

# Intergovernmental Cooperation in Federal Planning in the National Capital Region

Adopted September 1, 1983 and amended on November 7, 1985

These procedures implement applicable provisions of the National Capital Planning Act of 1952, as amended, and the Intergovernmental Cooperation Act of 1968.

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## Background

The Commission is the central planning agency for the Federal government in the National Capital Region. It reviews and comments upon or approves development policies, plans and programs submitted by Federal agencies and the District of Columbia government. It also reviews and comments on policies, plans and programs prepared by local, state, subregional and regional agencies (hereinafter called non-Federal agencies) in the Washington metropolitan area. It also acts on policies, plans and programs prepared by its staff. For the sake of simplicity, these procedures use the word "plan" to cover all matters reviewed and acted upon by the Commission.

## **Consistency With Acts, Executive Orders, Agreements or Understandings**

The procedures are in accord with the National Capital Planning Act of 1952, as amended by the District of Columbia Self-Government and Governmental Reorganization Act, and the Intergovernmental Cooperation Act of 1968, including the policy in Title V of the Act that Federal plans for the Region, to the maximum extent practicable, should be consistent with official local, state and regional plans.

The procedures are also consistent with the "Principles and Process for Identifying Federal Interests in the National Capital Region" adopted by the Board of Directors of the Metropolitan Washington Council of Governments and the Commission on September 8 and 16, 1982, respectively.

The Commission has been advised by the Office of Management and Budget that the Commission need not issue implementing regulations under Executive Order 12372, Intergovernmental Review of Federal Programs, since its provisions apply to Federal agencies which provide financial assistance programs or undertake direct development activities.

### **Section 1. Purpose of these procedures**

The purpose of these procedures is to implement the National Capital Planning Act and the Intergovernmental Cooperation Act and to foster intergovernmental cooperation in the National Capital Region by identifying the types of plans reviewed by the Commission, the Federal and non-Federal agencies to whom plans will be circulated, and the process by which the Commission consults with these agencies.

### **Section 2. Definitions that apply to these procedures**

The following terms are used frequently in these procedures: "Commission" means the National Capital Planning Commission. "National Capital Region" or "Region" means the District of Columbia; Montgomery and Prince Georges Counties in Maryland; Arlington, Fairfax, Loudoun and Prince William Counties in Virginia; and all cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties. "National Capital" means the District of Columbia and territory owned by the United States within the National Capital Region outside the District of Columbia. "COG" means the Metropolitan Washington Council of Governments. "Non-Federal Agencies" means COG, state and local governments, and sub-regional and regional agencies that prepare or review plans for all or a portion of the National Capital Region. "Comprehensive Plan" means the Comprehensive Plan for the National Capital. "Plans" means proposed policies, plans and programs initiated by the Commission and other Federal agencies and departments and non-Federal agencies for the Region as a whole or for portions of the Region. "Coordinating Committee" means the committee

of representatives of agencies of the Federal and District of Columbia Governments and of planning and developmental agencies of the environs established by the Commission pursuant to Section 2(d) of the National Capital Planning Act.

### **Section 3. Referrals by the Commission**

The Commission will refer for intergovernmental review and comment, Federal elements of the Comprehensive Plan for the National Capital and modifications thereto; the Proposed Federal Capital Improvements Program for the National Capital Region; Proposed agency regional (or system) plans and major modifications thereto; installation master plans and major modifications thereto; U.S. Postal Service projects in the Region; and other projects/plans proposed on sites outside of major installations in the Region.

#### **(A) Plans of the Commission**

##### **(1) Federal elements of the Comprehensive Plan for the National Capital**

The Comprehensive Plan for the National Capital consists of "Federal elements" prepared and adopted by the Commission, and "District elements" prepared by the Mayor, adopted by the Council of the District of Columbia, and reviewed by the Commission.

Federal elements deal with Federal activities and interests in the planning and development of the National Capital Region. The process of preparing a Federal element, or an amendment to an adopted Federal element, begins with the preparation of preliminary staff reports and background staff studies for the Commission.

When a draft of a proposed element or a proposed amendment to an adopted element is completed, the Commission authorizes its circulation to Federal, District of Columbia and other non-Federal agencies and interested organizations and citizens for review and comment. Depending on the scope and content of a particular element and its potential impact, if any, on the National Capital Region, the Commission may circulate a draft prior to circulating the proposed element.

##### **(2) Federal Capital Improvements Program for the National Capital Region**

Each year the Commission prepares and adopts a Federal Capital Improvements Program (FCIP) which contains the Commission's recommended capital program for the National Capital Region for the next five years. The FCIP includes proposed land acquisitions, planning and design activities and construction projects.

The Commission circulates the proposed FCIP to affected Federal and non-Federal agencies for review and comment prior to its adoption and transmittal to the Office of Management and Budget and the affected implementing Federal agencies.

#### (B) Plans of Other Federal Agencies

Federal agencies and departments prepare long-range regional plans for their facilities in the Region, master plans for their major installations, five-year capital improvement programs, and site and building plans for individual construction projects on Federal land in the Region.

These proposed plans are submitted by the sponsoring Federal agency to the Commission pursuant to the National Capital Planning Act and, where appropriate, are referred to the affected non-Federal agencies for review and comment prior to Commission action thereon.

#### (C) Plans of the District of Columbia

##### (1) District Elements of the Comprehensive Plan and Amendments Thereto

District elements of the Comprehensive Plan deal with land use, transportation, public works, and other issues related to the development of the District of Columbia. District elements, and amendments thereto, are prepared by the Mayor, adopted by the Council of the District of Columbia, and reviewed by the Commission to determine their effect on the Federal activities and interests in the National Capital Region. The Commission circulates District elements and amendments thereto to affected Federal interests or functions. Comments on other aspects of such elements or amendments should be presented to the Mayor and/or the Council during the District's preparation and adoption of such elements or amendments.

##### (2) Other Plans

Various plans, including site and building plans for individual construction projects, are submitted by the District of Columbia for either recommendation or approval. The Commission refers such plans to affected Federal agencies and to the Coordinating Committee. Consistent with the objectives of the District of Columbia Self-Government and Governmental Reorganization Act (the "Home Rule" Act), the Commission limits its review of most District plans to a "Federal interest" review.

##### (3) Zoning

The Commission reviews proposed actions of the Zoning Commission of the District of Columbia. Prior to this review, the Commission may participate in the public hearing before the Zoning Commission. The Commission may also participate in

cases before the Board of Zoning Adjustment. Commission review of District zoning matters is limited to the effect of the proposed zoning on the Federal activities and interests in the National Capital and the consistency of the proposed zoning with the Comprehensive Plan.

#### (D) Plans of Other Non-Federal Agencies in the National Capital Region

The Commission reviews proposed plans and rezonings in the Region initiated or under consideration by non-Federal agencies. These include plans initiated by local governments or by the states of Maryland and Virginia, plans initiated by the Metropolitan Council of Governments (COG), and plans for rapid rail transit facilities prepared by the Washington Metropolitan Area Transit Authority (WMATA) submitted for Commission review and comment in accord with Article VI, Section 15 at the interstate compact that established the authority. The Commission's role is to make recommendations to the sponsoring agency on the impact, if any, on Federal activities or interests in the National Capital Region. The Commission circulates such plans to affected Federal agencies for review and comment.

#### (E) Capper-Cramton Lands

The Commission administers a grant-in-aid program under sections 1(b) and 1(c) of the Capper-Cramton Act (Act of May 29, 1930, 46 stat. 482, as amended) for the acquisition as parkland of lands in stream valleys in Maryland and Virginia tributary to the Potomac and Anacostia Rivers. The taking lines and general development plans for such stream valley parks proposed by local park authorities are subject to approval by the Commission. The Commission circulates such plans to affected Federal agencies for review and comment.

### **Section 4. The Consultation Process**

#### (A) Consultation With COG

The National Capital Region includes the District of Columbia, two counties and six cities in the State of Maryland and four counties and three cities in the Commonwealth of Virginia. It is an interstate metropolitan region. Sixteen local governments formed COG in 1957 as the metropolitan-wide governmental organization concerned with all aspects of metropolitan development. The Commission, on September 18, 1982, and the COG Board of Directors, on September 8, 1982, adopted "Principles and Process for Identifying Federal Interests in the National Capital Region." Pursuant to this agreement, the Commission consults with COG on the potential impact, if any, of proposed Federal plans on the Region and on COG's official policies, plans and programs.

#### (B) Consultation With Local Jurisdictions

The Commission refers proposed Federal plans for review of potential local impacts to the local planning agencies of affected jurisdictions and sends a copy of the transmittal letter to the chief administrative officers and heads of the local elected governing bodies of those jurisdictions. The Commission also refers Federal plans through COG to the intergovernmental review officers of affected jurisdictions.

#### (C) Consultation With State Agencies in Maryland and Virginia

Proposed Federal plans are sent to the Maryland Department of State Planning and to the Virginia Department of Planning and Budget by the Commission for review and comment by affected state agencies and departments prior to Commission action thereon. Such proposed Federal plans in the Virginia portion of the Region are also sent to the Northern Virginia Planning District Commission, which, as the sub-regional planning agency, is recognized by the State as a sub-state clearinghouse.

#### (D) Consultation With WMATA

The Commission refers proposed Federal elements of the Comprehensive Plan and proposed Federal Capital Improvement Programs to WMATA for review and comment on their impact on the region's metrorail and metro bus systems.

### **Section 5 Steps in the Consultation Process**

There are two major steps in the Commission's consultation process. The first step is called "early consultation" and refers to consultation by Federal agencies and the Commission with affected non-Federal agencies prior to any formal submission by the initiating Federal agency to the Commission. The second step starts after the formal submission to the Commission with the referral of applicable submissions for review and comment by the affected non-Federal agencies.

#### (A) Early Consultation

The Commission conducts an "early consultation" process as part of its regional referral activities. The purpose of this process is to give non-Federal agencies an opportunity to learn as early as practicable about proposed Federal plans being developed in the Region by Federal agencies and departments. This also permits an early identification of possible questions and issues of concern to non-Federal agencies.

The Commission requests all affected Federal agencies and departments to contact it as early as possible in their initiation of planning in the Region. The Commission, in turn, contacts the affected local planning agency, and the designated intergovernmental review official, the chief administrative officer, and the responsible elected official in the affected local government and the area and state clearinghouse

about the work involved and the anticipated schedule for completion of the planning work and submission to the Commission. Where appropriate, the Commission will also arrange a joint meeting of all concerned with the sponsoring Federal agency or department for a briefing and an opportunity to discuss the planning work underway prior to any submission to the Commission.

## (B) Formal Referral and Consultation

### (1) Timing of Referral

Proposed Commission policies, plans and programs are circulated for intergovernmental review as soon as they are completed and prior to any action thereon by the Commission.

Proposed policies, plans and programs initiated by other Federal agencies and departments are circulated to affected non-Federal agencies as soon as they have been submitted to the Commission pursuant to the National Capital Planning Act.

### (2) Time Period for Review

Federal elements of the Comprehensive Plan are circulated to the District of Columbia Government for a period of 60 days for review and comment. Other Federal plans affecting the District of Columbia and District properties in the Maryland and Virginia portions of the Region are circulated to the District of Columbia Government for a period of 60 days, whenever possible, for review and comment. All such proposals are scheduled for review by the Commission's Coordinating Committee.

Proposed Federal plans affecting the Maryland and Virginia portions of the Region and/or the Region as a whole are circulated to affected non-Federal agencies for a period of 60 days, whenever possible, for review and comment. However, no referral will be made of other Federal agency plans if, as a result of the early consultation process, the affected non-Federal agencies advise the Commission in writing that no additional referral is required.

### (3) Response to Formal Referral

#### (a) Written Responses

The formal referral letter contains a date by which a written response from the non-Federal agencies should be received by the Commission. Approximately two weeks prior to a Commission meeting the Executive Director's Recommendation (EDR) is prepared for each item scheduled for action at the next Commission meeting. All written responses received by the date in the referral letter are considered in the preparation of the EDR. Copies of the written responses are attached to the EDR.

Copies of the EDR may be obtained from the Commission's Public Affairs Officer on the Monday before the Commission meeting.

(b) Oral Presentations At A Commission Meeting

(i) Registration for a Commission Meeting

If in addition to submitting a written response, representatives of non-Federal agencies wish to express their views at a Commission meeting, they should notify the Public Affairs Officer by the date indicated for such notice in the formal referral letter.

Ordinarily, registering to speak prior to the deadline in the referral letter ensures that the Commission will hear oral presentations and that registrants will be notified if an item has been removed from the agenda for a particular meeting.

(ii) Written Statements

If a representative of a non-Federal agency wishes to present a written copy of the oral presentation, a copy should be submitted to the Secretary of the Commission by noon of the day preceding the meeting. Copies will be reproduced by the Secretary and distributed to each member of the Commission prior to the meeting. Otherwise, materials should be delivered in twenty-five copies to the Public Affairs Officer prior to the beginning of the meeting.

(iii) Audio Visual Materials

Speakers who wish to make slide or film presentations or other audio-visual presentations must make arrangements with the Public Affairs Officer prior to the Commission meeting.