



# FEMA

## **Appeals and Comments: Information for Community Officials**

Recently your community received preliminary flood hazard maps prepared with input from your community in an effort to best describe the flood risk within your community. The updated flood hazard maps were prepared with the most up to date information available. These maps, once finalized, serve as the basis for your community's floodplain management program and serve as a tool that identifies areas prone to flooding within your community, providing an indication of areas that a community may focus mitigation actions within to prevent loss of life and property due to flooding.

Community officials and property owners are provided an opportunity to review the preliminary flood hazard maps – also known as Flood Insurance Rate Maps (FIRMs) – during a formal review period. This “90-day Appeal Period” allows the community to review the preliminary maps provided and submit written appeals and comments to FEMA for consideration and inclusion. Both the information shown on the preliminary FIRMs and the accompanying Flood Insurance Study (FIS) report should be reviewed for completeness by communities prior to the close of the 90-day appeal period.

### **Importance of Community Review**

Although we strive to include the most up to date information in the identification of flood risk within your community, we are aware that development continues throughout the preparation of the flood hazard products we deliver. We would like to work collaboratively to assure the most up to date information is reflected on the maps prepared for your community. Please review the content of the flood hazard products delivered and identify areas for further discussion.

### **What is My Role as a Community Official?**

FEMA works to partner with local community Chief Executive Officers (CEOs) and other designated community officials throughout the preparation of the preliminary flood hazard maps. FEMA asks communities to collect and review each objection received to determine whether the information or data submitted is sufficient to forward to the FEMA Regional office.

When forwarding an appeal or comment and support data to FEMA for review, community officials are asked to include a transmittal letter stating whether the community supports the objection. Additionally, the community also may appeal or comment on its own behalf if no individual appeals or comments are submitted. Comments should be submitted to the Regional FEMA office, Mitigation Division, Attn: FIRM Appeal/Comment Submittal.



Additionally, FEMA would like to partner with the community to inform local residents and business owners of the proposed map modifications/additions. We have a variety of tools and templates that may assist your community in the communication of flood risk within your community. Please contact us with your questions so that we may work with you to inform your residents and business owners of the pending map update.

FEMA welcomes public input through the appeals process and requests that communities collect potential appeals and comments. Additional scientific and technical information increases the risk identification depicted on the maps and better informs a community of its flooding risk. Additional information is included below to better define an **appeal** and a **comment**.

## What is an Appeal?

An appeal is a formal written objection to the addition/modification of preliminary Base Flood Elevations/Flood Depths, Special Flood Hazard Area (SFHA) boundaries, Zone designations, or regulatory floodway boundaries depicted on the preliminary FIRMs your community received.

As outlined in Part 67 of the National Flood Insurance Program regulations, an appeal should be accompanied by data and documentation indicating the proposed new or modified flood hazard information shown on the preliminary products is scientifically or technically incorrect. The information submitted by the appellant should indicate a modification or update to the information used to prepare the preliminary FIRM and/or FIS report. Appellants are asked to demonstrate better methodologies, assumptions or data exists and provide alternative analyses or data to used to develop the new or updated flood hazard information on the preliminary FIRM with their appeal package. In order for FEMA to incorporate this information the data provided will be reviewed to see if the information submitted is scientifically and technically sound and whether any alternate analysis/data provided results in a change to the proposed BFEs, base flood depths, SFHA boundaries or zone designations and/or the regulatory floodways shown on the preliminary FIRM and/or FIS report.

Please review your preliminary maps for new or modified flood hazard information and submit the required documentation in areas eligible for appeal. Areas eligible for appeal include:

- Streams with changes to Base Flood Elevations, (Zone AE and Zone AH areas),
- Flooding/Ponding areas with changes to base flood depths (Zone AO areas),
- Flooding sources with changes to SFHA<sup>1</sup> boundaries,
- Modification/addition of Zone designations, and/or
- Modification/addition of the regulatory floodways<sup>2</sup> depicted on the FIRMs.

<sup>1</sup>SFHAs are areas subject to inundation by the base flood and include the following flood insurance risk zone designations: A, AO, AH, A1-A30, AE, A99, AR, AR/A1-A30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-V30, VE, and V.

<sup>2</sup>The regulatory floodway is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water-surface elevation more than a designated height.



## What is a Comment?

A **comment** is an objection to a base map feature modification/addition, update to the FIS report materials or any other non-appealable change. Comments usually involve changes to items such as road locations and road names, corporate limits updates, or other base map features.

Community officials should submit a map or GIS dataset showing more up-to-date information on these features for review and inclusion on the FIRM panels, if necessary. FEMA may use the submitted information to revise the preliminary FIRM and/or FIS report, or will explain to local officials, why no changes could be made.

## Where has the Map Changed?

FEMA makes available an interactive mapping tool for use by community officials, residents and business owners through its Flood Map Changes Viewer:

<https://msc.fema.gov/fmcv>

## What Happens after the Preliminary FIRM is Issued?

After mailing the preliminary flood hazard maps, FEMA contacts the communities affected by the pending FIRM update. A face-to-face coordination meeting is held with community officials to explain the map review and adoption process in detail. Following that meeting:

- A legal notice, called a Proposed Notice will be published in the FEDERAL REGISTER.
- The 90-day Appeal Period will be announced in a local newspaper with two printings. Additionally, FEMA will contact communities via letter to indicate the start and end date of the 90-day Appeal Period.
- Community officials submit appeal and comment packages to FEMA for review.
- FEMA will contact both the appellant and community to acknowledge the receipt of appeals and comments throughout the 90-day Appeal Period. A formal letter will also be sent to document the items received. At times, we may require additional data to review the incoming request. We ask that you work with us to coordinate the necessary information for review of the incoming objection.
- Once FEMA has concluded its review, we will contact both the appellant and community to discuss the findings. A formal letter will also be sent to document the appeal and comment resolutions. If a FIRM panel's flood hazard information was altered as a result of information submitted with the appeal, the resolution package will also include a proof copy of the revised FIRM. We ask that you review this revised proof FIRM within 30 days and provide any additional comments for consideration.
- After the 90-day appeal period has elapsed and all objections have been addressed, FEMA will issue a Letter of Final Determination (LFD) to community officials.
- The LFD signifies the start of a six-month "adoption/compliance period." During this period, FEMA prepares the digital maps and FIS reports in final form, and prints and distributes them several months before the map effective date for local review.



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- At the end of the adoption/compliance period, the new digital FIRM and FIS report will become effective.

## Other Items of Note

### Scientific Resolution Panels

Scientific Resolution Panels (SRPs) are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. An SRP is an option after FEMA and a local community has been engaged in a collaborative consultation process without a mutually acceptable resolution. SRPs are available only for communities that meet the specific eligibility requirements outlined in FEMA Procedure Memorandum 58, *Implementing the Scientific Resolution Panel*. For additional information on SRPs, please contact your local FEMA Regional office.

### How to Appeal the Final Determination Made by FEMA

Under the provisions of Section 67.12 of the NFIP regulations, an appellant who is aggrieved by the final determination by FEMA may, within 60 days of receipt of the LFD, appeal the final determination to the U.S. District Court for the district in which the community is located. While the appeal is being reviewed by the U.S. District Court, the final determination by FEMA will be effective, unless it is stayed by the Court for good cause shown.