

CWCB LEVEE ASSISTANCE GUIDELINES

EFFECTIVE DATE: October 10, 2024

BACKGROUND

Recent national events have emphasized the fragile nature of the protection levees can provide to adjacent lands. While designed to prevent flooding up to specified return intervals, many recent examples can be made of flooding exacerbated by levees that either fail during more frequent events due to structural problems or are overwhelmed by larger magnitude events. While actual levee policies have not been modified in most cases, these events have caused both the Federal Emergency Management Agency (FEMA) and the U.S. Army Corps of Engineers (Corps) to reevaluate the enforcement of their levee policies in regards to post-flood rebuilding and floodplain mapping. As part of these reevaluations, stricter inspections are being conducted by both agencies to determine the degree of risk in place for levee structures.

A number of Corps-built levees exist around the state. Numerous other non-federal levees or flood control structures also exist. These levees vary greatly in their quality and maintenance condition. Recent Corps inspections have indicated a need for maintenance actions along many of the levees in order to bring them back into compliance with current federal standards and regulations. The CWCB is committed to assisting local governments in an effort to bring these structures into compliance, and encourages continued local maintenance.

AUTHORITY

These Guidelines are consistent with the CWCB's broad floodplain management and public safety authority, for the prevention of floods and flood damages therefrom, granted under 37-60-106(1)(c) through 37-60-106(1)(f), and 37-60-106(1)(k). In addition, the CWCB has funding authority for floodplain technical services within Colorado House Bill 06-1313, and for flood response activities within Colorado HB 08-1346. The CWCB also promulgated "Rules and Regulations for Regulatory Floodplains in Colorado"(2-CCR-408-1) for the purpose of providing uniform standards for regulatory floodplains, including criteria for the effects of levees on regulatory floodplains.

EXPLANATION OF CWCB ASSISTANCE

The CWCB is committed to providing assistance to local governments for the purpose of bringing existing levee structures up to current levels of compliance. The first round of assistance is intended to help local governments with COE-built structures. Following this first round, non-COE structures will also be considered for assistance on a case-by-case basis. Assistance will be provided as both technical assistance and, where appropriate, financial assistance.

Technical assistance will be provided for any eligible entity (see below) free of charge. Technical assistance will take the form of participation in or performance of levee inspections; review of inspection reports from others; assistance in development of scope of Maintenance Deficiency Correction Plans (MDCP); site visits before, during, and after construction; meeting attendance; public meetings (if appropriate); and other general technical assistance.

Financial assistance may be provided to eligible entities where appropriate. The decision to provide financial assistance in the form of grants will be made by CWCB staff, possibly with CWCB Board review and approval, on a case by case basis. All financial grants provided must meet the cost share requirements and local responsibilities outlined below.

Financial assistance in the form of loans is available at anytime for eligible entities that meet the lending requirements established by the CWCB and policies related to the Water Project Loan Program.

ELIGIBLE ENTITIES FOR CWCB GRANT FUNDING

Entities that are eligible to receive CWCB assistance include communities (incorporated towns and cities, as well as unincorporated counties within the state of Colorado), flood control districts, levee districts, water conservation districts, water conservancy districts, special districts, irrigation districts, stormwater authorities, water authorities. Communities must be enrolled and in good standing within the National Flood Insurance Program (NFIP) to be eligible for assistance.

All non-community entities utilizing CWCB assistance must have acknowledgment of affected local communities. Direct involvement by affected communities is not necessary beyond acknowledgment and acceptance of levee activities.

Entities that are not eligible for CWCB assistance include private-sector businesses, citizen or non-citizen individuals, non-governmental organizations, and state and federal agencies.

COST SHARE REQUIREMENTS FOR GRANT FUNDING

All financial assistance in the form of grants from the CWCB will require a substantive local cost share to further encourage local ownership and buy-in of the work being performed. The target cost share of grant funding is 25% of the project cost as a cash match. Small or impoverished communities that are unable to meet this cost share may: 1) obtain match funding from other sources, 2) petition the CWCB to provide a lower cost share amount, or 3) provide in-kind services to meet a portion of the match. Alternative cost share plans will be reviewed and may be approved on a case-by-case basis. Under no circumstances will the local cash match be less than 10% of the project cost.

Grant funding will generally be limited to \$100,000 of CWCB funds. For larger projects, larger funding may be considered on a case-by-case basis, and will require CWCB Board approval. Grants in excess of \$100,000 may require larger cost share percentages.

LOCAL RESPONSIBILITIES

In exchange for grant funding, the eligible entity receiving the grant shall provide written acceptance of standard local responsibilities, all of which will be performed at local expense and using local resources. These responsibilities include the following:

- The creation of an up-to-date operations and maintenance plan. This plan shall conform to applicable federal and state criteria, and shall be approved by CWCB staff, and any other necessary government entities.
- Monthly progress reports shall be provided to CWCB staff. Progress reports may be in the form of standard mail, email, or fax contact, but shall include, at a minimum, a description of the progress made, an accounting of funds expended and remaining, and any anticipated schedule problems.

- All construction shall be performed in order to meet criteria by all necessary state agencies, including, but not limited to, FEMA, COE, CWCB, Colorado DWR. The eligible entity shall be responsible for coordinating with all necessary agencies and ensuring that all applicable criteria is addressed, with technical assistance by the CWCB, if needed.
- A final inspection will be performed by CWCB staff, or another agency, if appropriate. Final invoices will not be paid until a successful inspection is completed.
- The receiving entity shall provide a local point of contact for levee issues. The entity shall continue to provide an up-to-date contact if changes are made for a period of five years following the final inspection.
- All local fiscal rules shall be followed throughout the project.
- For grant funding associated with an eligible entity seeking FEMA certification, the affected community shall be responsible for coordination of the certification process, with technical assistance by CWCB staff, if needed.

CONTACT INFORMATION AND PAYMENT PROCEDURES

For purposes of CWCB assistance, the primary point of contact is:

Kevin Houck, P.E., CFM
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REFERENCES

The following references are available for further guidelines on levee issues:

Colorado levee policy

<http://cwcb.state.co.us/NR/rdonlyres/19E6CAAE-90A4-4B9C-B423-6F979741F8F0/0/16.pdf>

Colorado Rules and Regulations

<http://cwcb.state.co.us/WatershedProtectionFloodMitigation/RelatedInformation/LawsRules/Rules/RulesOnly.htm>

CWCB Floodplain and Stormwater Criteria Manual

<http://cwcb.state.co.us/WatershedProtectionFloodMitigation/RelatedInformation/ToolsResources/CriteriaManual/FloodplainStormwaterCriteriaManual.htm>

ACOE Guidelines for Landscaping and Vegetation Management at Floodwalls, Levees and Embankment Dams

<http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA402104&Location=U2&doc=GetTRDoc.pdf>

National Committee on Levee Safety

<http://www.iwr.usace.army.mil/ncls/index.cfm>

Treatment of Vegetation within Local Flood-Damage-Reduction Systems

http://www.familywateralliance.com/pdf/ACOE_Standards.pdf

FEMA Levee Guidelines

http://www.fema.gov/plan/prevent/fhm/lv_ctp.shtm