

STATE OF COLORADO

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: July 6, 2010

SUBJECT: **Agenda Item 25, July 20-21, 2010 Board Meeting**
Proposed Floodplain Rules and Regulations Update

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. Consequently, the Board approved a revised rulemaking timeline during its May 2010 meeting revolving around a rulemaking hearing during the November 2010 meeting. Staff will update the Board on the latest developments and next steps.

Staff Recommendation

This agenda item is for informational purposes only, and staff is not requesting Board action at this time.