

# Appeals and Comments on Preliminary Flood Insurance Rate Maps

## Overview

The Federal Emergency Management Agency (FEMA) has released preliminary Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS) reports showing updated flood hazard data in your community.

FEMA is releasing the preliminary FIRMs to provide local officials and residents the opportunity to identify concerns before the FIRMs and FIS reports are finalized and become the basis of floodplain management, development, and flood insurance requirements. By seeking community input early, FEMA intends to obtain and incorporate stakeholder information and feedback early in the map review process and avoid delays and costly revisions later when the maps are finalized. This fact sheet provides an overview for submitting an **appeal** or **comment** on FEMA map products.

## Background

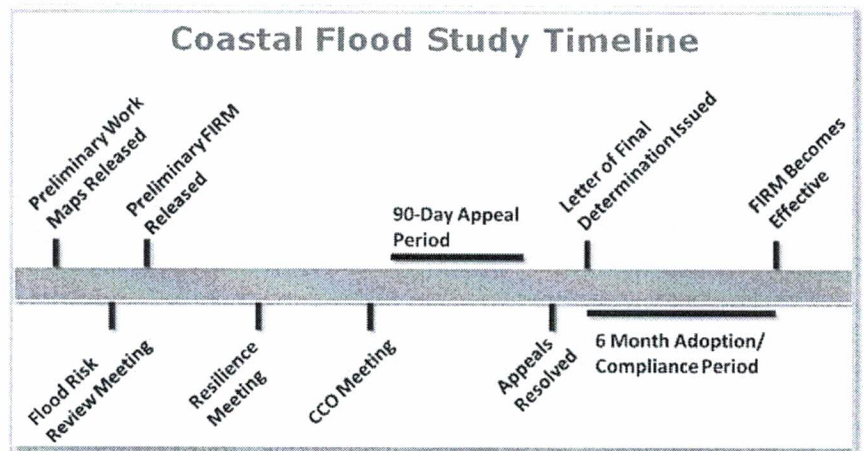
FEMA regulations define the notification process and timeframe for appeals by community officials, private individuals, and other stakeholders before the FIRM and FIS report become effective. This process begins with posting preliminary work maps online for community review, followed by Flood Risk Review meetings with local community officials to solicit their input. Using input gathered during the Flood Risk Review meetings, FEMA produces the preliminary FIRM and FIS report, and begins a formal review process, which includes:

- Posting the preliminary FIRM and FIS report online for public review;
- Holding meetings with community officials and the general public; and
- Publishing flood hazard determination notices about the updated FIRM and FIS report.

A statutory 90-day appeal period for the preliminary FIRM and FIS report starts with the publication of the flood hazard determination notices in the local newspaper.

Figure 1 illustrates a general Flood Study timeline. Communities should check with the Nebraska Department of Natural Resources for specific dates when key milestones are reached for their flood study. Further information about this process can be found in [Adoption of Flood Insurance Rate Maps by Participating Communities](http://www.fema.gov/media-library/assets/documents/30451?fromSearch=fromsearch&id=6883): <http://www.fema.gov/media-library/assets/documents/30451?fromSearch=fromsearch&id=6883>

Figure 1: Coastal Flood Study Timeline



## What is the difference between an Appeal and a Comment?

An **appeal** is part of the regulatory process detailed in Part 67 of the National Flood Insurance Program (NFIP) regulations (see *Additional Resources* section below). To be considered an appeal, technical data must be submitted during the statutory 90-day appeal period that follows the release of the preliminary FIRM and FIS report. Appeals concern additions or changes to the flood hazard information shown on the preliminary FIRM and must be based on technical data that demonstrates the proposed flood hazard information is scientifically or technically incorrect. Appeals address Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or Zone designations, and/or regulatory floodway delineations. The flood hazard information shown on the preliminary FIRM and in the FIS report is developed by experienced engineers and mapping professionals using the latest engineering methods and computer models. As a

result, an appeal of the flood hazard information requires similar detailed technical data to demonstrate the preliminary flood hazard information is scientifically or technically incorrect.

A **comment** addresses other information in the FIS report or on the FIRM that does not involve new or changed flood hazard information. Comments can address corporate limits, jurisdictional boundaries, road names, base map changes, and requests for incorporation of changes resulting from a Letter of Map Revision (LOMR). By FEMA definition, the term “comment” may also apply to concerns with flood hazard data that were submitted outside the statutory 90-day appeal period.

More detail regarding the appeal and comment process can be found on FEMA's website in the document titled *Criteria for Appeals of Flood Insurance Rate Maps*: [http://www.fema.gov/media-library-data/5270aa93d5b892c8420248bc8f40a1ee/FIRM+Appeals+\(EAP\)+Criteria.pdf](http://www.fema.gov/media-library-data/5270aa93d5b892c8420248bc8f40a1ee/FIRM+Appeals+(EAP)+Criteria.pdf)

### ***Can anyone submit information to revise FEMA's map products?***

Yes. In fact, review and submittal of technical data by local community officials and the public is critical in the development and refinement of preliminary FIRMs. It is important for community officials to identify areas in their community where they believe the flood risk is incorrectly mapped (understated or overstated) and prepare technical data to submit to FEMA to support those concerns. Local review and feedback will produce a more precise final product and floodplain management tool that more accurately characterizes community conditions and that community officials, property owners, residents, and the general public can use to determine and reduce their flood risk. *Keep in mind, while anyone can submit data to revise the FIRM and FIS report, all data must be submitted through the local community, who will submit the information directly to FEMA.*

### ***When can information be submitted?***

Technical data or comments can be submitted any time following release of the preliminary work maps until the close of the statutory 90-day appeal period. Communities are notified by letter regarding the start of the official 90-day appeal period, which begins after the preliminary FIRM and FIS report are issued and the proposed flood hazard determination notices are published twice in local newspapers. FEMA will begin reviewing and resolving appeals and comments as they are received. In instances where data is received to support a minor change to the preliminary work maps, such as a site-specific adjustment to the flood hazard boundary based on detailed topographic information, FEMA may incorporate the change before the preliminary FIRM and FIS report are issued. However, large-scale requests, or those of a more technical nature, will be resolved during the 90-day appeal period.

While community officials are encouraged to submit appeals and comments as they are received from stakeholders, a technical data package submitted **before** the start of the statutory 90-day appeal period cannot be classified as a formal appeal, according to FEMA regulation. Therefore, officials should resubmit the data package, or send a letter requesting review of the submitted data, **immediately following the start of the 90-day appeal period**, if the community's concerns have yet to be resolved. This is especially true if:

- The community wishes to ensure review of the concern will be eligible for review through the Scientific Resolution Panel (SRP) process. More details regarding this process can be found on FEMA's website in the *Scientific Resolution Panels* fact sheet: [http://www.floodsrp.org/pdfs/srp\\_fact\\_sheet.pdf](http://www.floodsrp.org/pdfs/srp_fact_sheet.pdf); or
- A review of the preliminary FIRM and FIS report indicates a previously submitted concern has not been resolved or resolved to the appellant's satisfaction.

For more information, please contact the FEMA Map Information eXchange (FMIX) at [https://www.floodmaps.fema.gov/fhm/fmx\\_main.html](https://www.floodmaps.fema.gov/fhm/fmx_main.html), email Stefan Schaepe with NeDNR at [stefan.schaepe@nebraska.gov](mailto:stefan.schaepe@nebraska.gov), or call 877-336-2627.