

(4) The Director may also submit appeals which he/she receives to persons who are not associated with FEMA's Disaster Assistance Programs office for recommendations on the resolution of appeals.

(5) Within 60 days after the submission of a recommendation made pursuant to paragraph (d) (3) and (4) of this section, the Director shall render a determination and notify the grantee of the disposition of the appeal.

## PART 207—GREAT LAKES PLANNING ASSISTANCE

Sec.

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AUTHORITY: Section 202, Title II, Public Law 100-707, 102 Stat. 4711 (33 U.S.C. 426p. note).

SOURCE: 55 FR 7329, Mar. 1, 1990, unless otherwise noted.

### § 207.1 General.

This subpart provides requirements and establishes general procedures for administration of one-time grants to States under the provisions of section 202 of the Great Lakes Planning Assistance Act of 1988. The Act authorizes the Director of the Federal Emergency Management Agency (FEMA) to provide assistance to the Great Lakes States to reduce and prevent damage attributable to high water levels in the Great Lakes. The assistance would include a one-time grant of not more than \$250,000 for preparation of mitigation and emergency plans, coordinating available State and Federal assistance, developing and implementing measures to reduce damages due to high water levels, and assisting local governments in developing and implementing plans to reduce damages. Each State receiving a grant shall match it with an amount equal to 25 percent of the Federal grant. The grant should be used to supplement and extend existing activities and programs, to the extent possible.

### § 207.2 Definitions.

(a) *Applicant* means a Great Lakes State.

(b) *Grant* means an award of financial assistance.

(c) *Grantee* means the State government to which a grant is awarded and which is accountable for the use of the funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designated in the grant award. For the purposes of this regulation, the State is the grantee.

(d) *Grant application* means the official request for funding under the Great Lakes Planning Assistance Grant program.

(e) *Great Lakes* means Lake Ontario, Lake Erie, Lake Huron, Lake Michigan, Lake Superior, and Lake St. Clair, to the extent those lakes are subject to the jurisdiction of the United States.

(f) *Great Lake States* means the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

(g) *High water* includes static water level, wind generated waves, and runoff.

(h) *Nonstructural measures*, as the term is used in part 207, are those actions taken to protect people and property from the effects of a hazard, but do not modify the nature, frequency, or intensity of the hazard. They include measures such as setbacks, land use and development standards, flood-proofing, and elevation or relocation of properties and structures at risk.

(i) *Structural measures*, as the term is used in part 207, are those actions taken to protect people and property from the effects of a hazard by modifying the nature, frequency or intensity of a hazard. They include measures such as floodwalls, levees, retaining walls, jetties, groins and other engineering works designed to control flooding and erosion.

(j) *Subgrant* means an award of financial assistance under a grant by a grantee to an eligible subgrantee.

(k) *Subgrantee* means the government or other legal entity to which a subgrant is awarded and which is accountable to the grantee for the use of the funds provided.

(l) *Technical proposal* means the initial submission by the State to FEMA indicating interest in the program and identifying projects for funding.

**§ 207.3 Eligibility.**

(a) *Applicant eligibility.* Each of the eight Great Lakes States (Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin) is eligible for this grant program. The State will be the grantee to which funds are awarded and will be accountable for the use of those funds. There may be subgrantees within the State.

(b) *Project eligibility.* Each State shall identify projects and programs in the grant application and technical proposal. Projects and programs funded through this grant must comply with all applicable laws and regulations, including 44 CFR part 9, Floodplain Management and Protection of Wetlands, and 44 CFR part 10, Environmental Considerations. Categories of projects and programs eligible for funding under this grant program are:

(1) *Preparation of plans for mitigation, warning, emergency operations, and emergency assistance.* These plans must meet the following conditions, where applicable.

(i) All plans should be specific to reducing and/or preventing damage due to high water.

(ii) Mitigation plans should identify specific measures or recommendations to limit and/or prevent damages.

(iii) Emergency plans should identify measures to protect lives, property, and facilities.

(iv) All plans should be part of an overall State program to evaluate hazards and develop recommendations regarding the Great Lakes.

(2) *Coordination of available State and Federal assistance.* This task would be accomplished by determining the availability of funds and programs (at the Federal, State, local, and private level) and identifying how to most effectively use those resources to protect against future damages.

(3) *Development and implementation of nonstructural measures to reduce or prevent damages.* These measures could include the establishment of setback or dune preservation requirements and/or other conditions on construction and

reconstruction of public and private facilities, development of enforcement procedures for nonstructural measures, and mapping flood and erosion hazard areas.

(4) *Assist local governments in developing and implementing plans for nonstructural reduction and prevention of damages.* This assistance would include providing a mechanism for local governments to apply for the grant program, assisting local governments in implementing mitigation measures, and providing technical assistance to local governments in developing nonstructural mitigation measures.

(c) *Duplication of programs.* Great Lakes Planning Assistance Grants cannot be used as a substitute or replacement to fund projects or programs that are available under other Federal authorities.

(d) *Packaging of programs.* Great Lakes Planning Assistance Grants can be packaged or used in combination with other Federal, State, local, or private funding sources where appropriate. However, the Grants cannot be used to meet the non-Federal cost share requirements of other Federal programs.

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**§ 207.4 Application procedures.**

(a) *General.* Technical proposals were required to have been filed by November 23, 1989.

(b) *Grant application.* A formal grant application will not be required until such time as funds are appropriated for this grant program. At that time, the State will be given the opportunity to review and revise the technical proposal. The formal grant application will consist of the revised technical proposal and appropriate reports in accordance with 44 CFR part 13.

(b) *Cost share requirement.* States receiving a grant shall match the grant with an amount no less than 25 percent of the amount of the Federal grant. Identification of allowable costs and rules for cost sharing are included in 44 CFR 13.22 and 13.24.

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**§ 207.5 Project management.**

The State serving as grantee has primary responsibility for project management and accountability of funds as indicated in 44 CFR part 13. The State is responsible for ensuring that subgrantees meet all program requirements.

**§ 207.6 Technical assistance.**

(a) *General.* Requests from a State to FEMA for technical assistance in carrying out any activity of this grant program shall be made by the Governor or his/her designated representative to the Regional Director (reference § 202(c) of the Act).

(b) *Content of request.* The request for technical assistance shall indicate as specifically as possible the objectives, nature, and duration of the requested assistance; the professional disciplinary capabilities needed; the recipient agency or organization within the State; the manner in which such assistance is to be utilized; and any other information needed for a full understanding of the need for such requested assistance.

(c) *State participation.* The request for assistance requires participation by the State in the technical assistance process. As part of its request for such assistance, the State shall agree to facilitate coordination among FEMA and all subgrantees in need of assistance.

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**PARTS 208–219 [RESERVED]****PART 220—TEMPORARY RELOCATION ASSISTANCE**

## TEMPORARY RELOCATION

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AUTHORITY: 42 U.S.C. 9601 *et seq.*; E.O. 12580, 3 CFR, 1987 Comp., p. 193.

SOURCE: 54 FR 3034, Jan. 23, 1989, unless otherwise noted.

## TEMPORARY RELOCATION

**§ 220.1 Purpose.**

This regulation prescribes the policies to be followed by the Federal Emergency Management Agency (FEMA) or any State or local government when implementing Temporary Relocation Assistance under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), *as amended*, 42 U.S.C. 9601, *et seq.*, also known as Superfund.

**§ 220.2 Definitions.**

*Cost Share* means the portion of the allowable project cost which is not derived from Federal assistance.

*Evacuation* means the emergency relocation of threatened individuals from an area. This activity is normally carried out by the State as part of its public health and safety responsibility.

*Fair market rent* means a reasonable amount to pay in the local area for the size and type of accommodations provided. (The formula is provided in § 220.11 of this part.)

*Household* means the residents of the pre-incident residence who are offered Temporary Relocation Assistance. It includes any authorized additions during the temporary housing period, such as children, spouses, or part-time residents who were not present at the time of the announcement, but who are expected to return during the temporary housing period.

*Occupant* means an eligible applicant residing in temporary housing.

*Primary residence* means the dwelling where the applicant normally resides during the major portion of the calendar year, or a dwelling which is required because of proximity to employment.