

NRCS/CWCB Emergency Watershed Protection Phase II FAQ

1. What is the difference between the current phase of EWP funding and the first phase that was implemented shortly after the 2013 floods?

The current round of funding is Phase II of the EWP program, which differs in a couple respects from Phase I, for which projects were completed in 2014. Phase I of the program, which was administered for the State by the Colorado Division of Homeland Security and Emergency Management (DHSEM) was defined as an “exigent” phase. Exigent funding is intended to address the most at-risk properties that are identified as being subject to imminent failure during ongoing stream and weather events. Local governments were asked to identify the properties most at risk from the 2014 runoff season, and the local governments and property owners were given ten days to construct the improvements.

Phase II is not identified as an “exigent” phase, although there is a provision on a case by case basis which permits exigent projects to be identified and constructed under certain limited conditions. Exigent projects must be completed within 40 days. Phase II, which will be administered for the State by the Colorado Water Conservation Board (CWCB), is a more thoughtful, long-term, holistic approach to stream and watershed recovery. Rather than protecting individual sites at risk from imminent failure, funds from this phase are intended to promote overall watershed recovery by restoring stream function and reestablishing connections between stream reaches and their associated floodplains. Projects are selected in coordination with the watershed coalitions within the affected watersheds, and are intended to be generally consistent with the highest priorities established in the watershed master plans completed by the watershed coalitions. Once funded, local sponsors will have 220 days to complete construction.

Put simply, Phase I can be considered a band-aid approach to address immediate high needs. Phase II should be considered as a longer-term, holistic approach to addressing problems at the watershed level in coordination with the completed watershed master plans.

2. Are these funds tied to a specific disaster?

Funding for this EWP program is specifically and explicitly tied to the September 2013 Colorado flooding disaster. This is identified by the presidential disaster declaration DR-4145. Funds may only be used within the counties identified in the disaster declaration and may only be used for recovery projects specifically tied to damage from the DR-4145 event. It is important to note that funds for this program may not be used for recovery activities associated with recent wildfire events, the Spring 2015 flooding, or any other recent disasters.

3. How will "exigent" projects be addressed with this funding?

As noted above, a provision exists to address “exigent” projects within this phase on a limited basis. In order for a case by case review, the project must be identified as an exigent need by the CWCB and NRCS in the Damage Survey Report associated with the project. It is an important reminder that “exigent” means a property is at-risk for imminent failure, as opposed to a project that is merely deemed important or time-sensitive for other reasons.

Once an exigency determination is made, a project may be cleared by NRCS and CWCB for funding to move forward prior to the completion of the Damage Survey Report process subject to certain conditions. It is important to emphasize that only projects associated with damage from DR-4145 will be considered for funding; projects associated with damages from other disasters cannot be funded, even if they are deemed to be exigent.

4. How was the funding request determined? Did Colorado receive all funding that was requested?

The funding request was made by NRCS based on damages compiled during the Damage Survey Report process following the September 2013 flood. Phase I addressed a portion of the work identified as exigent following the event, but an estimate of long-term needs was also prepared and used for the request. The State and Congressional delegation worked to bring additional funding for meeting long term needs. It is important to emphasize that Colorado did not receive all of the funding that was requested. This means that a shortfall will exist prior to completing all identified projects and it is likely that not all requested projects will have funding available for construction.

5. What is the process for identifying eligible projects? What is the status of that process?

Each flood affected coalition was asked to submit lists of priority reaches within their watersheds so that CWCB and NRCS could begin Damage Survey Reports.

Within these Priority areas, a Damage Survey Report (DSR) will be completed to determine Emergency Watershed Protection (EWP) eligibility, document damages caused by the flood, develop treatment alternatives, and estimate project costs. The process will also determine structures, properties, and other items that may be at risk if the project is not done. This information will be used to calculate the benefit cost ratio of the proposed treatment. The DSR process will also document any environmental and cultural effects within the project area and minimize impact to those areas. All EWP work must reduce threats of life and property. It must be economically and environmentally defensible and sound from an engineering standpoint. If a DSR does not meet the eligibility criteria for EWP, work will not proceed through this program.

As a DSR team becomes ready to collect field data for a given watershed, the Watershed Coordinator will be contacted. Dates and time will be set. It will be the responsibility of the Watershed Coalition and Coordinator to obtain access permission from all landowners where EWP assessments will take place. Landowner consent is required to proceed with any project work. If a landowner in a project area does not want work completed on his/her property, that work will not be done.

A DSR team is made up of individuals from Natural Resources Conservation Service (NRCS) and Colorado Water Conservation Board (CWCB), the Watershed Coordinator, interested landowners, and other individuals that may be able to assist with obtaining and collecting needed information within a reach.

Watershed Coalition Master Plans are broken down into reach areas. Each reach was evaluated and prioritized. Through the DSR process, more than one reach may be combined into a project. The extent of a project will be determined through the evaluation process to maximize the benefit to the stream system and the watershed as a whole given available resources.

This process is also being initiated in areas not covered by a watershed coalition or master plan. In these areas, requests for DSR team visits are submitted by local jurisdictions or private landowners.

6. What is the role of coalitions in identifying and/or implementing projects?

See #5 above. Generally speaking, coalitions will be responsible for upfront project prioritization and for local management of the DSR process.

7. What is the role of local governments in identifying and/or implementing projects?

Local governments participate as stakeholders on all coalitions. Stakeholder input into development of priority lists was part of most coalitions' processes. Local governments are also able to request DSRs in areas outside of existing coalition boundaries.

Local governments, along with other eligible entities, may serve as local sponsors for projects as they are designed and implemented. Local sponsors will be responsible for signing sponsor agreements with the CWCB, engaging contractors for construction, identifying local match sources to meet the cost-share requirement, securing any necessary easements or access agreements for construction, develop Operations and Maintenance (O&M) plans and ensure that O&M tasks are carried out in accordance with the plans, and ensure all necessary permits and approvals are obtained prior to construction.

8. Is there a cost share for EWP projects?

The NRCS will fund 75% of construction cost for funded projects. The State of Colorado, through the Disaster Emergency Fund, will pay for half the non-federal share, or 12.5% of the project costs. The local sponsor must pay for the remaining non-federal share, or 12.5% of project costs. This local share may be paid through cash or in-kind services. This local sponsor share must be identified and committed prior to the project beginning. Projects without identified and committed local cost share will not move forward.

9. What is the anticipated timeline for implementation?

High priority projects can begin the design phase as soon as the high-priority Damage Survey Reports are complete and reviewed and approved by NRCS and CWCB team members. Field work for high priority DSRs is estimated to be completed in early October. If additional funding is available, an additional round of Damage Survey Reports will commence based on medium level priority projects as prioritized by the watershed coalitions. Design for these medium priority projects will begin shortly after all DSRs are complete. All DSRs are scheduled to be completed no later than November 30, 2015.

Projects identified as exigent may begin as soon as the DSR for that project is completed and approved, subject to certain conditions.

Implementation for each project will begin following the completion of the project's design phase. The earliest projects to begin implementation could begin in late fall 2015 depending on how the design process progresses. It is believed that the majority of the projects will not begin implementation until early 2016.

10. What is the intended outcome for the program?

Reach scale restoration projects designed to protect life and property while aligning with philosophical restoration approach outlined in watershed master plans. These projects are intended to provide long-term, strategic, watershed-based solutions that restore stream function, reconnect floodplains with streams, manage sediment movement, protect infrastructure, and improve public health, safety, and welfare.

For additional information, please contact Kevin Houck or Chris Sturm, CWCB staff, at 303-866-3441.

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