



FEMA

## Appeals and Comments: Information for Property Owners

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. The maps are also used to determine flood insurance rates and requirements within your community.

Property owners and residents are provided an opportunity to review and provide feedback on the preliminary flood hazard maps – also known as Flood Insurance Rate Maps (FIRMs) – during a formal review period called the “90-day Appeal Period.” Submitted written appeals and comments (discussed below) are then consolidated by the community and provided to FEMA for consideration. Both the information shown on the preliminary FIRMs and the accompanying Flood Insurance Study (FIS) report should be reviewed by communities and affected residents prior to the close of the 90-day appeal period.

### What is My Role as a Property Owner?

FEMA welcomes public input on the preliminary FIRMs and FIS report through the appeals process. Additional information provided can result in more accurate FIRMs and better informs a community and its residents of flooding risk.

If a property owner or other resident would like to submit an appeal or comment, they must submit their written request along with the required support data and documentation (see “Appeals and Comments: Required Support Data and Documentation for Property Owners” for more details) to the community Chief Executive Officer (e.g., the Mayor, Chairman of the Board of Supervisors, etc.) or other designated community official.

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 that 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 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.

Property owners and residents may locate property on the community's preliminary maps to determine if new flood hazard information shown on the maps affects the property in question. 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.

Property owners and residents may appeal the new flood hazard information shown on the preliminary FIRM by submitting scientific or technical information as indicated above to their community CEO or other designated community official. The community will forward this information to FEMA for review. FEMA will respond to all appeals through formal written correspondence to both the community and the original appellants. If warranted, FEMA will revise the preliminary FIRM and/or FIS report to reflect the information submitted in support of the appeal and provide copies of these materials with the appeal resolution letter.

Please note that due to map scale limitations, requests which involve individual lots or structures believed to be incorrectly shown within the SFHA on the preliminary FIRM typically cannot be resolved through the appeal process. However, individual homeowners or renters may submit mapping and survey information to FEMA to request a Letter of Map Amendment (LOMA) or Letter of Map Revision Based on Fill (LOMR-F) which officially removes a property or structure from the SFHA. This process typically takes 30 to 60 days and no fee is required. Additional information on the LOMA/LOMR-F process is available through FEMA's website at [http://www.fema.gov/plan/prevent/fhm/fmc\\_loma.shtm](http://www.fema.gov/plan/prevent/fhm/fmc_loma.shtm).

<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.

If needed, property owners and other residents should submit a map or other materials showing more up-to-date information on such features to their community CEO or other designated community official. The community will then consolidate all comments and appeals received related to the preliminary FIRM and FIS report and provide to FEMA. FEMA may use the submitted information to revise the preliminary FIRM and/or FIS report, or will explain why no changes could be made.

## Where has the Map Changed?

FEMA Region 6 also makes available a hyperlinked preliminary index map FIRM Panel for use by community officials, residents and business owners through our RiskMAP6.com website. You can access the information at the following on-line location:

<http://www.riskmap6.com/Community.aspx?cid=62&sid=1>

## 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.
- Property owners and residents submit appeals or comments during the 90-day Appeal Period to their community officials.
- 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 from the appellant to review the incoming request.
- 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. Community officials and appellants will be asked to review this revised proof FIRM within 30 days and provide any additional comments for consideration.



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- 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.
- 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.