

# Adequate Progress on Flood Protection Systems

## Frequently Asked Questions Regarding the Zone A99 Flood Insurance Risk Zone Designation

LEVEES  
IDENTIFYING  
THE RISK

Communities, State agencies, and Federal agencies may design and build new levee systems or they may restore the flood protection and risk-reduction capability of existing levee systems to address flood hazards and reduce flood risks in a particular community or particular area of a State. When such projects involve Federal funds and certain milestones are met, a community may choose to submit the appropriate data and documentation to the Federal Emergency Management Agency (FEMA) and request an “adequate progress” determination.

### **Q: When does the Federal Emergency Management Agency (FEMA) issue an “adequate progress” determination?**

**A:** In accordance with Section 61.12 of the National Flood Insurance Program (NFIP) regulations, FEMA issues adequate progress determinations for flood protection system construction projects involving Federal funds that may significantly limit the area of a community that will be included in the identified Special Flood Hazard Area (SFHA). The SFHA, also known as the high-risk area, is the area that will be inundated by the 1-percent-annual-chance flood. Such projects reduce, but do not eliminate, the risk of flooding to people and structures in “levee-impacted” areas.

### **Q: What requirements must be met and what information must FEMA receive before “adequate progress” can be determined?**

**A:** The FEMA Regional Office that serves the affected community/communities must receive information from the sponsoring community/communities indicating that:

- 100 percent of the total financial project cost of the completed flood protection system has been authorized;
- At least 50 percent of the total financial project cost of the completed flood protection system has been expended;
- At least 60 percent of the total financial project cost of the completed flood protection system has been appropriated;
- All critical features of the flood protection system, as identified by FEMA, are under construction, and each critical feature is 50 percent 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 system.

### **Q: How does a community request an adequate progress determination?**

**A:** The community Chief Executive Officer (CEO) or another community official must submit a written request to the Administrator of the FEMA Regional Office that serves the community. (The Regional Office addresses are accessible through the FEMA Web site ([www.fema.gov/about/regions/index.shtm](http://www.fema.gov/about/regions/index.shtm).) Each request must include “a complete statement of all relevant facts” relating to the system, as detailed in Paragraph 61.12(c) of the NFIP regulations.

### **Q: What data and documentation must the community include with the adequate progress determination request?**

**A:** The data and documentation to be submitted with each request includes, but is not limited to, the following:

- Supporting technical data (e.g., U.S. Army Corps of Engineers project data)
- Cost schedules
- Budget appropriation data
- Extent of Federal funding of system construction
- Full and precise statement of the purpose of the system
- Information sufficient to identify all persons affected by system/project
- Carefully detailed description of project, including construction completion target dates
- True copies of *all* contracts, agreements, leases, instruments, and other documents

**Q: What else must be emphasized in preparing that statement of facts?**

**A:** Relevant facts reflected in the submitted documents must be included in the statement and not merely incorporated by reference, and must be accompanied by an analysis of their bearing on the requirements of Paragraph 61.12(b) of the NFIP regulations, specifying the pertinent provisions. 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 the subject of litigation before any Federal, State or local court or administrative agency, and the purpose of that litigation. The request must contain a statement as to whether the community has previously requested an adequate progress determination from FEMA, detailing the disposition of that request.

**Q: What effect would an adequate progress determination have on the Flood Insurance Rate Map (FIRM) or Digital Flood Insurance Rate Map (DFIRM) for a community?**

**A:** Upon issuing the adequate progress determination, in writing, to the community CEO, FEMA will revise the affected FIRM or DFIRM panels to change the flood insurance risk zone designation for the levee-impacted area (that is, the area where the flood risk will be reduced once the project is complete) to Zone A99.

**Q: How will property owners benefit from an adequate progress determination by FEMA?**

**A:** The flood insurance premium rates for properties located within the levee-impacted area designated Zone A99 will be the same as the rates that would be applicable when the project is completed. If the SFHA designation will be removed from a property when the project is completed, the property owner will be eligible to pay Zone X (shaded) flood insurance premium rates, which are likely to be significantly lower than the rates associated with SFHA designations. The lower rates would go into effect on the date that FEMA issues the adequate progress determination in writing to the community CEO.

**Q: What effect will an adequate progress determination have on floodplain management and building requirements?**

**A:** At a minimum, the floodplain management and building requirements of Subparagraphs 60.3 (a)(1) through (4) and Subparagraphs 60.3 (b)(5) through (8) apply in areas designated Zone A99 on an effective FIRM or DFIRM.

Some of the basic requirements for Zone A-99 include:

- Require floodplain management permits;
- Determine whether the building site will be reasonably safe from flooding;
- If the site is floodprone, require new and substantially improved buildings be constructed by methods and practices to minimize flood damage; and
- Review subdivision proposals to determine whether proposals will be reasonably safe from flooding.

However, a community can choose to adopt and enforce higher regulatory standards, so always consult the local floodplain management ordinance.

**Q: What actions are required for a community to maintain the Zone 99 flood insurance risk zone designation?**

**A:** To maintain the Zone A99 designation on the affected FIRM or DFIRM panel(s), the community must certify that no present delay in completion of the project is attributable to local sponsors of the project, and that a good faith effort to complete the project is being made. This certification is to be submitted to the FEMA Regional Office annually, on the anniversary date of receipt of the adequate progress determination.

If the community notifies the FEMA Regional Office that all progress on completion of the project has been halted or the project has been canceled, FEMA will revise the affected FIRM or DFIRM panel(s) to show the impacted area as Zone A or Zone AE, depending on the type of engineering study that had been performed for the flooding source.

**Q: Where can interest parties get more information about the Zone 99 flood insurance risk zone designation?**

**A:** Additional information about Zone A99 and an array of other levee-related resources are accessible through the levee-dedicated pages on the FEMA Website. The gateway to the FEMA-provided levee information is [www.fema.gov/plan/prevent/fhm/lv\\_intro.shtm](http://www.fema.gov/plan/prevent/fhm/lv_intro.shtm). A page on this portion of the FEMA Web site is dedicated to Zone A99; that page is located at [www.fema.gov/plan/prevent/fhm/lv\\_a99.shtm](http://www.fema.gov/plan/prevent/fhm/lv_a99.shtm).

