

# STATE OF COLORADO

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## Colorado Water Conservation Board

### Department of Natural Resources

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TO: Colorado Water Conservation Board Members

FROM: Tom Browning, Section Chief  
Kevin Houck, Section Engineer  
Watershed Protection & Flood Mitigation Section

DATE: May 10, 2010

SUBJECT: **Agenda Item 16, May 18-19, 2010 Board Meeting**  
**Update on Proposed Floodplain Rules**

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Bill Ritter, Jr.  
Governor

Mike King  
DNR Executive Director

Jennifer L. Gimbel  
CWCB Director

### **Introduction and Background**

The CWCB originally promulgated floodplain rules and regulations (Rules) in 1988, and then undertook a formal rulemaking process to revise them in 2005. The purpose of the Rules is to provide uniform standards for regulatory floodplains in Colorado, including standards for activities that may impact those floodplains, and to stipulate the process by which floodplains will be designated and approved by the CWCB.

Staff proposed in 2009 to amend the Rules, which are currently known as “Rules and Regulations for Regulatory Floodplains in Colorado” (2 CCR 408-1). Staff made a formal presentation to the Board during its May 2009 meeting to outline and describe proposed revisions to the Rules. Interim status updates were presented by staff to the Board during the July and September 2009 meetings. In January 2010, the Board approved the initiation of formal rulemaking along with a rulemaking timeline and a designated hearing officer.

The rulemaking process has attracted a significant amount of attention statewide, which triggered the need to slow down the process, conduct further outreach, and extend the comment period. Staff has received many comments and has engaged in a substantial amount of outreach since the January Board meeting. Modifications to the draft rules are being made, and outreach efforts will continue. Staff will update the Board on the latest developments and next steps. Board action will also be requested to approve a revised rulemaking timeline (attached).

### **Staff Recommendation**

Staff requests that the Board approve the revised rulemaking schedule (timeline) for the proposed floodplain rules and regulations.

**CWCB Floodplain Rules and Regulations**  
**Rulemaking Schedule (Timeline)**

September 30, 2010: File Notice of Rulemaking and proposed Rules with the Secretary of State and Dept. of Regulatory Agencies.

October 10, 2010: Notice of Rulemaking published in Colorado Register.

November 17, 2010: Board holds rulemaking hearing in conjunction with November Board meeting. Rules need to be adopted on or before November 24, 2010.

December 14, 2010: File Rules with the Secretary of State and Dept. of Regulatory Agencies

December 25, 2010: Rules published in Colorado Register

January 14, 2011: Rules effective