

Guidance for Flood Risk Analysis and Mapping

Appeal and Comment Processing

February 2019



FEMA

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.

Table of Revisions

The following summary of changes details revisions to this document subsequent to its most recent version in February 2018.

Affected Section or Subsection	Date	Description
Section 4.0	February 2019	Revised Section 4.0 to provide separate subsections for Flood Risk Projects and PMRs (4.1), LOMRs (4.2), and Property Owner Education (4.3).
Section 8.0	February 2019	Updated to indicate documents are accessible through the FEMA Guidelines and Standards for Flood Risk Analysis and Mapping webpage.

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1.0 Introduction

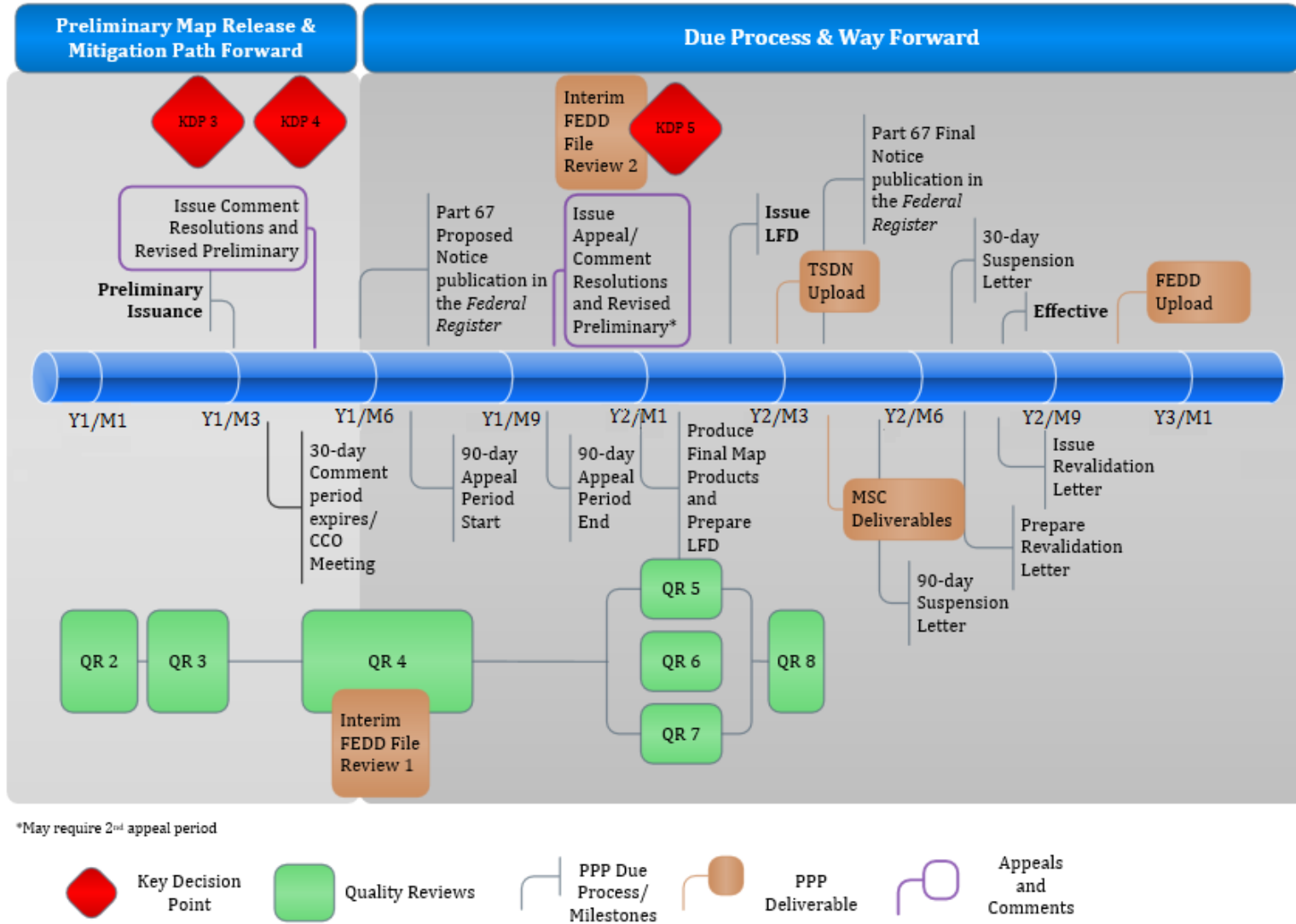
This document provides the standard procedures that staff from the Department of Homeland Security's Federal Emergency Management Agency (FEMA), FEMA contractors, and other organizations that partner with FEMA are to follow for processing new and revised Flood Insurance Study (FIS) reports and a Flood 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 (CFR) 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.

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



*May require 2nd appeal period

Figure 1. Post-Preliminary Processing Timeline

3.0 Determining if an Appeal Period is Required

The National Flood Insurance Act of 1968, as amended, 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 enabling legislation, FEMA must provide communities with a 90-day appeal period when FEMA proposes new or modified flood hazard information, i.e., Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Areas (SFHAs), SFHA zone designations, and regulatory floodways for a community.

When these changes occur, the designated Mapping Partner must determine if communities affected by 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 BFEs 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;
- New regulatory floodways are proposed or the boundaries of currently effective regulatory floodways are modified.

Scenarios outlining when an appeal period is required can be found in FEMA's Post-Preliminary Due Process Guidance. Prior to the 90-day appeal period, Mapping Partners responsible for Due Process, should identify if the data or information shown on the Preliminary FIRM should be revised based on data submitted during the initial 30-day comment period after Preliminary Issuance. If changes to the Preliminary FIRM are warranted, the Regional Office may request that the Mapping Partner prepare and issue a Revised Preliminary FIRM or FIS Report. The updated preliminary information should be provided to all the communities impacted by the revised information. Additional information on Revised Preliminary Issuance can be found in FEMA's Preliminary Distribution and Revised Preliminary Guidance. Both guidance documents can be found on [FEMA.gov](https://www.fema.gov), under FEMA Guidelines and Standards for Flood Risk Analysis.

4.0 Appeal Period Initiation

4.1 Appeal Period Initiation for Flood Risk Projects and PMRs

Once the 30-day comment period has closed after Preliminary Issuance, any changes as a result have been made and Revised Preliminary FIRM(s) and FIS Report are issued, this begins the initiation of the 90-day appeal period. A statutory 90-day appeal period will be provided to communities based on the criteria identified in Section 3.0. If it is determined that a community is not eligible for the 90-day appeal period, the Regional Project Officer may provide communities a 90-day comment period.

If it is determined that a community requires a 90-day appeal or comment period, a series of steps must be taken before it can be initiated. The steps to initiate Due Process can 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 Subsection 8.1 of this document as part of the appeal and comment resolution process. Education of Property Owners

In addition, in response to a requirement established by the U.S. Congress, Flood Risk Project team members may need to work with the FEMA Regional Office of External Affairs, other FEMA Regional Office staff, community officials, and local radio and television outlets to further educate property owners about flood map revisions and the appeals process. Detailed information on how Project Teams may help fulfill this requirement, including tools and templates developed by FEMA Headquarters (HQ), is provided in two FEMA guidance documents: Guidance for Stakeholder Engagement: Preliminary National Flood Insurance Program Map Release Phase and Guidance for Stakeholder Engagement: Due Process Phase. Both documents are accessible from the FEMA Guidelines and Standards for Flood Risk Analysis and Mapping webpage.

4.2 Appeal Period Initiation for LOMRs

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 community floodplain administrator (FPA), other community officials and the revision requester for review and comment. For LOMRs not requiring a statutory 90-day appeal period, the community may receive a 30-day review period. A statutory 90-day appeal period is provided to the communities for LOMRs based on the criteria identified in Section 3.0. 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 in 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 compliant with the necessary requirements outlined in 44 CFR Section 60.3, or in communities that require adoption of the LOMR, will become effective following a 6-month compliance period.

For additional information on initiating an appeal period for a LOMR, users should refer to Flood Map Revision Processes content on [FEMA.gov](https://www.fema.gov).

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 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, CFR, 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. 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). Due to this, 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 flood hazard determinations.	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 flood hazard determinations.
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 them as appropriate.
Data or information submitted relates to areas where the Flood Risk Project, PMR, or LOMR has introduced new or revised BFEs, base flood depth, SFHA boundaries (including increases or decreases in the extent of the SFHA), SFHA zone designation, and 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 PMR 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).

Appeals	Comments
<ul style="list-style-type: none"> • Data or information submitted identifies that the proposed flood hazard determinations are technically incorrect due to a mathematical or measurement error or changed physical conditions. The specific source of the error is identified. Supporting data are 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, hydraulic, or other methods or use of inferior data in applying such methods. • Data or information submitted identifies the proposed flood hazard determinations are scientifically incorrect. 	<p>If data that would typically be classified as an appeal are submitted outside of the statutory 90-day appeal period, or if data received during the appeal period are determined to be incomplete, the data 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.</p>

Although the statutory 90-day appeal period cannot be extended for any reason, FEMA will evaluate all data and information submitted in support of a request to change the FIS Report or FIRM during a Flood Risk Project, PMR, or LOMR and respond to the request as appropriate, regardless of when it is received. Resolution may therefore not result in incorporation of the data or information provided in the revised FIS Report or FIRM.

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 also should be sent directly to the community CEO for consideration. The community should review and consolidate all appeals and issue a written opinion stating whether there is sufficient scientific and technical data 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 date, not including the date of the second newspaper publication.

6.1 Tracking and Archiving

The Mapping Partner responsible for the Flood Risk Project, and the Mapping Partner responsible for Due Process must track all incoming comment and appeal correspondence, acknowledgement letters, and resolution letters, as these will all be required as part of the Flood Elevation Determination Docket (FEDD) file, described in the [Technical Support Data Notebook and Flood Elevation Determination Docket](#) FEMA Guidance document.

All correspondence pertaining to the appeal and comments received for a study should be uploaded to this task, including, but not limited to; Acknowledgement Letters, Resolution

Letters, and any intermittent correspondence pertaining to the resolution of the appeal/comment must be uploaded through FEMA's Mapping Information Platform (MIP), "Record Appeal/Comment" task. This task also tracks critical information that must be recorded within the task that includes; community information, type of and status of the Appeal/Comment, basis of the Appeal/Comment, whether sufficient data was received, the date the data was received, acknowledgment and community contact dates. Information within this task needs to be updated through the resolution period, until the Appeal/Comment is resolved.

Requirements for the "Record Appeal/Comment" task include; ensuring that data within this task is updated as soon as possible upon receiving appeal/comment, updating the status of this task every month during resolution, and ensure that this task is to be submitted and validate by FEMA HQ or their designee, before KDP5 is submitted to the FEMA Regional Office.

For information on PPP deliverables to be uploaded to the MIP and the appropriate MIP tasks to complete during the due process purchase, please see FEMA's Data Capture Technical Reference and Post-Preliminary Deliverables Guidance documents. Both documents are accessible from the FEMA Guidelines and Standards for Flood Risk Analysis and Mapping webpage.

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 fit 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 regulatory requirements 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](#).

FEMA and the designated Mapping Partner will evaluate and acknowledge the appeal or comment in a timely manner as soon as the data or information are received. Appeals and comments may not be resolved until after the statutory 90-day appeal period has ended and additional community consultation has occurred.

Subsections 7.1 through 7.5 provide an overview of what data and information are important to receive to properly assess an appeal. If the data or information are not 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 or PMR, no new appeals will be accepted after the 90-day appeal period has elapsed.

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).
- 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.
- Revised Flood Profiles, FDT, and other FIS Report tables, as applicable.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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 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, some or all of 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;
- 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:

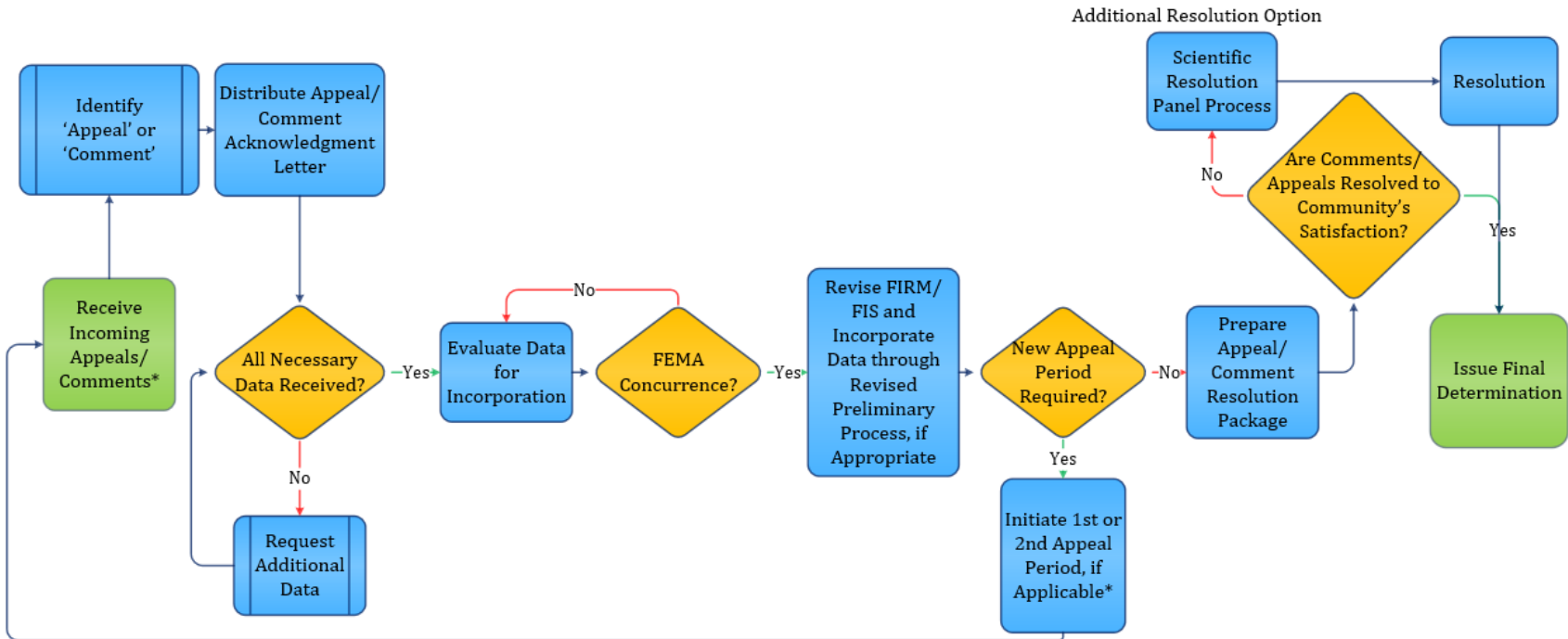
- The data, preferably in a digital geographic information system (GIS) format, should be more detailed and/or accurate than the information used to develop the preliminary or revised preliminary FIRM products for the Flood Risk Project. The submitter should indicate when the topographic data was collected 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.
- 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 before 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 9.0 of this document.

An overview of the community consultation appeal and comment resolution process is depicted in Figure 2.

Community Consultation



*For Flood Risk Projects and PMRs, comments received and resolved outside of the statutory 90-day appeal 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 appeal period.

Figure 2. Appeal and Comment Resolution Overview

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 acknowledgment and resolution letters are accessible through the Flood Risk Templates and Other Resources page on FEMA.gov and the password-protected Risk Management Directorate SharePoint Portal. Mapping Partners should coordinate directly with the Regional Office for Regional templates that may be available.

Table 2: Appeal and Comment Resolution Procedures

Task	Steps
Acknowledgement	<ul style="list-style-type: none"> • Acknowledgment by FEMA of the receipt of a submittal (data, comments, etc.) in writing, and optionally through a documented telephone 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 comments or appeals. This can be done by separate correspondence (LOMR 116-L Letter) or by the inclusion of language in the LFD (for Flood Risk Projects or PMRs). See FEMA’s Letter of Final Determination Guidance document for additional detail for Flood Risk Projects and PMRs. • An acknowledgment letter or response after receiving an appeal or comment should be sent in a timely manner to the community. • All correspondence must be prepared and issued on FEMA HQ or FEMA Regional letterhead, which requires signature concurrence from FEMA HQ or the FEMA Region.
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 current statutes, regulations, or guidelines and standards, and will perform technical analysis if requested and/or appropriate.
Additional Data or Clarification and Community Consultation	<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. • All correspondence is to be prepared and issued on FEMA HQ or FEMA Regional letterhead.

Task	Steps
Recommendation	<ul style="list-style-type: none"> • FEMA or the designated Mapping Partner will review the scientific or technical 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 and archived in the MIP, the applicable FEMA Region should have awareness for informational purposes.
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 resolution letters must offer communities the option to go through the SRP process, which is discussed in Section 9 of this document. <p>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.</p> <ul style="list-style-type: none"> • The designated Mapping Partner will dispatch the signed FEMA appeal or comment resolution letter. If changes to flood hazard information were made as a result of the appeal or comment the community, the designated Mapping Partner must provide the community with a copy of the revised FIRM, FIS Report, and/or database, or LOMR documents and enclosures to the community CEO and floodplain administrator and all appellants, as applicable. • All correspondence must be prepared and issued on FEMA HQ 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 HQ 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](#) document, which is also accessible from the FEMA Guidelines and Standards for Flood Risk Analysis and Mapping webpage.

For LOMRs, following appeal and comment resolution, the LOMR effective date will be confirmed via a 116-L Letter from FEMA to the community. For information related to LOMRs, please request more detailed information from FEMA HQ or their designee (Production and Technical Services provider). Additional coordination by FEMA or their designee with FEMA's Flood 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 National Flood Hazard Layer 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 Notices Guidance](#) document.

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.

Any changes to flood hazard information that occur after preliminary issuance and prior to the initial appeal period as a result of comment incorporation would require a revised preliminary issuance of the modified FIRM panels and/or FIS Report to all communities determined by the Region and Mapping Partner to be impacted by the flood hazard information change.

This would be 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 because of resolution of comments submitted outside of the appeal period (i.e., data received outside of the statutory 90-day appeal period) then a revised preliminary issuance and 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 that did not originally receive an appeal period.

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.

9.0 Scientific Resolution Panel (SRP)

FEMA's SRP process reinforces FEMA's commitment to work with communities to ensure the flood hazard information depicted on FIRMs and in FIS Reports are developed collaboratively, using the best science available. When proposed changes to a FIRM and FIS Report as part of a Flood Risk Project, PMR, or LOMR are met with conflicting technical and/or scientific data during a statutory 90-day 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 appeal period for a Flood Risk Project, PMR, or LOMR 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 3 outlines the SRP process, and Figure 4 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/.

Scientific Resolution Panel (SRP)

Resolution with SRP Process as an Option

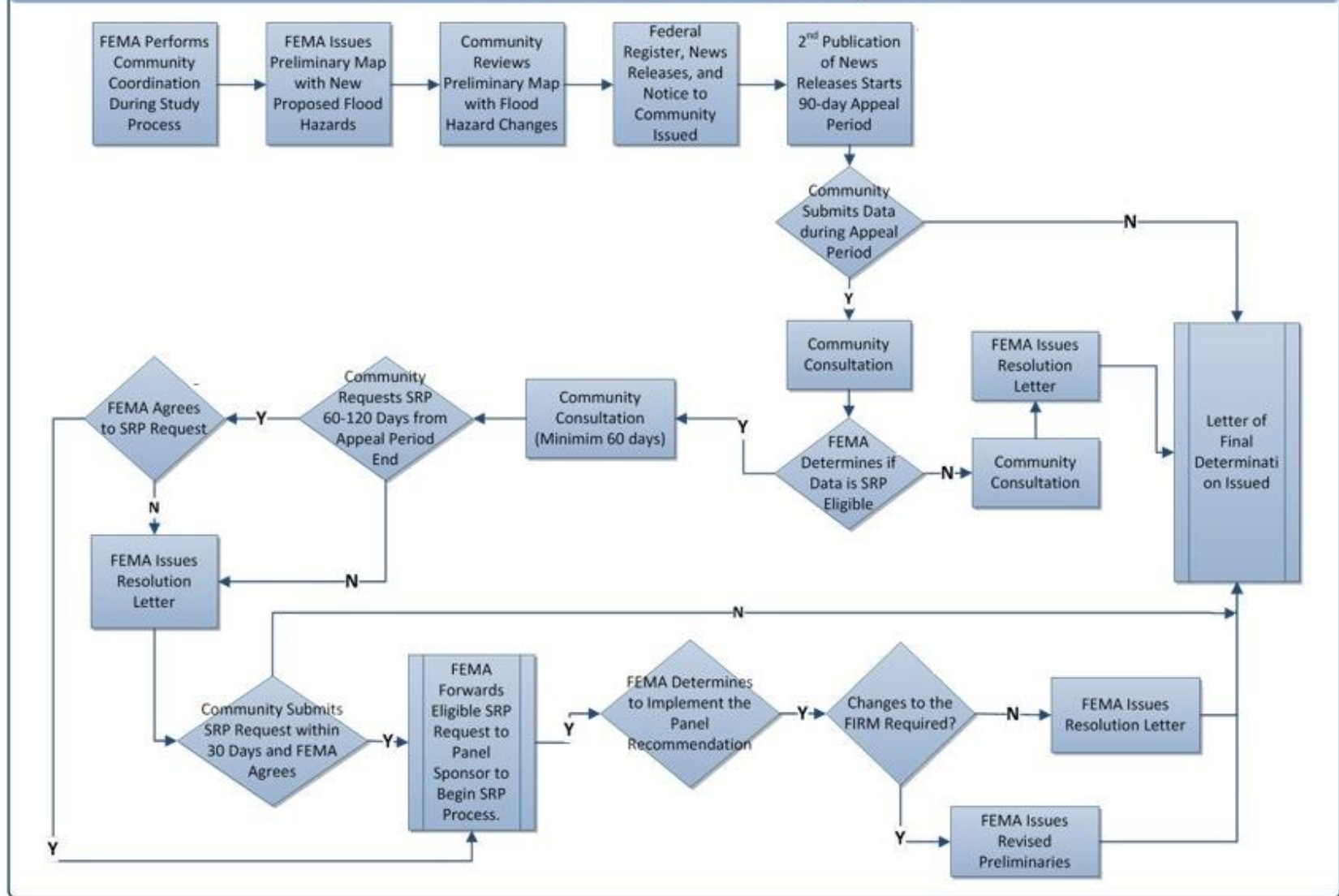


Figure 3. SRP Process Chart

FEMA Flood Mapping

Scientific Resolution Panel (SRP) Timeline

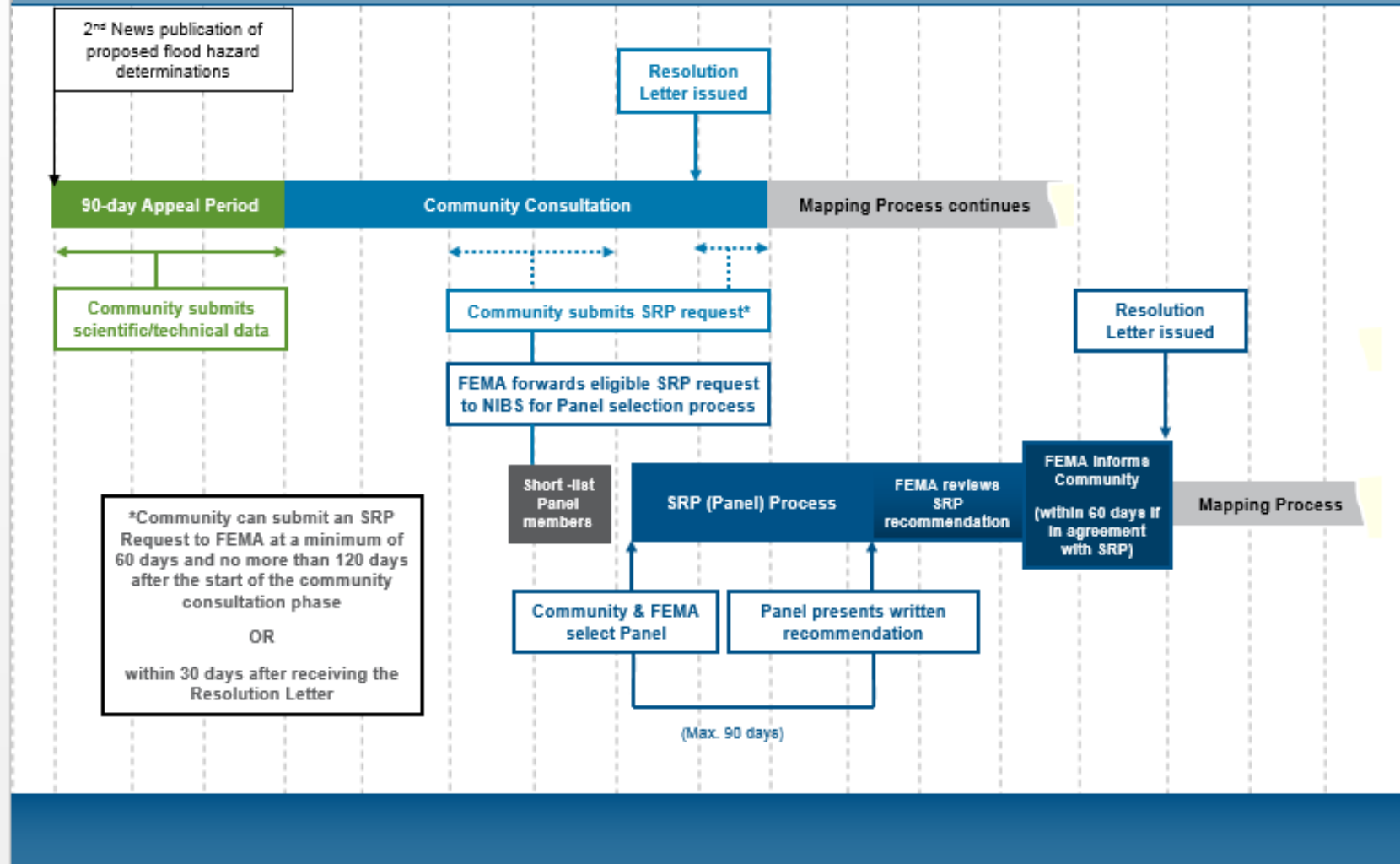


Figure 4. SRP Timeline

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 Support Data Notebook 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 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 LOMR 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.