



# Appeals and Comments

When a community receives a set of preliminary Flood Insurance Rate Map (FIRM) panels depicting new or revised flood elevations, there is a 90-day appeal period. During this period, community officials or individual property owners may formally object to information shown on preliminary FIRM panels or an accompanying preliminary Flood Insurance Study (FIS) Report. This appeal period begins on the date when the Federal Emergency Management Agency (FEMA) publishes the second legal notice of proposed Base Flood Elevations (BFEs) in a local newspaper.

Under the National Flood Insurance Program (NFIP), there are two ways to formally object to information shown on preliminary FIRM panels or in a preliminary FIS Report: *Appeals* and *Comments*. Opportunities also exist to request updates to unrevised flood hazard information that was carried over from a previous flood map. The following information is provided to explain the procedures for submitting appeals and Comments and how these objections are reviewed and resolved under the North Carolina Floodplain Mapping Program.

### What is an Appeal?

A formal objection to new or modified Base Flood Elevations (BFEs), the addition or modification of any Special Flood Hazard Area (SFHA) boundary or zone designation, or a regulatory floodway shown on a preliminary FIRM panel and/or in the FIS Report, submitted by a community during the 90-day appeal period is considered an appeal. Appeals are based on empirical data that show that the proposed BFEs, SFHA boundary or zone designations, or regulatory floodways are scientifically or technically incorrect.

### What Information is Required to Support an Appeal?

A flood study that determines flood hazard data along a stream involves collection of historical and physical data, followed by analyses using hydrologic methods to determine flow rates and hydraulic modeling to determine water-surface elevations. Studies of coastal flooding involve specialized analyses of storm surge and wave effects. Depending on what specific aspect of the study is being challenged, various types of data are required to support an appeal. FEMA's document, *Appeals and Comments to National Flood Insurance Program Maps*, provides detailed guidance on developing technical data to support appeals. The following table shows how different types of scientific and technical data (i.e., an engineering description, topographic mapping, survey data, etc.) may be handled as an appeal to a study (i.e., the hydrologic and/or hydraulic analyses prepared for a preliminary FIRM and FIS Report).

Basis of the Formal Objection	Data Supporting the Formal Objection	Data Submitted By:	Revised Study Performed By:
Incorrect Methodology Used in a New Study	Explanation for superiority of alternative hydrologic or hydraulic methodology	Appellant	Appellant
Methodology Not Correctly Applied in a New Study	Explanation for superiority of different application of hydrologic or hydraulic methodology	Appellant	Appellant
Insufficient or Poor Quality Data in a New Study	Data believed to be superior to those used in original hydrologic or hydraulic analyses; documentation for source of the new data	Appellant	Appellant
Mathematical Error in a New Study	Information that identifies the error and provides the correct calculation	Appellant	State/FEMA
Measurement Error in a New Study	Information that identifies the error and provides the correct measurement	Appellant	State/FEMA
Physical Change in the Floodplain Since a New Study	Information that identifies the change and sufficient topographical and/or structural data for an updated hydraulic analysis	Appellant	State/FEMA

An appellant is one who submits an appeal. In some cases, the appellant is required to submit a revised study, including updated hydrologic and/or hydraulic analyses, flood profiles, and floodplain and floodway boundaries, using the alternative methods or data that are believed to be superior to those used in the preliminary study. In other cases, FEMA or the State may perform the calculations to make any necessary changes to the preliminary flood hazard data.



## **What is a Comment?**

A formal comment is an objection to a base map feature change or any non-appealable change. It is a formal objection to the FIS Report and/or information shown on the DFIRM panels that is not related to BFEs or modified SFHA designations. Comments also must be filed during the 90-day appeal period. Comments generally involve mislabeled maps such as incorrect corporate limits, Extraterritorial Jurisdiction (ETJ) boundaries, road names or locations, as well as any other possible omissions or potential improvements to the mapping.

## **What Information is Required to Support a Comment?**

To comment on corporate limits, ETJ boundaries, or road names/locations, community maps in either digital or paper format showing the current information must be submitted.

## **Should Property Owners Submit Appeals and Comments Directly to FEMA?**

Any individual property owner who wishes to appeal proposed BFEs or comment other information shown in the preliminary FIS Report or on the preliminary FIRM should submit their formal objection, and all supporting data, to the CEO of the community or to the local official designated by the CEO, such as the floodplain administrator. It is then the community's responsibility to forward this information to FEMA.

## **How Do Community Officials Submit Appeals and Comments to FEMA?**

The CEO or designated community official should review each formal objection received regarding a preliminary FIRM or FIS Report. Then the community must forward this information to FEMA, along with a statement as to whether the community supports or does not support the formal objection. The CEO or designee may also submit a formal objection to a preliminary FIRM or FIS Report on behalf of the community. These objections and all supporting data are to be sent to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, S.W., Room 423, Washington, D.C. 20472, (202) 646-4064. In addition, it is requested that the community also send a copy of this information to John Dorman, Director, North Carolina Floodplain Mapping Program, 4218 Mail Service Center, Raleigh, NC 27699-4218, (919) 825-2310.

## **How Are Appeals and Comments Resolved?**

A letter will be sent to the Chief Executive Officer (CEO) of the impacted community or communities acknowledging receipt of the formal objection to information shown on the preliminary FIRM or FIS Report. The supporting data will be reviewed to determine whether they constitute a valid appeal and/or a comment and if they support a revision to the preliminary FIS Report or FIRM. If necessary, additional supporting data will be requested. Following the review of all submitted data, FEMA and the State will send a letter to the community CEO, if warranted, explaining the resolution of the appeal or comment along with copies, if necessary, of a revised preliminary FIS Report and/or FIRM. Updates to the FIS Report and/or FIRM that reflect the resolution of a comment are typically produced when the final FIS Report and FIRM panels are printed. The community has 30 days to review and, if necessary, comment on the resolution. At the end of the comment period and after any comments on the appeal or comment resolution have received a response, FEMA issues a final determination letter to the impacted community, publishes the new or revised BFEs in the Federal Register, and prints the new FIS Report and FIRM panels.

## **How Are Concerns Pertaining to Unrevised Flood Hazard Information Addressed?**

Unrevised flood hazard information from a current FIRM or FIS Report that is depicted on a preliminary FIRM or in a preliminary FIS Report cannot be appealed or commented because these data already received an appeal period. However, since new FIRM panels and FIS Reports are being prepared, the opportunity exists to update unrevised information on the new FIRM and in the new FIS Reports before printing. If a revision request is received in conformity with NFIP regulation 44 Code of Federal Regulations Part 65 from the community, all efforts will be made to incorporate the data into the new FIRM and FIS Report. However, time constraints or the lack of necessary data may require that the map revision request be processed after the new FIS Report and FIRM panels are effective. Furthermore, a community's current FIRM or FIS Report can always be updated through the Letter of Map Revision process provided the necessary data is submitted. Therefore, concerns with unrevised flood hazard information and supporting data should be forwarded by the impacted community to the addresses above as a map revision request.

## **Where Can I Get Additional Information on Appeals and Comments?**

Further information on this topic, as well as the NFIP and floodplain mapping, is available from the FEMA Map Information eXchange (FMIX) toll-free information line at 1-877-FEMA MAP (1-877-336-2627) or via e-mail at [FEMAMapSpecialist@riskmapcds.com](mailto:FEMAMapSpecialist@riskmapcds.com).