



FLOOD CONTROL SYSTEM RESTORATION: ZONE AR REQUIREMENTS SUMMARY FOR STATE AND LOCAL OFFICIALS

As the Federal agency that is responsible for administering the National Flood Insurance Program (NFIP), the Federal Emergency Management Agency (FEMA) identifies flood hazards, assesses flood risks, and provides appropriate flood hazard and risk information to communities nationwide. This information is provided to communities in the form of maps, called Flood Insurance Rate Maps (FIRMs).

Under its Risk Mapping, Assessment, and Planning (Risk MAP) program (<http://www.fema.gov/risk-mapping-assessment-and-planning-risk-map>), FEMA is updating FIRMs nationwide. Levee systems have been identified in over one-quarter of the counties for which FIRMs are being prepared. Therefore, accurately identifying the flood risk for levee-impacted areas is an important element of Risk MAP and the NFIP in general.

FEMA is not responsible for constructing, maintaining, operating, or certifying levee systems. FEMA relies on Federal, State, and local agencies and private levee owners to provide it with the required data and documentation on levee systems so that the hazards and risks in levee-impacted areas may be accurately reflected on maps on maps and related products.

FEMA does, however, develop the regulatory and procedural requirements that are used for National Flood Insurance Program (NFIP) purposes to determine whether a completed levee system should be accredited and shown as providing risk reduction at least to the 1-percent-annual-chance flood on a FIRM. These requirements are documented in Section 65.10 of the NFIP regulations found in Title 44 of the Code of Federal Regulations (NFIP regulations)

(<https://www.fema.gov/media-library/assets/documents/10713>), and in FEMA guidance and standards (<http://www.fema.gov/guidelines-and-standards-flood-risk-analysis-and-mapping>), which are issued to clarify the regulatory and procedural requirements for FEMA contractors and mapping partners. Levee-related guidance and standards are accessible through the FEMA Levee Resources Library (<http://www.fema.gov/fema-levee-resources-library>).

Additional Information

Levee resources and other useful FEMA, NFIP, and Risk MAP resources can be found in the FEMA Library:

<http://www.fema.gov/library/index.jsp>

The levee resources are also accessible through the levee-dedicated pages on the FEMA website, which is located at <http://www.fema.gov/fema-levee-resources-library>

More specific information related to Zone AR is located at

<http://www.fema.gov/floodplain-management/zone-ar>

State and local officials who have questions about the requirements included in this document or who would like to discuss specific projects should contact their FEMA Regional Office. Regional Office contact information is available through the FEMA website at

<https://www.fema.gov/regional-operations>

For more information about flood insurance, visit

<http://www.FloodSmart.gov>



FEMA also develops regulatory and procedural requirements for depicting levee systems that are being constructed for the first time or that are being restored or modified to provide risk reduction to the 1-percent-annual-chance flood. These requirements are found in Section 19 of the Homeowner Flood Insurance Affordability Act (Public Law 113-89), 42 U.S.C. §4014 (e) and (f) (<http://www.fema.gov/national-flood-insurance-program/flood-insurance-reform>); Sections 61.12 (<http://www.fema.gov/media-library/assets/documents/12447?id=3066>) and 65.14 of the NFIP regulations (<http://www.fema.gov/media-library/assets/documents/12452?id=3067>), and in FEMA guidance and standards. As with completed levee systems, FEMA relies on Federal, State, and local agencies to provide data and documentation for the new and restored levee systems that are planned or in progress.

A community may choose to submit data and documentation and request that FEMA issue a “flood protection restoration” determination and revise the affected FIRM to show the levee-impacted area landward of the levee system as Zone AR when they are engaged in the process of restoring a flood control system that was:

- Previously recognized as providing risk reduction to the 1-percent-annual-chance flood on an effective FIRM and;
- Decertified by a Federal agency responsible for flood control structure design or construction.

Information on regulatory and procedural requirements as well as benefits of Zone AR is presented below.

Eligibility Requirements

In accordance with Section 65.14 of the NFIP regulations, FEMA may designate a “flood protection restoration” zone that may significantly limit the area of a community that will be shown on the FIRM as a Special Flood Hazard Area (SFHA) once the restoration project is completed. The SFHA (also known as the high-risk area) is the area that will be inundated by the 1-percent-annual-chance flood, which is also referred to as the base flood. Such projects reduce, but do not eliminate, the risk of flooding to people who live and work behind these levee systems and to the structures located in these levee-impacted areas.

The community Chief Executive Officer (CEO) or designee may request that FEMA delineate a “flood protection restoration” zone for the area affected by a reconstruction or improvement project and revise the effective FIRM to designate the SFHA in the impacted area as Zone AR. The affected area landward of a levee system can be designated as Zone AR when certain project completion milestones, discussed below, are met.

APPLICATION AND SUBMITTAL REQUIREMENTS

In accordance with Section 65.14(b) of the NFIP regulations, the FEMA Regional Office that serves the community or communities affected by the project must receive the following information from the sponsoring community:



- A statement whether, to the best of the knowledge of the community CEO or designee, the flood control system is currently the subject matter of litigation before any Federal, State, or local court or administrative agency, and if so, the purpose of that litigation;
- A statement whether the community has previously requested a determination from FEMA with respect to the same subject matter, and, if so, a statement that details the disposition of the previous request;
- A statement from the community and certification that the existing system, as shown on the effective FIRM, was originally accredited, that it no longer provides risk reduction to the 1-percent-annual-chance flood, and that it continues to provide flood risk reduction to at least the 3-percent-annual-chance flood;
- An official map of the community or legal description, with supporting documentation, that the community will adopt as part of its floodplain management measures, which designates “developed areas” as defined in Section 59.1 of the NFIP regulations (<https://www.fema.gov/media-library/assets/documents/12437?id=3064>) and as further defined in Section 60.3(f) of the NFIP regulations (<http://www.fema.gov/media-library/assets/documents/12442>);
- A statement identifying the local project sponsor responsible for restoration of the flood control system;
- A copy of a study, certified by Registered Professional Engineer or a Federal agency responsible for flood control structure design or construction, that demonstrates that the flood control system is restorable to provide risk reduction to the 1-percent-annual-chance flood;
- A statement from the local agency responsible for restoration of the system certifying that the restored system is designed to meet the applicable requirements of Part 65 of the NFIP regulations, when completed (<http://www.ecfr.gov/cgi-bin/searchECFR?idno=44&q1=65&rgn1=PARTNBR&op2=and&q2=&rgn2=Part>);
- A statement from the local agency responsible for restoration of the system that identifies the source(s) of funding for the project and the percentage of the total funds contributed by each source to demonstrate, at a minimum, that 100 percent of the total financial project cost of the completed system has been appropriated; and
- A restoration plan to return the system’s risk reduction to the 1-percent-annual-chance flood.

At a minimum, the restoration plan submitted with the community’s request for a determination must:

- List all important project elements, such as acquisition of permits, approvals, and contracts and construction schedules of planned features.
- Identify anticipated start and completion dates for each element, as well as significant milestones and dates.
- Identify the date on which “as-built” drawings and certification for the completed restoration project will be submitted. This date must provide for a restoration period not to exceed the maximum allowable restoration period for the system.



- Identify the date on which the community will submit a request for a finding of adequate progress that meets all requirements of Section 61.12 of the NFIP regulations. This date may not exceed the maximum allowable restoration period for the system.

LIMITATIONS AND COMPLETION REQUIREMENTS

The following limitations and completion requirements apply:

- A community may have a Zone AR designation only once while restoring a flood control system. This limitation does not preclude future “flood protection restoration” zone designations should a fully restored, certified, and accredited system become decertified for a second or subsequent time.
- A community must complete restoration or meet the adequate progress requirements of Section 61.12 of the NFIP regulations within 10 years from the date of submittal of the community’s application for the Zone AR designation, whether the funding source is Federal or non-Federal.
- While a Zone AR designation can be applied in an area affected by the decertification of a levee system that is shown on the effective FIRM in coastal areas, it cannot be applied when such area would be subject to coastal high hazards as defined in Section 59.1 of the NFIP regulations.

FEMA REVIEW AND RESPONSE

FEMA will review all information and documentation submitted in support of the community's application for the “flood protection zone” determination. Upon completing this review, FEMA will respond, in writing, to the community CEO.

If FEMA issues a “flood protection restoration” determination, it will prepare the new or revised FIRM that designate the temporary Special Flood Hazard Area (SFHA) as Zone AR. Existing SFHAs shown on the effective FIRM for the areas that are further inundated by Zone AR flooding will be designated as one of the following flood insurance risk zones:

- Zone AR/AE or AR/AH with Zone AR Base (1-percent-annual-chance) Flood Elevations (BFEs);
- Zone AE or AH with BFEs;
- Zone AR/AO with Zone AR BFEs;
- Zone AO with base (1-percent-annual-chance) flood depths;
- Zone AR/A with Zone AR BFEs; or
- Zone A without BFEs.

Please note that Zones AR/AE, AR/AH, AR/AO, and AR/A are referred to collectively as "dual flood zones."



MAINTAINING THE ZONE AR DESIGNATION

To maintain the Zone AR designation, the following requirements must be met:

- During the restoration period, the community and the cost-sharing Federal agency, if any such agency is involved, must certify to the FEMA Regional Office that serves the community, on each anniversary date of the receipt of the “flood protection restoration determination”, that the restoration project will be completed in accordance with the previously submitted restoration plan within the time period specified by the plan.
- The community and the cost-sharing Federal agency, if any, must update the restoration plan and identify any permitting or construction problems that will delay the project completion date from the previously submitted restoration plan and submit it to the FEMA Regional Office that serves the community. The FEMA Regional Office that serves the community will make an annual assessment as to the viability of the restoration plan and will conduct periodic onsite inspections of the system under restoration.

FLOOD INSURANCE REQUIREMENTS

The flood insurance requirements below apply in areas designated Zone AR on an effective FIRM:

- The mandatory flood insurance purchase requirements apply.
- The flood insurance premium rates go into effect on the effective date of the new or revised FIRM showing Zone AR designations.

For more information on flood insurance, please visit the FEMA FloodSmart Web site at www.FloodSmart.gov.

FLOODPLAIN MANAGEMENT AND BUILDING REQUIREMENTS

The floodplain management and building requirements below apply when FEMA has issued a Letter of Final Determination for a new or revised FIRM and has identified “flood protection restoration” areas by designating the areas as Zones AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A on the FIRM. These requirements also apply in areas designated as Zone AR on an effective FIRM. The floodplain management and building requirements below are in accordance with Section 60.3(f) of the NFIP regulations.

- The community must adopt an official map or legal description of those areas within Zone AR and dual flood zones that are designated as “developed areas,” as defined in Section 59.1 of the NFIP regulations.
- For all new construction of structures in areas within Zone AR, the community must determine the applicable Zone AR BFE and use that BFE to apply the requirements of Subsections 60.3(c)(1) through (14) of the NFIP regulations.



- For areas that are inside the designated developed areas, the community must use the elevation that is 3 feet above the highest adjacent grade (i.e., the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure) or the Zone AR BFE, whichever is lower, regardless of flood depth.
- For areas outside the designated developed areas where the Zone AR flood depth is 5 feet or less, the community must use the elevation that is 3 feet above the highest adjacent grade (or the Zone AR BFE, if that is lower).
- For areas outside the designated developed areas where the Zone AR flood depth is more than 5 feet, the community must use the Zone AR BFE.
- For dual flood zones, the community must use the higher of the applicable Zone AR BFE or the BFE or 1-percent-annual-chance flood depth for the underlying flood insurance risk zone (i.e., A1-30, AE, AH, AO, A).
- For all substantial improvements to existing construction within dual zones, the community must use the BFE or 1-percent-annual-chance flood depth for the underlying flood insurance risk zone (i.e., A1-30, AE, AH, AO, A) to apply the requirements of Subsections 60.3(c)(1) through (14) of the NFIP regulations.
- The community must notify any permit applicant that the area has been designated as Zone AR, Zone AR/A1-30, Zone AR/AE, Zone AR/AH, Zone AR/AO, or Zone AR/A and whether the structure will need to be elevated to or above the Zone AR BFE.

REMOVING ZONE AR DESIGNATION DUE TO “ADEQUATE PROGRESS” REQUIREMENTS BEING MET

At any time during the restoration period, a community may submit a formal request to the FEMA Regional Office that serves the community for an “adequate progress” determination by submitting the information and documentation required in Section 61.12 of the NFIP regulations.

If FEMA determines that adequate progress has been made, FEMA will issue a written determination to the community CEO and will revise the affected FIRM to change the flood insurance risk zone designation in the affected area to Zone A99.

Detailed information on the Zone A99 flood insurance risk zone designation is provided in a separate FEMA document titled “Adequate Progress on Flood Control System: Zone A99 Requirements Summary for State and Local Officials.”

REMOVING ZONE AR DESIGNATION DUE TO PROJECT COMPLETION

At any time during the restoration period, the community that does receive Federal funds for the restoration project must provide written evidence of certification from a Federal agency having flood control system design or construction responsibility to the FEMA Regional Office that the necessary improvements have been completed and that the system has been restored to provide risk reduction to the 1-percent-annual-chance flood.



Likewise, at any time during the restoration period, a community that receives no Federal funds for the purpose of designing or constructing the restoration project must provide written evidence that the restored system meets the requirements of Section 65.10 of the NFIP regulations.

After the project has been completed and the submitted information and documentation has been reviewed by FEMA, FEMA will revise the affected FIRM to reflect the effects of the completed system on the flood hazard and risk information for levee-impacted areas landward of the system.

BENEFITS OF ZONE AR DESIGNATION

The following are some benefits of the Zone AR flood insurance risk zone designation being shown on the effective FIRM for a community:

- The Zone AR designation helps eligible communities establish restoration plans that, when implemented properly, will allow the communities to reduce the flood risk to people and structures living and working behind the levee system.
- The flood insurance premium rates may be lower in SFHAs designated Zone AR than the premium rates in SFHAs with other flood insurance risk zone designations.
- The structure elevation requirements in SFHAs designated Zone AR are more relaxed than the elevation requirements in other SFHAs.
- The designation of Zone AR areas encourages communities to expeditiously restore the 1-percent- annual-chance or greater level of flood risk reduction in at-risk areas.