

# CWCB Floodplain Rules and Regulations Workshop July 9, 2021



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Colorado Water  
Conservation Board  
Department of Natural Resources

A vertical strip on the left side of the slide shows a topographic map of a river valley. It features contour lines, a river channel, and some infrastructure like roads or bridges.

# Workshop Agenda – June 29th

- Welcome and Introductions
- History and Background for Rules and Regulations for Regulatory Floodplains in Colorado (Rules)
- Rulemaking Timeline
- Proposed Revisions to Rules
- Comments and Discussion on Proposed Revisions to Rules
- Wrap-Up

# INTRODUCTIONS

- Colorado Water Conservation Board (CWCB) Staff
- Attorney General's Office Staff
- Stakeholders:
  - Federal
  - Other State
  - Local
  - Others

A vertical strip on the left side of the slide shows a topographic map of a river valley. The map features contour lines, a river channel, and some infrastructure like roads or bridges. The colors are muted, with greens for vegetation and browns for land.

# History of Rules and Regulations

- Rules initially promulgated 1987
- Rules revised in 2005
  - Revisions focused on updating mapping activities
- Rules revised in 2010
  - Revisions focused on floodplain management policy enhancements
- Rules proposed for revision in 2021



A vertical strip on the left side of the slide shows a topographic map of a river valley. The map features brown contour lines indicating elevation, a blue line representing the river, and green areas for vegetation. The map is partially obscured by the slide's background.

# Background for Rules and Regs

- Colorado statutes require state designation and approval of flood hazard information prior to local regulation
- Flooding is considered an issue of statewide concern
- Rules were developed to provide mapping standards and outline processes for designation
- In the 2010 update, higher regulatory standards were introduced

# Proposed Rulemaking Timeline\*

- **July 30** – File Notice of Rulemaking with Secretary of State and Department of Regulatory Agencies (DORA)
- **August 10** – Notice of Rulemaking published in Colorado Register
- **November 17-18** – Rulemaking Hearing at CWCB Board Meeting
- **November 19** – File final adopted rules with Secretary of State and DORA
- **December 25** – Rules published in Colorado Register
- **January 14, 2022** – Rules effective

\* Subject to change

# What are the main reasons for proposed revisions?



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A vertical strip on the left side of the slide showing a topographic map with contour lines and a yellow line.

# Updating Standards

- Numerous methodologies and mapping standards, technical references, and guidelines have changed significantly since the 2010 update
- This update works to make the Rules more consistent with Federal Emergency Management Agency (FEMA) procedures



A vertical strip on the left side of the slide shows a topographic map of a coastline. It features contour lines, a yellow line representing a road or boundary, and a green line representing the shoreline. The map is partially obscured by the dark background of the slide.

# Amend and Clarify Rule 4 - Definitions

- Significant updates to definitions
- Done for both clarification as well as standardization with FEMA

A vertical strip on the left side of the slide shows a topographic map of a coastline. It features contour lines, a yellow line representing a road or path, and various geographical features like hills and water bodies.

# Update References to External Documents

- Previous Rules had numerous incorporations by reference spread throughout document
- Proposed changes place all incorporations by reference in one location (Rule 17) for easier reference
- This change will also make future Rules revisions less complex

A vertical strip on the left side of the slide shows a topographic map of a river valley. It features contour lines, a winding river, and some infrastructure like roads and bridges. The map is in grayscale with some color highlights in green and yellow.

# Revise Numerous Rules for Clarification

- Minor “housekeeping” updates throughout the Rules document
- Specific clarifications to the following rules:
  - Rule 5 Regulatory Floodplain
  - Rule 7.I.(2) Standards for Delineation of Regulatory Floodplain Information
  - Rule 8.D Standards for Regulatory Floodways
  - Rule 10.D Criteria for Determining Effects of Levees on Regulatory Floodplains

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# Revise Numerous Rules for Clarification

- Specific clarifications to the following rules:
  - Rule 12.D Effects of Flood Mitigation Measures and Stream Alteration Activities on Regulatory Floodplains
  - Rule 12.J
  - Rule 14 Introductory Paragraph – Designation and Approval of Changes to Regulatory Floodplains
  - Rule 17 Incorporation by Reference
  - Rule 20 Effective Date



# Summary of Proposed Rules Revisions



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# Summary Statement Rule #1

- **RULE 1**    **TITLE**
- **Intent:** Title of Rule Set
- **Modifications:** Addresses new revision. 2010 Rules are superseded by this revision.

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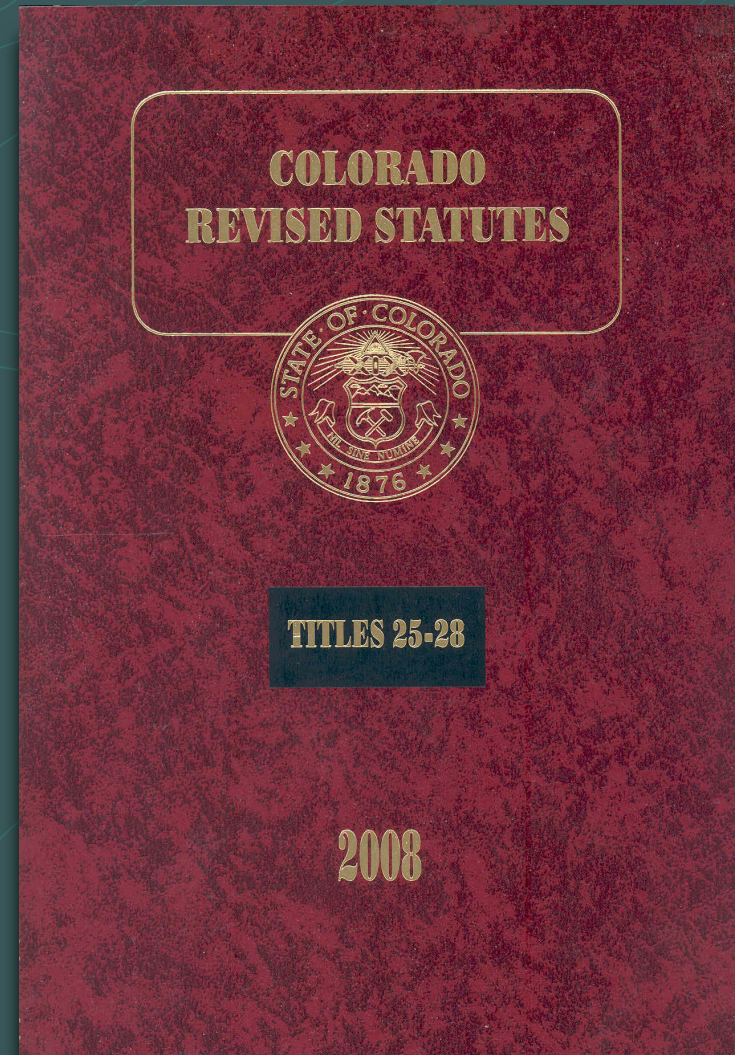
**RULES AND REGULATIONS FOR REGULATORY  
FLOODPLAINS IN COLORADO**

**November 17, 2010**



# Summary Statement Rule #2

- **RULE 2 AUTHORITY**
- **Intent:** State authority of CWCB to promulgate rules
- **Modifications:** Statutory authorities were updated.



# Summary Statement Rule #3

## ● RULE 3 PURPOSE AND SCOPE

● **Intent:** Statement of purpose and scope

● **Modifications:** Minor clerical and grammatical revisions for clarification.



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# Summary Statement Rule #4

## ● RULE 4 DEFINITIONS

● **Intent:** Provide definitions for terms used later in document.

### ● **Modifications:**

- Definitions added for Agricultural Structure, Colorado Water Conservation Board, Flood Hazard Information, Flood Insurance Study (FIS), Lowest Floor, Model-Backed Approximate Flood Elevation, Notice of Non-Compliance (NONC), Special Flood Hazard Area (SFHA), Substantial Damage/Substantially Damaged, Substantial Improvement/Substantially Improved

# Summary Statement Rule #4

## ● RULE 4    DEFINITIONS

● **Intent:** Provide definitions for terms used later in document.

### ● **Modifications:**

- Definitions clarified for 100-Year Floodplain, 500-Year Flood, 500-Year Floodplain, Approximate Floodplain Information, Conditional Letter of Map Revision (CLOMR), Detailed Floodplain Information, FEMA Risk Mapping Assessment and Planning (Risk MAP) Technical References Guidelines and Standards for Flood Risk Analysis and Mapping Activities (renamed), Flood Insurance Rate Map (FIRM), Letter of Map Revision (LOMR), Letter of Map Revision Based on Fill (LOMR-F), Levee or Levee System (renamed), Provisionally Accredited Levee (PAL), Regulatory Floodplain, Residual Risk
- Minor changes throughout the Definitions section

# Summary Statement Rule #4

## ● RULE 4 DEFINITIONS

● **Intent:** Provide definitions for terms used later in document.

### ● **Modifications:**

- Definitions removed for Code of Federal Regulations (CFR), DFIRM Database, Digital Flood Insurance Rate Map (DFIRM), Federal Register, Flood Contour, Flood Mitigation Project, Substantial Change

Definitions were removed either because they did not appear anywhere else in the Rules document or because they were no longer relevant in the new update.

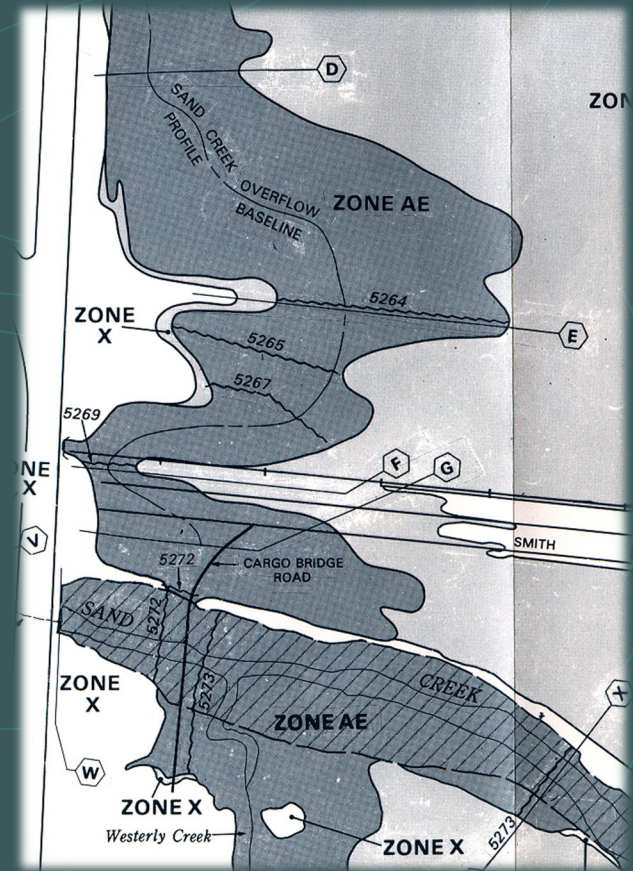
# Summary Statement Rule #5

## ● RULE 5 STATE REGULATORY FLOODPLAIN

● **Intent:** Clarify definition of Regulatory Floodplain

● **Modifications:**

- Clarifies that the Regulatory Floodplain is the 100-Year-Floodplain unless a community chooses to regulate to the 500-Year-Flood
- Clarifies that CWCB automatically designates 500-Year-Floodplain information when available





# Summary Statement Rule #6

## ● RULE 6 CRITICAL FACILITIES

- **Intent:** Defines Critical Facilities and provides regulatory requirements for their Development and use. Regulatory Floodplain is the basis for these structures.

## ● **Modifications:**

- Minor clerical, formatting, and grammatical revisions for clarification
- Moved requirements to incorporate by reference to Rule 17

# Summary Statement Rule #7

## ● RULE 7 STANDARDS FOR DELINEATION OF REGULATORY FLOODPLAIN INFORMATION

● **Intent:** Discuss technical criteria for Floodplain mapping

### ● **Modifications:**

- Minor clerical and grammatical revisions for clarification
- Updates of external references
- Removal of listing of Floodplain report requirements – these are covered in external references and this section is redundant
- Clarified that reports submitted to CWCB must be in digital format

# Summary Statement Rule #8

## ● RULE 8 STANDARDS FOR REGULATORY FLOODWAYS

● **Intent:** Discuss the use of Floodways as regulatory tools

### ● **Modifications:**

- Minor clerical and grammatical revisions for clarification
- Updates of external references
- Clarifies that Floodway regulations still apply to areas of Model-Backed Approximate Flood Elevations (Zone A) but not to Zone A without supporting documentation

# Summary Statement Rule #9

## ● RULE 9 CRITERIA FOR DETERMINING THE EFFECTS OF FLOOD CONTROL STRUCTURES ON REGULATORY FLOODPLAINS

● **Intent:** To address technical and regulatory criteria that must be met in order for Flood attenuation effects of dams, irrigation facilities, and similar structures to be considered.

### ● **Modifications:**

- Minor clerical, formatting, and grammatical revisions for clarification





# Summary Statement Rule #10

- **RULE 10 CRITERIA FOR DETERMINING EFFECTS OF LEVEES ON REGULATORY FLOODPLAINS**
- **Intent:** To address technical and regulatory criteria that must be met in order for effects of Levees to be considered.
- **Modifications:**
  - Minor clerical, formatting, and grammatical revisions for clarification
  - Updates of external references
  - Refers Levee requirements to external documents – this section is currently redundant



# Summary Statement Rule #11

## ● RULE 11 FLOODPLAIN MANAGEMENT REGULATIONS

● **Intent:** Sets forth minimum Floodplain management standards statewide.

### ● **Modifications:**

- Minor clerical, formatting, and grammatical revisions for clarification
- Updates of external references
- Clarification for regulations associated with non-residential structures to be in conformance with FEMA

# Summary Statement Rule #12

- **RULE 12** EFFECTS OF FLOOD MITIGATION MEASURES AND STREAM ALTERATION ACTIVITIES ON REGULATORY FLOODPLAINS
- **Intent:** Provide Floodplain regulation requirements for Stream Alteration Activities.
- **Modifications:**
  - Minor clerical and grammatical revisions for clarification
  - Rule 12.D In process
  - Clarification of the State's position of when a Letter of Map Revision (LOMR) is required and clarification that this does not circumvent other (i.e. FEMA) requirements



# Summary Statement Rule #13

- **RULE 13 PROCESS FOR DESIGNATION AND APPROVAL OF REGULATORY FLOODPLAINS**
- **Intent:** Outlines the process and procedure for CWCB consideration of a request for Designation and Approval of a Regulatory Floodplain
- **Modifications:** Minor clerical and grammatical revisions for clarification



# Summary Statement Rule #14

- **RULE 14 DESIGNATION AND APPROVAL OF CHANGES TO REGULATORY FLOODPLAINS**
- **Intent:** Outlines the process and procedure for CWCB consideration of a request for Designation and Approval of changes to a previously designated Regulatory Floodplain.
- **Modifications:**
  - Minor clerical and grammatical revisions for clarification
  - Clarification that undesignated information to a previously designated reach may be used under the following conditions:
    - Same or greater level of detail as previously designated information
    - It is more restrictive than the previously designated information
    - Community ultimately obtains designation and approval



# Summary Statement Rule #15

## ● RULE 15 VARIANCES

- **Intent:** Outlines the process for a variance to these Rules to be issued in certain circumstances.

### ● **Modifications:**

- Minor clerical and grammatical revisions for clarification

# Summary Statement Rule #16

## ● RULE 16 ENFORCEMENT OF FLOODPLAIN RULES AND REGULATIONS

● **Intent:** Outlines the procedure to be followed by the State regarding alleged violations to these Rules.

### ● **Modifications:**

- Minor clerical and grammatical revisions for clarification

# Summary Statement Rule #17

## ● RULE 17 DESIGNATION AND APPROVAL OF CHANGES TO REGULATORY FLOODPLAINS

● **Intent:** Provides a listing of all external documents that are incorporated by reference to these Rules.

### ● **Modifications:**

- Minor clerical and grammatical revisions for clarification
- Placement of all external documents to be incorporated by reference throughout the document listed here in one location for easy reference – previously these listings were throughout the document

# Summary Statement Rule #18

## ● RULE 18 SEVERABILITY

- **Intent:** If any portion of these Rules is found to be invalid, the remaining portion of the Rules shall remain in force and in effect.
- **Modifications:** None.



# Summary Statement Rule #19

## ● RULE 19 RECOMMENDED ACTIVITIES FOR REGULATORY FLOODPLAINS

● **Intent:** Provides suggested activities for Communities to consider. Everything in this Rule is optional and not required.

### ● **Modifications:**

- Minor clerical and grammatical revisions for clarification

# Summary Statement Rule #20

## ● RULE 20 EFFECTIVE DATE

- **Intent:** Outlines the process and procedure for CWCB consideration of a request for Designation and Approval of changes to a previously designated Regulatory Floodplain.

## ● **Modifications:**

- Minor clerical and grammatical revisions for clarification
- Update effective date for these rule revisions (to be filled in upon completion of rulemaking process) – see Timeline
- Reference to community ordinance updates removed – unlike 2010 update, this proposed update will not require local ordinance updates

# END OF RULES SUMMARY



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# STAKEHOLDER DISCUSSION



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