



ADEQUATE PROGRESS ON FLOOD CONTROL SYSTEMS: ZONE A99 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 currently 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 presented accurately on FIRMs 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>).

FEMA also develops and enforces regulatory and procedural requirements for levee systems that are being constructed for the first time or that are being restored or modified to provide risk reduction at

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 are located at

<http://www.fema.gov/fema-levee-resources-library>

More specific information related to Zone A99 is located at

<http://www.fema.gov/floodplain-management/zone-a99>

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>



least 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.

When these new construction or restoration projects reach certain completion milestones, community officials may choose to submit data and documentation to request that FEMA make an “adequate progress” determination. Information regarding regulatory requirements, procedural requirements, and benefits of FEMA making an “adequate progress” determination and changing the affected FIRM to show the levee-impacted area as Zone A99, is presented below.

Eligibility Requirements

In accordance with Section 61.12 of the NFIP regulations and requirements in Section 19 of the Homeowner Flood Insurance Affordability Act, FEMA may issue “adequate progress” determinations for flood control system (i.e., levee system) construction or reconstruction projects that may significantly limit the area of a community that will be included in areas identified as Special Flood Hazard Area (SFHA) once 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 make an “adequate progress” determination for a construction project and revise the effective FIRM to designate the SFHA in the impacted area as Zone A99. An “adequate progress” determination request can be made when certain project completion milestones, discussed below, are met.

Application and Submittal Requirements

In accordance with Section 61.12(b) of the NFIP regulations, the FEMA Regional Office that serves the community or communities affected by the flood protection system must receive information from the sponsoring community indicating that the project meets all of the following requirements:

- One hundred percent of the total financial project cost of the completed flood control system has been authorized;
- At least 60 percent of the total financial project cost of the completed flood control system has been appropriated;
- At least 50 percent of the total financial project cost of the completed flood control system has been expended;



- All critical features of the flood control system, as identified by FEMA, are under construction, and each critical feature is 50 percent complete, as measured by the actual expenditure of the estimated construction budget funds; and
- The community has not been responsible for any delay in the completion of the system

Each request must contain a complete statement of all relevant facts relating to the flood control system, including, but not limited to, the following:

- Supporting technical data (e.g., U.S. Army Corps of Engineers project data);
- Cost schedules;
- Budget appropriation data;
- Full and precise statement of the purpose of the system;
- Information sufficient to identify all persons affected by the system/project;
- Carefully detailed description of the project, including construction completion target dates;
- True copies of all contracts, agreements, leases, instruments, and other documents; and
- Calculations to establish the present value of the flood protection system if the present value is to be used to support any of the above criteria.

Relevant facts reflected in the submitted documents must be included in the project statement of facts. Each fact must not be merely incorporated by reference, but must be accompanied by an analysis of its bearing on the requirements by specifying the pertinent provisions of Section 61.12(b) of the NFIP regulations.

The request must contain a statement whether, to the best of the knowledge of the person responsible for preparing the application for the community, the project is currently the subject matter of litigation before any Federal, State, or local court or administrative agency, and the purpose of that litigation.

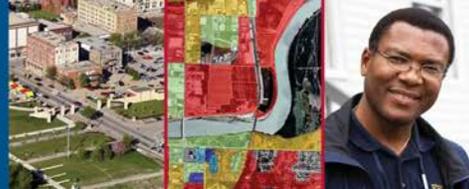
The request must also contain a statement as to whether the community has previously requested an “adequate progress” determination for the project from FEMA, detailing the disposition of such previous request.

Documents submitted to FEMA become part of the file and cannot be returned; therefore, community officials should not submit original documents with their application.

FEMA Review and Response

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

If FEMA issues an adequate progress determination, it will prepare the new or revised FIRM that temporarily designates the flood hazard areas landward of the levee system as Zone A99.



Maintaining Zone A99 Designation

To maintain the Zone A99 designation on the affected FIRM, the community CEO or designee who receives an “adequate progress” determination from FEMA must certify that no present delay in completion of the project is attributable to local sponsors of the project.

The community CEO or designee also must certify that a good faith effort to complete the project is being made. The community must submit this certification annually to the FEMA Regional Office that serves the community, on each anniversary date of receipt of the “adequate progress” determination.

Flood Insurance Requirements

The following flood insurance requirements apply in areas designated Zone A99 on an effective FIRM:

- The mandatory flood insurance purchase requirements apply.
- Properties located in Zone A99 will be charged the same standard flood insurance premium rates that would be applicable once the project is complete (i.e., Zone X (shaded)).
- The adjusted flood insurance premium rates goes into effect on the date the “adequate progress” determination is effective, i.e. the date the map revision or Letter of Map Revision (LOMR) becomes effective.

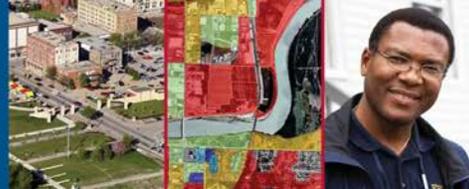
For more information on flood insurance, please visit the FEMA FloodSmart Web site at www.FloodSmart.gov.

Floodplain Management and Building Requirements

At a minimum, the floodplain management and building requirements of Section 60.3 of the NFIP regulations – specifically, Subsections 60.3 (a)(1) through (a)(4)(i) and Subsections 60.3 (b)(5) through (b)(8) (<http://www.fema.gov/media-library/assets/documents/12442>) – apply in areas designated Zone A99 on an effective FIRM. NFIP participating communities must meet the following requirements in Zone A99 areas:

- Floodplain management permits;
- A determination whether the building site will be reasonably safe from flooding;
- New or substantially improved building that are subject to flooding must be constructed by methods and practices to minimize flood damage; and
- A review of subdivision proposals to determine whether proposed structures will be reasonably safe from flooding.

A community can choose to adopt and enforce higher regulatory standards, which will be documented in the local floodplain management ordinance.



Removing Zone A99 Designation

A community that has received an “adequate progress” determination from FEMA must notify the FEMA Regional Office that serves the community if, at any time, all progress on the completion of the project has been halted or if the project has been canceled. In such cases, FEMA will revise the affected FIRM to present flood hazard and risk information based on the levee system not providing adequate risk reduction to the 1-percent-annual-chance flood. The levee-impacted area would be analyzed to determine how to properly map the resulting flood hazards.

Otherwise, when the project has been completed, the community CEO or designee can submit an accreditation package to request that FEMA accredit the levee system and revise the affected FIRM to show the impacted area as a medium-risk area with a Zone X (shaded) flood insurance risk zone designation.

FEMA will review all data and documentation submitted by the community to show compliance with Section 65.10 of the NFIP regulations. Upon completion of the review, FEMA will issue its determination, in writing, to the community CEO or designee and will make the appropriate changes to the affected FIRM.