



Guidance and Best Practices for an Effective Local Floodplain Management Program in New Hampshire

Introduction

Communities that participate in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) have agreed to adopt local floodplain regulations and enforce these regulations through a local permitting process for all proposed development in a special flood hazard area (SFHA), which is also known as the 100-year or 1% annual chance floodplain. In return, flood insurance through the NFIP is made available to all residents and businesses in the community whether their structure is located in or out of the SFHA. The floodplain management and insurance components of the NFIP are mutually supportive. Effective implementation of local floodplain management regulations helps minimize future flood damage to life and property and in turn, helps keep insurance rates affordable.

The purpose of this document is to provide guidance and best practices for an effective local floodplain management program, which will help ensure that an NFIP participating community meets its responsibilities as participating community and remains in good standing. This guidance recognizes that the Floodplain Administrator (typically the permitting official) and processes in NH communities vary across the state. The NH Floodplain Management Program team (see last page) is available to assist communities with developing an effective program and implementing best practices.

Adoption of Administrative Procedures for Managing Floodplain Development

Community adoption of administrative procedures for managing floodplain development is a key tool for ensuring a community fulfills its responsibilities as an NFIP participating community and therefore remains in good standing in the NFIP. The purpose of administrative procedures is to ensure community adherence and consistency for all properties and to ensure a seamless transition when there are community staff changes.

Although the number, ability, and expertise of community staff responsible for administering and enforcing the local floodplain management program can vary by community, the responsibilities related to the community's participation in the NFIP program remain the same. Administrative procedures should be customized to work for and benefit the community so that the community can be successful in implementing their local floodplain management program.

The NH Floodplain Management Program team has developed an administrative procedures template that can be customized by communities.

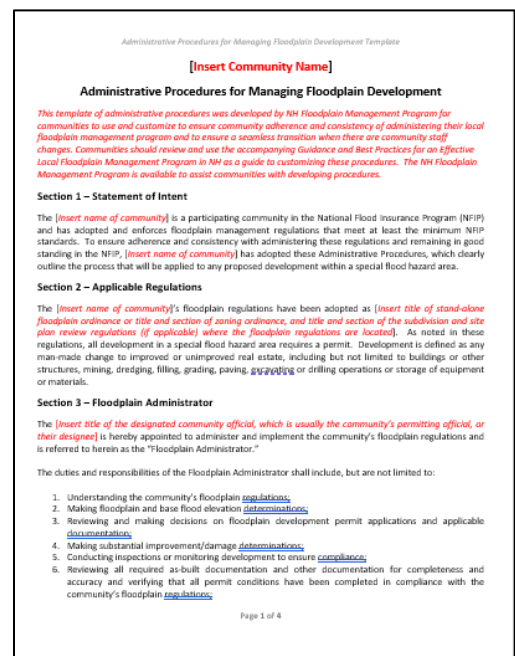


Figure 1 Administrative Procedures Template

Public Outreach about the Community's Floodplain Management Program

To enforce the community's floodplain regulations effectively and consistently, it is important for the community's property owners to be aware of the local floodplain regulations and their purpose to protect life and property from the effects of flooding and its potential damage, and the requirement that all proposed development in a SFHA requires a permit. Outreach efforts can be done to help inform property owners. It is recommended that outreach efforts be an ongoing process rather than a one-time activity to continuously keep property owners informed.

Below are some examples of community outreach efforts:

- Post information on the community's website.
- Periodically post information on the community's social media accounts.
- Prepare flyers that can be made available in the town or city office.
- Display a poster in the town or city office about floodplain requirements.
- Include a notice along with annual bill (e.g. water, tax) sent out by the community.
- Determine the parcels that contain SFHAs using GIS (either through the community or regional planning commission) and notify property owners of the community's floodplain regulations and permit requirements.

Do you need a Floodplain Development Permit?

Any development in a mapped floodplain within the [Insert Community Name] requires a permit from the [Insert Community Permitting Official] in accordance with the community's [Insert Name of Floodplain Ordinance].

What is considered "development"?

Any man-made change including, but not limited to, new construction of a building or other structures, additions, repairs, or improvements to existing buildings, filling, grading, paving, storage of equipment or materials, or excavating, mining, dredging, or drilling operations.

How do I determine if my property is located in a mapped floodplain?

Please either ask us to see copies of the community's current FEMA Flood Insurance Rate Maps, or view the maps online at the FEMA Map Service Center (<http://mssc.fema.gov>).

What if I want to do something in a mapped floodplain?

If you plan to be doing anything in a mapped floodplain area, review the community's [Insert Name of Floodplain Ordinance] and consult with the [Insert Community Permitting Official] regarding any applicable permitting and compliance requirements.

Additional assistance can also be provided by the NH Floodplain Management Program team at 603-271-1755 or www.nh.gov/osi/planning/programs/fmp.

Figure 2 Floodplain Development Permit Poster Template

Floodplain Development Determination Process and Guidance

As stated in a community's floodplain regulations, all proposed development in a SFHA requires a permit, which is a local permit that is issued by the community's Floodplain Administrator. Therefore, the community must either determine or must verify a property owner's determination of whether the proposed development is in an SFHA. The community must also determine the flood zone(s), base flood elevation(s) (BFE), and floodway, if applicable, associated with the proposed development to ensure the applicable requirements in the community's floodplain regulations are complied with.

A. Floodplain Development Determination Process

An effective floodplain mapping determination process includes:

- Identifying the community official responsible for making the determinations.
- Identifying the FEMA, State or local mapping resource or tool that includes the FEMA floodplain mapping layer that will be used to make the determinations.
- Knowing how to make or verify a floodplain mapping determination including what to do when a determination is unclear or when multiple zones or BFEs are involved.
- Knowing the process of determining the applicable flood zone(s), BFE(s), and floodway, if applicable, using the community's current FEMA Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS), if applicable.

B. FEMA and State Mapping Resources and Tools that can be used to make a determination include:

- [NH Flood Hazard Viewer](#)
- [FEMA's Map Service Center](#)
- [FEMA's Interactive Map Viewer](#)
- [FEMA GIS data](#)

C. Community Mapping Resources and Tools that can be used along with the FEMA map include:

- The community's GIS system along with FEMA GIS mapping data from the FEMA Map Service Center.
- The community's assessor database and mapping viewer with the effective FEMA floodplain map layer.

D. Floodplain Development Determination Guidance

The flood zones, floodway designation, and the type of development affect which requirements in the community's floodplains regulations will apply. If a development site is located in a SFHA, it is the community's responsibility to confirm the flood zone that applies and whether it is located in a floodway, if applicable. For structures and in some other situations, the BFE that applies will also need to be determined.

When determining if the location of a proposed development is in a SFHA, the following guidance should be followed:

- If a proposed development is located wholly or partially in an SFHA, the entire development is considered to be in the SFHA and must comply with the floodplain regulations.
- Where it is unclear whether a proposed development is in an SFHA and/or within a floodway, the community may require additional information from the applicant to determine the development's location on the effective FEMA map.
- If any portion of a proposed development including a structure and its attachments (e.g, deck posts, stairs) is located in multiple flood zones, the flood zone with the more restrictive requirements shall apply.
- For proposed developments located in Zone A with no BFE shown in the effective FEMA Flood Insurance Study (FIS), or the Flood Insurance Rate Map (FIRM), or from any Federal, State or other sources including data submitted to the community for development proposals, the BFE shall be determined to be at least two (2) feet above the highest adjacent grade, which is consistent with flood insurance rating purposes.

Floodplain Development Permit Process

An established and effective floodplain development permit process is a key tool that a community must have to ensure it is meeting its requirement as an NFIP participating community.

A. Floodplain Development Permit Application

Once a proposed development is determined to be located within the SFHA, the community must require a permit application be completed by the applicant that provides details about the proposed development. It is highly recommended that the community develop and use a separate floodplain development permit application for all proposed development in a SFHA. Development, as defined in the community's floodplain regulations, is broad and includes building and non-building development (e.g., filling, watercourse alteration, etc.) so the community must have a permit application that can gather information needed for both types of development. A sample floodplain development permit application is available from the NH Floodplain Management Program.

Prior to the completion of the floodplain development permit application, the community's Floodplain Administrator should discuss with the applicant what information needs to be submitted as part of the application and discuss the community's floodplain regulations.

B. Floodplain Development Permit Application Review and Decision

Once the permit application has been received, the information provided must be verified by the community's Floodplain Administrator to ensure completeness and accuracy. Specifically, the following questions must be answered:

- Has the floodplain development permit application been fully completed and signed by the applicant?
- If the flood zone, floodway, and BFE information has been provided by the applicant, it must be verified by the community's Floodplain Administrator. Otherwise, the community's Floodplain Administrator is required

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION
FOR [Insert Community Name], NH

A Floodplain Development Permit is required for any development proposed in a Special Flood Hazard Area (SFHA) shown on the effective Flood Insurance Rate Map for [Insert Community Name], NH. The term "development" includes new or improved structures, placement of fill, excavation, storage of materials, and other activities defined in the [Insert Community Name] Floodplain Management Ordinance. All development that occurs in the SFHA must be in compliance with this ordinance to protect lives and property from future flood damages.

Date _____

Property Owner Name _____ Mailing Address _____

Phone Number _____ Email Address _____

Contractor Name _____ Mailing Address _____

Phone Number _____ Email Address _____

The primary contact person is the Property Owner Contractor (Check one)

SECTION 1: SITE LOCATION

Property Address _____

Tax Map No. _____ Lot No. _____

SECTION 2: OTHER PERMITS
The applicant must obtain all other necessary Federal, State or local permits before a Floodplain development permit can be issued. Are other permits required from State or Federal jurisdictions for this project? Yes No

If yes, please indicate which apply and attach copies of the permits:

NHDES Shoreland Permit
 NHDES Wetlands Permit
 NHDES Subsurface Systems Permit
 NHDES Alteration of Terrain
 NHUSACE General Permit
 USACE Section 106.03 of Rivers and Harbors Act
 Section 404 of Clean Water Act
 Other: _____

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Figure 3 Floodplain Development Permit Application

to provide that information.

- Are any additions, renovations, repairs, and/or maintenance being proposed for an existing residential or non-residential structure or manufactured home? If yes, a substantial improvement or substantial damage determination (see section below) must be performed in order to process the application.
- Which requirements of the community's floodplain regulations apply to the proposed development?
- Does the submitted application confirm that the development will meet all requirements of the regulations? For example, for new or substantially improved structures, will the lowest floor be constructed at or above the BFE?
- Have all required certifications/documents been submitted, as detailed in the floodplain regulations? Requirements will vary depending on the type of development, flood zone, floodway designation, etc.
- Have copies of all other required state, federal, and other local permits been provided? They must be received before proceeding with processing the permit application. Examples of permits that may be required include:
 - NHDES Shoreland Permit
 - NHDES Wetlands Permit
 - NHDES Subsurface Systems Permit
 - NHDES Alteration of Terrain
 - NH/USACE General Permit
 - USACE/Section 9 & 10 of Rivers and Harbors Act
 - Section 404 of Clean Water Act

Once a complete floodplain development permit application has been reviewed, a decision must be made by the community's Floodplain Administrator to approve or deny the application. If the applicant has submitted the required application documentation and has demonstrated that the proposed development will be in compliance with the community's floodplain regulations, the application can be approved and a permit may be issued. Otherwise, the application must be denied and returned to the applicant with a written explanation.

Some options that the applicant may choose to pursue include: 1) withdrawing the application, 2) making updates/redesigning the project to comply with the regulations, 3) appealing to the community's Zoning Board of Adjustment, or 4) applying for a variance, which must meet the State's five and the floodplain ordinance's three variance criteria, for relief from the floodplain regulations.

C. Floodplain Development Inspections and Monitoring Process

Once a permit is issued, progress on development activities should be monitored regularly by the community's Floodplain Administrator to ensure the work is being performed in accordance with the approved permit. Inspections are the most effective way of doing this for structures.

For communities without staff available to perform inspections, consider having other community staff that is regularly driving around the community to monitor and take pictures of the development's process and providing that information to the community's Floodplain Administrator. Communities can also require a FEMA Elevation Certificate form be completed for new construction or substantial improvements of structure once the foundation and lowest floor of the structure is constructed (but prior to full construction of the structure) to ensure it is being built to the correct and approved elevation.

D. Floodplain Development Compliance Review

Once a new or substantially improved structure or manufactured home in the SFHA is completed, the applicant must, at a minimum, submit certified as-built elevation data of the lowest floor of the structure to the community's Floodplain Administrator, who must then confirm it was built in compliance with the community's floodplain regulations.

A non-residential structure that has been floodproofed requires submittal of a FEMA Floodproofing Certificate for Non-Residential Structures form, which must include the as-built elevation to which the structure was floodproofed, to the community's Floodplain Administrator, who must then confirm it was built in compliance

with the community's floodplain regulations. Any enclosures below the BFE must also be confirmed to be constructed in compliance (i.e., floor at grade, required number of flood openings, use of space for only parking, access, or storage) with the regulations.

The community must review all required as-built documentation and other documentation submitted by the applicant for completeness and accuracy and verify that all permit conditions have been completed in compliance with the community's floodplain regulations. Communities that issue a certificate of occupancy shall determine full compliance prior to issuing the certificate. Communities that don't issue a certificate of occupancy should consider developing and issuing a certificate of compliance or requiring applicants to complete and sign an agreement to submit post-construction floodplain development documentation along with their floodplain development permit application. These two methods would help ensure compliance with the community's floodplain regulations. A sample agreement to submit post-construction floodplain development documentation is available from the NH Floodplain Management Program.

Substantial Damage and Improvement Determination Process

The community's Floodplain Administrator is responsible for making determinations of substantial improvement and substantial damage. These determinations are made for all development in a SFHA that propose to improve an existing structure, including alterations, movement, enlargement, replacement, repair, additions, rehabilitations, renovations, repairs of damage from any origin (such as, but not limited to flood, fire, wind or snow) and any other improvement of or work on such structure including within its existing footprint.

Specifically, the community is responsible for:

- Determining the market value of the structure (excluding the land value) prior to the start of the initial repair or improvement, or in the case of damage, the market value prior to the damage occurring. Most communities use the assessed value of the structure as the market value.
- Reviewing total cost estimates of the proposed work which must include donated or discounted materials and owner and volunteer labor submitted by the applicant.
- Notifying the applicant in writing of the result of the determination. If the determination result is that the work constitutes substantial improvement or substantial damage, the written documentation should state that full compliance with the requirements of the community's floodplain regulations is required.

It is highly recommended that a community develop written procedures and/or have a separate substantial improvement/damage permit application and process to ensure consistency and compliance when making substantial improvement and damage determinations. A sample customizable substantial improvement/damage procedures and permit application and process is available from the NH Floodplain Management Program team.

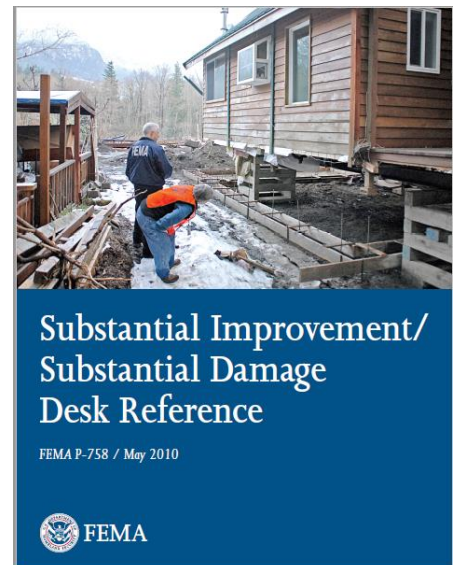


Figure 4 FEMA's Substantial Improvement/Substantial Damage Desk Reference

Floodplain Development Variances

In addition to the State's five variance criteria, community's floodplain ordinances include three additional variance criteria. Each NFIP community must have a zoning board of appeals to address any variances from even if the floodplain ordinance is the community's only zoning ordinance. This appeal board should be aware and familiar with these additional variance criteria.

Floodplain Development Enforcement Process

If it is determined that full compliance with the community's floodplain regulations has not been met, including work being done in an SFHA without an approved permit from the community, the community's Floodplain Administrator must notify the applicant in writing of any violation or non-compliance with the regulations and identify the actions required to bring the development into compliance with the regulations. It is the community's responsibility to follow the procedures in RSA 676 for any violations of its floodplain regulations as they would for any other zoning ordinance violation and should consult with their attorney on what actions to take to remedy the violation.

Floodplain Development Records

The community must maintain, permanently keep, and make available for public inspection all records that are necessary for the administration of the floodplain regulations, including:

- Floodplain permit applications and supporting documents.
- As-built data for structures that are new construction or substantially improved.
- Floodproofing certificate for floodproofed non-residential structures.
- Flood zone and BFE determinations.
- Substantial improvement and damage determinations.
- Other documentation required in the ordinance.
- Variance and enforcement documentation.

New Hampshire Floodplain Management Program and Resources

The NH Floodplain Management Program is a program of the Office of Planning and Development (OPD) within the NH Department of Business and Economic Affairs. OPD is the state coordinating agency for the NFIP and works in partnership with FEMA. The NH Floodplain Management Program provides NFIP technical assistance, training opportunities, guidance documents, online resources, and issues a quarterly Flood Lines newsletter. For more information about the Program and the services it provides and FEMA resources and guidance documents, please go to the [NH Floodplain Management Program website](#) or contact the team via Katie Paight at 603-271-1755 or Kathryn.O.Paight@livefree.nh.gov.