

STATE DOCUMENT

The State of Wisconsin



OFFICE OF THE GOVERNOR  
EXECUTIVE ORDER #132

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Legislative Reference

Relating to establishing floodplain management guidelines and creating the Flood Hazard Interagency Coordinating Committee

WHEREAS, a significant portion of the state's land resources is subject to recurrent flooding by overflowing of streams, lakes and other watercourses threatening life and causing loss of property, disruption of commerce and governmental services, unsanitary conditions and interruptions of transportation and communication, 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 floodplains of the state are a land resource to be used in a manner which will result in minimum loss of life or threat to health or water quality and in minimization of private and public economic loss caused by flooding; and

WHEREAS, the state's floodplain management program is designed to protect life, health and property, minimize expenditures of public monies for costly flood control projects, minimize the need for rescue and relief efforts undertaken at the expense of the general public, minimize business interruptions, minimize damage to public facilities (such as watermains, sewer lines, streets and bridges), minimize the occurrence of future flood blight areas and discourage the victimization of unwary land and home buyers; and

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

WHEREAS, the location of critical use facilities (hazardous facilities, hospitals, prisons, nursing homes, emergency and rescue and relief facilities) in a flood hazard area creates special problems and should be avoided at all times; and

WHEREAS, the federal government has programs to provide state and local financial assistance, 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 nonfederal cost sharing for disaster aids is increasing and the state needs to minimize, with a goal to eventually eliminate, the amount of state funds associated with development in a floodplain; and

WHEREAS, the evaluation of flood hazard associated with state-owned or leased, state-insured, state-assisted, or state-regulated development and other facilities is an essential element of the state's floodplain management program;

NOW, THEREFORE, I, TOMMY G. THOMPSON, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this State, and specifically by Wisconsin Statute section 14.019, do hereby:

1. Direct that heads of all state agencies and all other agencies listed in Chapter 20 of the Wisconsin Statutes, shall provide leadership to encourage a broad and unified effort to prevent the uneconomic use and development of the floodplains of the state, to discourage further development in floodplain areas, to ensure consistency in state activities with the rules and regulations regarding land use and floodplain development and management, and in particular, to lessen the risk of flood losses related to state-owned or leased lands and installations and state-insured or supported or regulated improvements; and

2. Direct specifically that:

a. Prior to seeking appropriations for the construction, purchase or rental of a facility which will be owned or leased by the state, the state agency which will own or lease the facility is responsible for having a SITE EVALUATION performed to determine whether the facility would be located within the 500-year floodplain. The state agency shall document the fact that a site evaluation was conducted and the results of the evaluation. Each agency has inventoried their facilities to determine floodplain designations. These agencies shall annually review, update if necessary, and submit copies of their inventories to DOA and DNR.

b. Any state agency proposing to construct a new facility or an addition to an existing facility or to modify an existing facility which will be or is located in the 500-year floodplain is responsible for undertaking and documenting the "EIGHT-STEP DECISION PROCESS" analysis, unless the modification to the existing facility constitutes routine repair and maintenance to the facility or, for example, consists of nonstructural modifications to the facility which over the life of the facility cumulatively amount to less than five percent of the total value of the facility. Routine repair and maintenance includes internal and external painting, decorating, paneling, carpeting, relocation of nonload-bearing internal walls, and the replacement of doors, windows, and other nonstructural components of a building. The total value of a facility is determined by its present market value. The value should be consistent with established values on an insurance inventory or on a current Department of Administration facilities list.

c. Facilities, including additions to existing facilities, which will be owned or leased by the state may not be constructed in a 100-year floodplain unless there is no practicable alternative. Critical use facilities (such as hospitals, nursing homes, emergency and rescue or relief facilities, prisons, or other activities for which flooding may cause an unacceptable risk) which are or will be owned or leased or funded, partially or entirely, by the state may not be constructed in a 500-year floodplain unless there is no practicable alternative. Furthermore, a facility which will be owned or leased by the state may not be constructed in a floodway unless the facility is water-dependent (e.g., boat launching ramp or dock).

d. Facilities owned or leased by the state which are or will be located in a floodplain shall be constructed in accordance with the most restrictive of any development standards contained in state law (Chapter NR 116, Wis. Adm. Code), local ordinance, or this executive order.

e. No state agency which uses a nonwater dependent nonconforming facility located in a floodway may change the use of the facility, authorize the construction of an addition to the facility, or undertake improvements to the facility (except routine maintenance or repair) which cumulatively over the life of the facility amount to more than 25 percent of its total value.

f. No state agency which uses a nonconforming facility located in a flood fringe may change the use of the facility or authorize the construction of an addition to the facility. No state agency may undertake modifications to a facility in a flood fringe (except routine repair and maintenance) which cumulatively over the life of the facility amount to more than 25 percent of its total value unless the entire facility is made to conform to the more restrictive of any development standards in state law (chapter NR 116, Wis. Adm. Code) or local ordinance. All modifications to a facility in a flood fringe shall conform to the more restrictive of any development standards in state law (chapter NR 116, Wis. Adm. Code) or local ordinance and shall be consistent with the provisions of the mitigation plan for the facility prepared under this executive order.

g. Each state agency is responsible and has ensured that all state-owned or leased facilities which it owns or leases are insured by a policy or a certified self-insurance program which meets the standards of the national flood insurance program and which is in effect for the useful life of the facility. Each state agency shall maintain documentation of the insurance status of new facilities prior to using the facilities and shall document the insurance status of all existing facilities and submit the documentation to the Department of Administration annually.

h. Each state agency is responsible for developing and updating a flood preparedness and evacuation plan for each facility the agency owns or leases which is or will be located in a floodplain and for submitting the plan to the Division of Emergency Government and the Department of Natural Resources, prior to the time the state agency uses the facility. The Division of Emergency Government, in consultation with the Department of Natural Resources, shall develop criteria for state agencies to use in the development of flood preparedness and evacuation plans.

i. Each state agency is responsible for developing and updating a flood damage mitigation plan (including both pre-disaster, floodproofing or relocation, and post-disaster treatment) for each facility owned or leased by the agency which is or will be located in a floodplain and for submitting the plan to the Department of Natural Resources and the Division of Emergency Government, prior to the time the state agency uses the facility. The Department of Natural Resources, in consultation with the Department of Administration and the Division of Emergency Government, shall develop and publish criteria for state agencies to use in the development of flood damage mitigation plans.

j. Each state agency shall review its regulatory and financial assistance programs and implement actions to achieve floodplain management objectives in those programs, including the disclosure of the location of projects in floodplains, compliance with development standards for projects in floodplains, and flood insurance requirements; and for preparedness and mitigation plans where needed to reduce flood risks and state liability.

k. The Flood Hazard Interagency Coordinating Committee, consisting of a representative of each state agency listed in Chapter 20 of the Wisconsin Statutes and chaired by the Department of Natural Resources, is the principal body to evaluate the implementation of this executive order and to resolve issues of mutual concern to all state agencies about floodplain management. The interagency coordinating committee:

(1) has developed and published guidelines for the implementation of this executive order including guidelines for rule revisions and procedural changes required of state agencies; and

(2) shall periodically evaluate the operating effectiveness of the guidelines in achieving the objectives of this executive order and make necessary improvements to the guidelines; and

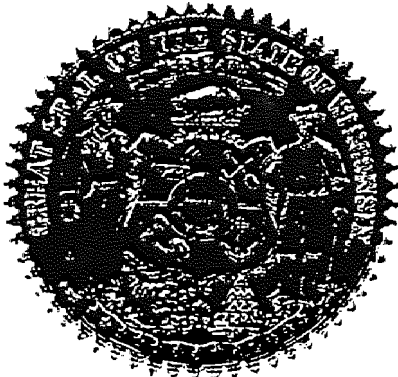
(3) will recommend to the Governor any legislation needed to implement the objectives of this executive order, including legislation to set a specific limit on the percentage of state funding to cover the nonfederal share of post-flood damage costs, and propose mitigation alternatives to reduce flood risks and state liability.

1. Each state agency shall implement the objectives of this executive order in all agency actions affecting development in floodplains. Each state agency shall:

(1) revise the agency's administrative rules and procedures to reflect the objectives of this executive order; and

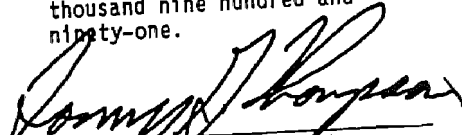
(2) maintain and update an outline of the steps the agency has and is taking to implement this executive order; and

(3) file a report with the interagency coordinating committee every two years detailing the actions the agency has taken to implement this executive order and the implementing actions the agency plans to take within the succeeding two years.



By the Governor:

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 second day of October in the year one thousand nine hundred and ninety-one.

  
TOMMY G. THOMPSON  
Governor

  
DOUGLAS LA FOLLETTE  
Secretary of State