

# Attachments

## Attachment 1: Substantial Improvement/Substantial Damage Desk Reference, FEMA Publication

When buildings undergo repair or improvement, it is an opportunity for local floodplain management programs to reduce flood damage to existing structures. More than 21,000 communities participate in the National Flood Insurance Program (NFIP), which is managed by the Federal Emergency Management Agency (FEMA). To participate in the NFIP, communities must adopt and enforce regulations and codes that apply to new development in Special Flood Hazard Areas (SFHAs). Local floodplain management regulations and codes contain minimum NFIP requirements that apply not only to new structures, but also to existing structures which are “substantially improved (SI)” or “substantially damaged (SD).”

Enforcing the SI/SD requirements is a very important part of a community’s floodplain management responsibilities. There are many factors that local officials will need to consider and several scenarios they may encounter while implementing the SI/SD requirements. This Desk Reference provides practical guidance and suggested procedures to implement the NFIP requirements for SI/SD.

The Desk Reference provides guidance on the minimum requirements of the NFIP regulations. State or locally-adopted requirements that are more restrictive take precedence (often referred to as “exceeding the NFIP minimums” or “higher standards”).

The [Substantial Improvement/Substantial Damage Desk Reference](#) can be found online on FEMA’s website.

## Attachment 2: Floodplain Construction Requirements in New York State, NYSDEC Information Sheet



# Floodplain Construction Requirements in New York State



*Second in a series of two brochures about the National Flood Insurance Program. The first is entitled Common Questions and Answers about Flood Insurance in New York State.*

## New York State Department of Environmental Conservation

Division of Water  
Bureau of Flood  
Protection and  
Dam Safety

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*This brochure discusses basic standards governing construction in floodplains mapped under the National Flood Insurance Program in New York State.*

### Introduction

Floods occur when runoff from rain or snowmelt exceeds the capacity of rivers, stream channels or lakes and overflows onto adjacent land. Floods can also be caused by storm surges and waves that inundate areas along tidal or Great Lakes coastlines. Throughout history, floods have claimed uncounted human lives and devastated property, even destroying cities. Yet people continue to settle and build in floodplains, increasing the risk of property damage and loss of life.

### What is a floodplain?

Floodplains are low-lying lands next to rivers and streams. When left in a natural state, floodplain systems store and dissipate floods without adverse impacts on humans, buildings, roads and other infrastructure. Natural floodplains add to our quality of life by providing open space, habitat for wildlife, fertile land for agriculture, and opportunities for fishing, hiking and biking.

Floodplains can be viewed as a type of natural infrastructure that can provide a safety zone between people and the damaging waters of a flood. But more and more buildings, roads, and parking lots are being built where forests and meadows used to be, which decreases the land's natural ability to store and absorb water. Coupled with changing weather patterns, this construction can make floods more severe and increase everyone's chance of being flooded.

### What is the National Flood Insurance Program?

The National Flood Insurance Program is a federal program created in 1968 to provide flood insurance to people who live in areas with the greatest risk of flooding, called Special Flood Hazard Areas. The program provides an alternative to disaster assistance and reduces the escalating costs of repairing damage to buildings and their contents caused by floods. The program provides flood insurance, while at the same time encouraging the sensible management and use of floodplains to reduce flood damage.

The National Flood Insurance Program offers flood insurance to homeowners, renters and business owners, provided their communities use the program's strategies for reducing flood risk, including adopting and enforcing floodplain

management ordinances to reduce future flood damage. Community participation in the National Flood Insurance Program is voluntary. However, flood insurance and many kinds of federal disaster assistance are not available in communities that do not participate in the program. Fortunately, in New York, 1,466 communities participate in the National Flood Insurance Program.

Each participating community has a local law for flood damage prevention that contains specific standards for any development in federally mapped Special Flood Hazard Areas. These areas have a one percent or greater chance of experiencing a flood in any year and are shown on Flood Insurance Rate Maps provided by the Federal Emergency Management Agency (FEMA).

### ***Construction Questions***

All communities that participate in the National Flood Insurance Program have a local law or ordinance that regulates development within mapped floodplains. The basic standards are contained below. However, anybody who wishes to develop any area within a floodplain should consult with their local floodplain manager, often a building inspector or zoning officer, for specific requirements.

**Q. What areas are subject to construction regulations?**

- A.** All development within Special Flood Hazard Areas is subject to floodplain development regulations. The Special Flood Hazard Area is the area that would be inundated by the 100-year flood, better thought of as an area that has a one percent *or greater* chance of experiencing a flood in any single year. Special Flood Hazard Areas are shown on federal flood maps, known as Flood Insurance Rate Maps, as shaded areas labeled with the letter "A" or "V" sometimes followed by a number or letter.
- "V" zones are coastal flood hazard zones subject to wave runup in addition to storm surge.
  - "A" zones include all other special flood hazard areas.
  - "VE" zones, "AE" zones, "V" zones, or "A" zones followed by a number are areas with specific flood elevations, known as Base Flood Elevations.
  - A zone with the letter "A" or "V" by itself is an approximately studied flood hazard area without a specific flood elevation.
  - Within an "AE" zone or a numbered "A" zone, there may be an area known as the "regulatory floodway," which is the channel of a river and adjacent land areas which must be reserved to discharge the 100-year flood without causing a rise in flood elevations.

The floodway is shown either on the community's Flood Insurance Rate Map or on a separate "Flood Boundary and Floodway" map for maps published before about 1988. Within regulatory floodways, more stringent development controls exist than elsewhere in the Special Flood Hazard Area.

**Q. What is the "base flood elevation?"**

- A.** It is the elevation that the one hundred-year flood, better thought of as the flood that has a one percent or greater chance of occurring in any given year, rises to. It is the basic standard for floodplain development, used to determine the required elevation of the lowest floor of any new or substantially improved structure.

**Q. What type of development is subject to construction regulations?**

- A.** All development, including buildings and other structures, mining, dredging, filling, paving, excavation, drilling, or storage of equipment or materials is subject to construction regulations if it occurs within a Special Flood Hazard Area.

**Q. May a local community pass more restrictive standards?**

**A.** Yes. In fact, local communities are encouraged to provide an extra margin of safety by requiring structures to be elevated above the base flood elevation. Always check with your local community to find out what their standards are.

**Q. How does building elevation effect flood insurance?**

**A.** Flood insurance for a house built two or more feet above the base flood elevation will cost about half as much as for a house built to the base flood elevation. Flood insurance for a house built just one foot below the base flood elevation will cost about four times more than for a house built to the base flood elevation. This additional cost could mean tens of thousands of dollars over the life of a 30-year mortgage.

**Q. Where can I get more information?**

**A.** The New York State Department of Environmental Conservation (DEC) is the state's National Flood Insurance Program coordinating agency. Local officials, developers, and the public may contact the DEC for technical assistance and guidance in all matters associated with the National Flood Insurance Program.

Contact the DEC at the following numbers:

**Central Office:** 518-402-8285  
**Region 1:** 631-444-0423  
**Region 2:** 718-482-4946  
**Region 3:** 845-256-3020  
**Region 4:** 518-357-2379  
**Region 5 North:** 518-897-1243  
**Region 5 South:** 518-623-1221  
**Region 6:** 315-793-2358  
**Region 7 North:** 315-426-7501  
**Region 7 South:** 607-775-2545 x121  
**Region 8 North:** 585-226-5446  
**Region 8 South:** 607-739-0809  
**Region 9:** 716-851-7070



Attachment 3: *Levee Certification vs. Accreditation,*  
FEMA Fact Sheet



## What is Accreditation?

A levee cannot be accredited until the certification process is completed. FEMA accredits a levee as providing adequate risk reduction on the FIRM if the certification and adopted operation and maintenance plan provided by the levee owner are confirmed to be adequate. An operations and maintenance plan specifies key operating parameters and limits, maintenance procedures and schedules, and documentation methods. FEMA's accreditation is not a health and safety standard—it only affects insurance and building requirements.

An area impacted by an accredited levee is shown as a moderate-risk area, and is labeled Zone X (shaded) on a FIRM. In this case, the National Flood Insurance Program (NFIP) floodplain management regulations do not have a mandatory flood insurance purchase requirement. However, FEMA recommends the purchase of flood insurance due to the risk of flooding from potential levee failure or overtopping.

If the levee is not accredited, the area will be mapped as a high-risk area, known as a Special Flood Hazard Area, or SFHA. In this case, the NFIP floodplain management regulations must be enforced and the federal mandatory purchase of flood insurance applies.

## FEMA's Role

FEMA does not own, operate, maintain, inspect, or certify levees. FEMA's role is limited to identifying and mapping the level of flood risk associated with levees and only accredits them where data showing compliance with 44 CFR 65.10 is provided by the community, levee owner, or other interested parties. FEMA has a responsibility to the public to identify the risks associated with levees that are either not certified or no longer compliant with 44 CFR 65.10. Areas behind non-accredited levees will be shown on FIRMs as a high-risk floodplain.

## What is a Provisionally Accredited Levee or PAL?

FEMA created the PAL designation to facilitate the certification and accreditation process for communities unable to readily provide certification documents, but who reasonably expect levees in the community to provide one-percent-annual-chance flood risk reduction. A PAL is a designation for a levee that FEMA previously accredited on an effective FIRM, and is now awaiting certified data and/or documentation to show the levee remains compliant with NFIP regulations. Levees with structural deficiencies are not eligible for the PAL designation. However, a PAL may include a 12-month period for the correction of maintenance deficiencies.

A community or levee owner's failure to provide full documentation of the status of a levee does not mean the levee doesn't provide the designated level of risk reduction.

However, it does impact how the levee will be mapped on a FIRM because it will be de-accredited, and the impacted area will be mapped as an SFHA.

Before FEMA will apply the PAL designation to a levee, the community or levee owner must sign and return an agreement that indicates the data and documentation required for accreditation will be provided within 24 months or less. The procedures for PALs are clarified and documented in

FEMA Procedure Memorandum No. 43, *Guidelines for Identifying Provisionally Accredited Levees*.



## For More Information

Living with levees is a shared responsibility. It is important for both levee owners and those who live and work near levees to understand the risk associated with levees. FEMA has a number of resources available for further information about levees, including the certification and accreditation process. Below are links to additional information:

- A levee-specific webpage has been set up on the FEMA.gov Web site. Please visit <http://www.fema.gov/levees> for additional information on levees.
- For additional information on levees, please visit: [www.fema.gov/plan/prevent/fhm/lv\\_intro.shtm](http://www.fema.gov/plan/prevent/fhm/lv_intro.shtm).
- For additional information on NFIP criteria for accrediting levees, visit: [www.fema.gov/library/viewRecord.do?id=2517](http://www.fema.gov/library/viewRecord.do?id=2517).
- For more background on Provisionally Accredited Levees, download the fact sheet at: [www.fema.gov/library/viewRecord.do?id=1987](http://www.fema.gov/library/viewRecord.do?id=1987).
- For more specific information regarding levee construction and restoration, visit: [www.fema.gov/plan/prevent/fhm/lv\\_conres.shtm](http://www.fema.gov/plan/prevent/fhm/lv_conres.shtm).
- For additional information on Procedure Memorandums visit: [www.fema.gov/plan/prevent/fhm/gs\\_memos.shtm](http://www.fema.gov/plan/prevent/fhm/gs_memos.shtm).

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## Attachment 4: *LOMA-LOMR-F*, FEMA Fact Sheet





## How to Request a Letter of Map Amendment (LOMA) or Letter of Map Revision Based on Fill (LOMR-F)

### SOURCES OF INFORMATION

For general information, interested parties can contact the FEMA Map Information eXchange at, either by telephone, toll free, at 1-877-FEMA MAP (1-877-336-2627), or by e-mail via the FEMA website at [www.fema.gov/plan/prevent/fhm/fmc\\_main.shtm](http://www.fema.gov/plan/prevent/fhm/fmc_main.shtm).

The forms and other documents referenced in this flier are also available from the "Forms, Documents, and Software" portion of the FEMA website at [www.fema.gov/plan/prevent/fhm/fmc\\_main.shtm](http://www.fema.gov/plan/prevent/fhm/fmc_main.shtm).

For copies of effective National Flood Insurance Program maps and reports, interested parties can contact the FEMA Map Service Center, either by telephone, toll free, at 1-877-FEMA MAP, or via the FEMA website at [www.msc.fema.gov](http://www.msc.fema.gov).



### WHAT IS A LOMA OR A LOMR-F?

The Federal Emergency Management Agency (FEMA) applies rigorous standards to develop Flood Insurance Rate Maps (FIRMs) and uses the most accurate hazard information available. However, limitations in the scale or topographic detail of the source maps used to prepare a FIRM may cause small elevated areas to be included in a Special Flood Hazard Area (SFHA). SFHAs are high-risk areas subject to inundation by the base (1-percent-annual-chance) flood; they are also referred to as 1-percent-annual-chance floodplains, base floodplains, or 100-year floodplains.

To change the flood hazard designation for properties in these areas, FEMA has established the LOMA process for properties on natural high ground and the LOMR-F process for properties elevated by the placement of fill. LOMAs and LOMR-Fs are letter determinations that officially amend an effective FIRM. They can establish that a property is not in an SFHA and, by doing so, remove the Federal flood insurance requirement.

### OBTAINING A LOMA OR LOMR-F

A LOMA application form can be downloaded from the FEMA website at [www.fema.gov/plan/prevent/fhm/dl\\_mt-ez.shtm](http://www.fema.gov/plan/prevent/fhm/dl_mt-ez.shtm). FEMA does not charge a fee to review a LOMA request, but requesters are responsible for providing the required mapping and survey information specific to their property. For FEMA to remove a structure from the SFHA through the LOMA process, Federal regulations require the Lowest Adjacent Grade (LAG) elevation, the lowest ground touching the structure, to be at or above the Base Flood Elevation (BFE). The exception to this requirement is when the submitted property information shows that the structure is outside the SFHA; in this case, the property is referred to as "out as shown." If elevation information is required for the LOMA request, an Elevation Certificate may be available from the community, or one can be prepared for the requester by a licensed Land Surveyor or registered Professional Engineer.

If the property has been elevated by fill, the requester will need to use the LOMR-F process. For a LOMR-F to be issued, the LAG must be at or above the BFE, and community floodplain officials must determine that the land and any existing or proposed structures to be removed from the SFHA are "reasonably safe from flooding." FEMA charges a fee for the engineering review of LOMR-Fs. Fee information is located at [http://www.fema.gov/fhm/fhm\\_fees.shtm](http://www.fema.gov/fhm/fhm_fees.shtm). In addition, the requester is responsible for providing all supporting information. The application forms for a LOMR-F request or for LOMA requests involving multiple residential lots or structures are available on the FEMA website at [www.fema.gov/plan/prevent/fhm/dl\\_mt-1.shtm](http://www.fema.gov/plan/prevent/fhm/dl_mt-1.shtm).

Please send completed application forms to the attention of the LOMA Manager at the LOMC Clearinghouse, 6730 Santa Barbara Court, Elkridge, MD 21075.

## How to Request a Letter of Map Amendment (LOMA) or Letter of Map Revision Based on Fill (LOMR-F)

### WHAT IF NO BFES HAVE BEEN DETERMINED?

In some instances, BFES for a certain SFHA have not yet been determined. FEMA will attempt to calculate the BFE when a LOMA application is submitted for properties of less than 50 lots or 5 acres. Sometimes, a BFE can be developed from sources such as U.S. Geological Survey topographic quadrangle maps. If that information is not available, the property owner will be asked to supply a survey for the property with the information necessary to allow FEMA to develop a site-specific BFE. National Flood Insurance Program (NFIP) regulations require that the requester determine the BFES for properties larger than 50 lots or 5 acres. A variety of computational methods can be employed to determine BFES, but these methods can be expensive. Before computational methods are used, every attempt should be made to obtain information, in the form of floodplain studies or previous computations, from Federal, State, or local agencies. Data obtained from these agencies may be adequate to determine BFES with little or no additional research, calculation, or cost.

The FEMA document *Managing Floodplain Development in Approximate Zone A Areas, A Guide for Obtaining and Developing Base (100-Year) Flood Elevations* provides guidance on computing BFES. This document, which can be viewed on the FEMA website ([www.fema.gov/pdf/fhm/fhm\\_zna.pdf](http://www.fema.gov/pdf/fhm/fhm_zna.pdf)), provides methods for developing BFES, as well as a list of agencies that can be contacted to determine whether BFE data are already available.

### HOW WILL A LOMA OR LOMR-F AFFECT MY FLOOD INSURANCE REQUIREMENT?

The Federal flood insurance requirement applies to structures in SFHAs that carry a mortgage backed by a federally regulated lender or servicer. If you have a LOMA or LOMR-F proving that your property is not in the SFHA, the mandatory Federal flood insurance requirement no longer applies. However, your lender still has the prerogative to require flood insurance as a condition of the loan. Even if your lender requires flood insurance, however, premiums are lower for structures outside the SFHA.

If FEMA issues a LOMA or LOMR-F and your lender agrees to waive the flood insurance requirement, you may be entitled to a refund of the premium paid for the current policy year. To cancel your policy, you can submit a copy of the LOMA or LOMR-F and the lender's waiver to your flood insurance agent or broker. The agent will send these documents and a completed cancellation form to the appropriate insurance provider.

It is important to note that approximately 30 percent of all flood insurance claims occur in areas designated as moderate or minimal flood risk. Therefore, not having a flood insurance policy could have disastrous consequences, leaving you with no financial protection from future flood losses. FEMA recommends flood insurance coverage, even if it is not required by law or a lender. The good news is that you may be eligible to pay much less for flood insurance coverage if your property is removed from the SFHA.

### Quick Facts

**LOMA requests involving one or more structures:** the LAG must be at or above the BFE.

**LOMR-F requests:** the LAG must be at or above the BFE, and community floodplain officials must determine that the land and any existing or proposed structures to be removed from the SFHA are "reasonably safe from flooding."

**LOMA requests involving one or more lots:** the lowest point on each lot must be at or above the BFE.

**Review and processing fee:** FEMA does not charge a fee to review a LOMA request, but there is a fee for the engineering review of LOMR-Fs.

**Required information:** the requester is responsible for providing all the information needed for the review, including (if necessary) elevation information certified by a licensed Land Surveyor or registered Professional Engineer.

## Attachment 5: *Joining the CRS Program*, FEMA Fact Sheet

## **Joining the Community Rating System**

**What it is:** The Community Rating System (CRS) is a program administered by the Federal Emergency Management Agency. It provides lower insurance premiums under the National Flood Insurance Program. The premium reduction is in the form of a CRS Class, similar to the classifications used for fire insurance. A Class 1 provides a 45% premium reduction. A Class 10 provides no reduction.

The CRS Class is based on the floodplain management activities a community implements. In many cases, these are activities already implemented by the community, the state, or a regional agency. The more activities implemented, the better the CRS class.

### **Benefits:**

- Money stays in your community instead of being spent on insurance premiums.
- Every time residents pay their insurance premiums, they are reminded that the community is working to protect them from flood losses, even during dry years.
- The activities credited by the CRS provide direct benefits to the community, including:
  - Enhanced public safety,
  - Reduction in damage to property and public infrastructure,
  - Avoidance of economic disruption and losses,
  - Reduction of human suffering, and
  - Protection of the environment.
- Local flood programs will be better organized and more formal.
- The community can evaluate the effectiveness of its flood program against a nationally recognized benchmark.
- Technical assistance in designing and implementing some activities is available at no charge.
- The community will have an added incentive to maintain its flood programs over the years.
- The public information activities will build a knowledgeable constituency interested in supporting and improving flood protection measures.

### **Cost to the local government:**

- The community must have a successful Community Assistance Visit.
- The community must designate a CRS Coordinator who prepares the application papers and works with FEMA and the Insurance Services Office (ISO) during the verification visit.
- Each year the community must recertify that it is continuing to implement its activities. It must provide copies of relevant materials (e.g., permit records).
- The community must maintain elevation certificates, permit records, and old Flood Insurance Rate Maps forever.
- The community must maintain other records of its activities for five years, or until the next ISO verification visit, whichever comes sooner.

Attachment 6: *Coordinated Needs Managements Strategy*  
(CNMS), FEMA Fact Sheet





FEMA



# Coordinated Needs Management Strategy (CNMS)

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program and provides reliable flood hazard data and maps for the United States. Floodplains are constantly changing, a characteristic that makes managing and mapping them a challenge. Updates to Flood Insurance Rate Maps (FIRMs) will always be needed because the physical environment, climate patterns, and engineering methods (PCE) may change. FEMA recognizes that mapping needs include areas where mapping has not occurred or where previously performed flood studies have been questioned because of one or more factors related to changes in PCE. An important step in maintaining FIRMs is assessing FEMA's inventory of floodplain studies to determine whether the conditions on the ground are still satisfactorily represented on a FIRM. Whenever the information on a FIRM is not representative of actual conditions, it is considered a mapping need and will be considered by FEMA for a new study. FEMA is mandated by the National Flood Insurance Reform Act of 1994 to assess all FIRMs once every five years to determine which ones need to be revised.

FEMA uses modern geospatial technologies and current FEMA policies, requirements, and procedures to coordinate the management of mapping needs in a comprehensive approach. This is referred to as the Coordinated Needs Management Strategy (CNMS). CNMS uses existing digital map data to inventory and manage flood map update issues and support FIRM revision and production planning activities.

The vision for Risk Mapping, Assessment and Planning (Risk MAP) is to analyze and depict risk so that communities and the public can understand their risk and make informed decisions to safeguard their lives and property. The CNMS inventory contributes to the identification of risk in two important ways. The first is by indicating where the depiction of flood hazards on FIRMs has been validated through detailed assessment. The second is by showing which previously studied or unstudied floodplains inadequately represent flood hazards. In this way, CNMS leads to the improvement of flood hazard data.

## Additional Information

- CNMS is FEMA's strategy for coordinating the management of mapping needs using modern geospatial technologies and current policies, requirements, and procedures.
- CNMS makes information related to mapping needs readily accessible and more usable because the needs information is stored in a predictable, standardized, and digital format. CNMS reference materials are available through the FEMA Regional offices.
- For more information about CNMS please reference "Procedure Memorandum No. 56: Guidelines for Implementation of Coordinated Needs Management Strategy (CNMS):" <http://www.fema.gov/library/viewRecord.do?id=4542>

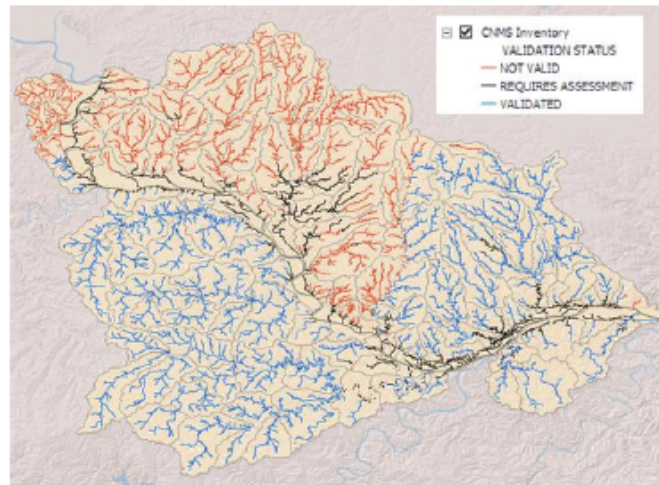
## RiskMAP

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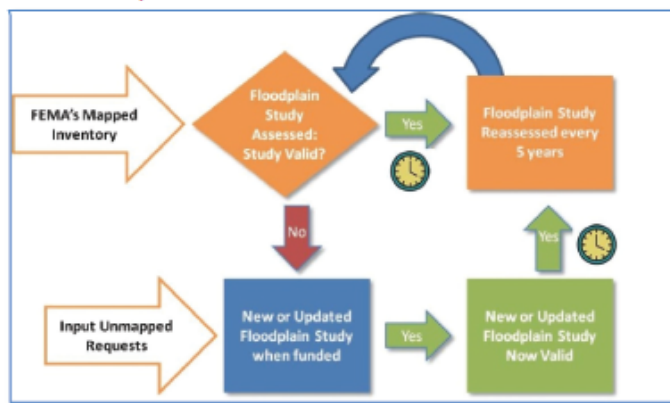


## Tracking of Engineering Analyses

One of the goals of CNMS is to assess the validity of engineering study data through a series of triage checks. The engineering study validation process evaluates whether or not there is an adequate level of flood hazard risk identified on a community's FIRM. The process evaluates the existing floodplain study against 17 possible change indicators that may have occurred since the date of the effective analysis, not the map date. These elements include changes in land use, new/removed bridges and culverts, and accounting for recent flood events captured by gage data. When a floodplain study is found to be deficient as a result of this validation process, it is labeled as "Invalid" in the CNMS database. FEMA utilizes CNMS to report New, Valid, or Updated Engineering (NVUE). NVUE metrics distinguish between engineering studies that adequately identify the level of flood hazard risk from those that are in need of restudy.



## CNMS Lifecycle



FEMA's mapped inventory will be managed by changing the validation status of existing floodplain studies, adding new study needs to the inventory, updating the status associated with studies in progress, and including new input and requests from communities. The changing validation status of existing floodplain studies is affected by PCE. The assessment of each floodplain study also has a limited shelf life. FEMA will be assessing the inventory of each community's floodplain studies every 5 years for as each floodplain study is to be re-evaluated or validated this frequency.

FEMA may choose to assess, restudy, or defer portions of their inventory dependant on available resources. Floodplain studies in CNMS that are determined to be 'Invalid' are eligible to receive resources for restudy based on annual production planning criteria and can identify that a study is planned or underway. For studies to go from 'Invalid' to 'Valid' status, they must be restudied. Requests for mapping of previously unmapped areas can be added to the inventory of studies and will, when completed, join the study reassessment schedule.

