



# NY Rising Housing Recovery Programs Floodplain and Floodway Guidance

June 23, 2014

The Federal Government has developed specific definitions and regulations related to the 100 year Floodplain and the Floodway. In accordance with the Federal regulations and to be consistent GOSR has appropriated the following definitions:

**Floodplain** (also known as the “Base Flood”): the low, flat, periodically flooded lands adjacent to rivers, lakes and oceans and subject to geomorphic (land-shaping) and hydrologic (water flow) processes.

The 100-year Floodplain is the land that is predicted to flood during a 100-year storm, which has a 1% chance of occurring in any given year. Areas within the 100-year floodplain may flood in much smaller storms as well. The 100-year Floodplain is used by FEMA to administer the Federal flood insurance program.

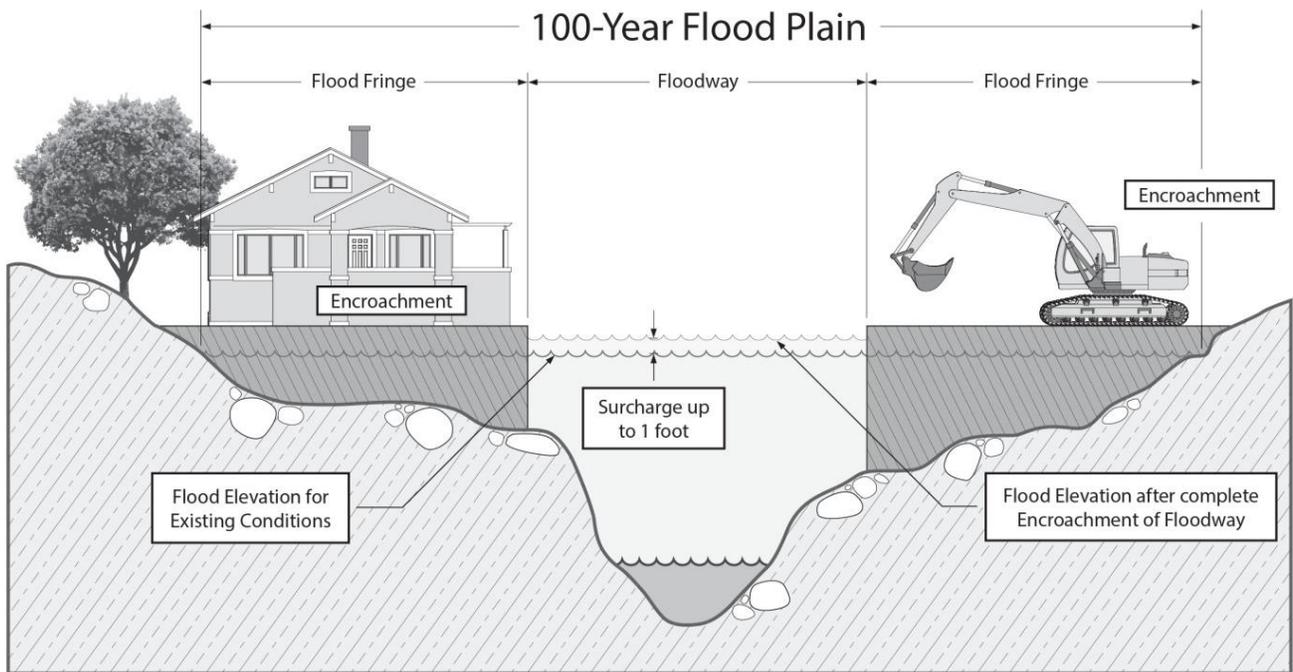
**Floodway** (also known as the “regulatory Floodway”): the portion of the Floodplain effective in carrying flow where flood hazard is generally the greatest, and water velocity is the highest. In the Floodway, fill or other development is likely to divert flow and contribute to increased water depths during a flood. Ideally, Floodways should be undeveloped areas that can accommodate flood flows with minimal risk.

**Flood Zones:** land areas identified by the Federal Emergency Management Agency (FEMA). Each Flood Zone describes that land area in terms of its risk of flooding. Everyone lives in a flood zone it's just a question of whether you live in a low, moderate, or high risk area.

**Floodplain Fringe:** the portion of the Floodplain outside of the Floodway, which is covered by floodwater during the 100-year Flood. The term, "flood-fringe" is generally associated with standing rather than flowing water. It is also that part of the Floodplain wherein development is subject to a community's floodplain ordinance.

**Encroachment:** any floodplain development that could obstruct flood flows, such as fill, a bridge, or a building. A driveway, road, or parking lot at grade (without any filling) would not cause an obstruction. Development of lakeshore floodplains, where there is no flow, is not considered an encroachment.

**Coastal High Hazard Areas** (or “V Zones”): the areas subject to high velocity waters, including but not limited to hurricane wave wash or tsunami as designated by the Flood Insurance Rate Map (FIRM) under FEMA regulations as Zone V 1-30, VE or V (V Zones).



Federal regulations prohibit federal funding for any action, other than a functionally dependent action, in a Floodway. A functionally dependent action is an action that must necessarily be conducted in close proximity to water; for example, a dam, marina, port facility, water-front park, and many types of bridges. The development standards for a floodplain encroachment depend on both the project location and the amount of information provided on flood hazard maps.

Assistance will not be provided to support certain activities in a Floodway or Coastal High Hazard Area. These prohibited activities include but are not limited to the following:

- Structures intended for human habitation
- Storage of materials, such a propane tanks
- Sewage systems or wells
- Filling which would cause an obstruction to flow which is not otherwise permitted

If some part of the “project activity” impedes upon the Floodway such as the necessary fill or footings then the structure as a whole becomes part of the floodway and is therefore ineligible for funding unless it is a functionally dependent action.

Critical actions shall not be approved in Coastal High Hazard areas. Non-critical actions may be approved in a Coastal High Hazard area only if the proposed action is (1) a functionally dependent action, (2) existing construction (repairs and improvements) or (3) reconstruction following destruction caused by disaster. An action consisting of existing construction or reconstruction following destruction caused by disaster must adhere to certain design standards. Please see 24 CFR 55.1(c)(3).

Please note: properties in the Floodway are not eligible for the Homeowner Housing Recovery Program. Assistance for these properties may be available in the NY Rising Acquisition Program.