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TOWN CLERK

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New York State Department of Environmental Conservation
Division of Water
Bureau of Flood Protection and Dam Safety, 4th Floor
625 Broadway, Albany, New York 12233-3504
Phone: (518) 402-8185 • FAX: (518) 402-9029
Website: www.dec.ny.gov



Joe Martens
Commissioner

September 18, 2014

Ms. Diane Deschenes
Town Clerk
Town of New Scotland
2029 New Scotland Road
Slingerlands, NY 12159

Re: National Flood Insurance Program Flood Insurance Rate Maps for Albany County

Dear Ms. Deschenes:

This is in reference to the Town of New Scotland's participation in the National Flood Insurance Program (NFIP). As state coordinating agency for the National Flood Insurance Program, we want to ensure that the Town of New Scotland maintains continued program eligibility.

The new Flood Insurance Study and Flood Insurance Rate Maps establishing 100 year base flood elevations for the Town of New Scotland have recently been completed by the Federal Emergency Management Agency (FEMA). (See enclosure.) To maintain eligibility in the NFIP it is necessary that the Town of New Scotland adopts the new Flood Insurance Study and Flood Insurance Rate Maps into the community's floodplain management regulations to meet the standards of Section 60.3(d) of the program regulations by **March 16, 2015**.

Failure to enact required regulations and have them reviewed and approved by the New York State Department of Environmental Conservation and by FEMA by this date will result in program suspension thereby prohibiting residents from purchasing or renewing flood insurance policies. In order to meet this deadline, the final local law must be passed and submitted to this department for review by **February 13, 2015**, along with the New York State Department of State filing forms. A copy of the NYS Department of State's local law filing acknowledgment letter must also be forward at a later date when it is received.

If FEMA does not have an approved local law one month prior to the map's effective date, your community will receive a letter from FEMA indicating that your community is eligible for suspension from the NFIP, which will occur on the map's effective date.

All local laws must be reviewed by this office prior to approval by FEMA. We must be provided with sufficient time to complete the review process. In order to avoid any possibility of program suspension, please submit a draft local law for review by **December 16, 2014**, so that we may review the local law for any deficiencies and to ensure that your local law meets all necessary NFIP requirements. **Please allow 2 to 3 weeks for us to review your local law. Once we have reviewed the local law, we will inform you of our findings.**

We have reviewed the local floodplain management regulations adopted by your community in your Flood Damage Prevention local law (Local Law No. #1 of 1987 of the Town of New Scotland). As a result of this review and the changes required by the new flood insurance study and maps and given the recent changes to the New York State Building and Residential Codes, **we strongly recommend replacement of existing floodplain management regulations by repealing your existing Local Law and enacting the enclosed new model local law.** The enclosed model has been updated to include federal and state program changes made since the adoption of your existing regulations. Upon request, an electronic copy may be e-mailed to you for your use.

Please complete the enclosed model local law per the instructions; Section 3.2 of the model local law has already been completed to correctly reference the revised Flood Insurance Rate Map panel(s). **However, in Section 3.2 please insert the location of the office where the Flood Insurance Study and map panels are on file for public access.**

Please note that the new maps may be enforced as soon as your new local law is effective for locations with expanded flood zones or higher flood elevations. You will receive final maps at least two months before the map's effective date. Prior to that date, the Preliminary Maps may be used for enforcement purposes once the local law has been passed.

The model local law reflects minimum NFIP regulatory standards. We have also provided optional measures that your community may wish to take to increase your resistance to flood damages. Furthermore, FEMA has a program called the Community Rating System (CRS) that provides discounts to all flood insurance policy holders in a community that goes beyond the minimum NFIP requirements for floodplain management. For more information on how to apply for the CRS, contact this office.

To summarize, the key dates in the map adoption process are as follows:

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|--|--------------------|----------------------------------|
| Letter of Final Determination starting the legal Map Adoption Process: | September 16, 2014 | 180 days prior to effective date |
| Deadline for Draft Local Law Submitted to DEC for Review: | December 16, 2014 | 90 days prior to effective date |
| Deadline for the Local Law to be adopted by the Community to prevent suspension eligibility: | February 13, 2015 | 30 days prior to effective date |
| Deadline for Local Law be adopted by community and approved by DEC & FEMA to avoid suspension: | March 16, 2015 | Effective date of maps |
| FEMA Suspension Date if Local Law is not adopted by community and approved by DEC& FEMA: | March 17, 2015 | Suspension date |

Should you have questions concerning adoption of this regulation or any of the included requirements, do not hesitate to contact us at 518-402-8185.

Sincerely,



David R. Sherman
Floodplain Management Section

Enclosures:

FEMA Letter containing final map information.
NYS DEC Local Law for Flood Damage Prevention and Instructions
Optional Additional Language

cc: Municipal Clerk

cc w/o enclosures: Municipal Attorney
Community Floodplain Administrator
Tom Blanchard, NYS DEC, Region 4, Schenectady
Tonya Evans, FEMA, Region II, New York City
Jason Fenn, FEMA, Region II, New York City



Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P

September 16, 2014

The Honorable Thomas Dolin
Supervisor, Town of New Scotland
New Scotland Town Hall
2029 New Scotland Road
Slingerlands, New York 12159

Community: Town of New Scotland,
Albany County,
New York
Community No.: 360013
Map Panels Affected: See FIRM Index

Dear Mr. Dolin:

This is to formally notify you of the final flood hazard determination for the Town of New Scotland, in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (44 CFR 67.11). This section requires that notice of final flood hazard determinations shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*. The flood hazard determinations for your community may include addition or modification to Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Areas (SFHAs), zone designations, and regulatory floodways. SFHAs are the areas subject to inundation by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

On December 1, 1982, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified the SFHAs in your community. Recently, FEMA completed a re-evaluation of flood hazards in your community. On March 1, 2012, FEMA provided you with Preliminary copies of the Flood Insurance Study (FIS) report and FIRM that identify existing flood hazards in your community. A notification of the proposed flood hazard determinations for your community was published in the *Altamont Enterprise* on March 28, 2013, and April 4, 2013, and in the *Federal Register*, at Part 67, Volume 77, No. 217, Pages 67016-67018, on November 8, 2012.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. FEMA did not receive any appeals of the proposed flood hazard determinations during that time. Accordingly, the flood hazard information for your community shown on the FIS report and FIRM is considered final. FEMA will publish a notice of final flood hazard determinations in the *Federal Register* as soon as possible. The FIRM for your community will become effective on March 16, 2015. Before the effective date, FEMA will send you final printed copies of the FIS report and FIRM.

Because the FIS report and FIRM establishing the flood hazard information for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to March 16, 2015, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the NFIP regulations (44 CFR 59, etc.) by the effective date of the

FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS report and FIRM to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d);
2. Adopting all the standards of Paragraph 60.3(d) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(d).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended.

In addition to your community using the FIS report and FIRM to manage development in the floodplain, FEMA will use the FIS report and FIRM to establish appropriate flood insurance rates. On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified SFHAs. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. In general, flood insurance rates increase as the lowest floor elevations (including basements) of new and substantially improved structures decrease in relation to the BFEs or base flood depths (if determined). This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions (SOMA) to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment [LOMAs], Letters of Map Revision [LOMRs]) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the SFHA as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIS report and FIRM for your community have been prepared in our countywide format, which means that flood hazard information for all jurisdictions within Albany County, New York has been combined

into one FIS report and FIRM. When the FIS report and FIRM are printed and distributed, your community will receive only those panels that present flood hazard information for your community. We will provide complete sets of the FIRM panels to county officials, where they will be available for review by your community

The FIRM panels have been computer-generated. Once the FIS report and FIRM are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our FEMA Map Information eXchange (FMIX) toll free, at 1-877-FEMA MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If your community is encountering difficulties in enacting the necessary floodplain management measures required to continue participation in the NFIP, we urge you to contact our regional office for assistance in writing at: Director, Flood Insurance and Mitigation Division, FEMA Region II, 26 Federal Plaza, Suite 1337, New York, New York 10278, or by phone at (212) 680-3630.

If you have any questions concerning mapping issues in general, please call our FMIX at the toll free number provided above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the National Flood Insurance Program*, *Frequently Asked Questions Regarding the Effects that Revised Flood Hazards have on Existing Structures*, *Use of Flood Insurance Study (FIS) Data as Available Data*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <http://www.floodmaps.fema.gov/lfd>. Paper copies of these documents may also be obtained by calling the FMIX.

Sincerely,



Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Enclosures:

Final SOMA
Notice of Final Flood Hazard Determinations

cc: Mr. Paul Cantlin, Building Inspector, Town of New Scotland
Mr. William Nechamen, CFM, NFIP State Coordinator
Mr. Scott V. Duell, Risk Analysis Branch Chief, FEMA, Region II
Mr. Tom Blanchard, New York Department of Environmental Conservation, Region 4
Mr. J. Andrew Martin, CFM, RSC II Lead Coordinator/Project Manager