



Department of
Environmental
Conservation

Duties of the Local Floodplain Administrator

Managing the National Flood Insurance Program
1-hour

April 10, 2025

DEC Floodplain Coordinators

Central Office Floodplain Management Coordinators

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Region 9: Buffalo

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National Flood Insurance Program

Background & Goals

The National Flood Insurance Program

The National Flood Insurance Act created the National Flood Insurance Program

Flood Disaster Protection Act of 1973

National Flood Insurance Reform Act of 1994

Biggert-Waters Flood Insurance Reform Act of 2012

Homeowner Flood Insurance Affordability Act of 2014



Accomplishing NFIP Goals



Require

Require new construction and substantial improvements to be flood resistant

Guide

Guide future development away from flood hazard areas

Transfer

Transfer flood loss costs from taxpayers to floodplain property owners

Prohibit

Prohibit new development in designated floodways that would increase flood heights



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Roles & Responsibilities

Federal Government

- Risk Identification and mapping
- Flood insurance
- Assess community compliance
- Enforcement



FEMA



**US Army Corps
of Engineers**®



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State Government

- Establish state regulatory requirements
- Provide technical assistance
- Assess community compliance
- Administer Hazard Mitigation Grants



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Department
of State



Homeland Security
and Emergency Services



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Local Municipality

- Adopts local flood damage prevention ordinance
- Ensures all development is compliant with state and NFIP requirements
- Mitigates violations



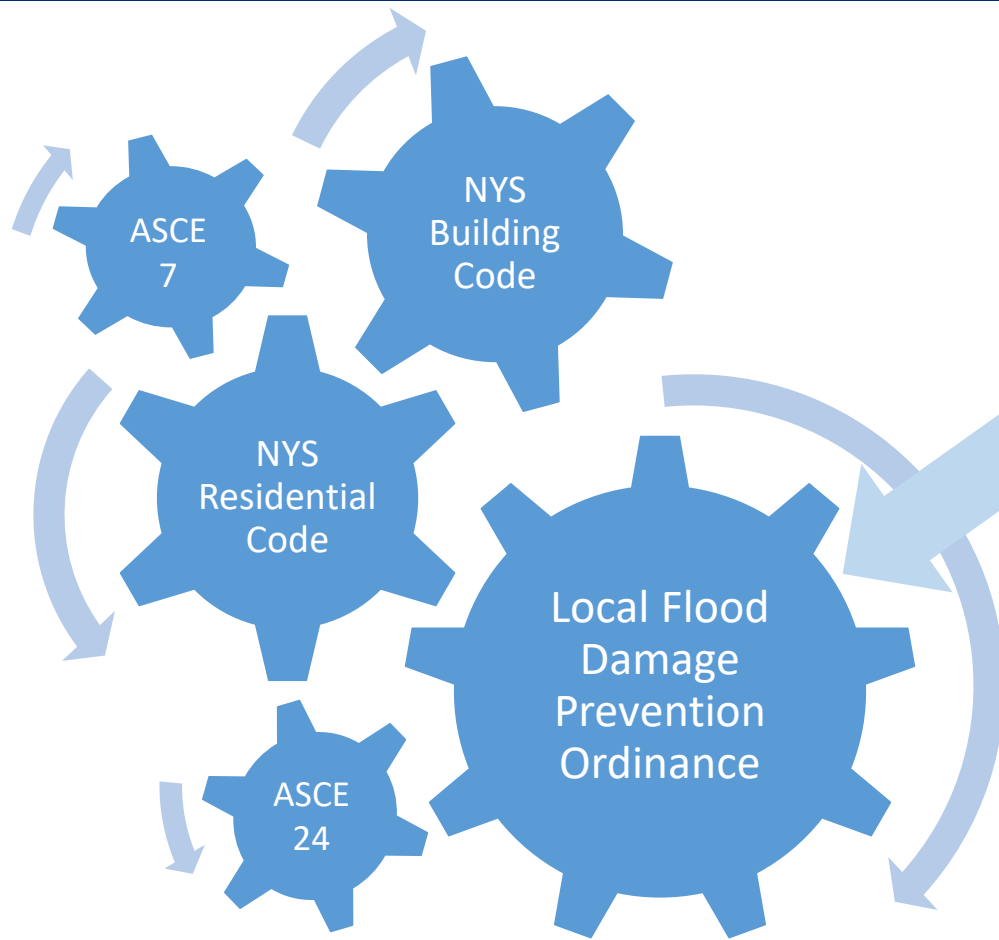
Brad Wenskoski | NYSDEC



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Regulations

Where to find them?



44 CFR
§60.3

Duty 1:

Review Applications

Step-by-step



1. Is it development?
2. Is it in the Special Flood Hazard Area (SFHA)?
 - If so, what flood zone? Is it in the floodway?
3. Did they fill out a Floodplain Development Permit?
4. Is it compliant with the community's flood damage prevention ordinance and the Uniform Code (whichever is more restrictive)? Do you need more information in order to make a determination?

Duty 2:

Provide Base Flood Data

Base Flood Data

FPA Responsibility

- Roughly interpret floodplain boundaries
- Provide guidance on how to determine the Base Flood Elevation (BFE)
- Confirm that BFE data provided by an applicant is reasonable

Applicant Responsibility

- Proving floodplain status (in or out) based on an elevation certificate or delineation on a site plan
- Determine the BFE to the nearest tenth of a foot
- Where no BFE data is available have a licensed PE determine the BFE for the site based on standard engineering practices

Duty 3:

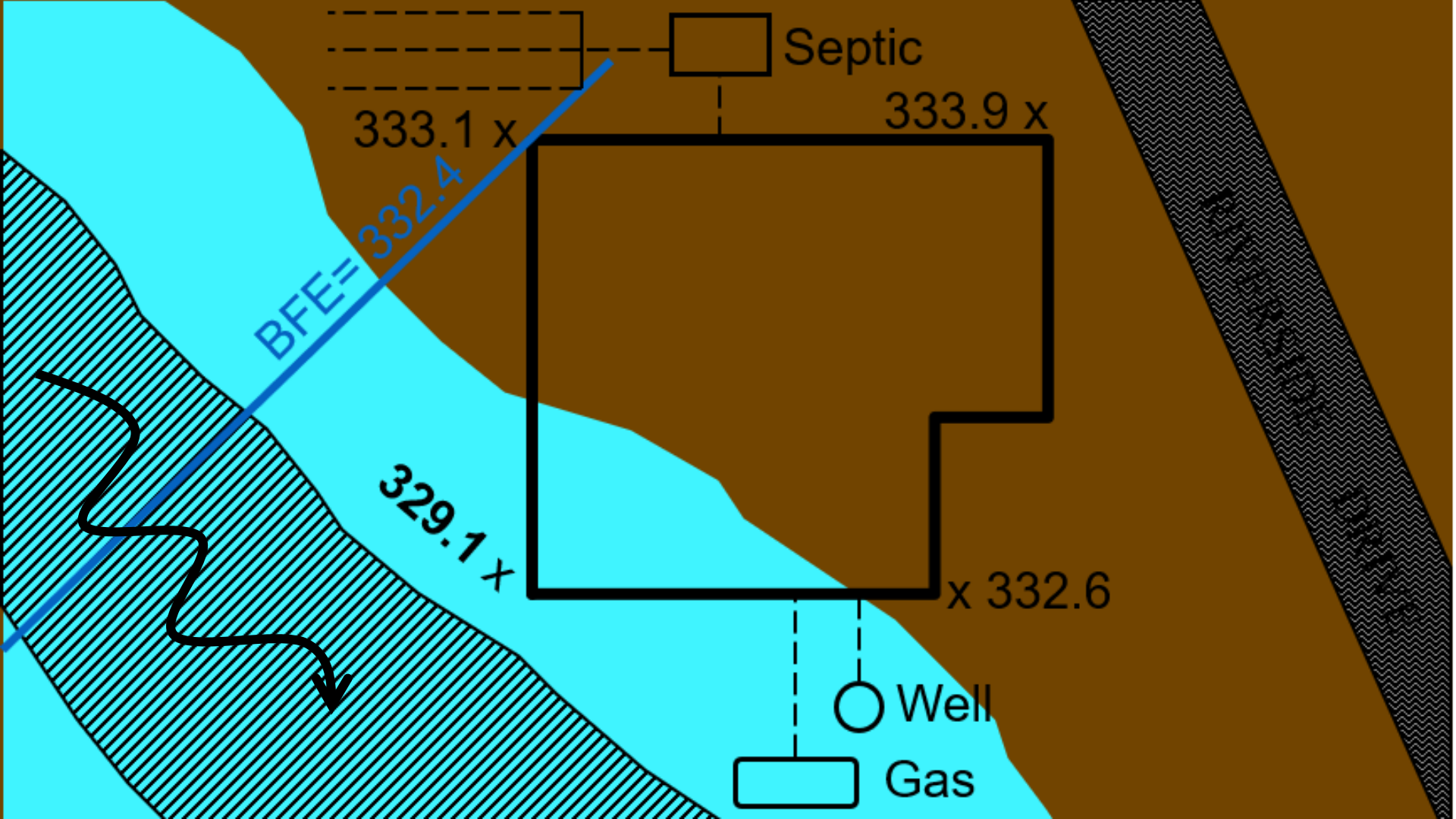
Review Plans & Specs

Plans & Specifications



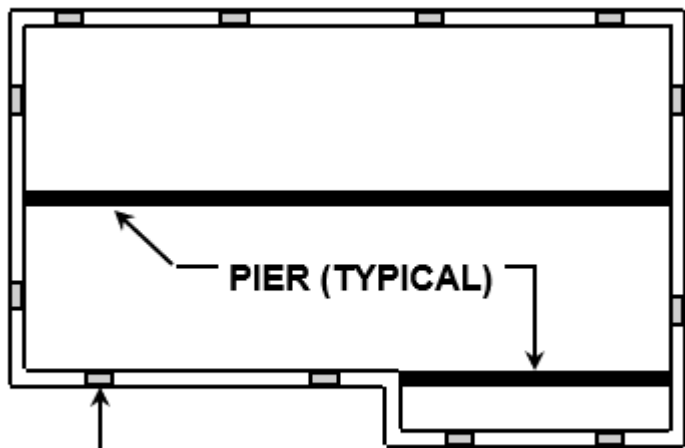
Applications should include:

- ✓ Site plan with floodplain and floodway boundaries including elevations
- ✓ Foundation design details
- ✓ Thoroughly notated plans and supporting documents



Foundation Details

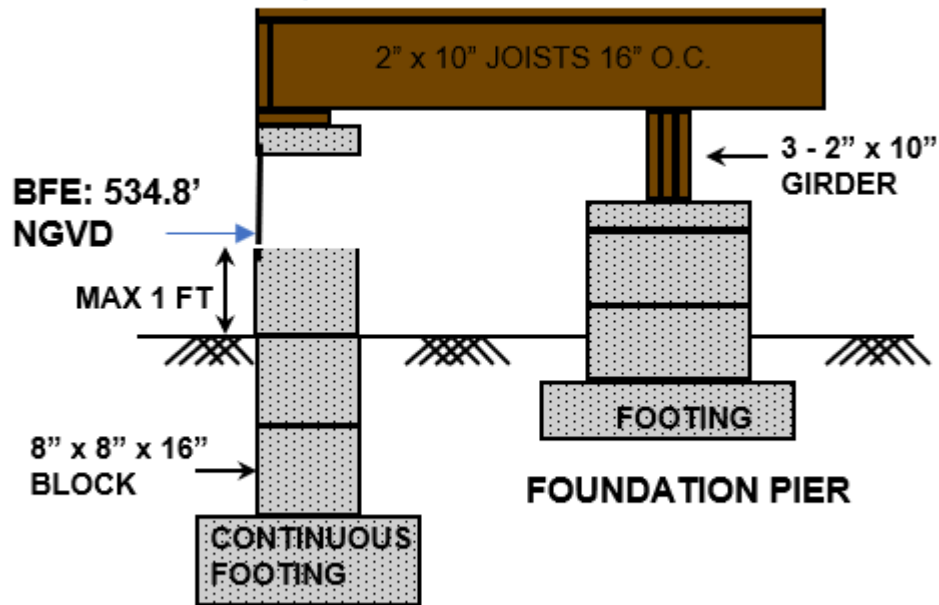
FOUNDATION PLAN



TYPICAL FOUNDATION WALL OPENING 16" x 8"
 BOTTOM OF OPENING 8" ABOVE GRADE
 ENCLOSED AREA 1500 SQUARE FEET
 NET AREA OF 12 OPENINGS 1500 SQ-IN

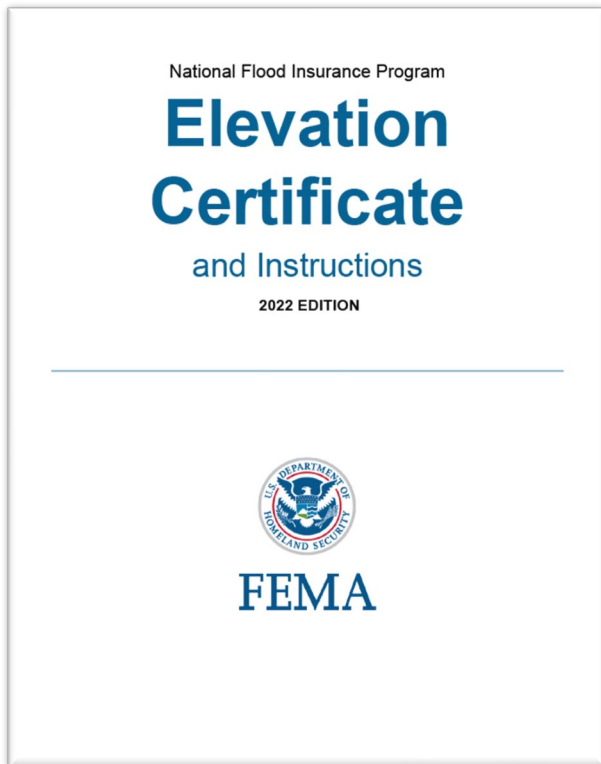
FOUNDATION SECTION

Lowest Floor: 536.8' NGVD



FOUNDATION WALL

Pre-construction Elevation Certificate



- Administrative tool of the NFIP
- Insurance policy rating
- Support map amendments
- Certify building and ground elevations
- Community compliance

Duty 4:

Notification of Watercourse Alterations

Watercourse Alterations

Community Responsibility

1. Notify adjacent communities, DEC, and FEMA prior to any alteration
2. Assure that the flood carrying capacity is maintained

Reference: 44 CFR § 60.3 (b)



What that means...

Recommend that an applicant submit for a Conditional Letter of Map Revision (CLOMR) during the permitting process.

Formal notification is through the Letter of Map Revision (LOMR) process.

The applicant or permit holder must provide for maintenance of the altered portion of the watercourse in perpetuity.



Poll Question

Who does the community need to notify about watercourse alterations or relocations?

- A. FEMA
- B. Adjacent communities
- C. NYSDEC
- D. All of the above

Duty 5:

**Make SI/SD
Determinations**

Important Definitions

“Substantial Improvement” is any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement (44 CFR §59.1).

“Substantial Damage” is damage of **any origin** sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. All structures that are determined to be substantially damaged are automatically considered to be substantial improvements, regardless of the actual repair work performed (44 CFR §59.1).





Important

Information

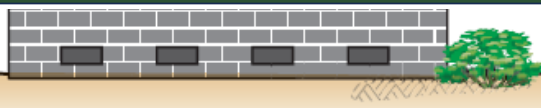
RENOVATED/REHABILITATED
BUILDING

Floodplain buildings can be improved, renovated, rehabilitated or altered, but

Cost to Renovate or Rehabilitate Structure
Market Value of Structure $\geq 50\%$



SHALLOW
CRAWLSPACE FOUNDATION



RAISED FULLY-COMPLIANT
CRAWLSPACE FOUNDATION

[\(SEE PAGE 89\)](#)

the cost of renovations.

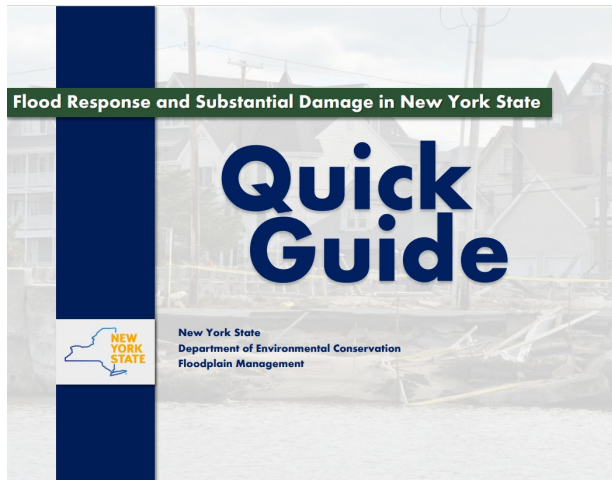
Alteration of registered historic structures are allowed, by variance, as long as the structures continue to meet the criteria for listing as historic structures.

Additional Guidance & Resources



Substantial Improvement/ Substantial Damage Desk Reference

FEMA P-758 / May 2010



Duty 6:

**Ensure all permits are
obtained**

Other Permits/Approvals

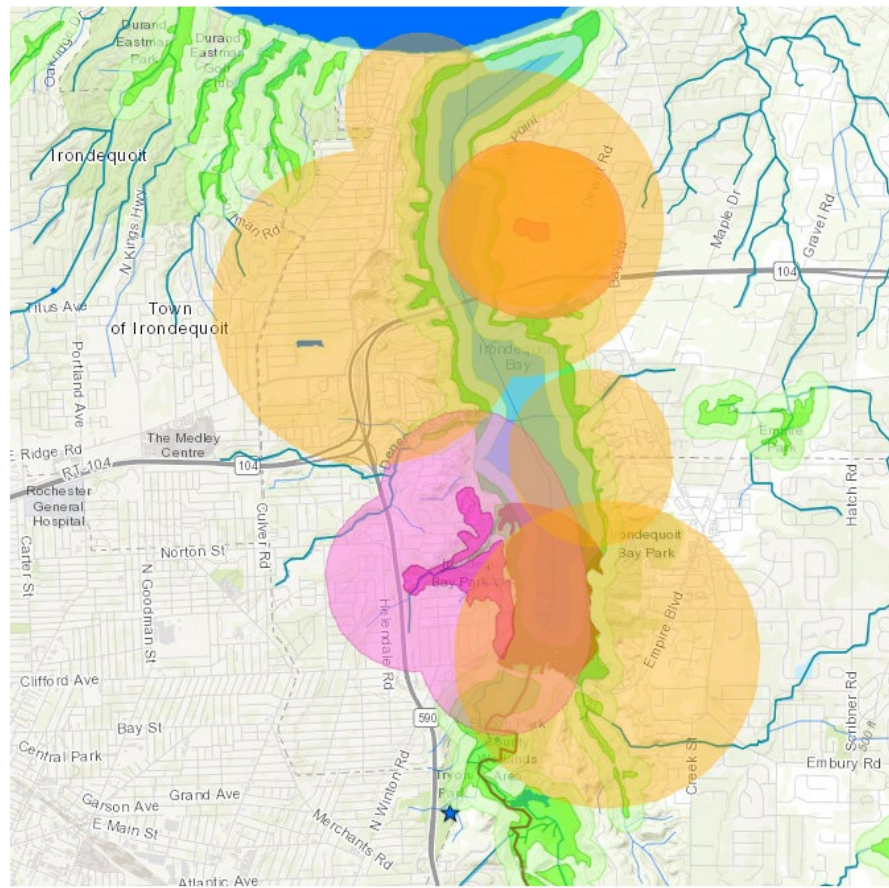
Determine that all necessary permits or approvals have been received that are required by State or Federal law.

Potential Agencies:

- Army Corps of Engineers
- NYSDEC
- NYSDOS
- County Health Department
- Local Zoning

Common Overlap

- State or Federal Wetlands
- Coastal Erosion Hazard Areas (CEHA)
- Construction Stormwater
- Protection of Waters & Stream Disturbance
- Water Quality Certification
- Coastal Consistency



Tools to Assist

*Verify with DEC Regional Permit Office

Environmental Resource Mapper – NYSDEC

Currently included on the maps:

- Freshwater wetlands regulated by the State of New York (outside the Adirondack Park). Contact the Adirondack Park Agency for wetlands within the Adirondack Park.
- Wetland layer now is separated into two categories, previously mapped and Informational Wetland Mapping.
- New York's streams, rivers, lakes, and ponds; water quality classifications are also displayed.
- Animals and plants that are rare in New York, including those listed as Endangered or Threatened (generalized locations).
- Significant natural communities, such as rare or high-quality forests, wetlands, and other habitat types.



Duty 7:

Issue or Deny Permits

Who Must Get Local Floodplain Development Permits?



PRIVATE
DEVELOPERS



PROPERTY OWNERS



COUNTIES



CITIES, TOWNS, OR
VILLAGES



SCHOOL DISTRICTS



PUBLIC
IMPROVEMENT
DISTRICTS

Established by Environmental Conservation Law
(ECL) §36-0107 Powers of local governments



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Permit Decisions



Once you receive a complete application you can...

- Issue the permit
- Conditionally issue the permit
- Deny the permit

Duty 8:

Inspect Development

Inspections



At least 3 inspections recommended for new construction:

1. After the foundation is staked out, but before construction begins.
2. When the foundation is completed.
3. When construction is complete.

Inspection Considerations

- A two-part permit system may be used to ensure compliance.
- Minor development projects may be completed with fewer inspections.
- Floodplain inspections can be combined with other inspections required under the NYS Uniform Code.
- Each of these inspections may require that an Elevation Certificate, Floodproofing Certificate, or professional engineer's certification of relevant standards or other plans or documents be completed by someone with a professional seal.

Duty 9:

Record Keeping

Record Keeping



Keep all pertinent records for completed projects and denied permits **FOREVER**.

Building permit records may not have the same retention requirements as floodplain permits so records should be kept separate to avoid accidental disposal.

Records to be maintained

- Permits
- Review checklists
- Engineering data (Ex. No-rise analysis)
- Engineering certifications (Floodproofing, compaction, etc.)
- Correspondence
- Variance requests and proceedings
- Inspection records
- Elevation Certificates
- Photographs
- Certificate of Occupancy/Compliance
- Letters of Map Change (LOMC)

Duty 10:

Remedy Violations

Remedy Violations

- Bring structure or other development into compliance
- Implement enforcement provisions
- Protect structure or other development from flood damages, i.e., retrofit
- Deter future similar violations by modifying procedures, and training



Property Owner Non-Compliance

Local Actions

- Formal notification of violations
- Fines (per violation, per day)
- Stop work orders
- Injunctions
- Imprisonment
- Litigation
- Section 1316 (44 CFR Part 73)



Letters of Map Change

What are LOMCs?

- Administrative procedure to change the Special Flood Hazard Area (SFHA)
- Official letter amending or revising an effective Flood Insurance Rate Map (FIRM)
- Requested by property owners, project leads, or the community
- Because of the legal significance of NFIP maps, information supporting changes must be scientifically and technically accurate.



Different Types of LOMCs

- Letter of Map Amendment: LOMA
- Letter of Map Revision Based on Fill: LOMR-F
- Letter of Map Revision: LOMR
- Conditional Letter of Map Revision: CLOMR
- Conditional Letter of Map Revision Based on Fill: CLOMR-F

Community Responsibility

- Community Acknowledgement Form
 - Required for requests involving the placement of fill and updates that will officially change the maps
- What is the community signing off on?
 - That the proposed project meets floodplain management requirements
 - Is reasonably safe from flooding
 - No fill was placed in floodway
 - Compliance with the Endangered Species Act



Poll Question

Who is authorized to sign the community acknowledgement form?

- A. Town Clerk
- B. Floodplain Administrator
- C. Applicant or Property Owner
- D. Town Supervisor



Penalties for Non-compliance

Community Rating System Retrograde



National Flood Insurance Program
Community Rating System

The Community Rating System (CRS) is a voluntary incentive program that recognizes and encourages community floodplain management practices that exceed minimum NFIP requirements.



Probation

- Formal notification to the community that FEMA regards the community's floodplain management program as not compliant with the minimum standards of the NFIP
- An additional \$50 dollar premium will be charged on policies sold or renewed during the probation period
- The maximum probation period is one year



Suspension

A community is subject to suspension unless it corrects program deficiencies and remedies all violations by the compliance deadlines set during the probation period.

- No new policies or renewals
- No federally related financing within SFHA
- No federal financial assistance or aid, including disaster assistance, within SFHA



Subrogation

This is an action brought by FEMA when flood damages have occurred, flood insurance has been paid, and...

...all or part of the damage can be attributed to acts or omissions by a community or other third party.

FEMA then sues the third party to recover flood insurance claims it has paid.

Available Resources & Guidance

Technical Bulletins

Guide-01 User's Guide to Technical Bulletins
1/1/2021

TB-1: Requirements for Flood Openings in
Foundation Walls and Walls of Enclosures 3/25/2020

TB-2: Flood-Resistant Materials Requirements
1/22/2025

TB-3: Non-Residential Floodproofing 1/1/2021

TB-4: Elevator Installation 6/8/2019

TB-5: Free-of-Obstruction Requirements 3/23/2020

TB-6: Below-Grade Parking Requirements 1/1/2021

TB-7: Wet Floodproofing Requirements 5/10/2022

TB-8: Corrosion Protection for Metal Connectors in
Coastal Areas 8/8/2019

TB-9: Design and Construction Guidance for
Breakaway Walls Below Elevated Coastal Buildings
9/30/2021

TB-10: Ensuring that Structures Built on Fill In or
Near Special Flood Hazard Areas are Reasonably
Safe From Flooding 3/7/2023

TB-11: Crawlspace Construction for Buildings
Located in Special Flood Hazard Areas 11/1/2001

[National Flood Insurance Technical Bulletins | FEMA.gov](https://www.fema.gov/national-flood-insurance-technical-bulletins)

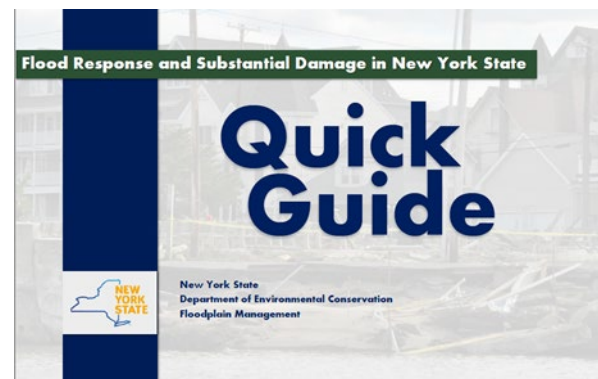
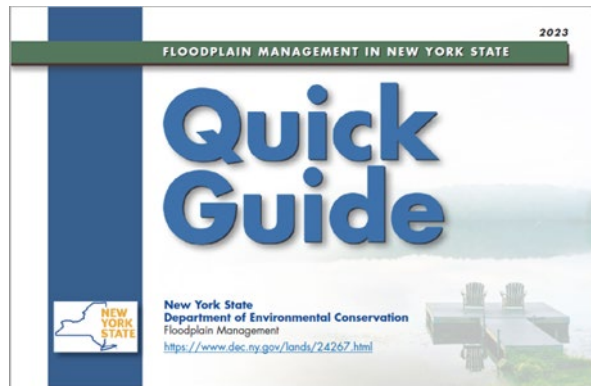


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NYS Specific Guidance



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC)



Resources

Overall resources

- [FEMA 480 Floodplain Managers Desk Reference](#)
- [Legal Papers from ASFPM](#)
- [FEMA P-758, Substantial Improvement/Substantial Damage](#)
- [VERTCON - North American Vertical Datum Conversion \(noaa.gov\)](#)

Additional Training

- [Floodplain Management Training Resources - NYS Dept. of Environmental Conservation](#)
- [Training - New York State Floodplain and Stormwater Managers \(nyfloods.org\)](#)
- [FEMA - Emergency Management Institute \(EMI\) Home Page](#)

Floodplain Management Regulations

- [44 CFR Part 60 CRITERIA FOR LAND MANAGEMENT AND USE](#)
- [Reducing Flood Losses through the International Code Series \(sample permit/site plan checklists and a crosswalk between the IBC/IRC and the 44 CFR 60.3 standards are in the appendices\)](#)
- [ICC Building Code resources for floodplain managers](#)
- [FEMA 348, Protecting Building Utilities from Flood Damage \(1999\)](#)



Q & A

Thank You!

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