

**567—75.1(455B) Applicability and purposes of chapter.** The department has jurisdiction over all flood plains and floodways in the state for the purpose of establishing and implementing a program to promote the protection of life and property from floods and to promote the orderly development and wise use of the flood plains of the state. As part of the program, the department regulates flood plain development as defined in these rules by three alternative methods: establishment of regulations for specific stream reaches by issuance of flood plain management orders; approval of flood plain management regulations adopted by local governments; and approval of flood plain development on a case-by-case basis where areas or projects are not covered by the first two methods. Any person who desires to construct or maintain a structure, dam, obstruction, deposit or excavation, or allow the same in any flood plain or floodway has a responsibility to contact the department to determine whether approval is required from the department or a local government authorized to act for the department.

**75.1(1) Regulation of development by issuance of department flood plain management orders.** The department may issue flood plain management orders to better ensure the orderly development and wise use of the flood plains of specific stream reaches. Each flood plain management order issued shall comply with the criteria in this chapter. However, a flood plain management order issued before the effective date of an amendment of the rules in this chapter shall not be invalidated by reason of nonconformity with the amendment.

**75.1(2) Regulation of development by approval of locally adopted flood plain management ordinances.** The department may delegate regulatory authority to a local government by approving flood plain management regulations adopted by the local government to better ensure the orderly development and wise use of the flood plains of specific stream reaches. Local flood plain management regulations shall comply with the applicable criteria in this chapter. However, a local regulation approved by the department before the effective date of an amendment of the rules in this chapter shall not be invalidated by reason of nonconformity with such amendment.

**75.1(3) Regulation of development on a case-by-case basis.** Flood plain development not regulated by department flood plain management orders or department-approved, locally adopted ordinances is regulated by the department on a case-by-case basis. 567—Chapter 71 of these rules contains thresholds identifying the types of development for which such approval is required. 567—Chapter 70 contains procedures for requesting approval of development. 567—Chapter 72 contains criteria for approving development.