



FEMA

Appeals and Protests

To Flood Insurance Rate Maps

INTRODUCTION

The preliminary flood hazard maps being presented to your county represent the most up-to-date, accurate information ever developed for your area. These maps, once finalized, serve as the basis for your community's flood plain management requirements and are the primary tool for preventing loss of life and property due to flooding.

Community officials and property owners have an opportunity to review these preliminary maps—also known as the Digital Flood Insurance Rate Maps (DFIRMs)—during a formal review and comment period. It is during this “90-day Appeal Period” in which objections (appeals or protests) to information shown on the digital map or in the accompanying Flood Insurance Study (FIS) report may be submitted to FEMA Region II for consideration.

FEMA welcomes public input through the appeals and protests process. Additional proven scientific and technical information increases the accuracy of the maps and better reflects the community's flooding risks. The following information defines what constitutes an appeal or protest and explains the process by which a community or individual may take such action.

What is an Appeal?

Determining the base flood elevation (BFE) within a community is a major component of the mapping process. The BFE is the elevation of the flood having a one-percent-chance of being equaled or exceeded in any given year. This becomes the basis for the detailed floodplain boundaries, flood insurance risk zones, and regulatory floodway boundaries shown on the map panels. If an objection to the map involves the proposed base flood elevations, it is considered an **appeal**.

What is a Protest?

If an objection does not involve the proposed base flood elevations shown on the digital map panels and in the FIS report materials, it is considered a **protest**. Protests usually involve changes to items such as roads and road names, corporate limits, and floodplain boundary delineations.

Information regarding the roles and responsibilities of community officials and individual property owners in submitting, reviewing, and resolving appeals and protests is provided in the paragraphs below.

Activities Leading Up To Appeal Period

FEMA formally presents both paper and digital copies of the preliminary flood maps to community officials at a countywide meeting—called a Consultation Coordination Officer (CCO) meeting—and explains the map publication and adoption process in detail. Additionally, all preliminary flood maps produced in Region II are maintained online for the duration of the 90-day appeal period at the following website: <http://rmc.mapmodteam.com/RMC2/> .

FEMA encourages each community to publicize and display the maps and, if requested, may assist at public meetings. A scheduled public meeting allows local residents to view the maps, ask questions and find out more information regarding their flooding risk.

The Appeals Period Process

After the formal meetings are held, FEMA will prepare the materials below.

- Listings of base flood elevations shown on the preliminary digital maps, which are posted on the FEMA Website at www.fema.gov/plan/prevent/fhm/bfe.
- A legal notice, called a Proposed Rule, which is published in the FEDERAL REGISTER;
- Public notices announcing the start of the appeal period and the posting of the base flood elevation listings, which are published twice in the local newspaper of record.
- In addition, FEMA mails letters notifying community officials of the new or modified base flood elevations shown on the digital maps. These letters are referred to as “proposed flood elevation determination letters.” FEMA encourages community officials to distribute this information to their residents and other key stakeholders.
- The 90-day appeal period begins on the date of the second publication of the public notice in the local newspaper.
- During the 90-day period, any individual property owner or community member who wishes to file an objection to the base flood elevations or other information in the preliminary map and preliminary FIS report may do so by filing a letter and scientific or technical data supporting the appeal. It is suggested that such appeals or protests, along with the required scientific or technical supporting data, be submitted to the community official designated to manage this process.
- The community also may appeal or protest on its own behalf if no individual appeals or protests are submitted.
- FEMA recommends that community officials notify FEMA Region II of appeals or protests as soon as possible. Further, it is requested that all documentation be collected and forwarded together to the address provided before the 90-day appeal period ends.

This ensures no additional mapping actions will proceed without consideration of the objections.



FEMA Region II - Appeals and Protests

All appeals or protests should be directed to:

Federal Emergency Management Agency
Attn: Michael J. Dabney, Director
Mitigation Division
DHS/FEMA Region II
26 Federal Plaza, 13th floor
New York, NY 10278-0002

Regarding Flood Insurance Rate Maps in New York State it is also requested that an additional copy of any appeal or protest is sent to the New York State NFIP Coordinator at the following address:

William S. Nechamen, Chief
Floodplain Management Section, Bureau Flood Protection
New York State Department of Environmental Conservation
625 Broadway, 4th Floor
Albany, NY 12233-3504

If community officials, property owners, or other non-community appellants are unable to obtain and submit the appropriate support data within the 90-day appeal period, they may pursue a formal map revision after the map has become effective.

How Appeals and Protests Will Be Addressed

The procedures that are to be followed in handling appeals or protests are summarized below.

- Once FEMA receives formal mapping objections, letters acknowledging receipt of appeals or protests will be sent to appellants.
- FEMA also will send copies of the acknowledgment letters to the local floodplain administrator and to all appellants unless the number of appellants is so great that to do so would not be practical. In such cases, the community will be responsible for informing appellants that FEMA Region II has received the appeals or protests.
- FEMA will review all appeals and protests and the supporting data submitted with them.
- If any questions or problems arise, FEMA will work with community officials or the non-community appellants to resolve them.

- If needed, FEMA will request any additional supporting data through a letter to community officials or non-community appellants. FEMA will allow approximately 30 days for submittal of the required data.
- Data submitted within the 30-day period will be considered in resolving the objections.
- If the data is not provided within the 30-day period, FEMA will resolve the appeals or protests using the data originally submitted.
- If appeals and/or protests are adequately supported, FEMA will revise the base flood elevations, floodplain boundaries, regulatory floodway boundaries, and any other information affected by the objections. If appropriate, FEMA will revise the affected map panels and/or FIS report materials. FEMA will contact community officials if additional coordination is necessary.
- FEMA will send letters explaining the resolution of the appeals and/or protests to the community officials, and/or appellants along with copies of the revised map panels and FIS report materials, if appropriate. The revised map panels and FIS report materials will be stamped as “Revised.”
- The affected communities will be given a 30-day period to review and submit comments on the resolution.
- FEMA will inform the community or other interested parties by letter if appeals and/or protests are denied and provide an explanation for the denial.
- At the end of the 30-day review period, FEMA will review and address all comments on the appeal and/or protest resolutions. FEMA will contact community officials if additional coordination is necessary.

At the end of this process, FEMA will continue processing the digital maps and FIS reports as discussed below.

How the Maps and Reports Become Final and Effective

- After the 90-day appeal period has ended and all objections have been addressed, FEMA will make the proposed base flood elevations final by publishing another legal notice, called a “Final Rule,” in the FEDERAL REGISTER and issuing Letters of Final Determination (LFDs) to community officials.
- The LFD will inform community officials that the community is being given a period of time to enact new or modified floodplain management ordinances required for participation in the NFIP.
- During this six-month “adoption/compliance period,” FEMA prepares the digital maps and FIS reports in final form, and coordinates with the U.S. Government Printing Office to have them printed and distributed.
- At the end of the adoption/compliance period, the new digital maps and FIS reports will become effective.