

567—75.7(335,414,455B) Delegation of authority to local governments by approval of local regulations. The department may cooperate with and assist cities and counties in the establishment of local flood plain management regulations. By approval of locally proposed regulations, the department may delegate portions of its flood plain regulatory authority to local governments.

75.7(1) *Written comment from the department required before locally adopted or amended regulation is effective.* Written approval from the department must be obtained before effective adoption or amendment of a local regulation which would control development in a flood plain or floodway for purposes related to flood protection. Local officials are encouraged to consult with the department in drafting local flood plain regulations to ensure that proposed local regulations conform to the minimum statewide standards in these rules. Each written approval shall be issued by the department. A local government may appeal the refusal of the department to approve a proposed regulation by notifying the department and requesting that the proposed local regulation be considered at the next meeting of the commission.

75.7(2) *Department approval not required for projects covered by local regulations.* Structures, fill, excavations and other projects which would otherwise require approval by the department in accordance with 567—Chapter 71 do not need such approval if they are approved by a local government in conformity with department-approved, locally adopted flood plain management regulations.

75.7(3) *Flood plain works not covered by local regulations.* Works on the flood plain which because of their nature or scope are not adequately covered by department-approved, locally adopted flood plain management regulations shall be subject to department approval under the provisions of 567—Chapters 70 to 72. Where it is unclear whether the works are adequately covered by such local regulations, the department shall make the determination. Examples are bridges, channel changes, dams and flood control levees.

75.7(4) *Failure of local government to enforce regulations.* The department may, from time to time, take action to ascertain the effectiveness of department-approved, locally adopted flood plain management regulations. Upon a finding that the local government has been negligent in administering the approved regulations, the department may revoke approval of same. Flood plain works found to be in violation of department-approved, locally adopted flood plain management regulations may be handled under the provisions of the department's rules for investigation of unauthorized projects.