

EXECUTIVE ORDER #67
PARTICIPATION BY STATE AGENCIES IN FLOOD HAZARD EVALUATION
AND WETLAND PROTECTION - AND COORDINATION WITH A COMPREHEN-
SIVE FLOOD PLAIN-SHORELAND MANAGEMENT PROGRAM

WHEREAS, the Legislature of the State of Wisconsin has found a declared that a large portion of the State's land resources is subject to recurrent flooding by overflowing of streams, lakes and other water-courses threatening life and causing loss of property, disruption of commerce and governmental services, unsanitary conditions and interruption of transportation and communication, diminishing wetland values, all of which are detrimental to the health, safety, welfare and property of the occupants of flooded lands and the people of the State; and

WHEREAS, the public interest necessitates sound land use development as land is a limited and irreplaceable resource, and the flood plains of the State are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, water quality and reduction of private and public economic loss caused by flooding; and

WHEREAS, the State government has extensive and continuing programs for the construction of buildings, roads and other facilities and provides financial incentives to local governmental units and private development of similar facilities, all of which activities significantly influence patterns of commercial, residential and industrial development; and

WHEREAS, the federal government has similar programs and whereas the availability of federal loans and mortgage insurance and land use planning programs are determining factors in the utilization of lands; and

WHEREAS, the State Legislature has enacted as Chapter 614, Laws of Wisconsin, 1965, a comprehensive water resources Management Act which in part will guide development of the flood plains and wetlands of the State and will assure the wise use and development of these lands by all parties; and

WHEREAS, the Water Resources Act, Chapter 614, Laws of Wisconsin, 1965, provided that the Department of Natural Resources administer the Act; and

WHEREAS, 144.26(7) of the State Statutes requires the Department, municipalities and all State agencies to mutually cooperate to accomplish the objectives of section 144.26 the Navigable Waters Protection Law; and

WHEREAS, the evaluation of flood hazard in State-owned, State-insured, and State-approved improvements and other facilities is an essential element of the State's Flood Plain Management and Shoreland program;

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of Wisconsin, IT IS HEREBY ORDERED as follows:

The heads of all State agencies shall provide leadership to

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encourage a broad and unified effort to prevent the uneconomic use and development of the flood plains and wetlands of the State and, in particular, to lessen the risk of flood losses as related to State-owned lands and installations and State-insured or approved or supported improvements and, to ensure consistency of activities with rules and regulations regarding land use and flood plain and shore-land development and management as promulgated by the Department of Natural Resources under provision of Chapter 614, Laws of 1965. Specifically:

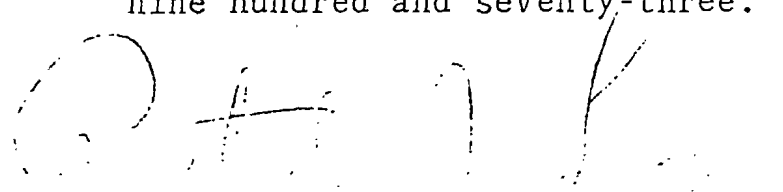
1. All State agencies directly responsible for the new construction of State buildings, structures, roads or other facilities shall evaluate existing or potential flood hazards associated with the construction and shall assist and cooperate with the Department of Natural Resources, under provisions of the Water Resources Act, and applicable rules promulgated pursuant to the Act.
2. All State agencies responsible for the administration of State grants, loans, mortgage insurance or other State-approved financing programs involving the construction of buildings, structures, roads or other facilities shall, together with the assistance and cooperation of the Department of Natural Resources, evaluate flood hazards in connection with such facilities and in order to minimize the exposure of facilities to potential flood damage and the need for future expenditures for flood protection and flood disaster relief, shall, as far as practicable, preclude the uneconomic, hazardous or unnecessary use of flood plains in such connection.
3. All State agencies responsible for review and approval of applications for subdivision plats, buildings, structures, roads, sanitary or other facilities, shall evaluate existing or potential flood hazards associated with such activities and shall as may be permitted by law, prevent actions which will expose citizens to unnecessary hazards or cause future public expenditures for flood disaster relief.
4. The Real Estate Examining Board, in order to preclude purchasers of property from unknowingly exposing life and property to flood and erosion hazards, should in license review, suspension and revocation proceedings pursuant to section 452.10(2) of Wisconsin Statutes consider the failure by a real estate broker, salesman or agent to properly inform a potential purchaser that property under consideration lies within an area subject to a flood or lakeshore erosion hazard recognized by the Department of Natural Resources (as determined from Department, regional planning commission, local ordinance, United States Department of Housing and Urban Development, United States Geological Survey, or Army Corps of Engineer's maps, reports or other documents) to constitute a "substantial misrepresentation," a "false promise of character" or a "demonstrated untrustworthiness or incompetence to act as a broker...or...salesman in such a manner as to safeguard the interests of the public."

5. All state agencies responsible for programs which entail land use planning shall reflect flood and erosion hazards when evaluating and preparing plans and shall encourage land uses appropriate to the degree of hazard involved.
6. The Department of Natural Resources shall compile and distribute to all concerned State agencies a report listing where flood hazard boundary maps compiled from federal, state, regional, local and private sources are available. In consideration of specific projects in areas of known flood hazard where no flood documentation is available, the concerned agency should ask the Department of Natural Resources to make a flood evaluation of the particular case in question. In undertaking these evaluations the Department may require the affected agency to furnish stream cross sectional survey information and base maps in the vicinity of the project site.
7. The Department of Natural Resources and each of the affected State agencies through mutual cooperation, shall as soon as possible, prepare and put into operation administrative guidelines implementing the provisions of this Order. The guidelines should be written to reflect time restraints, manpower, fiscal requirements and other factors relevant to each agency.
8. As may be permitted by law, each agency shall issue appropriate rules and regulations to govern the carrying out of the provisions of this Order.

At the end of seven months a report assessing the implementation of this Order by State agencies shall be prepared by the Department of Natural Resources and forwarded to the Governor.

As used in this Order, the term "State agency" includes any office, department, commission, committee, board, authority or other organizational entity of State government, listed in Chapter 20 of the Wisconsin Statutes, with the exception of "judicial" and "legislative" bodies.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison, this twenty-sixth day of November in the year of our Lord one thousand nine hundred and seventy-three.


PATRICK J. LUCEY
GOVERNOR

By the Governor:

