



COLORADO

Department of Public Safety



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Department of Transportation

Update letter to delegation and affected cities and counties

To: Colorado Congressional Delegation, Garfield County, Eagle County, Pitkin County, Mesa County, City of Glenwood Springs, City of Grand Junction

From: Stan Hilkey and Shoshana Lew

Re: Update on pursuit of federal assistance for Glenwood Canyon Mudslides

Dear Partners;

Thank you once again for your tremendous efforts and partnership over the past few weeks as we have worked rapidly to respond to the devastating mudslides that impacted Glenwood Canyon, including but not limited to those areas that were severely impacted by burn scars from last year's Grizzly Creek Fire. We are thrilled that CDOT was able to open the road ahead of schedule, early in the morning of August 14. Unfortunately we are not out of the woods yet, and with heavy rains predicted in the canyon in the days to come we must be prepared for further immediate response efforts.

At the same time, while our first priority was getting the road open to one lane of traffic in each direction as quickly as safely possible, medium and longer term solutions to fix the damage and increase resiliency for the future require ongoing effort and will demand the continued support of our federal partners. The purpose of this letter is to update you on our progress towards maximizing federal funding to support Colorado and the Western Slope during this incredibly challenging time.

As you know, on August 6, Governor Polis issued two executive orders: one declaring an emergency to securing emergency resources from the Federal Highway Administration; and, the other declaring a disaster emergency, initiating the State Emergency Operations Plan, authorizing funds from the Disaster Emergency Fund and directing "state agencies to pursue all available federal funding for response and recovery operations, including but not limited to the Federal Highway Administration, the Federal Emergency Management Agency, and the Natural

Resources Conservation Service.” In order to optimize overall partnership with federal agencies, we are pursuing two lines of effort separately -- and those efforts include a number of steps that necessarily require different timelines. Below is a status update on both.

Federal Highway Administration -- Emergency Relief Program

As you know, on August 7, Governor Polis and Director Lew submitted a letter to Secretary of Transportation Pete Buttigieg and Acting Federal Highway Administrator Stephanie Pollack advising them that the Colorado Department of Transportation had submitted a letter of intent to the Federal Highway Administration (FHWA) seeking assistance through the FHWA Emergency Relief Program.

Our total initial request to the FHWA Emergency Relief (ER) program, subject to ongoing assessment of damages, recovery, and resiliency needs that will supplement and refine initial estimates, totals \$116 million. This number covered a range of projected expenses including immediate removal of material from the roadway, establishment of an interim traffic configuration, repairs to roadway damages -- especially at Mile Post 123.5, as well as a \$50 million placeholder for the investments that we anticipate needing to ensure that alternative routes are able to serve as emergency bypasses when Glenwood Canyon closes due to future slide events.

We requested a quick release of \$11.6 million (10% of the current overall estimate and the maximum available for quick release under the federal aid highway program) to allow us to proceed expeditiously with emergency repairs to federal-aid highways. **Within 24 hours of receiving that letter, the Federal Highway Administration approved the quick-release request for \$11.6 million.** We are already putting those dollars to use for critical expenses like reimbursements for the emergency work to reopen the roadway last weekend, as well as for getting started with more permanent repairs to the roadway.

Importantly, CDOT is currently expediting emergency contracting procedures to bring on a partner to assist with permanent repairs to the damage that was incurred to the highway. CDOT held a “bidders conference” last week for interested parties and will close the procurement opportunity within the coming days. For qualified bidders, CDOT will use a low-bid selection process and expects to bring a contractor on board as early as this weekend. We expect that this work, in its entirety, should ultimately be eligible for reimbursement under the FHWA ER program.

At the same time, our request also recognizes that long term recovery in this area will require significant attention to climate resiliency. The intensity and variability of extreme weather events that this fragile ecosystem continues to experience will demand continued measures to stabilize the surrounding areas — many of which are public lands under the jurisdiction of the U.S. Forest Service — as well as continued geohazard mitigation, following extensive efforts of this nature

supported by FHWA and CDOT after the fire last year. We also expect that the ongoing vulnerability due to the severe erosion described above will likely require improvements to diversion routes such as Cottonwood Pass to be able to withstand heavier traffic in the future while providing resiliency. CDOT has initiated discussions with relevant counties regarding the identification of critical needs with respect to diversion routes, and will be convening a formal working group process over the coming weeks to refine estimates for FHWA emergency relief costs related to resiliency.

As noted above, we truly appreciate the responsiveness of USDOT and the record turnaround time for approval of quick release funds and ongoing consideration of our full request. Moreover, FHWA has embedded officials from their division office within CDOT's incident command team, which has proven invaluable both for pursuit of financial assistance and for facilitating a real-time technical partnership that has helped to cross-check ideas and solutions for both the immediate and longer term solutions. Given the strength of this partnership, we plan to continue pursuing roadway relief solely through the FHWA program.

Stafford Act Support

While the focus during the early weeks of this incident was on getting the road open safely -- and thus prioritized engagement with the Federal Highway Administration -- our statewide emergency operations team, which was activated during the earliest days of the incident, established workstreams that are assessing other areas of damage for federal support. For support outside of the roadway needs, we are currently assessing and documenting damages that would support a request for a presidential declaration under the Stafford Act. In order to retain the critical linkage between CDOT and the Federal Highway Administration ER program without disruption, the is pursuing support for the non roadway needs and support for roadway needs as two different, but related efforts. That is, the State believes it is critical for any efforts that may be taken under the Stafford Act be independent of the ongoing efforts under the Federal Highway Administration ER program. We are hopeful that the federal government will accommodate this request so that we can leverage the full support of various agencies and their core competencies.

The damage assessment for non-roadway impacts is ongoing, and this assessment process is a detailed interagency effort that takes some time. At this time, we are exploring several areas for pursuit of support pursuant to the Stafford Act. These may include, but are not limited to:

- **Damage to the Colorado River:** As many of you have had the opportunity to see firsthand, areas of the Colorado River are covered by immense debris and material that have impacted the flow of the River. To that end, the Department of Public Safety, working together with the Department of Natural Resources, local river districts, U.S. Army Corps of Engineers, FEMA, and others are assessing options for clearing debris

and material in a manner that will restore river flow in a manner that protects the critical infrastructure in the canyon. This is especially important because while river levels are currently low, flows in the spring could be 5-6 times as intense as current rates which will cause flooding and severe damage to the retaining walls supporting both the road and the railways. The team is still considering a number of different approaches, which will entail different costs.

- **Damage on both sides of the river including the burn scar area above the roadway:** As you know, much of the burn scar is within U.S. Forest Service jurisdiction on land far above I-70. The Forest Service is exploring all options, including areas that may require additional rockfall mitigation, support accelerate revegetation where possible (especially as the soil improves with the passage of time after the fires), and more. The local USFS district has requested support from across federal agencies to reconstitute the Burn Area Emergency Response team from last summer with additional expertise as-needed. We believe that a disaster request should include support for that function including compensating staff and bringing in the best talent from across the federal government.
- **Fixing the Hanging Lake Trail:** Unfortunately, it is likely that the Hanging Lake Trail, a treasure of our outdoor recreation network, has incurred serious damage due to this event. While we recognize that this asset combines state and federal public land assets, we believe that fixing the hanging lake trail is a critical part of recovery from these floods and will ask the federal government to explore all options available to pay for this work to occur as expeditiously as possible.
- **Support to Individuals and Small Businesses:** We recognize how hard this event has been for the economy on the western slope and for individuals and businesses whose lives and livelihoods have been impacted. To that end, the Division of Homeland Security and Emergency Management is working with the Small Business Administration to implement the Economic Injury Disaster Loans program.
- **Regulatory flexibility:** Finally, it is important to note that a Stafford Act Declaration can provide short term regulatory flexibility options that may be warranted with respect to supply chain issues in particular. Notably, motor carriers have requested a time limited increase to the weight limit for critical freight on the interstate from 80,000 to 85,000 pounds. Consideration of this request is contingent on a Stafford Act Declaration.

As noted above, a number of these items require significant analysis that is still underway following the immediate incident. However, as we finalize documentation and our request, we wanted to outline the range of issues at play so that we can prepare to advocate together for the maximum support that we can accrue for Colorado.

Thank you again for your ongoing support.