

Department of the Interior Departmental Manual

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Series: Intergovernmental Relations

Part 511: Coordination with State and Local Governments

Chapter 2: State Process Review System

Originating Office: Office of Acquisition and Property Management

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2.1 Purpose. This chapter establishes procedures for bureau and office use of State processes for programs which States have chosen to use under the process.

2.2 Development of State Process. A State may identify or develop an official process for reviewing and commenting on Federal financial assistance programs and provide the Office of Management and Budget (OMB) with the appropriate assurances. Once the initial assurance is provided to OMB, a State may change its process simply by notifying OMB of changes in the single point of contact and/or informing the Department of changes (additions, deletions, etc.) in the list of programs or activities it wants covered under the process.

2.3 Selection of Programs and Activities the State Wants Covered by its Process. A State can choose from the list of programs determined by the Department to be eligible for coverage, programs and activities which it wishes to cover under its process. The State sends a list of the programs it wants covered by its process to OMB.

A. Following notification from OMB, the Office of Acquisition and Property Management (PAM) is responsible for transmitting this information to designated IRC(s) in each bureau or office. The IRC(s) are responsible for further dissemination of the information to all appropriate levels throughout their bureau or office organization.

B. A State may notify the Department or the bureau/office of changes in its selections of programs or activities at any time. When such notification is received by the Department, it shall be transmitted by PAM to the designated IRCs who shall further disseminate it as necessary throughout the bureau or office. When such notification is received by the bureau or office, a copy of the notification shall be provided to PAM after bureau/office dissemination.

C. Bureau IRCs are responsible for assuring that when a change is made in program or activity selections by a State, the State submits an assurance that local elected officials were consulted regarding the change.

D. If necessary, in order to ensure adequate notice prior to the effective date of any change, bureaus or offices may establish deadlines by which States are required to inform them of changes in their program selections. These deadlines shall be included in codified program regulations.

2.4 Use of a State's Process.

A. Bureaus and offices shall establish procedures to fully use a State's process to review

and communicate with State and local elected officials on proposed awards in accordance with 43 CFR " 9.6 and 9.7.

B. Procedures for using a State's process shall include consideration of the following factors:

(1) Consistency with existing statutory requirements to assure:

(a) in the case of projects under programs covered by this Part located in the coastal zone, as defined in the Coastal Zone Management Act of 1972, that the State agency responsible for administration of the approved program for the management of the coastal zone, is given opportunity to review the project for its relationship to and its consistency with that program;

(b) pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, that appropriate State, multistate, areawide, or local agencies which are authorized to develop and enforce environmental standards are informed of, and are given opportunity to review and comment on, major proposals having significant environmental effects for which Federal assistance is sought;

(c) public agencies charged with enforcing or furthering the objectives of State and local civil rights laws are provided an opportunity to review and comment on the civil rights aspects of the project for which assistance is sought;

(d) compliance with any other statutory requirements; and

(e) the appropriate amount of time for review is included.

(2) When a change has been made regarding the program selection, OMB or the Department received assurances from a State that local elected officials were consulted during the adoption of the process.

(3) Existence of procedures to notify the bureau or office of the programs the State wishes to cover under its process.

(4) Existence in the State process of a requirement that, where applicable, regional and areawide entities are notified after being notified by the Department of a proposed action concerning a program or activity that has been selected for the State process.

(5) Existence in the State process of a requirement for delegation of review, coordination, and communication activities with the bureau.

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