

# SCIENTIFIC RESOLUTION PANEL RULES AND PROCEDURES

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# SCIENTIFIC RESOLUTION PANEL RULES AND PROCEDURES

## PART I – BACKGROUND

### 1.1 Introduction

1.1a As provided for in the National Flood Insurance Act (the Act) and under contract with FEMA, the National Institute of Building Sciences (the Institute) will administer Scientific Resolution Panels (“SRP” or “Panel”) for the purpose of performing independent reviews of scientific and technical data used by FEMA to develop flood elevations for the National Flood Insurance Program's (NFIP) Flood Insurance Rate Maps (FIRM). The objective of the SRP process is to assist FEMA and communities (the Parties) in efficiently and impartially reviewing and resolving conflicting data presented to FEMA. SRPs will be established to achieve the following benefits to both FEMA and communities:

- Offer a process deemed neutral for all parties.
- Offer the best independent scientific and technical expertise available to review and decide on conflicting flood hazard data for flood maps.
- Provide efficient resolution to community challenges of proposed flood elevations.

1.1b An SRP is not intended to be the first step toward resolution. Historically, FEMA has used community consultation to resolve appeals and protests to proposed flood elevations. FEMA continues to be committed to the concept of community consultation to resolve conflicting data in an interactive, collaborative process which typically leads to satisfactory resolution. On occasions when community consultation cannot produce a mutually acceptable resolution, the SRP shall be made available.

### 1.2 Purpose

The SRP process has been established for the purpose of performing independent reviews of scientific and technical data submitted by a community challenging FEMA’s flood elevation data and FIRMs. Based on the scientific and technical data submitted by the community and FEMA, the Panel will render a written decision as to which data and analyses represent the best available science. The Panel’s decision shall serve as the recommendation to the FEMA Administrator for his final determination of the flood elevations.

### 1.3 Eligibility

To be considered an eligible request for the SRP process, an appeal or protest must:

- Be received during the 90-day appeal period
- Include knowledge or information indicating that the elevations proposed by FEMA are scientifically or technically incorrect and/or demonstrate that the application of the community’s technical and scientific data result in more correct estimates of flood elevations;
- Include certifications of the supporting data by a registered professional engineer or licensed land surveyor;
- Not have been wholly accepted to be incorporated by FEMA into a revised preliminary flood map;
- Have been subject to a minimum of 60 days of good-faith consultation between FEMA and the community;

- Have the community CEO or authorized representative complete and submit to FEMA during the stipulated timeframe an **SRP Request Form** (Appendix B) which includes the community's specific contentions of the incorrect scientific and technical information used by FEMA in developing the proposed flood elevations among other information.

#### **1.4 Request**

An SRP shall be convened at the request of FEMA or a community upon submission of an **SRP Request Form**. The SRP Request Form shall include, among other information:

- The community's specific contentions of the incorrect scientific and technical data used by FEMA in developing the proposed flood elevations;
- IF requested by a community, a commitment from the community that they will sign a release of all liability of the Panelists for their participation on the SRP and the Institute for administering the SRP process.

### **PART II – ORGANIZATION**

#### **2.1 Agreement of Parties**

The Parties agree to these rules and procedures, and any amendments in effect, at the time the administrative requirements for a request for an SRP have been met and an independent Scientific Resolution Panel has been convened to hear and decide on a community's challenge of FEMA's proposed flood elevations.

#### **2.2 Establishment of Authority**

2.2a The Institute, pursuant to a contract with FEMA, as Panel Sponsor shall establish and maintain a cadre of scientific experts (hereinafter referred to as "SRP cadre members" or "Panelists") from which shall be convened an independent scientific body (referred to as an "SRP" or "Panel"); to make the SRP available to FEMA and communities pursuant to the Act; and to administer SRP operations. The purpose of these rules is to set forth the understanding, terms and conditions by which Panelist shall serve on the SRP cadre of experts and, if selected, serve on an individual Panel, and by which FEMA and the community submit their conflicting data to an SRP for resolution.

2.2b The Institute may terminate a Panel at any time for convenience or cause.

#### **2.3 Amendments**

Amendments to these rules shall require approval of FEMA and the Institute President. Amendments to these rules approved by FEMA and the Institute President shall become effective on a date to be determined by staff but no later than a request to convene a new SRP.

#### **2.4 Scope and Limit of Responsibility**

2.4a The Panel, once appointed, shall convene to review the conflicting data submitted by FEMA and the community, hear oral presentations from FEMA and the community if deemed necessary and establish a majority decision on the appropriate data. The Panel shall then render a written recommendation, with supporting rationale, as to whether FEMA's proposed flood elevations are

scientifically or technically incorrect, as provided for in the National Flood Act, as amended by (42 USC 4104(e)) (the Act), the Federal Emergency Management regulations (44 CFR Part 67) (the regulations) and in accordance with these rules. The Panel's decision shall constitute a recommendation to the FEMA Administrator, who shall render a final determination.

2.4b Based on the scientific and technical information used by FEMA to generate the flood maps and the data submitted by the community, the Panel shall:

- First, review FEMA data for sound engineering practice and principles, limited to the contested data.
- Second, review community data and determine if
  - it satisfies NFIP mapping standards, and
  - it is superior to FEMA data.
- Establish its decision based on these reviews and recommend either the acceptance or denial of the community submitted data for inclusion in a revised flood map in part or in whole.

2.4c Based on its review of the scientific and technical information submitted by the community and FEMA, the Panel will make one of the following decisions on a point by point basis:

- FEMA's data does not satisfy NFIP mapping standards defined in FEMA's *Guidelines and Specifications for Flood Hazard Mapping Partners* (NFIP standards) and must be revisited.
- Community's data satisfies NFIP standards and wholly corrects or negates FEMA's data.
- Portions of the Community's data satisfy NFIP standards and correct or negate FEMA's data.
- Community's data does not satisfy NFIP standards, thus FEMA's data is not corrected, contradicted, or negated.
- Community's data satisfies NFIP standards and is correct, but does *not* negate FEMA's data.

## 2.5 Initiation of SRP

2.5a When FEMA determines to make the SRP process available for a specific challenge, and the community agrees, FEMA shall notify the Institute to convene a Panel by submitting an **SRP Request Form**, executed by the community, containing the name of the community, nature of the challenge, the scientific and technical data needed to develop a list of potential Panelists, the names and address of the community CEO or authorized representative, appropriate sections of the Technical and Scientific Data Notebook (TSDN) related to the conflicting flood elevations and a summary of the issue.

2.5b FEMA may choose to exercise the SRP process without community endorsement for other scientific needs as deemed appropriate by the FEMA Administrator or Federal Insurance and Mitigation Administrator in consultation with the Office of Chief Counsel.

2.5c The Institute shall confirm receipt of an SRP request to FEMA and the community within 2 business days of receipt of an **SRP Request Form**.

## 2.6 Administrative Review of SRP Request

The Institute may initiate an administrative review of the SRP Request, by telephone, with FEMA and the community to address such issues as Panel member selection, review the nature of the challenge and the technical and scientific data submitted, expertise needed on the Panel or any other administrative matters.

## 2.7 Scientific Resolution Panel Cadre Membership

2.7a Membership to the SRP cadre is open to individuals with proven scientific and technical knowledge and expertise in the field of surface water hydrology, hydraulics, coastal engineering, or other engineering and scientific fields relating to the creation of Flood Hazard Maps and Flood Insurance Studies. Persons meeting and exceeding the [SRP qualification criteria](#) and interested in serving on a Scientific Resolution Panel shall complete an online [application form](#); provide all required supporting documentation requested on the form, and complete an affidavit certifying knowledge and understanding of the Act, the Regulations, the SRP Rules and Procedures and any other required reading.

2.7b Confirmation or rejection of membership shall be issued by the Institute to the applicant within 15 days of receipt of the fully completed online application form.

2.7c Panel members shall agree to update their professional information as necessary for the duration of their membership on the SRP cadre.

## 2.8 Availability and Term of Service

2.8a Panel members shall agree to serve on at least one Panel per year, if so requested, averaging two to five 8-hour-days effort over the course of several months.

2.8b Panel members may withdraw from the SRP cadre at any time with 10 days written notice to the Institute prior to the effective date of the withdrawal. Panel members shall not withdraw from the SRP during service on a Panel except for good cause given in writing to the Institute.

## 2.9 Panel Members Selection

2.9a Within 15 days after receipt of an **SRP Request Form**, the Institute shall send to FEMA and the community a short list of 10 pre-qualified potential Panelists chosen from the SRP cadre of experts. Selection of potential Panelists shall be based on the technical challenge of the appeal or protest and the expertise required to review FEMA's and the community's conflicting data. Potential short-listed panel members shall have no personal or professional interest in the appeal or protest and shall not reside in the community's state. The Institute shall confirm that all pre-qualified short listed Panelists are available to serve.

2.9b FEMA and the community shall select a Panel of typically 3 or 5 Panelists, based on the availability of Panelists and or scope of appeal or protest, from the submitted short list of potential Panelists. Within 30 days from the transmittal date of the list of potential Panelists, the community shall designate a simple majority of the Panelists; FEMA shall designate the balance of the Panelists.

2.9c FEMA and the community shall have 15 days from the transmittal date of the list of potential Panelists to indicate names objected to and return the list to the Institute. If a party does not return the list within the time specified, all potential Panelists on the list shall be deemed acceptable.

2.9d If FEMA and or the community fail to designate any or some of the Panel members within 30 days from the transmittal date of the list of potential Panelists, the Institute shall select all or the remaining members to form or complete the Panel.

2.9e If for any reason, appointments cannot be made from the FEMA or community designated selection, a new list shall be sent to FEMA and community and new selection process shall commence.

## **2.10 Vacancies**

If, for any reason, a Panelist is unable to perform the duties of a Panel, the Institute shall declare the applicable party selection vacant. The Institute shall provide a short-list of five potential Panelists from which FEMA or the community shall choose a new member in accordance with these applicable rules.

## **2.11 Chair Selection**

From the lists of FEMA and community selected Panelists the Institute shall invite a member to Chair the Panel. If members do not respond to the Institute invitation, the Institute shall make the appointment.

## **2.12 Scientific Resolution Panel**

2.12a Each Panel shall consist of typically 3 or 5 Panelists based on the availability of Panelists and or scope of the appeal or protest. The community shall select a simple majority and FEMA shall select the remaining members.

2.12b Pre-qualified Panelists shall be representatives from Federal agencies, academia and private industry. FEMA and DHS Employees shall not be able to serve on a Panel. Pre-qualified Panelists may not reside in the State from which the challenge has been filed.

2.12c Panelist shall be considered an independent contractor to the Institute. The Institute shall not direct, control or monitor Panelist's work on any Panel.

2.12d Panel members may not serve on more than one Panel at a time.

## **2.13 Disclosure - Conflict of Interest**

2.13a SRP cadre experts shall disclose on their application form any circumstances likely to give rise to doubt as to their impartiality or independence, including any bias or any financial or personal interest in the result of an SRP decision.

2.13b Upon notification that one has been short-listed to serve on a Panel, Panelist shall disclose to the Institute any actual conflict of interest with the parties to the appeal or protest, or any circumstances that might be perceived as constituting a conflict of interest or a bias in favor of or against either party. Short-listed and appointed Panelists must disclose any facts or circumstances that might be seen as affecting their ability to decide the appeal or protest fairly and impartially. In the event of such a disclosure, the Institute shall determine whether a different Panelist should be selected to serve on the case.

## **2.14 Panel Member Removal**

The Institute may remove Panelist from a Panel, at its sole discretion, for convenience or cause, including for apparent or actual conflict of interest, demonstrated bias or partiality, misconduct related to service on the Panel, or misrepresentation on Panelist's application profile.

### **2.15 Contact with Panel Members**

FEMA and the Community shall not contact any SRP cadre members, potential short-listed Panelist, or Panel members about any aspect of an appeal or protest, before, during or after a final decision has been made

### **2.16 Confidentiality**

2.16a Panelist shall not disclose the internal deliberations of the Panel to FEMA, the community or to the public.

2.16b Panelist shall not to disclose the final decision of the Panel unless and until that decision has been made public by the Institute or the FEMA Administrator.

## **PART III – REVIEW PROCESS**

### **3.1 Preliminary Review of Appeal or Protest**

The Institute shall schedule as soon as practicable a preliminary meeting with the Panel members to review the appeal or protest submissions. During the preliminary review the Panel members and Institute staff shall discuss:

- appointing a Panel Chair
- the roles and duties of Chair and members of the Panel
- the conduct of the review of the appeal or protest, including clarification of data submitted by FEMA and the community,
- the production and distribution of documents and other information between Panel members
  - SRP portal
  - Email list
- a preliminary schedule to
  - formally review the data submitted by FEMA and the community,
  - conduct the community hearing,
  - evaluate and deliberate on Panel findings,
  - meet to render a final decision,
  - draft and approve final report for FEMA Administrator.
- any other preliminary matters.

### **3.2 Panel Members Only Portal.**

3.2a Once selected to serve, Panel members shall be given access to the SRP Portal Panel page they have been appointed to. Panel members shall only be allowed to access their Panel page environment.

3.2b The Institute shall utilize the SRP Portal to administer and manage the individual Panels. The Institute shall store, maintain, and distribute all relevant data packages, studies, documents, reports, discussion threads, actions, assignments, schedules, sections or appropriate links to the Technical and

Scientific Data Notebook and individual Panel deliberations on the SRP Portal. The SRP Portal shall be available to all members of an active Panel 24/7. The Panel page shall include:

- A home page with the name of the individual Panel
- A short description and scope of the appeal package
- The official start and end date of the Panel
- A contact section with the name and contact information of the Panel members appointed to that Panel.
- A Panel specific email tool for ease of communication with Institute staff the SRP Chair and all the members of the Panel.
- A files section to post all data, packages, analyses and perform independent reviews and exchange of information between Panel members.
- A tasks section to assign and schedule specific actions to the members of a Panel.
- An actions section to keep track of all assignments and expected deliverables.
- A comment section to discuss specific documents with an automatic email notification feature to alert members of new postings to each discussion thread.
- A calendar to track and post Panel meetings, agendas and scheduled oral presentations.

### 3.3 Process Timelines

3.3a By the initiation date of an SRP, staff shall distribute to the members of the Panel, the community and FEMA a schedule for that individual Panel, indicating calendar dates and length of time for each period of the process. The typical SRP process periods are listed below and shall be of the length of time indicated in parentheses as follows:

- Initiation of SRP – (1 day); see **Article 2.5**
- Acknowledge Receipt of FEMA Request for SRP – (2 days); see **Article 2.5**
- Administrative Review of SRP (if required) – (1 day); see **Article 2.6**
- Confirm Availability of Pre-Qualified Short-listed Experts – (2days); see **Article 2.9a**
- Distribute List of Short-listed Panelists – (15 days); see **Article 2.9**
- Selection of Panel members – (30 days); see **Article 2.9**
- Notice of Selection to Serve on a Panel – (2 days); see **Article 2.13**
- Preliminary review of Data Packages – (1 day); see **Article 3.1**
- Panel Review of Data Packages – (30days); see **Article 3.3**
- Oral Presentations (if required) – (1-2 days); see **Article 3.10**
- Panel Deliberations & Decision – (30 days); see **Article 3.12**
- Report Production – (15 days); see **Article 3.12**
- Delivery of Final Report to FEMA Administrator – (15 days); see **Article 3.13**

3.3b Periodic meetings shall be scheduled with the Panel to keep track of Panelists progresses.

### 3.4 Review of Data Packages

Panel members shall receive from FEMA specific sections of the Technical and Scientific Data Notebook (TSDN) used to determine proposed flood elevations relevant to the appeal or protest, the contesting data submitted by the community during the 90-day appeal period and a summary of the issue. Following the preliminary review meeting Panelists will have 30 days to get an in depth understanding of the FEMA and community data and documentation. For this in-depth understanding, the Panel shall:

- First, review the FEMA data that was contested for sound engineering practices and principle and compliance with NFIP mapping standards;
- Second, review the community data on a point-by-point basis to determine which elements satisfy NFIP mapping standards and negate the FEMA data.

### **3.5 Date and Time of Oral Presentation**

3.5a Oral presentations are optional and may take place if requested by the community, FEMA or the Panel. The community shall include a justification for an oral presentation in the SRP Request Form. The Panel may request oral presentations on submitted data made by the community and FEMA when deemed necessary.

3.5b If requested and after consultation with the Chair of the Panel, Panel members, FEMA and the community, staff shall set the date and time of the oral presentations. All parties shall respond to scheduling requests for oral presentation dates and time in a timely manner.

3.5c The Institute shall send a **Notice of Oral Presentations** to the parties at least 10 days in advance of the presentation date.

### **3.6 Attendance**

Any persons having a direct interest in the submission can attend the oral presentation via web conference.

### **3.7 Postponements**

The Chair may postpone any oral presentations, upon agreement of all parties, at the request of a party for good cause. Any oral presentation may proceed in the absence of any party who after due notice fails to present or fails to attain a postponement.

### **3.8 Waiver of Oral Presentation**

If an oral presentation is called, the community and /or FEMA may elect to waive oral presentations by submitting a **Waiver of Oral Presentation Form** to the Institute staff when contacted to schedule a presentation time and date, or at any time but at least five days prior to a scheduled presentation date.

### **3.9 Audio Recording**

The community and FEMA oral presentations and Panel meetings shall be recorded. The transcript from stenographic or audio recordings shall be the official record of all presentation and meeting proceedings. All transcripts shall be available during Panel deliberations.

### **3.10 Conduct and Duration of Oral Presentations**

3.10a At the discretion of the Panel Chair, and after consultation with the members of the Panel and the Institute, FEMA and the community may have the opportunity to present via web conferencing their scientific or technical data they submitted to the Panel. No new data shall be submitted by either FEMA or the community to the Panel during oral presentations. The data the community presents can only be the data submitted during the appeal or protest period.

3.10b. FEMA and the community shall be offered equal time to submit their report and data. The Panel Chair shall determine the allowable time for each oral presentation and for the Panel Q&A or if more time is needed.

3.10c Typical Presentation Timeline:

- Community presentation (30-60 minutes)
- FEMA presentation (30-60 minutes)
- Panel Q&A (30-60 minutes)

### 3.11 Oral Presentations

FEMA and the community may be asked to submit an outline of their presentation 5 days prior to the presentation date of the oral presentations for distribution to all parties.

### 3.12 Extension of Time

3.12a The Institute and Panel members may modify any period of time by mutual agreement. The Institute may for good cause extend any period of time established by these rules, except the time for delivering the Panel's final written report and decision to FEMA. The Institute shall notify the community and FEMA of any extension.

3.12b The Chair may request for an extension of time, upon agreement of all Panel members, for good cause, by submitting a ***Time Extension Request Form*** to the Institute staff.

### 3.13 Deliberations and Decision

3.13a Panel members shall keep their deliberations tightly focused on scientific and technical issues and the correctness of FEMA data. After reviewing the contested FEMA data for sound engineering practices and principles and compliance with NFIP standards, the Panel will review the community data on a point by point basis to determine which elements satisfy NFIP mapping standards and negate the FEMA data. The Panel will render a written decision to "accept" or "deny" in part or in whole, the alternative flood elevations submitted by the community based on the scientific and technical information submitted by the community and FEMA. The Panel's decision shall serve as the recommendation to the FEMA Administrator for his final determination of the flood elevations.

3.13b The decision to accept or deny the appeal or protest shall include one of the following explanations:

- FEMA's data does not satisfy NFIP mapping standards and must be revisited.
- The community's data satisfies NFIP standards and wholly corrects or negates FEMA's data.
- Portions of the community's data satisfy NFIP standards and correct or negate FEMA's data.
- The community's data does not satisfy NFIP mapping standards, thus FEMA's data is not corrected, contradicted, or negated.
- The community's data does satisfy NFIP standards and is correct, but does *not* negate FEMA's data.

3.13c Final deliberations and vote of the Panel members shall take place during a conference call. A simple majority vote of the Panel shall decide to either recommend FEMA accept or deny the community's alternate flood elevations in part or in whole.

### **3.14 Written Decision**

The Panel shall present its decision in a written report made available to FEMA and the community. The report should include:

- The List of Panel members;
- A description of the appeal or protest;
- A list of the data submitted by the community and FEMA;
- A summary of the Panel activities;
- The recommendation to either accept or deny the community's data in part or in whole;
- Any other recommendations to FEMA, and
- The Panel rationale for its findings.

### **3.15 Delivery of Report**

The Institute shall deliver the Panel's written report and decision with rationale to FEMA and the community no later than 90 days after being convened.

### **3.16 Publication of Panel Decision**

3.16a The Panel's report will be made public. The report will be posted on the SRP public website within 15 days of delivery to FEMA and the community.

3.16b The Panel's report and the Administrator's final determination will be added to the community's Flood Elevation Determination Docket (FEDD). The FEDD shall contain the information as stated in CFR 44 Part 67.3 to show that FEMA has provided due process to communities impacted by new or updated flood hazard information.

### **3.17 Closing of Panel**

Upon delivery of the Panel's report to FEMA's Administrator and FEMA's acknowledgment that the Panel's report is complete, the Institute shall declare the Panel closed.

## **PART IV – LOGISTICS**

### **4.1 Panel Quorum**

The community's flood elevation data package shall be accepted or denied in part or in whole by a simple majority of the SRP members.

### **4.2 Meeting Quorum**

The quorum for any meeting of an SRP during which any decision or vote is taken shall be a full majority of all members on the Panel.

### **4.3 Notices**

Any requirement for notice as specified by these rules shall be deemed satisfactory if made by e-mail to all parties to whom notice is due, or by some other electronic means that is available to all persons to whom notice is due, and the recipient's acknowledgement thereof.

#### **4.4 Postings**

Any requirement for making documents or information available as specified within these rules shall be deemed satisfactory if such documents are posted to a web site or portal accessible to all persons entitled to such access and accompanied by proper notice of the postings to all such persons, or by some other electronic means that is available to all persons entitled to such access.

#### **4.5 Records**

Panels shall keep accurate records and make available to FEMA and the community all written matter generated by the Panel and will work with the Institute staff as appropriate in the fulfillment of their responsibilities. The Chair who shall be appointed by the Panel members or as provided by these rules shall be responsible for fulfilling this obligation. The records to be maintained shall include, but not necessarily be limited to: agendas and minutes, correspondence, including meeting notices, reports, resolutions and memoranda summarizing significant verbal communications, including instructions from the Institute.

#### **4.6 Compensation & Administrative Fees**

Panel members shall be compensated \$1,500/day for each 8 hour day served on a Panel, prorated for actual time worked. If travel is involved, Panel members will be reimbursed actual airfare and daily government per diem based on actual receipts provided to the Institute. Chairs shall be compensated for their extra services on the Panel.

### **PART V – FORMS & NOTICES**

SRP Request Form (see Appendix B)

Notice of Panel Selection

Notice of Oral Presentations

Waiver of Oral Presentation Form

Time Extension Request Form

NIBS Travel Expense Form

### **PART VI – DEFINITIONS**

**Appeal** – The submittal of knowledge or information, satisfying the data requirements set forth in 44 CFR Section 67.6, that indicates the elevations proposed by FEMA are scientifically or technically incorrect

**Cadre** – Independent scientific and technical body of experts that may be asked to serve on a Scientific Resolution Panel

**CEO** – Chief Executive Officer or the authorized community representative for which the appeal or protest is being filed

**Community** – the political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction and tribal entities as defined in 44 Code of Federal Regulations (CFR) Section 59.1

**FEDD** – Flood Elevation Determination Docket

**FEMA** – Federal Emergency Management Agency

**FIRM** – Flood Insurance Rate Maps

**LFD** – Letter of Final Determination issued by FEMA Administrator

**NFIP** – National Flood Insurance Program

**Panelist** – Subject matter expert identified by the Institute as a cadre member or serving on a Panel

**Protest** – The submission of technical or scientific data that tend to negate or contradict the information upon which the proposed flood elevations or floodplain delineations are based, but does not satisfy the data requirements of 44 CFR Section 67.6.

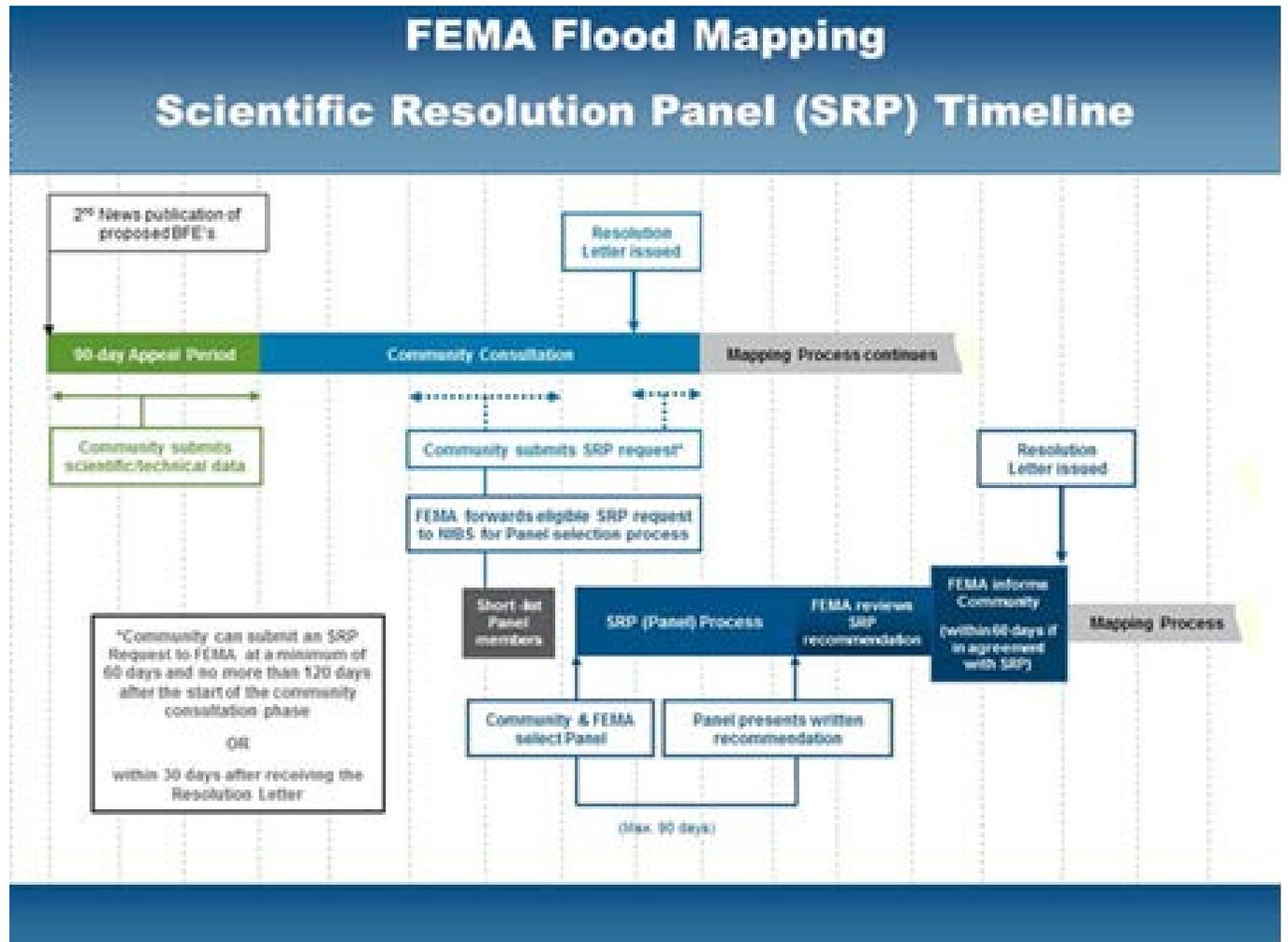
**Sponsor** – An organization independent of and contracted by FEMA to manage and administer the SRP process

**SRP** – Scientific Resolution Panel

**TSDN** - Technical and Scientific Data Notebook

APPENDIX A –

FEMA Flood Mapping Timelines



**APPENDIX B –**

**Scientific Resolution Panel Request Form**

*This form is to be completed by the community’s Chief Executive Officer (CEO) or the authorized representative of the community for which the appeal or protest is being filed. The CEO will consolidate all unresolved appeals and protests by private persons and submit them on their behalf. The CEO will also forward to FEMA copies of appeals and protests not endorsed by the community and certify that no further appeals or protests will be brought to FEMA for the community.*

Date: \_\_\_\_\_

Name of Community: \_\_\_\_\_

County and State of Community: \_\_\_\_\_

Name of Community CEO or authorized representative:  
\_\_\_\_\_

Mailing Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number (Work): \_\_\_\_\_

Phone Number (Cell): \_\_\_\_\_

Email Address: \_\_\_\_\_

Does the data submitted constitute an appeal?(Y/N) \_\_\_\_\_

If yes does the submitted data satisfy the data requirements outlined in 44 CFR Section 67.6 (b) of the National Flood Insurance Program (NFIP) regulations and demonstrate that FEMA’s proposed flood hazard determinations (proposed flood hazard determinations may include the addition or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) or zone designations, or regulatory floodways) are:

\_\_\_\_\_(1) technically incorrect due to a mathematical or measurement error or changed physical conditions?

\_\_\_\_\_(2) technically incorrect due to error in application of hydrologic, hydraulic or other methods or use of inferior data in applying such methods?

\_\_\_\_\_(3) scientifically incorrect?

If an oral presentation to the SRP is necessary to support this appeal or protest, please justify here.

\_\_\_\_\_  
\_\_\_\_\_

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**Community Commitment and Certification**

The community certifies that:

- 1. The data provided for SRP review was entirely submitted to FEMA during the 90-day appeal period?  
Y\_\_\_\_\_ N\_\_\_\_\_
  
- 2. No additional data may be submitted for this or any other appeal or protest for SRP consideration?  
Y\_\_\_\_\_ N\_\_\_\_\_
  
- 3. There may be no submission of any other appeals and protests not consolidated with this submission?  
Y\_\_\_\_\_ N\_\_\_\_\_

**Location of Contested Flood Elevations**

4. *Identify the specific river reaches or coastal transects challenged by the data.*

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5. *Please identify areas of expertise the community believes are pertinent for representation on the SRP.*

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**6. Description of information to be submitted by the community indicating that the flood hazard data proposed by FEMA are scientifically or technically Incorrect:**

*Please include on a separate page labeled "Attachment A: Summary of Appeal or Protest Information" a summary of the specific technical issues, errors in FEMA's data, or different technical processes submitted to contest the flood hazard determination data proposed by FEMA.*

**7. Acceptance by community of terms and conditions for the initiation of an SRP:**

*To initiate the SRP process, the community's CEO or authorized representative must accept the following terms and conditions on behalf of the community and individuals whose appeals or protests are consolidated with this submission.*

- a) The community understands that the FEMA Administrator is not required to accept the recommendation of the SRP, and that upon the Administrator's final determination that no further consideration will be given to the community's appeals. The parties will maintain their

**National Institute of Building Sciences**

right to appeal to the appropriate Federal District Court pursuant to 44CFR section 67.12 of the NFIP regulations.

- b) The community has read the FEMA prepared Guidance Memorandum titled “implementing the Scientific Resolution Panel Process” and agrees to work with the National Institute of Building Sciences (NIBS) in the timely completion of the SRP review, including timely selection of panel members and participation in additional review procedures if requested.
- c) The community agrees that no contact will be made with the Panel members except as expressly requested by NIBS before, during or after the SRP review is undertaken.
- d) The community agrees that they have read and signed the “Community Submittal Agreement.”

(Name and Title of Community CEO or Authorized Representative)

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Signature of Community CEO or Authorized Representative

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**APPENDIX C**

**NATIONAL INSTITUTE OF BUILDING SCIENCES  
SCIENTIFIC RESOLUTION PANEL**

**Community Submittal Agreement**

This AGREEMENT is made this \_\_\_ day of \_\_\_\_\_, 201\_, by and between the NATIONAL INSTITUTE OF BUILDING SCIENCES (“Institute”), a District of Columbia not-for-profit corporation, 1090 Vermont Avenue, NW, Suite 700, Washington, D.C. 20005-4950, and \_\_\_\_\_ (“Community”).

1. The National Flood Insurance Act (42 U.S.C. § 4104(e)) and Federal Emergency Management Agency (FEMA) regulations (44 C.F.R. § 67.8) provide that the FEMA Administrator shall review and take fully into account any technical or scientific data submitted by a community that tend to negate or contradict the information upon which FEMA’s proposed flood elevation determination is based. The Act and regulations further state that the Administrator may submit the conflicting data to an independent scientific body or appropriate Federal agency for advice. The decision of such body or agency serves as their recommendation to the FEMA Administrator. The Administrator makes the final flood elevation determination.
2. The Institute, pursuant to contract with FEMA, has the responsibility as Panel Sponsor to develop and maintain a cadre of scientific experts (hereinafter referred to as “SRP cadre members” or “Panelists”) to constitute the Scientific Resolution Panel cadre of experts (hereinafter referred to as “SRP cadre of experts”), from which will be convened an independent scientific body (hereinafter referred to as an “SRP” or “Panel”); to make the SRP available to FEMA and communities pursuant to the Act; and to administer SRP operations. The purpose of this Agreement is to set forth the understanding, terms and conditions by which the Community submits its conflicting data to an SRP Appeal Panel for resolution.
3. The Institute has selected and invited a number of qualified, independent experts to serve on the SRP based on their scientific expertise in the field of surface water hydrology, hydraulics, coastal engineering, or other relevant engineering and scientific fields.
4. The Community has challenged FEMA’s proposed flood elevation determination and has elected to have its technical and/or scientific data reviewed by an SRP to determine whether it negates or contradicts the information upon which FEMA’s proposed flood elevation determination is based. By doing so, the Community represents that it understands and agrees to abide by the SRP process as described in the applicable law, FEMA Regulations, and the SRP Rules and Procedures.
5. The Community shall be entitled to designate a simple majority of the Panel members, e.g., three of the members of a Panel of five, from the cadre of SRP members provided by the Institute. The SRP shall consist of persons who do not have a personal or professional interest in the appeal or the result of the appeal and do not reside in the State from which the appeal is taken.
6. The Panel, once appointed, shall consider the submission of the conflicting data and render a written simple majority advisory decision with rationale, as to whether the Community’s technical or scientific data negates or contradicts the information FEMA relied upon in proposing its flood elevation

