



**FEMA**

November 30, 2011

## Procedure Memorandum No. 57

Title: Expanded Appeals Process

Effective Date: **December 1, 2011** –

*All flood studies/Physical Map Revisions (PMRs) for which:*

- *a Preliminary Flood Insurance Rate Map (FIRM) is issued on or after December 1, 2011; or*
- *a Proposed flood hazard determination notice is published in the Federal Register on or after December 1, 2011; or*
- *a Revised Preliminary FIRM and/or FIS report that reflect the results of new analyses or changes unrelated to the resolution of an active appeal or protest is issued on or after December 1, 2011*

*All Letters of Map Revision (LOMRs) issued on or after December 1, 2011.*

A handwritten signature in black ink, appearing to read "Doug Bellomo", written over a horizontal line.

Approval: Doug Bellomo  
Director, Risk Analysis Division  
Federal Insurance and Mitigation Administration

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**Background:** Section 110 of the Flood Disaster Protection Act of 1973 (Public Law 93-234), hereafter referred to as the Act, is intended to ensure an equitable balancing of all interests involved in the setting of new and modified Base (1-percent-annual-chance) Flood Elevation (BFE) determinations. The Act provides for an explicit process of notification and appeals for community officials and for private persons prior to the Federal Emergency Management Agency (FEMA) making the BFE determinations final. “Community” as used in the Act and in this Procedure Memorandum means a community participating in, or in the process of joining, the National Flood Insurance Program (NFIP).

This is consistent with the definition provided in the NFIP regulations as cited in the Code of Federal Regulations (CFR) at Title 44, Chapter 1, Section 59.1 (44CFR59.1).

When new or modified BFEs and/or base flood depths are to be proposed for a community, FEMA must, in accordance with Section 110 of the Act, provide the community with a 90-day appeal period. In accordance with Section 67.4 of the NFIP regulations (44CFR67.4), FEMA initiates the due process for the proposed BFE determination notification by providing the following:

- Publishing a proposed flood elevation determination notice (i.e., Proposed Rule) for comment in the FEDERAL REGISTER;
- Notifying the Chief Executive Officer (CEO) of the community by sending a proposed flood elevation determination letter by certified mail, return receipt requested; and
- Publishing the proposed flood elevation determination in a prominent local newspaper at least twice during the 10-day period immediately following the notification of the community CEO.

Under current FEMA policy, any objections relating to changes to other flood hazard information depicted on the FIRM that are not specifically related to changes in BFE/base flood depth determinations, including the additions of or modifications to any Special Flood Hazard Area (SFHA) boundary or zone designation or regulatory floodway, are ineligible for consideration as “appeals” under the current appeals process.

**Issue:** FEMA considers all information in the course of remapping communities, and it also issues determinations (such as floodway, floodplain, and zone delineation) that are not strictly BFE/base flood depth determinations but nonetheless have the same impact as a BFE change (*i.e.*, individuals in the area affected by a zone change may become exempt from being required to purchase flood insurance or may be required to buy flood insurance). As such, FEMA is revising its policy to provide the same due process currently provided to changes in BFE/base flood depth determinations to other changes in flood hazard information on the FIRM, including the addition/modification of any SFHA boundary, SFHA zone designation, or regulatory floodway.

**Actions Taken:** FEMA will expand the due process procedures currently provided for new or modified BFEs/base flood depths to other new or modified flood hazard information shown on the FIRM, including additions or modifications of any SFHA boundary, SFHA zone designation, or regulatory floodway. 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. 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. This Procedure Memorandum and its supporting attachments provide guidance on the implementation of the Expanded Appeals Process. This guidance applies to certain in-progress and all future flood studies and Physical Map Revisions (PMRs) and to LOMRs. A Final Notice announcing the change in the appeal policy was published on November 28, 2011 in the FEDERAL REGISTER.

**Supersedes/Amends:** *Guidelines and Standards for Flood Risk Analysis and Mapping (formerly Guidelines and Specifications for Flood Hazard Mapping Partners); Document Control Procedures Manual; MitDiv-12, Appeals, Revisions, and Amendments to National Flood Insurance Program Maps: A Guide for Community Officials; and FEMA 495, Adoption of Flood Insurance Rate Maps by Participating Communities.*

**Attachments:**

Flood Hazard Determinations on the Web Study Notice Template  
Flood Hazard Determinations on the Web LOMR Notice Template  
Newspaper Notice for Studies Template  
Newspaper Notice for LOMRs Template  
Criteria for Appeals of Flood Insurance Rate Maps

**Distribution List** (electronic distribution only):

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**FEMA**

All policy and standards in this document have been superseded by the FEMA Policy for Flood Risk Analysis and Mapping. However, the document contains useful guidance to support implementation of the new standards.

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## 1. Introduction

FEMA will expand the due process procedures currently provided for new or modified Base Flood Elevations (BFEs)/base flood depths to other new or modified flood hazard information shown on the Flood Insurance Rate Map (FIRM), including additions or modifications of any Special Flood Hazard Area (SFHA) boundary, SFHA zone designation, or regulatory floodway. This Procedure Memorandum and its supporting attachments provide guidance on the implementation of the Expanded Appeals Process. As discussed below, **this guidance applies to certain in-progress and all future flood studies and Physical Map Revisions (PMRs) and to Letters of Map Revision (LOMRs).**

## 2. Standards

Table 1 provides an at-a-glance overview of the standards included in this Procedure Memorandum that must be met under the Expanded Appeals Process. The standards are also shown in the body of this Procedure Memorandum as **bold** text.

Table 1: Standards

Standard	Page
FEMA will expand the due process procedures currently provided for new or modified BFEs/base flood depths to other new or modified flood hazard information shown on the FIRM, including additions or modifications of any SFHA boundary, SFHA zone designation, or regulatory floodway. This guidance applies to certain in-progress and all future flood studies and PMRs and to LOMRs.	1
The Expanded Appeals Process will apply to all flood studies and PMRs for which preliminary FIRMs and Flood Insurance Study (FIS) reports are issued on or after December 1, 2011. It will also apply to all flood studies and PMRs issued preliminary prior to December 1, 2011 requiring a 90-day appeal period at the time of issuance for which a proposed flood hazard determination (formerly called a Proposed Rule) is published in the FEDERAL REGISTER on or after December 1, 2011. It will not apply to flood studies and PMRs for which preliminary FIRMs and FIS reports were issued prior to December 1, 2011 for which a statutory 90-day appeal period was not required at the time of issuance.	3
Any corrections to Proposed BFE notices deemed necessary will be published in the format of the original notice.	3
Studies for which revised preliminary FIRMs and/or FIS reports are issued on or after December 1, 2011, will be afforded an appeal period using the new format, provided they reflect the results of new analyses or changes unrelated to the resolution of an active appeal or protest.	4
Revised preliminary FIRMs and/or FIS reports issued to resolve an active appeal or protest will proceed to Letter of Final Determination (LFD) after the customary 30-day review period following issuance of the appeal/protest resolution letter. In such cases, no new 90-day appeal period will apply.	4

<p>An appeal period <b>is</b> required for LOMRs that result in new or modified:</p> <ul style="list-style-type: none"> <li>• BFEs and/or base flood depths</li> <li>• SFHA boundaries</li> <li>• SFHA zone designations</li> <li>• Regulatory floodway boundaries</li> </ul>	4
<p>The Expanded Appeals Process will apply to all LOMRs issued on or after December 1, 2011.</p>	4
<p>An appeal period <b>is not</b> required for LOMRs based on the following request type:</p> <ul style="list-style-type: none"> <li>• Reissuance of effective LOMRs not incorporated into a new study</li> <li>• Updates that do not impact BFEs, base flood depths, SFHA boundaries, zone designations, or regulatory floodway boundaries</li> </ul>	4
<p>To provide expanded due process rights for changes due to LOMRs, any LOMR in a community already compliant with the necessary requirements outlined 44 CFR Section 60.3 that requires an appeal period will become effective 120 days from the second newspaper publication date, or after all appeals received have been resolved, whichever comes later, following current FEMA policy.</p>	4
<p>LOMRs in communities that are not currently compliant with the necessary requirements outlined 44 CFR Section 60.3, or in communities that require adoption of the LOMR will become effective following a six month compliance period or after all appeals received have been resolved, whichever comes later, following current FEMA policy.</p>	4
<p>Evidence of public notice or property owner notification of the changes effected by a LOMR will continue to be requested during the review of the LOMR request.</p>	4
<p>FEMA will use the term “comment” when referring to base map feature changes. Objections to changes involving the addition/modification of SFHAs and/or regulatory floodways will now be captured under the term “appeal.”</p>	5
<p>A new format for entering and capturing data in the BFEs on the Web tool and FEDERAL REGISTER notices has been developed which must be followed for all flood studies, PMRs and LOMRs processed under the Expanded Appeals Process. The changes include the elimination of the listing of BFE/base flood depth changes with detailed descriptions in the notice.</p>	5

### 3. New Procedure for Studies

This policy will become effective December 1, 2011. **It will apply to all flood studies and PMRs for which preliminary FIRMs and Flood Insurance Study (FIS) reports are issued on or after December 1, 2011. It will also apply to all flood studies and PMRs issued preliminary prior to December 1, 2011 requiring a 90-day appeal period at the time of issuance for which a proposed flood hazard determination (formerly called a Proposed Rule) is published in the FEDERAL REGISTER on or after December 1, 2011. It will not apply to flood studies and PMRs for which preliminary FIRMs and FIS reports were issued prior to December 1, 2011 for which a statutory 90-day appeal period was not required at the time of issuance.** Similarly, **any corrections to Proposed BFE notices deemed necessary will be published in the**

**format of the original notice.** Final Flood Hazard determinations (Final Rules) will also be published in the same format as they were proposed.

On the other hand, **studies for which revised preliminary FIRMs and/or FIS reports are issued on or after December 1, 2011, will be afforded an appeal period using the new format, provided they reflect the results of new analyses or changes unrelated to the resolution of an active appeal or protest.** Examples of studies where the Expanded Appeals Process will apply include those placed on hold while new levee analysis and mapping procedures were being developed. In these instances, the original Proposed Rule, where applicable, will be withdrawn and the Expanded Appeals Process will be applied to the entire study-both the revised preliminary and unaffected preliminary FIRM and FIS report components.

**Revised preliminary FIRMs and/or FIS reports issued to resolve an active appeal or protest will proceed to Letter of Final Determination (LFD) after the customary 30-day review period following issuance of the appeal/protest resolution letter. In such cases, no new 90-day appeal period will apply.** The Final Rule will be issued with all necessary BFE changes incorporated and published in the same format as they were proposed.

## 4. New Procedure for LOMRs

**Beginning with LOMRs issued on or after December 1, 2011, FEMA will use the following criteria to determine if an appeal period is required.**

- **An appeal period is required for LOMRs that result in new or modified:**
  - **BFEs and/or base flood depths**
  - **SFHA boundaries**
  - **SFHA zone designations**
  - **Regulatory floodway boundaries**
- **An appeal period is not required for LOMRs based on the following request type:**
  - **Reissuance of effective LOMRs not incorporated into a new study**
  - **Updates that do not impact BFEs, base flood depths, SFHA boundaries, zone designations, or regulatory floodway boundaries**

**To provide expanded due process rights for changes due to LOMRs, any LOMR in a community already compliant with the necessary requirements outlined 44 CFR Section 60.3 that requires an appeal period will become effective 120 days from the second newspaper publication date, or after all appeals received have been resolved, whichever comes later, following current FEMA policy. LOMRs in communities that are not currently compliant with the necessary requirements outlined 44 CFR Section 60.3, or in communities that require adoption of the LOMR will become effective following a six month compliance period or after all appeals received have been resolved, whichever comes later, following current FEMA policy.**

**Evidence of public notice or property owner notification of the changes effected by a LOMR will continue to be requested during the review of the LOMR request.** This will help to ensure that the affected population is aware of the flood hazard changes in the affected area and the resultant LOMR. However, evidence of property owner acceptance of the changes effected by a LOMR will no longer be requested or influence the effective date of the LOMR.



## 5. Supporting Guidance

In an effort to clearly define standards for supporting data and documentation that would need to be submitted to constitute an appeal of flood hazard data based on this new policy, FEMA has developed the accompanying guidance document, titled “Criteria for Appeals of Flood Insurance Rate Maps.”

FEMA has revised some terminology related to objections to information shown on the FIRM. Currently, the terminology being used in correspondence, guidance, and other documentation when describing objections to FIRM changes involving the addition/modification of SFHA boundaries, SFHA zone designations, regulatory floodways, or base map features (including corporate limit boundaries, roads, or other planimetric features) is inconsistent. For example, in some cases the term “protest” is used to describe such objections; in other cases, the term “comment” is used. Moving forward with the change in appeal policy discussed above, FEMA will no longer use the term “protest;” **FEMA will use the term “comment” when referring to base map feature changes.** As discussed above, **objections to changes involving the addition/modification of SFHA boundaries, SFHA zone designations, and/or regulatory floodways will now be captured under the term “appeal.”**

**As a result of these revised process changes, a new format for entering and capturing data in the BFEs on the Web (which has been renamed “Flood Hazard Determinations on the Web”) tool and FEDERAL REGISTER notices has been developed which must be followed for all flood studies, PMRs and LOMRs processed under the Expanded Appeals Process. The changes include the elimination of the listing of BFE/base flood depth changes with detailed descriptions in the notice.** This will simplify the process and reduce the potential for errors. Other format changes are as follows:

- The introductory standard paragraphs for the FEDERAL REGISTER and Flood Hazard Determinations on the Web notices have been revised to remove the reference to BFEs and now reference the more general term “flood hazard.”
- The level of detail provided in the FEDERAL REGISTER notices for flood studies/PMRs has been reduced to include county/community names and map repository addresses only; for watershed-based projects undertaken under the Risk Mapping, Assessment, and Planning (Risk MAP) program, the name of the studied watershed will also be included; the Study Flood Hazard Determinations on the Web notice will also include the community CEO name and address.
- The level of detail provided in the Flood Hazard Determinations on the Web notice for LOMRs has been reduced to include the community name, community CEO name and address, and map repository address only.

Links will be provided in the notices to URLs where the preliminary FIRM panels and LOMR data are available for public review. Revised Newspaper notice and Flood Hazard Determinations on the Web notice templates are attached.

FEMA Headquarters, in coordination with the Office of Chief Counsel (OCC), has changed the classification of the current FEDERAL REGISTER publications from “Rules” to “Notices.” A Final Notice was published in the Federal Register on November 28, 2011 announcing the change in

appeal policy and establishing “flood hazard determinations” as “Notices” instead of “Rules” going forward. For any in-progress flood study/PMR for which FEMA published a Proposed Rule in the FEDERAL REGISTER before December 1, 2011, FEMA will issue a Final Rule following the current format when issuing the LFD. For any LOMR issued prior to December 1, 2011, FEMA will issue a Final Rule following the current format when issuing the 116 letter.

FEMA has established standards and process guidance through the publication of various guidance documents and web content relating to the processing of flood studies/PMRs and LOMRs. Updated guidance documents and web content will be developed to reflect the changes outlined in this Procedure Memorandum. The updated documents include, but are not limited to, applicable sections of the *Guidelines and Standards for Flood Risk Analysis and Mapping* (formerly *Guidelines and Specifications for Flood Hazard Mapping Partners*); *Document Control Procedures Manual*; *MitDiv-12, Appeals, Revisions, and Amendments to National Flood Insurance Program Maps: A Guide for Community Officials*; and FEMA 495, *Adoption of Flood Insurance Rate Maps by Participating Communities*.

## 6. Attachments

- 6.1. Flood Hazard Determinations on the Web Flood Study/PMR Notice Template
- 6.2. Flood Hazard Determinations on the Web LOMR Notice Template
- 6.3. Newspaper Notice for Flood Studies/PMRs Template
- 6.4. Newspaper Notice for LOMRs Template  
Criteria for Appeals of Flood Insurance Rate Maps (*published separately*)

## 6.1. Flood Hazard Determinations on the Web Flood Study/PMR Notice Template

### DEPARTMENT OF HOMELAND SECURITY

#### Federal Emergency Management Agency

#### Proposed Flood Hazard Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA, Department of Homeland Security)

**SUMMARY:** Technical information or comments are solicited on the proposed flood hazard determinations shown on the preliminary Flood Insurance Rate Map (FIRM), and where applicable, the Flood Insurance Study (FIS) report, for your community. These flood hazard determinations may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway shown on the FIRM, and if applicable, within the FIS report. SFHAs are areas subject to inundation by the base (1-percent-annual-chance) flood and include the following flood zones: 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. Floodways are 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. Comments on other aspects of the FIRM and FIS report will also be considered.

The FIRM and FIS report are the basis for the floodplain management measures that your community is required to either adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents, and others to calculate the appropriate flood insurance premium rates for new buildings and the contents in these buildings.

**DATES & SUBMISSION:** The appeal period begins following the second publication of the notice of these proposed flood hazard determinations in a newspaper of local circulation in your community and ends 90 days thereafter. All comments and/or appeals must be submitted to the Chief Executive Officer (CEO) of your community as listed in the table below, and received no later than 90 days after the second publication of the notice in the local newspaper.

**ADDRESSES:** The FIRM and FIS report showing the proposed flood hazard determinations can be viewed at the map repository addresses or the online location listed in the table below.

Lessees and owners of real property are encouraged to review the FIRM, FIS report, and related materials.

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (e-mail) [luis.rodriquez3@fema.dhs.gov](mailto:luis.rodriquez3@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [http://www.floodmaps.fema.gov/fhm/fmx\\_main.html](http://www.floodmaps.fema.gov/fhm/fmx_main.html).

**SUPPLEMENTARY INFORMATION:** FEMA gives notice of the proposed flood hazard determinations in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and Part 67, Subpart 4(a) of Title 44 of the Code of Federal Regulations (CFR).

These flood hazard determinations may include additions or modifications of any BFE, base flood depth, SFHA boundary or zone designation, or regulatory floodway on the FIRM, and if applicable, within the FIS report.

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are minimum requirements. They should not be construed to mean that your community must change any existing ordinances that are more stringent in their floodplain management requirements. Your community may, at any time, enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report becomes effective.

Any submitted data or objections provided that involve changes to flood hazard determinations and that satisfy the data requirements defined in 44 CFR 67.6 are considered appeals. All other submitted data or objections are referred to as comments. Comments may reference changes to base map features, such as corporate limits or roads. All submitted information will be considered in finalizing the FIRM and FIS report.

Information must be sent directly to the community CEO listed in the table below. The issues raised (appeals and comments) will be reviewed in aggregate and not addressed individually. Individuals providing information who have been determined by FEMA to meet the criteria of "appellant" as articulated in 44 CFR 67.5 will be sent a copy of the resolution letter, which names them as appellants. Typically, individuals who provide only comments will not be notified.

Use of a Scientific Resolution Panel (SRP) is available to each community in support of the appeal resolution process when conflicting scientific or technical data is submitted during the appeal period. 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 have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution. Additional information regarding the SRP process and eligibility requirements can be found in the SRP Fact Sheet, which is available at the following location: [http://floodsrp.org/pdfs/srp\\_fact\\_sheet.pdf](http://floodsrp.org/pdfs/srp_fact_sheet.pdf).

### VIEW FLOOD HAZARD DETERMINATION INFORMATION

The new flood hazard determination information, as shown on the preliminary FIRM and FIS report for each community, may be viewed at the map repository address listed in the table below, or online at <http://rampp-team.com/ny.htm>. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at [www.msc.fema.gov](http://www.msc.fema.gov) for comparison. Addresses for the CEO of each community are also provided below.

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Community	Chief Executive Officer of Community	Community Map Repository
City of Canon City	The Honorable Leon Cary Mayor of the City of Canon City 304 Route 17C Canon City, VA 67843	City Hall 128 Main Street Canon City, VA 67843
City of Hatchville	The Honorable Mike Simmons Mayor of the City of Hatchville 18 Railroad Avenue Hatchville, VA 67840	City Hall 2 Green Street Hatchville, VA 67840
City of New Hope	The Honorable Alicia Arrington Mayor of the City of New Hope 411 Mulberry Street New Hope, VA 67843	City Hall 411 Mulberry Street New Hope, VA 67843
Town of Inglewood	The Honorable Lucille Toma Mayor of the Town of Inglewood 54 Sellers Avenue, Inglewood, VA 67840	Town Hall 523 Carolina Avenue Inglewood, VA 67840
Unincorporated Areas of Alleghany County	Mr. Carl B. Sweeney Chairman of the Alleghany County Board of Supervisors 615 Macon Avenue Canon City, VA 67843	Alleghany County Courthouse 615 Macon Avenue Canon City, VA 67843

## 6.2. Flood Hazard Determinations on the Web LOMR Notice Template

### DEPARTMENT OF HOMELAND SECURITY

#### Federal Emergency Management Agency

#### Changes to Flood Hazard Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA), Department of Homeland Security.

**SUMMARY:** On September 2, 2008, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) identified Special Flood Hazard Areas (SFHAs) in the Town of Montreat, North Carolina, through issuance of a Flood Insurance Rate Map (FIRM), and where applicable, a supporting Flood Insurance Study (FIS) report. FEMA's Mitigation Directorate has determined that changes to flood hazard information, which may include the addition or modification of Base Flood Elevations (BFEs), base flood depths, SFHA boundaries or zone designations, or the regulatory floodway, for certain locations in this community is appropriate. SFHAs are areas subject to inundation by the base (1-percent-annual-chance) flood and include the following flood zones: 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. Floodways are 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.

The FIRM, and where applicable, the supporting FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR Part 65).

**DATES:** Upon the second publication of notice of these changes in a newspaper of local circulation in the community, any person has 90 days in which he or she can request, through the Chief Executive Officer (CEO) of the community as listed in the table below, that the Mitigation Directorate reconsiders the determination. All interested parties are on notice that until the 90-day period elapses, the Mitigation Directorate's determination to modify the flood hazard information may itself be changed.

**ADDRESSES:** Any information or comments regarding these flood hazard determinations must be sent directly to the community CEO listed in the table below.

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (e-mail) [luis.rodriguez3@fema.dhs.gov](mailto:luis.rodriguez3@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [http://www.floodmaps.fema.gov/fhm/fmx\\_main.html](http://www.floodmaps.fema.gov/fhm/fmx_main.html).

**SUPPLEMENTARY INFORMATION:** The changes are being made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65.

Pursuant to these Acts, the Mitigation Directorate must develop criteria for floodplain management. To participate in the National Flood Insurance Program (NFIP), the community must use the FIRM and FIS report, including LOMRs, to administer the floodplain management measures of the NFIP. These flood hazard determinations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Any submitted data or objections provided that involve changes to flood hazard determinations and satisfy the data requirements and meet the certification requirements defined in 44 CFR 67.6 are considered appeals. All other submitted data or objections are referred to as comments. Comments may reference changes to base map features, such as corporate limits or roads. All submitted information will be considered in finalizing the LOMR.

Information must be sent directly to the community CEO listed in the table below. The issues raised (appeals and comments) will be reviewed in aggregate and not addressed individually. Individuals providing information who have been determined by FEMA to meet the criteria of "appellant" as articulated in 44 CFR 67.5 will be sent a copy of the resolution letter, which names them as appellants. Typically, individuals who provide only comments will not be notified.

**VIEW FLOOD HAZARD DETERMINATION INFORMATION:**

The modified flood hazard determination information may be viewed at the map repository address listed in the table below, or online at <http://www.ncfloodmaps.com/lomc.htm>. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at [www.msc.fema.gov](http://www.msc.fema.gov) for comparison. Any person having knowledge or wishing to comment on these changes should immediately notify the CEO of the community as listed in the table below.

Community	Chief Executive Officer of Community	Community Map Repository
Town of Montreat	The Honorable Leon Cary Mayor of the Town of Montreat 304 Route 17C Montreat, NC 28757	City Hall 128 Main Street Montreat, NC 28757

### 6.3. Newspaper Notice for Flood Studies/PMRs Template

**DEPARTMENT OF HOMELAND SECURITY**

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**Proposed Flood Hazard Determinations for ♦**

The Department of Homeland Security's Federal Emergency Management Agency has issued a preliminary Flood Insurance Rate Map (FIRM), and where applicable, Flood Insurance Study (FIS) report, reflecting proposed flood hazard determinations within ♦. These flood hazard determinations may include the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area boundaries or zone designations, or the regulatory floodway. Technical information or comments are solicited on the proposed flood hazard determinations shown on the preliminary FIS report and/or FIRM for ♦. These flood hazard determinations are the basis for the floodplain management measures that your community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program. However, before these determinations are effective for floodplain management purposes, you will be provided an opportunity to appeal the proposed information. For information on the statutory 90 day period provided for appeals, as well as a complete listing of the communities affected and the locations where copies of the FIRM are available for review, please visit FEMA's website at <http://www.fema.gov/plan/prevent/fhm/bfe>, or call the FEMA Map Information eXchange (FMIX) toll free at 1-877-FEMA MAP (1-877-336-2627).



## 6.4. Newspaper Notice for LOMRs Template

### DEPARTMENT OF HOMELAND SECURITY

### FEDERAL EMERGENCY MANAGEMENT AGENCY

**Proposed Flood Hazard Determinations for [Name of Community, County, State, and Case No.-----]** The Department of Homeland Security's Federal Emergency Management Agency (FEMA) solicits technical information or comments on proposed flood hazard determinations for the Flood Insurance Rate Map (FIRM), and where applicable, the Flood Insurance Study (FIS) report for your community. These flood hazard determinations may include the addition or modification of Base Flood Elevations, base flood depths, Special Flood Hazard Area boundaries or zone designations, or the regulatory floodway. The FIS report and/or FIRM have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations. These determinations are the basis for the floodplain management measures that your community is required to adopt or show evidence of having in effect to qualify or remain qualified for participation in the National Flood Insurance Program. For more information on the proposed flood hazard determinations and information on the statutory 90 day period provided for appeals, please visit FEMA's website at [https://www.floodmaps.fema.gov/fhm/Scripts/bfe\\_main.asp](https://www.floodmaps.fema.gov/fhm/Scripts/bfe_main.asp), or call the FEMA Map Information eXchange toll free at 1-877-FEMA MAP (1-877-336-2627).

# Criteria for Appeals of Flood Insurance Rate Maps

November 30, 2011



**FEMA**

This document outlines the criteria for appealing proposed changes in flood hazard information on Flood Insurance Rate Maps (FIRMs) during the appeal period. The Department of Homeland Security's Federal Emergency Management Agency (FEMA) applies rigorous standards in developing and updating flood hazard information and provides communities with an opportunity to review the updated flood hazard information presented on new or revised FIRMs before they become final.

## 1. Background

The regulatory requirements related to appeals are found in Part 67 of the National Flood Insurance Program (NFIP) regulations. Additional FEMA procedural details are provided in Procedure Memorandum No. 57, *Expanded Appeals Process*, dated November 30, 2011. Detailed information on appeals can also be found in *Appeals, Revisions, and Amendments to National Flood Insurance Program Maps—A Guide for Community Officials* and FEMA's *Document Control Procedures Manual*. All referenced documents are accessible through the "Guidance Documents and Other Published Resources" webpage, located at: [http://www.fema.gov/plan/prevent/fhm/frm\\_docs.shtm](http://www.fema.gov/plan/prevent/fhm/frm_docs.shtm).

As outlined in these documents, an appeal period is provided for all new or modified flood hazard information shown on a FIRM, including additions or modifications of any Base (1-percent-annual-chance) Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway. SFHAs are areas subject to inundation by the base (1-percent-annual-chance) flood and include the following SFHA 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. Therefore, a statutory 90-day appeal period is required when a flood study, Physical Map Revision (PMR), or Letter of Map Revision (LOMR) is proposed in which:

- New BFEs or base flood depths are proposed or currently effective BFEs or base flood depths are modified;
- New SFHAs are proposed or the boundaries of currently effective SFHAs are modified;
- New SFHA zone designations are proposed or currently effective SFHA zone designations are modified; and
- New regulatory floodways are proposed or the boundaries of currently effective floodways are modified.

Clarification on the necessity for an appeal period is provided for certain specific circumstances outlined below:

- Edge matching of effective floodplain boundaries or information. This usually occurs in first-time countywide flood mapping projects when effective BFEs, base flood depths,

SFHAs, or floodways are extended to an adjacent community that previously had differing or no BFEs, base flood depths, SFHAs, or floodways shown on their effective FIRM in order to fix a map panel to map panel mismatch. In these instances, **an appeal period is required** because BFEs, base flood depths, SFHAs, or floodways are changing or being shown for the first time in the area.

- Redelineation of effective floodplain boundaries. This occurs when an effective SFHA boundary is redrawn on the FIRM using new or updated topography to more accurately represent the risk of flooding. In these instances **an appeal period is required** because the SFHA boundary is changing. However, the appeal period will only apply to the updated SFHA boundary delineations, not the methodology used to originally establish BFEs/flood depths (since this will not have changed).
- Revisions to SFHA zone designations. A revision to an SFHA zone designation may occur with or without a BFE and/or boundary change. For example, when a Zone VE floodplain is changed to a Zone AE designation to reflect the updated location of a Primary Frontal Dune (PFD), the BFE and SFHA boundary may not necessarily change. For any change in SFHA zone designation, including the *removal* of an SFHA designation from a FIRM, **an appeal period is required.**
- Regulatory floodway boundaries. When the effective floodway boundary is redrawn on the FIRM to more accurately represent the extent of the encroachment, **an appeal period is required.**
- MT-1 cases. When the SFHA or floodway boundary is amended due to the issuance of a Letter of Map Amendment (LOMA), Letter of Map Revision based on Fill (LOMR-F), Letter of Map Revision – Floodway, or other MT-1 case, **an appeal period is not required.**
- Annexation of effective floodplain boundaries. When a new or revised FIRM shows new community boundaries which include effective BFEs, base flood depths, SFHAs, or floodways, **an appeal period is not required**, provided no BFE, base flood depth, SFHA, or floodway changes apply.

However, in cases where the flood hazard information in the annexed area has never received due process (for example, if the area is shown for information only on all FIRMs depicting the area), **an appeal period is required.**

- Reissuance of effective LOMRs: When a LOMR is reissued after not being incorporated into a revised FIRM, **an appeal period is not required.**

- Updates that do not impact flood hazard data: When flood studies, PMRs, or LOMRs result in changes to FIRMs that do not impact BFEs, base flood depths, SFHAs, or floodways, **an appeal period is not required**.
- Datum Conversions: **An appeal period is not required** specifically for a datum conversion (e.g., a conversion from NGVD 29 to NAVD 88).

## 1.1. Additional Procedures for LOMRs

Beginning with LOMRs issued on or after December 1, 2011, the following procedures will apply:

In order to provide sufficient due process rights for changes due to LOMRs, any LOMR in a compliant community that requires an appeal period will become effective 120 days from the second newspaper publication date, following FEMA's current policy. This allows time to collect appeals, as well as provides for newspaper publication schedule conflicts. LOMRs in non-compliant communities or in communities that require adoption of the LOMR will become effective following the six month compliance period.

Evidence of public notice or property owner notification of the changes due to a LOMR will continue to be requested during the review of the LOMR request. This will help to ensure that the affected population is aware of the flood hazard changes in the area and the resultant LOMR. However, evidence of property owner acceptance of the changes due to a LOMR will no longer be requested. Because all LOMRs that require an appeal period will become effective 120 days from the second newspaper publication date, the receipt of such acceptance will have no effect on the effective date of the LOMR; therefore, there is no need for the requester to pursue acceptance.

## 2. Appeal Eligibility Requirements

Areas that are eligible for appeal include:

- Areas showing new or revised BFEs or base flood depths
- Areas showing new or revised SFHA boundaries (including both increases and decreases in the extent of the SFHA)
- Areas where there is a change in SFHA zone designation
- Areas showing new or revised regulatory floodway boundaries (including both increases and decreases in the extent of the regulatory floodway).

The area of concern must be within the scope of the new or modified BFEs, base flood depths, SFHA boundaries, SFHA zone designations, and/or regulatory floodway boundary changes and

be supported by scientific and/or technical data. The criteria for data submittals are outlined in Title 44, Chapter 1, Code of Federal Regulations, Section 67.6(b) and in this document.

The statutory 90-day appeal period cannot be extended. FEMA may provide an additional 30 days for a community after the 90-day appeal period has ended to submit supporting and clarifying data for an appeal received during the appeal period. No appeals will be accepted after the 90-day appeal period.

Challenges that do not relate to new or modified BFEs, base flood depths, SFHA boundaries, SFHA zone designations, or floodways are not considered appeals. Challenges received by FEMA during the appeal period that do not address these items will be considered comments. Comments include, but are not limited to the following:

- The impacts of changes that have occurred in the floodplain that should have previously been submitted to FEMA in accordance with 44 Code of Federal Regulations, Section 65.3;
- Corporate limit revisions;
- Road name errors and revisions;
- Requests that changes effected by a LOMA, LOMR-F, or LOMR be incorporated;
- Base map errors; and
- Other possible omissions or potential improvements to the mapping.

Any significant problems identified by community officials or residents (at formal meetings or otherwise) will be addressed appropriately.

### **3. Supporting Data and Documentation Required for Appeals**

The BFEs and base flood depths presented in Flood Insurance Study (FIS) reports and shown on FIRMs are typically the result of coastal, hydrologic and hydraulic engineering methodologies. Floodway configurations, generally developed as part of the hydraulic analyses, are adopted by communities as a regulatory tool for floodplain management and are delineated on FIRMs along with SFHAs.

Because numerous methodologies have been developed for estimating flood discharges and flood elevations/depths, and other flood hazard information under a variety of conditions, FEMA contractors, mapping partners, and others whose data and documentation FEMA approves and uses, such as communities, regional entities and State agencies participating in the Cooperating Technical Partners (CTP) Program, use their professional judgment in selecting methodologies that are appropriate for the conditions along a particular segment of a particular flooding source.

For FEMA contracted flood studies and PMRs the approach to be used will usually be discussed with community officials at the beginning of the flood study or PMR mapping process.

Because the methodologies are the result of attempts to reduce complex physical processes to mathematical models, the methodologies include simplifying assumptions. Usually, the methodologies are used with data developed specifically for the flood study, PMR, or LOMR. Therefore, the results of the methodologies are affected by the amount of data collected and the precision of any measurements made.

Because of the judgments and assumptions that must be made and the limits imposed by cost considerations, the correctness of the BFEs, base flood depths and other flood hazard information is often a matter of degree, rather than absolute. For that reason, appellants who contend that the BFEs, base flood depths, or other flood hazard information is incorrect because better methodologies could have been used, better assumptions could have been made, or better data could have been used, must provide alternative analyses that incorporate such methodologies, assumptions, or data and that quantify their effect on the BFEs, base flood depths or other flood hazard information. FEMA will review the alternative analyses and determine whether they are superior to those used for the flood study, PMR, or LOMR and whether changes to the FIS report and/or FIRM, or LOMR are warranted as a result.

Unless appeals are based on indisputable mathematical or measurement errors or the effects of natural physical changes that have occurred in the floodplain, they must be accompanied by all data that FEMA needs to revise the preliminary version of the FIS report and FIRMs. Therefore, appellants should be prepared to perform coastal, hydrologic and hydraulic analyses, to plot new and/or revised Flood Profiles, and to delineate revised SFHA zone and regulatory floodway boundaries as necessary.

An appeal must be based on data that show the new or modified BFEs, base flood depths, SFHA boundaries, SFHA zone designations, or floodways to be scientifically or technically incorrect. All analyses and data submitted by appellants must be certified by a Registered Professional Engineer or Licensed Land Surveyor, as appropriate. The data and documentation that must be submitted in support of the various types of appeals are discussed in the subsections that follow.

### **3.1. Appealing BFEs, Base Flood Depths, SFHA Zone Designations, or Regulatory Floodways**

#### **Scientifically incorrect BFEs, base flood depths, SFHA zone designations, or regulatory floodways:**

Proposed BFEs, base flood depths, SFHA zone designations, or regulatory floodways are said to be scientifically incorrect if the methodology used in the determination of the BFEs,

base flood depths, SFHA zone designations, or regulatory floodways is inappropriate or incorrect, or if the assumptions made as part of the methodology are inappropriate or incorrect. An appeal that is based on the proposed BFEs, base flood depths, SFHA zone designations, or regulatory floodways being scientifically incorrect would, therefore, contend that the use of a different methodology or different assumptions would produce more accurate results. A list of National Flood Insurance Program-accepted hydrologic, hydraulic and coastal models is available on FEMA's website at [http://www.fema.gov/plan/prevent/fhm/en\\_modl.shtm](http://www.fema.gov/plan/prevent/fhm/en_modl.shtm). To show that an inappropriate or incorrect coastal, hydraulic or hydrologic methodology has been used, an appellant must submit the following data, as applicable:

- New hydrologic analysis based on alternative methodology and if applicable, updated hydraulic/floodway or coastal analyses based on the updated discharge values;
- New hydraulic/floodway analysis based on alternative methodology and original flood discharge values (if the appeal does not involve the hydrologic analysis);
- New coastal analyses based on alternative methodology and original stillwater elevations (if the appeal does not involve the hydrologic analysis);
- Explanation for superiority of alternative methodology;
- As applicable, revised Summary of Discharges Table, Flood Profiles, Transect Data Table, Summary of Stillwater Elevations Table, and Floodway Data Table (FDT); and
- Revised SFHA zone boundaries and, if applicable, regulatory floodway boundary delineations.

**Technically Incorrect BFEs, Base Flood Depths, SFHA Zone Designations, or Regulatory Floodways:**

The proposed BFEs, base flood depths, SFHA zone designation or regulatory floodways are said to be technically incorrect if at least one of the following is true.

- **The methodology was not applied correctly.**
  - To show that a hydrologic methodology was not applied correctly, an appellant must submit the following:
    - New hydrologic analysis in which the original methodology has been applied differently;
    - Explanation for superiority of new application;
    - New hydraulic/floodway or coastal analysis based on flood discharge values from new hydrologic analysis;



- Revised Summary of Discharges Table and/or Flood Profiles and, if applicable, FDT; and
    - Revised SFHA zone boundary and, if applicable, regulatory floodway boundary delineations.
  - To show that a hydraulic methodology was not applied correctly, an appellant must submit the following information. *(Please note that an appeal to a floodway configuration cannot be solely based on surcharge values.)*
    - New hydraulic/floodway analysis, based on original flood discharge values, in which the original methodology has been applied differently;
    - As applicable, revised Flood Profiles, FDT and other FIS report tables as needed; and
    - Revised SFHA zone boundary and, if applicable, regulatory floodway boundary delineations.
  - To show that a coastal methodology was not applied correctly, an appellant must submit the following:
    - New coastal analysis, based on the original stillwater elevations, in which the original methodology has been applied differently;
    - Revised SFHA zone boundary and, all applicable FIS report tables, including the Transect Data Table.
- **The methodology was based on insufficient or poor-quality data.**
  - To show that insufficient or poor-quality hydrologic data were used, an appellant must submit the following:
    - Data believed to be better than those used in original hydrologic analysis;
    - Documentation for source of data;
    - Explanation for improvement resulting from use of new data;
    - New hydrologic analysis based on better data;
    - New hydraulic/floodway or coastal analysis based on flood discharge values resulting from new hydrologic analysis;
    - Revised Summary of Discharges Table, Flood Profiles and, if applicable, FDT; and
    - Revised SFHA zone boundary and, if applicable, regulatory floodway boundary delineations.
  - To show that insufficient or poor-quality hydraulic data were used, an appellant must submit the following:

- Data believed to be better than those used in original hydraulic analysis;
  - Documentation for source of new data;
  - Explanation for improvement resulting from use of new data;
  - New hydraulic analysis based on better data and original flood discharge values;
  - Revised Flood Profiles and, if applicable, FDT; and
  - Revised SFHA zone boundary and, if applicable, regulatory floodway boundary delineations.
- To show that insufficient or poor-quality coastal analysis data were used, an appellant must submit the following:
  - Data believed to be better than those used in original coastal analysis;
  - Documentation for source of new data;
  - Explanation for improvement resulting from use of new data;
  - New coastal analysis based on better data and original stillwater elevation values; and
  - Revised SFHA zone boundary and, all applicable FIS report tables, including the Transect Data Table.
- **The application of the methodology included indisputable mathematical or measurement errors.**
  - To show that a mathematical error was made, an appellant must identify the error. FEMA will perform any required calculations and make the necessary changes to the FIS report and FIRM.
  - To show that a measurement error (e.g., an incorrect surveyed elevation used in the flood study, PMR, or LOMR) was made, appellants must identify the error and provide the correct measurement. Any new survey data provided must be certified by a Registered Professional Engineer or Licensed Land Surveyor. FEMA will perform any required calculations and make the necessary changes to the FIS report and FIRM.
- **The methodology did not account for the effects of natural physical changes that have occurred in the floodplain.**
  - For appeals based on the effects of natural physical changes that have occurred in the base floodplain, appellants must identify the changes that have occurred and provide the data FEMA needs to perform a revised analysis. The data may include new stream channel and floodplain cross sections or coastal transects.

## 3.2. Appeals to SFHA Boundaries

The supporting data required for changes to SFHA zone boundaries will vary, depending on whether the boundaries are for flooding sources studied by detailed methods or flooding sources studied by approximate methods, as discussed below.

### **Flooding sources studied by detailed methods**

Usually, detailed SFHA zone boundaries are delineated using topographic data and the BFEs and base flood depths resulting from the hydraulic analysis performed for the flood study, PMR, or LOMR. If topographic data are more detailed than those used by FEMA or show more recent topographic conditions, appellants should submit that data and the revised SFHA zone boundaries for FEMA to incorporate into the affected map panels. All maps and other supporting data submitted must be certified by a Registered Professional Engineer or a Licensed Land Surveyor and must reflect existing conditions. Maps or data prepared by an authoritative source, such as the U.S. Army Corps of Engineers, U.S. Geological Survey, U.S. Bureau of Reclamation, or a State department of highways and transportation, are acceptable without certification as long as the sources and dates of the maps are identified. For further information on submittals involving topographic data, please refer to the section below *Additional Guidance on Appeal Submittals Involving Topographic Data*.

### **Flooding Sources Studied by Approximate Methods**

Usually, where BFEs or base flood depths are not available, flood zone boundaries are delineated with the best available data, including flood maps published by other Federal agencies, information on past floods, and simplified hydrologic and hydraulic analyses. If more detailed data or analyses are submitted, FEMA will use them to update the flood hazard information shown on the affected map panels. Such data and analyses may include the following:

- Published flood maps that are more recent or more detailed than those used by FEMA;
- Analyses that are more detailed than those performed by FEMA or that are based on more detailed data than those used by FEMA;
- Topographic data and resulting updated SFHA boundaries.

For further information on submittals involving topographic data, please refer to the section below *Additional Guidance on Appeal Submittals Involving Topographic Data*.

Please note that, when applicable, appeals related to the *methodology* used to develop an approximate flood zone boundary must follow the guidelines established for appeals to BFEs, base flood depths, SFHA zone designations, or regulatory floodways under Section 3.1 above. However, since flood profiles, FDTs, Summary of Discharges Tables, Transect

Data Tables, and Summary of Stillwater Elevations Tables are not developed in support of approximate floodplain boundaries, these data will not need to be submitted for appeals to flooding sources studied by approximate methods.

All submitted data and analyses must be certified by a Registered Professional Engineer or a Licensed Land Surveyor. Maps prepared by an authoritative source, such as the U.S. Army Corps of Engineers, U.S. Geological Survey, U.S. Bureau of Reclamation, or a State department of highways and transportation, are acceptable without certification as long as the sources and dates of the maps are identified.

### **Additional Guidance on Appeal Submittals Involving Topographic Data**

For appeal submittals that involve topographic data, the following additional guidelines must be followed:

- The data must be more detailed/accurate, and/or reflect more recent topographic conditions, and be in a digital Geographic Information System (GIS) format preferably;
- The appeal submittal must clearly state which flooding sources are being appealed based on the updated topographic data;
- Updated SFHA boundary delineations that reflect the submitted topographic data for each appealed flooding source must also be provided, preferably in digital GIS format;
- All topographic data submitted must adhere to FEMA's current data capture standards for such data;
- If necessary, a data sharing agreement must be provided.

## **4. Appeal Period Procedures**

Appeals and comments must be resolved by following the procedures below:

- Acknowledgement by FEMA of the receipt of an appeal in writing, ensuring that acknowledged appeals include ALL of the criteria discussed above.
- Acknowledge the receipt of comments. This can be done either in writing, by FEMA, or through a documented phone conversation between the mapping partner and the community that submitted the comments. At a minimum FEMA must notify the community in writing that it did not receive any appeals. This can be done by separate correspondence or by the inclusion of language in the Letter of Final Determination (LFD).

- FEMA or the mapping partner will evaluate any scientific or technical data submitted for compliance with existing mapping statutes, regulations, or Guidelines and Standards.
- FEMA or the mapping partner will request any additional scientific or technical data required to properly review the appeal or comment.
- FEMA or the mapping partner will make a recommendation to FEMA on the resolution of the appeal or comment.
- FEMA or the mapping partner will prepare a draft appeal resolution letter (if **all** the criteria for an appeal are met).
- The assigned mapping partner shall dispatch the signed FEMA appeal resolution letter and if warranted, Revised Preliminary copies of the FIRM and FIS report to the community CEO and floodplain administrator and all appellants. All correspondence must be prepared and issued on FEMA Headquarters or FEMA Regional letterhead.
- FEMA provides a comment period of 30 days following the date the appeal or comment resolution letter is issued. Any comments received during the 30 day comment period must be addressed and resolved before proceeding with the LFD. Extensions to this 30 day period can only be granted with FEMA Headquarters approval.

## 5. General Technical Guidance

Detailed guidance on the supporting documentation that must be submitted in support of an appeal can be found in *Appeals, Revisions, and Amendments to National Flood Insurance Program Maps—A Guide for Community Officials*.

Unless appeals are based on the use of alternative models or methodologies, the hydrologic and hydraulic analyses that appellants submit must be performed with the models used for the flood study, PMR, or LOMR. Generally, when appellants are required to submit hydrologic or hydraulic analyses, those analyses must be performed for the same recurrence interval floods as those performed for the flood study, PMR, or LOMR. The vertical datum used in any data submitted must match the datum used in the preliminary FIS report and FIRM. Further, SFHA boundaries are to be shown on a topographic map (preferably, in digital form) whose scale and contour interval are sufficient to provide reasonable accuracy.

New flooding information cannot be added to a FIRM in such a way as to create mismatches with the flooding information shown for unrevised areas. Therefore, in performing new analyses and developing revised flooding information, appellants must tie the new BFEs, base flood

depths, SFHA boundaries, SFHA zone designations, and/or regulatory floodway boundaries into those shown on the maps for areas not affected by the appeal.

All analyses and data submitted by appellants, including those that show mathematical or measurement errors must be certified by a Registered Professional Engineer or Licensed Land Surveyor, as appropriate.

## **6. Scientific Resolution Panel (SRP)**

FEMA's Scientific Resolution Panel (SRP) process reinforces FEMA's commitment to work with communities to ensure the flood hazard data depicted on FIRMs is built collaboratively using the best science available.

When changes to the FIRMs are met with conflicting technical and scientific data, an independent third party review of the information may be needed to ensure the FIRMs are updated correctly. The SRP serves as the independent third party. To be eligible for an SRP, an appeal must include supporting information or data to substantiate that the BFEs, base flood depths, SFHA boundaries, SFHA zone designations, or floodways proposed by FEMA are scientifically or technically incorrect. An SRP request is an option only after FEMA and a local community have been engaged in a collaborative consultation process for at least 60 days without a mutually-acceptable resolution of an appeal.