

What is FEMA's mission with regard to levees and levee systems?

- In accordance with its overall mission as NFIP administrator, FEMA determines how flood hazard and risk information is shown on the flood maps in levee-affected areas. This determination is based on information provided by the U.S. Army Corps of Engineers (USACE) and other Federal agencies, State and local agencies that own and/or operate levees, and private levee owners.
- FEMA does not build, maintain, operate, or own levees/levee systems; FEMA also does not have the authority to certify the flood protection capabilities of levees/levee systems.
- Many levees/levee systems—whether they are owned and operated by Federal, State, and local governments or they are owned and operated by private entities or individuals—have been and will continue to be represented on NFIP flood maps.
- Levees/levee systems have been constructed in approximately one-quarter of the counties for which modernized NFIP flood maps, called Digital Flood Insurance Rate Maps, are being prepared. Therefore, accurately identifying the flood risk behind levees is an important element of Map Mod.
- FEMA is working closely with the USACE to collect and store information related to identified levees/levee systems.

What guidance has FEMA provided to Federal, State, and local officials and private levee owners?

- To facilitate the submittal of the appropriate data and documentation, FEMA promulgated regulations during the 1980s (cited in the Code of Federal Regulations at Title 44, Chapter 1, Part 65, Section 65.10) and established operational procedures for the individuals and organizations that are actively involved in the mapping process.
- The review and mapping procedures, in place since the 1980s, are documented in Appendix H of FEMA's *Guidelines and Specifications for Flood Hazard Mapping Partners*.
- To clarify the procedural requirements in Appendix H, FEMA has issued two Procedure Memorandums and a how-to guide for meeting NFIP criteria related to completed levees/levee systems.
- The NFIP regulations related to levees, Appendix H, the two Procedure Memorandums, and other helpful guidance and informational documents can be accessed through dedicated pages on the FEMA Website, which can be accessed through http://www.fema.gov/plan/prevent/fhm/lv_intro.shtm.

How does FEMA decide what flood hazard and risk information should be shown on NFIP flood maps in levee-affected areas?

- In accordance with Section 65.10 of the NFIP regulations, FEMA requires that levee owners or government officials who are seeking to demonstrate flood protection from a completed levee or levee system provide an engineering certification that the levee or levee system complies with certain criteria.
- Based on its review of data and documentation provided by levee owners or government officials, FEMA will either “accredit” a certified levee/levee system; “de-accredit” a levee/levee system; or “provisionally accredit” a levee/levee system.

How is a levee/levee system certified?

- A registered professional engineer must certify that a levee/levee system complies with the structural requirements of Section 65.10 of the NFIP regulations.
- Certification of structural works is further defined in Section 65.2 of the NFIP regulations as “a statement that the works are designed in accordance with sound engineering practices to provide protection from the base [1-percent-annual-chance] flood.”
- As an alternative to these structural requirements, a Federal agency with responsibility for levee design such as the USACE may certify that the levee has been adequately designed and constructed to provide 1-percent-annual-chance flood protection.

What happens when a levee/levee system is “accredited”?

- When a levee/levee system is “accredited”, FEMA presents flood hazard and risk information on the affected flood map panels indicating that the levee or levee system provides adequate protection from the 1-percent-annual-chance flood.
- In such cases, FEMA shows the affected area behind the levee as Zone X (shaded), except for areas of residual flooding, such as ponding areas, which FEMA shows as Special Flood Hazard Area (SFHA).

What happens when a levee/levee system is “de-accredited”?

- When a levee/levee system is “de-accredited”, FEMA presents flood hazard and risk information on the affected flood map panels indicating that the levee or levee system does not provide 1-percent-annual-chance flood protection.
- In such cases, FEMA shows the affected area behind the levee as an SFHA, labeled Zone A if an approximate study was performed or Zone AE if a detailed study was performed.

What happens when a levee/levee system is “provisionally accredited”?

- When a levee/levee system is “provisionally accredited”, this means FEMA has been informed by a community/levee owner that a levee/levee system currently complies with the regulatory requirements of the NFIP, but that the data and documentation required to document compliance with NFIP regulations is not available now. The data and documentation will, however, be provided by a certain date.
- For these “Provisionally Accredited Levees,” or “PALs,” FEMA shows the affected area behind the levee/levee system as Zone X (shaded), except for areas of residual flooding, such as ponding areas, which FEMA shows as SFHA. FEMA adds an explanatory note in the Zone X (shaded) area behind the levee/levee system, indicating the provisional nature of the protection provided.

How does FEMA identify a “Provisionally Accredited Levee,” or “PAL,” on an NFIP flood map?

- To identify a PAL, FEMA applies the following note at several locations behind the levee on the flood map in or near the Zone X (shaded) area: “WARNING: Provisionally Accredited Levee. For explanation, see the Notes to Users.”
- FEMA also adds the note below to the Notes to Users section of the affected flood map panels.

WARNING: This levee, dike, or other structure has been provisionally accredited and mapped as providing protection from the 1-percent-annual-chance flood. To maintain accreditation, the levee owner or community is required to submit documentation necessary to comply with 44 CFR Section 65.10 by (_____, ____). Because of the risk of overtopping or failure of the structure, communities should take proper precautions to protect lives and minimize damages in these areas, such as issuing an evacuation plan and encouraging property owners to purchase flood insurance.

REVISED NOTE:

Note: This area is shown as being protected from the 1-percent-annual-chance or greater flood hazard by a levee system. Overtopping or failure of any levee system is possible. For additional information see the “Accredited Levee Note” in notes to users.

Accredited Levee Notes to Users: Check with your local community to obtain more information, such as the estimated level of protection provided (which may exceed the 1-percent-annual-chance level) and Emergency Action Plan, on the levee system(s) shown as providing protection for areas on this panel. To mitigate flood risk in residual risk areas, property owners and residents are encouraged to have flood insurance and to consider floodproofing or other protective measures. For more information on flood insurance, interested parties should visit the FEMA Website at <http://www.fema.gov/business/nfip/index.shtm>.

How does FEMA handle levees/levee systems that have not been completed?

- FEMA recognizes that communities, State agencies, and Federal agencies may construct new levees/levee systems or may restore existing levees/levee systems to address flood hazards and reduce flood risks to structures and people in a particular community or particular area of a state.
- These communities and agencies also may undertake a project to restore the flood protection capability of a levee or levee system so that people and structures are protected from the 1-percent-annual-chance flood.
- When communities, State agencies, and Federal agencies undertake such projects, they must notify FEMA.
- They also must provide FEMA with appropriate data and documentation, so that accurate flood hazard and risk information may be presented on the maps and related documents.

The required data and documentation will vary, depending on the type of determination that the community would like FEMA to make regarding the project and the flood insurance risk zone designation that the community would like FEMA to include on the affected effective flood map panels for that community.

What are the options for mapping areas behind new levees/levee systems that are being constructed and existing levees/levee systems that are being restored?

- When a levee restoration or construction project involves the use of Federal funds and has reached certain completion milestones, the community may submit certain data and documentation and request, in writing, that FEMA make an "adequate progress" determination.
- To be considered for an "adequate progress" determination, a project must meet *all* of the following requirements:
 - 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 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.
- If the data and documentation that are submitted with the "adequate progress" determination are sufficient, FEMA will issue a written determination and will revise the affected flood map panel(s) in the area behind the levee/levee system to show it as Zone A99.
- If a community is in the process of restoring a flood protection system that was originally constructed using Federal funds, credited with providing 1-percent-annual-chance flood protection on the effective NFIP flood map, and decertified by a Federal agency responsible for flood protection design or construction, the community may submit certain data and documentation and request, in writing, that FEMA make a "flood protection restoration" determination.
- If the data and documentation that are submitted with the "flood protection restoration" determination request are sufficient, FEMA will issue a written determination and will revise the affected flood map panel(s) for the area behind the levee/levee system to show it as Zone AR

What guidance has FEMA provided to Federal, State, and local officials and private levee owners regarding newly constructed or restored levees/levee systems?

- The data and documentation that must be submitted and other regulatory requirements for "adequate progress" determinations are provided in Section 61.12 of the NFIP regulations.
- The data and documentation that must be submitted and other regulatory requirements for "flood protection restoration" determinations are provided in Section 65.14 of the NFIP regulations.
- The mapping procedures are provided in Appendix H of FEMA's *Guidelines and Specifications for Flood Hazard Mapping Partners*.
- The three documents cited above are accessible through the FEMA Website.

- FEMA staff are in the process of creating new levee Web pages to improve stakeholder understanding of the regulatory and procedural requirements regarding adequate progress and flood protection restoration determinations. These pages will be accessible through http://www.fema.gov/plan/prevent/fhm/lv_intro.shtm.

How will community residents benefit by receiving an “adequate progress” or “flood protection restoration” determination?

- A significant benefit of receiving the “adequate progress” determination is that property owners with structures located in Zone A99 will be charged the same flood insurance premium rates that would be applicable once the restoration or construction project is complete (i.e., Zone X rates).
- The flood insurance premium rates for structures in moderate-risk Zone X areas are generally lower than the rates for structures in SFHAs.
- A significant benefit of receiving the “flood protection restoration” determination is that, although the mandatory flood insurance purchase requirements of the NFIP apply, the flood insurance premium rates that will be charged for structures located in Zone AR are likely to be significantly lower than the flood insurance premium rates charged for other SFHAs.

When a levee is de-accredited, can't FEMA delay the flood insurance requirement until the levee is fixed and accredited?

The intent of the National Flood Insurance Program is to provide flood insurance in communities that voluntarily adopt and enforce floodplain management ordinances to reduce future flood damages. It is FEMA's mission to provide communities with accurate depictions of flood hazards and risks based on current conditions. This combination of floodplain management and flood insurance reduces the burden on taxpayers by encouraging wiser development in floodprone areas and by passing the cost of flood damage from every U.S. citizen to those that live in high-risk areas.

The process for restoring the flood protection capabilities of a levee or levee system could take years. Delaying the issuance of the flood map showing the de-accredited levee or levee system and the resulting high-risk Special Flood Hazard Area behind the levee would be inconsistent with FEMA's mission and could severely undermine public safety.

It is important to note that that accrediting a levee does not guarantee protection. Flood insurance is strongly encouraged for property owners behind *all* levees. When a new flood map is released, FEMA provides a 90-day appeal period followed by a 6-month compliance period. During this time, FEMA encourages property owners to view the Preliminary flood map.

If their property was previously mapped in a low- or moderate-risk area and is being mapped into a high-risk area on the new flood map, they are encouraged to consult with their insurance agent to determine whether they qualify to purchase a Preferred Risk Policy, which start as low as \$112 a year. Homeowners also can take advantage of the NFIP's Grandfathering rules if they purchase flood insurance *before* the new maps showing their house in a high-risk area become effective. Taking advantage of the Grandfathering rules can significantly reduce the cost of a Standard Flood Insurance Policy.

As the community and other levee sponsors move forward with restoring the flood protection capabilities of the levee/levee system, FEMA has established procedures that also can reduce the flood insurance premium rates for owners and renters living and working behind levees. The regulatory requirements for obtaining a “flood protection restoration” determination are provided in Section 65.14 of the NFIP regulations. The regulatory requirements for obtaining an “adequate progress” determination are provided in Section 61.12 of the NFIP regulations. These determinations are discussed in more detail elsewhere in this document.