

Official Newsletter of
**The New York State Floodplain and
Stormwater Managers Association**

Spring 2015

Dear Association Members and Colleagues:

I want to welcome our new members and old friends of the NYSFSMA. The first of the year has also got us off and running hard with the new Presidential Executive Order on flood risk reduction, and with the New York State Building Codes. As major leaders in both State and national flood issues as well as rebuilding after recent floods, many eyes are upon us. With the strong leadership that we have, we will strive for policies that provide the best outcomes for all. One of the best ways to stay on top of what is happening is to keep up your membership in NYSFSMA, follow the web site and email alerts, and attend the NYSFSMA annual meeting in Syracuse, April 27-29, 2015. We have a great group organizing this year's program.

As your representative at the annual national ASFPM Conference, I get to talk with lots of people about lots of issues. As you can guess, we all have pretty much the same problems. We have smaller budgets, smaller staffs, and people making decisions that know nothing about the flood problems.

What we need is for those decision makers to put on the hip boots, the rubber gloves, and a paper mask and walk with us through the flood waters and mud at the time of the flooding, not after the streets have been washed and the trash and garbage have been removed. They need to sit with the family that lost everything and are trying to get out of the motel room they now call home. Then and only then will they make reasonable laws and look at flooding a different way.

As we coined the phrase here in the Southern Tier, the Flood came, the Flood left, the Flood will come again. We must rebuild with tomorrow's flood in mind.

Thank you all for your support and say thanks to the volunteers here in NYSFSMA for their dedication and support in making us strong.

Kenneth A. Jennison CFM/ CEO

*Calendar and other items may be found at the NYSFSMA
website*

<http://www.nyfloods.org>

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518-402-8146
William.nechamen@dec.ny.gov

Ex Officio Director

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212-680-3624

ASFPM Chapter Director

Janet Thigpen, CFM
jthigpen@co.chemung.ny.us

PO Box 1673

Albany, NY 12201-1673

News from the Executive Director

As most of you know, I'm currently the Chair of the Association of State Floodplain Managers (ASFPM). In that role, I can see firsthand the importance of both a strong National organization and strong state chapters. NYSFSMA is a state chapter of ASFPM. The relationship between ASFPM and its chapters is unique. We are not part of ASFPM but we are affiliated with them.

Chapters help ASFPM better understand state and regional issues through their membership. Five ASFPM board members represent the chapters. There is one ASFPM chapter director on the Board per two FEMA regions. Janet Thigpen is the current ASFPM board member representing FEMA Regions 1 and 2. That includes state chapters in Rhode Island, Connecticut, and New Jersey in addition to New York. In that role, issues of concern to the Northeastern United States get raised nationally. In particular, the age of the housing stock in the Northeast, and the existence of many old river valley communities, means that changes to pre-FIRM flood insurance rates are a big concern. ASFPM has responded by strongly supporting measures to consider affordability while also wanting the NFIP to be more self-sustaining.

My own term on the ASFPM Board expires in June. I plan to continue working with NYSFSMA for the foreseeable future. My own hopes for the Association include sponsoring more training opportunities as well as being a source of information about other organizations' training, providing more timely information about policy developments to our members, and developing ways that members can engage in forums or ask questions.

The Association is currently in the process of updating our by-laws and making some changes necessary due to New York State requirements for not-for profit corporations. Vice-Chair Pat Pomeroy is leading the effort. There will be a progress report at the April annual meeting.

Speaking of which, the annual meeting brochure is ready. You should have received your copy. You can also register online at nyfloods.org. The annual meeting will be April 27-29 at the Double Tree off of Carrier Circle in Syracuse. We look forward to seeing you there.

If you have trouble logging into the web site, click on "member login" and then on "forgot my user name/password." Enter your email address and you should get instructions to log in. If that doesn't work, then email me at William.nechamen@dec.ny.gov.

May the coming spring find you warm and, hopefully, dry.

Bill Nechamen

CRS Users Group Meeting

*By Janet Thigpen, CFM
Southern Tier Central Regional Planning & Development Board*

What: Please join us for a New York State CRS Users Group meeting at the NYSFSMA Conference in Syracuse. We will meet from 1:00 to 4:00 on Monday, April 27. This is free and open to all, even if you do not register to attend the conference.

Why: The Community Rating System (CRS) of the National Flood Insurance Program (NFIP) is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. In New York State, 27 municipalities participate in the program, which enables premium discounts for flood insurance within their jurisdictions. A Users Group has been formed to provide a format for sharing information about the CRS program and experiences with implementing CRS activities. It is hoped that this will support additional flood risk reduction activities and stronger CRS programs throughout New York State.

Details: The proposed meeting will focus on the following categories of activities credited by the CRS program:

- Activity 330, Outreach Projects
- Activity 450, Stormwater Management
- Activity 510, Floodplain Management Planning
- Activity 500, Repetitive Loss Properties

For each group of activities, there will be an introduction to the prerequisites, elements that can be implemented for program credit, and the supporting documentation required. This will be followed by sharing of experiences and ideas by those present.

Who: The discussion will be geared toward those with some knowledge of CRS and involvement with implementing CRS activities. However, it is open to anyone interested in attending, including: communities that are considering CRS participation, organizations that can support CRS programs, and anyone who wants to utilize CRS activity resources as guidance for flood risk reduction activities.

NYSFSMA Conference

The annual meeting of the New York State Floodplain and Stormwater Managers Association will be held April 27-29 at the Double Tree off of Carrier Circle in Syracuse. You may book your rooms by using the link on our website. Once again our committee has put in a lot of time and effort in order to secure the best possible nightly room rate of \$96.00. Sessions will be available for a variety of individuals including professional engineers, floodplain managers, stormwater managers and building and code enforcement officials. Specific course information is available at www.nyfloods.org. Don't miss this opportunity to gain valuable information as well as continuing educational credits (CEU's) and learn the latest in what is happening at the Federal and State levels of government.

Good News in the President's Budget

*By Janet Thigpen, CFM
Chair of NYSFSMA Public Policy Committee*

The Obama Administration recently released its proposed Federal Budget for 2015-16. The budget contains good news for flood mapping and mitigation.

Over the past several years, budgets have been drastically cut for new flood mapping, resulting in maps that remain hopelessly out of date, and even new maps that in many places do not contain updated data. In order to provide a detailed analysis of the need to continue investing in updating flood maps, the Association of State Floodplain Managers published "Flood Mapping for the Nation: A Cost Analysis for the Nation's Flood Map Inventory" in 2013. The report concluded that a minimum of \$400 million per year is needed over ten years to complete updating of the nation's flood maps, followed by \$116 million to \$275 million per year to maintain the maps. Until this year, the Administration had not requested increased mapping budgets, in spite of the establishment of a National Flood Mapping Program in the Biggert-Waters Flood Insurance Reform Act of 2012. The Act includes an authorization of \$400 million a year from fiscal years 2013 through 2017.

An authorization is not an allocation. However, it does make it easier to argue for a full allocation. This year, the Administration requested \$400 million for floodplain mapping in next year's budget. This is great news but it isn't the full story. Flood insurance fees raise about \$121 million that supports mapping operating costs, including review of Letters of Map Change. The \$400 million includes those operating costs, so it is really about a \$279 million request for new mapping. Still, this is a great leap in the right direction, since current funding is less than \$100 million per year above the fee-based funds.

Another piece of very positive news in the President's budget is a request for \$200 million for Pre-Disaster Mitigation (PDM). PDM funds have historically been available for cost-effective mitigation projects and for hazard mitigation planning grants, without the need for a disaster declaration. This has been essential to states that, unlike New York, do not receive frequent disaster declarations. In recent years, the Administration has attempted to eliminate the PDM line item. Pressure from ASFPM members (including NYSFSMA) has helped to keep the budget line in Congress's final budgets, though at a minimum level of funding. Once a program goes away due to zero funding, it usually does not come back. By keeping even a minimum level of funding, it remained possible to increase funding for the program.

FEMA's concept was to fold PDM into a National Preparedness Grant Program that would have consolidated 16 FEMA grants into one. While it's often a good thing to streamline government programs, in this case it would make it extremely difficult for mitigation funding to compete with terrorism preparedness. The Administration now recognizes that natural hazard planning and mitigation must be recognized and supported on its own.

In addition to the Pre-Disaster Mitigation proposal, the Administration proposes \$175 million for Flood Mitigation Assistance (FMA). FMA is funded from flood insurance fees and helps to mitigate the most at-risk structures, reducing pressures on the flood insurance fund.

FEMA Announces Launch of the Interim Office of the Flood Insurance Advocate (12/19/14)

*Reprinted from February 2015
ASFPM Bi-Monthly Newsletter for Chapters*

FEMA has named David Stearrett as Acting Flood Insurance Advocate for the Interim Office of the Flood Insurance Advocate, effective December 22, 2014. The Interim Office will work on specialized assistance to citizens and policyholders on National Flood Insurance Program (NFIP) issues; as well as regional mapping outreach and education support. The Interim Office will operate until a permanent Office of the Flood Insurance Advocate is established under the Homeowner Flood Insurance Affordability Act of 2014. This Interim Office will be an independent office within FEMA with direct alignment to the Federal Insurance and Mitigation Administration (FIMA) Associate Administrator and the FEMA Administrator.

FEMA is designating an Acting Flood Insurance Advocate and an interim Office of the Flood Insurance Advocate as part of its commitment to immediately begin providing assistance to homeowners and policyholders. At launch, the Acting Advocate and staff will focus on assisting the public as they navigate through the National Flood Insurance Program (NFIP) processes by leveraging FEMA resources to address specific public inquiries or concerns. The Acting Advocate will also develop a long-term regional mapping outreach and education strategy to maximize support to the public. The Flood Insurance Advocate will be an independent office within FEMA and have direct access on an advisory basis to the FEMA Administrator.

Initially, the public can reach the Acting Flood Insurance Advocate by email, at insurance-advocate@fema.dhs.gov. Beginning in 2015, the Flood Insurance Advocate will establish a phone number to receive inquiries from the public. FEMA recommends that policyholders continue to also work with their insurance agents to resolve any questions or concerns that they have related to flood insurance, or contact Floodsmart at 1-888-379-9531.

Floodplain Manager Voices Need to be Heard E.O. 13690 Federal Flood Risk Management Standard

The public has until April 6, 2015 to comment on the draft guidelines to implement President Obama's new Executive Order 13690 and proposed Federal Flood Risk Management Standard. The Association of State Floodplain Managers leadership are asking you to formally weigh in on those guidelines. ASFPM is asking its membership to read through the Revised Guidelines for Implementing Executive Order 11988, and make note of language you support, and if you have questions or concerns, note them along with a suggestion of what you think might be a practical solution. To comment, go to the [Federal Register](#) and search for FEMA-2015-0006, and click on the blue "Comment Now!" button. ASFPM Executive Director Chad Berginnis indicated what a unique opportunity commenting on this new standard is to floodplain managers. "Most of us have never in our careers been able to comment on an all-agency implementation guidelines."

He said, "If you simply agree with the new standard, you still need to comment. The federal government needs to hear the voice of floodplain managers loudly!"

Flood Smart Communities

*Jayme Breschard Thomann, Senior Planner, AICP, CFM
Genesee/Finger Lakes Regional Planning Council*

Genesee/Finger Lakes Regional Planning Council (G/FLRPC) is working with The Nature Conservancy (TNC) on a project funded through Ohio Sea Grant called *Flood Smart Communities*. Local government decision-makers and members of the community in the Village of Hilton, the Town of Greece, and the Town of Parma (Monroe County) will engage in an assessment of current flooding vulnerability. They will then participate in the development of actions to reduce vulnerability. This structured approach will produce a proactive plan that enables local government and community members to put their resources into preventing flood damage rather than costly repairs. These communities were selected because they represent a diversity of community types, experience regular flooding, and are connected by their streams which flow to the wetland complex of the Braddock Bay Fish and Wildlife Management Area. They currently have strong relationships with one another and regularly collaborate on other issues such as stormwater. The final product will be a Floodplain Action Plan that will include the results of the vulnerability assessment and prioritized recommendations. Both the process and the outcomes of *Flood Smart Communities* can potentially serve as a model for other communities in New York State.

In 2014, G/FLRPC completed the Multi-Jurisdictional All Hazard Mitigation Plan Updates for both Wyoming and Wayne Counties. The Plans were formally approved by NYSDHSES Office of Emergency Management and FEMA in May and June respectively. G/FLRPC is currently working with Ontario County on the update of their Multi-Jurisdictional All Hazard Mitigation Plan. The risk assessment portion of the plan is being finalized and the mitigation strategy is under development. A draft of the Plan will be completed and submitted to the state and FEMA for review in late spring.

Ice Jam Flooding in West Seneca, Erie County

*Region 9 News, March 2015
Jim Jones, Town Engineer, Tonawanda, NY*

In January 2014, the Town of West Seneca experienced significant flooding along Buffalo Creek due to a quick mid-winter thaw coupled with the breaking up of large chunks of ice. Buffalo Creek meets Cayuga Creek just upstream of NYSDOT owned bridge on US 240 (Harlem Road). The Lexington Green and Gregory Drive neighborhoods are in a mapped Special Flood Hazard Area upstream of the bridge and 70 homes were reportedly affected. Flooding in this area has previously occurred 1996, 1979, and 1978. Ice jamming within the creek channel has been identified as a probable cause of constriction. The confluence of the creeks and the design format of the bridge have also been identified as potential flow constrictions. The NYSDOT had been planning to replace the 103 year old bridge and are considering reducing the number of piers in the creek in the design alternatives although it has not been concluded that the bridge design was a factor in the January flooding.



Sen. Charles E. Schumer recently announced that the U.S. Army Corps of Engineers has agreed to begin a study of ice jamming in the creek. The study will assess the underlying problems causing the ice jams and then propose potential solutions. If the corps can determine that a project is in the federal interest, with cost-effective solutions, the next step would be another study to analyze solutions in greater detail.

The New York State Community Risk and Resiliency Act

by Jacob Tysz

The evidence of climate change—in the form of more frequent, sudden, and severe extreme weather events and more subtle long term changes to what “normal” is—is becoming more common. According to the National Oceanic and Atmospheric Administration, through last spring, (as this winter’s final statistics are not yet final), March 2014 marked the 349th consecutive month with above-average temperatures. This means that people 28 years old or younger have never lived through a month that was colder than average.

In response, in September 2014, New York governor Andrew Cuomo signed the *Community Risk and Resiliency Act*. The Act is a groundbreaking acknowledgment of the impact that climate change and sea level rise are having on the Empire State, and not just the coastal areas on and near the Atlantic Ocean, but statewide.

As noted in the Act, the state of New York has experienced an increase in the number and severity of extreme weather events and that “the Northeast [United States] has experienced a greater increase in extreme precipitation over the past few decades than any other region in the United States. Since 1958, our region has seen a 74 percent increase in the amount of precipitation falling in very heavy events.” To address this threat, the Act requires that communities “*shall consider future physical climate risk due to sea level rise and/or storm surges and/or flooding based on available data predicting the likelihood of future extreme water events, including hazard risk analysis data*”.

What does this mean to the state and its 1500+ governing jurisdictions? The Act requires state agencies to consider the potential damages due to future sea level rise, flooding, and other risks due to climate change. The legislation touches many aspects of state funding including those activities within the purview of the Departments of Environmental Conservation (NYSDEC), State, Agriculture and Markets, and Public Health on projects involving drinking water quality, hazardous waste transportation, storage and disposal facilities, design and construction regulations for petroleum and chemical bulk storage facilities, oil and gas drilling permits, and properties listed in the state’s Open Space Plan. In addition, the Act directs the NYSDEC to develop and continually update projections for sea level rise for local communities in the state.

The Act is intended to help to ensure that public investment monies are spent wisely and with an eye to future conditions. The Act also bookends nicely with the recent proposed amending of Executive Order (EO) 11988 with EO 13690. EO11988 governs Federal agencies in their negative impact on floodplains, especially in regards to flood losses for Federal structures. While the scope of EO13690 has not yet been finalized, among other conditions, the proposed rule adds a freeboard requirement of two feet to most projects and three feet to critical facilities using Federal funding. Not only will this new standard provide additional protection from flooding events, it also anticipates the need to account for future sea level rise over the next century.

The NYSFMA fully supports the goal of greater community flood resiliency through the passage of the New York Community Risk and Resiliency Act and the continued strengthening of Federal regulations governing development in areas subject to flooding for projects covered by Executive Orders 11988 and 13690.

Executive Order 13690 and the New Federal Flood Risk Management Standard

*By Janet Thigpen, CFM
Chair, NYSFSMA Public Policy Committee*

“It is the policy of the United States to improve the resilience of communities and Federal assets against the impacts of flooding.” This is the purpose of Executive Order (EO) 13690, issued by President Obama on January 30, 2015. This new EO amends Executive Order 11988, which has guided federal actions in the floodplain since 1977. The amendments establish a new Federal Flood Risk Management Standard (FFRMS) that revises the definition of a floodplain, expanding the area in which agencies must assess the impacts of proposed actions. It also increases the level to which federal actions in the floodplain must be resilient. The administration released draft guidance for implementing the Executive Order, which is open to public comments until April 6. Once the guidance is finalized, each Federal agency will develop regulations and procedures for complying with the Executive Order.

The EO requires that Federal agencies consider alternatives that are located outside of flood-prone areas and would not contribute to increased flood hazards. When Federal actions are located within the floodplain, the required level of flood protection would be greater than the current standard. The EO allows flexibility in how each agency implements the new standards based on the type of project, flood characteristics, and available data.

The EO specifies three approaches that can be used to determine the flood elevation and flood hazard area to be used in siting, designing, and construction of federal projects:

- (1) *Climate-informed Science Approach* – The preferred method is to use the best available, actionable hydrologic and hydraulic data and methods that integrate current and future changes in flooding based on climate and related science.
- (2) *Freeboard Value Approach* – Agencies can use the Base Flood Elevation (or 1-percent-annual-chance flood determined using best available data) and an additional height of 2 feet for non-critical actions and 3 feet for critical actions.
- (3) *The “500-year” Elevation Approach* – Agencies can use the 0.2-percent-annual-chance flood elevation (also known as the “500-year” flood elevation).

These approaches are intended to address current and future flood risks. They expand flood risk management both vertically and horizontally, applying higher flood elevations to areas within and beyond currently mapped Special Flood Hazard Areas. This higher flood standard is consistent with freeboard requirements adopted by many communities across the nation, including New York State. As floodplain managers, we know that that flood damages don’t stop at the mapped flood zone boundaries or the modeled 1% probability flood elevations.

Another element of the EO is a directive for agencies to use, where possible, “natural systems, ecosystem processes and nature-based approaches” when developing alternatives for consideration. Nature-based systems can include both natural and engineered features. To achieve flood protection, agencies are directed to elevate structures above the elevation of the floodplain, wherever practicable, rather than filling in the land.

Federal agencies are also directed to apply any higher floodplain management standards in state, tribal, territorial, and local regulations if they are reasonable in light of the goals of the Executive Order.

The purpose of the new FFRMS is to protect Federal taxpayer investments in floodplains. The standard would only apply to actions that are built or funded by Federal agencies, not private development. The definition of Federal actions is unchanged from EO 11988, which does not apply to local floodplain

development standards, flood hazard mapping procedures, flood insurance, or non-Federal projects. By requiring that Federal investments in floodplains meet higher flood risk standards, Federally-funded buildings, roads, and other infrastructure will be constructed to better withstand the impacts of flooding and reduce future disaster recovery costs.

The NYSFSMA Board of Directors passed a resolution in support of the new Federal Flood Risk Management Standard. In a cover letter to the NY Congressional delegation, the Board states, “The proposed standard promotes wise investment of taxpayer dollars, resiliency, and improved public safety.”

Floodplain Manager Voices Need to be Heard on the Federal Flood Risk Management Standard

“If you simply agree with the new standard, you still need to comment. The federal government needs to hear the voice of floodplain managers loudly!” said Chad Berginnis, Executive Director of the Association of State Floodplain Managers (ASFPM).

Public comments on the FFRMS implementation guidelines are being accepted until April 6, 2015. You can read through the “Revised Guidelines for Implementing Executive Order 11988, Floodplain Management” (<https://www.fema.gov/media-library/assets/documents/101761>) or the shorter “Federal Flood Risk Management Standard” (<https://www.fema.gov/media-library/assets/documents/101759>). Make note of language that you support as well as any questions and concerns, along with practical suggestions for improvement. Additional information and resources are available on webpages of ASFPM (<http://www.floods.org/?menuid=810>) and FEMA (<https://www.fema.gov/federal-flood-risk-management-standard-ffrms>).

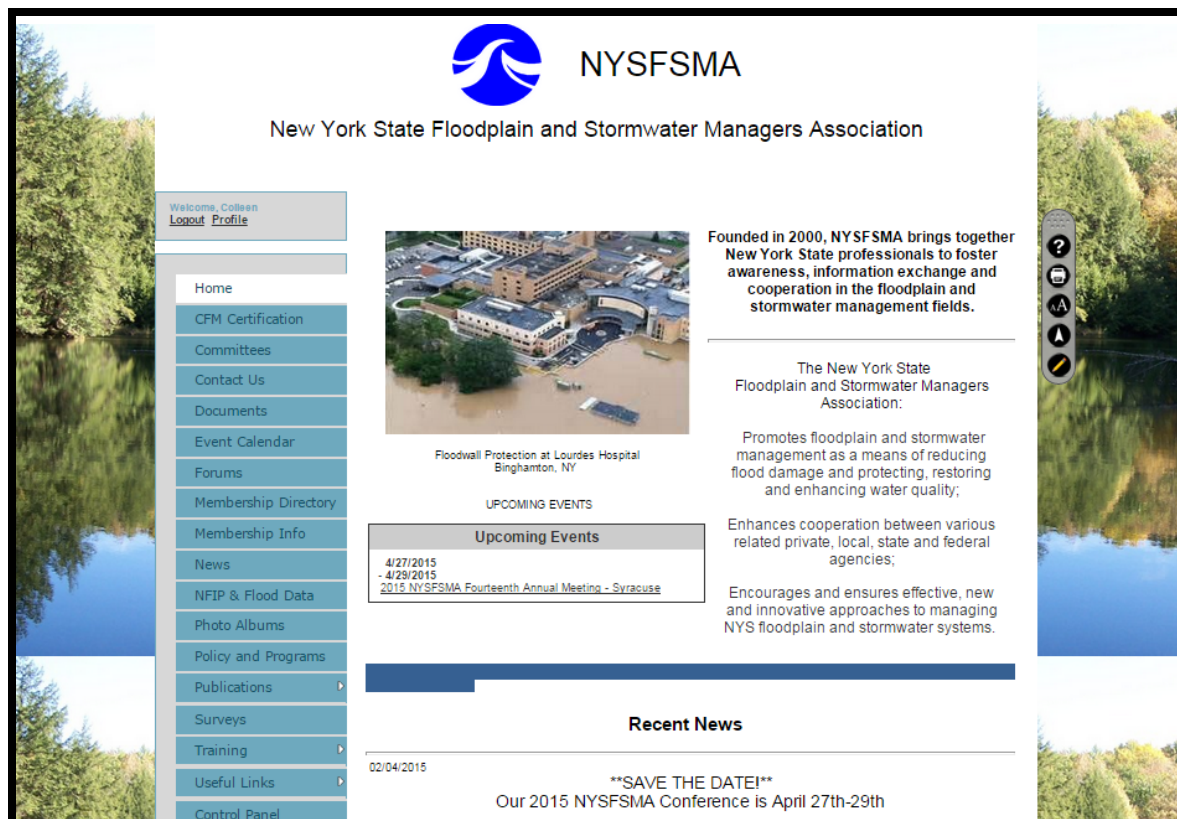
To submit your comments, go to the Federal Register (www.regulations.gov), search for FEMA-2015-0006, and click on the blue “Comment Now!” button.

Our NYSFSMA Website

By: Colleen M. Fullford, CFM
Website Committee Chair

In today's busy world, few of us have a lot of time to casually read through a full webpage, much less an entire website! With technology offering us instant gratification, we scroll to the parts that either catch our eye, or the information we really need to access. The rest of it...well, we'll get to that when we're not in such a rush...right?

However, our website is REALLY worth the extra time! Now, I don't just say that because I've spent so much time working on it; I really mean it. The homepage reminds you of the Association's vision; why we do what we do. It keeps you informed of the latest NYSFSMA news, and gives you a calendar of upcoming Association events. The menu bar to the left includes documents, links, reference material, publications, forums and photo albums.



We have so much more that we want to do with our website; so much more we want to offer our valued members. Unfortunately, like you, we are busy as well in our everyday jobs and don't have endless hours to work on the website. Please consider joining the Website Committee – even if you can only spare a few hours a month; it all adds up.

To join the Website Committee, or any of our Association Committees; click on the Committee tab in the left side menu. Click on the "View Members" link, and Click the "Sign Me Up" Button!

**New York State Floodplain and Stormwater Managers Association
Membership Application**

Name: _____ **Company/Agency:** _____

Phone Number: _____ **Fax Number:** _____

Address: _____ **City/State/Zip Code:** _____

County: _____ **E-mail:** _____ **Total Enclosed:** _____

Please make your check or voucher out to: **New York State Floodplain and Stormwater Managers Association**
Mail to: **PO Box 1673, Albany, New York 12201-1673**

Type of Membership: (attach additional names and contact information where appropriate)

_____ **Individual – \$30**

_____ **Student – \$15**

_____ **Organizational – \$50**

Public, academic or not-for-profit group.
Membership includes up to 10 individuals and one vote. (attach additional names as needed)

_____ **Professional – \$100**

For-profit enterprise. Membership includes up to 10 individuals and one vote. (attach additional names as needed)

_____ **Associate Member – \$250**

Business or individual engaged in products, materials or related services. Non-voting classification. Entitles members to mailings and other considerations.

_____ **Sponsoring Member – \$500**

Business or individual engaged in products, materials or related services. Membership includes up to 10 individuals with full voting rights. Sponsoring members will get appropriate recognition within the organization. (attach additional names as needed)

The **New York State Floodplain and Stormwater Managers Association** is a professional association dedicated to promoting effective floodplain and stormwater management as a means of reducing flood damage and protecting, restoring and enhancing water quality.

What the Association Does:

- Foster public awareness of sound floodplain and stormwater management
- Promote the professional status of those involved in floodplain and stormwater management
- Provide educational opportunities and a way to share general and technical information
- Keep people apprised of and involved with state and federal activities related to floodplain and stormwater management
- Promote coordination and cooperation between the various organizations active in floodplain and stormwater management

Get Involved: (check committees of interest)

_____ **Public Policy Committee**

_____ **Conference Planning Committee**

_____ **Newsletter Committee**

_____ **Website Committee**

_____ **Outreach & Education Committee**

_____ **Other** (please specify)

Who Should Join? Everyone involved in floodplain management, stormwater management, and/or flood mitigation activities. Includes: local officials, code enforcement and building officials, not-for-profits, students, faculty, insurance agents, lenders, realtors, businesses, planners, consultants, engineers, surveyors, architects, state and federal officials, etc.

For more information, contact: Bill Nechamen, Executive Director, 518-402-8146, William.nechamen@dec.ny.gov