

**State of Colorado**

EXECUTIVE CHAMBERS

DENVER

RICHARD D. LAMM
Governor

EXECUTIVE ORDER

REQUIREMENTS AND CRITERIA
FOR STATE PARTICIPATION
IN THE NATIONAL FLOOD INSURANCE PROGRAM

- WHEREAS, on August 1, 1977, Executive Order Number 8491, entitled "Evaluation of Flood Hazard in Locating State Buildings, Roads, and Other Facilities, and in Reviewing and Approving Sewage and Water Facilities, and Subdivisions," was issued regarding State policy on the occupation and modification of Colorado floodplains by State agencies; and
- WHEREAS, additional State procedures are to be established to meet the requirements of the National Flood Insurance Program; and
- WHEREAS, the availability of programs for Federal loans and mortgage insurance, State financial assistance, and land use planning are determining factors in the utilization of lands; and
- WHEREAS, the availability of flood insurance under the National Flood Insurance Program for state-owned properties as provided by the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973 is dependent upon State coordination of Federal, State, and local aspects of floodplain, mudslide (i.e., mudflow) area, and flood-related erosion area management activities in the State; and
- WHEREAS, the Colorado Water Conservation Board is the State agency responsible for state-wide programs for flood prevention, flood control, flood protection, and flood hazard study criteria, as provided by Section 37-60-106(1), Colorado revised Statutes 1973, and Section 24-65.1-403, Colorado Revised Statutes 1973, as amended, (S.B. 126) L. 77.; and
- WHEREAS, the Colorado Water Conservation Board is the State agency designated to coordinate the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973; and
- WHEREAS, the Division of Disaster Emergency Services is the agency responsible for the coordination of Federal, State, and local disaster activities, and
- WHEREAS, the primary concerns of the Colorado Land Use Commission are the protection, utility, value, and future of lands within the State; and

WHEREAS, the availability of flood insurance for stateowned properties is conditioned upon the State's compliance with minimum floodplain management criteria of the National Flood Insurance Program regulations (24 CFR 1909, et. seg.);

NOW, THEREFORE, by virtue of the authority vested in me as the Governor of Colorado, it is hereby ordered as follows:

1. The Colorado Land Use Commission is hereby designated as the State agency to provide implementation of Section 1910.12, Rules and Regulations of the Federal Insurance Administration.
2. Each State agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain, to ensure that its planning programs and budget requests reflect consideration of flood hazards and floodplain management.
3. Before taking action, each State agency shall determine whether the proposed action will occur in a floodplain. This determination shall be based on a Department of Housing and Urban Development flood hazard boundary map (FHBM) or, if available, on more detailed floodplain delineation maps of the area on file with the Colorado Water Conservation Board. If flood hazard information and data are not available, the Colorado Water Conservation Board shall assist in the determination and the evaluation of any flood hazard to the proposed facilities or structures.
4. For state-owned properties in Federal Insurance Administration designated "Special Hazard Areas," the State shall, as a minimum, comply with the floodplain management criteria set forth in Sections 1910.3, 1910.4, and 1910.5 of the National Flood Insurance Regulations.
5. If a State agency has determined that no feasible alternative exists to avoid siting a proposed structure or facility within a floodplain, the agency shall (a) prepare and transmit to the Colorado Land Use Commission a notice containing an explanation of why the development is proposed to be located in the floodplain; (b) require the structure to be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement; (c) require the structure to be constructed with materials and utility equipment resistant to flood damage; (d) site the lowest floor of any structure not less than one foot above the base flood, unless such structure has been adequately flood-proofed to one foot above said base water elevation; and (e) elevate residential dwellings to not less than one foot above the maximum water elevation of the computed base flood.
6. The Colorado Land Use Commission and the Colorado Water Conservation Board shall assist State agencies in carrying out the floodplain management criteria set forth in Sections 1910.3, 1910.4, and 1910.5 of the National Flood Insurance Regulations with the following provisions:

a. Subdivision proposals shall be consistent with the criteria established by Title 30, Article 28, Colorado Revised Statutes 1973, as amended.

b. Policy on floodplain management shall follow the directives of Executive Order 8491 of August 1, 1977.

c. Disaster Preparedness Activities shall be consistent with the criteria established by Title 28, Article 2, Colorado Disaster Emergency Act, Colorado Revised Statutes 1973, as amended, within the scope of their applicability to the Executive Order and to Executive Order 8491, dated August 1, 1977, and as administered by the Colorado Division of Disaster Emergency Services. Provided further, noting in this order or in Executive Order 8491 shall apply to assistance provided for emergency work to save lives, protect property, and public health and safety, performed pursuant to the Colorado Disaster Emergency Act.

d. The floodway (high-hazard zone) limits shall be consistent with the criteria established by the Colorado Water Conservation Board's Model Floodplain Regulation, dated February 26, 1975, which was prepared under the authority of Title 24, Article 65.1, Colorado Revised Statutes 1973, as amended.

7. All State agencies responsible for the disposal of lands or properties shall evaluate flood hazards in connection with lands or properties which are 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 attach appropriate restrictions to the uses of properties by the grantee or purchaser and any successors, except where prohibited by law; or (c) withhold such properties from conveyance.

10. As used in this Order:

a. "State agency" means any department, board, commission, or division; however, the directives as contained in this Order are meant to apply to those agencies which perform or regulate activities that are located in, or affect, floodplains.

b. "Base flood" means the flood that has a one percent chance of being equalled or exceeded in any given year.

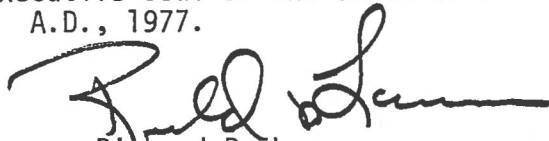
c. "Floodplain" means an area in, and adjacent to, a stream, which area is subject to being inundated by the base flood in any given year.

d. "Flood-proofing" means a combination of structural provisions, changes, or adjustments to lands, properties, and structures subject to flooding, primarily for the reduction or elimination of flood damages to lands, properties, structures, and contents of buildings in a flood-hazard area.

11. As may be permitted by law, the head of each State agency shall issue appropriate rules and regulations to govern the carrying out of the provisions of this order in consultation with the Colorado Land Use Commission.

12. This Order shall take effect on October 1, 1977.

GIVEN under my hand and the Executive Seal of the State of Colorado, this
1st day of October, A.D., 1977.



Richard D. Lamm
Governor