

TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U. S. A.

EXECUTIVE ORDER NO. 98-30

**RELATIVE TO ADOPTING AN UPDATED FLOOD
PLAIN MANAGEMENT ORDINANCE AS EMERGENCY
RULES AND REGULATIONS.**

WHEREAS, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), 44 Code of Federal Regulations (CFR) Parts 59 - 79, Guam is required to adopt flood plain management regulations that meet the Federal standards established by the NFIP regulations at 44 CFR Section 60.3; and

WHEREAS, whenever the NFIP updates, revises and finalizes flood boundary maps, floodway maps and flood insurance studies for Guam, the Department of Public Works is required to administer and enforce these updates; and

WHEREAS, these NFIP updated standards must be adopted as flood plain management regulations by December 6, 1998 to continue eligibility in the NFIP; and

WHEREAS, Guam law (Section 9302 of Title 5 of the Guam Code Annotated) provides for the adoption of emergency regulations by Executive Order when "necessary to comply with Federal law"; and

WHEREAS, all revisions are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Public Law No. 93-234) and are in accordance with the National Flood Insurance Act of 1968 (Public Law No. 90-448), 42 United States Code Sections 4001 - 4128, as amended, and NFIP regulations at 44 CFR Part 65; and

WHEREAS, prior Executive Order Nos. 88-20 and 98-19 promulgated flood damage prevention rules and regulations, and adopted revised Federal maps for flood insurance, flood boundaries and floodways, respectively; and

WHEREAS, flood damage protection is adopted because flood hazard areas of Guam are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affects the public health, safety, and general welfare; and

WHEREAS, flood losses are caused by the cumulative effects of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas; and



WHEREAS, the flood damage prevention rules and regulations were put into effect to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard zones;
- (6) to help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to insure that potential buyers are notified that the property is in an area of special flood hazard; and
- (8) to insure that those who occupy the areas of special flood hazard assume responsibility for their actions; and

WHEREAS, by adopting the updated Flood Plain Management Ordinance, attached hereto and incorporated herein by reference, this Executive Order includes methods and provisions for:

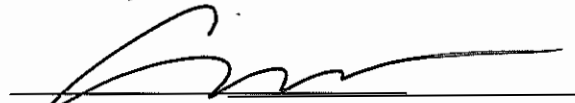
- (1) restricting or prohibiting uses which are dangerous to health, safety, and property due to water erosion hazards, or which results in damaging increases in erosion of flood heights or velocities;
- (2) requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage to the time of initial construction;
- (3) controlling the alteration of natural flood plain, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) controlling filling, grading, dredging, and other development which may increase flood damage; and
- (5) preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazard in other areas.



NOW, THEREFORE, I, CARL T.C. GUTIERREZ, I Maga'láhen Guahan, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do hereby order:

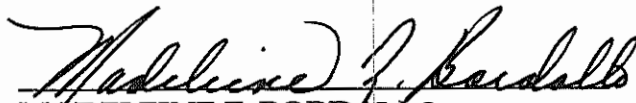
- (1) The updated Flood Plain Management Ordinance is adopted as emergency regulations pursuant to Subsection 9302 of Title 5 of the Guam Code Annotated.
- (2) The regulations adopted in this Executive Order supercede any provision in a prior Executive Order, or any rule and/or regulation, which may be in conflict with these regulations.

SIGNED AND PROMULGATED at Hagåtña, Guam this 4th day of December, 1998.



CARL T. C. GUTIERREZ
I Maga'láhen Guáhan
Governor of Guam

COUNTERSIGNED:



MADELEINE Z. BORDALLO
I Segunda na Maga'láhen Guáhan
Lieutenant Governor of Guam