

## § 203.21

to operate and maintain projects during crisis situations.

(b) *Emergency operations.* During emergency operations, including flood response (flood fight and rescue operations) and post flood response, non-Federal interests must commit available resources to include: manpower, supplies, equipment, and funds. Requests for Corps assistance will be in writing from the Governor or his/her authorized representative. Non-Federal interests must furnish formal written assurances of local cooperation which are detailed in subpart G of this regulation. Following a flood response, it is a non-Federal responsibility to remove expedient flood control structures installed by the Corps under Pub. L. 84-99.

(c) *Rehabilitation.* Prior to Corps rehabilitation of non-Federal projects, non-Federal interests must furnish formal written assurances of local cooperation. (The local cooperation requirements are detailed in subpart G of this regulation.) Sponsorship by a public entity is required. Additional requirements of local participation include such items as cost-sharing and costs attributable to deficient or deferred maintenance.

(d) *Emergency water supplies and drought assistance.* Non-Federal interests must seek emergency drinking water assistance through the Governor of the affected State. The Bureau of Indian Affairs may request aid for Indian tribal lands. Corps assistance can be provided to drought-distressed areas, to construct wells and to transport water, at the request of the Governor. Requests for assistance for either program must include information concerning the criteria prescribed by subpart E of this regulation.

(e) *Advance measures.* Advance measures to protect against predicted flooding are designed to complement the maximum non-Federal capability, must be justified from an engineering and economic standpoint and be capable of completion in a timely manner. Non-Federal participation can include either financial contribution or commitment of non-Federal physical resources. The assurance of local cooperation and participation (subpart H) must be furnished to the Corps prior to

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construction. Requests for assistance must be made by the Governor of the affected State. (Bureau of Indian Affairs for Indian tribal lands.)

[48 FR 56373, Dec. 21, 1983, as amended at 51 FR 25691, July 16, 1986; 53 FR 2841, Feb. 2, 1988; 54 FR 3028, Jan. 23, 1989]

### Subpart B—Disaster Preparedness

#### § 203.21 Inspection of non-Federal flood control works.

(a) *Required inspections.* Regular inspections will be conducted at non-Federally constructed flood control works that have received Corps assistance under Pub. L. 84-99. These are conducted to establish whether the flood control works will continue to provide the intended degree of flood protection and to determine if the maintenance program is adequate.

(b) *Local requests.* If requested by non-Federal interests, inspection of flood control works may be performed even though there has been no previous Corps assistance provided under Pub. L. 84-99.

(c) *Advice and reporting.* Information on the results of inspection will be furnished to non-Federal interests and will be maintained in Corps district offices. Non-Federal interests will be informed that a record of continued maintenance deficiencies may negatively impact on eligibility of future rehabilitation work and the degree of local cost-sharing participation in any proposed work. Follow-up inspections will be made by the Corps to monitor progress in correcting deficiencies. Liaison with local interests will include suggestions on required remedial maintenance and other measures to prepare for flood and coastal emergencies.

### Subpart C—Emergency Operations

SOURCE: 54 FR 3028, Jan. 23, 1989, unless otherwise noted.

#### § 203.31 Authorities.

This authority applies to flood response and post flood response activities. Flood response activities include flood fighting, rescue operations, and

protection of Corps constructed hurricane and shore protection projects. Flood fighting measures are applicable to any flood control structure (Federal, state, local, and private) where assistance in supplemental to state and local efforts. Corps assistance is not appropriate to protect flood control structures constructed and/or maintained by other Federal agencies where those agencies have emergency authority.

(a) *Flood response.* Corps assistance in support of other Federal agencies or state and local interests may include the following: technical advice and assistance; loaning of flood fight supplies, e.g., sandbags, polyethylene sheeting, lumber, stone; loaning of Corps-owned equipment; hiring of equipment and operators for flood fight operations; emergency contracting.

(b) *Post flood response.* Corps divisions/districts are provided authority to furnish assistance for a period not to exceed 10 days in response to a Governor's request. This assistance may include the following: Provision of technical advice and assistance; clearing of drainage channels, bridge openings, or structures blocked by debris deposited during a flood event; removal of debris blockages of critical water supply intakes, sewer outfalls, etc.; removal of minimum debris necessary to reopen critical transportation routes; temporary construction to restore critical transportation routes or public services/facilities; other assistance required to prevent imminent loss of life or public property.

#### § 203.32 Policy.

During or immediately following a flood or coastal storm, emergency operations may be undertaken by the Corps to supplement state and local activities. Corps assistance is limited to the preservation of life and improved property, i.e., residential/commercial developments and public facilities/services. Direct assistance to individual homeowners or businesses is not permitted. Assistance will be temporary, meet the immediate threat, and is not intended to provide permanent solutions. All Corps activities will be coordinated with the State Office of Emergency Services or equivalent. Reimbursement of state or local emer-

gency costs is not authorized. The assurances required for the provision of Corps assistance apply only to the work performed under Pub. L. 84-99 and will not prevent state or local governments from receiving other Federal assistance.

(a) *Flood response.* Request for Corps assistance will be in writing from the Governor or his/her authorized representative. When time does not permit a written request, a verbal request from either a responsible state or local official will be accepted followed by a written confirmation from the state. Corps assistance may include operational control of flood response activities, if requested by the responsible state official. However, legal responsibility remains with state and local officials. Corps assistance will be terminated when the flood waters recede below bankfull. Removal of ice jams is a local responsibility; however, Corps technical advice and assistance, as well as assistance with flood fight operations can be provided to supplement state and local efforts. The Corps will normally not perform ice jam blasting operations.

(b) *Post flood response.* A written request from the Governor to the district or operating division commander is required to receive Corps assistance. Corps assistance will be limited to major flood or coastal storm disasters resulting in life threatening situations. The Governor's request should include: verification that the Federal Emergency Management Agency (FEMA) has been requested to initiate Preliminary Damage Assessments (PDA); statement that assistance required is beyond the State's capability; specific damage locations; extent of Corps assistance required to supplement state and local efforts. The Governor's request should be transmitted concurrently with the request to FEMA for PDA. Corps assistance is limited to 10 days following receipt of the Governor's written request or on assumption of activities by State and local interests, whichever is earlier. After a Governor's request has triggered the 10-day period, subsequent request(s) for additional assistance resulting from the same flood or coastal storm event will not extend the 10-day period or