

**STATE OF SOUTH DAKOTA  
OFFICE OF THE GOVERNOR  
EXECUTIVE ORDER 2023-14**

**Whereas,** The National Flood Insurance Program (NFIP) is managed by the Federal Emergency Management Agency (FEMA); and,

**Whereas,** Floods can happen anywhere and cause significant damage to property and loss of lives; and,

**Whereas,** Some communities choose to adopt and enforce floodplain management regulations that help mitigate flooding impacts and are referred to as NFIP participating communities; and,

**Whereas,** The State is insured for risk of property loss below catastrophic levels; and,

**Whereas,** The State has an interest in protecting its assets against the risk of flood damage and loss;

**NOW, THEREFORE** I, Kristi Noem, Governor of the State of South Dakota, by the authority vested in me by the Constitution and Laws of the State, do hereby Order as follows:

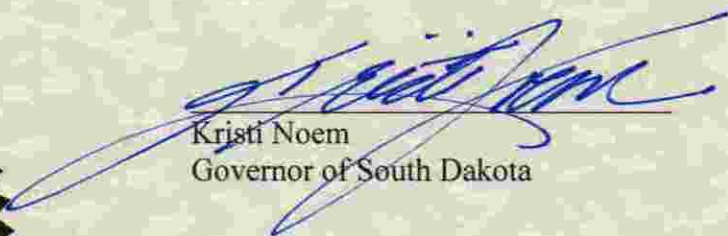
Whenever proposed construction of a state-owned development is to occur in a FEMA designated flood prone area in a non-NFIP participating community, the South Dakota Office of the State Engineer shall require review of the proposed development to assure that:

1. All necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
2. If the proposed construction is not in a NFIP participating community and the proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.
3. New and replacement water supply systems are designed to minimize or eliminate infiltration of flood water into the systems.
4. New and replacement sanitary sewage systems are designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and onsite waste disposal systems are located to avoid impairment to them or contamination from them during flooding.


5. All other applicable requirements of 44 C.F.R. 60.3(a) through 44 C.F.R. 60.3(d) and any other relevant requirement of Federal or State law are met.
6. This Executive Order is effective immediately.

Dated in Pierre, South Dakota, this 6th day of September 2023.



  
Kristi Noem  
Governor of South Dakota

ATTEST:

  
Monae L. Johnson  
Secretary of State