



# Guidance for Flood Risk Analysis and Mapping

Zone AR and Zone A99 Determinations

November 2022



FEMA

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Requirements for the Federal Emergency Management Agency (FEMA) Risk Mapping, Assessment, and Planning (Risk MAP) Program are specified separately by statute, regulation, or FEMA policy (primarily the Standards for Flood Risk Analysis and Mapping). This document provides guidance to support the requirements and recommends approaches for effective and efficient implementation. Alternate approaches that comply with all requirements are acceptable.

For more information, please visit the FEMA Guidelines and Standards for Flood Risk Analysis and Mapping webpage ([www.fema.gov/guidelines-and-standards-flood-risk-analysis-and-mapping](http://www.fema.gov/guidelines-and-standards-flood-risk-analysis-and-mapping)). Copies of the Standards for Flood Risk Analysis and Mapping policy, related guidance, technical references, and other information about the guidelines and standards development process are all available here. You can also search directly by document title at <https://www.fema.gov/library>.

## Table of Revisions

The following summary of changes details revisions to this document subsequent to its most recent version in May 2015.

Affected Section or Subsection	Date	Description
Entire Document	November 2022	Added updates to align with current terminology.
Section 1.1, 1.4	November 2022	Added clarification of related laws and statutes including additional text regarding requirements under Biggert-Waters Flood Insurance Reform Act of 2012.
Section 3.0	November 2022	Added new Section 3.0 “Review and Response by FEMA.”
Section 4.0, 4.1	November 2022	Added clarification on requirements for submittal and review of the annual package including potential items to address for Zone A99 submittals.
Section 5.0	November 2022	Added Section 5.0 “Removing or Revising Zone AR or Zone A99.”

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# 1. Introduction

## 1.1. Background

The Federal Emergency Management Agency (FEMA) develops hydrologic and hydraulic studies and mapping of floodplains and floodways that create a broad-based awareness of flood hazards and associated risks, including where levees are constructed for flood control. There are many uses for the supporting engineering data and products. Communities participating in the National Flood Insurance Program (NFIP) such as State, Tribal, and local floodplain management jurisdictions use these data and products for planning and to regulate development in floodplains in accordance with FEMA's minimum floodplain management criteria. Flood hazard data, primarily Flood Insurance Rate Maps (FIRMs), are used to determine whether property owners are required by law to obtain flood insurance as a condition of federally backed mortgages or certain other federally related financial assistance. States and communities use flood hazard data for emergency management and for land-use and water-resource planning.

FEMA defines a “flood protection system” for purposes of the NFIP in its regulations at Title 44 Code of Federal Regulations<sup>1</sup> (44 CFR) 59.1 as “those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.” Although the definition of a flood protection system can refer to a variety of structures, the most common application within the NFIP is in regard to levee systems. For the purpose of this guidance document, the term “flood protection system (flood hazard reduction system)” will be primarily referencing levee systems but can include any of the other structures stated within the definition under 44 CFR 59.1. The term “protection” does not fully communicate the residual risk landward of a levee system. FEMA and its mapping partners should reiterate to communities that a serves to reduce, not eliminate, risk of flood hazards.

Flood hazard reduction systems that are designed to provide risk reduction to the base (1% annual-chance) flood hazard may be accredited by FEMA, meaning that lands from which floodwaters from a specific flooding source are excluded by the flood hazard reduction system (the levee impacted area) will be identified as areas of moderate flood hazard risk on a FIRM. Flood hazard reduction system accreditation requires certain design, operation, and maintenance criteria to be demonstrated, as set forth in FEMA's regulations at 44 CFR Section 65.10. Documentation of the criteria must be submitted to FEMA with appropriate certification of data. The certification by a registered

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<sup>1</sup> [www.gpo.gov/fdsys/pkg/CFR-2000-title44-vol1/content-detail.html](http://www.gpo.gov/fdsys/pkg/CFR-2000-title44-vol1/content-detail.html)

professional engineer or other party where appropriate of this supporting data is not a warranty or guarantee of performance of the system, expressed or implied. Further information regarding the accreditation of levee systems can be found in Chapter 4 of FEMA's Levee Guidance document. Clarification of the requirements and responsibilities to certify technical data to support a map change request is found in FEMA's regulations at 44 CFR 65.2(b).

- For accreditation, the certification of this documentation must state that:
- The flood hazard reduction system meets the design requirements of 44 CFR 65.10;
- Data submitted in the flood hazard reduction system certification package are accurate to the best of the certifier's knowledge; and
- Analyses were performed correctly and in accordance with sound engineering practices.

If the flood hazard reduction system owner does not provide the necessary certification data and documentation for the flood hazard reduction system, it will not be reflected as accredited on the effective FIRM. FEMA closely monitors accreditation status of flood hazard reduction systems and for flood hazard reduction systems that cannot be certified to meet, or continue to meet, the requirements for accreditation, FEMA will plan to apply the levee analysis and mapping procedure for non-accredited levee systems to study and remap the levee impacted area as a Special Flood Hazard Area (SFHA) or Zone D, as appropriate. FEMA wants to encourage state and local governments to understand and manage their flood risks and to properly integrate flood-control structures into local flood risk reduction activities, including proper emergency preparedness flood warning, operation, and maintenance.

The NFIP regulations contain two provisions that help ameliorate the flood insurance impact on communities during the construction or restoration of non-accredited flood protection systems. These are based on provisions of the National Flood Insurance Act of 1968,<sup>2</sup> as amended, as cited in the U.S. Code<sup>3</sup> (U.S.C.) at 42 U.S.C. 4014 (e) and 42 U.S.C. 4014(f). These provisions are intended to provide reduced (but still required) flood insurance premium rates for insurable structures landward of flood hazard reduction system projects designed and intended for eventual accreditation. Under 42 USC 4014 (e), provisions are provided for communities who make adequate progress on the construction of flood hazard reduction system. The resulting flood hazard zone landward of the flood hazard reduction system meeting these provisions is indicated as Zone A99. Under 42 USC 4014 (f), provisions are provided for communities who are restoring discredited flood hazard reduction systems, provided they meet certain requirements. The resulting flood hazard zone landward of flood hazard reduction systems meeting these provisions is indicated as Zone AR. Under these provisions, a flood hazard reduction system undergoing construction, rehabilitation or restoration, but that

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<sup>2</sup> <https://www.fema.gov/media-library/assets/documents/7277>

<sup>3</sup> <http://www.law.cornell.edu/uscode/text/42/chapter-50>

cannot currently meet 44 CFR 65.10 requirements, is recognized as providing some (less than the 1% annual-chance flood) level of risk reduction and, therefore, residents in the levee impacted area may have reduced federal floodplain management requirements. This guidance document outlines and clarifies the requirements to obtain and maintain these determinations.

The Biggert-Waters Flood Insurance Reform Act of 2012 (Biggert Waters), Pub. L. 112-141, clarified requirements for eligibility for flood coverage and termination of eligibility relating to communities that have made adequate progress on reconstruction or improvements of a flood hazard reduction system for a Zone A99. This includes provisions for FEMA to consult with a community regarding their progress at regular intervals and establishing a termination date of coverage at 5 years after the date of the reconstruction or construction of the improvement commences unless a waiver is obtained.

The Homeowner Flood Insurance Affordability Act<sup>4</sup> (HFIAA), Pub. L. 113-89, revised some elements of the National Flood Insurance Act (NFIA). A significant change in the requirements for a Zone AR or Zone A99 determination is the removal of the Federal funding requirements. In addition, the legislation allows for AR determinations for flood hazard reduction systems in coastal areas, provided they are not in coastal high hazard areas. This guidance document outlines the updated requirements to conform to the effective law.

Further details on the implementation of the provisions found in the National Flood Insurance Act of 1968 and its amendments and clarifications are found under 44 CFR 61.12 for Zone A99 areas and under 44 CFR 65.14 for Zone AR areas. Additional information regarding the requirements and regulation of adequate progress determinations (Zone A99) and flood hazard reduction restoration areas (Zone AR) are described in the proceeding sections.

## **1.2. Adequate Progress (Zone A99) Determinations**

Adequate Progress (Zone A99) determinations, regulated through 44 CFR 61.12, provides for lower flood insurance premium rates in areas where FEMA determines that a community has made adequate progress on its construction or reconstruction of a project designed for flood risk reduction. These areas landward of the flood hazard reduction system are designated as Zone A99 on the FIRM and floodplain management requirements are generally less than those required in other SFHAs (e.g., Zone AE, Zone AO, and Zone AH). A Zone A99 designation is used in place of a Zone X (shaded) designation for the landward area of the flood hazard reduction system. The horizontal extent of the Zone A99 would match the boundary extent of the potential area of flood hazard reduction from the system.

To make a Zone A99 determination request, the Chief Executive Officer (CEO), or their designee, of the community should address their request to the Federal Insurance Administrator, care of the

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<sup>4</sup> <https://www.congress.gov/bill/113th-congress/house-bill/3370>

Regional Office, when a project meets considerations of completeness, percent of the project budget expended, and funding authorization. Submission requirements for an adequate progress determination are explained in Section 2.1. If FEMA issues an adequate progress determination and issues a FIRM or a Letter of Map Revision (LOMR) to show a Zone A99, the effective date of the determination (the determination anniversary date) will establish the annual date for community progress reporting to indicate adequate progress has been made on the project. The annual reporting requirements for a community to maintain a Zone A99 designation are explained in detail in Section 3.1.

### **1.3. Flood Hazard Reduction Restoration (Zone AR) Determinations**

Flood hazard reduction restoration (Zone AR) determinations, regulated through 44 CFR 65.14, may provide reduced floodplain management regulations in areas where FEMA has issued a determination that a project is sufficiently underway to restore a flood hazard reduction system to meet 44 CFR 65.10 accreditation requirements. Areas landward of the flood hazard reduction system that is being rehabilitated are designated as Zone AR on the FIRM and may have base flood elevations (BFEs) representing the current risk as if the flood hazard reduction system was not in place.

To obtain a Zone AR designation, the flood hazard reduction system must have previously been shown as providing flood hazard reduction on the effective FIRM, no longer meet NFIP accreditation requirements of 44 CFR 65.10, provide some risk reduction for residents in the levee impacted area, and be the subject of a restoration project to restore the flood hazard reduction system to provide risk reduction to the 1% annual-chance flood. This designation cannot be applied to flood hazard reduction structures that have not been shown as providing flood hazard reduction previously.

A flood hazard reduction system's accreditation status may be impacted by the decertification<sup>5</sup> (non-accreditation) by a Federal agency responsible for flood hazard reduction design and construction or the inability of a community to provide 44 CFR 65.10 documentation during a map change. The community must be able to demonstrate that it is in the process of restoring the flood hazard reduction system to a design that meets the federal minimum of 1% annual-chance flood risk reduction as outlined in 44 CFR 65.10. The community must also meet other requirements in 44 CFR 65.14 aimed at ensuring that the flood hazard reduction system will be restored within established time frames, and the restoration project currently offers some risk reduction. A Zone AR determination may be beneficial in situations where a flood hazard reduction system restoration project has not progressed to the point to be eligible for a Zone A99 determination but does offer some risk reduction based on the degree to which the project is complete. In areas designated Zone AR, the mandatory flood insurance purchase requirement still applies for most mortgages and other

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<sup>5</sup> For FEMA accreditation, "Decertification" by a Federal agency responsible for flood protection (hazard reduction) design and construction includes rescinding a previous accreditation recommendation or providing a recommendation to not accredit the flood hazard reduction system.

federally related financial assistance. Additionally, floodplain management requirements may be reduced. A Zone AR designation can only be issued for a flood hazard reduction system once the system has been de-accredited and the restoration process is underway. A flood hazard reduction system is only eligible for a Zone AR designation once during restoration; however, a participating NFIP community can apply for a Zone AR designation if the system is accredited and then de-accredited again. The requirements for receiving a Zone AR designation are explained in detail in Section 2.2 and requirements to maintain a Zone AR designation are explained in Section 3.2.

## **1.4. Differences between Zone AR and Zone A99 Designations**

Zone AR and Zone A99 each have distinct flood hazard reduction system completion and floodplain management requirements.

### **1.4.1. PROJECT DETERMINATION REQUIREMENTS FOR FEMA TO CONSIDER A99 OR AR DETERMINATIONS**

A Zone A99 determination requires that adequate progress be made on the construction of a flood hazard reduction system that will significantly limit the area of special flood hazards. Adequate progress is defined in 44 CFR 61.12(b) and is summarized as follows:

- 100% of the total financial project cost of the completed flood hazard reduction system has been authorized;
- At least 60% of the total financial project cost of the completed flood hazard reduction system has been appropriated;
- At least 50% of the total financial project cost of the completed system has been expended;
- All critical features of the flood hazard reduction system, as identified by the Administrator, are under construction, with each critical feature is 50% completed 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 flood hazard reduction system.

This includes provisions for FEMA to consult with a community regarding their progress at regular intervals and provision that stated the reconstruction or improvement has a project schedule that does not exceed 5 year, beginning on the date on which reconstruction or construction of the improvement commences. The date of commencement shall be considered to be the date of which the community/owner of the flood hazard reduction system submits a request for determination for a Zone A99. A waiver may be pursued by the community to FEMA regarding the 5-year timeline if it can be determined that the community has made adequate continuing progress and there is a reasonable expectation that the flood hazard reduction system will be completed no later than 1 year after the termination of the 5-year timeline.

Conversely, a Zone AR designation has no required construction milestones; however, the flood hazard reduction system must have been previously accredited, no longer be eligible for accreditation, and must currently provide risk reduction from the flood having at least a 3% annual-chance of occurrence.

#### **1.4.2. FLOODPLAIN MANAGEMENT REQUIREMENTS**

Zone A99 areas have reduced floodplain management requirements, outlined at 44 CFR 60.3(d), and are comparable to the requirements for levee impacted areas landward of accredited flood hazard reduction systems. Generally, structures are not federally required to be elevated to the BFE associated with the flooding source to which the flood hazard reduction system is offering risk reduction (i.e., the riverward BFE).

In recognition of the reduction of risk provided by flood hazard reduction systems undergoing restoration, flood protection restoration (Zone AR) zones have floodplain management requirements, outlined at 44 CFR 60.3(f), that must be enforced until the flood hazard reduction system can be accredited or is eligible for an adequate progress determination. See 44 CFR 61.12 and 65.14(b). The Zone AR floodplain management criteria may allow new construction and substantially improved structures in the levee impacted area at reduced elevation requirements compared to other SFHAs. The AR Zone is also designed to convey the message that people and structures in a Zone AR remain exposed to an increased flood risk during the restoration period. Floodplain management requirements in Zone AR areas are:

- 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 for the underlying (previous or historic) flood hazard 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 for the underlying flood hazard 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.

Continued coordination with communities is recommended to ensure that floodplain managers are aware of their ability to require higher standards in local ordinances than those in the NFIP regulations. Timely and continuous risk communication will ensure that property owners are aware of the risks associated with flood hazard reduction systems, regardless of their status (i.e., Zone AR, Zone A99, or full accreditation).

## **1.5. Movement towards Completion of the Flood Hazard Reduction System**

Neither Zone AR nor Zone A99 designations should be planned or considered permanent. FEMA's goal is to communicate risk to inform local decision-making regarding risk reduction. If a flood hazard reduction system that is in the process of being improved or built is reducing some risk of flooding, Zone AR or Zone A99 designations can be considered if the flood hazard reduction system is reasonably expected to meet NFIP requirements outlined in 44 CFR 65.10 upon its completion. However, Zone AR or A99 designations should be implemented as a temporary condition, not an alternative to accreditation, considering a Zone AR determination has a set time limit. The flood hazard reduction system construction or restoration project should move toward completion and certification so the affected FIRM panels can depict the flood hazard reduction system as accredited. Communities are required to display movement toward completion and certification on an annual basis, as detailed in the Requirements for the Continuation of a Zone AR or Zone A99 Determination section of this guidance document (Section 3.0). Subsections 1.5.1 through 1.5.3 outline possible next steps a community may take after a Zone AR or Zone A99 determination is issued.

A community can submit a request for a Conditional Letter of Map Revision (CLOMR) to receive FEMA's official comment on the eligibility for accreditation or other mapping options before the project is completed, recognizing that the current effective BFEs will be used to evaluate the flood hazard reduction system at the time of project completion and submittal of an accreditation request to FEMA. A formal map change vehicle (LOMR, PMR or flood study) must be completed to officially update the FIRM to show the Zone A99 or Zone AR before insured properties landward of the flood hazard reduction system can receive benefits from this zone designation.

The Regional Office should also coordinate with the community if concern is raised over the amount (or lack) of progress made during a year, as shown in the community's required annual project progress letter to FEMA. Further discussion is held in Section 4.0.

### **1.5.1. AREAS THAT PROCEED FROM A ZONE AR DETERMINATION TO A ZONE A99 DETERMINATION**

While a Zone AR determination is available only once during a flood hazard reduction system restoration project, a community may request a Zone A99 determination if data are submitted to show that the project has achieved adequate progress as defined at 44 CFR 61.12(b). All data and documentation for the Zone A99 determination (see Section 2.1) must be submitted to FEMA and reviewed before the Zone A99 determination will be issued.

### **1.5.2. PURSUING ACCREDITATION AFTER ZONE AR OR ZONE A99 DETERMINATIONS**

Once the flood hazard reduction system project (either new construction or restoration) has been completed and has been certified by a licensed Professional Engineer to meet the NFIP requirements outlined at 44 CFR 65.10, the community may pursue accreditation by submitting to FEMA all required data and documentation that comprise a flood hazard reduction system certification package to support the accreditation request.

### **1.5.3. APPLICATION OF THE ANALYSIS AND MAPPING PROCEDURE FOR NON-ACCREDITED LEVEE SYSTEMS**

If a flood hazard reduction system will not achieve risk reduction to the 1% annual-chance flood level by meeting the requirements of 44 CFR 65.10, the community should pursue the updated analysis and mapping procedure for non-accredited levee systems to determine how best to show the areas landward of the flood hazard reduction system with a combination of acceptable techniques. If the 10-year period for a Zone AR designation or the 5-year period for Zone A99 has expired or if the community cannot display its continued effort toward completion via the required annual adequate progress letters to FEMA, the Regional Office will communicate to the community that the flood hazard reduction system will be re-evaluated and remapped using the analysis and mapping procedure for non-accredited levee systems. Further information regarding the analysis and mapping procedure for non-accredited levees can be found in Chapter 6 of the FEMA Levee Guidance document. The applicable FEMA Regional Office should appropriately prioritize the project to communicate and remap the landward side of the flood hazard reduction system.

## **2. Submittal Requirements for Zone A99 and Zone AR Determinations**

Consistency, accountability, and visibility are vital when processing Zone A99 and Zone AR determination requests. Such requests, although historically rare, have been submitted via both the flood study and map revision (MT-2, CLOMR/LOMR) processes. All Zone A99 and AR requests must be coordinated with FEMA Regional Office and FEMA Headquarters prior to issuance. Additionally, all data and documentation must be included in the case file associated with the map action, to ensure that a review is possible later and to preserve the administrative record of agency action.

## **2.1. Submittal Requirements for an Adequate Progress (Zone A99) Determination**

The data requirements for Zone A99 determinations are outlined at 44 CFR 61.12, but they have been amended by HFIAA. Any flood hazard reduction system that has met adequate progress toward completion and that will, once completed, provide risk reduction for the 1% annual-chance flood level can receive a Zone A99 determination, regardless of the amount of Federal funding involved in the project. To apply for the Zone A99 designation, a community must submit a formal written request, signed by the community CEO or designee. The Zone A99 determination request should be included as part of a map action (a study or map revision) and include a complete statement of all relevant facts relating, but not limited, to the following:

- Description to confirm the flood hazard reduction system meets the 44 CFR 61.12(b) description of adequate progress;
- Supporting technical data;
- Cost schedules;
- Budget appropriation data;
- A full and precise statement of the intended purposes of the flood hazard reduction system;
- A detailed description of the flood hazard reduction system project, including completion date and whether the flood hazard reduction system is currently the subject of litigation before any local, State, or Federal court or administrative agency; and
- Any additional information or documents that support the determination of adequate progress.

In addition, copies of flood warning, emergency preparedness plan and evacuation plans from the communities should also be submitted.

All correspondence and records of the written request and supporting documentation for an adequate progress determination, submitted to FEMA by the community CEO or designee, must be recorded in the case file for the map action and maintained in the FEMA Engineering Library following standard records management practices.

### **2.1.1. CALCULATING THE PRESENT VALUE**

Flood hazard reduction systems that are being built or are undergoing reconstruction are eligible for an adequate progress determination and may leverage the value of existing flood hazard reduction system components (the present value) to meet the requirements for adequate progress to obtain a Zone A99 determination. In those situations, the total project cost is not only the cost of the reconstruction project, but the value of the existing components combined with the cost of the reconstruction project.

## 2.2. Submittal Requirements for a Flood Protection Restoration (Zone AR) Determination

The data requirements for Zone AR determinations are outlined at 44 CFR 65.14. A flood hazard reduction system that has been accredited previously, data has been decertified and is ineligible for accreditation, and is undergoing restoration to restore risk reduction to at least the 1% annual-chance flood level may be eligible to receive a Zone AR determination. Data requirements and the time to completion are applied to requests without regard to the amount of Federal funding consistent with HFIAA and may be requested for coastal areas that are not within Coastal High Hazard Areas (as defined at 44 CFR 59.1). To apply for the Zone AR designation, a community must submit a formal written request, signed by the community CEO or designee, along with a detailed restoration plan. The Zone AR determination request must be included as part of a map action (a study or map revision) and include a complete statement of all relevant facts relating, but not limited, to the following:

- A legislative action by the community requesting the Zone AR designation;
- Whether the flood hazard reduction system is currently the subject matter of litigation before any local, State, or Federal court or administrative agency;
- A statement as to whether the community has previously requested a Zone AR determination for the same flood hazard reduction system restoration project;
- A statement from the community and certification (as defined at 44 CFR 65.2(b)) from a licensed Professional Engineer, or by a Federal agency responsible for flood risk reduction system design or construction, that the system no longer provides risk reduction to the 1% annual-chance flood level but continues to provide risk reduction to the flood having at least a 3% annual-chance of occurrence;
- An official map of the community (or legal description, with supporting documentation), which the community will adopt as part of its floodplain management measures, which designates developed areas;
- A statement identifying the local agency responsible for restoration of the flood hazard reduction system;
- A study, with certification (as defined at 44 CFR 65.2(b)) by a licensed Professional Engineer or by a Federal agency responsible for flood risk reduction system design or construction, demonstrating that the flood hazard reduction system is restorable to provide risk reduction to the 1% annual-chance flood level;
- A statement from the local agency responsible for restoration of the flood hazard reduction system, with certification (as defined at 44 CFR 65.2(b)) by a licensed Professional Engineer or by a Federal agency responsible for flood risk reduction system design or construction, that the

system will meet the applicable requirements of Part 65 of the NFIP regulations once the improvements have been completed;

- A statement from the local agency responsible for the restoration of the flood hazard reduction system that identifies the source of funds for constructing the restoration project and the percentage of the total funds contributed by each source to demonstrate that 100% of the total financial project cost of the completed system has been appropriated; and
- A restoration plan to return the flood hazard reduction system to a 1% annual-chance flood level of risk reduction that includes, at minimum:
  - A list of all important project elements, such as acquisition of permits and construction schedules;
  - A list of significant project dates, including start and completion dates for each project element, project milestones, and flood hazard reduction system restoration project completion date; and
  - The projected date on which “as built” drawings and certification for the completed restoration project will be submitted to FEMA (not to exceed 10 years).

In addition, copies of flood warning, emergency preparedness plans and evacuation plans from the communities should also be submitted.

All correspondence and records of the written request and supporting documentation for a flood hazard reduction restoration determination, submitted to FEMA by the community CEO or designee, must be recorded in the case file for the map action and maintained in the FEMA Engineering Library following standard records management practices.

### **3. Review and Response by FEMA**

FEMA will review the Zone AR or Zone A99 request for compliance with the data requirements. The review and response will be in accordance with procedures in 44 CFR 65.9. Upon receipt of the application and data requirements for Zone AR or Zone A99, FEMA will mail an acknowledgement of receipt of such request to the Chief Executive Officer of the community. Within 90 days of receiving the request with all necessary information, FEMA will notify the community the findings of the review. Refer to FEMA MT-2 Requests Guidance Document 106 for additional guidance on review procedures.

Based on reviewing the submitted Zone AR or Zone A99 data/documentation for compliance, FEMA will revise the FIRM through issuance of a map change vehicle, either a Letter of Map Revision (LOMR), a Physical Map Revision (PMR), or flood study. Regardless of the map change vehicle, LOMR or PMR/flood study, the submitted data/documentation must comply with the regulations and requirements for Zone AR or Zone A99, as appropriate. The horizontal extent of the Zone AR or Zone A99 flood hazard boundary will match the extent of the potential area of flood hazard reduction by

the flood hazard reduction system that in the future would be adjusted to a Zone X (shaded). For levee systems, this boundary is the levee impacted area.

## 4. Requirements for the Continuation of a Zone AR or Zone A99 Determination

On the anniversary of a Zone AR or Zone A99 determination, the community CEO or designee must submit an annual package certified by the responsible community official to FEMA. Because no technical or structural information needs to be submitted with these annual packages, the community official who signs the package is not required to be a registered Professional Engineer. The applicable FEMA Regional Office should review each annual package and maintain these records as long as the Zone AR or Zone A99 determination is in effect. Data and documentation received by the Regional Office to maintain a Zone AR or Zone A99 determination must be stored in the FEMA Engineering Library. Based on a review of the applicable annual package, the responsible FEMA Regional Office must recommend to FEMA Headquarters whether to continue the Zone AR or A99 designation.

FEMA Regional Offices will issue reminder letters to communities at least 30 days prior to their annual package submittal deadlines. If the annual package is not provided, FEMA Regional office should issue a follow up letter after the deadline. For Zone A99 determinations, FEMA shall also consult with the community/owner of the flood hazard reduction system at intervals of 6, 18 and 36 months after the date of determination to assess whether the community has made adequate progress on the reconstruction or improvement of the flood hazard reduction system and will be completed within the project schedule.

If a community is not able or willing to submit an annual package, the annual package does not indicate progress toward completion, the FEMA Regional Office must coordinate with the community and FEMA Headquarters to prioritize this area for the removal of the Zone AR or Zone A99 designation as discussed in Section 5. In addition, FEMA should prioritize this flood hazard reduction system as a candidate for applying the analysis and mapping procedures for non-accredited levee systems.

A Local Levee Partnership Team meeting should be requested, per Chapter 6 of the FEMA Levee Guidance, to discuss next steps with the community and to initiate the analysis and mapping procedure for non-accredited levee systems when the Zone AR or Zone A99 determination cannot be maintained.

### 4.1. Zone A99 Determination Annual Package

To maintain a Zone A99 designation, a community must send an annual package, certified by a responsible community official and submitted on the anniversary date of the determination from FEMA. The annual package is to address the progress towards completion of the flood hazard reduction system and may include, but not limited to, the following items as applicable:

- A certification from the community that there is no present delay in the completion of the flood hazard reduction system that is attributable to the community and that a good faith effort is being made to complete the project
- An overview of project activities completed during the past year and what is planned to be completed in the coming year
- A discussion of any technical issues that could jeopardize the future certification and accreditation of the flood hazard reduction system
- A discussion of any project modifications required during the past year or the upcoming year
- A discussion of any financial issues that could jeopardize an “on-time” completion of the project
- A discussion of any cost increases due to past or future project modifications
- A discussion of any right-of-way acquisition issues that could jeopardize an “on-time” completion of the project
- A discussion of any environmental permitting issues that could jeopardize an “on-time” completion of the project

This package must be submitted to the Administrator; however, the community may submit through the local regional office.

## **4.2. Zone AR Determination Annual Package**

Under 44 CFR 65.14(g), to maintain a Zone AR designation, a community must send the Regional Office an annual package, certified by a responsible community official and the cost-sharing Federal agency, if any, which includes the following:

Confirmation that the restoration project will be completed in accordance with the restoration plan;

A summary of any permitting or construction problems that may delay or otherwise affect the restoration plan; and

An updated restoration plan that addresses any changes to the restoration project’s schedule and accounts for any encountered problems. Delays cannot result in the extension of the 10-year total timeframe for a Zone AR designation.

## **5. Removing or Revising Zone AR or Zone A99**

Zone AR and Zone A99 determinations are temporary and are not meant to be permanent solutions for depiction of risk behind flood hazard reductions systems. Both determinations include a timeline

for the project schedule to be complete and there are several options for removing the Zone AR or Zone A99 determinations from the FIRM.

The Zone AR designation can be removed if the following occurs:

- The restoration project meets the milestones for “adequate progress” specified in Section 61.12 of the NFIP regulations and requirements in Section 19 of the Homeowner Flood Insurance Affordability Act, Pub. L. 113-89, Section 19 (2014), 42 U.S.C. §4014 (e), community officials submit data and documentation to the FEMA Regional Office to request an “adequate progress” determination, and the FEMA Regional Office issues an “adequate progress” determination for the project. In such cases, FEMA will change the flood hazard zone designation for the levee-impacted area from Zone AR to Zone A99.
- A community submits certification to FEMA that the project has been completed and FEMA confirms that the completed project provides adequate hazard reduction to the 1% annual-chance flood. In such cases, FEMA will change the flood hazard zone designation for the levee-impacted area from Zone AR to Zone X (shaded).
- The community fails to comply with its restoration plan or FEMA determines that satisfactory progress is not being made toward completing a federally funded restoration project. In such cases, FEMA may change the flood hazard zone designation for the levee-impacted area from Zone AR to Zone A or Zone AE, depending on the type of engineering study that was performed for the flooding source.

The Zone A99 designation can be removed if the following occurs:

- A community submits certification to FEMA that the project has been completed, and FEMA confirms that the completed project provides an adequate reduction of the base (1% annual-chance) flood hazard. In such cases, FEMA will change the flood hazard zone designation for the levee-impacted area from Zone A99 to Zone X (shaded).
- If the project has not completed within 5 years after the date on which the reconstruction or construction of the improvement commences, all progress on completing the project has been halted or the project has been canceled, FEMA will prioritize the flood hazard reduction system as a candidate for applying the analysis and mapping procedures for non-accredited levee systems, which may result in updating the flood hazard zone designation for the levee impacted area from Zone A99 to either Zone D or Zone AE.

If FEMA has determined the flood hazard reduction project is not likely to be completed in accordance with the project schedule or the project has not made adequate progress, the FEMA Regional office shall notify the community/owner of the flood projection system. In addition, FEMA must provide the owner of the flood hazard reduction system the opportunity to respond.