



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

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TO: Colorado Water Conservation Board Members

FROM: Stephanie DiBetitto, Community Assistance Program Coordinator
Watershed and Flood Protection Section

DATE: January 22, 2018

AGENDA ITEM #15: National Flood Insurance Program Community Compliance Status

Background:

The State of Colorado, through CWCB action in November 2010, adopted increased standards for floodplain management, which are contained in the Rules and Regulations for Regulatory Floodplains in Colorado (Rules), effective January 14, 2011. Communities were provided with a three-year transition period to adopt local regulations consistent with the Rules. Through sound floodplain management practices, these standards support enhanced public health, safety and welfare and will help communities reduce future flood risk to people and property. Staff has been working very collaboratively with communities participating in the National Flood Insurance Program (NFIP) to assist them with technical questions, model ordinance templates, and transition support. CWCB staff has contacted each community that has not yet provided documentation of adoption of the Rules via phone or email to offer assistance. Staff has also met with several communities to answer questions and review the process for updating floodplain regulations. Most communities have made adopting the Rules into local floodplain regulations a priority. However, several communities have not completed the adoption or provided documentation to CWCB. There are 5 out of 252 total communities that participate in the NFIP that have not yet provided documentation to demonstrate they have adopted the Rules. In accordance with the procedure outlined in Rule 16, staff is continuing to provide outreach and technical assistance to these communities.

It should also be noted that the Rules specifically state that they “shall apply throughout the State of Colorado, without regard to whether a community participates in the National Flood Insurance Program.” Therefore, all communities in Colorado should be applying the provisions within the Rules. There are a total of 56 communities that do not participate in the National Flood Insurance Program and do not have mapped floodplains. However, per the language in the Rules, these communities should be considered non-compliant although no enforcement efforts have taken place thus far. Additionally, from a FEMA perspective, all communities that have never been mapped should have a flood damage prevention ordinance and permit all development to determine if it is reasonably safe from flooding. The CWCB has not reached out to or provided technical assistance to these communities previously and would like to do so in 2018.

Staff recommendation:

This is an informational item and no board action is requested.

