

## **INTRODUCTION**

This Mississippi Guidance document has been prepared to explain to community officials how the Preliminary Digital Flood Insurance Rate Maps (DFIRMs) and Preliminary Flood Insurance Study (FIS) reports produced by Mississippi Cooperative Technical Partners, the Mississippi Emergency Management Agency (MEMA), the Mississippi Department of Environmental Quality (MDEQ), the FEMA Transitional Recovery Office, and the FEMA Regional Office can be used for reconstruction. This guidance is applicable to the 14 communities in Hancock, Harrison, and Jackson County affected by Hurricane Katrina.

This document covers the follow topics:

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## **PRELIMINARY DIGITAL FLOOD INSURANCE RATE MAPS (DFIRM)**

### **What are the Preliminary DFIRMs and how will they become effective?**

In accordance with their partnership agreement, FEMA, MEMA, and MDEQ will release the new and/or revised flood hazard and risk information to communities in the form of DFIRMs and FIS reports. The maps and reports—which present the results of engineering studies performed by FEMA, MEMA, and MDEQ—will be issued to community officials in preliminary form for review and comment before the formal meetings required by the NFIP regulations are held. Community officials will have approximately 30 days to review these maps and reports. At the end of this “informal” review and comment period, FEMA, MEMA, and MDEQ representatives will hold Preliminary DFIRM Community Coordination (PDCC) meetings with community officials. The PDCC meetings will be followed by Flood Risk Open Houses with the general public.

Following the PDCC Meeting, FEMA will initiate the statutory 90-day statutory appeal period for each community. The process that will be followed to initiate the 90-day appeal period is described below.

- A proposed Base Flood Elevation (BFE) determination notice will be published for each affected community in the Federal Register; this notice is called a Proposed Rule.
- At the same time that the Proposed Rule is published, the proposed BFEs will be posted on the FEMA Website at [https://www.floodmaps.fema.gov/fhm/Scripts/bfe\\_main.asp](https://www.floodmaps.fema.gov/fhm/Scripts/bfe_main.asp).

- Once the proposed BFEs have been published in the Federal Register and posted on the FEMA Website, proposed BFE determination letters will be sent to the community Chief Executive Officers (CEOs) and floodplain administrators to officially notify the communities about the 90-day appeal period.
- At the same time, a proposed BFE notice will be published twice in the legal advisement portion of the local newspapers. The second news release will be published 10 days following the initial news release. The 90-day appeal period will begin on the date the second news release is published.

During the appeal period, any owner or lessee of real property within the community where the proposed elevation determination has been made may file a written appeal based on a demonstration that the BFEs proposed by FEMA are scientifically and/or technically incorrect. (For details on the scientific or technical information needed to support an appeal, community officials should refer to Title 44 of the Code of Federal Regulations (CFR) Part 67 of the National Flood Insurance Program (NFIP) regulations and in the publication, *Appeals, Revisions, and Amendments to National Flood Insurance Program Maps: A Guide for Community Officials.*)

During the formal 90-day appeal period, a community official or an individual property owner may wish to object to information other than the BFEs that is shown on the DFIRM or in the FIS report. Such requests do not, according to Part 67 of the NFIP regulations, constitute appeals. Such objections are called “protests.”

After the 90-day appeal period has ended and all appeals and protests have been resolved, a Letter of Final Determination (LFD) date and FIRM effective date are chosen. The LFD is no earlier than 1 week after the 90-day appeal period or 30-day review period following resolution of an appeal or protest. On the LFD date, the BFEs for each community will become final, and a 6-month compliance/adoption period will begin. During this 6-month period, the communities are required to adopt compliant floodplain management ordinances and provide proof of these ordinances to MEMA and FEMA. During this 6-month period, FEMA, MEMA, and MDEQ will produce and distribute the final version of the DFIRMs and FIS reports for the affected communities. At the end of 6-month period, the DFIRMs and FIS reports become effective.

If no appeal or protests are submitted, the DFIRMs and FIS reports will become effective in November or December 2008.

## **FLOODPLAIN MANAGEMENT GUIDANCE - USING PRELIMINARY DATA FOR RECONSTRUCTION**

This section provides guidance to NFIP communities in the Gulf Coast in using the Preliminary DFIRMs and the FIS for reconstruction. Specifically, this section provides guidance on adopting the preliminary data as part of the community’s floodplain management regulations and using this data for reconstruction.

Communities that participate in the NFIP are required to adopt and enforce floodplain management regulations that meet or exceed the minimum floodplain management requirements of the NFIP in order for FEMA to make flood insurance available to properties owners. In general, communities that

participate in the NFIP are required to adopt floodplain management regulations that require new structures and substantially improved or substantially damaged residential structures be elevated at or above the BFE. Non-residential structures can be elevated or dry floodproofed. However, dry floodproofing is only allowed in A zones because of the velocity and wave-action exerting hydrodynamic forces in V zones.

The following scenarios provide guidance in adopting preliminary flood hazard data. This guidance applies to communities affected by Hurricane Katrina in Mississippi which were restudied.

For communities that have adopted ABFEs or freeboard above the current effective BFEs, Scenarios 1 and 2 apply. For areas where ABFEs or freeboard above the current effective BFEs were not adopted, use Scenarios 3-6 as guidance. Additional guidance can be found in Floodplain Management Bulletin 1-98 *Use of Flood Insurance Study (FIS) Data As Available Data*. This publication is available in the FEMA Resource Library at <http://www.fema.gov/library/index.jsp>.

**Scenario 1: Preliminary BFEs exceed adopted ABFEs or freeboard above the current effective BFE**

**Scenario 2: Preliminary BFEs are above the current effective BFEs and below the adopted ABFEs or freeboard above the current effective BFE**

***Adoption Guidance for Scenarios 1 and 2***

In Scenarios 1 and 2, if a community has adopted ABFEs (or freeboard above the current effective BFEs), it is up to the community whether to use the Preliminary BFEs or to continue to use the ABFEs (or freeboard above the current effective BFEs) until the community has adopted the final BFEs. Once the LFD has been issued, the community must adopt the final BFEs within six months of the date the LFD is issued. If a community decides to use the Preliminary BFEs, FEMA advises that the community formally adopt the preliminary data unless the community's floodplain management regulations give the authority to use the preliminary data.

Communities can adopt more restrictive elevations than the BFEs issued through the LFD. For communities that adopt more restrictive elevations, these elevations would take precedence over the final BFEs.

**Scenario 3: Preliminary BFEs are provided in areas designated as Zones AE, A1-30, AH, AO, VE, and V1-30 on the current effective maps**

***Adoption Guidance for Scenario 3***

The NFIP floodplain management criteria do not require communities to use BFE and floodway data from a Preliminary DFIRM and FIS in Zones AE, A1-30, AH, AO, VE, and V1-30 in lieu of using the BFE and floodway data contained in an effective FIS and FIRM.

However, in cases where BFEs increase in the restudied area, communities have the responsibility to ensure that new or substantially improved structures are protected, particularly if the increases in BFEs are significant. While FEMA can not mandate or require a community to use BFE and floodway data from a Preliminary DFIRM and FIS, FEMA encourages communities to reasonably utilize this

information in instances where BFEs increase and floodways are revised to ensure that the health, safety, and property of their citizens are protected. If your community decides to use the Preliminary BFEs, FEMA advises that the community formally adopt the preliminary data unless your community's floodplain management regulations give you the authority to use the preliminary data.

In cases where Preliminary BFEs are less than the current effective BFEs, the community should not use this information to regulate floodplain development until the LFD has been issued or at least until all appeals have been resolved. If the Preliminary FIS provides information that BFEs are decreasing, but a valid appeal actually results in higher BFEs, the community could place its citizens at a greater flood risk by using the preliminary data to regulate floodplain development.

**Scenario 4: Preliminary BFEs are provided in areas designated as Zone A (without BFEs) on the current effect FIRM**

***Adoption Guidance or Scenario 4***

For Zone A areas designated on the community's effective FIRM, the Preliminary BFE constitutes available data under 44 CFR § 60.3(b)(4). § 60.3(b)(4) requires that communities:

*Obtain, review and reasonably utilize any base flood elevations and floodway data available from a Federal, State, or other source...*

Under this provision, communities are required to reasonably utilize the Preliminary BFE under the section of their floodplain management regulations that applies to this subparagraph. A community is allowed discretion in using this data only to the extent that the technical or scientific validity of the preliminary data is questioned. Since the preliminary data represents the best data available, communities must regulate floodplain development using the preliminary data under § 60.3(b)(4) until such time as the community has adopted the final FIRM and FIS.

**Scenario 5: Preliminary DFIRM revises current Zones B, C, or X to Zone AE, or VE with BFEs**

***Adoption Guidance for Scenario 5***

The NFIP floodplain management criteria do not require the use of Preliminary BFEs under 44 CFR § 60.3(b)(4) for an area or areas within Zones, B, C, or X on the community's current effective FIRM that are being revised to Zones AE or VE. While FEMA cannot mandate or require a community to use the information contained in a Preliminary FIS and FIRM pertaining to areas designated Zone B, C, or X as available data or use the data at the time the Letter of Final Determination is issued, FEMA encourages communities to reasonably utilize this information to ensure that the health, safety, and property of their citizens are protected. If a community decides to use the Preliminary BFEs, FEMA advises that the community formally adopt the preliminary data unless the community's floodplain management regulations give you the authority to use the preliminary data.

**Scenario 6: Preliminary DFIRM revises current Zone A, AE, A1-30, AH, AO, VE, V1-30, V to Zone B, C, or X**

***Adoption Guidance for Scenario 6***

In cases where Preliminary DFIRMs revise Zone A, AE, A1-30, AH, AO, VE, V1-30 to Zone B, C, or X, the community should not use this information to regulate floodplain development until the Letter of Final Determination has been issued or at least until all appeals have been resolved. If the Preliminary FIS provides information that the Zone is changing from a Zone A, AE, A1-30, AH, AO, VE, V1-30 to a Zone B, C, or X, but a valid appeal actually results in establishment of BFEs, the community could place its citizens at a greater flood risk by using the preliminary data to regulate floodplain development.

## **INSURANCE IMPLICATIONS**

Based on the same scenarios described in the previous section, the insurance rating implications in using preliminary maps for new or substantially improved structures is described below.

**Scenario 1: Preliminary BFEs exceed adopted ABFEs (or freeboard above the current effective BFE)**

**Scenario 2: Preliminary BFEs are between the current effective BFEs and the adopted ABFEs (or freeboard above the current effective BFE)**

***Insurance Implications for Scenarios 1 and 2***

For insurance rating purposes, new and substantially improved structures in Zones AE, A1-30, AO, VE, or V1-30 on the current effective FIRMs will be rated based on the BFE and flood zone on the current effective FIRM. If a new or substantially improved structure in Zones AE, A1-30, AO, VE, or V1-30 on the current effective FIRM is built to the Preliminary BFE and this elevation is higher than the current effective BFE, the flood insurance rate may be significantly lower.

In Scenarios 1 and 2, for insurance rating purposes, new and substantially improved structures in Zones B, C, or X on the current effective FIRM will be rated based on the flood zone on the current effective FIRM. Even if the community chooses to use the Preliminary BFE, the flood insurance rate is still based on the FIRM Zone in effect (i.e., Zone B, C, or X) on the date of construction.

Once the DFIRMs become effective, property owners with mortgages through a federally regulated lender will be required to purchase flood insurance. The property owner may realize savings by purchasing a flood insurance policy now before the new DFIRMs become effective. They may even qualify for a lower-cost Preferred Risk Policy for one year if they purchase flood insurance before the new DFIRMs become effective. Their insurance agent can provide more details about how to “lock in” the zone for rating and other options.

It is also very important for the owners of Pre-FIRM structures (structures built before the initial FIRM) to purchase flood insurance before the effective date of the new DFIRMs to take advantage of the NFIP grandfathering rule. Property owners purchasing flood insurance before the new DFIRMs become

effective are eligible to be rated using the current map, as long as the continuous coverage is maintained even if there are additional map changes.

**Scenario 3: Preliminary BFEs are provided in areas designated as Zones AE, A1-30, AH, AO, VE, and V1-30 on the current effective maps**

***Insurance Implications for Scenario 3***

For flood insurance rating purposes, in Zones AE, A1-30, AH, AO, VE, or V1-30, new or substantially improved structures are rated based on the BFE and FIRM zone in effect on the date of construction until the revised FIRM becomes effective. This is the case regardless of whether the Preliminary FIS indicates that the Preliminary BFEs will increase or decrease.

If a community chooses to use Preliminary BFEs from a Preliminary FIS for a new or substantially improved structure, the flood insurance rate is still based on the BFE and FIRM Zone in effect on the date of construction. The flood insurance rate will be based on the elevation difference between the BFE and FIRM Zone in effect and the elevation of the lowest floor. Therefore, if a new or substantially improved structure is built to the Preliminary BFE (or higher) from a Preliminary FIS and the BFE is higher than the BFE in effect, the flood insurance rate may be significantly lower. However, a new or substantially improved structure built to the Preliminary BFE that is lower than the BFE in effect may result in a significantly higher flood insurance rate. In this case, the insured will qualify for a premium refund once the revised FIRM is effective. However, this does not happen automatically. The agent must be notified by the insured of the circumstance so that the agent can endorse the flood insurance policy accordingly after the FIRM becomes effective.

**Scenario 4: Preliminary BFEs are provided in areas designated as Zone A (without BFEs) on the current effect FIRM**

***Insurance Implications for Scenario 4***

For a new or substantially improved structure, communities can use information from a Preliminary FIS for completing the Elevation Certificate in Zone A areas. The flood insurance policies for new or substantially improved structures in Zone A that are rated using preliminary data will often qualify for significantly lower insurance rates than policies that are rated without a BFE provided the structure is elevated to at least the Preliminary BFE.

**Scenario 5: Preliminary DFIRM revises current Zones B, C, or X to Zone AE, or VE with BFEs**

***Insurance Implications for Scenario 5***

For flood insurance rating purposes, new or substantially improved structures are rated based on the FIRM Zone in effect (i.e., Zone B, C, or X) on the date of start of construction. If a community chooses to use the Preliminary BFEs for a new or substantially improved structure, the flood insurance rate is still based on the FIRM Zone in effect (i.e., Zone B, C, or X) on the date of construction.

Once the DFIRMs become effective, property owners with mortgages through a federally regulated lender will be required to purchase flood insurance. The property owner may realize savings by purchasing a flood insurance policy now before the new DFIRMs become effective. They may even

qualify for a lower-cost Preferred Risk Policy for one year if they purchase flood insurance before the new DFIRMs become effective.

It is also very important for the owners of Pre-FIRM structures to purchase flood insurance before the effective date of the new DFIRMs to take advantage of the NFIP grandfathering rule. Property owners purchasing flood insurance before the new DFIRMs are eligible to be rated using the current map, as long as continuous coverage is maintained even if there are additional map changes. Their insurance agent can provide more details about how to “lock in” the zone for rating and other options.

**Scenario 6: Preliminary DFIRM revises current Zone A, AE, A1-30, AH, AO, VE, V1-30, V to Zone B, C, or X**

***Insurance Implications for Scenario 6***

For flood insurance rating purposes, new or substantially improved structures are rated based on the FIRM Zone in effect (i.e., Zone A, AE, A1-30, AH, AO, VE, V1-30, or V) on the date of start of construction. If a community chooses to use the Preliminary BFEs for a new or substantially improved structure, the flood insurance rate is still based on the FIRM Zone in effect (i.e., Zone A, AE, A1-30, AH, AO, VE, V1-30, or V) on the date of construction. For insurance rating purposes, a new or substantially improved structure built based on the Preliminary B, C, or X Zone may result in a significantly higher flood insurance rate. In this case, once the preliminary map becomes an effective map, the insured will qualify for a premium pro rata refund. However, this does not happen automatically. The agent must be notified by the insured of the circumstance so that the agent can endorse the flood insurance policy accordingly after the DFIRM becomes effective.

**Additional resources and information about flood insurance**

- Answers to Questions about the NFIP; F-084 (5/04);  
<http://www.fema.gov/library/viewRecord.do?id=1404>
- Summary of NFIP Coverages; F-679 (3/07)  
<http://www.fema.gov/library/viewRecord.do?id=1904>
- Why You Need Flood Insurance; F-683 (11/05)  
<http://www.fema.gov/library/viewRecord.do?id=1891>
- Saving on Flood Insurance: Information about the NFIP’s Grandfathering Rule (3/07):  
<http://www.fema.gov/library/viewRecord.do?id=2497>
- The Preferred Risk Policy for Homeowners and Renters; F-436 (7/04)  
<http://www.fema.gov/library/viewRecord.do?id=1503>

For additional information visit FEMA’s Flood Insurance website for consumers:  
<http://www.floodsmart.gov> or <http://www.fema.gov/business/nfip/index.shtml>

## **INCREASED COST OF COMPLIANCE COVERAGE (ICC)**

This section addresses the availability of ICC benefits when Preliminary DFIRMs have been issued and the building has been declared substantially damaged by the community and a flood insurance policy was in effect at the time the flood damage occurred.

### **What Is ICC coverage?**

ICC coverage is a standard coverage in most NFIP policies. The coverage provides up to \$30,000 to help property owners reduce the risk of damage from future floods by elevating, flood proofing (for nonresidential structures), demolishing or relocating their building or home to meet the requirements of a local community's building ordinances. This coverage is in addition to the building coverage for the repair of the actual physical damages from flooding. However, the total claims payments can not exceed statutory limits. Therefore, the maximum amount collectible for both ICC and physical damage from flood for a single family dwelling is \$250,000 and \$500,000 for non-residential buildings (i.e. commercial).

### **Are ICC benefits available in the following scenarios?**

**Scenario 1: Preliminary BFEs exceed adopted ABFEs (or freeboard above the current effective BFE)**

**Scenario 2: Preliminary BFEs are between the current effective BFEs and the adopted ABFEs (or freeboard above the current effective BFE)**

In Scenarios 1 and 2, if a community adopts and enforces the ABFEs or freeboard above the current effective BFE and requires a substantially damaged building to be elevated or floodproofed (non-residential only) to that elevation, that building would qualify for ICC benefits, which will pay up to \$30,000, provided it meets the other requirements in the policy. Similarly, if the community adopts and enforces the Preliminary BFE in Scenarios 1 and 2, the building would qualify for ICC benefits. If a community does not adopt the Preliminary BFEs and the property owner chooses to build to the Preliminary BFE, ICC benefits are only available in SFHAs to the current effective BFE or ABFE, whichever the community has adopted.

**Scenario 3: Preliminary BFEs are provided in areas designated as Zones AE, A1-30, AH, AO, VE, and V1-30 on the current effective maps**

Although the NFIP floodplain management criteria do not require communities to use BFEs from a Preliminary DFIRM and FIS in Zones AE, A1-30, AH, AO, VE, and V1-30 in lieu of using the BFEs contained in the effective FIS and FIRM, a substantially damaged building would qualify for the ICC benefit if the community adopts and requires the building to be constructed to the Preliminary BFE. The ICC benefit will be paid as long as the Preliminary BFE is greater than the current effective BFE.

The ICC benefit is not available if the Preliminary BFE is less than the BFE in the current effective FIS and FIRM. In this case, the ICC benefit is available if the community requires the structure to be built to the current effective BFE.

**Scenario 4: Preliminary BFEs are provided in areas designated as Zone A (without BFEs) on the current effective FIRM**

An ICC claim can be paid to elevate or dry floodproof (non-residential buildings only) a structure in Zone A (without BFEs) if the flood zone is being changed to Zones AE or VE (with elevations) on the Preliminary DFIRM and FIS.

**Scenario 5: Preliminary DFIRM revises current Zones B, C, or X to Zone AE, or VE with BFEs**

An ICC claim can be paid to elevate or dry floodproof (non-residential buildings only) a structure in B, C, or X Zones if the flood zones are being changed to A or V Zones on the Preliminary DFIRM and FIS and the community adopts the Preliminary DFIRM and FIS.

**Scenario 6: Preliminary DFIRM revises current Zone A, AE, A1-30, AH, AO, VE, V1-30, V to Zone B, C, or X**

ICC benefits are not available in Zones B, C, or X. However, ICC benefits will be paid based on the current Zone in effect (Zone A, AE, A1-30, AH, AO, VE, V1-30).

**What is the deadline for filing an ICC claim?**

The NFIP requires that the ICC claim be filed by the insured as soon as the property owner is notified by the community that the building has been substantially damaged by flood.

**How long does an ICC application take?**

There is no application to complete. ICC is part of the flood insurance coverage and is available if the ICC eligibility requirements are met. To file an ICC claim, the insured will need to provide to the insurance company or NFIP a letter from the community stating the structure is substantially damaged. In order for the insured to receive ICC benefits, the structures must be at least 50 percent damaged by flood.

**What guidance is available on ICC coverage?**

- *National Flood Insurance Program Increased Cost of Compliance Coverage, Guidance for State and Local Officials*, FEMA 301/September 2003 <http://www.fema.gov/library/viewRecord.do?id=1532>
- *Increased Cost of Compliance Fact Sheet (3/07)*;  
<http://www.fema.gov/library/viewRecord.do?id=1477>
- *Increased Cost of Compliance - Creating a Safer Future*, F-663 (3/07);  
<http://www.fema.gov/library/viewRecord.do?id=3009>
- *Increased Cost of Compliance – How you can Benefit*, F-300 (6/07);  
<http://www.fema.gov/library/viewRecord.do?id=3010>
- Additional information about ICC can be found at: <http://www.fema.gov/business/nfip/icc.shtm>

## **IMPLICATIONS FOR LOCAL MULTHAZARD MITIGATION PLANS**

The release of Preliminary DFIRMs will provide new flood data for communities along the Mississippi Gulf Coast, most if not all of which now have FEMA-approved local multihazard mitigation plans. Because the flood data provided in the Preliminary DFIRMs is more current and precise than the flood

risk information than has been previously available, FEMA encourages communities to incorporate or refer to it in their local mitigation plans. Should a community do so, any plan amendments may be evidenced by signed approval of the local officials who are designated to authorize amendments or changes to the local mitigation plan, and **do not require FEMA approval. If a community amends its mitigation plan, however, it should provide a copy of the amendment to MEMA and FEMA. This will ensure that FEMA has the most current plan information for use in its project review process.**

However, because of the time periods for review and comment, and for appeals of the new or revised mapping information, the maps will not become effective until well after release of these Preliminary DFIRMs. Therefore, there is **no requirement for communities to amend, either formally or informally, their currently approved mitigation plans to include the Preliminary DFIRM data. There is also no requirement for communities currently developing their local mitigation plans to use the preliminary flood data in their plans, although FEMA strongly encourages them to do so.**

The regulations governing mitigation planning require that local plans be updated and resubmitted for FEMA approval within five years of their initial approval in order for the jurisdiction to remain eligible for FEMA mitigation project grant funding. After the flood data becomes effective, communities should include it (or any subsequently available or more accurate flood hazard information) in their five-year update that they submit for formal FEMA review and approval.

For additional information about local multihazard mitigation plans go to the following website:  
<http://www.fema.gov/plan/mitplanning/index.shtm>

## **FEMA GRANT PROGRAMS - USING PRELIMINARY DATA**

The release of Preliminary DFIRMs will provide new flood data for communities to use in developing flood hazard mitigation projects. The various flood data sources available to communities (Effective BFEs, ABFEs, and Preliminary BFEs) may affect project development and review depending upon which data source is used and where in the review and approval process a particular project application is at the time Preliminary DFIRMs are released. In areas where ABFEs have been established, the Preliminary DFIRMs will provide new data that may be more suitable for use in flood mitigation projects.

In February 2006, FEMA issued a policy memo indicating that ABFEs were to be used for project applications for all mitigation grant programs. **Local communities will not be required to utilize the Preliminary DFIRM elevations and data until a Letter of Final Determination (LFD) is issued by FEMA.** This will allow time for elevation determinations to go through the regulatory appeals process as part of local map adoption. However, if a grant applicant wishes to use the latest data or if required to do so by local permitting authorities, the Preliminary DFIRM data can be utilized as soon as it is released by FEMA. All project applications whether using ABFEs or Preliminary DFIRM elevations must meet minimum NFIP standards and local permitting requirements.

**The Preliminary DFIRM elevations and data must be used for any grant applications involving projects located in an area designated as a coastal Velocity Zone (V-Zone) on the Preliminary**

**DFIRM.** Because of the increased risk in V-Zones, V-Zone information shown on the Preliminary DFIRMs must be used as soon as the information becomes available. FEMA will provide technical assistance to Mississippi and local communities to help resolve issues related to use of the new Preliminary DFIRM data.

**What FEMA Mitigation Grant Programs are affected by the transition to Preliminary DFIRMs and FIS data?**

Local communities will be required to adhere to this policy in areas where ABFEs have been established if they receive funds from the following mitigation grant programs:

- Pre-Disaster Mitigation Program (PDM);
- Flood Mitigation Assistance Program (FMA);
- Repetitive Flood Claims Program (RFC);
- Hazard Mitigation Grant Program (HMGP)
- Severe Repetitive Loss Program (SRL)

**If the Preliminary DFIRMs are released prior to submission of a grant application to the State and FEMA for review, how will this affect the application?**

Until the LFD is issued, applicants may continue to utilize ABFE data for the design and evaluation of mitigation projects. After the LFD is issued, applicants will be required to use the Preliminary DFIRMs and FIS data as a minimum standard for project design and Benefit Cost Analysis (BCA) where applicable.

**If a grant application is already under review when the Preliminary DFIRMs are released, how will this affect the application?**

If an application is already submitted, FEMA will not require modifications to the application. If the applicant wishes to make modifications however, FEMA will be flexible when reviewing requests for modifications to submitted applications so that the Preliminary DFIRM data can be used. For the competitive grant programs, applicants will not have the opportunity to revise their applications once the grant application deadline has passed. If a competitive grant is selected for award, modifications within the original scope of work can be made during the pre-award and post-award process; however, requests for cost over-runs can not be approved.

**If a project scope is modified to include the latest Preliminary DFIRM data, what information will be required?**

If the project has already been awarded and the applicant wishes to make revisions incorporating the new Preliminary DFIRM data, minor modifications within the original scope of work will be allowed. A revised scope of work must be submitted along with the new Preliminary DFIRM elevation data used. A revised BCA will not be required in this case. If the project has not yet been awarded or if the applicant requests increased costs due to a scope change, a new BCA must be submitted. In either case, the project must still be technically feasible and cost-effective, and FEMA will check to ensure that the

proper design elevations are used. Any scope of work changes will undergo the standard FEMA review process, and funding of cost increases or overruns will be based upon availability of funds.

**If the Preliminary DFIRMS are released after a project grant has been awarded, how will this affect the proposed project?**

FEMA won't require project modifications after a grant has been awarded. If the project is approved and a grant award has been made, FEMA will be flexible when reviewing requests for modifications to the project so that the Preliminary DFIRM data can be used. Local permit requirements incorporating the Preliminary DFIRM data may necessitate changes to the project or the applicant may wish to use the Preliminary DFIRM data to improve project design. If the applicant does not wish to modify the project at this stage, it would merely proceed as approved.

**If the Preliminary DFIRM yields higher flood elevations than those on my approved project application, will there be a requirement to revise the project?**

If the project application is already approved, there will not be a requirement to revise the project scope; however, FEMA will allow revisions to the project in order to improve the level of safety and comply with local permit requirements.

**Can funds from other Federal agencies be used as part of the local cost share match for grant applications?**

Generally, the non-Federal match may not include funds from other Federal agencies. However, some Federal grants have an authorizing statute that explicitly allows the funds to be used as a match for other Federal grants. Some examples include Department of Housing and Urban Development (HUD) Community Development Block Grant monies and loans from the U.S. Small Business Administration and Farmer's Home Administration. All funds that are used as a non-Federal match must meet FEMA's grant program requirements including elevation to the ABFE or preliminary BFE.

## **FEMA PUBLIC ASSISTANCE PROGRAM**

**1. If the Preliminary DFIRMS are released prior to obligation of a Public Assistance Project Worksheet (PW) by FEMA, how will this affect the use of the elevations for those projects?**

As of the release date of the DFIRM, projects are to be reviewed in light of the new elevations. The elevations should be used both for replacement projects and for repair projects where Section 406 hazard mitigation is applicable.

**2. If a Public Assistance PW is under review when the Preliminary DFIRMS are released, how will this affect the project?**

Up until the point of project obligation, follow the answer to question 1.

**3. If the Preliminary DFIRMs are released after a Public Assistance PW has been obligated, how will this affect the proposed project?**

If PWs for repair or replacement of eligible facilities have had funds obligated, revision to incorporate the new elevations is not required. However, applicants are encouraged to review the planned scope of work for the project and consider the new elevations in its design. FEMA will consider any added costs for eligibility.

**4. If the Preliminary DFIRM yields higher flood elevation than those on my approved project worksheet, will there be a requirement to revise the project?**

No, see the answer to question 3.

**If the Preliminary DFIRM elevation considered in the 50% rule calculation to determine repair vs. replacement?**

If, in calculating whether to repair or replace a structure, using the Preliminary DFIRM elevation indicates that repair is eligible but using the BFE indicates replacement, then replacement of the structure is to be approved. However, the Preliminary DFIRM elevation must be used for design purposes for both replacement and section 406 hazard mitigation.