



# Acequia Guide to Disaster Funding

Prepared by NM Acequia Association

Revised June 2024



# Impacts on Acequias from Post-Fire Flooding

**Realignment of and damage to river channel** causing diversion structures could be disconnected from the river.

**Debris flows** may damaged structures, such as diversions, headgates, dividers, sluices, crossings, etc.

Heavy flooding may **damage structures** by dislodging them or washing them away, by damaging fences, and by causing erosion.

Debris flows, ash, and sediment can **clog acequia waterways** and can deposit on farmlands.



*Above: Flooding from the Black Fire and impacts to the Grijalva Ditch Diversion in Grant County*



Acequias are political subdivisions of the state and are eligible for disaster assistance from the state and federal government. There are two types of disasters:

- 1) A **state disaster** is one that is declared by the Governor making state funds available for disaster response and recovery.
- 2) a **federal disaster** is one declared by the Governor and US President and federal funds can be used for disaster response and recovery. Federal disasters are larger and most costly.



This guide will cover the following disaster assistance programs:

- Disaster Assistance Program (DAP) - Department of Homeland Security and Emergency Management (DHSEM)
- Public Assistance Program (PA) – Federal Emergency Management Agency (FEMA)
- Emergency Watershed Program (EWP) – USDA Natural Resource Conservation Service (NRCS)
- Acequia and Community Ditch Infrastructure Fund (ACDIF) Disaster Recovery – Interstate Stream Commission
- Acequia Debris Removal – NM Department of Transportation/DHSEM on an as needed basis





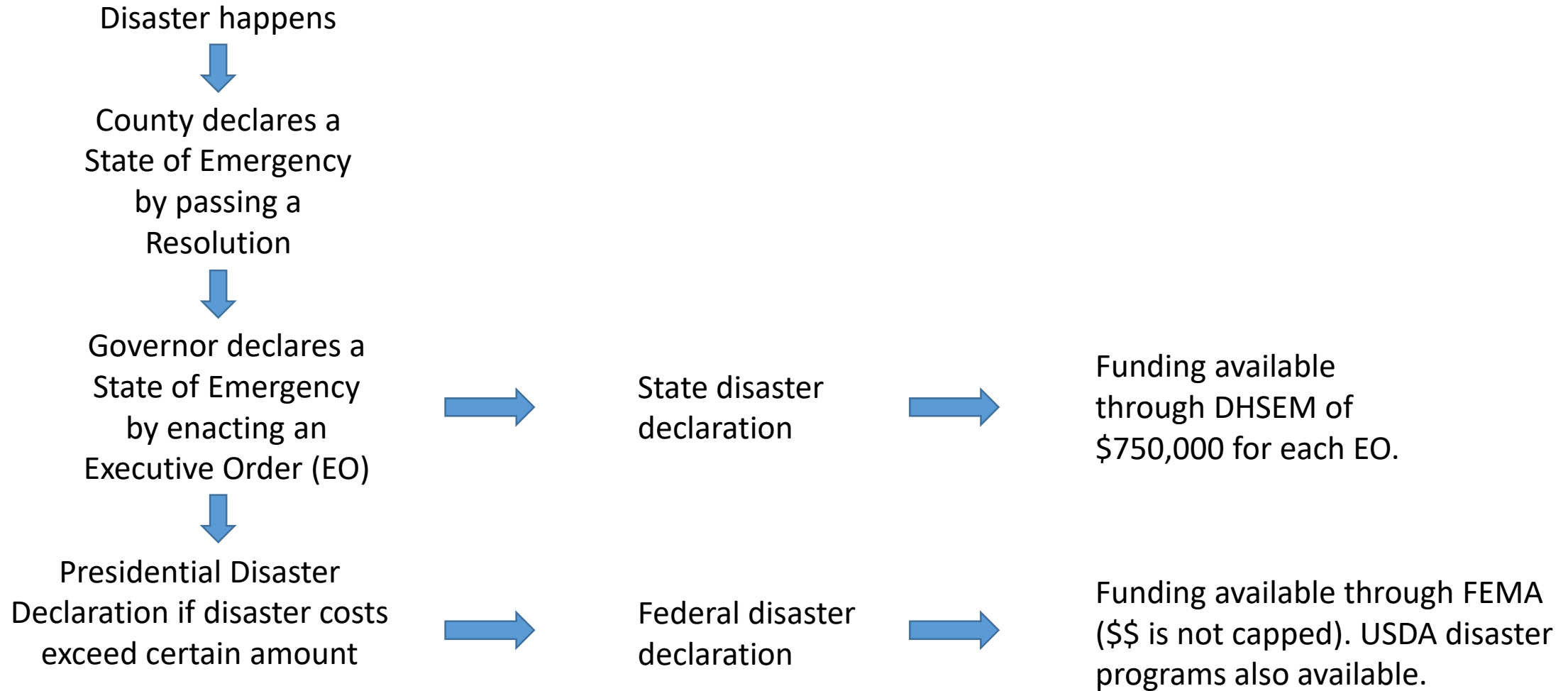
The following two agencies are involved in providing disaster assistance to local governments:

- ◆ Department of Homeland Security and Emergency Management (**DHSEM**). This is the state agency that responds to disasters in New Mexico. When the Governor declares a disaster, then DHSEM can use state funds to assist local governments with disaster response and recovery.
- ◆ Federal Emergency Management Administration (**FEMA**). This is the federal agency that responds to federal disasters. A disaster in New Mexico can be declared a federal disaster by the President if it exceeds a certain size and cost. This makes available federal dollars at a much higher amount than is available for a state disaster.



**FEMA**

# Process for a Disaster Declaration



## How your Acequia can apply for disaster assistance:

### Pre-disaster:

- Current bylaws
- Pictures Pre-disaster condition
- Mapping, GPS Coordinates

### When disaster occurs:

- Contact County Emergency Manager
- Support County Commission to Enact a State of Emergency
- If appropriate, the Governor will also enact a State of Emergency

### Requesting Disaster Funding:

- Complete the DHSEM Disaster Assistance Program (DAP) Application
- Cost estimates required
- Bylaws required

## How NMAA can assist your Acequia:

NMAA can assist with updating your bylaws, creating a GIS map of your Acequia with pre-disaster pictures of Acequia infrastructure.

After the Governor has enacted an Executive Order for a State of Emergency, DHSEM will begin to review disaster applications.

NMAA can assist with completing the request for assistance to DHSEM. If there is a possible federal disaster, FEMA will also be on the ground reviewing cost estimates.

Most disasters in New Mexico are state disasters enacted through a State of Emergency declared by the Governor.

This is a view of the DHSEM form to request disaster assistance.

This form is available at:

<https://www.nmdhsem.org/response-and-recovery/disaster-assistance-forms/>

It should be submitted to:

[nm.eoc@state.nm.us](mailto:nm.eoc@state.nm.us)

You can call DHSEM at (505) 476-9635.

NMAA can assist with cost estimates.



New Mexico Department of Homeland Security and Emergency Management

**REQUEST FOR DISASTER ASSISTANCE FORM**

Date Submitted:	Incident Name:	DUNS #:	NM Vendor #:
Applicant Name: <i>(Political Subdivision or Other Eligible Applicant)</i>			
<b>Applicant Physical Location:</b>			
Street Address:			
City:	County:	State:	Zip:
<b>Applicant Mailing Address: <i>(If Different From Physical Location)</i></b>			
Street Address or Post Office Box:			
City:	County:	State:	Zip:



**For a federal disaster, a different RPA form is used but it is also sent to DHSEM.**

NMAAA is available to assist with the RPA forms and supporting documentation. Acequias who need assistance should work with the NMAA team to complete the form and documentation and NMAA will send it to the appropriate DHSEM Recovery Officer.

The following disasters have affected Acequias in 2022-2024:

Federal disaster DR-4652:

- Hermits Peak Calf Canyon Fire, Mora and San Miguel
- Cerro Pelado Fire, Sandoval
- McBride Fire, Lincoln

State Disasters:

- Rio Arriba flash flooding in 2022
- Black Fire, Sierra, Grant, and Luna
- 2024 monsoon season pending

DEPARTMENT OF HOMELAND SECURITY Federal Emergency Management Agency <b>REQUEST FOR PUBLIC ASSISTANCE</b>				OMB Control Number 1660-0017 Expires December 31, 2019
<b>Paperwork Burden Disclosure Notice</b> <small>Public reporting burden for this data collection is estimated to average 15 minutes per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting this form. This collection of information is required to obtain or retain benefits. You are not required to respond to this collection of information unless a valid OMB control number is displayed in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, Paperwork Reduction Project (1660-0017) <b>NOTE: Do not send your completed form to this address.</b></small>				
<b>Privacy Act Statement</b> <small>Authority: FEMA is authorized to collect the information requested pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, §§ 402-403, 406-407, 417, 423, and 427, 42 U.S.C. 5170a-b, 5172-73, 5184, 5189a, 5189e; The American Recovery and Reinvestment Act of 2009, Public Law No. 111-5, § 601; and "Public Assistance Project Administration," 44 C.F.R. §§ 206.202, and 206.209.</small>				
APPLICANT (Political subdivision or eligible applicant) <b>Ponderosa Community Ditch Association</b>			DATE SUBMITTED <b>8/1/22</b>	
COUNTY (Location of Damages. If located in multiple counties, please indicate) <b>Sandoval</b>				
<b>APPLICANT PHYSICAL LOCATION</b>				
STREET ADDRESS <b>Polica Canyon Entrance Area</b>				
CITY <b>Ponderosa</b>	COUNTY <b>Sandoval</b>	STATE <b>NM</b>	ZIP CODE <b>87044</b>	
<b>MAILING ADDRESS (If different from Physical Location)</b>				
STREET ADDRESS				
POST OFFICE BOX <b>Po Box 167</b>	CITY <b>Ponderosa</b>	STATE <b>NM</b>	ZIP CODE <b>87044</b>	

## How to apply for assistance in a federal disaster:

In a federal disaster, your Acequia will submit the RPA through NMAA to DHSEM and then DHSEM will enter your RPA into the FEMA grants portal. Other documentation will be required including:

- Bylaws
- GPS Coordinates of Point of Diversion
- Possibly other letters from the Acequia

The FEMA RPA process does not require cost estimates because the justification for the federal disaster has already been met.

After your RPA has been accepted into the FEMA Public Assistance, your Acequia will receive an email with instructions on setting up an account on the FEMA grants portal, and you will be assigned a program delivery manager who will guide you through the recovery process.

## How NMAA can assist your Acequia:

NMAA can assist with completion of the RPA and can provide templates for letters. NMAA can provide GPS points from previous mapping or can do a field visit to obtain GPS coordinates and assess your Acequia for program eligible damages sustained by the disaster. In some areas, SWCDs have Acequia GIS maps already.

Once you receive your email from FEMA, NMAA can assist you with next steps in the grants portal, monitor the grants portal and help assist and guide you through the recovery process.



## Quick facts about DHSEM and FEMA assistance:

For a state disaster, the cost share is 75% state and 25% local.

For a federal disaster, the cost share is 75% federal (FEMA), 12.5% state (DHSEM), and 12.5% local. (HPCC is 100% federal)

These programs are reimbursement grants. The local entity does the work up front and can get reimbursed by DHSEM (FEMA sends funds to local entity through DHSEM to be administered to the Acequias).

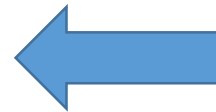
There are several categories of assistance:

- A. Debris Removal**
- B. Emergency Measures
- C. Roads and Bridges**
- D. Water Control**
- E. Buildings and Equipment
- F. Utilities
- G. Parks and Recreation
- Z. Project Management**

Many Acequias have expressed concern about the ability to pay for work up front and get reimbursed. There are contractors who will invoice and wait to be paid. NMAA is also advocating for a way the state can provide up front assistance.

The most relevant categories for assistance for Acequias will be:

- A. Debris Removal**
- C. Culverts (Roads and Bridges)**
- D. Water Control**
- Z. Project Management**



## Next steps when an Acequia has an account with FEMA:

The Acequia may be asked to provide additional documentation.

FEMA will contact the Acequia to coordinate a site visit, Damage Inventory (DI), and Recovery Scoping Meeting (RSM).

The Acequia, with assistance from a FEMA Program Delivery Manager (PDMG), will determine project(s) based upon their damages and scope of works needed.

The Acequia, with the assistance of the PDMG, will create Project Worksheets (PW) with the scope of work and budget for each project. The PW will be verified and obligated through the Consolidated Resource Center (CRC) or DHSEM can obligate the funds and enter into an agreement to complete the project. At this time, the Acequia can procure contractors, following the State Procurement guidelines, secure any permits needed to remain compliant, and complete the scope of work detailed on the PW.

An important note, is that during this whole process, all steps should be tracked and documented, so once the work is complete, the Acequia can submit a reimbursement request to DHSEM/FEMA.

NMAA and our partner High Water Mark can assist with the grants portal, permitting, procurement, documentation, and reimbursement submissions.

HWM can attend meetings between the Acequia and FEMA to advise the Acequia and can assist with the development of the Project Worksheets.





The **NRCS EWP Program** offers technical and financial assistance to help local communities relieve imminent threats to life and property caused by floods, fires, windstorms and other natural disasters that impair a watershed.

- EWP does not require a disaster declaration by federal or state government officials for program assistance to begin. The NRCS State Conservationist can declare a local watershed emergency and initiate EWP program assistance in cooperation with an eligible sponsor, usually a local Soil and Water Conservation District.
- In the HPCC and Black Fires, the EWP program has been used for structural repairs on Acequias.
- EWP has a 75/25 federal/local cost share. This was waived in the HPCC disaster but other disasters have required the 25% match. In the Black Fire, state funding was used for the 25% local match from a special appropriation from the State Legislature.

#### **How to get assistance:**

- To request an emergency declaration, a community should contact their local SWCD who can contact the State Conservationist to declare an emergency.
- The local sponsor administers the application process. It is generally a simple application. Then the sponsor does a damage assessment and determines a scope of work for repairs.



The **Acequia and Community Ditch Infrastructure Fund (ACDIF)** is administered by the New Mexico Interstate Stream Commission (NMISC) to provide funding for the planning, engineering design and/or construction of irrigation works of Acequias or community ditches, including dams, reservoirs, diversions, ditches, flumes, or other appurtenances, for the purposes of restoration, repair, improvement of irrigation efficiency or protection from floods. Projects related to disaster response, recovery, and hazard mitigation are also eligible.

The ISC may be able to assist with the following:

- Cost share for federal or state disasters (subject to available funding, special appropriations from State Legislature)
- Damage assessments and cost estimates

For more information:

[https://www.ose.nm.gov/Acequias/isc\\_Acequias.php](https://www.ose.nm.gov/Acequias/isc_Acequias.php)



## Other programs:

**NMDOT (Department of Transportation) Debris Removal.** After 2022 disasters, the State of New Mexico, with leadership from Governor Michelle Lujan Grisham and DOT Secretary Ricky Serna, established a program that authorizes NMDOT to conduct debris removal on Acequias.

- For example, after flash flooding in Rio Arriba County (Dixon) in 2022, NMDOT mobilized contractors to remove silt from Acequias. This was a state disaster and the funds were covered through DHSEM via a Governor's Executive Order.
- For the Black Fire, NMDOT also mobilized local contractors to do debris removal on Acequias impacted by burn scar flooding. State funding was used for this work
- For the HPCC Fire, NMDOT mobilized local contractors for debris removal. The cost was covered by the state and then reimbursed by the FEMA Public Assistance Program. This required extensive coordination between DHSEM, FEMA, NMDOT and their contractors, and NMAA.
- This program is mobilized on a case-by-case and as-needed basis. The structure and process may vary depending on the disaster.





For more information or to request assistance from NM Acequia Association and High Water Mark, please call 505-995-9644 or contact NMAA at [info@lasAcequias.org](mailto:info@lasAcequias.org)

