

Compliance with Floodplain Management Standards

NYS DEC

Bureau of Flood Protection and Dam Safety Floodplain Management Section

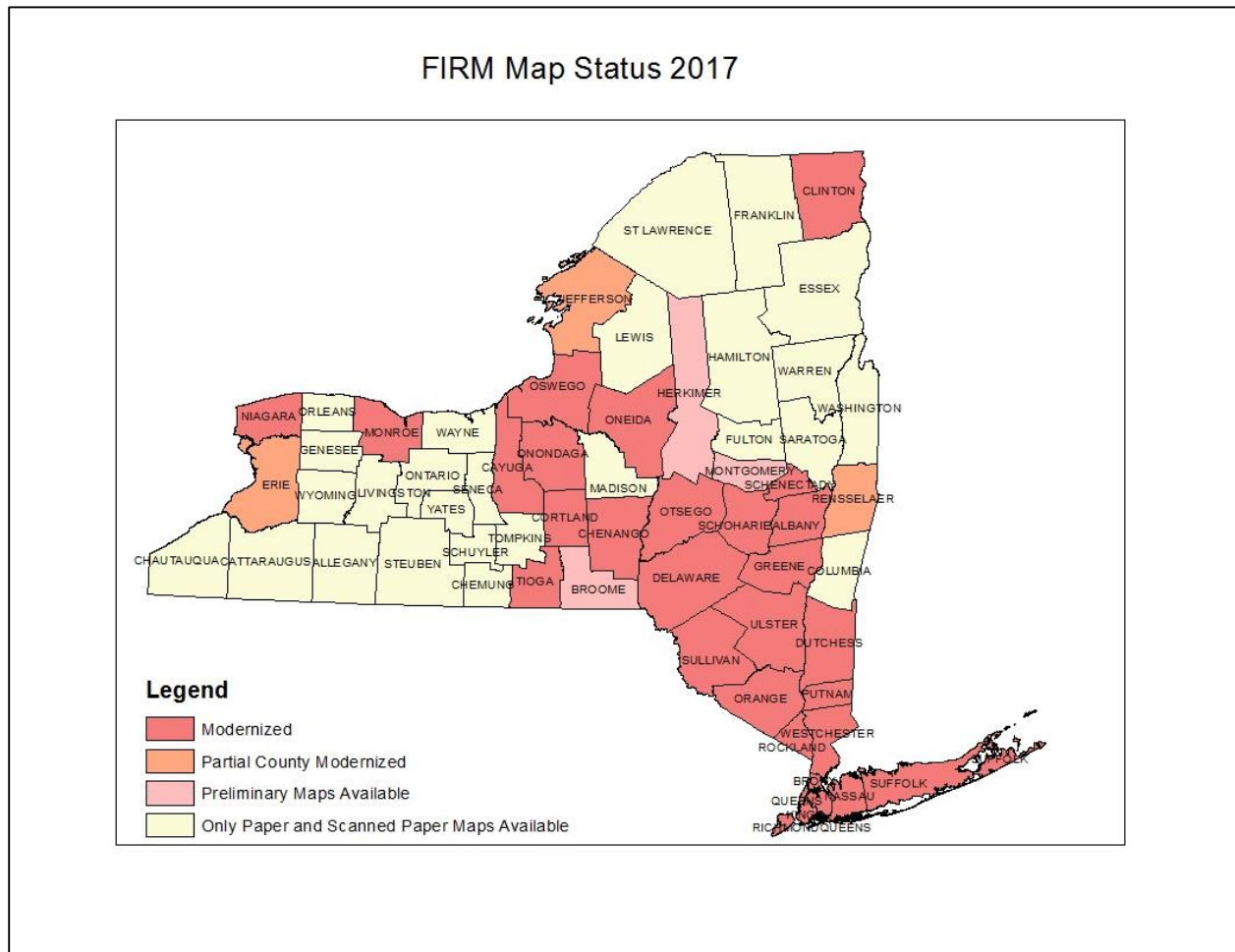
The following steps can help assure that work undertaken in flood zones complies with floodplain and other environmental requirements.

1. Determine if the project is in whole or in part within a Special Flood Hazard Area (SFHA). The SFHA is the portion of the floodplain that has a one percent or greater chance of flooding each year. It is often called the 100-year floodplain. It is shown as a dark grey shaded area on flood maps that were printed prior to 2000, and as a blue shaded area on more recent flood maps. Flood Insurance Rate Maps may be viewed at www.msc.fema.gov. Interactive digital maps are available for many areas.
2. Determine if the project is in whole or in part within a regulatory floodway. The floodway is a narrower flood zone within a riverine floodplain that carries more dangerous and rapidly moving floodwaters. There is no floodway along a lake or coastal flood zone.
3. Inform the property owner that any repair or any new development within a special flood hazard area requires a floodplain development permit from the local town, city or village floodplain administrator. In most cases, this is the building or zoning department. Municipalities may be able to issue quick permits for minor repairs.
4. If a target structure was built prior to the earliest flood map for the municipality, available from <https://www.fema.gov/cis/NY.html>, it is called pre-FIRM (Flood Insurance Rate Map) and is grandfathered unless it has been substantially damaged or substantially improved. Substantial damage and substantial improvement are when the structure is damaged or improved to at least 50% of its market value prior to the damage or improvement.
5. Post-FIRM structures should already be compliant with floodplain standards. If that is the case, repairs may not bring the structure out of compliance.
6. For pre-FIRM structures, if the damage is at least 50% of the market value of the structure, then the entire structure must be brought to code compliance. Failure to do this will result in the structure's flood insurance rates increasing at a 25% annual rate, in accordance with Federal law, until actuarial rates are reached.
7. Structures newly built or brought to compliance must have the lowest floor elevated to at least two feet higher than the base flood elevation shown on the FEMA FIRM. Areas below the lowest floor may be used for building access, parking or limited storage and must be built to meet floodplain standards.
 - a. Some floodplain locations do not have a base flood elevation on the FIRM. In that case, the lowest floor must be at least three feet above the highest adjacent grade prior to construction.

DEC's Floodplain Management Section, reached at 518-402-8185, or at floodplain@dec.ny.gov, is available to general guidance and training, as well as property specific technical assistance.

Does your location have digital maps?

The figure below shows counties that have updated digital flood maps.



In addition to the floodplain requirements, the following may be required from NYSDEC.

Work along lake and river shorelines may require a permit from the New York State Department of Environmental Conservation (DEC). To expedite the permitting process DEC has issued a [Storm Recovery General Permit GP-0-17-006](#) that authorizes clean-up and repair work as a result flooding and raised water levels along the Lake Ontario and St. Lawrence River shoreline. Work authorized under this general permit includes shoreline protection work to repair, replace or reconstruct existing functional erosion control structures, roads, bridges, infrastructure, and property.

To determine whether or not the work you propose is one of the authorized activities covered by the general permit, see “Description of Authorized Activities” in the general permit. If the work falls within the scope of the authorized activities, fill out the [Application for General Permit GP-0-17-006](#) and submit to your local [Regional Permit Administrator](#). If the work is **not** one of the authorized activities, contact your local [Regional Permit Administrator](#) to apply for an individual permit.