

Guidance for Flood Risk Analysis and Mapping

Appeal and Comment Processing

May 2016



Requirements for the Federal Emergency Management Agency (FEMA) Risk Mapping, Assessment, and Planning (Risk MAP) Program are specified separately by statute, regulation, or FEMA policy (primarily the Standards for Flood Risk Analysis and Mapping). This document provides guidance to support the requirements and recommends approaches for effective and efficient implementation. Alternate approaches that comply with all requirements are acceptable.

For more information, please visit the FEMA Guidelines and Standards for Flood Risk Analysis and Mapping webpage (www.fema.gov/guidelines-and-standards-flood-risk-analysis-and-mapping). Copies of the Standards for Flood Risk Analysis and Mapping policy, related guidance, technical references, and other information about the guidelines and standards development process are all available here. You can also search directly by document title at www.fema.gov/library.

Document History

Affected Section or Subsection	Date	Description
First Publication	May 2016	Initial version of new transformed guidance. The content was derived from the <u>Guidelines and Specifications for Flood Hazard Mapping Partners</u> , <u>Procedure Memoranda</u> , and/or <u>Operating Guidance</u> documents. It has been reorganized and is being published separately from the standards.

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1.0 Introduction

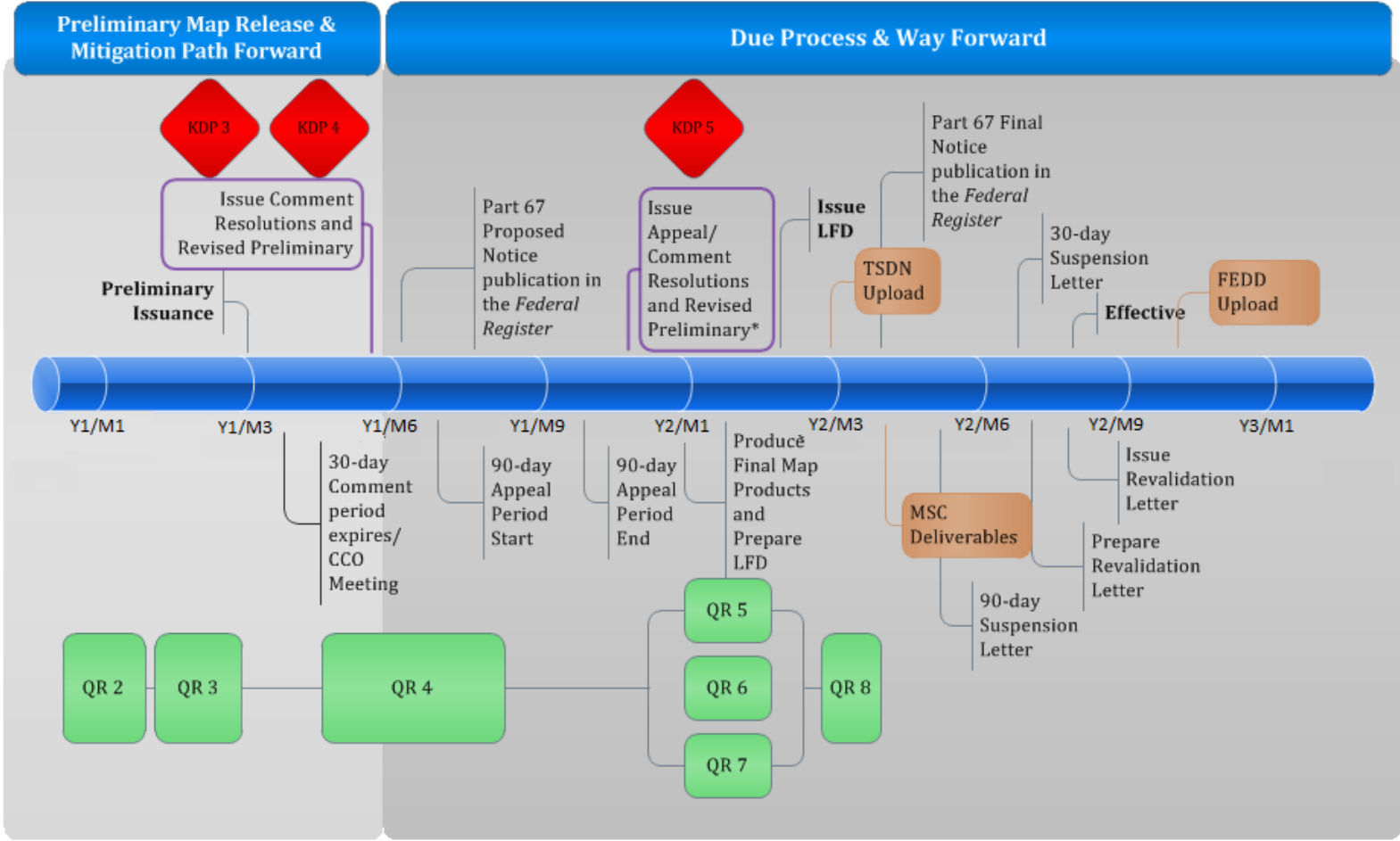
This document provides the standard procedures that staff from the Department of Homeland Security's Federal Emergency Management Agency (FEMA), FEMA contractors, and other organizations that partner with FEMA are to follow for processing new and revised Flood Insurance Study (FIS) reports and a Flood Insurance Rate Map (FIRM). Specifically, this document provides guidance on appeal and comment processing procedures that occur during the Post-Preliminary Processing (PPP) phase of a Flood Risk Project or Physical Map Revision (PMR), or following a Letter of Map Revision (LOMR) issuance, as related to Title 44, Chapter 1, Code of Federal Regulations Part 67 and 42 U.S Code § 4104(a)-(g) for flood hazard determinations.

For those seeking to submit an appeal to FEMA, additional detail on the criteria for appealing proposed changes in flood hazard information on FIRMs may be found in FEMA's [Criteria for Appeals of Flood Insurance Rate Maps](#).

2.0 Post-Preliminary Processing Timeline

Figure 1 depicts the overall PPP timeline of Flood Risk Projects or PMRs to demonstrate where appeal and comment processing occurs. For LOMRs, appeal and comment processing occurs following the LOMR issuance and prior to the LOMR effective date.

Figure 1. PPP Timeline



*May require 2nd appeal period



Detailed guidance on Key Decision Points (KDPs) and Quality Reviews (QRs) may be found in [Key Decision Point \(KDP\) Process](#) and [Quality Review](#) guidance, respectively, at www.fema.gov/media-library/assets/documents/34953.

3.0 Determining if an Appeal Period is Required

The National Flood Insurance Act (NFIA) authorizes FEMA to conduct Flood Risk Projects, PMRs, and LOMRs and prepare FIS Reports, FIRMs and FIRM Databases to identify and update flood risk zones and estimate the risk premium rates. Under the NFIA, FEMA must provide communities with a 90-day appeal period when FEMA proposes new or modified BFEs for a community. Under the Biggert-Waters Flood Insurance Reform Act of 2012, FEMA must also provide communities with a 90-day appeal period when FEMA designates new or modified base flood depths, Special Flood Hazard Areas (SFHAs), and regulatory floodways for a community.

The designated Mapping Partner must determine if communities within a Flood Risk Project, PMR, or LOMR should be afforded a statutory 90-day appeal period. An appeal period is provided for all new or modified flood hazard information shown on a FIRM, including when:

- New Base Flood Elevations (BFE)s 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.

Scenarios where an appeal period is required for a community part of a Flood Risk Project or PMR are provided in FEMA's [Post Preliminary Due Process Guidance](#). Designated Mapping Partners should identify if data or information submitted during the comment period, or otherwise outside of an appeal period, has resulted in any warranted changes to flood hazard information since preliminary issuance. If so, a revised preliminary map issuance is necessary prior to the start of an appeal period. Users should refer to FEMA's [Preliminary and Revised Preliminary Distribution Guidance](#).

4.0 Appeal Period Initiation

Following a preliminary or revised preliminary release, communities impacted by a Flood Risk Project or PMR are provided a 30-day comment period in which they have the opportunity to comment on the new or revised FIRM and FIS report. Per FEMA Standard Identification Number 622, the Flood Risk Project team will work with the FEMA Regional Office of External Affairs, other FEMA staff, community officials, and local radio and television outlets to further educate property owners about flood map revisions and the appeals process. Additionally,

following a preliminary or revised preliminary release and the initial 30-day comment period, a statutory 90-day appeal period is provided to the communities based on the criteria identified in the section above. Some Regions may choose to provide an additional comment period to those communities not eligible for the statutory 90-day appeal period.

If it is determined that communities within the Flood Risk Project or PMR require an appeal period, a series of steps must be taken before the appeal period can be initiated. Detailed information on initiating an appeal period for Flood Risk Projects or PMRs may be found in FEMA's Post Preliminary Due Process Guidance. In some situations, a second appeal period may be required. This is discussed further in Section 8.1 of this document, as part of the appeal and comment resolution process.

Upon completing a LOMR, the designated Mapping Partner will issue the LOMR and enclosures to the community Chief Executive Officer (CEO), or designee, with copies to the other community officials and the revision requester for review and comment. For LOMRs not requiring a statutory 90-day appeal period, the community will receive a 30-day review period. A statutory 90-day appeal period is provided to the communities based on the criteria identified in the section above. The LOMR issuance and the proposed flood hazard determination letter sent to start the appeal period are sent at the same time. 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. 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.

For additional information on initiating an appeal period for a LOMR, users should refer to FEMA's Guidelines and Specifications for Flood Hazard Mapping Partners, Volume 2: Map Revisions and Amendments and FEMA's Document Control Procedures Manual.

5.0 Appeal and Comment Classification

The data and information provided by communities during a Flood Risk Project, PMR, or LOMR are classified as either a comment or an appeal and are resolved by following the procedures discussed in this guidance. While FEMA considers all information and data submitted by a community throughout the Flood Risk Project, PMR, or LOMR lifecycle, the criteria for data submittals that classify as an appeal are outlined in Title 44, Chapter 1, Code of Federal Regulations, Section 67.6(b) (44 CFR Section 67.6(b)) and in this document.

The sole basis of appeal is the possession of knowledge or information indicating that the flood hazard determinations proposed by FEMA are scientifically or technically incorrect. Since scientific and technical correctness is often a matter of degree rather than absolute (except where mathematical or measurement error or changed physical conditions can be demonstrated), appellants are required to demonstrate that alternative methods or applications result in more correct estimates of flood hazard determinations, thus demonstrating that FEMA's estimates are incorrect. Classification of submitted data and information as either an appeal or a comment is dependent on the factors outlined in Table 1.

Table 1. Appeal vs. Comment

Appeals	Comments
Appellant is either the community or the owner or lessee of a property, and the appellant believes their property rights have been impacted by the proposed changes.	Submitter does not need to be the community or the owner or lessee of a property or believe their property rights are impacted by the proposed changes.
Data or information is received during statutory 90-day appeal period.	Data or information is received before or after the statutory 90-day appeal period. Note: A submittal of data or information outside of the statutory 90-day appeal period or related to areas unrevised for the study is considered to be a comment, regardless of the type of data and documentation submitted. FEMA will review all such comments and resolve as appropriate.
Data or information submitted relates to areas where the Flood Risk Project has introduced new or revised BFEs, base flood depth, SFHA boundaries (including increases or decreases in the extent of the SFHA), SFHA zone designation, regulatory floodway boundaries (including increases or decreases in the extent of the regulatory floodway).	Data or information submitted relates to proposed flood hazard changes that were not introduced as a result of the Flood Risk Project or are unrelated to flood hazard determinations.
Analyses and data submitted are certified by a registered professional engineer or licensed land surveyor, as appropriate, such as when providing supporting data of the new data necessary for FEMA to conduct a reanalysis when it is believed the proposed BFEs are technically incorrect due to a mathematical or measurement error or changed physical conditions (44 CFR Section 67.6(b)(1)), or when alternate data utilized or measurements made (such as topographic information) are provided to demonstrate the proposed BFEs are technically incorrect due to error in application of hydrologic, hydraulic, or other methods or use of inferior data in applying such methods (44 CFR Section 67.6(b)(2)).	Analyses and data submitted are not certified by a registered professional engineer or licensed land surveyor when they otherwise would be required per 44 CFR Section 67.6(b)(1) or 44 CFR Section 67.6(b)(2).
<ul style="list-style-type: none"> • Data or information submitted identifies that the proposed BFEs are technically incorrect due to a mathematical or measurement error or changed physical conditions. The specific source of the error is identified. Supporting data is furnished to FEMA necessary for FEMA to conduct a reanalysis. • Data or information submitted identifies that the proposed flood hazard determinations are technically incorrect due to error in application of hydrologic, 	If data that would typically be classified as an appeal is submitted outside of the statutory 90-day appeal period, or if data received during the appeal period is determined to be incomplete, it will be classified as a comment. However, FEMA will fully assess all information provided, regardless of when it was submitted, and resolve the comment as appropriate.

Appeals	Comments
hydraulic or other methods or use of inferior data in applying such methods. <ul style="list-style-type: none"> Data or information submitted identifies the proposed flood hazard determinations are scientifically incorrect. 	

Although the statutory 90-day appeal period cannot be extended, FEMA will evaluate all data and information provided during a Flood Risk Project, PMR, or LOMR and resolve as appropriate, regardless of when it is received. Resolution may therefore not result in incorporation of the data or information provided.

6.0 Tracking and Archiving of Incoming Appeals and Comments

Throughout a Flood Risk Project, PMR, or LOMR, impacted communities may provide data or information related to the study area to FEMA or the designated Mapping Partner. Information submitted by the public related to appeals must be sent directly to the community CEO. Comments should be sent directly to the community CEO for consideration as well. The community should review and consolidate all appeals and issue a written opinion stating whether there is sufficient scientific and technical information to justify an appeal on behalf of the property owner or lessee. The community must forward all appeals and comments that it receives, along with its decision to appeal or not appeal on behalf of the property owner or lessee, to FEMA or the designated Mapping Partner such that it is received not later than 90-days after the appeal period start.

6.1 Tracking

The Flood Risk Project or PMR team and designated Mapping Partner for LOMRs must track all incoming comment and appeal correspondence, as well as acknowledgement and resolutions issued, and include them as part of the final community Flood Elevation Determination Docket (FEDD) file.

Each challenge submitted for a Flood Risk Project or PMR, including those under review by FEMA or the designated Mapping Partner and not yet classified as an appeal or comment, should also be tracked by the Flood Risk Project or PMR team on FEMA’s Risk MAP portal in the Appeals Tracker. The designated Mapping Partner should update the Appeals Tracker each month with all challenges that are received. The tracker contains information on the community that submitted the information, the reason for the request, root cause of the map change request, and the resolution. Detailed guidance may be found within the Appeals Tracker on FEMA’s Risk MAP portal.

The “Record Appeal or Protest” Mapping Information Platform (MIP) tasks should be completed by the Flood Risk Project or PMR team as soon as possible following appeal period end date and prior to KDP 5 submittal. The tasks will only become available 90 days after the second newspaper publication date that has been captured in the “Receive BFE Publication Affidavit” MIP task by the designated Mapping Partner.

The table below lists each MIP task associated with recording appeals and comments via MIP for Flood Risk Projects and PMRs, as well as the responsible party to complete the task. For LOMRs, the designated Mapping Partner will complete all MIP tasks related to LOMR Appeal and Comment resolution as part of case tracking. Users should be aware that while FEMA no longer uses the term “protest” as part of the Flood Risk Project, PMR, or LOMR process, the MIP continues to use this term as part of the existing workflow.

Table 2. Appeal and Comment-Related MIP Tasks and Responsible Party

MIP Task	Responsible Party
Record Appeal or Protest	This task is completed by the designated Mapping Partner responsible for the appeal period process, including reviewing and resolving appeals and comments.
Review Appeal or Protest	This task is completed by the designated Mapping Partner responsible for the appeal period process, including reviewing and resolving appeals and comments.
Prepare Appeal Package	This task is completed by the designated Mapping Partner responsible for the appeal period process, including reviewing and resolving appeals and comments.
Review Appeal Resolution	This task is completed by FEMA or their designee.
Distribute Appeal Resolution	This task is completed by the designated Mapping Partner responsible for distribution of the resolution package.

6.2 Archiving

All data received from communities during the 30-day comment period and statutory 90-day appeal period should be uploaded to the MIP using the Tools and Links/Data Upload/Load Studies Data Artifacts portlet regardless of whether the appeal or comment is incorporated. All appeals and comments, including incoming submittals, acknowledgement letters, and resolution letters, should be archived and submitted as part of the FEDD file by the designated Mapping Partner in the MIP. Additional information on required correspondence documentation and final archiving may be found in FEMA’s [Technical Survey Data Notebook and Flood Elevation Determination Docket Guidance](#).

7.0 Evaluation of Data Submitted

To assist FEMA in the evaluation of data submitted during a Flood Risk Project, PMR, or LOMR, the designated Mapping Partner should review and evaluate the submittal, determine if the data and information fits the criteria for a comment or appeal, request additional data or clarifications as appropriate, and recommend resolutions to FEMA for all appeals and comments submitted during the statutory 90-day appeal period, as well as for any comments submitted outside of the

statutory 90-day appeal period. The criteria for appeal data submittals are outlined in 44 CFR Section 67.6(b) and in this document. For those seeking to submit an appeal to FEMA, additional detail may be found in FEMA's [Criteria for Appeals of Flood Insurance Rate Maps](#).

It is recommended that evaluation and acknowledgement by FEMA occur in a timely manner as soon as the information is received, although resolution may not be achieved until after the statutory 90-day appeal period has ended and additional community consultation has occurred.

The following sections provide an overview of what data is important to receive to properly assess an appeal. If the data or information isn't received as part of the original submittal, FEMA in coordination with the designated Mapping Partner may choose to request additional information or clarification to properly review the data or information submitted during the 90-day appeal period. While FEMA may consider data and information for incorporation at any time throughout the Flood Risk Project, no new appeals will be accepted after the 90-day appeal period.

7.1 Mathematical or Measurement Error or Changed Physical Condition

To determine if a mathematical or measurement error or changed physical conditions has occurred, the specific source of the error must be identified, as per 44 CFR Section 67.6(b)(1). The following should be submitted:

- Information or data to demonstrate 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 Risk Project) was made, appellants must identify the error and provide the correct measurement. Any new survey data 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.
- Information or data to demonstrate 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 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.

7.2 Technically Incorrect

The proposed BFEs, base flood depths, SFHA zone designations, or regulatory floodways are considered technically incorrect if the methodology was not applied correctly or the methodology was based on insufficient or poor-quality data, as per 44 CFR Section 67.6(b)(2).

7.2.1 Methodology Not Applied Correctly

To demonstrate that a hydrologic methodology was not applied correctly, the following should be submitted:

- New hydrologic analysis in which the original methodology has been applied differently;
- An explanation for superiority of the new application;
- New hydraulic/floodway or coastal analysis based on flood discharge values from the new hydrologic analysis;
- A revised Summary of Discharges Table and/or Flood Profiles and, if applicable, Floodway Data Table (FDT); and
- Revised SFHA boundary delineations and, if applicable, regulatory floodway boundary delineations.

To demonstrate that a hydraulic methodology was not applied correctly, the following should be submitted:

- New hydraulic/floodway analysis, based on the original flood discharge values, in which the original methodology has been applied differently;
- As applicable, revised Flood Profiles, FDT, and other FIS Report tables; and
- Revised SFHA boundary delineations and, if applicable, regulatory floodway boundary delineations.

To demonstrate that a coastal methodology was not applied correctly, the following should be submitted:

- New coastal analysis, based on the original stillwater elevations, in which the original methodology has been applied differently; and
- Revised SFHA boundary delineations and all applicable FIS Report tables, including the Transect Data Table.

7.2.2 Methodology Based on Insufficient or Poor-Quality Data

To demonstrate that insufficient or poor-quality hydrologic data were used, the following should be submitted:

- Data believed to be better than those used in the original hydrologic analysis;
- Documentation for the source of the data;
- An explanation of the improvement resulting from use of the new data;
- New hydrologic analysis based on the better data;
- New hydraulic/floodway or coastal analysis based on flood discharge values resulting from the new hydrologic analysis;

- A revised Summary of Discharges Table, Flood Profiles and, if applicable, FDT; and
- Revised SFHA boundary delineations and, if applicable, regulatory floodway boundary delineations.

To demonstrate that insufficient or poor-quality hydraulic data were used, the following should be submitted:

- Data believed to be better than those used in the original hydraulic analysis;
- Documentation for the source of the new data;
- An explanation of the improvement resulting from use of the new data;
- New hydraulic analysis based on the better data and the original flood discharge values;
- Revised Flood Profiles and, if applicable, FDT; and
- Revised SFHA boundary delineations and, if applicable, regulatory floodway boundary delineations.

To demonstrate that insufficient or poor-quality coastal analysis data were used, the following should be submitted:

- Data believed to be better than those used in the original coastal analysis;
- Documentation for the source of the new data;
- An explanation for of the improvement resulting from use of the new data;
- New coastal analysis based on the better data and the original stillwater elevation values; and
- Revised SFHA boundary delineations and all applicable FIS Report tables, including the Transect Data Table.

7.3 Scientifically Incorrect

Proposed BFEs, base flood depths, SFHA zone designations, or regulatory floodways are 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, as per 44 CFR Section 67.6(b)(3). To show that an inappropriate or incorrect coastal, hydraulic, or hydrologic methodology has been used, the following should be submitted, if applicable:

- New hydrologic analysis based on an alternative methodology and, if applicable, updated hydraulic/floodway or coastal analyses based on the updated discharge values;
- New hydraulic/floodway analysis based on an alternative methodology and the original flood discharge values (if the appeal does not involve the hydrologic analysis);
- New coastal analyses based on an alternative methodology and the original stillwater elevations (if the appeal does not involve the hydrologic analysis);

- An explanation for the superiority of an alternative methodology;
- As applicable, a revised Summary of Discharges Table, Flood Profiles, Transect Data Table, Summary of Stillwater Elevations Table, and FDT; and
- Revised SFHA zone boundaries and, if applicable, regulatory floodway boundary delineations.

A list of hydrologic, hydraulic, and coastal models accepted by the National Flood Insurance Program (NFIP) is available on FEMA's website at www.fema.gov/numerical-models-meeting-minimum-requirements-national-flood-insurance-program.

7.4 Flooding Sources Studied by Approximate Methods

Typically, 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. For appeals related to approximate SFHAs, the following should be submitted:

- 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; or
- Topographic data that are more detailed and accurate than those used by FEMA, carried through to revised SFHA boundaries.

7.5 Topographic Data

For submittals during the appeal period that involve topographic data, the following should be submitted:

- The data, preferably in a digital Geographic Information System (GIS) format, should be more detailed and/or accurate than the information used to develop the preliminary or revised preliminary FIRM products for the Flood Risk Project. The submitter should indicate when the topographic data was collected and the accuracy of the data.
 - For example, more detailed and/or accurate topographic data submitted on its own may be considered an appeal if it was available prior to the release of the preliminary or revised preliminary maps.
- If topography was submitted as part of hydrologic, hydraulic, or coastal analysis to demonstrate that the study was scientifically or technically incorrect, refer to the above sections for data and information associated with that analysis.
- The submittal should clearly state which flooding sources are being appealed, based on the more detailed and/or accurate topographic data;

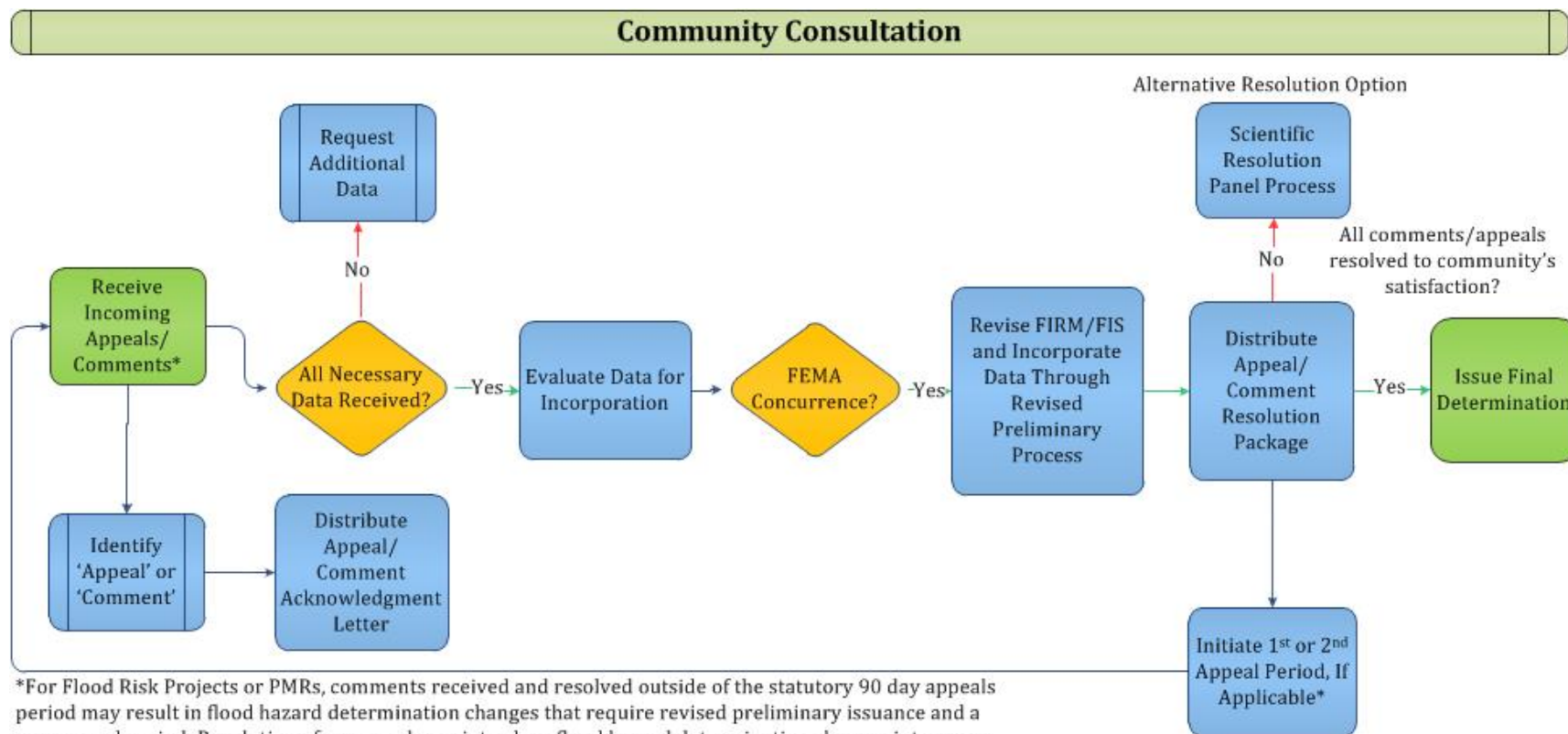
- Updated SFHA boundary delineations that reflect the submitted topographic data for each appealed flooding source should also be provided, preferably in digital GIS format;
- All submitted topographic data should adhere to FEMA's current data capture standards for such data; and
- If necessary, a data sharing agreement should be provided.

8.0 Appeal and Comment Resolution Process

Throughout a Flood Risk Project, PMR, or LOMR lifecycle, FEMA and the designated Mapping Partners work with local communities to resolve comments and appeals received prior to issuing a Letter of Final Determination (LFD) or a LOMR 116-L Letter. FEMA remains committed to the concept of community consultation for resolution in a less structured, cooperative format, which typically leads to agreement on the appropriate data. On occasions when community consultation cannot produce a mutually acceptable resolution and other qualifying conditions are met, a Scientific Resolution Panel (SRP) may be made available. The SRP process is discussed in Section 9 of this document.

An overview of the community consultation appeal and comment resolution process is depicted below.

Figure 2. Appeal and Comment Resolution Overview



*For Flood Risk Projects or PMRs, comments received and resolved outside of the statutory 90 day appeals period may result in flood hazard determination changes that require revised preliminary issuance and a new appeal period; Resolution of an appeal may introduce flood hazard determination changes into a new community, and thus require a new appeals period.

Appeals and comments received during a Flood Risk Project, PMR, or the LOMR process should be acknowledged and resolved by FEMA in coordination with the designated Mapping Partner and the communities following the procedures below. Templates for appeal and comment acknowledgement and resolution letters are available from FEMA Headquarters or their designee (Production and Technical Services provider).

Table 3. Appeal and Comment Resolution Procedures

Task	Steps
Acknowledgement	<ul style="list-style-type: none"> • Acknowledgement by FEMA of the receipt of an appeal in writing, ensuring that acknowledged appeals include all of the data discussed in prior sections of this guidance document. • Acknowledgement by FEMA of the receipt of comments. This can be done either in writing, by FEMA, or through a documented phone conversation between FEMA or the designated 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 (Letter type “116-L” for LOMRs) or by the inclusion of language in the LFD (for Flood Risk Projects or PMRs). See FEMA’s <u>Letter of Final Determination</u> guidance for additional detail for Flood Risk Projects and PMRs and FEMA’s <u>Document Control Procedures Manual</u> for additional detail for LOMRs. • An acknowledgement letter or response after receiving an appeal or comment should be sent in a timely manner to the community. • Since addressed to the community CEO, all correspondence must be prepared and issued on FEMA Headquarters or FEMA Regional letterhead.
Evaluation	<ul style="list-style-type: none"> • FEMA or the designated Mapping Partner will evaluate all data and information submitted, including any scientific or technical data submitted for compliance with existing mapping statutes, regulations, or Guidelines and Standards, and will perform technical analysis if requested and/or appropriate.

Task	Steps
<p>Additional Data or Clarification and Community Consultation</p>	<ul style="list-style-type: none"> • FEMA in coordination with the designated Mapping Partner may request additional scientific or technical data or clarifications required to properly review the data or information submitted during the 90-day appeal period. While FEMA may consider data and information for incorporation at any time throughout the Flood Risk Project or PMR, no new appeals will be accepted after the 90-day appeal period. • Since addressed to the community CEO, all correspondence must be prepared and issued on FEMA Headquarters or FEMA Regional letterhead.
<p>Recommendation</p>	<ul style="list-style-type: none"> • FEMA or the designated Mapping Partner will review the alternative analyses or data provided and determine whether they are more correct than those used for the Flood Risk Project, PMR, or LOMR and whether changes to the FIS Report and/or FIRM and/or LOMR determination documents are warranted as a result. • The designated Mapping Partner will make a recommendation to FEMA on the resolution of the appeal or comment. • Consultation with the community(ies) should continue during this phase. • While LOMRs and their related appeal and comment resolutions are managed through FEMA HQ and the designated Mapping Partner, the applicable FEMA Region should have awareness for informational purposes.

Task	Steps
Resolution	<ul style="list-style-type: none"> • The designated Mapping Partner will prepare updates to the FIS Report, materials (usually, Flood Profiles and/or data tables), FIRM panels, and/or Database, if appropriate and requested by FEMA. • FEMA or the designated Mapping Partner will prepare a draft appeal resolution letter (if all the criteria for an appeal are met) or comment resolution letter. • When applicable, Flood Risk Project, PMR, and LOMR resolution letters must offer communities the option to go through the SRP process, discussed later in this document. • If community(ies) did not submit the original appeal or comment, but flood hazard information within their jurisdictional boundaries have been modified as a result of the resolution, outreach to those communities should be performed and they should also receive a resolution letter. In these cases, a new or second appeal period may be required for the communities that did not submit the appeal or comment and are impacted by the resolution. See Section 8.1 for additional detail. • The designated Mapping Partner will dispatch the signed FEMA appeal or comment resolution letter and, if warranted, Revised Preliminary copies of the FIRM and FIS Report or revised LOMR documents and enclosures to the community CEO and floodplain administrator and all appellants, as applicable. • Since addressed to the community CEO, 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 resolution letter is issued to allow the community/appellant to review FEMA's findings. Any comments received during the 30-day comment period must be addressed and resolved before proceeding with the LFD or LOMR 116-L letter. Extensions to this 30-day period following resolution can only be granted with FEMA Headquarters approval.
Due Process	<ul style="list-style-type: none"> • If required, the designated Mapping Partner should coordinate to initiate a new or second appeal period. Please refer to Section 8.1 for additional details.

For Flood Risk Projects and PMRs, following appeal and comment resolution, FEMA will make a final determination within a reasonable amount of time and provide notification of the final determination directly to the CEO via an LFD. Additional guidance on this process may be found in FEMA's Letter of Final Determination Guidance.

For LOMRs, following appeal and comment resolution, the LOMR effective date will be confirmed via a letter (Type 116-L) to the community. Additional guidance on the final letter for LOMRs is found in FEMA's Guidelines and Specifications for Flood Hazard Mapping Partners, Volume 2: Map Revisions and FEMA's Document Control Procedures Manual. Additional coordination with FEMA's Map Service Center (MSC) is required when, as a result of appeal and comment processing or other circumstances, the LOMR effective date is delayed. In this situation, the case should not be posted to the MSC or it should be removed from the MSC if posted already. The case should not be included in the NFHL until all comments and appeals are resolved.

New or modified flood hazard determinations for Flood Risk Projects, PMRs, and LOMRs will be finalized through a final notice published in the *Federal Register*, as discussed in FEMA's Federal Register Guidance.

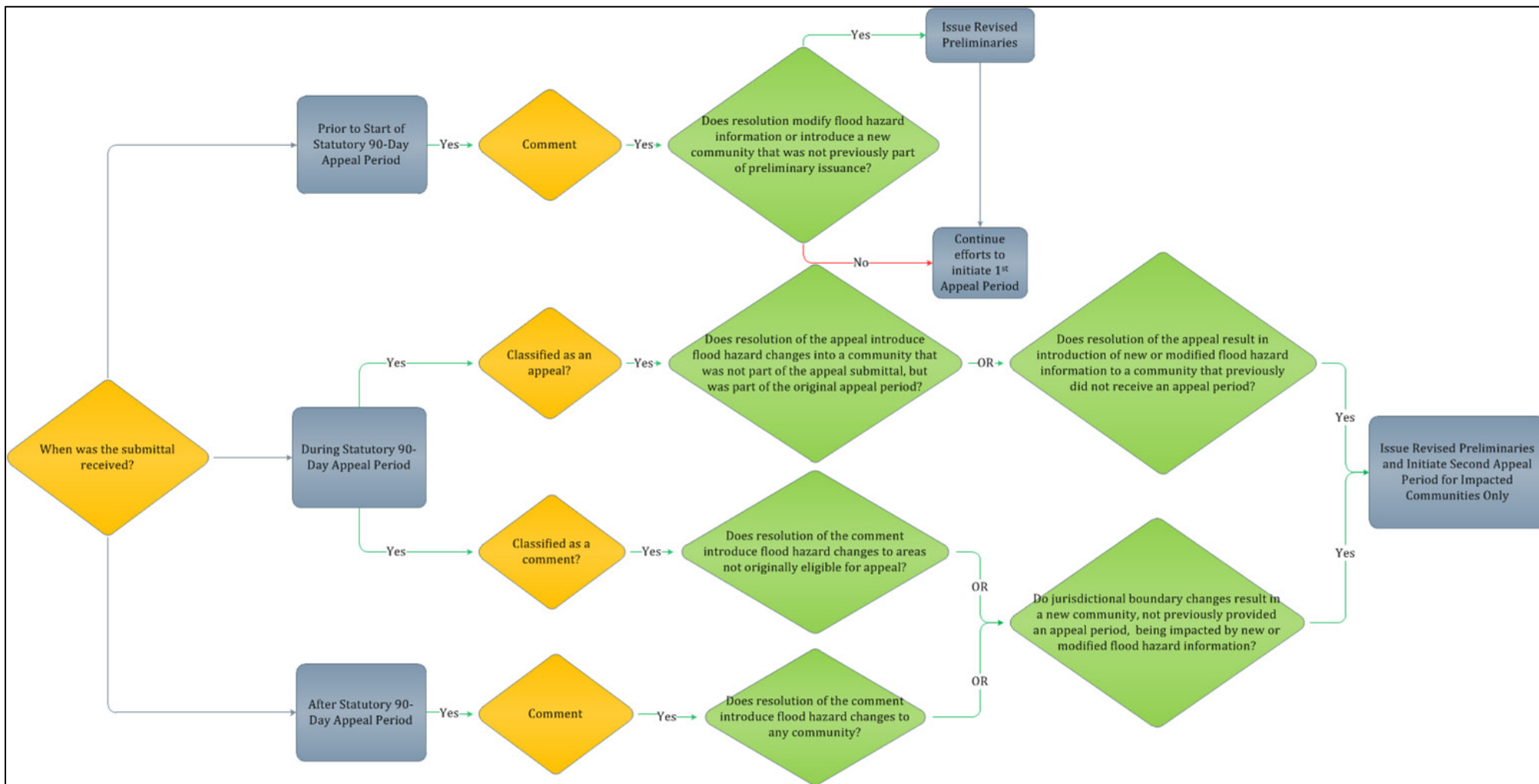
8.1 Determine if a Second Appeal Period is Required

The resolution of a comment or appeal may result in the need for a new appeal period to be run for a community that had previously received an appeal period under the same Flood Risk Project or PMR. Figure 3 provides guidance on how to determine if a second appeal period may be required.

Any changes to flood hazard information that occurs after preliminary issuance and prior to the initial appeal period as a result of comment incorporation would require a revised preliminary issuance followed by initiation of the statutory 90-day appeal period. If an appeal period was already run and changes in flood hazard information are being made as a result of resolution of comments submitted outside of the appeal period (i.e. data received outside of the statutory 90-day appeal period) or comments not otherwise classified as an appeal during the 90-day appeal period, then a second appeal period would be required for impacted communities. Flood hazard information changes as a direct result of appeal resolution will typically not require a new appeal period, unless flood hazard changes are being introduced to a new community or a community that did not submit the appeal.

Changes resulting from comments may be incorporated at the time that the final reproduction materials are prepared if they do not involve flood hazard information changes and impact due process. However, if the changes are significant, FEMA may direct the designated Mapping Partner to prepare and distribute Revised Preliminary copies of the revised FIS report, FIRM, and/or Database.

Figure 3. Determining If A Second Appeal Period Is Required



9.0 Scientific Resolution Panel (SRP)

FEMA's SRP process reinforces FEMA's commitment to work with communities to ensure the flood hazard data depicted on FIRMs are developed collaboratively, using the best science available. When proposed changes to a FIRM as part of a Flood Risk Project, PMR, or LOMR are met with conflicting technical and/or scientific data during a regulatory appeal period, an independent third-party review of the information may be appropriate. An SRP serves as an independent third party.

The use of an SRP is not intended to be the first step for resolving conflicting technical and/or scientific data. FEMA remains committed to the concept of community consultation for resolving issues regarding data submitted during the appeal period. On occasions when community consultation does not result in a mutually acceptable resolution, and other qualifying conditions are met, an SRP may be made available.

The designated Mapping Partner should coordinate with FEMA to confirm that the technical or scientific data submitted during the Flood Risk Project, PMR, or LOMR appeal period meet the appropriate requirements for SRP eligibility. Data submitted outside of the 90-day appeal period will not be eligible for evaluation through the SRP process. FEMA will move an SRP request forward based on eligibility discussed in FEMA's Scientific Resolution Panels fact sheet. This document is found by searching by document title at www.fema.gov/library.

9.1 SRP Process

The objective of the SRP process is to assist FEMA and communities by efficiently, impartially, and fairly resolving conflicting technical or scientific data or appeals to proposed flood hazard information. To meet this objective, it is imperative that all parties follow the guidelines, timeframes, and procedures throughout the SRP process. The chart in Figure 4 outlines the SRP process, and Figure 5 outlines the timeline for processing SRPs. Additional detail may be found in FEMA's Scientific Resolution Panels fact sheet. This document is found by searching by document title at www.fema.gov/library.

The SRP process is under the operational direction of the National Institute of Building Sciences (NIBS), an organization independent of and contracted by FEMA to manage the procedures and processes related to the SRP. Additional information regarding procedures and processes followed by NIBS to initiate an SRP and provide recommendations to the FEMA Administrator may be found at www.floodsrp.org.

Figure 4. SRP Process Chart

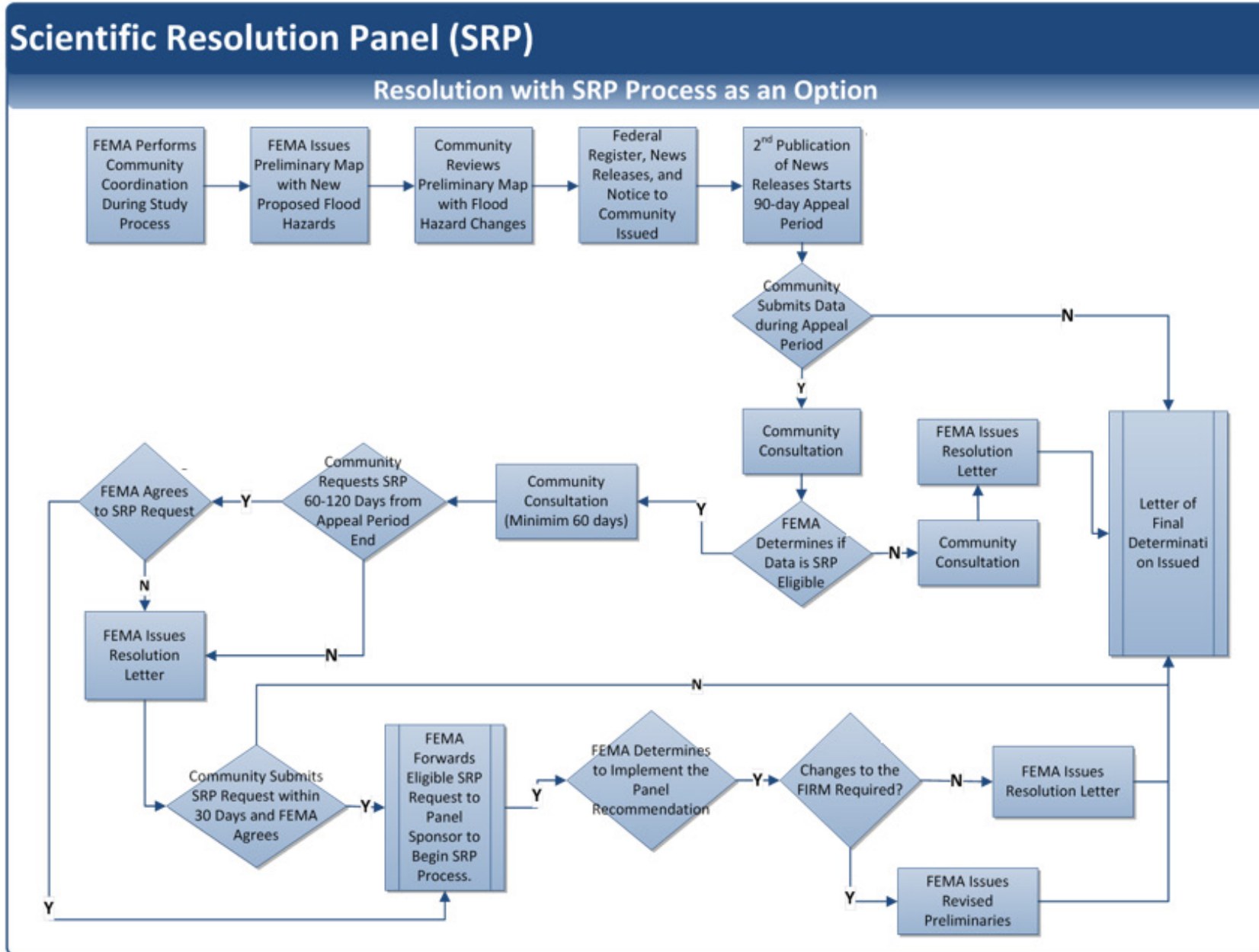
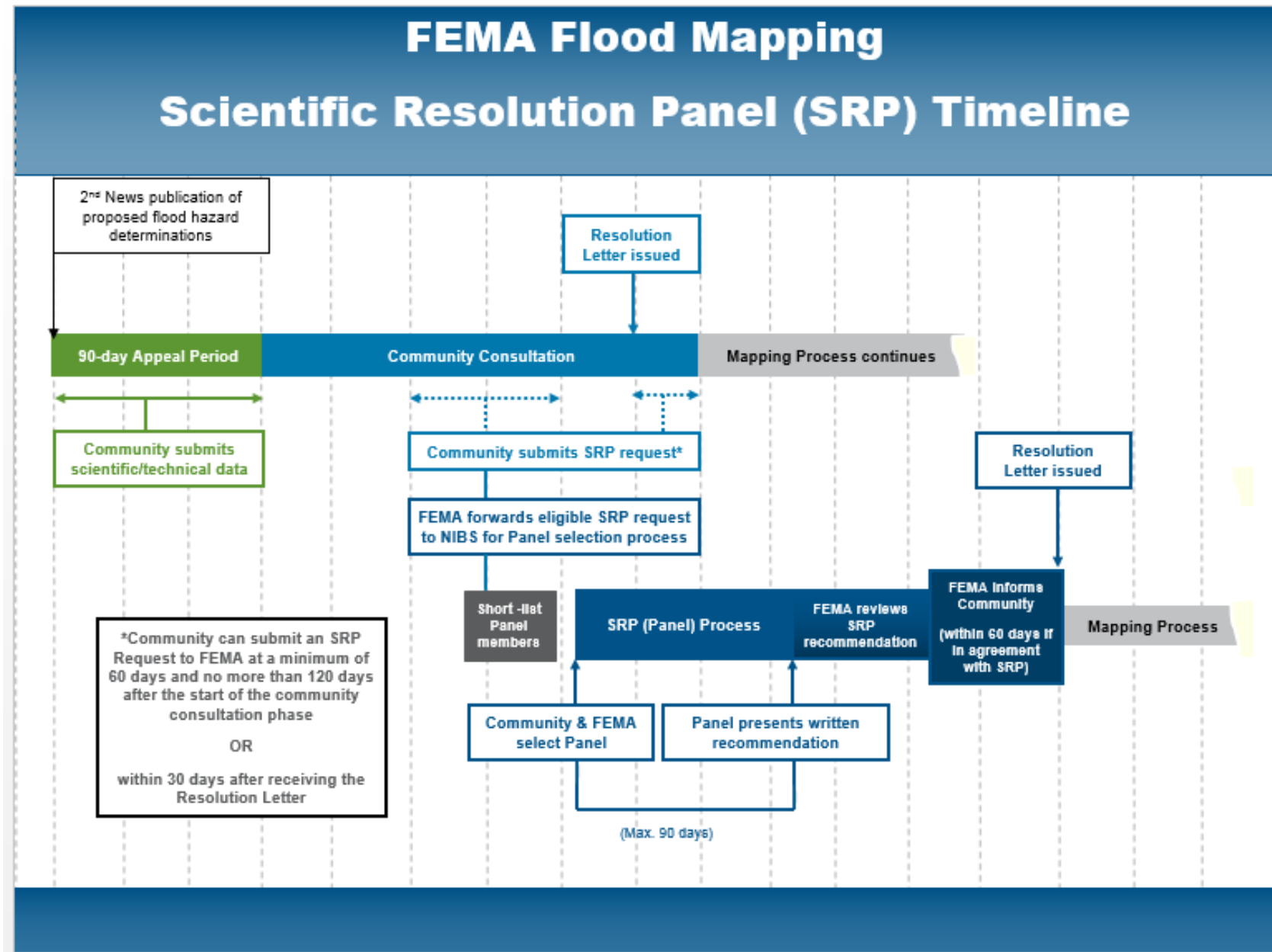


Figure 5. SRP Timeline



9.2 Supporting an SRP Evaluation

The designated Mapping Partner should be prepared to provide FEMA with the data used to generate the relevant flood hazards, the contesting data submitted by the community during the 90-day appeal period, and any correspondence between FEMA, the designated Mapping Partner, and the community. The information should include specific sections of the Technical and Scientific Data Notebook (TSDN) used to determine proposed flood hazards relevant to the appeal or challenge and a summary of the issue.

The designated Mapping Partner may also support FEMA in any requests from the Panel for clarifications or for an oral presentation on the submitted data, when it is deemed necessary.

9.3 SRP Outcomes and Recommendations

The Panel must present its written report to the community and FEMA within 90 days of being convened, and that report will be used by the FEMA Administrator for making the final determination. A Panel determination must be in favor of either FEMA or the community on each distinct element of the dispute, and the Panel may not offer any alternative determination as a resolution. In the case of a dispute submitted by the community on behalf of an owner or lessee of real property in the community, the Panel determination must be in favor of either FEMA, the community, or the owner/lessee on each distinct element of the dispute.

If changes to the FIRMs are recommended in the Panel's determination, and FEMA elects to implement the Panel's determination, FEMA and the designated Mapping Partner should:

- For a Flood Risk Project or PMR, incorporate the changes into a revised Preliminary FIRM and, if appropriate, FIS Report, and issue a resolution letter prior to issuing an LFD.
- For a LOMR, incorporate the changes into a revised LOMR determination that will serve as the final resolution to the appeal. The final 116 letter will then be distributed to notify the community that all appeals have been resolved and the LOMR is effective. The effective date on the originally issued LOMR may need to be modified as a result.

Once the SRP provides its determination and FEMA's resolution letter is issued to implement the recommendations, the SRP recommendations are binding on all appellants and not subject to judicial review.

If the FEMA Administrator elects not to accept the Panel's findings, the Administrator will issue a written justification within 60 days of receiving the report from the SRP. Under these circumstances, the appellants maintain their right to appeal FEMA's final determination to the appropriate Federal District Court.

The Panel's report will be made public at www.floodsrp.org/panels/. The Panel's report and the Administrator's final determination should be added to the community's FEDD file by the designated Mapping Partner, along with all other correspondence between FEMA and the community. The FEDD file will contain the information described in 44 CFR Section 67.3 to show that FEMA has provided due process to communities impacted by new or updated flood hazard information.