

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

1313 Sherman Street, Room 721
Denver, Colorado 80203
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www.cwcb.state.co.us



TO: Colorado Water Conservation Board Members

John W. Hickenlooper
Governor

FROM: Jamie Prochno
Watershed and Flood Protection Section

Mike King
DNR Executive Director

DATE: January 16, 2013

Jennifer L. Gimbel
CWCB Director

SUBJECT: **January 28-29, 2013 Board Meeting
Agenda Item 32 - Floodplain Rules and Regulations Update**

Introduction and Discussion

The State of Colorado adopted higher standards for floodplain management, which are outlined in the Rules and Regulations for Regulatory Floodplains in Colorado (Rules), effective January 14, 2011. The Rules provide higher floodplain management standards that will help communities to reduce the risks to people and property caused by flooding. The Rules are now the effective minimum floodplain standards for the State of Colorado and communities were given a three year transition period to adopt local regulations consistent with the Rules.

CWCB staff developed a State model flood damage prevention ordinance to assist local officials in adopting floodplain management regulations that adhere to the minimum standards of both the National Flood Insurance Program (NFIP) and the State. The new State model ordinance is adapted from the FEMA model ordinance and incorporates the minimum standards contained in the Rules and can be found at the following link in pdf form:

http://cwcb.state.co.us/water-management/flood/Documents/COModelOrdinance_12_7_12.pdf

CWCB staff has been providing assistance and outreach to communities about the Rules. One half-day workshop and two full-day workshops were held with a total of 62 people in attendance. A letter was sent to every Floodplain Administrator in September 2012 and another to all Chief Elected Officials (local governments) in January 2013 explaining the Rules, the process for updating local regulations, and potential consequences for non-compliance. These letters are attached. We are also aware of a letter sent by the Federal Emergency Management Agency (FEMA) Region VIII to communities in support of the Rules.

To date, 31 communities have adopted updated floodplain regulations consistent with the Rules. An additional 37 draft regulations have been reviewed and are awaiting adoption. Staff will continue to work with communities in anticipation of the January 14, 2014 deadline and will provide updates to the Board on progress as well as a compliance strategy.

Staff Recommendation

This is an informational item and staff is not requesting board action.

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September 25, 2012

Dear Community Floodplain Administrator,

John W. Hickenlooper
Governor

Mike King
DNR Executive Director

For a community to participate in the National Flood Insurance Program (NFIP), it must adopt and enforce floodplain management regulations that meet or exceed the minimum NFIP standards as well as any more restrictive State requirements.

Jennifer L. Gimbel
CWCB Director

The State of Colorado adopted higher standards for floodplain management, which are outlined in the Rules and Regulations for Regulatory Floodplains in Colorado (Rules), effective January 14, 2011. Important changes to previous requirements include provisions for freeboard, critical facilities, and floodway surcharge criteria. The Rules are the effective minimum standards for the State of Colorado, and by extension, the NFIP in Colorado. A three-year implementation period was provided, and communities have until January 14, 2014, to adopt local regulations consistent with the Rules. The Colorado Water Conservation Board (CWCB) has developed a model ordinance to assist your community in adopting floodplain management regulations consistent with the Rules. The model ordinance can be found on the CWCB website at:

http://cwcb.state.co.us/water-management/flood/Documents/COModelOrdinance_9_6_2011.pdf

If you would like a Microsoft Word version of the document, please contact me. Additional information regarding the new rules can be found on the CWCB website at <http://cwcb.state.co.us>, and staff is available to answer additional questions.

In order for your community to remain in good standing in the NFIP and eligible for grant funding through CWCB, the Rules must be enacted in a legally enforceable document by January 14, 2014. If your community has updated floodplain regulations, please send me a copy of the adopted regulations for review.

The Colorado Water Conservation Board supports the NFIP and serves as the state liaison with FEMA to coordinate activities and provide support, technical assistance, training, and outreach to local officials in the execution of their duties to identify, prevent, and resolve floodplain management issues. If you have any questions or would like assistance in updating your community's floodplain management regulations, please contact me.

Sincerely,

Jamie Prochno, NFIP Coordinator
Colorado Water Conservation Board
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jamie.prochno@state.co.us

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January 16, 2013

John W. Hickenlooper
Governor

Mike King
DNR Executive Director

Jennifer L. Gimbel
CWCB Director

Dear Chief Elected Official,

The Colorado Water Conservation Board (CWCB) would like for you to be aware of some very important information related to your community's floodplain ordinance and related National Flood Insurance Program (NFIP) issues. In late 2010, the Colorado Water Conservation Board (CWCB) adopted revised Rules and Regulations for Floodplains in Colorado (Rules), effective January 14, 2011. The Rules provide higher floodplain management standards that will help your community to reduce the risks to people and property caused by flooding. A three-year transition period was provided and all Colorado communities have until January 14, 2014 to adopt floodplain regulations consistent with the Rules.

The Federal Emergency Management Agency (FEMA) is already aware of this requirement and will work closely with the CWCB on this matter as appropriate. It is essential for you to know that a community's failure to adopt updated floodplain regulations consistent with the Rules, as well as any updates necessary to bring local regulations into compliance with minimum National Flood Insurance Program (NFIP) criteria, will lead to serious sanctions. I assure you that CWCB staff is eager to assist your community as needed to help with compliance questions and a smooth adoption process. There is no cost to you for technical assistance.

For clarification purposes, and depending on your community's current floodplain regulations and status in the NFIP, non-compliance with the Rules may result in either NFIP suspension or probation and a reclassification under the Community Rating System (CRS) if applicable. Availability of certain CWCB flood and watershed grant funding would be at risk as well.

In the interest of framing the issue and providing enough detail for your consideration and decision making purposes, some specific examples might be helpful. If a community is placed on NFIP probation, a \$50 surcharge would be placed on flood insurance policies. The community would then need to correct the identified deficiencies, including adopting the Rules, or be subject to NFIP suspension. In addition, a community participating in the CRS, which provides flood insurance premium discounts for communities exceeding the NFIP minimum standards, would lose any discounts. If a community is suspended from the NFIP, federally-backed flood insurance policies would no longer be available and existing policies will lapse at renewal. Federally-backed loans, grants and other financial assistance for activities within the floodplain would not be available. If a Presidential Disaster Declaration caused by flooding is made, property owners would be ineligible for most forms of disaster assistance.

In order for your community to remain in good standing in the NFIP and eligible for certain grant funding through the CWCB, the Rules should be enacted in a legally enforceable document by January 14, 2014. If your community already has updated floodplain regulations, then it would be greatly appreciated if you would send me a copy of the adopted regulations for review. Again, feel free to contact me anytime by phone or email if you have questions or if your staff would like assistance in updating floodplain management regulations.

Sincerely,

A handwritten signature in black ink, reading "Jamie Prochno". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jamie Prochno, NFIP Coordinator
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