

THE STATE OF TEXAS
EXECUTIVE DEPARTMENT

AUSTIN, TEXAS

EXECUTIVE ORDER

D.B. No. 34

EVALUATION OF FLOOD HAZARD IN LOCATING STATE OWNED OR FINANCED
BUILDINGS, ROADS, AND OTHER FACILITIES

September 30, 1977

WHEREAS, under Sections 1910.11 and 1910.12 of Rules and Regulations pertaining to the National Flood Insurance Program, the State of Texas is, effective December 1, 1976, regarded as a community and therefore must comply with minimum construction standards established for future state developments within identified 100-year flood plains in order to participate in the Program; and

WHEREAS, a condition of receiving future federal disaster relief loans and obtaining flood insurance coverage for state-owned structures depends on the State's compliance with the National Flood Insurance Act of 1968, as amended; and

WHEREAS, the State of Texas has extensive and continuing programs for the construction of buildings, roads, and other facilities and annually acquires and disposes of lands in flood hazard areas, all of which activities significantly influence patterns of commercial, residential, and industrial development; and

WHEREAS, the Texas Department of Water Resources has previously been designated as the State Coordinating Agency for the National Flood Insurance Program under the Texas Water Code, Section 16.311 et seq.; and

WHEREAS, under Section 16.318 of the Texas Water Code, the Texas Department of Water Resources has statutory authority to adopt and promulgate reasonable rules which are necessary for the orderly effectuation of respective authorizations pertaining to the National Flood Insurance Program;

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of Texas, I am establishing the following procedures for implementation of a flood plain management program for state agencies as follows:

SECTION 1. The Texas Department of Water Resources shall provide

September 30, 1977

leadership in encouraging a broad and unified effort to prevent unsound and uneconomic uses and development of the State's flood plains and, in particular, to lessen the risk of flood losses in connection with State-owned properties and State-financed or supported improvements. Specifically:

- (1) Under the direction of the Texas Department of Water Resources all state agencies directly responsible for the planning, location, or construction of State buildings, roads, or other facilities shall evaluate flood hazards when planning the location of new facilities and, as far as practicable, shall consider the economic, safe, and prudent use of flood plains in connection with such facilities.
- (2) In the siting and construction of State-owned facilities within identified flood plains, all State agencies should comply with the U.S. Department of Housing and Urban Development's minimum flood plain construction standards.
- (3) All State agencies responsible for the administration of grant or loan programs involving the construction of buildings, structures, roads, or other facilities shall 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 State expenditures for flood protection and flood disaster relief, shall consider economic, safe, and prudent use of flood plains in such connection.
- (4) All State agencies responsible for the disposal of lands or properties shall evaluate flood hazards in connection with lands or properties proposed for disposal to other public instrumentalities or private interests and shall attach appropriate restrictions with respect to uses of the lands or properties for disposal. In carrying out this paragraph, each State agency may make appropriate allowance for any estimated loss in sales price resulting from the incorporation of use restrictions in the disposal documents.
- (5) All State agencies responsible for programs which affect land use planning, including State permit programs, shall take flood hazards into account when evaluating plans, projects, and requests for loans or grants, and shall encourage land use appropriate to the degree of hazard involved.

September 30, 1977

SECTION 2. Any requests for State appropriations for construction of new buildings, roads, or other facilities transmitted to the Legislative Budget Board and the Governor's Budget and Planning Office by any State agency should include the findings of the agency's evaluation and consideration of flood hazards in the development of such requests.

SECTION 3. All State agency heads shall prepare, maintain, and update an inventory of their agencies' respective State-owned structures and their contents which are located in identified 100-year flood plains. The inventory shall include the replacement costs and/or estimated fair market value of each structure and its contents.

SECTION 4. The Governor's Budget and Planning Office shall maintain a permanent record system which shows the date, location, and amount of flood losses to State-owned structures.

SECTION 5. In the event of future flood damage to existing State-owned structures, appropriate State agency heads shall evaluate the economic benefits of incorporating flood proofing measures into the rehabilitation of the structure. If a Presidential Disaster Declaration is made for flood events in which State-owned structures suffered flood damages, appropriate State agency heads shall secure flood insurance coverage on the structures through the National Flood Insurance Program. If federal disaster relief loans or grants are given to the State for rehabilitation of damaged structures, then where physically possible, these funds will be used to pay the costs of providing flood proofing measures to reduce future flood damage potential.

SECTION 6. State agency requests for flood hazard information, maps identifying 100-year flood plains, and other related technical data, may be addressed to the Texas Department of Water Resources. Requests for information on obtaining flood insurance coverage on State-owned structures and on obtaining federal disaster relief may be addressed to the Governor's Office of Disaster Emergency Services and to the State Board of Insurance.

SECTION 7. As may be permitted by law, the head of each State agency shall issue appropriate rules and regulations to execute the provisions of this order. Drafting of agency rules and regulations should be coordinated with the Texas Department of Water Resources to assure compliance with established guidelines and procedures.

September 30, 1977

SECTION 8. To assist State agency heads in carrying out the intent of this Order and to provide guidance for construction in flood prone areas, the Texas Department of Water Resources is directed to publish flood hazard evaluation guidelines for use by State agencies. These guidelines should include the flood plain construction standards established by the U.S. Department of Housing and Urban Development.

SECTION 9. The Texas Department of Water Resources shall proceed immediately in developing the guidelines required under Section 8, and all State agencies shall implement the provisions of this Order by January 1, 1978.

SECTION 10. This Order shall take effect the 1st day of October 1977, and shall remain in effect until modified or rescinded by me.



Attest:

A handwritten signature in cursive script, appearing to read "Mark White", written over a horizontal line.

Mark White
Secretary of State

In official recognition whereof, I
hereby affix my signature this the
30th day of September
A.D. 1977.

A handwritten signature in cursive script, appearing to read "Dolph Briscoe", written over a horizontal line.

DOLPH BRISCOE
GOVERNOR OF TEXAS

Filed in the office of
Secretary of State

OCT X 6 1977

By *Sybil Dickinson*

TEXAS DEPARTMENT OF WATER RESOURCES

1700 N. Congress Avenue

Austin, Texas



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Charles E. Nemir
Executive Director, Acting

October 21, 1977

Mr. Robert E. Johnson
Executive Director
Texas Legislative Council
P. O. Box 12128
Austin, Texas 78711

Dear Mr. Johnson:

Governor Briscoe has asked that we transmit to you a copy of "EXECUTIVE ORDER D.B. NO. 34 - EVALUATION OF FLOOD HAZARD IN LOCATING STATE OWNED OR FINANCED BUILDINGS, ROADS, AND OTHER FACILITIES." This Executive Order, signed by Governor Briscoe on September 30, 1977, was necessary to bring the State of Texas into compliance with the flood plain management provisions of the National Flood Insurance Program. Compliance with this Order will insure the continued availability of federal flood insurance, grants, and disaster relief to state-owned properties.

As the State Coordinating Agency for the National Flood Insurance Program and the principal agency designated by the Governor to coordinate implementation of Executive Order D.B. No. 34, the Texas Department of Water Resources will cooperate fully with you to insure an orderly implementation of the State's Flood Plain Management Program. Upon request, we can supply you with flood plain maps for use in your Agency's inventory of state-owned property located in flood prone areas. Additionally, our files of flood plain data are available for your use in planning the siting of facilities to be constructed by the State.

As directed in Section 9 of the Order, the Department is developing guidelines to assist all state agencies in implementing the provisions of the Order. We hope to have a review draft of these

guidelines available in November at which time it will be forwarded to you for review and comment. Should you have any questions concerning the subject Executive Order or the Flood Insurance Program, please contact Everett W. Rowland, Director, Flood Protection and Disaster Assistance Division, at the above address or telephone 512/475-2171. He is thoroughly familiar with the Program.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles E. Nemir".

Charles E. Nemir

Enclosures

cc: Governor Briscoe