

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

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TO: Colorado Water Conservation Board Members

FROM: Tom Browning, Acting Deputy Director
Kevin Houck, P.E., Acting Section Chief
Watershed & Flood Protection Section

DATE: September 2, 2010

SUBJECT: **Agenda Item 14, September 13-15, 2010 Board Meeting
Benefit Cost Analysis for Proposed Floodplain Rules**

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. One common request from public comment is to perform an analysis of both the benefits and the costs to the state that could be realized from the proposed rules. CWCB staff has hired a consultant to analyze these benefits and costs. In addition, a Focus Group consisting of members from various professional disciplines and regions of the state has been established to guide and review the process. Focus Group meetings were held on July 28th and August 31st, and the draft results from this study are anticipated to be available for public review on or around October 1, 2010. Staff will provide the Board with a status update for this agenda item.

Staff Recommendation

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