



FEMA

# Partial Implementation of the Federal Flood Risk Management Standard for Hazard Mitigation Assistance Programs (Interim)

## FEMA Policy FP-206-21-0003

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### BACKGROUND

On May 20, 2021, President Biden issued Executive Order (EO) 14030, *Climate-Related Financial Risk*, reinstating EO 13690, *Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input* (January 30, 2015), which established the Federal Flood Risk Management Standard (FFRMS).

This interim policy partially implements the FFRMS by requiring the use of higher flood elevations established by the FFRMS Freeboard Value Approach (FVA)<sup>1</sup> for certain non-critical actions involving structures in the base floodplain (Special Flood Hazard Area).<sup>2</sup>

In its Hazard Mitigation Assistance (HMA) programs, the Federal Emergency Management Agency (FEMA) utilizes the American Society of Civil Engineers (ASCE) 24-14,<sup>3</sup> or latest edition, to establish minimum design and construction requirements for structure elevation, dry floodproofing, and mitigation reconstruction.<sup>4</sup> Under this interim policy, the FFRMS FVA will be utilized to determine the minimum flood protection elevation for certain project types. This interim policy applies to all HMA programs: the Hazard Mitigation Grant Program (HMGP), HMGP Post Fire, Building Resilient Infrastructure and Communities (BRIC), and Flood Mitigation Assistance (FMA).<sup>5</sup>

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<sup>1</sup> The FFRMS defines the Freeboard Value Approach (FVA) as “the elevation and flood hazard area that result from using the freeboard value, reached by adding an additional 2 feet to the base flood elevation. . .” See Guidelines for Implementing E.O. 11988 and E.O. 13690 at Appendix G: <https://www.regulations.gov/document/FEMA-2015-0006-0372>.

<sup>2</sup> 44 CFR § 9.4, Base Floodplain means the 100-year floodplain (one percent chance floodplain). Base floodplain is the same as the Special Flood Hazard Area. Special Flood Hazard Area is defined in 44 CFR § 59.1 as the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year.

<sup>3</sup> ASCE 24 - *Flood Resistant Design and Construction*, published by the American Society of Civil Engineers establishes required protection levels for structures of various flood design classes. The flood protection levels are generally equal to the Base Flood Elevation (BFE) plus 1 or 2 feet of freeboard or another Design Flood Elevation (DFE), whichever is higher. For more information, visit [https://www.fema.gov/sites/default/files/2020-07/asce24-14\\_highlights\\_jan2015.pdf](https://www.fema.gov/sites/default/files/2020-07/asce24-14_highlights_jan2015.pdf).

<sup>4</sup> 2015 *Hazard Mitigation Assistance Guidance and Hazard Mitigation Assistance Guidance Addendum*.

<sup>5</sup> 44 CFR § 9.11(d)(6) requires FEMA’s actions to be consistent with the criteria of the National Flood Insurance Program (44 CFR Part 59 et seq.) or any more restrictive federal, state or local floodplain management standards. The FFRMS is a federal floodplain management standard that is more restrictive than the minimum floodplain management criteria of the National Flood Insurance Program.



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Full implementation of the FFRMS will require an update to FEMA's regulations at 44 Code of Federal Regulations (CFR) Part 9. This interim policy only sets forth HMA Program requirements for certain non-critical actions involving structures, but does not address the expansion of the horizontal floodplain or the application of FFRMS to critical actions involving structures or to facilities.<sup>6</sup> Critical action requirements remain unchanged and are governed by 44 CFR Part 9.

## PURPOSE

This policy sets forth the elevation requirements for the use of FEMA HMA for non-critical actions involving structure elevation, dry floodproofing, and mitigation reconstruction projects in the Special Flood Hazard Area.

## PRINCIPLES

By partially implementing the FFRMS and requiring a higher vertical flood elevation for certain non-critical actions, FEMA will:

- A. Help ensure that communities affected by future flood disasters are less vulnerable to the loss of life and property.
- B. Improve the resilience of non-critical actions involving structure elevation, dry floodproofing, and mitigation reconstruction projects located in the Special Flood Hazard Area against the impacts of flooding, which are anticipated to increase over time due to the effects of climate change and other threats, to ensure such projects will last as long as intended.

## REQUIREMENTS

### A. SCOPE

In accordance with Section 2(a)(1) of EO 11988, as amended by EO 13690, before taking an action, FEMA must determine whether a proposed action will occur in a floodplain. For partial implementation of the FFRMS, FEMA will use the already-existing definitions of floodplain in 44 CFR Part 9.

### B. APPLICABILITY

Outcome: Applicants and subapplicants implement this interim policy based on applicable standards outlined below.

1. This interim policy is effective on August 27, 2021.
2. For the Hazard Mitigation Grant Program, this interim policy applies to:
  - a. Any major disaster declaration declared on or after the effective date of this interim policy; and
  - b. HMGP assistance approved under the COVID-19 major disaster declarations.
3. For the HMGP Post Fire, this interim policy applies to Fire Management Assistance Grant declarations issued or published on or after the effective date of this interim policy.

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<sup>6</sup> 44 CFR § 9.4.



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4. For FMA and BRIC, this interim policy applies to the Fiscal Year 2021 Notices of Funding Opportunity (NOFOs) and future application cycles, unless stated otherwise in subsequent NOFOs.
5. This interim policy supersedes the existing policies related to non-critical actions involving structure elevation, dry floodproofing, and mitigation reconstruction located in the Special Flood Hazard Area, including those contained in the *2015 Hazard Mitigation Assistance Guidance* and *Hazard Mitigation Assistance Guidance Addendum*.

## **C. APPLICABLE DESIGN STANDARD BASED ON PROJECT TYPE**

Outcome: FEMA identifies the applicable design standard for project types incorporating the FFRMS-FVA for specific non-critical actions.

1. For non-critical actions involving structure elevation, dry floodproofing, and mitigation reconstruction in the Special Flood Hazard Area, the minimum flood elevation under ASCE 24-14 will be the base flood elevation (BFE) plus 2 feet of freeboard unless doing so would cause the project to be unable to meet applicable program cost-effectiveness requirements. If a state, local, tribal, territorial government, or federal agency has adopted a higher standard applicable to the specific project, FEMA will require the higher standard<sup>7</sup>.
2. For critical actions in the Special Flood Hazard Area, the elevation requirements from 44 CFR § 9.11 continue to apply.
3. For all other non-critical actions involving project types other than structure elevation, dry floodproofing, and mitigation reconstruction, applicants may choose to apply the FFRMS-FVA or any other higher elevation as long as the project remains technically feasible and cost effective.

## **D. COORDINATION WITH OTHER FEDERAL AGENCIES**

Outcome: FEMA coordinates with other federal agencies when engaging with or in the same area as another federal agency.

1. When multiple federal agencies are conducting, supporting (including funding), or permitting projects in the same geographic area, early coordination is essential to avoid the potential for conflicting standards being applied within the same geographic area or on the same project.
  - a. Accordingly, when FEMA is funding an action with or in the same area as another federal agency, FEMA will coordinate with the applicable federal agencies as early in the planning process as possible.

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<sup>7</sup> As required by 44 CFR § 9.11(d)(6).



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- b. When coordinating with other federal agencies, FEMA may elect to use the FFRMS approach of another federal agency to establish the vertical flood elevation.
2. In a declared major disaster, the Unified Federal Review (UFR) process offers additional coordination opportunities for FEMA and other federal agencies. FEMA, as a party to the memorandum of understanding establishing the UFR process, has committed to expediting and unifying environmental reviews. FEMA has agreed to a provision in this memorandum of understanding that allows for higher-level resolution in instances where agreement on a common approach reaches an impasse. For more information on the UFR Process, see FEMA's website at <https://www.fema.gov/emergency-managers/practitioners/environmental-historic/review/library>.

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8/26/2021

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Date



## ADDITIONAL INFORMATION

### REVIEW CYCLE

FEMA Interim Policy FP-206-21-0003 *Partial Implementation of the Federal Flood Risk Management Standard (FFRMS)* for HMA Programs will be reviewed, reissued, revised, and/or rescinded within one year of the issue date.

### AUTHORITIES

- A. Executive Order 11988, *Floodplain Management*.
- B. Executive Order 13690, *Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input*.
- C. Executive Order 14030, *Climate-Related Financial Risk*.
- D. 44 CFR Part 9.

Note: Policies do not have the force and effect of law, except as authorized by law or as incorporated into a contract.

### REFERENCES

- A. Water Resources Council. *Guidelines for Implementing Executive Order 11988, Floodplain Management, and Executive Order 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input*, October 2015.

### DEFINITIONS

**Design Flood Elevation (DFE):** The elevation of the highest flood that a retrofitting method is designed to protect against. Also referred to as Flood Protection Elevation.

**Non-Critical Action:** Non-critical actions are any actions that are not defined as a critical action in 44 CFR § 9.4.

### MONITORING AND EVALUATION

FEMA will closely monitor the implementation of this policy through coordination with regional and field staff, as appropriate, as well as interagency partners and state, local, tribal, and territorial stakeholders.

### QUESTIONS

Direct questions to HMA Grants Policy Branch at [fema-hma-grants-policy@fema.dhs.gov](mailto:fema-hma-grants-policy@fema.dhs.gov).