

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2023-02

**PROVISIONS FOR STATE COOPERATION WITH THE NATIONAL FLOOD INSURANCE PROGRAM
UNDER THE NATIONAL FLOOD INSURANCE ACT OF 1968, AS AMENDED**

WHEREAS, Idaho 's floodplains have been developed in a way that may increase potential flood losses despite efforts to mitigate floods; and

WHEREAS, national, state, and local studies of areas and property subject to flooding predict increases in flood damage potential and flood losses, despite continuing investment in flood protection structures; and

WHEREAS, the State of Idaho maintains programs for the construction of buildings, roads and other facilities and annually acquires and disposes of lands that may be located in flood hazard areas, which influences patterns of commercial, residential, and industrial development; and

WHEREAS, the availability of flood insurance under the National Flood Insurance Program (NFIP), as provided by the National Flood Insurance Act of 1968, as amended, is dependent upon state coordination of federal, State, and local activities to manage floodplains and flood-prone areas in the state, including mudflow-prone areas and flood-related erosion-prone areas; and

WHEREAS, the Idaho Department of Water Resources (IDWR) is the State agency responsible for assisting local government units or communities with regulations necessary for flood insurance provided by the National Flood Insurance Act of 1968 and regulations set forth in 44 CFR §60.25; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has promulgated and adopted rules and regulations governing eligibility of State and local communities to participate in the NFIP, dependent upon State coordination of federal, State, and local activities to manage floodplains and flood-prone areas in the state; and

WHEREAS, Idaho Code§ 46-1022 authorizes local communities in Idaho to adopt floodplain management ordinances and maps, and regulate mapped and unmapped floodplains within their jurisdictions to reduce flood risk and losses; and

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state do hereby order as follows:

- 1. IDWR is hereby designated as the State agency responsible for coordinating the NFIP and floodplain management in the State consistent with 44 CFR §60.25, Rules and Regulations of the NFIP.*
- 2. IDWR shall encourage a broad and unified effort to promote wise use and development of the state's floodplains and, in particular, to reduce the risk of flood losses in connection with State lands and installation and State-financed or supported improvements, specifically as follows:*

- a. *IDWR shall coordinate with the Idaho Department of Administration to assure that all State agencies directly responsible for development or construction of buildings, structures, roads, or other facilities shall preclude the unsafe or unnecessary use of floodplains in connection with such facilities or development; in the event of construction in the floodplain, floodplain management criteria set forth in 44 CFR § 60.3, 60.4, and 60.5 of the NFIP Regulations shall apply; flood-proofing measures shall be applied to existing facilities in order to reduce flood damage potential;*
 - i. *All State agencies shall comply with floodplain management requirements and ordinances adopted by local communities participating in the NFIP in which State-owned properties are located.*
 - ii. *The IDWR State Floodplain Coordinator shall review and permit any State development or construction of buildings, structures, roads, or other facilities on State-owned properties located within mapped floodplains (or Special Flood Hazard Areas) of local communities that do not participate in the NFIP. When permitting any State development within such areas, the IDWR State Floodplain Coordinator shall apply the floodplain management criteria set forth in 44 CFR § 60.3, 60.4, and 60.5.*
- b. *All State agencies responsible for the administration of grant or loan programs involving the construction of building, 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 preclude the unsafe or unnecessary use of floodplains in such connection;*
- c. *All State agencies responsible for disposal of/ands or properties shall evaluate flood hazards in connection with lands or properties proposed for disposal to other public instrumentalities or private interests and, in order to minimize future State expenditures for flood protection and flood disaster relief, shall notify those instrumentalities and private interests that such hazards exist;*
- d. *All State agencies responsible for programs that affect land-use planning, including State permit programs, shall take flood hazards into account when evaluating plans and shall encourage land use appropriate to the degree of hazard involved;*
- e. *In evaluating flood hazard potential, all State agencies shall coordinate their work with IDWR to ensure that the most up-to-date data and/or methods of analysis are utilized; and*



PHIL MCGRANE
SECRETARY OF STATE

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 7th day of February, in the year of our Lord two thousand and twenty-three, and of the independence of the United States of America the two hundred forty-seventh, and of the Statehood of Idaho the one hundred thirty-third.

BRAD LITTLE
GOVERNOR