



NEW MEXICO HIGH WATERS

A Publication of the New Mexico Floodplain Managers Association

**FORTH QUARTER
NOVEMBER 2010**

UPCOMING EVENTS FOR NMFMA

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March 8-11, 2011
Spring Workshop - Albuquerque
MCM Elegante in Albuquerque
Watch for hotel and registration information in the next Newsletter.



September 2011
Fall Workshop - Ruidoso, NM



March 2012
Spring Workshop - Belen, NM



ASFPM National Conference - Louisville, KY
May 15 - 20, 2011

 The Premier Flood Conference 15-20 SEATS 2011 SUITE May 15-20, 2011 Louisville, KY	 Flood Risk Management: The Winning Ticket	May 15-20, 2011 Louisville, KY 15-20 SEATS 2011 SUITE The Premier Flood Conference
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**2010- 2011 NMFMA BOARD
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Chair: Paul Dugie, CFM
(575) 525-5588 - pauld@donaanacounty.org
1st Vice Chair: Kelly Romero, CFM
(505) 867-7651—kellyromero@sandovalcounty.com
2nd Vice Chair: Rigel L. Rucker, PE, CFM
(505) 855-7477 - rigel_rucker@urscorp.com
Secretary: Michele Truby-Tillen, CFM
(505) 334-4719 - mtruby@sjcounty.net
Treasurer: Mike Czosnek, CFM
(575) 835-0240 - mczosnek@socorronm.gov
Executive Director: Grant Pinkerton, CFM
(575) 937-1691 - nmcfm@cableone

REGIONAL DIRECTORS

Region I: Curtis Cherne, CFM
(505) 924-3695 - ccherne@cabq.gov
Region II: J. D. Padilla, CFM
(575) 528-3131 - jdpadilla@las-cruces.org
Region III: Laura Danielson, CFM
(575) 483-2682 - tos_water@yahoo.com
Region IV: Mario Juarez-Infante
(505) 348-4000 - Mario-Juarez-infante@wilsonco.com

COMMITTEE CHAIRS

Certification/Legislative: Grant Pinkerton, CFM
(575) 937-1691 - nmcfm@cableone.net
Conference: Mike Czosnek, CFM
(505) 835-0240 - mczosnek@socorronm.gov
Flood Awareness Week: Yolanda Prada, CFM
(505) 334-7604 - yprada@aztecnm.gov
Nomination: Vacant
Training/Education: Chris Cherne, P.E.CFM
(505) 924-3695 - ccherne@cabq.gov
Newsletter Editor: Diane Calhoun, CFM
(940) 783-4123 - dcalhoun@mbakercorp.com



**NEW MEXICO
CERTIFIED FLOODPLAIN MANAGERS**

Grant Pinkerton, CFM
Chair, Certification Committee
575-937-1691



The CFM exam was proctored in Farmington on September 27, 2010, at the NMEMA/NMFMA Fall Workshop. Six people passed the exam and joined the ranks of NM CFMs. Congratulations to the following new CFMs:

- | | |
|-----------------------|---|
| Evette Montaña, CFM | Village of Milan |
| Mark Rivera, CFM | Village of Angel Fire |
| Benjamin Sanborn, CFM | URS Corporation |
| Jennifer Smith, CFM | Taos County |
| David Tibbetts, CFM | David Tibbetts Surveying Co.,
LLC |
| Paul van Gulick, CFM | Benchmark Engineering &
Surveying, Inc |

Also, Gary Leikness, CFM has transferred to NM from Idaho and is currently working at Los Alamos County. Welcome to New Mexico, Gary.

There are now 184 active CFMs certified by the NM certification program

The CFM exam is proctored several times each year. If you are interested in taking the exam, please remember that no matter what paperwork or on-line registration you submit for any specific workshop, class, or other function, **YOU MUST SUBMIT A CFM EXAM APPLICATION PACKET** to the Certification Board before you can be scheduled to take the exam. The packet is downloadable from the Certification page of the NMFMA website, www.nmfma.org. The Application Packet should be mailed to the Roswell address noted in the packet. Any questions should be directed to Grant Pinkerton, Certification Board Chair, at nmcfm@cableone.net.

In and Around New Mexico with the State NFIP Coordinator

Bill Borthwick, CFM

State NFIP Coordinator

505-476-9617

william.borthwick@state.nm.us



It's official!

We have two new communities that have joined the National Flood Insurance Program (NFIP). The Village of Maxwell, New Mexico joined as of August 11, 2010. They will move from the Emergency Phase to the Regular Phase of the NFIP, when Colfax County, New Mexico maps become effective November 4, 2010. Congratulations on Laura Danielson, CFM, Town of Springer, New Mexico who has agreed to be the Floodplain Administrator for the Village.

Town of Peralta, New Mexico has joined the NFIP as of October 17, 2010. Theresa Silva will handle the floodplain management duties and responsibilities for the Town.

**Welcome to the
National Flood Insurance Program**



FEMA

We now have 94 communities in the NFIP. We still have 16 communities who are not participating.

The Village of Questa, New Mexico and Village of Angel Fire, New Mexico have applied for Participation in the NFIP, but have not received official notification as to date. Mark Rivera, CFM, Director Angel Fire Community Development, has been designated as the Floodplain Administrator.

CONFERENCE COMMITTEE REPORT

Mike Czosnek, CFM

Conference Committee Chair

575-838-7514

The Farmington co-workshop with the Emergency Managers was a success. Special thanks to Michele Truby-Tillen for her humongous effort! NMFMA was able to earn some income and everyone in attendance, at least those I have spoken with, thought everything was outstanding. This was the first Conference/Workshop I have missed in 15 years and with all of the positive feedback I have gotten apparently the one I should **not** have missed.

The Conference Committee continues to peer into the crystal ball for the future and what we see includes our next Workshop, March 8-11, 2011 at the MCM Elegante in Albuquerque. Kelly Romero will be reprising her role as your Conference Director in this highly anticipated sequel to the wildly successful Spring 2009 Workshop. Curtis Cherne, in a supporting, but vital role, will be appearing as your Program Director.

September 2011 brings us to Ruidoso for our Fall Workshop where Curtis Temple will take the lead role as your Conference Director. As of this moment the role of the Program Director has not been cast. In a last minute casting move Andrew Camillo has been cast as Conference Director for the Spring 2012 Workshop that will be in Belen March 2012. Again the role of Program Director has not been cast at this time.

I do urge all of you aspiring Program Directors out there to let me know ASAP if you would like to audition for either of these roles. The Conference Committee is also scouting locations for the Fall 2012 Workshop site. The target area is Las Cruces; however the committee is having trouble locating a Conference Director. Seems many of the performers in the area are pretty busy and their respective agents are not returning calls. So if anyone out there would like to host a Workshop within the borders of the stage, we call New Mexico, please let the Conference Committee know and we'll send a set designer out for a look. Remember a starring role as a Conference Director in a small out of the way venue could lead to a much bigger stage in your future.

So to all of you floodplain managers out there, I say put on your rubber boots and come on in, the floodwaters are just right!

Your Conference Committee Chair, Casting Director

Mike Czosnek



NEWS FROM ASFPM INSIDER

[ASFPM Testimony on Map Modernization and Levee Issues](#)

On July 28th, 2010, ASFPM's Policy and Partnerships Program Manager Sam Riley Medlock presented testimony on behalf of ASFPM at a hearing titled "Flood Preparedness & Mitigation: Map Modernization, Levee Inspections and Levee Repairs". The hearing was a joint effort of two subcommittees of the Senate Committee on Homeland Security and Governmental Affairs. The purpose of the hearing was to evaluate preparedness and mitigation efforts among flood-prone communities and responsible federal agencies by evaluating the accuracy of the FEMA flood map modernization process, mechanisms for dispute resolution, and the impact of levee inspections and certifications on determinations of flood risk.

You can read a copy of ASFPM's full written testimony on our website at: [View Testimony](#). You can also view the full record of testimony from the hearing and watch the taped webcast of the hearing on the Senate Committee website at: [View Hearing Info](#)

Stay Connected with USGS



USGS is using social media tools to share information and to increase the potential for better understanding how science is being used to address some of the Nation's most pressing issues including natural hazards, climate change, water availability, energy and mineral resources and ecosystems sustainability and resiliency. Our goals are to not only increase our ability to communicate important information to the public, but to encourage participation and conversation with the USGS. We invite you to stay connected with USGS through our various social media presences on Twitter, Facebook, YouTube, Flickr and more. For more info visit: <http://usgs.gov/socialmedia/>

[Study on Payments for Watershed Services \(PWS\)](#)

EcoAgriculture Partners is conducting a study on payments for watershed services (PWS) projects and programs in the United States. Funded by the U.S. Endowment for Forestry and Communities and the USDA Office of Environmental Markets, the study will document schemes that compensate farm, ranch, and forest landowners for water-friendly land management practices. By developing the first-ever broad compendium of experience with PWS in the United States, the study seeks to provide accessible information to landowners, water managers, policy-makers, and other stakeholders to be able to use PWS mechanisms more widely and more effectively to foster environmental stewardship. The focus will be on schemes that involve local and municipal water users or the private sector as buyers of watershed services. The database will include information on the geographic location, scale, and features of current, proposed, and past schemes. We are eager to hear from you if you have knowledge of PWS schemes or have participated as a seller, buyer, or intermediary. Please contact Terhi Majanen at tmajanen@ecoagriculture.org or (202) 393-5315.

To Be or Not To Be - - - - - a CFM

Dale Hoff, CFM

FEMA - Region VI

940-898-5225

**To Be or Not to Be . . . a CFM
Is Not the Question - Just Implement the NFIP**

They say time flies – especially when you are having fun. Well, time has flown and I have had a wonderful time in the last two and a half years of working in New Mexico. My only regret is that I have not been able to spend as much time here as I would like.

The first thing I learned in working with floodplain management in New Mexico is that it is a very different experience compared to working with floodplain management (FPM) in, say, Houston or New Orleans. In fact, those two cities have their own very unique management characteristics. They are as different from each other as they are from New Mexico. Actually, I can relate to New Mexico FPM pretty well. I am originally from southern Utah. So when I have the opportunity to come to New Mexico, it's almost like coming home.

Okay! Enough wandering. My main reason for writing this article was to share some thoughts with you regarding the second thing I learned about New Mexico. I was so impressed when it was explained to me that State Law requires a local floodplain manager to be a Certified Floodplain Manager (CFM). What an impressive thing to do! To be a CFM should indicate that you are a professional and you know a great deal about FPM. Just imagine! Every participating community (including counties) in the State has a CFM at the helm – a professional who knows the business. Then somebody straightened me out and I found that every participating community in the State did not have a CFM. That was a little bit of a letdown but nothing serious. However, in looking more closely, I discovered a situation that did bother me. With a little more experience in working with various communities, I found that some did not feel they could do a credible job without a CFM so many important tasks did not get done. One or two communities told me they didn't issue floodplain development permits because they didn't have a CFM on staff. Other communities put important tasks on the back burner until someone on the staff could get their CFM certification. There just seems to be a general feeling within the State that a CFM on the staff is required to be able and qualified to conduct a credible flood damage prevention program. This is not the intention of the State Law. The intent is to ensure that each community had an individual with experience and knowledge of floodplain management issues and implementation of those requirements. Being a CFM requires that you have continued education that will keep you aware of any changes in laws, requirements, and learn from your peers and grow in the knowledge of floodplain management practices.

It takes training and experience to conduct a credible FPM Program. Certain activities must take place and be done properly for the community to remain compliant with NFIP requirements. It also helps to keep the community and its officials out of court. A properly developed and promulgated ordinance is the foundation of your entire program.

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Floodplain Manager's Notebook

www.RCQuinnConsulting.com

From ASFPM Insider

[Here's Something You Might Find Interesting](#) Rebecca Quinn, CFM, at rcquinn@earthlink.net.

It started out as a simple question from a local building official: "What code provisions can be used to require demolition of unsafe buildings and structures?"

Most communities have some sort of regulation regarding safe and sanitary housing, sometimes called a property management code or an unsafe building and abatement code. States and communities that enforce codes based on the International Code Series® (and if they retained the administrative provisions) have authority to address unsafe, insanitary, or deficient buildings. Code officials can require that such buildings "be taken down and removed or made safe."

Of course, when asked that seemingly simple question, those of us who deal with floodplain management regulations will immediately think about the substantial improvement/substantial damage requirements. While SI/SD might not give a community the authority to require that unsafe buildings be demolished, understanding SI/SD might help owners consider demolition as a viable option, once they realize extensive work necessary to resolve the unsafe conditions could trigger the requirement to bring the buildings into compliance with the FPM rules.

I've been known to advocate for demolition rather than elevation by asking this question: what do you get when you elevate a 40-year old house? The answer is obvious – an elevated 40-year old house. In contrast, by starting over the owner gets a fully code-compliant, energy efficient home that is designed not only to resist flood loads, but applicable wind, snow load, and seismic conditions. Yes, I know it costs more to build an all-new home than to elevate, but that shouldn't stop us at least encouraging owners to think about the benefits of starting over, rather than fixing unsafe, insanitary conditions, along with bringing the building into compliance with flood requirements.

We know the basic concept of SI/SD – if a building is going to be improved (repaired, rehabbed, upgraded, added on to, etc.), and if the cost of all of the work equals or exceeds 50% of the market value of the building (excluding land), then the entire building has to be brought into full compliance with the requirements for flood hazard areas. The primary requirement we all think about is elevation; but "full compliance" means just that, so careful attention is necessary to ensure that a substantially-improved building meets all of the requirements based on flood zone.

Now, if you look at the definition of "substantial improvement," you'll see what might appear to be a big "out" for anyone who has to rehab an unsafe or insanitary building. The definition states that it excludes "Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions."

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FROM THE CHAIR

Paul Dugie, CFM

NMFMA Chair

(505) 525-5558



We had a great time at the Fall Workshop in Farmington September 27 – 30. Thanks to Michele Truby-Tallin's hard work. THANKS MICHELE!

If you have a topic that you would like to present at the Spring Workshop in Albuquerque March 2011, please get your ideas to Curtis Cherne at ccherne@cabq.gov . See Page 4, Conference Committee Report for more information on the Workshop.

I would like to let you know that the Thursday Lunch conference call has been changed to the first and third Thursday of the month. We have had some great conversations on the last two or three call, as well as good participation from the membership. If you have a question that you want answered, please let me know your question so we can plan to have someone on the call that can provide an answer. Or if you want to add to the topic of the call please join in. It will only cost you some time and who knows what we can learn.

Also I would like to thank Dale Hoff and Jim Orwat from FEMA Region VI for joining the Thursday call. They have added a lot of insight to the conversation.

For those who did not go to Farmington, it will soon be time to elect/re-elect board members. If you are interested in helping with getting the elections put together or running for an office please get in contact with Grant Pinkerton, myself or any board member. We need your help.

Thank you for your continuing support.

Paul T. Dugie

Chair



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The complete answer to that question is found in the FEMA's recently published "Substantial Improvement/Substantial Damage Desk Reference" (FEMA P-758). Section 4.4.8 explains each of the key phrases "correct existing violations . . . which have been identified . . . the minimum necessary to correct." Order FEMA P-758 by calling 800-480-2520 or download at <http://www.fema.gov/library/viewRecord.do?id=4160>.

I'm not going to repeat the text from the SI/SD Desk Reference – you should read it all (in fact, I urge you to read the entire document – and check out the sample Notice to Property Owners and SI/SD Worksheet that are in Appendix D). But the short answer is that simply because a building is deemed "unsafe" does not automatically qualify the unsafe conditions as an "existing violation." And certainly, you can't assume that all costs to resolve all aspects of the unsafe conditions can be backed out of the total cost of improvement. In addition, that exception should not prompt the code official to seek out and cite violations in order to facilitate circumventing the substantial improvement requirement.

Here are a few of the comments local officials made when considering this question on an online discussion:

- To apply the exception in the SI definition, the project has to be implemented to cure the unsafe structure. The owner can't invite an inspector over to do a deficiency inspection and then deduct the work required to resolve those deficiencies.
- You can't let them make a case that every repair project is needed to resolve some kind of code violation, which would be a convenient – but illegal – way to skirt the rules. But if FEMA were to audit your community and you can't show that you applied the rule right, that could be a problem.
- There has to be coordination. You don't want the code official telling people to rehab unsafe structures, and then later have the floodplain manager find that the work is substantial improvement. It'd be a good idea for the floodplain manager to get a list of unsafe buildings and check to see if any are in the SFHA.



To Be or Not To Be - - - -

CONTINUED FROM PAGE 6

Dale Hoff, CFM - FEMA Region VI

The provisions of your ordinance must be communicated and enforced, normally through the development and execution of a well managed floodplain permitting system. The community's elected and senior officials must back up the Floodplain Manager. That would seem to indicate that they too must have at least a working knowledge of FPM. But does that mean that FPM activities must be done by a CFM? No, but it helps in making the right decision with regard to regulating development.

These activities must be accomplished for any community to remain compliant in the NFIP. Proper permitting must take place for development in the regulatory floodplain. The Floodplain Manager must have a good grasp of development requirements and the standards mandated in the ordinance.

When reviewing permit applications and inspecting development in the floodplain, the Floodplain Manager must keep the program running smoothly by knowing what to do and when. This is where being a CFM can provide assistance.

What am I trying to say? It's this . . . certain activities must be accomplished in a community to properly conduct a local flood damage prevention program. If these activities are not being done properly, the community's participation in the NFIP could be in question. These activities should not be abandoned just because you do not have a CFM in your community.

Now let me just briefly describe my observation on what happens after an individual has obtained the CFM certification. When some individuals have finally obtained their CFM, they feel like they have "arrived". They are now credentialed experts – they have gained the golden ring and now have little more to look forward to. That is a very dangerous, if not a pompous attitude. You and I personally know of a few CFMs who could not develop and run an FPM program in a local community any more than they could fly. I personally know of a few very skilled, best in the field, CFMs who in spite of all of their credentials and experience have made multi-million dollar mistakes. It's mainly because they came across a unique situation they had not seen before and did not bother to research the issue out more. On the other hand, we have a select few Floodplain Managers in New Mexico who, for some reason or another, have not been able to become CFMs but are yet some of the most experienced Floodplain Administrators in the State. Our Nation has many such capable experts.

Is having a CFM on staff important? Yes. A CFM can only add to the quality and expertise required to develop and improve any local program. Is the New Mexico law requiring CFMs in participating communities a good law? Absolutely! It is an admirable goal and can only increase the quality of FPM in New Mexico. New Mexicans should be proud to be one of only six states in the Nation that has its own CFM program accredited by the national organization, the Association of State Floodplain Managers (ASFPM).

Don't stop the local program machinery if you don't have a CFM. You must keep it going. The State Law does not require the stoppage of the enforcement of the NFIP, it does require that a CFM be involved in the implementation of that program. I also hope you would continue to seek out training opportunities, learn from the experts in NMFMA and keep working towards the CFM certification if you are not already there. And once you are a CFM, keep learning and gaining experience. One of my favorite quotes is alleged to come from Mark Twain. He said, "I refuse to allow my schooling to get in the way of my education". That just about sums it up.

FROM THE EDITOR

It is almost Thanksgiving, and I can't figure out where the year went. It won't be long and it will be Christmas. It seems like I just took the decorations down from last Christmas. Oh yeah, the boxes are still in the garage. At least I know where they are :) I would like to thank all of you that have submitted articles for the Newsletter this past year. Remember this is your newsletter and it should reflect your interest and concerns. Any member of NMFMA is welcome to submit an article. If you have suggestions, ideas in making this publication better, or just want to speak your mind, please feel free to send it to me or provide it to a member of the NMFMA Executive Board.

Hope this coming Holiday Season is a blessed one for you. Remember to be thankful for the things you have and the loved ones around you. Tell them you love 'em. A hug would be good too. That doesn't cost anything and it is good for the soul. LOL

Diane Calhoun, CFM - NMFMA Highwaters Editor

Baker



New Mexico Floodplain Managers Association

Application for Membership

Name: _____

Title: _____

Address: _____

City: _____ **State:** _____ **Zip code:** _____

Email _____

Telephone: () _____ **Fax** () _____

Affiliation:

- Local Government
- State Government
- Federal Government
- Private
- Academic
- Other _____

Nature of Duties

- Administration
- Engineering
- Planning
- Insurance
- Other _____

DUES ARE FOR ONE CALENDAR YEAR

- Individual Membership \$ 35.00
 - NEW MEMBER
 - RENEWAL

MAKE CHECK OUT TO NMFMA

Send to: NMFMA Executive Office
P.O. Box 3924
Roswell, New Mexico 88202

I am interested in the following areas of concern:

Dam Safety _____

Flood Data _____

Structural Flood Control _____

Litigation/Legal Issues _____

Wetlands Issues _____

AO/AH Flooding _____

Crawl Spaces _____

Flood Warning & Response _____

Other: _____

I am interested in these Committees:

_____ Certification

_____ Conference

_____ Floodplain Management

_____ Legislative

_____ Membership

_____ Nominating

_____ Training/Education

_____ Technical



NMFMA
P. O. Box 3924
Roswell, New Mexico 88202
(575) 937-1691

WEB SITE:

WWW.NMFMA.ORG

Purpose of the New Mexico Floodplain Managers

- 1. To promote public awareness of proper floodplain management;**
- 2. To promote the professional status of floodplain management and secure all benefits resulting there from;**
- 3. To promote a liaison between individuals concerned with proper floodplain management and to encourage the exchange of ideas;**
- 4. To keep individuals concerned with proper floodplain management well informed through educational and professional seminars and to provide a method for dissemination of information, both general and technical;**
- 5. To inform concerned individuals of pending floodplain legislation and other related management matters; and**
- 6. To study and support legislation pertinent and necessary to the effective implementation of floodplain management matters.**