

DEPARTMENT OF COMMERCE**Economic Development Administration**

[Docket No. 950302065-6177-04]

RIN 0610-ZA03

Economic Development Assistance Program for Disaster Recovery Activities; Availability of Funds

AGENCY: Economic Development Administration (EDA), Department of Commerce (DOC).

ACTION: Supplementary Notice.

SUMMARY: Effective immediately, EDA announces the policies and the application procedures for funds available to support disaster recovery programs designed to assist affected states and local communities recover from the consequences of flooding in the Mid-Atlantic states of Maryland, New York, Pennsylvania, Virginia, West Virginia, and including Kentucky; in the Northwestern states of Idaho, Oregon and Washington; at Devils Lake in North Dakota; and for other disasters.

EDA offers a variety of program tools to assist affected communities. The primary emphasis of EDA's program will be to assist flood-impacted areas with the development and implementation of strategies that are needed for post-disaster economic recovery of the area, including planning and technical assistance; the capitalization and recapitalization of Revolving Loan Funds; the construction of new and expanded infrastructure and development facilities required for economic development of the area; levee repairs; and other economic development programs designed to alleviate the economic distress of the areas.

As a response to the flooding in the Northwestern states, EDA will consider requests for assistance through grants to nonfederal facilities for levee repairs which are within the U.S. Army Corps of Engineers (Corps) geographic area of responsibility (i.e., contributing drainage areas of 400 square miles or greater) and needed to protect critical public infrastructure as part of its economic recovery assistance program for the Northwest Floods.

In carrying out its levee repair program, EDA will collaborate with the Corps to assure that the proposed levee repairs will meet all appropriate Corps criteria so that levees repaired under this Notice will be eligible in the future for participation in the Corps' emergency levee repair program that is authorized under Public Law 84-99.

The final decision as to whether a levee will be repaired under this Notice will be solely that of EDA.

DATES: This announcement is effective June 24, 1996. Funds shall remain available until expended.

ADDRESSES: To establish merits of project proposals, interested parties should contact the EDA regional offices or the appropriate Economic Development Representatives for the area (see listing in Appendix A).

FOR FURTHER INFORMATION CONTACT: See listing in Appendix A of this Notice.

SUPPLEMENTARY INFORMATION: Refer to the Notice published on June 11, 1996, in the Federal Register (61 FR 29526) for information on EDA's general policies and other requirements.

Authority

The authority for these programs is the Public Works and Economic Development Act of 1965, (Pub.L. 89-136, 42 USC 3121-3246h), as amended (PWEDA). The funds are provided from the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Pub. L. 104-134, Chapter 6). Catalog of Federal Domestic Assistance (CFDA):

The Special Economic Development and Adjustment Assistance Program—Long-Term Economic Deterioration (LTED) and Sudden and Severe Dislocation (SSED) are listed under CFDA 11.307 (13 CFR Part 308). Planning and Technical Assistance are listed under CFDA 11.302, 11.305 and 11.303 (13 CFR Part 307, Subpart A; and 13 CFR Part 307, Subpart E and F).

Funding Availability

Funds in the amount of \$16.5 million are available for this disaster relief program and shall remain available until expended. Funds will be apportioned as follows: Mid-Atlantic and including Kentucky—\$5.0 million; Northwest—\$7.5 million; and Devils Lake—\$4.0 million.

Grant Rates

Grant rates, as established by the Public Works and Economic Development Act of 1965, as amended (PWEDA) and its implementing regulations at 13 CFR chapter III, 61 FR 7979, March 1, 1996, as corrected in 61 FR 15371, April 8, 1996, and its interim-final rule at 60 FR 49670, September 26, 1996, may vary, if permitted by PWEDA and its implementing regulations, and will depend on the relative needs and financial capacity of applicants. In most cases, a nonfederal local share will be required. In rare and extenuating circumstances, EDA may waive the local share requirement where permitted by PWEDA and its implementing

regulations at 13 CFR chapter III. Local share requirements are discussed in the 13 CFR chapter III. The specific section for each program that discusses grant rates is listed below:

1. See 13 CFR Part 308.7 for Special Economic Development Adjustment Assistance—Long-Term Economic Deterioration (LTED) and Sudden and Severe Dislocation (SSED);
2. See 13 CFR Part 307.5 for Technical Assistance; and
3. See 13 CFR Part 307.27 and 307.33 for the Planning Program.

The grant rate for levee repairs shall not exceed 75 percent. The nonfederal share of the cost of a levee rehabilitation project for which assistance is made available by EDA shall be:

- To provide all land, easements, rights-of-way, and dredged material disposal areas necessary for the project; and
- To provide 25 percent of the costs of construction of the project of which at least 5 percent shall be paid in cash.

Eligible Applicants

Eligible applicants include any of the states or political subdivisions thereof, including municipalities and quasi-public corporations and authorities, Indian tribes, and nonprofit corporations representing an EDA designated redevelopment area or part thereof located in areas affected by the flooding in the Mid-Atlantic states of Maryland, New York, Pennsylvania, Virginia, West Virginia and including Kentucky; in the Northwestern states of Idaho, Oregon and Washington; at Devils Lake in North Dakota; and other disasters. Eligible applicants are further identified in 13 CFR chapter III.

Levees which are within the Corps' geographic area of responsibility that were ineligible to receive assistance because of the lack of participation by a public sponsor prior to the recent flooding will be eligible for assistance from EDA, provided that:

- It is demonstrated that the levee protects "critical public infrastructure;"
- A public sponsor is identified that can demonstrate sufficient financial capability to comply with the requirements of this section;
- The levee rehabilitation program otherwise meets the requirements established by the Corps for design, operation, and maintenance;
- It is demonstrated that the benefits derived from repair or reconstruction of the levee will exceed the repair costs;
- The public sponsor agrees to include its levee in the Corps' program and enters into a written agreement

acknowledging that future Federal assistance will be conditional upon the public sponsor's continued participation in the program (future Federal assistance means under the Corps' Public Law 84-99 Emergency Levee Repair Program); and

—The proposed work consists primarily and essentially of repairs to an existing levee.

Proposal Submission Procedures

Proposals for assistance under this disaster relief program shall be submitted to EDA with a completed Form ED-900, OMB Control No. 0610-0094. Applicants must clearly demonstrate how the EDA assistance will help the area recover from the economic hardship and other problems caused by the floods, or other disasters, and that such assistance has been preceded by sound planning. Interested parties should contact the appropriate Economic Development Representative for the area or the appropriate EDA Regional Office for a proposal package.

Application Procedures

A determination of whether to invite a grant application for EDA assistance will be issued based upon the outcome of the Agency's review of the applicant's preliminary application/proposal.

Funding Instrument

Funds will be awarded as grants in accordance with the requirements of Title I, Title III, Title IV, and Title IX of the Public Works and Economic Development Act of 1965, as amended (Pub. L. 89-136; 42 U.S.C. 3121 et. seq.) (PWEDA). The appropriate title for grant application and award will be determined by EDA based on the nature of the project and the eligibility of the area.

Levee Project Selection Criteria

It is anticipated that the funds announced herein for repairing levees may not be sufficient to repair all the levees for which requests are received. EDA will use the following criteria to select the levees to be repaired: (1) The critical nature of the infrastructure protected by the levee, (2) environmental impact, (3) past performance of the applicant regarding operation and maintenance of the existing levee, (4) the applicant's ability to ensure proper and efficient administration of the levee rehabilitation project and of satisfactory operation and maintenance of the levee in accordance with standards established by the Corps, (5) the feasibility of the project, cost and other

factors considered, (6) the potential the project has for assisting in the post-disaster recovery of the area, and (7) the extent to which the project will directly or indirectly tend to improve opportunities in the area for the establishment or expansion of industrial or commercial facilities or primarily benefit members of low-income families.

To establish the merits of project proposals, interested parties should contact the EDA office for the area (see Appendix A) for a preapplication, ED-900P, OMB Control No. 0610-0094. Requests for assistance shall be submitted directly to the EDA Regional Office that serves the area (see Appendix A). Before submitting a preapplication to EDA for levee repairs, interested applicants should contact the appropriate Division or District Office of the Corps of Engineers to determine whether their levee would, after being repaired, be eligible for inclusion in the Corps' Public Law 84-99 Emergency Levee Repair Program. This determination must be in writing and a copy submitted with the applicant's preapplication request.

EDA, working in conjunction and collaboration with the Corps, will evaluate preapplications to determine whether they can meet the criteria established above before inviting formal applications. After all requests have been evaluated, EDA will notify the Corps regarding the potential projects for which a site inspection, Damage Survey Report and Benefit/Cost Analysis are required.

Following the review of the preapplications, the Damage Survey Reports and Benefit/Cost Analysis, EDA will invite those entities whose projects are selected for consideration to submit full applications.

Other Information

Except as modified herein, application procedures, competitive selection criteria and post-approval project implementation information for the applicable assistance program are described at 13 CFR Chapter III, 61 FR 7979, March 1, 1996, as corrected at 61 FR 15371, April 8, 1996, and its interim-final rule at 60 FR 49670, September 26, 1995.

Dated: June 19, 1996.

Phillip A. Singerman,
Assistant Secretary for Economic Development.

Appendix A—Affected EDA Regional Offices and Economic Development Representatives

For further information contact the appropriate EDA Regional Office or the

Economic Development Representative listed below:

John E. Corrigan, Regional Director,
Philadelphia Regional Office, Curtis
Center, Independence Square West, Suite
140 South, Philadelphia, Pennsylvania
19106, Telephone: (215) 597-4603, Internet
Address: JCorrigan@doc.gov

Economic Development Representatives:

Patricia A. Flynn—Maryland, 2568-A Riva
Road, Suite 200, Annapolis, MD 21401,
Telephone: (410) 962-2513

Harold J. Marshall, II—New York, 620 Erie
Boulevard West, Suite 104, Syracuse, NY
13204, Telephone: (315) 448-0938

Anthony M. Pecone—Pennsylvania, 1993A
New Berwick Highway, Bloomsburg, PA
17815, Telephone: (717) 389-7560

Neal E. Noyes—Virginia, 700 Centre
Building, Room 230, 704 East Franklin
Street, Richmond, VA 23219, Telephone:
(804) 771-2061

Byron R. Davis—West Virginia, Rose City
Press Building, 550 Eagan Street, Room
305, Charleston, WV 25301, Telephone:
(304) 347-5252

William J. Day, Jr., Regional Director, Atlanta
Regional Office, 401 West Peachtree Street,
N.W., Suite 1820, Atlanta, GA 30308-3510,
Telephone: (404) 730-3002, Internet
Address: WDAY@doc.gov

Economic Development Representative:

Bobby D. Hunter—Kentucky, 771 Corporate
Drive, Suite 200, Lexington, KY 40503-
5477, Telephone: (606) 224-7426

John Woodward, Regional Director, Denver
Regional Office, 1244 Speer Boulevard,
Room 670, Denver, CO 80204, Telephone:
(303) 844-4714, Internet Address:
JWoodwa3@doc.gov

Economic Development Representative:

Warren A. Albertson—North Dakota, Federal
Building, Room 219, 225 South Pierre
Street, Pierre, SD 57501, Telephone: (605)
224-8280

A. Leonard Smith, Regional Director, Seattle
Regional Office, Jackson Federal Building,
Room 1856, 915 Second Avenue, Seattle,
Washington 98174, Telephone (206) 220-
7660, Internet Address: LSmith7@doc.gov

Economic Development Representatives:

Aldred F. Ames—Idaho, Borah Federal
Building, 304 North 8th Street, Room 441,
Boise, ID 83702, Telephone: (208) 334-
1521

Anne S. Berblinger—Oregon, One World
Trade Center, 121 S.W. Salmon Street,
Suite 244, Portland, OR 97204, Telephone:
(503) 326-3078

Lloyd P. Kirry—Washington, Jackson Federal
Building, 915 Second Avenue, Room 1856,
Seattle, WA 98174, Telephone: (206) 220-
7682

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