

§ 1948.83

7 CFR Ch. XVIII (1-1-05 Edition)

being done to fill these gaps, or application for a planning grant has been submitted or is to be submitted to cover the cost of the needed planning. These plans must be resubmitted for final approval on or before December 31, 1980. No requested grant will be approved for land acquisition or site development unless the request is cited in the FmHA or its successor agency under Public Law 103-354-approved comprehensive growth management plan for the designated area in which the project is located.

(f) The FmHA or its successor agency under Public Law 103-354 State Director shall review all plans and the State Investment Strategy for Energy Impacted Areas and provide comments on the following:

(1) Appropriateness of FmHA or its successor agency under Public Law 103-354 assistance under this section as called for in the plans;

(2) Appropriateness of FmHA or its successor agency under Public Law 103-354 assistance under other programs as called for in the plans;

(3) Appropriateness of the State Investment Strategy for Energy Impacted Areas;

(4) Other Federal programs which could be used instead of, or in addition to, assistance under this section; and

(5) Recommended action.

(g) The FmHA or its successor agency under Public Law 103-354 State Director shall submit all plans received from the Governor, the State Investment Strategy Energy Impacted Areas, and any comments to the FmHA or its successor agency under Public Law 103-354 National Office for approval within 10 days of the submission of plans and the State Investment Strategies for Energy Impacted Areas to the State Director.

(h) The FmHA or its successor agency under Public Law 103-354 National Office shall review all plans and State Investment Strategy for Energy Impacted Areas received and approve or return them for modification within 30 days of their receipt in the FmHA or its successor agency under Public Law 103-354 National Office.

(i) The FmHA or its successor agency under Public Law 103-354 National Office shall notify the appropriate State

Director of all plans that have been approved by the Administrator.

(j) Upon approval of the plans and State Investment Strategies for Energy Impacted Areas by the Administrator, FmHA or its successor agency under Public Law 103-354, the FmHA or its successor agency under Public Law 103-354 State Director may exercise the authority of the Secretary of Agriculture under Section 603 of the Rural Development Act of 1972 to convene a meeting of the appropriate representatives of all Federal and State agencies which are requested to supply development funds by the State Investment Strategy for Energy Impacted Areas for the purpose of obtaining tentative funding commitments consistent with their authorities.

(k) The FmHA or its successor agency under Public Law 103-354 State Office shall notify the Governor and the appropriate District Directors of all plans approved by the Administrator, FmHA or its successor agency under Public Law 103-354.

(l) Modifications to approved plans shall be approved by the Administrator of FmHA or its successor agency under Public Law 103-354 following the above procedure.

(m) The Governor's modification to the State Investment Strategy for Energy Impacted Areas may be approved by the FmHA or its successor agency under Public Law 103-354 State Director provided the modification is consistent with FmHA or its successor agency under Public Law 103-354 approved plans.

§ 1948.83 Performance of site development work.

Site development work will be done in accordance with §1942.18 of FmHA Instruction 1942-A.

§ 1948.84 Application procedure for site development and acquisition grants.

(a) For those projects for which Federal funding is sought in excess of \$100,000 the applicant shall file SF 424.2, "Application for Federal Assistance (For Construction)" with the appropriate FmHA or its successor agency under Public Law 103-354 office. For

those projects for which Federal funding is sought for less than \$100,000, the applicant shall file SF 424.2 with the appropriate FmHA or its successor agency under Public Law 103-354 office. A copy should also be filed with the Governor's office of the appropriate State.

(b) The FmHA or its successor agency under Public Law 103-354 office receiving a SF 424.2 shall reply to the applicant within 45 calendar days regarding the applicant's eligibility to compete for funding under this program using Form AD-622. (FmHA or its successor agency under Public Law 103-354 District offices will send each preapplication to the FmHA or its successor agency under Public Law 103-354 State Offices for review before replying to the applicant. FmHA or its successor agency under Public Law 103-354 District offices will send a copy of Form AD-622 to the FmHA or its successor agency under Public Law 103-354 State Office at the time the AD-622 is sent to the applicant.)

(c) Intergovernmental consultation should be carried out in accordance with 7 CFR part 3015 subpart V, "Intergovernmental Review of Department of Agriculture Programs and Activities". See FmHA Instruction 1940-J, available in any FmHA or its successor agency under Public Law 103-354 office.

(d) Applicants shall file an original and one copy of SF 424.2, with the appropriate FmHA or its successor agency under Public Law 103-354 office. Local governments and councils of local government shall submit applications to the FmHA or its successor agency under Public Law 103-354 District Office and State governments to the FmHA or its successor agency under Public Law 103-354 State Office. Applications shall include:

(1) Evidence of applicant's legal existence and authority to undertake the proposed project;

(2) Evidence of ownership of or lease on a site to be developed or "Options to Purchase Real Property," Form FmHA or its successor agency under Public Law 103-354 440-34, (Lease on a site for a public facility will be in accordance with FmHA Instruction 1942-A and

lease on a site for housing will be in accordance with 7 CFR part 3550);

(3) Description of project and relationship to approved growth management and housing plan. Applicant must cite pages and section of the approved plan;

(4) A plat of the area including elevations;

(5) Preliminary plans and specifications on proposed development which will contain an estimate of the projected cost of site development prepared by independent qualified appraisers or architects/engineers;

(6) The amount of Federal grant needed;

(7) The amount and source of applicant's financial contribution to the project;

(8) An original and one copy of Form FmHA or its successor agency under Public Law 103-354 1940-20;

(9) An original and one copy of Forms FmHA or its successor agency under Public Law 103-354 400-1 and Form FmHA or its successor agency under Public Law 103-354 400-4;

(10) Evidence that the land is stable if the land has been previously mined (include relevant data on soil and analysis);

(11) Assurance that the requirements set forth in title 7, subtitle A, part 21 of the Code of Federal Regulations (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970) have been met.

(12) Specific concurrence of the Governor if the proposed applicant is neither a council of local governments nor a general purpose political subdivision of a State;

(e) District and State FmHA or its successor agency under Public Law 103-354 Offices receiving applications shall:

(1) Determine if the project is in accordance with a FmHA or its successor agency under Public Law 103-354 approved growth management and/or housing plan covering the approved designated area;

(2) Comply with environmental requirements set forth in subpart G of part 1940 of this chapter;

(3) Prepare a Historic Preservation Assessment in accordance with part 1901, subpart F, of this chapter;

§ 1948.85

(4) Determine site stability if the land has been previously mined; and

(f) District FmHA or its successor agency under Public Law 103-354 Offices receiving applications shall also provide written comments reflecting site development and acquisition grant selection criteria (§1948.86) listed in this subpart.

(g) The FmHA or its successor agency under Public Law 103-354 District Office shall forward the original of the application and accompanying documents including those required in paragraph (e) of this section to the FmHA or its successor agency under Public Law 103-354 State Director within 10 working days of receipt of the application.

(h) Upon receipt of an application, the FmHA or its successor agency under Public Law 103-354 State Office shall:

(1) Review and evaluate the application and accompanying documents;

(2) Determine that the project is a part of and consistent with the State Investment Strategy for Energy Impacted Areas;

(3) Send a copy of the applicant's evidence of legal existence and authority to the USDA Regional OGC for review;

(4) If applicant is local government(s), consult with the Governor on funding recommendation of the project; and

(5) Respond to the applicant within 30 days of the date of receipt of the application.

(i) Upon receipt of an application by the FmHA or its successor agency under Public Law 103-354 State Office, a docket shall be prepared which shall include the following:

(1) Application SF 424.2 and enclosures;

(2) Any comments received in accordance with 7 CFR part 3015 subpart V, "Intergovernmental Review of Department of Agriculture Programs and Activities". See FmHA Instruction 1940-J, available in any FmHA or its successor agency under Public Law 103-354 office.

(3) Evidence of ownership or lease of site to be developed;

(4) Evidence of applicant's legal existence and authority;

(5) OGC legal determination;

7 CFR Ch. XVIII (1-1-05 Edition)

(6) Preliminary plans and specifications concerning the proposed development;

(7) Grant agreement and scope of work;

(8) An estimate of projected cost of site development prepared by independent qualified appraisers or engineers/architects;

(9) A topographical map of the area;

(10) Form FmHA or its successor agency under Public Law 103-354 440-1;

(11) Form FmHA or its successor agency under Public Law 103-354 400-1;

(12) Form FmHA or its successor agency under Public Law 103-354 400;

(13) Form FmHA or its successor agency under Public Law 103-354 1940-20, if required by subpart G of part 1940 of this chapter;

(14) A copy of the appropriate FmHA or its successor agency under Public Law 103-354 environmental review required by subpart G of part 1940 of this chapter;

(15) Historic Preservation Assessment;

(16) A copy of the State Investment for Energy Areas; and

(17) District, where appropriate, and State FmHA or its successor agency under Public Law 103-354 written comments, assessments and analysis of the proposed project in accordance with the grant selection criteria.

[44 FR 35984, June 19, 1979, as amended at 46 FR 61991, Dec. 21, 1981; 48 FR 29121, June 24, 1983; 49 FR 3764, Jan. 30, 1984; 55 FR 13503 and 13504, Apr. 11, 1990; 67 FR 78329, Dec. 24, 2002]

§ 1948.85 [Reserved]

§ 1948.86 Site development and acquisition grant selection criteria.

The following criteria will be considered in the selection of site development and/or acquisition grant recipients:

(a) *Required criteria.* Each project must meet the following criteria:

(1) The area is covered by a FmHA or its successor agency under Public Law 103-354 approved plan;

(2) The FmHA or its successor agency under Public Law 103-354 approved plan specifically calls for the site development and/or acquisition;

(3) Other Federal funds that the community could receive for the project