



United States Department of Agriculture
Rural Development
Pennsylvania State Office
www.rurdev.usda.gov/pa

PA AN No. 1242 (1940-G/1940-J/1794)
June 17, 2009

SUBJECT: Intergovernmental Review of Rural Development Programs
and Activities in Pennsylvania

TO: All Employees
Rural Development, Pennsylvania

PURPOSE/INTENDED OUTCOME:

The purpose of this Administrative Notice (AN) is to provide guidance on RD Instruction 1940-G and 7 CFR Part 1794 - Environmental Policies and Procedures regarding Intergovernmental Review of Federal Programs, RD Instruction 1940-J, Intergovernmental Review of Rural Development Programs and Activities, and to insert applicability to vehicle loans.

For projects under certain program authorizations, Rural Development is required to provide opportunity for consultation by elected officials of State and local governments in accordance with Executive Order 12732 *Intergovernmental Review of Federal Programs*. E.O. 12372 is intended to foster an intergovernmental partnership and a strengthened Federalism relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance and direct Federal development.

COMPARISON WITH PREVIOUS AN:

This replaces PA AN 1226 (1940-G/1794) that expired on May 31, 2009.

IMPLEMENTATION RESPONSIBILITIES:

The Rural Development Area Office as the preparer of the environmental review documents is responsible for:

- Coordinating the intergovernmental review process for each proposal,
- Providing guidance to the applicants,
- Ensuring that the Letter Format in Attachment 1 is used to request comments,
- Ensuring that appropriate information is provided to the review agencies and
- Satisfying the Intergovernmental review requirements.

EXPIRATION DATE: June 30, 2010

FILING INSTRUCTIONS:
Preceding RD Instruction 1940-G, 1940-J
and 7CFR 1794 Policies and Procedures

One Credit Union Place, Suite 330, Harrisburg, PA 17110-2996
(717) 237-2299 TTY/TDD & Voice 711; TTY/TDD Only 1-800-654-5984

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S.W., Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382(TDD).

IMPLEMENTATION PROCESS:

RD Instruction 1940-J, *Intergovernmental Review of Rural Development Programs and Activities*, implements E.O. 12372, issued in 1982, as well as the Departmental Regulations – 7 CFR part 3015, subpart V and applicable provisions of Section 401 of the Intergovernmental Cooperation Act of 1968 and section 204 of the Demonstration Cities and Metropolitan Development Act of 1966.

These instructions stipulate that:

1. All programs are subject to this regulation, except for Single Family Housing, disposition of property held by the Secretary and transfers and assumptions. For more specific details, see:
 - a. <http://www.rurdev.usda.gov/regs/regs/pdf/1940j.pdf>.
 - b. § 1940.453 (a) (1) through § 1940.453 (a) (23).
 - c. Catalog of Federal Domestic Assistance.
 - d. Vehicles are not exempt from Intergovernmental Review.
2. The Agency will consider comments submitted by a State Single Point of Contact (SPOC) when making decisions on loan and grant applications.
3. The Intergovernmental Review Process requires the following:
 - Applicant's proposal should be submitted for review (60-day review period) prior to submittal of RD application.
 - Have response considered by RD with the application.
 - Receive, in writing, an explanation from RD if comments are not accommodated.
 - Be afforded a 15-day period after the written explanation is received prior to RD taking action.
 - Applications not acted upon, by Rural Development within 1 year after completion of the entities reviews will be subject to another review upon request of the entities.

Pennsylvania has discontinued the State single point of contact process. However, RD must provide appropriate local and regional entities and local elected officials, the opportunity for consultation and review, in lieu of the SPOC.

The following procedures identify the Area Office responsibilities to ensure compliance with Rural Development policies for intergovernmental reviews in PA:

1. Each Rural Development Area Office will maintain a list of these entities, such as the County and Township/Borough Governments, and the local and regional planning agencies within their jurisdiction.
 - a. In the Appalachia area, the regional planning functions are usually performed by Local Development Districts (LDD). Attachment 2 contains a list of LDDs in Pennsylvania.

- b. Most of the local governments (Boroughs, Cities, Townships and Counties) have their own planning agencies/commissions. Some rural boroughs and townships may not have their own planning or review agency, in which case, the County Planning Commission provides the review comments. In some other cases, the local planning agencies will review the projects and the County Planning Agency may not be involved.
2. Determine the programs/projects with your involvement that are subject to E.O. 12372 and the Intergovernmental Review Process.
3. Use your first opportunity to discuss the proposal with the applicant or their consultant to provide guidance for complying with the Intergovernmental Review Process. Inform them that the applicant's proposal should be submitted for review (60-day review period) prior to submittal of RD application.
4. Provide the prospective applicant a list of the intergovernmental review agencies to be contacted and other pertinent information.

The intent of the process is to obtain comments and/or recommendations on the following factors as appropriate {Refer to RD Instruction 1940-J, § 1940.455(c) for more details.}:

- a. Consistency with goals of planning for the State, area, or locality.
 - b. Compatibility with other programs, projects and objectives; which includes natural and human resources, economic and community development, and issues such as land use, availability and conservation of resources, transportation of people and goods, recreation and open space, potential effect on the environment, energy & infrastructure, and other alternatives to the proposal.
5. Assist the applicant to include appropriate information in the letter inviting comments from such entities. Refer to Attachment 1. The letter should include the following information:
 - a. Project narrative or abstract including the purpose, scope, justification, area to be served, and other pertinent data and maps which show project activity locations.
 - b. For water and sewer projects the narrative should include the potential service areas and project boundary, in addition to the location where the pipeline is to be constructed.
6. Consider all the responses from the review agencies and, if the comments are not accommodated, provide in writing an explanation from RD. This response should be coordinated with the State Environmental Coordinator (SEC) and the Program Director.

7. Allow a 15-day period after the written explanation is received prior to RD taking action.
8. Applications not acted upon by Rural Development within 1 year after completion of the entities reviews will be subject to another review upon request of the entities.
9. RD must obtain copies of the request letters and the responses received. If no responses were received, the applicant/RD must document any follow-up actions, such as telephone calls, taken to obtain the responses. If an entity provides verbal comments or does not want to be notified of RD projects, document such information including the name, title, telephone number and the date of your conversation, in the environmental file.

In case the project being considered for RD financing substantially differs from that included with the letter requesting comments, RD processing officer may have to resend the letters with appropriate project information.

10. All such documentation should be placed under Tab 9, Position 3 in the Environmental File and summarized in the environmental review document.

If you have any questions, please contact the SEC or the Assistant SEC.

/s/ Trudy S. Moore

TRUDY S. MOORE
Acting State Director

Letter Format for Requesting Comments to Satisfy Intergovernmental Review Requirements

Date

Any County Planning Commission/Borough Council/ Twp Supervisors/County Commissioners
123 North Street, Suite A
Anywhere, PA 17000

To whom it may concern:

The purpose of this letter is to meet intergovernmental coordination in compliance with Executive Order 12372 and USDA Rural Development regulations. *[INSERT APPLICANT'S NAME HERE]* intends to apply for Federal Assistance for *[INSERT PROPOSED PROJECT – Name, type of assistance, amount of assistance, location, and project narrative]*.

Please review the enclosed information on the proposed application and provide your comments and recommendations pertaining to:

- consistency with your planning objectives
- compatibility with other programs, projects and objectives; which includes natural and human resources, economic and community development, and issues such as land use, availability and conservation of resources, transportation of people and goods, recreation and open space, potential effect on the environment, energy & infrastructure, and other alternatives to the proposal.

Please respond within 60 days of receiving this letter, specifying any recommendations you might have concerning this action.

Your reply should be sent to: *[INSERT ADDRESS OF RD OFFICE]*

In addition, please send a copy to our office at the address identified in the letterhead. Thank you in advance for your review of the enclosed material. Please do not hesitate to contact us with any questions or comments you may have.

Sincerely,

NAME

Title

cc: *[RD Area Office]*

Enclosures: Copy of application for Federal Assistance
Project narrative
USGS Map indicating project location
Other pertinent information

LOCAL DEVELOPMENT DISTRICTS [LDD] IN (APPALACHIA) PA

There are other multi-county Planning and Development Agencies in PA, outside these Appalachia LDDs. Maintain a list collected from applicable county governments in your Area Office jurisdiction.

9A/ Northwest Pennsylvania Regional Planning and Development Commission

395 Seneca Street

PO Box 1127

Oil City, Pennsylvania 16301

814-677-4800

email: denisem@nwcommission.org

Home page: <http://www.nwcommission.org>

Counties: Clarion, Crawford, Erie, Forest, Lawrence, Mercer, Venango, Warren

9B/ North Central Pennsylvania Regional Planning and Development Commission

651 Montmorenci Road

Ridgway, Pennsylvania 15853

814-773-3162

email: ncprpdc@ncentral.com

Home page: <http://www.ncentral.com>

Counties: Cameron, Clearfield, Elk, Jefferson, McKean, Potter

9C/ Northern Tier Regional Planning and Development Commission

312 Main Street

Towanda, Pennsylvania 18848

570-265-9103

email: info@northerntier.org

Home page: <http://www.northerntier.org>

Counties: Bradford, Sullivan, Susquehanna, Tioga, Wyoming

9D/ Northeastern Pennsylvania Alliance

1151 Oak Street

Pittston, Pennsylvania 18640-3726

570-655-5581

email: info@nepa-alliance.org

Home page: <http://www.nepa-alliance.org>

Counties: Carbon, Lackawanna, Luzerne, Monroe, Pike, Schuylkill, Wayne

9E/ Southwestern Pennsylvania Commission

425 Sixth Avenue, Suite 2500

Pittsburgh, Pennsylvania 15219-1852

412-391-5590

email: comments@spcregion.org

Home page: <http://www.spcregion.org>

Counties: Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington, Westmoreland

9F/ Southern Alleghenies Planning and Development Commission

541 58th Street

Altoona, Pennsylvania 16602-1193

814-949-6520

email: sapdc@sapdc.org

Home page: <http://www.sapdc.org>

Counties: Bedford, Blair, Cambria, Fulton, Huntingdon, Somerset

9G/ SEDA–Council of Governments

201 Furnace Road

Lewisburg, Pennsylvania 17837

570-524-4491

email: admin@seda-cog.org

Home page: <http://www.seda-cog.org>

Counties: Centre, Clinton, Columbia, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Union