilities-Special Projects
- 13.633 Aging-Title III A & B-Grants for Supportive Services and Senior Centers
- 13.635 Aging, Title III C-Nutrition
- 13.645 Child Welfare Services-State Grants
- 13.646 WIN
- 13.659 Adoption Assistance

Office of the Secretary

- 13.676 Surplus Property Utilization

Public Health Service - III

- 13.965 Black Lung Clinics
- 13.977 Venereal Disease

- 13.978 Venereal Disease Research, Demonstration and Public Information and Education Grants
- 13.985 Eye Research-Construction
- 13.987 Health Programs for Refugees
- 13.988 Cooperative Agreements for State-Based Diabetes Control Programs
- 13.990 National Health Promotion Training Network
- 13.995 Adolescent Family Life Demonstration Program

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Insured Housing

- 14.112 Mortgage Insurance-Construction or Substantial Rehabilitation of Condominium Projects
- 14.115 Mortgage Insurance-Development of Sales Type Cooperative Projects
- 14.124 Mortgage Insurance-Investor Sponsored Cooperative Housing
- 14.125 Mortgage Insurance-Land Development and New Communities
- 14.126 Mortgage Insurance-Management Type Cooperative Projects
- 14.127 Mortgage Insurance-Manufactured (Mobile) Home Parks
- 14.134 Mortgage Insurance-Rental Housing
- 14.135 Mortgage Insurance-Rental Housing for Moderate Income Families
- 14.137 Mortgage Insurance-Rental and Cooperative Housing for Low and Moderate Income Families, Market Interest Rate
- 14.138 Mortgage Insurance-Rental Housing for the Elderly
- 14.139 Mortgage Insurance-Rental Urban Renewal
- 14.151 Supplemental Loan Insurance-Multifamily Rental Housing

Assisted Housing

- 14.146 Low Income Housing-Assistance Program
- 14.147 Low Income Housing-Homeownership Opportunities for Low Income Families
- 14.156 Low Income Housing Assistance Program
- 14.157 Housing for the Elderly or Handicapped
- 14.158 Public Housing-Comprehensive Improvement Assistance Program
- 14.170 Congregate Housing Services Program

Community Planning and Development

- 14.218 Community Development Block Grants/Entitlement Grants
- 14.221 Urban Development Action Grants

Fair Housing and Equal Opportunity

- 14.401 Fair Housing Assistance Program

Miscellaneous Programs

- 14.169 Housing Counseling Program
- 14.211 Surplus Land for Low and Moderate Income Housing

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

- 15.250 Regulation of Surface Coal Mining and Surface Effects of Underground Coal Mining
- 15.252 Abandoned Mine Land Reclamation Program

Water and Power Resources Service

- 15.501 Irrigation Distribution Systems Loans
- 15.502 Irrigation Systems Rehabilitation and Betterment
- 15.503 Small Reclamation Projects

U. S. Fish and Wildlife Service

- 15.600 Anadromous Fish Conservation
- 15.605 Fish Restoration
- 15.611 Wildlife Restoration
- 15.612 Endangered Species Conservation
- 15.613 Marine Mammal Grants
- Fish and Wildlife Conservation Act
- Atmospheric Water Resources Management Program Research

National Park Service

- 15.904 Historic Preservation-Grants-in-Aid
- 15.916 Outdoor Recreation-Acquisition, Development and Planning (Land and Water Conservation Fund Grants)
- 15.919 Urban Park and Recreation Recovery Program

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

- 16.540 Office of Juvenile Justice and Delinquency Prevention-Formula Grant Program
- 16.541 Office of Juvenile Justice and Delinquency Prevention-Special Emphasis and Technical Assistance Grants, except Grants to Nongovernmental Entities

Bureau of Justice Statistics

- 16.550 Bureau of Justice Statistics-Criminal Justice Statistics Development Grants
- Office of Justice Assistance, Research, and Statistics-Categorical Grants for Crime Prevention & Criminal Justice Improvement

Bureau of Prisons

16.603 National Institute of Corrections-Technical Assistance Grants,
except Contracts to Individuals for Specialized Assistance

DEPARTMENT OF LABOR

17.207 Employment Service
17.230 Migrant and Seasonal Farmworkers
17.235 Senior Community Service Program
17.600 Mine Health and Safety Grants

DEPARTMENT OF TRANSPORTATION

United States Coast Guard

20.001 Boating Safety Program
20.002 Cooperative Marine Sciences Program
State Boating Safety Financial Assistance Program

Federal Aviation Administration

20.102 Airport Development Aid Program
20.106 Airport Improvement Program

Federal Highway Administration

20.205 Highway Construction, Research, and Construction
20.214 Highway Beautification (Control of Junkyards and Outdoor
Advertising)
20.308 Local Rail Service Assistance

Urban Mass Transportation Administration

20.500 Discretionary Capital Grants
Innovative Techniques Program
20.507 Formula Grant Program
20.503 Managerial Training Grants
University Research and Training Grants
Grants to Meet Special Needs of Elderly and Handicapped Persons
20.504 Research, Development and Demonstration Grant Program
20.506
and
20.510
20.505 Planning and Technical Studies
Block Grant Program
Mass Transit Account Formula Distribution Program
20.509 Formula Grant Program for Non-Urbanized Areas

National Highway Traffic Safety Administration

20.600 State and Community Highway Safety Program

Research and Special Programs Administration

20.700 Natural Gas Pipeline Safety Grants

Maritime Administration

20.801 Development and Promotion of Ports and Intermodal Transportation

NATIONAL ENDOWMENT FOR THE ARTS

45.003 Promotion of the Arts--Artists-in-Education

45.007 Promotion of the Arts-Public Partnership

NATIONAL SCIENCE FOUNDATION

47.036 Intergovernmental Science and Technology Programs

ENVIRONMENTAL PROTECTION AGENCY

Office of Air, Noise, and Radiation

66.001 Air Pollution and Control Program

Office of Water

66.418 Construction Grants for Wastewater Treatment Works

66.419 Water Pollution Control-State and Interstate Program Grants

66.432 State Public Water System Supervision-Program Grants

66.433 State Underground Water Source Protection-Program Grants

66.438 Construction Management Assistance

66.451 Hazardous Waste Management Financial Assistance to States

State Inventories of Uncontrolled Hazardous Waste Sites

66.454 Water Quality Management Planning

Office of Research and Development

66.500 Environmental Protection-Consolidated Research Grant

66.501 Air Pollution Control Research Grants

66.502 Pesticides Control Research Grants

66.504 Solid Waste Disposal Research Grants

66.505 Water Pollution Control-Research, Development, and Demonstration Grants

66.506 Safe Drinking Water Research and Demonstration Grants

66.507 Toxic Substances Research Grants

Office of Administration

66.600 Environmental Protection Consolidated Grants-Program Support
66.603 Loan Guarantees for Construction of Treatment Works

Office of Pesticides and Toxic Substances

66.700 Pesticides Enforcement Program Grants

Office of Solid Waste and Emergency Response

66.802 Superfund Cooperative Agreements (Remedial Clean Ups)

ACTION

72.001 The Foster Grandparent Program
72.002 Retired Senior Volunteer Program
72.008 The Senior Companion Program
72.010 Mini-Grant Program
72.011 State Office of Voluntary Citizen Participation
72.012 Volunteer Demonstration Program
72.013 Technical Assistance Program

DEPARTMENT OF ENERGY

81.041 State Energy Conservation
81.042 Weatherization Assistance for Low-Income Persons
81.043 Supplemental State Energy Conservation
81.050 Energy Extension Service
81.051 Appropriate Technology Small Grants Programs
81.052 Energy Conservation for Institutional Buildings
81.058 Geothermal Loan Guarantees
81.060 Electric and Hybrid Vehicle Loan Guarantees
81.074 Alcohol Fuels Loan Guarantees
Loan for Geothermal Reservoir Confirmation Projects
Loans for Wind Energy Systems and Small Hydroelectric Power
Projects
Loans for Small Hydroelectric Power Project Feasibility Studies
and Related Licensing
Wind Energy Technology Application Program
Loan Guarantees for Alternative Fuel Demonstration Facilities

FEDERAL EMERGENCY MANAGEMENT AGENCY

Training and Fire Programs Directorate

83.403 Emergency Management Training
83.407 State Fire Incident Reporting Assistance

State and Local Programs and Support

83.501 State Assistance Program
83.502 Acquisition of Flood Damaged Structures
83.503 Emergency Management Assistance
83.504 State and Local Maintenance and Services
83.505 Disaster Preparedness Grants
83.506 Earthquake and Hurricane Preparedness Planning Grants
83.508 Radiological Systems Maintenance
83.509 Shelter Surveys
83.511 State Radiological Defense Officers
83.512 State and Local Emergency Operating Centers
83.513 State and Local Warning and Communications
83.514 Population Protection Planning
83.516 (6) Grants, Loans, or Other Financial Assistance Under Sections
402 and 414 of the Disaster Relief Act of 1974

DEPARTMENT OF EDUCATION

84.002 Adult Education--State Administered Program
84.003 Bilingual Education
84.004 Title IV of the Civil Rights Act of 1964
84.011 Migrant Education Program--State Formula Grant Program
84.014 Follow Through
84.024 Handicapped Early Childhood Assistance
84.025 Handicapped Innovative Program--Deaf-Blind Centers
84.026 Handicapped Media Service and Captioned Films
84.027 Handicapped Preschool and School Programs
84.028 Handicapped Regional Resource Centers
84.030 Handicapped Teacher Recruitment and Information
84.034 Public Library Service
84.035 Interlibrary Cooperation
84.040 School Assistance in Federally Affected Areas--Construction
84.048 Vocational Education--Basic Grants to States
84.049 Vocational Education--Consumer and Homemaking Education
84.050 Vocational Education--Program Improvement and Supportive
Services
84.052 Vocational Education--Special Programs for the Disadvantaged
84.053 Vocational Education--State Advisory Councils
84.060 Indian Education--Entitlement Grants to Local Educational
Agencies and Tribal Schools
84.061 Indian Education--Special Programs and Projects to Improve
Educational Opportunities for Indian Children
84.062 Indian Education--Adult Indian Education
84.073 National Diffusion Network Program
84.077 Bilingual Vocational Training
84.078 Regional Education Programs for Deaf and Other Handicapped
Persons
84.083 Women's Educational Equity
84.091 Strengthening Research Library Resources
84.099 Bilingual Vocational Instructor Training

84.100 Bilingual Vocational Instructional Materials, Methods, and
Techniques
84.121 Vocational Education—State Planning and Evaluation
84.124 Territorial Teacher Training Assistance Program
84.126 Rehabilitation Services—Basic Support
84.128F Rehabilitation Services—Client Assistance Projects
84.128G Rehabilitation Services—Migratory Worker Vocational Rehabilitation
Service Projects
84.132 Centers for Independent Living
84.144 Migrant Education—Interstate and Intrastate Coordination
Program
84.142 College Housing Loans
84.145 Federal Real Property Assistance Program
84.146 Transition Program for Refugee Children
84.152 Neglected or Delinquent Transition Services

APPENDIX VII

STATE PLANS ELIGIBLE FOR SIMPLIFICATION,
CONSOLIDATION OR SUBSTITUTION

(Cross out those programs whose applications you do not wish to see included in the review process.)

State plans required by the Federal Government that are eligible for modification (i.e., simplification, consolidation, or substitution) under the Order are listed below.

AGRICULTURE

10.550 Food Processing
10.557 Special Supplemental Food Program for Women, Infants and Children
10.559 Summer Food Service Program
10.560 State Administrative Expenses for Child Nutrition
10.564 Nutrition Education and Training Program
10.565 Commodity Supplemental Food Program

HEALTH AND HUMAN SERVICES

13.630 Developmental Disabilities-Basic Support and Advocacy Grants
13.633 Aging-Title III A & B-Grants for Supportive Services and Senior Centers
13.635 Aging, Title III C-Nutrition
13.645 Child Welfare Services-State Grants
13.646 WIN
13.659 Adoption Assistance

INTERIOR

15.252 Abandoned Mine Land Reclamation Program
15.605 Fish Restoration
15.611 Wildlife Restoration
15.904 Historic Preservation-Grants-In-Aid
15.916 Outdoor Recreation-Acquisition, Development and Planning (Land and Water Conservation Fund Grants)

JUSTICE

16.540 Office of Juvenile Justice and Delinquency Prevention-Formula Grant Program

16.541 Office of Juvenile Justice and Delinquency Prevention—Special
Emphasis and Technical Assistance Grants, except Grants to
Nongovernmental Entities

LABOR

(Sec. 104) Job Training Partnership Act (PL 97-300)
17.207 Employment Service

TRANSPORTATION

20.308 Loca Rail Service Assistance
20.600 State and Community Highway Safety Program
20.700 Natural Gas Pipeline Safety Grants

ENVIRONMENTAL PROTECTION AGENCY

66.001 Air Pollution and Control Program
66.419 Water Pollution Control—State and Interstate Program Grants
66.432 State Public Water System Supervision—Program Grants
66.433 State Underground Water Source Protection—Program Grants
66.438 Construction Management Assistance
66.451 Hazardous Waste Management Financial Assistance to States
State Inventories of Uncontrolled Hazardous Waste Sites
66.600 Environmental Protection Consolidated Grants—Program Support
66.700 Pesticides Enforcement Program Grants

ENERGY

81.041 State Energy Conservation
81.042 Weatherization Assistance for Low-Income Persons
81.043 Supplemental State Energy Conservation
81.050 Energy Extension Service
81.052 Energy Conservation for Institutional Buildings

FEDERAL EMERGENCY MANAGEMENT AGENCY

83.503 Emergency Management Assistance
83.505 Disaster Preparedness Grants
83.506 Earthquake and Hurricane Preparedness Planning Grants
83.516 (6) Grants, Loans, or Other Financial Assistance Under Sections
402 and 414 of the Disaster Relief Act of 1974

DEPARTMENT OF EDUCATION

84.002 Adult Education—State Administered Program
84.034 Public Library Service

84.035 Interlibrary Cooperation
84.048 Vocational Education--Basic Grants to States
84.049 Vocational Education--Consumer and Homemaking Education
84.050 Vocational Education--Program Improvement and Supportive
Services
84.052 Vocational Education--Special Programs for the Disadvantaged
84.053 Vocational Education--State Advisory Councils
84.121 Vocational Education--State Planning and Evaluation
84.126 Rehabilitation Services--Basic Support

APPENDIX VIII

DIRECT FEDERAL DEVELOPMENT

A. Purpose: The purpose for review of direct federal development proposals is to:

1. Provide state and local governments with information on projected federal development so as to facilitate coordination with state, regional and local plans and programs.
2. Provide federal agencies with information on the relationship of proposed direct federal development projects and activities to state, regional, and local plans and programs; and to assure maximum feasible consistency of federal developments with state, regional, and local plans and programs.
3. Provide federal agencies with information on the possible impact on the environment of proposed federal development.

B. Coordination

Federal agencies having responsibility for the planning and construction of federal buildings and installations or other federal public works or development or for the acquisition, use, and disposal of federal land and real property will establish procedures for:

1. Consulting with states through the Single Point of Contact at the earliest practicable stage in project or development planning on the relationship of any plan or project to the development plans and programs of the state, region, or localities in which the project is to be located.
2. Assuring that any such federal plan or project is consistent or compatible with state, regional, and local development plans and programs identified in the course of such consultations. Exceptions will be made only where there is clear justification.
3. Providing state, metropolitan, regional, and local agencies which are authorized to develop and enforce environmental standards with adequate opportunity to review such federal plans and projects pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969. Any comments of such agencies will accompany the environmental impact statement submitted by the federal agency.

C. List of those direct federal development activities you do not want to include in the Kansas Intergovernmental Review Process.

APPENDIX IX

REVIEWING ENTITIES

REGIONAL PLANNING COMMISSIONS

Northwest Kansas Planning and Development Commission

Cheyenne	CN	Leroy Lyons
Sherman	SH	P. O. Box 248
Wallace	WA	Hill City, Kansas 67642
Rawlins	RA	913/674-2151
Thomas	TH	
Logan	LG	last Wednesday
Decatur	DC	21 on Commission
Sheridan	SD	
Gove	GO	
Norton	NT	
Graham	GH	
Trego	TR	
Phillips	PL	
Rooks	RO	
Ellis	EL	
Smith	SM	
Osborne	OB	
Russell	RS	

Golden Belt Association of Local Governments

Rush	RH	Dennis Foltz
Pawnee	PN	P. O. Box 906
Edwards	ED	Pratt, Kansas 67124
Barton	BT	316/672-5541
Stafford	SF	
		1st Thursday
		38 on Commission

Indian Hills Association of Local Governments

Kiowa	KW	Dennis Foltz
Comanche	CM	P. O. Box 906
Pratt	PR	Pratt, Kansas 67124
Barber	BA	316/672-5541
		4th Thursday
		26 on Commission

Chikaskia Association of Local Governments

Kingman KM
Harper HP
Sumner SU

Dennis Foltz
P. O. Box 906
Pratt, Kansas 67124
316/672-5541

3rd Thursday
22 on Commission

North Central Regional Planning Commission

Jewell JW
Mitchell MC
Lincoln LC
Ellsworth EW
Republic RP
Cloud CD
Ottawa OT
Saline SA

Gary Graham
Municipal Building
Beloit, Kansas 67420
913/738-2218

last Thursday
32 on Commission

Big Lakes Regional Council of Local Governments

Clay CY
Riley RL
Pottawatomie PT
Geary GE
Wabaunsee (not affiliated)

Joni Fish
1006 Poyntz
Manhattan, Kansas 66502
913/776-4859

4th Thursday
15 on Commission

Mo-Kan Regional Council (MPO)

Doniphan DP
Atchison AT

Mrs. Jean Waltemath
1302 Faraon
St. Joseph, MO 64501
816/233-3144

2nd Monday
32 on Commission

Mid-America Regional Council (MPO)

Leavenworth LV
Wyandotte WY
Johnson JO

Peter S. Levi
20 West 9th Street
Third Floor
Kansas City, MO 64105
816/474-4240

last Tuesday
30 on Commission

Southeast Kansas Regional Planning Commission

Woodson	WO	Ethan Kaplan
Wilson	WL	P. O. Box 664
Montgomery	MG	303 East Main Street
Allen	AL	Chanute, Kansas 66720
Neosho	NO	316/431-0080
Labette	LB	
Bourbon	BB	last Thursday
Crawford	CR	36 plus 9 alternates
Cherokee	CK	

METROPOLITAN PLANNING ORGANIZATIONS

Mid-America Regional Council (MARC)

Leavenworth	LV	Peter S. Levi
Wyandotte	WY	20 West 9th Street
Johnson	JO	Third Floor
		Kansas City, MO 64105
		816/474-4240
		last Tuesday
		30 on Commission

Mo-Kan Bi-State Regional Planning Commission

Doniphan	DP	Mrs. Jean Waltemath
Atchison	AT	1302 Faraon
		St. Joseph, MO 64501
		816/233-3144
		2nd Monday
		32 on Commission

Topeka-Shawnee County Metropolitan Planning Commission

Shawnee	SN	820 Southeast Quincy
		Topeka, Kansas 66612
		913/234-2103

Wichita-Sedgwick County Metropolitan Planning Commission

Sedgwick	SG	455 North Main Street
		Tenth Floor
		Wichita, Kansas 67202
		316/268-4561

STATE AGENCIES

Agency, Functions/Services	No.	Coordinating Official
<u>Aging, Department on</u>	(039)	_____
Home Delivery Nutrition Service Nursing Home Ombudsman Nutrition Service Program, Title IIIIC Senior Centers		
<u>Agriculture, Board of</u>	(046)	_____
Agricultural Products Inspection Apiary Inspection Activities Certification of Grain for Export Fertilizer and Agriculture Chemical Laws License, Pest Control Operators Livestock and Poultry Feed Laws Marketing Agriculture Products Water Resources Control and Conservation Weed and Pesticide Enforcement Weights and Measures Inspection		
<u>Civil Rights, Commission on</u>	(058)	_____
Eliminate/prevent discrimination in employment, public accommodations, housing, because of color, race, religion, physical handicap (except in housing), National origin, or ancestry.		
<u>State Conservation Commission</u>	(634)	_____
Conserve, Protect and Enhance Soil, Water and Related Resources Assist Watershed Districts with Flood Control/Water Supply		
<u>Corporation Commission</u>	(143)	_____
Coal Mining Regulations Oil and Natural Gas Regulation Railroad and Motor Carrier Regulation Designation of Dangerous Railroad Crossings Utilities Regulation (gas, electricity, water, telephone, telegraph) Regulation of Speculative Securities Issuances Regulation of Stock Brokers		

Economic Development, (300)
Department of

Community Profiles
Use of Kansas as Filming Site
Industrial Development Program
Industrial Recruitment
Minority Business Enterprise
Public Housing Agency
Travel and Tourism

Education, Department of (652) Warren Bell

Public Instruction
Vocational Education
Kansas State School for the Deaf (Olathe)
Kansas State School for Visually Handicapped (Kansas City)
Accrediting Schools/Administering Laws of Standards
Administering Curriculum
Certifying Teachers, Administrators, School Nurses

Fish and Game Commission (240) Robert D. Wood

Hunting and Fishing Licenses/Permits/Boat Registrations
Conserve Wildlife and Habitats

Health and Environment, (264) Rosemary O'Leary
Department of

Air Quality
Crippled Children
Emergency Medical Services (EMS) System
Environmental Sanitation
Food, Drug, and Cosmetics Act
Health Education
License, Food Service
License, Health Facilities
License, Lodging
Maternal and Child Health
Public Health Nursing
Radiation Control
Water Quality Control
Water Supply Systems

Historical Society, State (288) Richard D. Pankratz

Preservation of Cultural Resources
Photodocumentation of Society and State Activities
Survey and Excavation of Historic/Prehistoric Sites

Preservation of Official State Records
Inventory of State and National Newspapers/Census Figures
Administer 16 State-Owned Historic Sites
Historic Preservation Program
Maintain Reference/Research Library for History of Kansas, Western and
Indian History and Geneology

Human Resources, Department (296) Judy Krueger
of

Employment Security Systems Institute
Handicapped Employment
Job Training Partnership Act (JTPA)
Labor Management Relations
Labor Market Information
Mexican American Affairs
Unemployment Insurance
Work Incentive Program
Workers' Compensation
Veterans' Commission

Park and Resources Authority (503) _____

Plan and Develop Natural Resources of the State
Provide System of State Park/Outdoor Recreation Areas

Social and Rehabilitation (628) _____
Services, Department of

Adult Alternate Care Program
Alcohol and Drug Abuse Program
Blind Program
Child Care Program
Food Stamps
Handicapped Training and Education
Juvenile Offender Program
Physical Restoration and Counseling
Retardation Services

Transportation, Department of (276) _____

Air Transportation and Planning
Highway Construction
Highway Maintenance
Traffic Control and Safety

Water Office, Kansas

(709)

Plan, Develop, Manage Water Resources
State Plan of Water Resources
Acquire for State Right to Divert and Store Waters of all Streams
Flowing into Conservation Storage Water Supply in Reservoirs
Contracting with Persons for Withdrawal and Use of Conservation Storage
Water Supply
Fixing Rates for "Contracted Water"
Implement Kansas Weather Modification Act
Protect and Improve Water Quality
Prevent Waste and Pollution of Water Supply
Receive Reports from all Other Agencies Dealing with Water

APPENDIX X

OMB Approval No. 29-R0218

FEDERAL ASSISTANCE		2. APPLICANT'S APPLICATION	3. NUMBER	4. STATE APPLICATION IDENTIFIER	5. NUMBER
1. TYPE OF ACTION (Mark appropriate box) <input type="checkbox"/> PREAPPLICATION <input type="checkbox"/> APPLICATION <input type="checkbox"/> NOTIFICATION OF INTENT (Opt.) <input type="checkbox"/> REPORT OF FEDERAL ACTION		3. DATE Year month day 19	4. DATE Year month day 19	4. IDENTIFIER	5. DATE ASSIGNED Year month day 19
4. LEGAL APPLICANT/RECIPIENT a. Applicant Name : b. Organization Unit : c. Street/P.O. Box : d. City : e. State : f. Contact Person (Name & telephone No.) :			5. FEDERAL EMPLOYER IDENTIFICATION NO. a. NUMBER : b. TITLE :		
7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT			6. TYPE OF APPLICANT/RECIPIENT A-State B-Substate C-Substate District D-County E-City F-School District G-Special Purpose District H-Community Action Agency I-Higher Educational Institution J-Indian Tribe K-Other (Specify): Enter appropriate letter <input type="checkbox"/>		
10. AREA OF PROJECT IMPACT (Names of cities, counties, States, etc.)		11. ESTIMATED NUMBER OF PERSONS BENEFITING		9. TYPE OF ASSISTANCE A-Basic Grant B-Substate Grant C-Other Enter appropriate letter(s) <input type="checkbox"/>	
13. PROPOSED FUNDING		14. CONGRESSIONAL DISTRICTS OF:		12. TYPE OF APPLICATION A-New B-Renewed C-Revision D-Continuation E-Argumentation Enter appropriate letter <input type="checkbox"/>	
a. FEDERAL \$.00	b. APPLICANT .00	a. APPLICANT	b. PROJECT	13. TYPE OF CHANGE (For 14a or 14b) A-Increase Dollars B-Decrease Dollars C-Increase Duration D-Decrease Duration E-Continuation Enter appropriate letter(s) <input type="checkbox"/>	
c. STATE .00	d. LOCAL .00	16. PROJECT START DATE Year month day 19	17. PROJECT DURATION Months	18. EXISTING FEDERAL IDENTIFICATION NUMBER	
e. OTHER .00	f. TOTAL \$.00	18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY Year month day 19	20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code)		
22. THE APPLICANT CERTIFIES THAT: a. To the best of my knowledge and belief, data in this preapplication/application are true and correct, the Government has been duly notified by the governing body of the applicant and the applicant will comply with the attached enclosures if the submission is approved. b. In accordance with Executive Order 12372, this application has been submitted to the State Single Point of Contact for review. The results of the State Review Process will be forthcoming in 60 days (or 30), whichever applies.			21. REMARKS ADDED <input type="checkbox"/> Yes <input type="checkbox"/> No		
23. CERTIFYING REPRESENTATIVE		24. AGENCY NAME		25. DATE SIGNED Year month day 19	
26. ORGANIZATIONAL UNIT		27. ADMINISTRATIVE OFFICE		28. APPLICATION RECEIVED Year month day 19	
29. ADDRESS		30. FEDERAL AGENCY IDENTIFICATION		31. FEDERAL GRANT IDENTIFICATION	
33. ACTION TAKEN		32. FUNDING		34. ACTION DATE Year month day 19	
<input type="checkbox"/> a. AWARDED	<input type="checkbox"/> b. RETURNED FOR AMENDMENT	<input type="checkbox"/> c. DEFERRED	<input type="checkbox"/> d. WITHDRAWN	35. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)	
36. FEDERAL AGENCY ACTION		37. FEDERAL AGENCY CONTACT PERSON FOR EXECUTIVE ORDER 12372 (Name and telephone number)		36. STARTING DATE Year month day 19	
38. FEDERAL AGENCY ACTION		39. FEDERAL AGENCY CONTACT PERSON FOR EXECUTIVE ORDER 12372 (Name and telephone number)		37. ENDING DATE Year month day 19	
39. FEDERAL AGENCY ACTION		40. FEDERAL AGENCY CONTACT PERSON FOR EXECUTIVE ORDER 12372 (Name and telephone number)		38. REMARKS ADDED <input type="checkbox"/> Yes <input type="checkbox"/> No	

424-103

been or is being made.

STANDARD FORM 424 PAGE 1 (10-75)
Prescribed by GSA, Federal Management Circular 75-7

APPENDIX XI .
KANSAS REVIEW PROCESS TRANSMITTAL FORM

DHR _____
KS _____
(SAI No.) _____

Return to: Single Point of Contact, Office of the Secretary, Kansas Department of Human Resources, 401 Topeka Avenue, Topeka, Kansas, 66603; (913) 296-5075.

PROJECT TITLE: _____ Notification of Intent
CONTACT PERSON: _____ Preapplication
_____ Final Application

DATE REVIEW PROCESS STARTED	DATE REVIEW PROCESS ENDED	KANSAS REVIEW PROCESS NUMBER
-----------------------------	---------------------------	------------------------------

PART I Initial Project Notification Review (To be completed by SPOC):

The attached project has been submitted to the SPOC under the provisions of Executive Order 12372. This form provides notification and opportunity for review of this project to the agencies checked below. Please fill in Part II and Part III and return to the above address.

Return by _____
 Expedite

REVIEW AGENCIES/COMMISSIONS

- | | |
|---|--|
| <input type="checkbox"/> Aging (039) | <input type="checkbox"/> Park and Resources Authority (503) |
| <input type="checkbox"/> Agriculture - DWR (046) | <input type="checkbox"/> Social and Rehabilitation Services (62) |
| <input type="checkbox"/> Civil Rights (058) | <input type="checkbox"/> Transportation (276) |
| <input type="checkbox"/> Conservation Commission (634) | <input type="checkbox"/> Water Office, Kansas (709) |
| <input type="checkbox"/> Corporation Commission (143) | _____ |
| <input type="checkbox"/> Economic Development (300) | _____ |
| <input type="checkbox"/> Education (652) | _____ |
| <input type="checkbox"/> Fish and Game Commission (240) | _____ |
| <input type="checkbox"/> Health and Environment (264) | _____ |
| <input type="checkbox"/> Historical Society (288) | _____ |
| <input type="checkbox"/> Human Resources (296) | _____ |

PART II Agency Review Comments (To be completed by review agency and returned to SPOC).

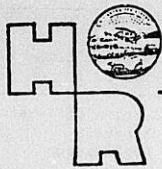
COMMENTS:

PART III Recommended State SPOC Action (To be completed by review agency and returned to SPOC).

Check one box only:

- | | |
|--|--|
| <input type="checkbox"/> Clearance of the project should be granted | <input type="checkbox"/> Clearance of the project should not be delayed but the Applicant should (in the final application) address or clarify the questions or concerns indicated above |
| <input type="checkbox"/> Clearance of the project should not be granted | <input type="checkbox"/> Request the opportunity to review the final application prior to submission to the federal funding agency |
| <input type="checkbox"/> Clearance of the project should be delayed until the issues or questions have been clarified by the Applicant | |

Reviewer's Name	Div./Agency/Commission	Date
-----------------	------------------------	------



APPENDIX XII

KANSAS DEPARTMENT OF

Human Resources

OFFICE OF THE SECRETARY

401 TOPEKA AVENUE TOPEKA, KANSAS 66603
913-296-7474

SUMMARY MEMORANDUM

FROM: Kansas Single Point of Contact
Judy Krueger
Office of Federal Assistance Management
Kansas Department of Human Resources
401 Topeka Avenue
Topeka, Kansas 66603
(913) 296-5075

SUBJECT: Comments, Statements and/or Recommendations Regarding This
Application Resulting from the Review and Coordination
Procedures Under the Kansas Intergovernmental Review Process

Title: _____

Applicant/Address: _____

SAI No.: _____

Federal Granting Agency: _____

Federal Employer Identification No.: _____

Existing Federal Identification No.: _____

Executive Order 12372 Review Required in Kansas: Yes ___ No ___*

Reviewed by:

	Comment Attached	No Comment
	Positive/Negative	(Clearance Granted)

1.	_____	___	___	___
2.	_____	___	___	___
3.	_____	___	___	___
4.	_____	___	___	___

State Recommendation: _____ Attached _____ None

*If no review required, why:

- ___ Continuing, noncompetitive grant or amendment
- ___ Application has been previously reviewed within the last three years
- ___ Application is for a non-selected program.
- ___ Other

why when everyone was coming and going. The residential street system was not sufficient for these types of activities.

Mr. Lakin stated, "I agree, and maybe I'm not communicating well, but you know, I don't see this type of district being used where that type of location would be. I think if we suggest to you, the use of an 'LC' or 'OC' at 9th and Armour or someplace interior to an area we would be grievously in error. Under the Statutes, much like the zone case you had earlier, would require, if any change is to be made, or if it differs from the Planning Commissions recommendations, such as if you wanted to drop the whole thing, would require it to be returned to the Planning Commission."

Mr. Gragg asked Mr. Spratt, "What's your feeling, if for example one came up in Lake Waltana or Hidden Lakes Estates, for a beauty shop or a barber shop, that sort of thing?"

Mr. Spratt stated, "I'd be working real hard to get another vote to go with me to stop it. I don't really feel that we need to put commercial operations in the middle of residential areas. I think we have enough commercial areas to handle that. A residential area is something that a homeowner is entitled to some protection on. However, I think we're talking about something that we can't do anything about today anyhow, because they are recommending changes and it would take three members of this Commission to vote on this and I would make a motion that we refer it back to the Planning Commission for further study and direction."

MOTION

Mr. Spratt moved to refer it back to the Planning Commission for further study.

Mr. Gragg seconded the motion.

VOTE

Chairman Jack Spratt Aye
Commissioner Donald E. Gragg Aye

Mr. Gragg asked, "Does it take three votes to approve it?"

Mr. Lakin stated, "When it comes back to you, it would not."

2. DR 82-21. A-95 Review Procedure Revision.

Mr. Lakin stated that the A-95 Procedure was an OMB designation for that number that was adopted by the Feds several years ago to establish some type of review of all the federal programs that come down, either in terms of grants and/or federal projects and/or federal loans. The intent of it was to make sure that duplication of services was eliminated as nearly as possible. To see that the comprehensive plans were essentially followed and to minimize negative environmental impact and that type of thing. President Reagan had signed an

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BOARD OF SEDGWICK COUNTY COMMISSIONERS
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executive order that cancelled the program as of April 30, 1983, but had said to all federal agencies that in the event, states did adopt some type of review procedure, the federal agencies would be required to be responsive to and examine the comments that were produced by the local review procedure. It had been suggested in the correspondence from the federal government, that the states have the option of either taking a look at the program and deciding to provide this type of review and advise the federal agencies or they might continue the existing system or modify it in some way, by having an area-wide or local review rather than a state-wide review or they may say they do not care to be involved at all and there would be no review within the state relative to federal programs, grants or their activities.

He stated this had been submitted to the Planning Commission for their consideration and they had made a recommendation. The MAPC had been the local review agency since the late sixties. There had been the view that an A-95 review amounted to a veto. He assured them it was not. It was primarily an information conveyancing program which was passed on to the federal agencies and the federal agencies could accept it or reject that information. There was no veto power in relation to it.

He stated the MAPC had recommended to both the City Commission and the County Commission that they correspond with the Governor and encourage him to establish a review procedure within the state, and that it be essentially a continuation of the existing program. They did not believe it was necessary to review as many of the programs that had been given them in the past. They thought their reviews should be primarily related to the areas where they had competence, where they were working and that was primarily in the physical development areas. Many of the grants related to labor programs, or educational programs and some of those in the social areas, such as the aging, drug abuse and others, they thought could be better reviewed with other agencies and/or at the state level.

He stated the State Association of Regional Planning Agencies were also proposing to advise the Governor of that type of response. They were also encouraging that the Governor appoint a special committee, including representatives of the Division of Budget, Kansas Association of Regional Planning Commissions, the Kansas League of Municipalities, and the Kansas Association of Counties to review the procedures to be recommended by the Governor so that everyone will have input as to what type of programs were to be reviewed, and who should be designated.

He repeated that the Planning Commission recommended that the Board support their action and authorize the Chairman to correspond with the Governor to that end.

Mr. Spratt stated, "I have no questions in particular. I have been over this." He then asked Mr. Gragg if he had anything he wished to discuss.

Mr. Gragg stated, "While we're trying to reduce the size and cost of government, why wouldn't we want to take option three and just do our review locally and cut down all the bureaucracy?"

Mr. Lakin stated, "Option three said have no review by anybody."

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Mr. Shelor asked, "One more question, if I may please, did it also cancel federal funding? Are we still going to receive federal funding?"

Mr. Lakin queried, "To do A-95?"

Mr. Shelor elaborated, "For any projects that you have on your A-95."

Mr. Lakin stated, "No, it doesn't affect the funding."

Mr. Shelor asked, "Does it state whether we go ahead and receive federal funds even though they were not approved on the A-95?"

Mr. Lakin stated, "Well I'm not sure about your question. If I sense where you're leading with the thing, the answer is; if we were to wipe out A-95, as of April 30th, any federal funds that might accrue to the counties, let's take Federal Aid Secondary, would still come to the county providing you met the rules for Federal Aid Secondary which are things like 55 mile per hour, bidding procedures, you know, that there be a continuing transportation program. It does not hinge on A-95."

Mr. Shelor stated, "That answers my question."

Mr. Gragg asked, "What is the cost to the City of Wichita/Sedgwick County and to MAPD, which is a joint budget, to do the A-95 process? I know it takes staff time to write them, it takes staff time to type up all the mailings and distribute them to, I don't know how many, but didn't the University determine we had three hundred and some units of government in Sedgwick County? And the wait for response back to those. What kind of costs do we have involved?"

Mr. Lakin stated, "I'd have to go back and develop some figures, but I'll give you a shotgun...and I'd say probably in the neighborhood of about five thousand a year, Xerox time and staff typing time. I think that will be a function on how much we're asked to review. For instance, some of the things that we do now, we really do a very cursory review on them. For instance, the Board of Ed. comes to us with a special training program, you know, that's educational. There just really are not that many people to correspond with or contact, and if we get...well, even though we have all those units of general government, our process is very selective. If we get a road project connecting FAS from the Coliseum over to Valley, we're primarily communicating with...making sure of Claud, making sure of Valley Center, you know, maybe half a dozen letters go out on that, not three hundred. So, it's that type of selective review process we use."

Mr. Gragg stated, "Well, it certainly has not been successful in all cases. One that I would mention that I think in this particular County, particular City, we've had all kinds of duplication, with part of it going through the A-95 review is in the alcohol program. Where, after we spend all this money, where are we being effective? What's the benefits to the elected bodies and what's the benefit to the taxpayer out there, that's paying the bill?"

Mr. Lakin stated, "On A-95's with alcohol, essentially we have not reviewed many of these social programs, except to take the recommendations of the various joint Boards, i.e. Aging and/or Alcohol and/or...you know...whoever's

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dealing in those areas. I think the thing that we have been able to deal with has been primarily in the physical areas, and where we have been able to sit down and work with communities, dealing with sizing issues, dealing with jurisdiction. We currently have one under discussion right now, in debate, and that's where we're out in western Sedgwick County and we have at least two cities saying they want to see the project, two cities saying they don't, and this is an opportunity to get in and try to resolve some of those differences and get people in to agreement. We may not be totally and wholly successful each and every time."

Mr. Shelor stated, "I've found this to be a very successful tool in the past on the local level. It was a federal requirement that these had to be reviewed and had to be submitted to the federal government on these forms, but the tool that I have personally used in years past, is the fact, it is sort of a clearing house as Mr. Lakin suggested awhile ago. If we had a road project that affects Valley Center or whoever, they do advise them locally. I've not been apprised of what has been entailed on the federal level other than that it was a federal requirement that they go on the A-95, but I certainly would encourage us to maintain it on the local level."

Mr. Lakin stated, "Well, I think it has been of help to us to simply be able to understand what's going on and without being surprised with an application coming in from an agency, no one ever hears about it, until all of a sudden you see something happening out there. So from an information standpoint, I think it's worth the price we're paying. I don't make claims to it that it has saved millions of dollars like you might wind up if you were over in the St. Louis area, where you have jurisdictions sitting on top of each other, and three sewer plants in the same basin and you know you get a chance to review it and build one plant and thus saving you all tons of money. I view it much less sophisticated...or maybe it's more sophisticated, but, you know, we just really haven't had the level of problems that some communities have. And I make no argument to that, but I think it's been helpful for ourselves and many of the units."

Mr. Gragg stated, "Well, I've no problem with the local review, but what I'm saying is, maybe I haven't made myself clear. I've no problem with the local review and I think that's beneficial, but why do we have to have the Governor or state, write him a letter saying we want to go..."

Mr. Lakin interrupted, "Keep it local?"

Mr. Gragg stated, "Yeah, keep it local."

Mr. Lakin stated, "The only response I would have to that Commissioner, is that's the way the President has set it up. To say that if you're going to have local review, at least the state is going to have to have sanction there, because I review... I guess I view... you're much closer to the national politics, the view is, much of the defederalization has been to the states. And not necessarily all down to the local level. So the opportunity is for the Governor to kick it on down to the local level and that's what we see here. In other words, you know, keep it as we have been over the years. We've had A-95 in this County. Butler has had A-95 in that county. Now, you go out around Pratt and the Chikaskia-Indian Hills group, you know, they're working five, six, fourteen counties. And I think, unless there is that type of input, there is that possibility, because of all these other regional planning agencies around the state, they're going to be pumping for something at a quite broader range than what I hear you being supportive of."

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"another group, was to form a committee, we won't know how they're going to approach it. I think the other thing that, my best guess is, that probably not much is going to be done on this until towards the latter part of the year. That's the information that we get from our Topeka sources. I just really don't know how to provide you an answer to that because we can't even get an indication whether the Governor's office ... how they're going to move and what way they would form committees, let alone what sort of regulations that committee, if formed, would write and recommend."

Mr. Gragg stated, "Well then, isn't it a little bit premature that we consider this?"

Mr. Lakin stated, "I don't believe so. What I see here is ... is A-95 process important? If so, advise the governor, or let it go in default. Let him do what he pleases without the advise of these local governing bodies."

Mr. Gragg stated, "But with number two, you're sending the governor a blank check, at this point, if you can't answer the other questions."

Mr. Lakin stated, "I suppose it could be construed that way, but I don't know that when we send something to the governor saying a program, a review program is needed, unless we're prepared to recommend the complete operation of it, I think we can put any caveat that we want to with it, or you can as governing bodies. As the Planning Commission said, why don't you just designate MAPC at the local level rather than, you know, go to something like SCKEDD ... create a new group or, you know, keep it in the state budget office. That was a caveat that said, you know, not a blank check governor, this is one sense of direction and if you want to add others, I think it's perfectly appropriate."

Mr. Witsman stated, "I think the problem is the state is going to do one of those three things regardless. And the question is, if number two is preferred, then the action from the County Commission would be to try to get the state to move in that direction."

Mr. Spratt stated, "As I understand this, we need to advise the state of our desires. I personally am very desirous that we keep control of this at home. I think, probably, with the uncertainties that are involved, we could be certain of one thing, if we approve this, is that we have indicated to them that we want to retain the A-95 in this area, and with that in mind I would certainly be in favor of approving this and making the state aware of the fact that we do want to retain it here at our local level."

Mr. Lakin stated, "I think, Commissioner, that you may want to add something that if you do take that number two, or the thrust of it that we've put into a recommended action, that you also add in there that prior to the establishment of any regulations that consultations do indeed take place, where this Commission is involved. That you have a representative there."

Mr. Spratt stated, "I think that would be a point well taken."

MOTION

Mr. Spratt moved to approve the number two suggestion of the MAPC and authorize the sending of a letter to the Governor indicating the Commission's desire to retain the A-95 review process at the local level.

Mr. Gragg seconded the motion for discussion.

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BOARD OF SEDGWICK COUNTY COMMISSIONERS
PROCEEDINGS

Regular Meeting, September 22, 1982

Mr. Gregg stated, "And if I hear the motion right, basically it concurs with number two ... is there a copy of the proposed letter?"

Mr. Lakin stated, "We have not drafted a letter for the County Commissioners. We would be happy to assist."

Mr. Gregg stated, "Cause I still have no problem ... What I'd like clarified in the letter ... is I have no problem in doing it with the state ... the state assigning it to you ... no problems there ... that all makes sense ... coordinated effort ... I think is essential. What I'd like covered in the letter, Mr. Chairman, is the fact that once we have this review, we don't have to go back and circulate it clear through the whole system above us again. That's the caboose. We've done our review. We've coordinated all of our local deal. The state has named MAPC or MAPD, or however the combination goes together, as that."

Mr. Lakin stated, "We'd certainly be happy to work with the Chairman and share any draft that we had prior to it going out."

Mr. Spratt stated, "I have no problems with that. I think it's important that we cut out all the 'bureau-bonic plague' we can."

VOTE

Chairman Jack Spratt Aye
Commissioner Donald E. Gregg Aye

DEPARTMENT OF PUBLIC WORKS

1. Resolutions

- a. Resolution authorizing the establishment of a 20 mile per hour speed zone on a portion of 79th Street South (County Road #638-31), District 2.
- b. Resolution authorizing the establishment of a 40 mile per hour speed zone on a portion of 79th Street South (County Road #638-31). From a point 1100 feet west of Rock Road (County Road 831) east to Rock Road, District 2.

Mr. Shelor stated, with the Commissioners' approval he would request that items "1-a" and "1-b" be withdrawn. They had appeared on the agenda two weeks prior and at that time Commissioner Scott asked if the Department of Public Works had coordinated these with the City of Derby as well as the School District. Mr. Shelor found out that they had and at that time the resolution was legitimate, but by going back and checking with the City Manager of Derby again, he found out that the day after school started, the City Council of Derby met and included that portion of the road within the City Limits of Derby. So it was no longer in the jurisdiction of the County. The resolutions were no longer applicable and he asked that they be removed from any agenda items in the future.

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The Planning Commission recommended approval subject to recording within 30 days.

EASEMENT

Easement from Lewis F. and Paula E. West, dated August 24, 1982, for part of Lots 20 and 21, Knight Acres.

MOTION --

Kirk moved that the utility easement be accepted and the City Clerk be instructed to file it with the Register of Deeds, the recording cost of which shall be billed to the applicant; the plat be approved as approved by the MAPC and the Mayor be authorized to sign. Motion carried 5 to 0.

-- carried

DR82-21 - A-95
REVIEW PROCEDURE
REVISION

DR82-21 - A-95 REVIEW PROCEDURE REVISION, presented.

On July 24, 1969, regulations requiring local review of applications for Federal assistance for various projects and programs were published as Office of Management and Budget (OMB) Circular A-95. The Circular has been amended several times to include additional programs and projects and now includes most Federal assistance programs and projects as well as direct Federal development. Programs involving direct financial assistance to individuals do not undergo an A-95 Review. The Metropolitan Area Planning Commission (MAPC) was designated as local clearinghouse in 1969 and has been reviewing applications since that time.

On July 14, 1982, President Reagan issued an Executive Order rescinding the requirement for A-95 Reviews on applications for Federal assistance. State governments may establish their own process for reviewing applications for Federal assistance. Local agencies or organizations may be designated by the state as local reviewers for all or some projects. Current Federal procedures listed in OMB Circular A-95 shall continue in effect until new procedures are adopted and approved by OMB, or until April 30, 1983.

In summary, the Executive Order requires that one of the following will occur:

1. The State could totally assume responsibility for review of Federal assistance requests and direct Federal development.
2. The State could designate a substate or local agency to be responsible for review of some or all Federal assistance requests and direct Federal development.
3. The State could provide that there be no review at all.

The following alternatives appear to be available to the City

Commission:

1. Request that the State designate MAPC as the area planning organization to perform the review for those applications affecting Sedgwick County. This would allow the A-95 review process to continue in its present form.
2. Request the State to assume total review responsibility.
3. Request the State to drop any requirement for review of applications for Federal assistance or direct Federal development.

In addition to the #1 alternative, it could be recommended that the MAPC be designated as the area planning organization to review only those applications dealing with land use, transportation, utilities, direct Federal development, housing, etc. Review of social type programs that have broader jurisdictional bases such as aging, substance abuse, CEQA, etc., could be

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reviewed by the State or a local advisory board such as the Central Plains Area Agency on Aging or the Alcohol and Drug Abuse Advisory Board, for those applications within their jurisdiction. Another alternative would be to designate a broad based substate organization such as South Central Kansas Economic Development District (SCKEDD) Board as the area planning organization for purposes of reviewing Federal or Federally assisted programs.

The Planning Commission recommended that the City and County Commissions:

1. Formally state that there is a need to have some type of review process for applications for Federal assistance or direct Federal development; and,
2. Recommend to Governor Carlin that the MAPC be designated as the review agency for Sedgewick County for those applications for Federal assistance or direct Federal development that would affect land use, the provision of utilities, housing and transportation; and,
3. Recommend that some formal review procedure be established for social type programs and projects at the State and local level; and,
4. Authorize the Director of Planning and/or a member of the Planning Commission to work with the State to develop rules, regulations and procedures for review of applications.

Motion --

Kirk moved that the City Commission concur in the recommendations of the MAPC and the Mayor be authorized to sign a letter to the Governor stating that there is a need for some type of review process for applications for Federal assistance or direct Federal development and recommending that the MAPC be designated as the local review agency for projects and programs in Sedgewick County that would affect land use, the providing of utilities, for housing and transportation, and some formal review procedure be established for social type programs and projects at the State and local level; and the Planning Director and/or a member of the Planning Commission be authorized to work with the State to develop rules, regulations and procedures for review of applications. Motion carried 5 to 0.

DEDICATION
D-1081

DEDICATION, presented.

D-1081 - Dedication of a utility easement located in an area north of Central and west of Woodlawn by Plaza Del Sol, Inc., as a lot split requirement.

Motion --

-- carried

Kirk moved that the dedication be accepted and the City Clerk be instructed to file with the Register of Deeds. Motion carried 5 to 0.

Recess

The City Commission recessed from 10:20 a.m. and reconvened at 11:00 a.m.

E. N. Denton

The City Manager informed the Commission that they had some contracts with the State to be considered off the agenda, if they had time to do that at this time.

Motion --

-- carried

Kirk moved that the rules be suspended and the contracts with the State be considered off the agenda. Motion carried 5 to 0.

John Dekker

John Dekker stated: "Mayor and Commissioners, the contracts that were originally sent down by the Highway Department and came to our office for approval were reviewed and, in our opinion, were contrary to the cash basis and budget laws of the state of Kansas, inasmuch as it had an open-ended figure for the cost of engineering services. We further knew that in other communities this open-end provision in the contracts had cost some of those communities fairly substantial dollars. In other words, a general figure of, say, 15% of the cost of the engineering; however, the State engineering services that they charged to some communities were up around 50% - 60% in some instances, which was a relatively high amount and did amount to a lot of dollars. We have had conversations with them, we have had conversations with the Attorney General's office and it is my understanding that the Attorney General did agree that that contract was improper and had to be changed. In our conversations with the Highway Department we were told that if we put a maximum amount we could sign them legally and they would come back and put the--said they would accept a 30% maximum of the actual costs of construction. Without too much time to negotiate any further--we originally proposed a 15%

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KANSAS INTERGOVERNMENTAL REVIEW PROCESS

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KANSAS INTERGOVERNMENTAL REVIEW PROCESS

INTRODUCTION

The establishment of the Kansas Intergovernmental Review Process is the culmination of efforts of many parties across the State to fully implement and utilize the opportunities provided to the State by Presidential Executive Order 12372: Intergovernmental Review of Federal Programs. This Presidential Executive Order is intended to foster a strengthened intergovernmental partnership among the various levels of government as set forth in Title IV of the Intergovernmental Cooperation Act of 1968 and Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966; and to enhance federalism by relying on state and local processes for coordination and review of proposed federal financial assistance or direct federal development. For these purposes, Executive Order 12372 (amended by Executive Order 12416), requires federal agencies to provide for consultation with state and local governments that supply nonfederal funds for, or that would be directly affected by, proposed federal financial assistance or direct federal development. This review system is designed to provide an opportunity for local and state elected officials to influence federal decisions on proposed projects that may affect their own plans and programs, recognizing also the benefits of private sector involvement. It is concerned with achieving the most effective and efficient utilization of federal assistance resources through coordination and the elimination of conflict and duplication.

To the extent that the states develop their own review processes, the federal agencies shall: (1) communicate with state and local elected officials as early as possible in the program planning cycle; (2) utilize the state process to determine official local and state views; (3) make efforts to accommodate state and local recommendations when those recommendations are transmitted through the state Single Point of Contact; if the agency cannot accommodate this recommendation, it must explain, in writing, and in a timely manner, why not; (4) when legal, allow states to simplify, consolidate, or substitute state plans for federally required ones when those state plans are sufficient; and (5) seek coordination of state and local views when several states may realize an impact from a proposed federal activity in one.

The Kansas Intergovernmental Review Process has been designed to subject projects of federal assistance and direct federal development to a comprehensive review at the local, regional, and State levels of government thereby coordinating federal programs with one another and with state, regional, and local plans and programs. The Kansas Department of Human Resources, Office of the Secretary has been designated the State Single Point of Contact (SPOC), and for this function shall be known as the Office of Federal Assistance Management. It is charged with providing opportunity for local, regional, and State input, where applicable and in a timely manner, to the cognizant federal agency. At the State level this

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task will be accomplished by identifying those State agencies which should be involved in the planning and development of activities covered by Executive Order 12372, and providing these agencies with the opportunity to evaluate proposals in a timely, effective manner.

The agencies concerned with regional planning are designated to gather and coordinate input from potentially effected local and regional governments and organizations in order to accomplish a comprehensive evaluation of the impact of those selected federal activities on their plans and programs. For counties or cities not covered by a regional planning agency, the local general government unit may provide this impact evaluation input. The benefits to be gained from this review system are to coordinate planning and development activities among all levels of government; to increase the awareness of the many federal programs co-existing in the State, thereby increasing the ability to manage these programs within the scope of State plans; and to obtain increased accommodation from the federal agencies.

The Kansas Department of Human Resources, Office of the Secretary, will implement the evaluation and review process opportunity provided by Presidential Executive Order 12372 and specified by the Kansas Intergovernmental Review Process Procedures and will coordinate the assistance applications with the following federal acts.

- a. The Demonstration Cities and Metropolitan Development Act, Section 204, requiring all applications made after June 30, 1967, for federal loans or grants to various health and economic projects within any metropolitan area to be submitted for review. (Appendix III)
- b. Title IV of the Intergovernmental Cooperation Act of 1968. (Appendix IV)
- c. Section 102(2)(C) of the National Environmental Policy Act covering the submission of a detailed statement of the environmental impact of federal projects and programs. (Appendix V)

PURPOSE

The purposes of the Kansas Intergovernmental Review Process (KIRP) are:

1. To implement Presidential Executive Order 12372 (dated July 14, 1982, and amended April 8, 1983);
2. To secure the benefits of intergovernmental cooperation by providing a sure and simple means for learning about and commenting on selected programs of federal assistance and direct federal development;
3. To encourage an expeditious process of intergovernmental cooperation and review of federal projects by facilitating contact between applicants and local, regional and State levels of government; and

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4. ~~To receive increased accommodation from federal funding agencies as provided by Presidential Executive Order 12372 by responding to said Executive Order with the establishment of this Kansas Intergovernmental Review Process and designating a Single Point of Contact.~~

PROGRAMS AND ACTIVITIES SUBJECT TO THIS POLICY

- A. The potential list of programs which may be selected for inclusion in the Kansas Intergovernmental Review Process is attached as Appendix VI for your comments.
- B. All federal plans, federally required State plans, and direct federal development activities are inclusions in the Kansas Intergovernmental Review Process. (Appendix VIII is attached for your comments).
- C. Before a federal agency may exclude a program or activity subject to the Executive Order, it will publish a notice in the Federal Register proposing the exclusion and seeking public comment.

PROGRAMS AND ACTIVITIES NOT SUBJECT TO THIS POLICY

- A. Modifications to existing plans, minor budget amendments and supplemental budgets and continuation paperwork for programs that have been reviewed.
- B. Assistance for programs and activities including:
1. Direct financial assistance to individuals or families for housing, welfare, health care services, education, training, economic improvement, and other direct assistance for individual and family enhancement.
 2. Incentive payments or insurance for private sector activities not involving real property development or land use development.
 3. Agricultural crop supports or payments.
 4. Assistance to organizations and institutions for the provision of education or training not designed to meet the needs of specific individual states or localities.
 5. Research, not involving capital construction, which is national in scope.
 6. Assistance for staff development or management improvement purposes.

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7. Assistance to educational institutions for activities that are part of a school's regular academic program and are not related to local programs of health, welfare, employment or other social services.
 8. Assistance for construction involving only routine maintenance, repair, or minor construction which does not change the use or the scale or intensity of use of a federal structure or facility.
- C. Competitive bids or proposals for federal or state programs for which reviews have been completed.

When an application for these projects comes to the SPOC, it will be assigned a State Application Identifier (SAI) Number and returned to the applicant. The applicant may forward it to the federal funding agency. All proposed projects should comply with the Kansas Act Against Discrimination and with Historic Preservation requirements.

FUNCTIONAL UNITS AND THEIR FUNCTION

- A. The federal agencies are those agencies at the federal level which administer programs of federal assistance and projects of direct federal development.
- B. The applicant is the individual or entity seeking federal financial assistance or approval for a project or activity under a program subject to the review process.
- C. The Single Point of Contact is the link of coordination among the various participants in the review, coordination, and funding process.
 1. Within the scope of Presidential Executive Order 12372, the Kansas Single Point of Contact shall:
 - a. Receive and disseminate project notification to appropriate local units of government and State agencies;
 - b. Evaluate the significance of proposals for federal assistance to local, regional or State plans and programs;
 - c. Provide public agencies charged with administering State and local laws the opportunity to review and comment on project proposals which might affect their plans and/or programs;
 - d. Provide liaison between federal agencies contemplating direct federal development projects at the local, regional and State level(s) of government which might be affected by the proposed project; and

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- e. Develop and/or transmit State Process Recommendations to the federal agencies and receive statements of accommodation or nonaccommodation back from the agencies.
 2. The Kansas Department of Human Resources, Office of the Secretary, is designated the Kansas Single Point of Contact for the Kansas Intergovernmental Review Process, and for this function shall be called the Kansas Office of Federal Assistance Management.
 3. The SPOC shall be appointed by the Secretary of the Department of Human Resources upon recommendation by the Governor.
- D. Reviewing entities are those parties (local elected officials, regional planning commissions composed of local elected officials, State officials, and State agencies) designated by the Governor as being appropriate forums for review and coordination of federal assistance programs and direct federal development activities.
1. The State's Regional Planning Commissions are recognized as the primary forum for review by local elected officials. If a municipality or county is not represented by a RPC, an application will be sent for review and comment to the appropriate city or county commission (or similar general purpose local unit of government, or notification will be provided through the Kansas Register and The Resource.) (See List of Reviewing Entities, Appendix IX)
 - a. If membership in the RPC's change, proper notification (in writing) must be given to the SPOC. Also, if a new RPC is formed for the purpose of regional planning and review, proper notification (in writing) must be sent to the SPOC, and, henceforth, the newly formed RPC will be designated the review and comment opportunity and responsibility for those municipalities and/or counties it represents.
 - b. The RPC's will communicate with appropriate local elected officials (LEO's) to ensure the review process is accomplishing the intent of Executive Order 12372.
 - c. The Executive Director will be recognized as the RPC's Coordinating Official to whom Application Information Packages will be sent and from whom review forms, comments and statements will be received.
 2. Each State agency shall designate one Coordinating Official who shall be responsible for receiving applications for review from the SPOC and transmitting back to the SPOC the results of that agency's review.
 - a. The State agency Coordinating Official will coordinate reviewing activities within the agency after receipt of an application for review from the SPOC and will transmit the

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results of that review back to the SPOC. If there are no comments to be included, that agency's Coordinating Official may transmit that information to the SPOC by telephone. (The same may hold true for regional planning commissions or local units of government when time for mailing the transmittal form is not adequate, but only when there is no comment on a proposal.)

- b. The chief administrator of each State agency shall keep current with the SPOC the designation of the agency's Coordinating Official.

GENERAL REQUIREMENTS

A. Early notification by the federal "funding" agencies.

1. It is the responsibility of the federal agency to insure that applicants are provided sufficient notice to develop and submit a proposal within the established time parameters. Therefore;
2. As early in the planning cycle as possible, the federal funding agency shall provide notification and information of proposed plans for programs or direct development to the Single Point of Contact, Office of Federal Assistance Management, Kansas Department of Human Resources, 401 Topeka Avenue, Topeka, Kansas, 66603.
3. If a federal agency receives an application for federal financial assistance under a program on the Kansas Inclusion List and the applicant has not notified the Single Point of Contact to initiate review, or if a federal agency proposes to engage in direct federal development, the federal agency shall notify the SPOC to determine the views of local, regional and State officials.
4. Generally, a federal agency will allow State and local officials at least 60 days for review and comment. For certain programs and activities (i.e., noncompetitive continuation grants and the Department of Housing and Urban Development's mortgage insurance and urban development action grant programs) a lesser time of at least 30 days will be allowed. The shorter review period is permitted because it is believed that controversy is unlikely for these transactions or because a federal decision must be timely. The federal agencies with programs or activities to which the 30-day review may apply are: The Departments of Agriculture, Commerce, Education, Energy, Health and Human Services, Housing and Urban Development, Interior, Justice, Labor and Action, The Environmental Protection Agency, and the National Science Foundation.

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5. Most federal agencies authorize the use of emergency time waivers in the rare instances for which an unanticipated situation necessitates prompt action and does not allow for full compliance with the rules. The agencies must keep a record of all emergency waivers.
6. Federal agencies are required to consult with and seek the advice of other federal agencies to produce coordinated actions on interrelated federal programs and activities.
7. If a State Process Recommendation is transmitted by the Single Point of Contact, the federal agency must:
 - a. Accept the recommendation;
 - b. Reach a mutually agreeable solution (compromise or alternative) with the reviewing entities, SPOC, and applicant; or
 - c. Provide an explanation of the federal agency's decision not to accept the State Process Recommendation or not to reach an agreeable solution.
 - (1) This explanation of "nonaccommodation" must be written and provided to the Single Point of Contact.
 - (2) The federal agency may not carry out its decision of "nonaccommodation" until 15 days after providing explanation to the SPOC; if, however, the federal agency also telephones or sends a telegram to the SPOC explaining that a statement of "nonaccommodation" is being sent, that waiting period may be reduced to ten days (from the day of the telephone call or telegram.)

B. Notification and Application Information Package provided by the applicant.

1. An applicant for federal financial assistance under a program on the Inclusion List (Appendix VI), on submission to a federal agency of an application (or substantial modification or amendment to a previous application) shall simultaneously provide notification to the SPOC. This notification and Application Information Package shall include:
 - a. Standard Form 424 (or other similar form provided by the federal agency) with the applicant's portion fully completed including:
 - (1) The name, address, telephone number, and description of the applicant (agency, organization, or individual) and that of the applicant's contact person;
 - (2) The geographic location of the proposed project;

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- (3) The name and catalog number of the federal program as listed in the Catalog of Federal Domestic Assistance;
 - (4) A breakdown of the budget for the proposed project; and
 - (5) The name and address of the administering federal agency.
- b. A site map (with all significant and appropriate information which should be considered) when construction, earth-altering activities, land acquisition, or pollutant discharge will or may be involved in the proposed project;
 - c. A summary, or brief description of the proposed project by type, purpose, general size or scale, estimated cost, beneficiaries, and any other characteristics which would enable the SPOC and other reviewing parties to identify agencies of local, regional or State government having programs, plans, or projects that might be affected by the proposed project; and
 - d. An environmental impact statement, if required by the federal agency or by existing laws.
2. Inadequate application information (incomplete Standard Form 424, absence of summary, environmental impact statement or site map when necessary), will cause the application to be returned to the applicant and will delay the review process.
 3. A federal agency proposing a project of direct federal development is considered an applicant as well and will provide notification and an Information Package to the Single Point of Contact so that review and comments on such a project may commence.
 4. To assure adequate time for effective coordination and to provide an opportunity for the applicant to respond to comments developed through intergovernmental review, an applicant should notify the SPOC at the earliest time feasible. The applicant may file a Notice of Intent to submit an application as a means of providing an early alert to potentially affected parties.
 5. If the applicant can anticipate those parties which might be affected by the proposed project, can coordinate with them during the proposal's development, and with his Information Package to the Single Point of Contact includes official review statements by those reviewing entities, the application will be reviewed by the Single Point of Contact and if no further review is necessary, it will be assigned a State Application Identifier Number and returned to the applicant to relay to the federal agency.

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6. If a proposed project has statewide or widely dispersed effects, and if the applicant gives assurances that it has adequately consulted with affected local governments during the development of the proposal, the application will not be distributed to each affected local jurisdiction for additional review. However, summary notice will be included in the Kansas Register and/or The Resource.
7. The applicant shall attach the Summary Memorandum to the application, if the SPOC did not send a copy directly to the federal agency. The applicant may also attach a statement explaining the consideration that the applicant has given to reviewers' comments and recommendations. A copy of any such explanatory statement shall be sent to the SPOC.
8. The applicant will notify the SPOC of award decisions by the federal agency concerning its application.

C. Coordination by the Single Point of Contact (SPOC).

1. Applicants seeking funds from programs of federal assistance subject to the Kansas Intergovernmental Review Process (KIRP) and federal agencies proposing direct federal development activities subject to the KIRP shall provide notification and Application Information Packages to the:

Kansas Single Point of Contact
Office of Federal Assistance Management
Kansas Department of Human Resources
401 Topeka Avenue
Topeka, Kansas 66603
(913) 296-5075

2. Within five working days after receiving notification and an Application Information Package, the SPOC will assign the application a Kansas Review Number and distribute it to those local and State parties which may have plans, programs or policy affected by the proposed project.
 - a. The Kansas Review Number will reflect the month, day, year and order of receipt, the catalog number from the Catalog of Federal Domestic Assistance and the location (county) of the project (or applicant); for example, DHR010184-001-11303SN.
 - b. The SPOC will acknowledge receipt of an Application Information Package by sending the applicant a Kansas Review Form which will indicate those entities receiving the application for review.
3. Summary notification of applications open to review and comment will also be provided to interested parties and State Legisla-

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tors in the Kansas Register and in The Resource. The closing date for comments will be specified, as will the applicant's contact person. All comments will be sent to the SPOC.

4. When all Kansas Review Forms have been returned, or other acknowledgment of review completion has been received, or upon the review closing date, or if review is not necessary, the SPOC will change the Kansas Review Number to, or assign a State Application Identifier Number and send a Summary Memorandum to the applicant to be forwarded by the applicant to the federal agency.
 - a. The State Application Identification Number will reflect the date the review process is completed, along with the other information (i.e., KS840215-001-11303SN).
 - b. If a State Process Recommendation is called for, the SPOC will transmit that recommendation to the federal agency, indicating that it is a State Process Recommendation and include copies of all comments. Copies of the State Process Recommendation and all comments will also be provided to the applicant.
 5. A report of applications sent to the federal agencies having completed the review process and any State Process Recommendations regarding those applications will appear in the Kansas Register and in The Resource.
 6. During the last 60 days of the federal fiscal year, or in some other rare unanticipated circumstance where time is of the essence, the SPOC may engage the reviewing entities in an abbreviated review process that might accommodate both the time element and the concerns of local, regional and State officials.
- D. Review and comment by the Reviewing Entities.
1. Reviewing entities can receive notice of proposed projects from the SPOC, the applicant, the Kansas Register, The Resource, or from the federal agency in the case of direct federal development.
 2. The reviewing parties will have up to 45 days from the date of the Kansas Transmittal Number assignment to conduct their review and coordination efforts and send their completed review forms and comments back to the SPOC. The remaining 15 days will be used to compile comments, address conflicts, and determine if a State Process Recommendation is appropriate. If the review relates to an application for noncompeting continuation of federal financial assistance, the total time for review will be 30 days, as prescribed in Executive Order 12372. (Parties responding to notification provided in the Kansas Register or The Resource will abide by the same review time periods.

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3. State and local officials will focus on those activities for which they have the greatest interest or concern. This emphasis on priority matters will help raise the importance of recommendations received by the federal agency, and will commensurately reduce the paperwork at all levels of government.
4. If any reviewing entity (party) needs additional information about a proposed project, direct contact should be made with the applicant. Copies of correspondence between a reviewing entity and applicant should be provided to the SPOC. The SPOC may extend the review period to accommodate the exchange of additional information (within the time parameters established in Executive Order 12372.)
5. Comments and recommendations made with respect to any proposed project are for the purpose of assuring maximum consistency of such project with local, regional and State policies, plans and programs. They are also intended to assist the federal agency (or State agency, in the case of projects for which the State, under certain federal grants, has final project approval) administering such a program in determining whether the project is in accord with applicable federal requirements. Comments should relate directly to the project, not to the program through which it is funded. Comments not related to the following "review criteria" will not be submitted to the federal agency or applicant.
 - a. The extent to which the proposed project is consistent with or contributes toward the fulfillment of comprehensive planning for the State, region, metropolitan area, or locality;
 - b. The extent to which the project contributes to the achievement of State, regional, metropolitan, and local objectives as specified in Section 401(a) of the Intergovernmental Cooperation Act of 1968, as follows:
 - (1) Appropriate land uses for housing, commercial, industrial, governmental, institutional, and other purposes;
 - (2) Wise development and conservation of natural resources, including land, water, minerals, wildlife, and others;
 - (3) Balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods;
 - (4) Adequate outdoor recreation and open space;
 - (5) Protection of areas of unique natural beauty, historical and scientific interest;

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- (6) Properly planned community facilities, including utilities for the supply of power, water, and communications for the safe disposal of wastes, and for other purposes; and
 - (7) Concern for high standards of design.
- c. As provided under Section 102(2)(C) of the National Environmental Policy Act of 1969, the extent to which the project significantly affects the environment including consideration of:
- (1) The environmental impact of the proposed project;
 - (2) Any adverse environmental effects which cannot be avoided should the project be implemented;
 - (3) Alternatives to the proposed project;
 - (4) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and
 - (5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed project or activity, should it be implemented.
- d. The extent to which the project contributes to more balanced patterns of settlement and delivery to all sectors of the area population, including minority groups.
- e. In the case of a project for which assistance is sought by a special purpose unit of government, whether the general purpose unit of local government having jurisdiction over the area in which the project is to be located has applied, or plans to apply for assistance for the same or similar type projects. This information is necessary to enable the federal (or State) agency to make the judgments required under Section 402 of the Intergovernmental Cooperation Act of 1968.
6. The Kansas Intergovernmental Review is valid for three years. If an applicant wishes to pursue a project not begun or an application not funded within three years, the applicant shall notify the SPOC in order that a new review may be conducted.
 7. The reviewing parties shall try to resolve informally any disagreements or conflicts identified during the review process. Methods of informal resolution may include telephone conferences, correspondence, and in-person communication. The SPOC should be advised of such activities and any changes resulting.

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SPECIAL FUNCTIONS

- A. A State Process Recommendation is a special set of views (concerns) sent to a federal agency through the Single Point of Contact. (If a state fails to designate a Single Point of Contact, no other organization or official may send such a recommendation.)
1. A State Process Recommendation is developed by local, regional and/or State reviewing officials. This recommendation can be a consensus with which all the reviewing parties agree; or a majority opinion representative of a particular view with some reviewing comments which differ from that view. All comments will accompany a majority opinion recommendation when it is sent to the federal agency.
 2. The SPOC will strive to form a consensus recommendation when a recommendation is called for.
 3. A recommendation may be formed even though all those levels of government directly affected did not comment on the proposed project.
 4. Furthermore, a State Process Recommendation may be developed on a proposed project for a program which is not on the Inclusion List of programs. This allows local, regional and State officials to obtain federal agency responsiveness even on programs and activities for which they did not anticipate significant interest.
 5. In all instances, the State Process Recommendation must be transmitted by the Single Point of Contact.
 6. When a proposed project or activity has an impact on interstate or interstate metropolitan areas, that interstate planning commission which is the designated participant in the Kansas Intergovernmental Review Process may prepare a State Process Recommendation. However, that recommendation must be transmitted through the states' Single Points of Contact. The SPOC will transmit all recommendations to the federal agency with copies to the applicant.
- B. Opportunity for simplification, consolidation and substitution of state plans is provided by Executive Order 12372.

The Departments of Agriculture, Education, Energy, Health and Human Services, Interior, Justice, Labor, Transportation, the Environmental Protection Agency and the Federal Emergency Management Agency have listed federally required state plans that are eligible for simplification, consolidation, or substitution. (See Appendix VII for List of State Plans Eligible for Simplification, Consolidation and Substitution.)

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1. Some federal agency rules permit a state to use state planning and budget documents in place of similar documents for which the content and format are established by a federal agency. This allows a state to develop its own plan format, choose the plan submission date, and/or define the time period covered by the plan; combine two or more plans into one document; or substitute its own existing plan for the federally required document.
 - a. States must satisfy federal statutory and regulatory requirements when simplifying, consolidating, or substituting plans. No prior federal agency approval is needed before undertaking a simplification, consolidation, or substitution.
 - b. The federal agency reviews each plan for which a state has used its own planning and budget documents and accepts the plan only if its contents fulfill applicable federal statutory and regulatory requirements. A decision not to accept a state plan can be appealed through each federal agency's normal procedures.
 - c. Each federal agency with eligible state plans has designated a focal point with whom state officials can discuss state plan matters. The Office of Management and Budget has established a steering group of these federal agencies to meet periodically for coordination and to promote consistent determinations on state plans among and with agencies. Federal agencies will periodically publish updated lists of state plans that are eligible for simplification, consolidation, or substitution.
2. For state plan review, any state plan or amendment and supporting information should be supplied to the SPOC at least 30 days prior to the planned date of submission to the involved federal agency. Supporting information should include:
 - a. Standard Form 424, with Sections I, II, III, 24, 26, 27 and 29 completed.
 - b. A summary of the plan including:
 - (1) A statement of the plan's objective, beneficiaries, procedures and the anticipated timetable of activities.
 - (2) Anticipated results and evaluation indicators.
 - c. If this is a continuing program:
 - (1) Notable changes from prior years.
 - (2) Historical and projected expenditures.

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(3) Anticipated date of next plan submittal.

- d. Reference to the state budget--decision items which are addressed or affected by this plan.
- e. Indicate if the Governor's signature is required on the funding request or if a letter of support is desired.

Upon submission of the state plan, the SPOC will notify all RPC's and other agencies and reviewing entities of the availability of the plan for review. (All agencies should cooperate with reviewing entities if additional information is requested.)

When review is completed, the submitting agency will receive the Governor's comments along with the appropriate endorsement or signature.

- 3. To amend the Kansas Intergovernmental Review Process, opportunity for input from local, regional and State officials will be provided annually. As practice and experience indicate, changes will be implemented so the intent to comply with Presidential Executive Order 12372 remains consistent, but so the most effective and efficient review and comment process may be achieved. However, revision of forms by the federal agencies, the U. S. Office of Management and Budget, or the Office of Federal Assistance Management may be expected during the year and is not considered an amendment to the Process.

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APPENDIX I
STATE OF KANSAS



OFFICE OF THE GOVERNOR
State Capitol
Topeka 66612

John Carlin Governor

November 21, 1983

Mr. Harold I. Steinberg
Associate Director for Management
Executive Office of the President
Office of Management and Budget
Room 238
Washington, D. C. 20503

Dear Mr. Steinberg:

In response to Executive Order 12372 entitled "Intergovernmental Review of Federal Programs," I am designating the Kansas Department of Human Resources, Office of the Secretary, as the Single Point of Contact for the State of Kansas.

This agency will soon be contacting the regional clearinghouses and other state and local government representatives for the purpose of establishing a state process that will be comprehensive but simple and efficient. In the near future I will officially establish the state process for review which will include a listing of those programs covered by the Executive Order which Kansas deems as its priorities.

Communications for the Single Point of Contact should be addressed to:

Single Point of Contact
Kansas Department of Human Resources
Office of the Secretary
Attention: Judy Krueger
401 Topeka Avenue
Topeka, Kansas 66603
(913) 296-5075

We are excited to be participating in this process of intergovernmental review which has as its principles the restoration of the state/local authority, flexibility, and regulatory relief; and increased federal responsiveness.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Carlin".

JOHN CARLIN
Governor

JC:jmt

APPENDIX II

Intergovernmental Review of Federal Programs

Executive Order 12772

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 401(a) of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4231(a)) and Section 301 of Title 3 of the United States Code, and in order to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for the State and local government coordination and review of proposed Federal financial assistance and direct Federal development, it is hereby ordered as follows:

Section 1. Federal agencies shall provide opportunities for consultation by elected officials of those State and local governments that would provide the non-Federal funds for, or that would be directly affected by, proposed Federal financial assistance or direct Federal development.

Sec. 2. To the extent the States, in consultation with local general purpose governments, and local special purpose governments they consider appropriate, develop their own processes or refine existing processes for State and local elected officials to review and coordinate proposed Federal financial assistance and direct Federal development, the Federal agencies shall, to the extent permitted by law:

(a) Utilize the State process to determine official views of State and local elected officials.

(b) Communicate with State and local elected officials as early in the program planning cycle as is reasonably feasible to explain specific plans and actions.

(c) Make efforts to accommodate State and local elected officials' concerns with proposed Federal financial assistance and direct Federal development that are communicated through the designated State process. For those cases where the concerns cannot be accommodated, Federal officials shall explain the bases for their decision in a timely manner.

(d) Allow the States to simplify and consolidate existing Federally required State plan submissions. Where State planning and budgeting systems are sufficient and where permitted by law, the substitution of State plans for Federally required State plans shall be encouraged by the agencies.

(e) Seek the coordination of views of affected State and local elected officials in one State with those of another State when proposed Federal financial assistance or direct Federal development has an impact on interstate metropolitan urban centers or other interstate areas. Existing interstate mechanisms that are redesignated as part of the State process may be used for this purpose.

(f) Support State and local governments by discouraging the reauthorization or creation of any planning organization which is Federally-funded, which has a Federally-prescribed membership, which is established for a limited purpose, and which is not adequately representative of, or accountable to, State or local elected officials.

Sec. 3. (a) The State process referred to in Section 2 shall include those where States delegate, in specific instances, to local elected officials the review, coordination, and communication with Federal agencies.

(b) At the discretion of the State and local elected officials, the State process may exclude certain Federal programs from review and comment.

Sec. 4. The Office of Management and Budget (OMB) shall maintain a list of official State entities designated by the States to review and coordinate proposed Federal financial assistance and direct Federal development. The Office of Management and Budget shall disseminate such lists to the Federal agencies.

Sec. 5. (a) Agencies shall propose rules and regulations governing the formulation, evaluation, and review of proposed Federal financial assistance and direct Federal development pursuant to this Order, to be submitted to the Office of Management and Budget for approval.

(b) The rules and regulations which result from the process indicated in Section 5(a) above shall replace any current rules and regulations and become effective April 30, 1982.

Sec. 6. The Director of the Office of Management and Budget is authorized to prescribe such rules and regulations, if any, as he deems appropriate for the effective implementation and administration of this Order and the Intergovernmental Cooperation Act of 1968. The Director is also authorized to exercise the authority vested in the President by Section 401(a) of that Act (42 U.S.C. 4231(a)), in a manner consistent with this Order.

Sec. 7. The Memorandum of November 8, 1968, is terminated (33 Fed. Reg. 16487, November 13, 1968). The Director of the Office of Management and Budget shall revoke OMB Circular A-63, which was issued pursuant to that Memorandum. However, Federal agencies shall continue to comply with the rules and regulations issued pursuant to that Memorandum, including those issued by the Office of Management and Budget, until new rules and regulations have been issued in accord with this Order.

Sec. 8. The Director of the Office of Management and Budget shall report to the President within two years on Federal agency compliance with this Order. The views of State and local elected officials on their experiences with these policies, along with any suggestions for improvement, will be included in the Director's report.

THE WHITE HOUSE,
July 14, 1982.

Ronald Reagan

APPENDIX III

SECTION 204 OF THE DEMONSTRATION CITIES AND
METROPOLITAN DEVELOPMENT ACT OF 1966,
as amended (80 Stat. 1263, 82 Stat. 208)

"Sec. 204. (a) All applications made after June 30, 1967 for Federal loans or grants to assist in carrying out open-space land projects or for planning or construction of hospitals, airports, libraries, water supply and distribution facilities, sewerage facilities and waste treatment works, highways, transportation facilities, law enforcement facilities, and water development and land conservation projects within any metropolitan area shall be submitted for review--

"(1) to any areawide agency which is designated to perform metropolitan or regional planning for the area within which the assistance is to be used, and which is, to the greatest practicable extent, composed of or responsible to the elected officials of a unit of areawide government or of the units of general local government within whose jurisdiction such agency is authorized to engage in such planning, and

"(2) if made by a special purpose unit of local government, to the unit or units of general local government with authority to operate in the area within which the project is to be located.

"(b)(1) Except as provided in paragraph (2) of this subsection, each application shall be accompanied (A) by the comments and recommendations with respect to the project involved by the areawide agency and governing bodies of the units of general local government to which the application has been submitted for review, and (B) by a statement by the applicant that such comments and recommendations have been considered prior to formal submission of the application. Such comments shall include information concerning the extent to which the project is consistent with comprehensive planning developed or in the process of development for the metropolitan area or the unit of general local government, as the case may be, and the extent to which such project contributes to the fulfillment of such planning. The comments and recommendations and the statement referred to in this paragraph shall, except in the case referred to in paragraph (2) of this subsection, be reviewed by the agency of the Federal Government to which such application is submitted for the sole purpose of assisting it in determining whether the application is in accordance with the provisions of Federal law which govern the making of the loans or grants.

"(2) An application for a Federal loan or grant need not be accompanied by the comments and recommendations and the statements referred to in paragraph (1) of this subsection, if the applicant certifies that a plan or description of the project, meeting the requirements of such rules and regulations as may be prescribed under subsection (c), or such application, has lain before an appropriate areawide agency or

instrumentality or unit of general local government for a period of sixty days without comments or recommendations thereon being made by such agency or instrumentality.

"(3) The requirements of paragraphs (1) and (2) shall also apply to any amendment of the application which, in light of the purposes of this title, involves a major change in the project covered by the application prior to such amendment.

"(c) The Bureau of the Budget, or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this section."

APPENDIX IV

TITLE IV OF THE INTERGOVERNMENTAL COOPERATION
ACT OF 1968 (82 Stat. 1103)

"TITLE IV -- COORDINATED INTERGOVERNMENTAL
POLICY AND ADMINISTRATION OF DEVELOPMENT
ASSISTANCE PROGRAMS"

"DECLARATION OF DEVELOPMENT ASSISTANCE POLICY"

"Sec. 401. (a) The economic and social development of the Nation and the achievement of satisfactory levels of living depend upon the sound and orderly development of all areas, both urban and rural. Moreover, in a time of rapid urbanization, the sound and orderly development of urban communities depends to a large degree upon the social and economic health and the sound development of smaller communities and rural areas. The President shall, therefore, establish rules and regulations governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development, including programs providing Federal assistance to the States and localities, to the end that they shall most effectively serve these basic objectives. Such rules and regulations shall provide for full consideration of the concurrent achievement of the following specific objectives and, to the extent authorized by law, reasoned choices shall be made between such objectives when they conflict:

"(1) Appropriate land uses for housing, commercial, industrial, governmental, institutional, and other purposes;

"(2) Wise development and conservation of natural resources, including land, water, minerals, wildlife, and others;

"(3) Balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods;

"(4) Adequate outdoor recreation and open space;

"(5) Protection of areas of unique natural beauty, historical and scientific interest;

"(6) Properly planned community facilities, including utilities for the supply of power, water, and communications, for the safe disposal of wastes, and for other purposes; and

"(7) Concern for high standards of design.

"(b) All viewpoints - national, regional, State and local - shall, to the extent possible, be fully considered and taken into account in

planning Federal or federally assisted development programs and projects. State and local government objectives, together with the objectives of regional organizations shall be considered and evaluated within a framework of national public objectives, as expressed in Federal law, and available projections of future national conditions and needs of regions, States, and localities shall be considered in plan formulation, evaluation, and review.

"(c) To the maximum extent possible, consistent with national objectives, all Federal aid for development purposes shall be consistent with and further the objectives of State, regional, and local comprehensive planning. Consideration shall be given to all developmental aspects of our total national community, including but not limited to housing, transportation, economic development, natural and human resources development, community facilities, and the general improvement of living environments.

"(d) Each Federal department and agency administering a development assistance program shall, to the maximum extent practicable, consult with and seek advice from all other significantly affected Federal departments and agencies in an effort to assure fully coordinated programs.

"(e) Insofar as possible, systematic planning required by individual Federal programs (such as highway construction, urban renewal, and open space) shall be coordinated with and, to the extent authorized by law, made part of comprehensive local and areawide development planning."

"FAVORING UNITS OF GENERAL LOCAL GOVERNMENT"

"Sec. 402. Where Federal law provides that both special-purpose units of local government and units of general local government are eligible to receive loans or grants-in-aid, heads of Federal departments and agencies shall, in the absence of substantial reasons to the contrary, make such loans or grants-in-aid to units of general local government rather than to special-purpose units of local government."

"RULES AND REGULATIONS"

"Sec. 403. The Bureau of the Budget, or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this title."

APPENDIX V

SECTION 102(2)(C) OF THE NATIONAL ENVIRONMENTAL
POLICY ACT OF 1969 (83 Stat. 853)

**SECTION 102. The Congress authorizes and directs that, to the fullest extent possible; (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the federal government shall*

- *(c) include in every recommendation or report on proposals for legislation and other major federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on --*
- *(i) the environmental impact of the proposed project,*
- *(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,*
- *(iii) alternatives to the proposed action,*
- *(iv) the relationship between local short-term use of man's environment and the maintenance and enhancement of long-term productivity, and*
- *(v) any irreversible or irretrievable commitments of resources which would be involved in the proposed action should it be implemented.*

**Prior to making any detailed statement, the responsible federal official shall consult with and obtain the comments of any federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state, and local agencies, which are authorized to develop and enforce environmental standards shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of Title 5, United States Code, and shall accompany the proposal through the existing agency review processes;*

NOTE: The Southwest Federal Regional Council voted and adopted, on July 10, 1973, a standard environmental assessment guideline that essentially required the federal agencies in Region VI to conform to a standard assessment form. This form can be obtained at the State Clearinghouse or from your local areawide clearinghouse.

APPENDIX VI

POTENTIAL LIST OF PROGRAM INCLUSIONS

DEPARTMENT OF AGRICULTURE

Animal Plant and Health Inspection Services

10.025 Plant and Animal Disease and Pest Control

Agricultural Marketing Service

10.156 Federal/State Marketing Service

Farmers Home Administration

10.405 Farm Labor Housing Grants
10.409 Irrigation and Drainage Loans
10.411 Self-Help Development Loans
10.411 Self-Help Site Development Loans
10.413 Recreation Facility Loans
10.414 Resources Conservation and Development Loans
10.415 Rural Rental Housing Loans
10.416 Soil and Water Loans
10.418 Water and Waste Disposal Loan and Grant Program
10.419 Watershed Loans and Advances
10.420 Mutual and Self-Help Housing Grants
10.420 Self-Help Technical Assistance Grants
10.422 Business and Industrial Loans
10.423 Community Facilities Loans
10.424 Industrial Development Grants
10.427 Rural Assistance Payments
10.430 Energy Impacted Area Development Assistance
10.431 Technical and Supervisory Assistance Grants
10.432 Biomass Energy and Alcohol Fuel Loans

Food Safety and Inspection Service

10.475 Cooperative Meat and Poultry Inspection Program

Food and Nutrition Service

10.550 Food Processing
10.550 Food Distribution Program on Indian Reservations
10.553 School Breakfast Program
10.555 National School Lunch Program
10.556 Special Milk Program for Children
10.557 Special Supplemental Food Program for Women, Infants and Children
10.558 Child Care Food Program

10.559 Summer Food Service Program
10.560 State Administrative Expenses for Child Nutrition
10.561 State Administrative Matching Grants for Food Stamp Program
10.564 Nutrition Education and Training Program
10.565 Commodity Supplemental Food Program

Forest Service

10.664 Cooperative Forestry Assistance

Rural Electrification Administration

10.850 Rural Electrification Loans and Loan Guarantees to Governmental
Entities
10.851 Rural Telephone Loans and Loan Guarantees to Governmental
Entities

Soil Conservation Service

10.901 Resource Conservation and Development
10.904 Watershed Planning and Operations
10.904 Flood Plain Management
10.906 River Basin Survey and Investigation

DEPARTMENT OF COMMERCE

Economic Development Administration

11.300 Economic Development-Grants for Public Works and Development
Facilities
11.301 Economic Development-Business Development Assistance
11.302 Economic Development-Support for Planning Organizations
11.303 Economic Development-Technical Assistance
11.304 Economic Development-Public Works Impact Projects
11.305 Economic Development-State and Local Economic Development
Planning
11.306 Economic Development-District Operational Assistance
11.307 Special Economic Development and Adjustment Assistance Program
Long-Term Economic Deterioration

National Oceanic and Atmospheric Administration

11.405 Anadromous and Great Lake Fisheries Conservation
11.407 Commercial Fisheries Research and Development
11.417 Sea Grant Support
11.419 Coastal Zone Management Program Administration
11.420 Coastal Zone Management Estuarine Sanctuaries
11.421 Coastal Energy Impact Program-Formula Grants
11.422 Coastal Energy Impact Program-Planning Grants
11.423 Coastal Energy Impact Program-Loans and Guarantees
11.424 Coastal Energy Impact Program-Environmental Grants

- 11.425 Coastal Energy Impact Program-Outer Continental Shelf State Participation Grants
- 11.426 Financial Assistance for Marine Pollution Research
- 11.427 Fisheries Development and Utilization Research and Development Grants and Cooperative Agreements Program
- 11.428 Intergovernmental Climate Program

National Telecommunications and Information Administration

- 11.550 Public Telecommunications Facilities

Minority Business Development Agency

- 11.800 Minority Business Development-Management and Technical Assistance

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

- 13.217 Family Planning Projects
- 13.224 Community Health Centers
- 13.246 Migrant Health Centers Grants
- 13.258 National Health Service Corps
- 13.260 Family Planning Services
- 13.268 Immunization
- 13.293 State Health Planning and Development Agencies
- 13.294 Health Systems Agencies
- 13.392 Cancer Construction

Office of Human Development Service

- 13.600 Head Start
- 13.623 Runaway Youth
- 13.628 Child Abuse
- 13.630 Developmental Disabilities-Basic Support and Advocacy Grants
- 13.631 Developmental Disabilities-Special Projects
- 13.633 Aging-Title III A & B-Grants for Supportive Services and Senior Centers
- 13.635 Aging, Title III C-Nutrition
- 13.645 Child Welfare Services-State Grants
- 13.646 WIN
- 13.659 Adoption Assistance

Office of the Secretary

- 13.676 Surplus Property Utilization

Public Health Service - III

- 13.965 Black Lung Clinics
- 13.977 Venereal Disease

- 13.978 Venereal Disease Research, Demonstration and Public Information and Education Grants
- 13.985 Eye Research-Construction
- 13.987 Health Programs for Refugees
- 13.988 Cooperative Agreements for State-Based Diabetes Control Programs
- 13.990 National Health Promotion Training Network
- 13.995 Adolescent Family Life Demonstration Program

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Insured Housing

- 14.112 Mortgage Insurance-Construction or Substantial Rehabilitation of Condominium Projects
- 14.115 Mortgage Insurance-Development of Sales Type Cooperative Projects
- 14.124 Mortgage Insurance-Investor Sponsored Cooperative Housing
- 14.125 Mortgage Insurance-Land Development and New Communities
- 14.126 Mortgage Insurance-Management Type Cooperative Projects
- 14.127 Mortgage Insurance-Manufactured (Mobile) Home Parks
- 14.134 Mortgage Insurance-Rental Housing
- 14.135 Mortgage Insurance-Rental Housing for Moderate Income Families
- 14.137 Mortgage Insurance-Rental and Cooperative Housing for Low and Moderate Income Families, Market Interest Rate
- 14.138 Mortgage Insurance-Rental Housing for the Elderly
- 14.139 Mortgage Insurance-Rental Urban Renewal
- 14.151 Supplemental Loan Insurance-Multifamily Rental Housing

Assisted Housing

- 14.146 Low Income Housing-Assistance Program
- 14.147 Low Income Housing-Homeownership Opportunities for Low Income Families
- 14.156 Low Income Housing Assistance Program
- 14.157 Housing for the Elderly or Handicapped
- 14.158 Public Housing-Comprehensive Improvement Assistance Program
- 14.170 Congregate Housing Services Program

Community Planning and Development

- 14.218 Community Development Block Grants/Entitlement Grants
- 14.221 Urban Development Action Grants

Fair Housing and Equal Opportunity

- 14.401 Fair Housing Assistance Program

Miscellaneous Programs

- 14.169 Housing Counseling Program
- 14.211 Surplus Land for Low and Moderate Income Housing

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

- 15.250 Regulation of Surface Coal Mining and Surface Effects of Underground Coal Mining
- 15.252 Abandoned Mine Land Reclamation Program

Water and Power Resources Service

- 15.501 Irrigation Distribution Systems Loans
- 15.502 Irrigation Systems Rehabilitation and Betterment
- 15.503 Small Reclamation Projects

U. S. Fish and Wildlife Service

- 15.600 Anadromous Fish Conservation
- 15.605 Fish Restoration
- 15.611 Wildlife Restoration
- 15.612 Endangered Species Conservation
- 15.613 Marine Mammal Grants
- Fish and Wildlife Conservation Act
- Atmospheric Water Resources Management Program Research

National Park Service

- 15.904 Historic Preservation-Grants-in-Aid
- 15.916 Outdoor Recreation-Acquisition, Development and Planning (Land and Water Conservation Fund Grants)
- 15.919 Urban Park and Recreation Recovery Program

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

- 16.540 Office of Juvenile Justice and Delinquency Prevention-Formula Grant Program
- 16.541 Office of Juvenile Justice and Delinquency Prevention-Special Emphasis and Technical Assistance Grants, except Grants to Nongovernmental Entities

Bureau of Justice Statistics

- 16.550 Bureau of Justice Statistics-Criminal Justice Statistics Development Grants
- Office of Justice Assistance, Research, and Statistics-Categorical Grants for Crime Prevention & Criminal Justice Improvement

Bureau of Prisons

16.603 National Institute of Corrections-Technical Assistance Grants,
except Contracts to Individuals for Specialized Assistance

DEPARTMENT OF LABOR

17.207 Employment Service
17.230 Migrant and Seasonal Farmworkers
17.235 Senior Community Service Program
17.600 Mine Health and Safety Grants

DEPARTMENT OF TRANSPORTATION

United States Coast Guard

20.001 Boating Safety Program
20.002 Cooperative Marine Sciences Program
State Boating Safety Financial Assistance Program

Federal Aviation Administration

20.102 Airport Development Aid Program
20.106 Airport Improvement Program

Federal Highway Administration

20.205 Highway Construction, Research, and Construction
20.214 Highway Beautification (Control of Junkyards and Outdoor
Advertising)
20.308 Local Rail Service Assistance

Urban Mass Transportation Administration

20.500 Discretionary Capital Grants
Innovative Techniques Program
20.507 Formula Grant Program
20.503 Managerial Training Grants
University Research and Training Grants
Grants to Meet Special Needs of Elderly and Handicapped Persons
20.504 Research, Development and Demonstration Grant Program
20.506
and
20.510
20.505 Planning and Technical Studies
Block Grant Program
Mass Transit Account Formula Distribution Program
20.509 Formula Grant Program for Non-Urbanized Areas

National Highway Traffic Safety Administration

20.600 State and Community Highway Safety Program

Research and Special Programs Administration

20.700 Natural Gas Pipeline Safety Grants

Maritime Administration

20.801 Development and Promotion of Ports and Intermodal Transportation

NATIONAL ENDOWMENT FOR THE ARTS

45.003 Promotion of the Arts—Artists-in-Education

45.007 Promotion of the Arts—Public Partnership

NATIONAL SCIENCE FOUNDATION

47.036 Intergovernmental Science and Technology Programs

ENVIRONMENTAL PROTECTION AGENCY

Office of Air, Noise, and Radiation

66.001 Air Pollution and Control Program

Office of Water

66.418 Construction Grants for Wastewater Treatment Works
66.419 Water Pollution Control—State and Interstate Program Grants
66.432 State Public Water System Supervision—Program Grants
66.433 State Underground Water Source Protection—Program Grants
66.438 Construction Management Assistance
66.451 Hazardous Waste Management Financial Assistance to States
State Inventories of Uncontrolled Hazardous Waste Sites
66.454 Water Quality Management Planning

Office of Research and Development

66.500 Environmental Protection—Consolidated Research Grant
66.501 Air Pollution Control Research Grants
66.502 Pesticides Control Research Grants
66.504 Solid Waste Disposal Research Grants
66.505 Water Pollution Control—Research, Development, and Demonstration Grants
66.506 Safe Drinking Water Research and Demonstration Grants
66.507 Toxic Substances Research Grants

Office of Administration

66.600 Environmental Protection Consolidated Grants-Program Support
66.603 Loan Guarantees for Construction of Treatment Works

Office of Pesticides and Toxic Substances

66.700 Pesticides Enforcement Program Grants

Office of Solid Waste and Emergency Response

66.802 Superfund Cooperative Agreements (Remedial Clean Ups)

ACTION

72.001 The Foster Grandparent Program
72.002 Retired Senior Volunteer Program
72.008 The Senior Companion Program
72.010 Mini-Grant Program
72.011 State Office of Voluntary Citizen Participation
72.012 Volunteer Demonstration Program
72.013 Technical Assistance Program

DEPARTMENT OF ENERGY

81.041 State Energy Conservation
81.042 Weatherization Assistance for Low-Income Persons
81.043 Supplemental State Energy Conservation
81.050 Energy Extension Service
81.051 Appropriate Technology Small Grants Programs
81.052 Energy Conservation for Institutional Buildings
81.058 Geothermal Loan Guarantees
81.060 Electric and Hybrid Vehicle Loan Guarantees
81.074 Alcohol Fuels Loan Guarantees
Loan for Geothermal Reservoir Confirmation Projects
Loans for Wind Energy Systems and Small Hydroelectric Power
Projects
Loans for Small Hydroelectric Power Project Feasibility Studies
and Related Licensing
Wind Energy Technology Application Program
Loan Guarantees for Alternative Fuel Demonstration Facilities

FEDERAL EMERGENCY MANAGEMENT AGENCY

Training and Fire Programs Directorate

83.403 Emergency Management Training
83.407 State Fire Incident Reporting Assistance

State and Local Programs and Support

83.501 State Assistance Program
83.502 Acquisition of Flood Damaged Structures
83.503 Emergency Management Assistance
83.504 State and Local Maintenance and Services
83.505 Disaster Preparedness Grants
83.506 Earthquake and Hurricane Preparedness Planning Grants
83.508 Radiological Systems Maintenance
83.509 Shelter Surveys
83.511 State Radiological Defense Officers
83.512 State and Local Emergency Operating Centers
83.513 State and Local Warning and Communications
83.514 Population Protection Planning
83.516 (6) Grants, Loans, or Other Financial Assistance Under Sections 402 and 414 of the Disaster Relief Act of 1974

DEPARTMENT OF EDUCATION

84.002 Adult Education—State Administered Program
84.003 Bilingual Education
84.004 Title IV of the Civil Rights Act of 1964
84.011 Migrant Education Program—State Formula Grant Program
84.014 Follow Through
84.024 Handicapped Early Childhood Assistance
84.025 Handicapped Innovative Program—Deaf-Blind Centers
84.026 Handicapped Media Service and Captioned Films
84.027 Handicapped Preschool and School Programs
84.028 Handicapped Regional Resource Centers
84.030 Handicapped Teacher Recruitment and Information
84.034 Public Library Service
84.035 Interlibrary Cooperation
84.040 School Assistance in Federally Affected Areas—Construction
84.048 Vocational Education—Basic Grants to States
84.049 Vocational Education—Consumer and Homemaking Education
84.050 Vocational Education—Program Improvement and Supportive Services
84.052 Vocational Education—Special Programs for the Disadvantaged
84.053 Vocational Education—State Advisory Councils
84.060 Indian Education—Entitlement Grants to Local Educational Agencies and Tribal Schools
84.061 Indian Education—Special Programs and Projects to Improve Educational Opportunities for Indian Children
84.062 Indian Education—Adult Indian Education
84.073 National Diffusion Network Program
84.077 Bilingual Vocational Training
84.078 Regional Education Programs for Deaf and Other Handicapped Persons
84.083 Women's Educational Equity
84.091 Strengthening Research Library Resources
84.099 Bilingual Vocational Instructor Training

84.100 Bilingual Vocational Instructional Materials, Methods, and
Techniques
84.121 Vocational Education—State Planning and Evaluation
84.124 Territorial Teacher Training Assistance Program
84.126 Rehabilitation Services—Basic Support
84.128F Rehabilitation Services—Client Assistance Projects
84.128G Rehabilitation Services—Migratory Worker Vocational Rehabilita-
tion Service Projects
84.132 Centers for Independent Living
84.144 Migrant Education--Interstate and Intrastate Coordination
Program
84.142 College Housing Loans
84.145 Federal Real Property Assistance Program
84.146 Transition Program for Refugee Children
84.152 Neglected or Delinquent Transition Services

APPENDIX VII

STATE PLANS ELIGIBLE FOR SIMPLIFICATION,
CONSOLIDATION OR SUBSTITUTION

(Cross out those programs whose applications you do not wish to see included in the review process.)

State plans required by the Federal Government that are eligible for modification (i.e., simplification, consolidation, or substitution) under the Order are listed below.

AGRICULTURE

- 10.550 Food Processing
- 10.557 Special Supplemental Food Program for Women, Infants and Children
- 10.559 Summer Food Service Program
- 10.560 State Administrative Expenses for Child Nutrition
- 10.564 Nutrition Education and Training Program
- 10.565 Commodity Supplemental Food Program

HEALTH AND HUMAN SERVICES

- 13.630 Developmental Disabilities-Basic Support and Advocacy Grants
- 13.633 Aging-Title III A & B-Grants for Supportive Services and Senior Centers
- 13.635 Aging, Title III C-Nutrition
- 13.645 Child Welfare Services-State Grants
- 13.646 WIN
- 13.659 Adoption Assistance

INTERIOR

- 15.252 Abandoned Mine Land Reclamation Program
- 15.605 Fish Restoration
- 15.611 Wildlife Restoration
- 15.904 Historic Preservation-Grants-In-Aid
- 15.916 Outdoor Recreation-Acquisition, Development and Planning (Land and Water Conservation Fund Grants)

JUSTICE

- 16.540 Office of Juvenile Justice and Delinquency Prevention-Formula Grant Program

16.541 Office of Juvenile Justice and Delinquency Prevention-Special
Emphasis and Technical Assistance Grants, except Grants to
Nongovernmental Entities

LABOR

(Sec. 104) Job Training Partnership Act (PL 97-300)
17.207 Employment Service

TRANSPORTATION

20.308 Local Rail Service Assistance
20.600 State and Community Highway Safety Program
20.700 Natural Gas Pipeline Safety Grants

ENVIRONMENTAL PROTECTION AGENCY

66.001 Air Pollution and Control Program
66.419 Water Pollution Control-State and Interstate Program Grants
66.432 State Public Water System Supervision-Program Grants
66.433 State Underground Water Source Protection-Program Grants
66.438 Construction Management Assistance
66.451 Hazardous Waste Management Financial Assistance to States
State Inventories of Uncontrolled Hazardous Waste Sites
66.600 Environmental Protection Consolidated Grants-Program Support
66.700 Pesticides Enforcement Program Grants

ENERGY

81.041 State Energy Conservation
81.042 Weatherization Assistance for Low-Income Persons
81.043 Supplemental State Energy Conservation
81.050 Energy Extension Service
81.052 Energy Conservation for Institutional Buildings

FEDERAL EMERGENCY MANAGEMENT AGENCY

83.503 Emergency Management Assistance
83.505 Disaster Preparedness Grants
83.506 Earthquake and Hurricane Preparedness Planning Grants
83.516 (6) Grants, Loans, or Other Financial Assistance Under Sections
402 and 414 of the Disaster Relief Act of 1974

DEPARTMENT OF EDUCATION

84.002 Adult Education--State Administered Program
84.034 Public Library Service

84.035 Interlibrary Cooperation
84.048 Vocational Education—Basic Grants to States
84.049 Vocational Education—Consumer and Homemaking Education
84.050 Vocational Education—Program Improvement and Supportive
Services
84.052 Vocational Education—Special Programs for the Disadvantaged
84.053 Vocational Education—State Advisory Councils
84.121 Vocational Education—State Planning and Evaluation
84.126 Rehabilitation Services—Basic Support

APPENDIX VIII

DIRECT FEDERAL DEVELOPMENT

A. Purpose: The purpose for review of direct federal development proposals is to:

1. Provide state and local governments with information on projected federal development so as to facilitate coordination with state, regional and local plans and programs.
2. Provide federal agencies with information on the relationship of proposed direct federal development projects and activities to state, regional, and local plans and programs; and to assure maximum feasible consistency of federal developments with state, regional, and local plans and programs.
3. Provide federal agencies with information on the possible impact on the environment of proposed federal development.

B. Coordination

Federal agencies having responsibility for the planning and construction of federal buildings and installations or other federal public works or development or for the acquisition, use, and disposal of federal land and real property will establish procedures for:

1. Consulting with states through the Single Point of Contact at the earliest practicable stage in project or development planning on the relationship of any plan or project to the development plans and programs of the state, region, or localities in which the project is to be located.
 2. Assuring that any such federal plan or project is consistent or compatible with state, regional, and local development plans and programs identified in the course of such consultations. Exceptions will be made only where there is clear justification.
 3. Providing state, metropolitan, regional, and local agencies which are authorized to develop and enforce environmental standards with adequate opportunity to review such federal plans and projects pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969. Any comments of such agencies will accompany the environmental impact statement submitted by the federal agency.
- C. List of those direct federal development activities you do not want to include in the Kansas Intergovernmental Review Process.

APPENDIX IX

REVIEWING ENTITIES

REGIONAL PLANNING COMMISSIONS

Northwest Kansas Planning and Development Commission

Cheyenne	CN	Leroy Lyons
Sherman	SH	P. O. Box 248
Wallace	WA	Hill City, Kansas 67642
Rawlins	RA	913/674-2151
Thomas	TH	
Logan	LG	last Wednesday
Decatur	DC	21 on Commission
Sheridan	SD	
Gove	GO	
Norton	NT	
Graham	GH	
Trego	TR	
Phillips	PL	
Rooks	RO	
Ellis	EL	
Smith	SM	
Osborne	OB	
Russell	RS	

Golden Belt Association of Local Governments

Rush	RH	Dennis Foltz
Pawnee	PN	P. O. Box 906
Edwards	ED	Pratt, Kansas 67124
Barton	BT	316/672-5541
Stafford	SF	
		1st Thursday
		38 on Commission

Indian Hills Association of Local Governments

Kiowa	KW	Dennis Foltz
Comanche	CM	P. O. Box 906
Pratt	PR	Pratt, Kansas 67124
Barber	BA	316/672-5541
		4th Thursday
		26 on Commission

Chikaskia Association of Local Governments

Kingman KM
Harper HP
Sumner - SU

Dennis Foltz
P. O. Box 906
Pratt, Kansas 67124
316/672-5541

3rd Thursday
22 on Commission

North Central Regional Planning Commission

Jewell JW
Mitchell MC
Lincoln LC
Ellsworth EW
Republic RP
Cloud CD
Ottawa OT
Saline SA

Gary Graham
Municipal Building
Beloit, Kansas 67420
913/738-2218

last Thursday
32 on Commission

Big Lakes Regional Council of Local Governments

Clay CY
Riley RL
Pottawatomie PT
Geary GE
Wabaunsee (not affiliated)

Joni Fish
1006 Poyntz
Manhattan, Kansas 66502
913/776-4859

4th Thursday
15 on Commission

Mo-Kan Regional Council (MPO)

Doniphan DP
Atchison AT

Mrs. Jean Waltemath
1302 Faraon
St. Joseph, MO 64501
816/233-3144

2nd Monday
32 on Commission

Mid-America Regional Council (MPO)

Leavenworth LV
Wyandotte WY
Johnson JO

Peter S. Levi
20 West 9th Street
Third Floor
Kansas City, MO 64105
816/474-4240

last Tuesday
30 on Commission

Southeast Kansas Regional Planning Commission

Woodson	WO	Ethan Kaplan
Wilson	WL	P. O. Box 664
Montgomery	MG	303 East Main Street
Allen	AL	Chanute, Kansas 66720
Neosho	NO	316/431-0080
Labette	LB	
Bourbon	BB	last Thursday
Crawford	CR	36 plus 9 alternates
Cherokee	CK	

METROPOLITAN PLANNING ORGANIZATIONS

Mid-America Regional Council (MARC)

Leavenworth	LV	Peter S. Levi
Wyandotte	WY	20 West 9th Street
Johnson	JO	Third Floor
		Kansas City, MO 64105
		816/474-4240
		last Tuesday
		30 on Commission

Mo-Kan Bi-State Regional Planning Commission

Doniphan	DP	Mrs. Jean Waltemath
Atchison	AT	1302 Faraon
		St. Joseph, MO 64501
		816/233-3144
		2nd Monday
		32 on Commission

Topeka-Shawnee County Metropolitan Planning Commission

Shawnee	SN	820 Southeast Quincy
		Topeka, Kansas 66612
		913/234-2103

Wichita-Sedgwick County Metropolitan Planning Commission

Sedgwick	SG	455 North Main Street
		Tenth Floor
		Wichita, Kansas 67202
		316/268-4561

STATE AGENCIES

Agency, Functions/Services	No.	Coordinating Official
<u>Aging, Department on</u>	(039)	_____
Home Delivery Nutrition Service Nursing Home Ombudsman Nutrition Service Program, Title IIIC Senior Centers		
<u>Agriculture, Board of</u>	(046)	_____
Agricultural Products Inspection Apiary Inspection Activities Certification of Grain for Export Fertilizer and Agriculture Chemical Laws License, Pest Control Operators Livestock and Poultry Feed Laws Marketing Agriculture Products Water Resources Control and Conservation Weed and Pesticide Enforcement Weights and Measures Inspection		
<u>Civil Rights, Commission on</u>	(058)	_____
Eliminate/prevent discrimination in employment, public accommodations, housing, because of color, race, religion, physical handicap (except in housing), National origin, or ancestry.		
<u>State Conservation Commission</u>	(634)	_____
Conserve, Protect and Enhance Soil, Water and Related Resources Assist Watershed Districts with Flood Control/Water Supply		
<u>Corporation Commission</u>	(143)	_____
Coal Mining Regulations Oil and Natural Gas Regulation Railroad and Motor Carrier Regulation Designation of Dangerous Railroad Crossings Utilities Regulation (gas, electricity, water, telephone, telegraph) Regulation of Speculative Securities Issuances Regulation of Stock Brokers		

Economic Development, (300) _____
Department of

Community Profiles
Use of Kansas as Filming Site
Industrial Development Program
Industrial Recruitment
Minority Business Enterprise
Public Housing Agency
Travel and Tourism

Education, Department of (652) Warren Bell

Public Instruction
Vocational Education
Kansas State School for the Deaf (Olathe)
Kansas State School for Visually Handicapped (Kansas City)
Accrediting Schools/Administering Laws of Standards
Administering Curriculum
Certifying Teachers, Administrators, School Nurses

Fish and Game Commission (240) Robert D. Wood

Hunting and Fishing Licenses/Permits/Boat Registrations
Conserve Wildlife and Habitats

Health and Environment, (264) Rosemary O'Leary
Department of

Air Quality
Crippled Children
Emergency Medical Services (EMS) System
Environmental Sanitation
Food, Drug, and Cosmetics Act
Health Education
License, Food Service
License, Health Facilities
License, Lodging
Maternal and Child Health
Public Health Nursing
Radiation Control
Water Quality Control
Water Supply Systems

Historical Society, State (288) Richard D. Pankratz

Preservation of Cultural Resources
Photodocumentation of Society and State Activities
Survey and Excavation of Historic/Prehistoric Sites

Preservation of Official State Records
Inventory of State and National Newspapers/Census Figures
Administer 16 State-Owned Historic Sites
Historic Preservation Program
Maintain Reference/Research Library for History of Kansas, Western and
Indian History and Genealogy

Human Resources, Department (296) Judy Krueger
of

Employment Security Systems Institute
Handicapped Employment
Job Training Partnership Act (JTPA)
Labor Management Relations
Labor Market Information
Mexican American Affairs
Unemployment Insurance
Work Incentive Program
Workers' Compensation
Veterans' Commission

Park and Resources Authority (503) _____

Plan and Develop Natural Resources of the State
Provide System of State Park/Outdoor Recreation Areas

Social and Rehabilitation (628) _____
Services, Department of

Adult Alternate Care Program
Alcohol and Drug Abuse Program
Blind Program
Child Care Program
Food Stamps
Handicapped Training and Education
Juvenile Offender Program
Physical Restoration and Counseling
Retardation Services

Transportation, Department of (276) _____

Air Transportation and Planning
Highway Construction
Highway Maintenance
Traffic Control and Safety

Water Office, Kansas

(709)

Plan, Develop, Manage Water Resources
State Plan of Water Resources
Acquire for State Right to Divert and Store Waters of all Streams
Flowing into Conservation Storage Water Supply in Reservoirs
Contracting with Persons for Withdrawal and Use of Conservation Storage
Water Supply
Fixing Rates for "Contracted Water"
Implement Kansas Weather Modification Act
Protect and Improve Water Quality
Prevent Waste and Pollution of Water Supply
Receive Reports from all Other Agencies Dealing with Water

APPENDIX XI
KANSAS REVIEW PROCESS TRANSMITTAL FORM

DHR _____
KS _____
(SAI No.)

Return to: Single Point of Contact, Office of the Secretary, Kansas Department of Human Resources, 401 Topeka Avenue, Topeka, Kansas, 66603; (913) 296-5075.

PROJECT TITLE:

CONTACT PERSON:

- Notification of Intent
 Preapplication
 Final Application

DATE REVIEW PROCESS STARTED

DATE REVIEW PROCESS ENDED

KANSAS REVIEW PROCESS NUMBER

PART I Initial Project Notification Review (To be completed by SPOC):

The attached project has been submitted to the SPOC under the provisions of Executive Order 12372. This form provides notification and opportunity for review of this project to the agencies checked below. Please fill in Part II and Part III and return to the above address.

- Return by _____
 Expedite

REVIEW AGENCIES/COMMISSIONS

- | | |
|---|---|
| <input type="checkbox"/> Aging (039) | <input type="checkbox"/> Park and Resources Authority (503) |
| <input type="checkbox"/> Agriculture - DWR (046) | <input type="checkbox"/> Social and Rehabilitation Services (628) |
| <input type="checkbox"/> Civil Rights (059) | <input type="checkbox"/> Transportation (276) |
| <input type="checkbox"/> Conservation Commission (634) | <input type="checkbox"/> Water Office, Kansas (709) |
| <input type="checkbox"/> Corporation Commission (143) | _____ |
| <input type="checkbox"/> Economic Development (300) | _____ |
| <input type="checkbox"/> Education (652) | _____ |
| <input type="checkbox"/> Fish and Game Commission (240) | _____ |
| <input type="checkbox"/> Health and Environment (264) | _____ |
| <input type="checkbox"/> Historical Society (288) | _____ |
| <input type="checkbox"/> Human Resources (296) | _____ |

PART II Agency Review Comments (To be completed by review agency and returned to SPOC).

COMMENTS:

PART III Recommended State SPOC Action (To be completed by review agency and returned to SPOC).

Check one box only:

- | | |
|--|--|
| <input type="checkbox"/> Clearance of the project should be granted | <input type="checkbox"/> Clearance of the project should not be delayed but the Applicant should (in the final application) address or clarify the questions or concerns indicated above |
| <input type="checkbox"/> Clearance of the project should not be granted | <input type="checkbox"/> Request the opportunity to review the final application prior to submission to the federal funding agency |
| <input type="checkbox"/> Clearance of the project should be delayed until the issues or questions have been clarified by the Applicant | |

Reviewer's Name

Div./Agency/Commission

Date



APPENDIX XII
KANSAS DEPARTMENT OF
Human Resources
OFFICE OF THE SECRETARY

401 TOPEKA AVENUE TOPEKA, KANSAS 66603
913-296-7474

SUMMARY MEMORANDUM

FROM: Kansas Single Point of Contact
Judy Krueger
Office of Federal Assistance Management
Kansas Department of Human Resources
401 Topeka Avenue
Topeka, Kansas 66603
(913) 296-5075

SUBJECT: Comments, Statements and/or Recommendations Regarding This
Application Resulting from the Review and Coordination
Procedures Under the Kansas Intergovernmental Review Process

Title: _____

Applicant/Address: _____

SAI No.: _____

Federal Granting Agency: _____

Federal Employer Identification No.: _____

Existing Federal Identification No.: _____

Executive Order 12372 Review Required in Kansas: Yes No *

Reviewed by:

	Comment Attached	No Comment
	Positive/Negative	(Clearance Granted)

1.	_____	___	___	___
2.	_____	___	___	___
3.	_____	___	___	___
4.	_____	___	___	___

State Recommendation: _____ Attached _____ None

*If no review required, why:

- ___ Continuing, noncompetitive grant or amendment
- ___ Application has been previously reviewed within the last three years
- ___ Application is for a non-selected program.
- ___ Other