

New York State Department of Environmental Conservation

Five-Year Floodplain Management Work Plan

September 30, 2004

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I. State Authority

On January 12, 1970, Governor Nelson Rockefeller announced that he was designating the Conservation Department (Now the Department of Environmental Conservation) as the State agency responsible for coordinating Federal, State and local aspect of flood plain management activities as required under the provisions of the National Flood Insurance Program. This was codified into State Law in 1974, as amended in 1992, under Article 36 of the Environmental Conservation Law (attached, Appendix A.).

Article 36 states that "Providing for the availability of flood insurance for all residents of the state is the policy of the state." It further states, "All publicly owned facilities within any identified area of special flood hazard must be in compliance with the National Flood Insurance Program requirements." Article 36-0111 states that "The department (of Environmental Conservation), pursuant to designation by the governor, shall act as the state coordinating agency for the national flood insurance program in order to assist in its review of state agency activities and to serve as a resource to local governments.

II. Five-Year Vision for Floodplain Management

The goal of the National Flood Insurance Program, and of the New York State Department of Environmental Conservation (NYSDEC) is to reduce threats to life and property through improved flood hazard information, enforcement of flood damage reduction regulations, and promotion of flood damage reduction activities including, and also exceeding, minimum NFIP standards. The challenge is to provide appropriate outreach in a state with over 1,400 NFIP participating communities, approximately one million people living within a Special Flood Hazard Area, and over $350 million in NFIP claims paid out.

Current Efforts.

The New York State Department of Environmental Conservation (NYSDEC) currently carries out its responsibilities under the Community Assistance Program through a central office staff of four in Albany, and part time staff in each of nine regional offices. Each regional office covers a multi-county portion of New York State. A list of NYSDEC floodplain staff, including regional office staff and counties covered, is attached as Appendix B.

The size, population, and number of local communities in New York State makes it extremely challenging to provide sufficient and appropriate outreach to local communities and their citizens. New York State is divided into towns, cities and villages, which together cover all of the land area of the state. There is no county land use jurisdiction. We are proud of the level of participation in the NFIP. Currently, 1,464 communities in New York State participate in the National Flood Insurance Program.

Of those, only 69 have no flood hazard area determined. Maintaining an understanding of the requirements of the NFIP in each of these communities presents a considerable challenge, particularly when local floodplain administrators are frequently turning over.

The program goal is ideally to reach out to each NFIP participating community over a five-year cycle. Even with our best efforts, this is impossible due to the number of communities. However, we have reached 755 communities through 2,555 contacts (CAVs, CACs, workshops and technical assistance contacts) since 2000.

In recognition of the difficulty in reaching each community for periodic detailed Community Assistance Visits, NYSDEC staff, while carrying out CAVs in a systematic manner, currently carries out outreach and technical assistance to communities in the following manner:

Community Assistance Visits. CAVs are the most in depth form of contact with a local community. However, due to the more than 1400 NFIP participating communities in New York State, it is impossible to visit every NFIP participating community within a reasonable time frame. We therefore target CAVs to communities with high numbers of policies or losses, with new or proposed new development, with new floodplain administrators, and with known floodplain development problems. In addition, when flood damages occur, it becomes necessary to revise priorities in order to visit flooded communities. The regional structure of the NYSDEC allows us to target communities throughout the state. We attempt to accomplish approximately 90 CAVs during each contract year. The CAV communities are developed through negotiation with NYSDEC Regional Floodplain Coordinators and FEMA according to the standards mentioned above. In addition, we sometimes target groups of CAVs geographically to more efficiently tour floodplains and to generate more of a regional presence.

Community Assistance Contacts. CACs are short visits or telephone interviews. Sometimes a CAC results from a site visit to provide assistance with respect to a specific development. Other times, they are targeted to communities that have not received a NYSDEC or a FEMA direct contact in some time. We estimate a minimum of 50-targeted CACs during the year. General technical Assistance Contacts often become CACs due to the time spent assisting a community with a project.

Local Law Assistance. New York State communities must formally adopt new and revised map panels and Flood Insurance Studies in order to legally enforce NFIP requirements. Interpretation of State Law holds that flood maps have the legal standing of a community's zoning map. Due legal process requires a community to have a public process to adopt and enforce a Flood Insurance Rate Map and Flood Insurance Study. This requires communities to formally adopt, by Local Law or Ordinance, any new or revised map panel or Flood Insurance Study that affects land within its jurisdiction. To assure that New York State communities maintain the legal ability to enforce NFIP development requirements, the NYSDEC works with local communities to help them maintain local laws that are compliant with NFIP regulations. In particular, NYSDEC

provides local communities with a model local law and map adoption language and review local law amendments and replacements.

Workshops and Other Training. Due to the difficulty in providing one on one community visits sufficient to cover a large percentage of New York's communities, NYSDEC puts a great emphasis in providing workshops. Most workshops are three-hour introductory or intermediate level NFIP workshops for local codes officials. They are based on the E.M.I. floodplain management course, and are fully accredited by the New York State Department of State for continuing education units for building inspectors.

We provide training either on our own, or in partnership with organizations such as the New York State Building Officials Conference (NYSBOC) or the New York State Floodplain and Stormwater Managers Association (NYSFSMA). In addition to NFIP training for code and building officials, we conduct training for FEMA and State Emergency Management Office reservists after flood disasters have been declared. We also reach out to other state agencies, and to engineers and surveyors. Besides the standard NFIP courses, we have also offered training in Elevation Certificates and in Letters of Map Change and in coastal construction.

We generally offer a minimum of twelve NFIP and NFIP related workshops each year. By focusing heavily on workshops, we can reach many communities that have not had a CAV or a CAC in a number of years. For example, since January 2003, we have presented workshops to over 350 community officials representing 183 communities.

General Technical Assistance. One of the most important things the State does to support the NFIP is to provide technical assistance to local officials, property owners, developers, engineers and surveyors with respect to development in a Special Flood Hazard Area. Such assistance often results in development which is more flood resistant, and which is compliant with NFIP standards. In 2003, NYSDEC had over 500 technical assistance contacts to community officials or with respect to projects or properties in communities. There were 277 separate communities represented by the technical assistance contacts. Some of these are ten-minute telephone calls, and some are detailed technical assistance on a project that can take days of staff time. Often a workshop results in a sudden increase in calls from community officials who now have learned enough about the NFIP that they want to call for additional information. New York State Law also requires NYSDEC to provide technical assistance to state agencies regarding development in Special Flood Hazard Areas.

Assistance to Communities to join the CRS. Many New York State communities are eligible for CRS status, but have not gone through a formal application process. Through the state dam safety program, the state building code, new state stormwater management requirements, and the development of all hazard mitigation plans, CRS credits are already available in much of the state. We also encourage communities to adopt freeboard elevation requirements, which also provide CRS credits. The problem in a state like New York is that many of our communities are small and lack the professional support to fill out a CRS application, or do not have the flood insurance policy base to make it worth

their while. One CRS community official told us that it took them a solid person month of staff time to apply for the CRS the first time. Most small communities do not have that luxury. However, we do reach out to communities during CAVs, CACs, technical assistance contacts and workshops to promote the CRS, and work with FEMA to provide CRS workshops for communities that express an interest in applying for CRS status.

Mapping Assistance. The NYSDEC is a Cooperating Technical Partner in FEMA's Map Modernization Program. Between NYSDEC's flood mapping work, and projects undertaken directly by FEMA contractors, there is a huge growth in the number of communities that are being or will soon be mapped. In addition, there is the possibility of state and local funds adding to FEMA mapping funds and further expanding mapping projects. Due to the large number of local communities in New York, any countywide or watershed based mapping project necessitates detailed communications with a large number of communities. To help prioritize new mapping projects, to scope studies, and to coordinate with communities, NYSDEC undertakes the following activities:

- Prioritize mapping projects in New York State with consideration of variables such as population, past and projected population growth, adequacy of current maps, development in floodplains, historic flood losses, availability of local cooperators, links to other state or federal projects (such as Corps of Engineers flood protection projects), and changes to floodplains.
- Meet with all local communities in proposed new mapping areas to present the nature of the project and to discuss their priorities. Local and state priorities are developed into project wide scoping materials as a Time and Cost meeting. Such meetings for countywide mapping projects are held three to five times over a two to three day period at one or more county locations. Every community in a county is invited, and NYSDEC staff, with FEMA's assistance, meets one on one with each community in order to develop each community's mapping priorities. A letter to each community's Chief Elected Official then verifies those priorities. Priorities are then developed on a county or project wide basis.
- Provide Community Coordination Meetings upon the completion of any preliminary map. Communities are presented with maps and asked about obvious corrections. Will also provide information to communities about the statutory appeals process and map adoption process. Similar to the Time and Cost sessions mentioned above, Community meetings are held at county-wide sessions to which every community is invited and NYSDEC staff, with FEMA's assistance, meets with every community.
- Work with the New York State Floodplain and Stormwater Managers Association to co-chair a New York State Flood Mapping Advisory Committee to advise the state and FEMA on mapping priorities and mapping products.

Coordination with Other State Programs and Agencies. NYSDEC works closely with the State Emergency Management Agency, including their Mitigation Division, to assist with mitigation programs such as the Hazard Mitigation Grant Program, the Pre-Disaster Mitigation Program, and the Flood Mitigation Assistance Program. In particular, NYSDEC assists NYSEMO to review and rank grant applications, and reviews

applications for consistency with floodplain development standards. NYSDEC also provides engineering assistance when needed for review of projects in waterways or floodways. The NYSDEC Floodplain Management Section coordinates this with other NYSDEC flood related programs, including dam safety, coastal erosion, and flood control projects. We also coordinate with other state agencies and NYSDEC program areas of interest including wetland protection, stormwater management, and coastal zone management.

Assistance to Communities in Responding to Disasters. In the event of a disaster that impacts properties in flood hazard areas, NYSDEC makes disaster response a priority over other CAP-SSSE activities. In particular, NYSDEC works with NYSEMO, FEMA and other agencies to provide NFIP related support and training during and immediately after disasters. NYSDEC performs or assists with community visits in impacted communities and holds NFIP workshops for floodplain administrators in impacted counties. We will also work with FEMA and NYSEMO to assist in any way we can. We recognize that in the event of a large disaster, these activities will mean that other contracted activities may be delayed or replaced.

Strengths and Weaknesses.

NYSDEC's strength is in our regional office setup. Most of our communities know that they can call an office that's not too far from their location and they can reach somebody who knows their area and can advise them not only about floodplain issues, but about other environmental issues as well. Another strength is our strong Central Office team. We have four full time staff who are expert either at NFIP issues or in mapping planning issues. We are thus able to keep our part time regional staff up to date on NFIP issues and provide guidance for difficult issues, while coordinating NFIP programs with other flood, environmental and natural hazard programs in New York State.

Our primary weakness is that in spite of a well-designed central office and regional office setup, there is insufficient staff to provide the outreach that is needed for all communities. For many communities, years go by between contacts. While we try to reach out to larger communities, there are many smaller communities without professional staffs who are largely unaware of floodplain construction requirements. Many of these communities experience little new development. However with the growth of second home development (often next to shorelines), and the continued spreading of urban areas into the countryside, development often occurs which is not compliant with flood protection requirements. We are often unaware of such development until there is a flood disaster or until we finally have an opportunity to have a contact with a community.

Another weakness is with the Community Rating System (CRS). New York State has relatively few communities in the CRS, even though many communities could easily generate enough points to achieve a Class 9 or Class 8 in the CRS. The problem is that because land use authority is on the Town, City or Village level, most of New York's communities are small and lack sufficient staff to undertake a CRS application. NYSDEC staff is busy solving problems and reaching out to the many communities that

require assistance. NYSDEC staff, then, is unable to take sufficient time with communities to bring them into the CRS.

III. Strategy to Improve Floodplain Management

Fundable Program Management Activities.
With only a few exceptions, we feel that we are well on track to provide appropriate floodplain management assistance in New York State. With current funding levels, we intend to continue to provide activities as listed above in the following manner:

- **CAVs.** Our current goal is to conduct approximately 90 CAVs per year. CAVs will be prioritized on an annual bases based on length of time since the previous CAV, size of community and number of flood insurance policies, number of claims and repetitive losses, flood experience, knowledge of the local administrator or existence of a new local administrator, community requests, potential development, newly participating communities, and new CRS communities.

- **CACs.** We would like to fill the gap with smaller communities by conducting telephone CACs with communities that have had no program contact in any ten-year period. It will take several years to narrow that gap. In addition, face to face community contacts for assistance on a project will also be developed into CACs.

- **Technical Assistance.** We will continue to provide technical assistance via telephone, e-mail, and letter to communities, state agencies, residents and businesses, consulting firms, surveyors, developers and others on all matters related to the National Flood Insurance Program and floodplain management. In a typical year, we conduct over 500 technical assistance contacts. That may increase with Map Modernization as more people become aware of NFIP requirements. While we will continue to respond to all requests for technical assistance, whether from community officials, state agencies, surveyors and engineers, or citizens, this workload sometimes forces us to reduce our outputs in other areas.

- **Ordinance Assistance.** We will continue to work with communities to update their local laws and ordinances, as needed, due to new map panels or revisions, newly participating communities, or simply to modernize their local laws. We work with local communities by providing them with a "fill in the blanks" model law, reminding them of due dates, and reviewing submitted laws. Because the New York State Building Code is now based on the IBC, we will update our Model Local Law for Flood Damage Prevention to better integrate local laws with the New York State Building Code.

- **Workshops and other Training.** We will continue to provide an average of twelve technical workshops per year on NFIP issues. Primary audiences include local community building inspectors and code enforcement officials. Audiences also include other public officials, state agency staff, engineers and consultants, surveyors and planners. The primary courses are beginning and intermediate level NFIP

courses. We will also provide training in Letters of Map Change, Elevation Certificates and other related topics as needed. We will also cooperate with related environmental and emergency management programs to provide floodplain training as part of their programs.

- **Mapping Assistance.** We will continue to partner with the New York State Floodplain and Stormwater Managers Association to co-chair the New York State Flood Mapping Advisory Committee to advise NYSDEC and FEMA on flood mapping priorities, products and partners in New York State. We will annually review and, if needed, revise our state-wise mapping priorities. When there is a new mapping project, we will conduct detailed Time and Cost meetings with each affected community to inform them about the mapping process and products and their relation with the NFIP, and to acquire each community's priorities for new mapping. Community priorities will then be consolidated into countywide or project wide mapping priorities for use by the NYSDEC mapping program, and/or by FEMA. When preliminary maps are ready, we will again meet with every affected community to present and explain the maps and provide communities with an opportunity for feedback and questions. At that time, we will also explain the Local Law update requirements to communities.

- **Coordination with Other State Programs and Agencies.** Part 502 of NYSDEC regulations requires all state agencies to comply with NFIP regulations when undertaking or financing development within any Special Flood Hazard Area. While NYSDEC is not a permitting entity under Part 502, it is a variance granting agency. We will continue to undertake that role according to FEMA's NFIP variance regulations. We will also provide technical assistance to state agencies on floodplain issues, and will reach out to state agencies to help them understand the NFIP development requirements.

  In New York State, the State Emergency Management Office (SEMO) carries out mitigation programs. We will continue to work close with SEMO to help prioritize mitigation proposals, to conduct technical review for NFIP compliance, and to assist with the development and management of the flood protection portions of the New York State Enhanced All Hazard Mitigation Plan.

- **Assistance to Communities in Responding to Disasters.** Whenever there is a disaster affecting development in flood hazard areas, NYSDEC will provide needed assistance as an immediate priority. We rely on FEMA and SEMO reports, as well as on our regional offices, to help us determine where damages have occurred. We will conduct workshops and undertake CAVs or CACs as needed to help communities and state agencies understand the NFIP's substantial damage requirements. We will also provide assistance with respect to stream and shoreline management and restoration issues and coordinate such issues with the appropriate NYSDEC units.

- **CRS Promotion.** We will advise communities that undertake sufficient efforts to qualify to a CRS rating of 9 or better about the CRS and will coordinate workshops for such communities.

- **Community Handbook and Newsletters.** We will maintain the NFIP Handbook for New York State Communities on a CD-ROM and web based format so that it may be easily updated. In addition, we will work with the New York State Floodplain and Stormwater Managers Association to provide period newsletters to communities in New York State.

Program Milestones.

As previously mentioned, current staff is not sufficient to cover all of our NFIP participating communities with CAVs on a routine basis. With 1,464 NFIP communities, we would need to visit 146 per year to cover them on a ten-year plan. We would need an additional staff person to cover the increase in CAVs. A five-year cycle would require three additional staff. However, we can still carry out the program in New York with the goal of reaching out to 20% of our communities per year in some manner, including technical assistance, workshops, and CACs. As we review the list of community contacts, we are able to prioritize our CAVs, CACs and workshops towards communities that have not had a contact in a number of years. Specific milestones are as follows:

- **CAVs/CACs.** 150 communities per year will receive either a CAV or a CAC. Priorities for CAVs include communities with ten or more flood insurance policies, repetitive loss claims, and no community official contact in over ten years. After five years, there should be no communities meeting those criteria. We can then maintain a normal cycle of visits such that no community with over ten flood insurance policies goes for ten years without a CAV. Note that there are currently 633 communities with ten or more flood insurance policies. Detailed in person CACs will be held on a routine basis as a part of any site visit resulting from a development or concern in a community. In addition, telephone CACs will be held with communities with less than ten flood insurance policies that have had no contact for over ten years.
- **General Technical Assistance.** We will carry out and document a minimum of 500 technical assistance contacts per year for community officials, state agencies, engineers, surveyors and citizens on all aspects of the NFIP.
- **Ordinance Assistance.** Communities receive assistance and materials to update their local laws to adopt new or revised FIRM's and to comply with NFIP application requirements. Every community that is required to update their local law will receive direct assistance.
- **Workshops.** A minimum of twelve workshops will be held each year for community officials, surveyors, engineers and consultants.
- **Mapping Assistance.** All mapping projects will be full scoped by NYSDEC staff. Preliminary maps will be presented to communities and their comments recorded and followed up on.
- **Coordination with Other State Programs.** State agencies with projects in Special Flood Hazard Areas will be contacted to help them comply with NFIP requirements.

Technical assistance will be provided to state agencies as needed. Assistance will be provided to SEMO on the mitigation programs and on the New York State Enhanced All Hazards Mitigation Plan.

- **Assistance to Communities in Responding to Disasters.** Coordination with FEMA and SEMO regarding appropriate disaster response, including workshops, community assistance visits and calls, technical assistance to state and local officials, and participation in coordination efforts. This work by necessity takes priority over other program efforts.
- **CRS.** Twenty new communities with a CRS rating of 9 or better.
- **Community Handbook and Newsletters.** Maintenance of the Community Handbook, including updates to reflect program changes. A minimum of one newsletter per year to each community and annual contributions to the New York State Floodplain and Stormwater Managers Association newsletter.

Partnerships.

We closely coordinate our activities with SEMO, although we have different tasks. We also coordinate with other state agencies in order to avoid state projects or expenditures that violate flood protection standards. We coordinate our flood mapping planning efforts with a host of state, regional and private entities to generate buy in and leverage for flood mapping projects. We also work with the other NYSDEC units on topics such as stormwater management, wetlands, and stream maintenance, all of which interact with floodplain management.

The NYSDEC has active partnerships with regional planning agencies throughout New York. We will build on those partnerships so that floodplain management is recognized as an integral part of water resource management efforts in New York. We also have strong relations with several county Soil and Water Conservation districts. We will attempt to build on those efforts.

Our most effective partnerships, however, are with private, rather than state entities. We have a strong partnership with the New York State Floodplain and Stormwater Managers Association to reach out to public and private entities around the state to promote effective floodplain management. We have reached out to the New York State Building Officials Conference (NYSBOC) for training opportunities. We intend to pursue other training partnerships with the New York State Association of Professional Land Surveyors (NYSAPLS) and the New York State sections of the American Society for Civil Engineering (ASCE).

Activity Time Breakdown.

We estimate that our activities break down according to the table on Page 10. Changes assume no new staff. Some of the categories require explanation. Floodplain management work planning includes time spend developing the annual CAP-SSSE scope of work. Ordinance assistance is expected to grow by 300% or more due to the number of communities that will receive new maps. This may be an underestimate. The CAV

workload is carried out primarily by our regional offices. We would not adjust their workload due to floodplain mapping assistance and ordinance review, which is carried out primarily by central office staff. State model ordinance research time would continue but at a reduced pace due to a longer experience with the New York State Building Code. Mapping assistance will have to increase, however we do not believe that the increase noted below will reflect the true need should state-wide map modernization accelerate as anticipated. A minimum of one to two additional staff years would be needed to cover the increased workload. The anticipated increased workload to existing staff from mapping assistance, ordinance assistance and coordination with other state programs, would come out of time spent in general technical assistance and coordination with other state programs. In particular, we will be unable to spend as much time assisting communities and agencies with detailed engineering review of proposed developments or stream changes. However, should we receive assistance for an additional mapping assistance position, we believe we could continue to carry out our programs as currently noted.

	Percent of Total	Percent of Total
FP Management Work Planning	1.3%	0.6%
Ordinance Assistance	1.3%	3.8%
CAVs	17.1%	17.1%
CACs	6.1%	5.4%
CIS Data Entry	1.9%	1.9%
State Model Ordinance Research	1.6%	1.0%
Workshops and other Training	3.2%	3.2%
Gen. Technical Assistance, incl engineering asst	34.2%	28.6%
Mapping assistance	21.4%	28.5%
Coordination with other state programs	4.6%	2.6%
Post Disaster Assistance	2.6%	2.6%
Program Management	4.7%	4.7%
Total	100.0%	100.0%

Variation in Mix of Activities.

As map modernization progresses, there will be more effort required for local ordinance review. This should gradually increase over three years before meeting maintenance level which must be maintained for an additional three years. Meanwhile, mapping assistance, which includes detailed project scoping, will continue to increase over the next two years, maintain that level for an additional two to three years, and then diminish. The mapping assistance task is considerably larger than the ordinance review task. Without additional support, we would by necessity spend less time with general technical assistance and coordination with other state activities. We would also have to review our Central Office tasks and possibly reduce time spent offering workshops and providing CAV and CAC support to our regional offices.

By necessity, post disaster assistance is impossible to predict. With no disasters, time can be added to other programs. When disasters hit, though, time will be taken from the traditional CAVs, CACs and community assistance.

IV. Needs Analysis and Gap Assessments.

We have carefully analyzed our workload to make certain we do not reduce CAV and CAC work due to an increase in the mapping related workload. However, about one third of our staff time is currently devoted to technical assistance. This is a never ending workload and an important one. We fear that we will not be able to spend appropriate time on requests for assistance should we not receive sufficient assistance with the increased mapping related workload. In particular, we will be unable to undertake site visits to provide hands on assistance and we will have to cut back on our engineering reviews.

Even with current resources and efforts, however, we fall short of what New York's communities really need to maintain compliance with the NFIP and protect the state's citizens. For instance, ideally a community would receive a detailed visit every five years. With 1,464 participating communities that would require 293 CAVs per year. We would require an additional three full time staff to accomplish that workload.

Alternatively, we could focus on the 700 communities that have at least ten NFIP policies and/or have at least one repetitive loss claim. With a five-year visit cycle, that would require only one additional staff person. Under that scenario, we would conduct telephone CACs for the remaining 764 communities. If that was done on a five-year cycle, which would be accomplished with little more than one quarter of an additional staff person, assuming an average of two CACs per day.

We feel that we are where we should be with general technical assistance contacts and are close to where we would like to be with workshops and other training. In all cases, though, the added mapping assistance and ordinance review requirements will take away from time spent in other activities.

V. Map Modernization Activities.

Our New York State Flood Mapping Program Business Plan articulated a proposal to map all of New York State over a 5-year period, provided that sufficient funds are procured. Each year, about ten new counties would be scoped. Upon project completion, each affected community would be required to adopt the new maps. They will also be urged to update their existing local laws and to pass more restrictive requirements for freeboard and a repetitive damage definition for ICC. Every community with a new map will receive local law assistance from NYSDEC.

As part of routine program outreach, through CAVs, CACs, technical assistance and workshops, we inform communities of the state's map modernization efforts and products. We have also engaged in outreach with county and regional planning agencies

to identify potential mapping leverage opportunities. Generally, communities are extremely excited about the map modernization program. The program works closely with every affected community to prioritize local mapping needs and to keep communities informed.

VI. Evaluating State Performance

We will maintain our own databases, and update the CIS, to identify community contacts. In many cases, we are already exceeding expected performance measures. Details are as follows:

Outcome/Output	Method of Measurement
Maintain the percent of communities that adopt new maps by the FIRM effective date.	95% of communities with new map panels will formally adopt the maps and update their local laws as needed by the effective map date.
Increase the percentage of communities that adopt new maps prior to the 30-day letter being sent.	67% of communities with new map panels will formally adopt the maps and update their local laws as need more than thirty days prior to the effective map date.
Maintain the number of flood prone communities enrolled in the NFIP in New York	The number of NFIP participating communities in New York will not fall below 1,460.
Increase the number of CRS communities or CRS class improvements.	Through outreach and education, 20 communities either join the CRS or improve their CRS class.
Decrease the number of variances granted statewide through technical assistance to local officials.	The number of variances will decrease between FY 2004 and subsequent years, as reported on Biennial Reports. Community contacts will be targeted to communities with multiple variances.
Increase the number of CAVs and CACs to communities in New York that result in increased compliance.	Telephone CACs are increased such that at the end of the planning period, no community with at least one flood insurance policy goes more than five years without a contact from NYSDEC. CAVs are targeted to communities with the most development or potential development in the Special Flood Hazard Areas.
Improve floodplain management compliance in New York.	Provide appropriate outreach to 20% of New York's communities per year. Follow up on violations found during CAVs and CACs so that subsequent visits result in fewer violations. Target 10% of CAVs to communities with a history of violations.

Increase the number of communities that have adopted an ordinance that exceeds the standards on the State Model	At least 30 additional communities adopt standards for freeboard, repetitive loss or cumulative improvement.
Increase floodplain management training in New York.	Target NFIP workshops to communities that have not had a recent workshop, and to professional associations that work with floodplain issues. Meet or exceed a goal of 12 workshops per year with 360 participants.
Increase the number of certified floodplain managers (CFM) in New York by 100%.	Promote the CFM through state outreach and through the New York State Floodplain and Stormwater Managers Association such that there are a minimum of 30 CFMs in New York State.
Increase participation in the New York State Floodplain and Stormwater Managers Association	Partner with the NYSFSMA to cosponsor conferences, training and other outreach to increase by 50% the membership in the Association and the number attending Association events.
Increase the number of floodplain management violations that are brought into compliance.	Follow up on violations found during CAVs and CACs and provide technical assistance to communities to remedy violations. Reduce the number of violations by half from 2004 to 2008.
Quantify general technical assistance calls handled by NYSDEC.	Maintain and build upon an existing data base of technical assistance contacts. Provide a history of technical assistance contacts as background for scheduled CAVs and CACs.
Increase inter-agency coordination resulting in increased floodplain management.	Provide at least one technical workshop per year for staff of state agencies that may fund or undertake work in Special Flood Hazard Areas. Measure and document an increase in technical assistance contacts with state agencies.

Appendix A
New York State Consolidated Laws
Environmental Conservation

ARTICLE 36
PARTICIPATION IN FLOOD INSURANCE PROGRAMS

Section 36-0101. Declaration of findings.
36-0103. Definitions.
36-0105. Local responsibility.
36-0107. Powers of local governments.
36-0109. Sanctions.
36-0111. Flood hazard evaluation of state facilities, lands and programs.
36-0113. Miscellaneous.

S 36-0101. Declaration of findings.

The legislature finds and declares that:

1. It is in the interest of the people of this state to provide for participation in the national flood insurance program as enacted by the congress of the United States;

2. The essence of the national flood insurance program is the regulation of land uses within areas identified by the director of the federal emergency management agency as areas of special flood hazard. Land use regulation is principally a matter of local concern; therefore, local governments have the principal responsibility for enacting appropriate land use regulations that will meet federal standards and permit the sale of flood insurance in such communities;

3. Providing for the availability of flood insurance for all residents of the state is the policy of the state; all local governments with land use jurisdiction over any area of special flood hazard must comply with all national flood insurance program requirements so that the residents of such local communities may purchase flood insurance; and

4. All publicly owned facilities within any identified area of special flood hazard must be in compliance with the national flood insurance program requirements.

S 36-0103. Definitions.

1. "Area of special flood hazard" means any area subject to a one percent or greater chance of flooding in any given year as determined by the federal emergency management agency.

2. "Local government with land use jurisdiction" means a city; a town as to all areas within such town outside the limits of any village; and a village.

3. "National flood insurance program" means that act of congress codified as chapter fifty of title forty-two of the United States code, all acts amendatory thereof and all regulations promulgated thereunder.

S 36-0105. Local responsibility.

1. Every local government with land use jurisdiction over any area of special flood hazard that was, prior to the effective date of this article, a participant in the national flood insurance program shall continue to maintain such participation in the national flood insurance program.

2. Every local government with land use jurisdiction over any area of special flood hazard that was not, prior to the effective date of this

article, directly participating in the national flood insurance program but was relying on state administration of the minimum land use regulations necessary to meet the requirements of the national flood insurance program, must apply for and complete all requirements for participation in the national flood insurance program.

3. Any local government that, after the effective date of this article, is notified by the federal emergency management agency of the existence of an area of special flood hazard within the bounds of such local government shall promptly, within the time frames required by the national flood insurance program, apply for and complete all requirements for participation in the national flood insurance program.

4. Any local government that, prior to the effective date of this article, was notified by the federal emergency management agency of the existence within its bounds of an area of special flood hazard and that has not qualified as of the effective date of this article for participation in the national flood insurance program shall, within the time frames required by the national flood insurance program, apply for and complete all requirements for participation in the national flood insurance program.

S 36-0107. Powers of local governments.

Notwithstanding any other law:

1. All local governments with land use jurisdiction over any area of special flood hazard shall, and are authorized to, take any action necessary to achieve and maintain participation in the national flood insurance program.

2. Any local law or ordinance adopted for the purpose of qualifying a local government as a participant in the national flood insurance program shall apply to any construction or improvement undertaken within any such local government by any county, city, town, village, school district or public improvement district.

S 36-0109. Sanctions.

Any local government with land use jurisdiction that fails to qualify for participation in the national flood insurance program, or that has had its participation terminated by the federal emergency management agency, faces sanctions under federal law including, in areas of special flood hazard, ineligibility for flood disaster aid, ineligibility for federally provided loans or federally guaranteed financing, including residential and other mortgages granted by any banking institution that is a member of the federal deposit insurance corporation or other federal instrumentality. The state of New York will cooperate with the federal government in the enforcement of these sanctions.

S 36-0111. Flood hazard evaluation of state facilities, lands and programs.

1. State agencies shall take affirmative action to minimize flood hazards and losses in connection with state-owned and state-financed buildings, roads and other facilities, the disposition of state land and properties, the administration of state and state-assisted planning programs, and the preparation and administration of state building, sanitary and other pertinent codes. Such action shall include, but not be limited to, requirements for the evaluation and reduction of flood hazards in the siting, planning, construction and maintenance of such facilities and the administration of such programs; needed and economically feasible flood-proofing and other protective measures of existing state facilities; and appropriate flood hazard restrictions

binding upon purchasers and persons acquiring state lands and properties, or interests therein, and their successors.

2. The commissioner shall assist state agencies in determining and evaluating flood hazards and alternative protective measures, and shall promulgate regulations, in consultation with the director of the budget, to govern the review by the commissioner of potential flood hazards at proposed construction sites of state, and state-financed facilities. Such regulations shall ensure that reviews thereunder shall be coordinated with those of appropriate environmental impact statements, project notification and review systems, and state capital construction funding requests.

3. The department, pursuant to designation by the governor, shall act as the state coordinating agency for the national flood insurance program in order to assist in its review of state agency activities and to serve as a resource for local governments.

S 36-0113. Miscellaneous.

1. In order to assure the continued availability of flood insurance in any community described in subdivision two or four of section 36-0105 of this article while it completes the process of qualifying as a participant in the national flood insurance program, the department is authorized and directed to provide technical assistance necessary to enable such local governments to assume their responsibilities in as expeditious a manner as possible.

2. The commissioner shall review, and appropriately amend or repeal, all regulations of the department relating to the implementation of the former article thirty-six of the environmental conservation law which was repealed by the same chapter of the laws of nineteen hundred ninety-two that enacted this article thirty-six.

3. Nothing contained in this article shall be construed to affect the validity of any local law or ordinance heretofore enacted by any local government.

4. If any provision of this article or the application thereof to any person or circumstances shall be adjudged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered, and shall not affect or invalidate the remainder of any provision of any section or the application of any part thereof to any other person or circumstances and to this end the provisions of this article are hereby declared to be severable.

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