



COLORADO
Colorado Water Conservation Board
Department of Natural Resources

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TO: Colorado Water Conservation Board Members

FROM: Kevin Houck, P.E., CFM, Chief
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Watershed & Flood Protection Section

DATE: September 2, 2021

AGENDA ITEM: Agenda Item 23. September 15-16, 2021 Board Meeting - Floodplain Rules and Regulations Rulemaking Update

Background:

The Rules and Regulations for Regulatory Floodplains in Colorado (Rules) were initially promulgated in 1987, and were updated in 2005 and 2010. The Rules provide technical standards for floodplain designation and approval by the State and also provide required State higher standards above minimum requirements in the National Flood Insurance Program for floodplain regulation.

Staff provided a presentation to the CWCB Board at the July 2021 board meeting to discuss intent to initiate a rulemaking process in order to update the Rules. As noticed to the public, the primary proposed changes include the following:

- 1) update the standards and processes for floodplain designation to make the Rules consistent with FEMA floodplain mapping procedures,
- 2) amend and clarify Rule 4 definitions;
- 3) update references to external documents; and
- 4) clarify the following Rules: Rule 5, Rule 7.I.(2), Rule 8.D., Rule 10.C-F, Rule 11.B, Rule 12.D, Rule 12.J., the introductory paragraph to Rule 14, Rule 17, and Rule 20

It is not proposed to make major policy changes with this Rules update.

A Notice of Permanent Rulemaking was filed with the Colorado Secretary of State and the Colorado Department of Regulatory Agencies (DORA) and published in accordance with the proposed timeline. The Notice was published in the Colorado Register on August 10th.

On August 16, 2021, DORA notified staff that they had received a request for a cost-benefit analysis be completed on the proposed Rules, pursuant to C.R.S. 24-4-103(2.5). The deadline for this analysis to be completed and posted is November 8, 2021. The Cost-Benefit Analysis will be completed in accordance with requirements established by the Administrative Procedure Act and with the DORA's guidance.



As announced at the July 2021 board meeting, three stakeholder workshops were held via Zoom on June 29th, July 9th, and July 12th, with an average of approximately 50 attendees at each meeting. Documents from these meetings are posted on the CWCB website.

Following these stakeholder meetings, two small stakeholder subgroups were formed to further discuss Rules 12 and 14. Workshops with these subgroups were held on July 6th, August 2nd, and August 24th. Staff continue to work with these subgroups.

A rulemaking update page has been created on CWCB's website and can be found at <https://cwc.colorado.gov/floodplain-rules-revisions> with a link available on the CWCB front page. This update page includes stakeholder meeting information, draft document updates and revisions, current Rules, public comments, and additional information.

Staff recommendation:

This is an informational item and no board action is requested at this time.

