



# Appeals and Protests

After a community receives new preliminary Flood Insurance Rate Map (FIRM) panels showing new or revised Base Flood Elevations (BFEs), a 90-day appeal period is provided. During the appeal period, community officials, commercial property owners, and individual property owners may submit formal objections to information shown on preliminary FIRM panels or the accompanying preliminary Flood Insurance Study (FIS) Report. This appeal period begins on the date when the Federal Emergency Management Agency (FEMA) publishes the second of two legal notices of proposed BFEs in a local newspaper.

Under the National Flood Insurance Program (NFIP), there are two ways to petition to correct or amend information shown in the preliminary FIS Report and on the FIRM panels: appeals and protests. The following information is provided to explain the procedures for submitting appeals and protests and how these petitions are reviewed and resolved under the North Carolina Floodplain Mapping Program (NCFMP).

### What is an Appeal?

An appeal is a formal challenge to new or revised BFEs in the preliminary FIS report or on the FIRM panels that is submitted during the 90-day appeal period. Appeals are based on data that show proposed BFEs to be scientifically or technically incorrect.

### What Information is Required to Support an Appeal?

Developing a flood study with BFEs along a stream involves collection of historical and physical data, followed by analyses using hydrologic methods to determine flow rates and hydraulic modeling to determine water-surface elevations. Studies of coastal flooding involve specialized analyses of storm surge and wave effects. Depending on what specific aspect of the study is being challenged, various types of data are required to support an appeal.

FEMA's document, Appeals and Protests to National Flood Insurance Program Maps, provides detailed guidance on developing the necessary technical data to support appeals. The following table shows how different types of scientific and technical data such as an engineering description, topographic mapping, or survey data may be handled as an appeal to the hydrologic and/or hydraulic analyses prepared for the preliminary FIS Report and FIRM panels. In the table below, the appellant is the entity submitting the appeal.

Basis of the Formal Objection	Data Supporting the Formal Objection	Data Submitted By:	Revised Study Performed By:
Incorrect Methodology Used in a New Study	Explanation for superiority of alternative hydrologic or hydraulic methodology	Appellant	Appellant
Methodology Not Correctly Applied in a New Study	Explanation for superiority of different application of hydrologic or hydraulic methodology	Appellant	Appellant
Insufficient or Poor Quality Data in a New Study	Data believed to be superior to those used in original hydrologic or hydraulic analyses; documentation for source of the new data	Appellant	Appellant
Mathematical Error in a New Study	Information that identifies the error and provides the correct calculation	Appellant	NCFMP/FEMA
Measurement Error in a New Study	Information that identifies the error and provides the correct measurement	Appellant	NCFMP/FEMA
Physical Change in the Floodplain Since a New Study	Information that identifies the change and sufficient topographical and/or structural data for an updated hydraulic analysis	Appellant	NCFMP/FEMA

In some cases, the appellant is required to submit a revised study, including updated hydrologic and/or hydraulic analyses, flood profiles, and floodplain and floodway boundaries, using the alternative methods or data believed to be superior to those used in the preliminary study. In other cases, FEMA or the NCFMP may perform the calculations to make any necessary changes to the preliminary flood hazard data.

### **What is a Protest?**

A protest is a formal objection to the information in the FIS Report and/or shown on the FIRM panels not related to BFEs. Protests must be filed during the 90-day appeal period. Protests generally involve comments regarding the delineation of the updated floodplain boundaries and floodways, corporate limits, Extraterritorial Jurisdiction (ETJ) boundaries, and road names/locations.

### **What Information is Required to Support a Protest?**

To protest a floodplain boundary, certified topographic maps or other certified ground elevation data that are of greater detail and/or more recent than those used for the preliminary FIRM panel in question must be submitted. In addition, the requested changes to the floodplain should be annotated on the topographic mapping and preliminary FIRM panel. Protests of a floodway require updated hydraulic modeling. For objections to corporate limits or ETJ boundaries, community maps in either digital or paper format showing the updated boundaries must be submitted.

### **Should Property Owners Submit Appeals and Protests Directly to NCFMP and FEMA?**

Any property owner wishing to submit an appeal or protest to the data in the preliminary FIS report or on the FIRM panel should submit the petition, along with supporting data, to the CEO or floodplain administrator of the relevant community. It is then the community's responsibility to forward this information to NCFMP and FEMA.

### **How Do Community Officials Submit Appeals and Protests to NCFMP and FEMA?**

The CEO or designated community official should review each petition received regarding the preliminary FIS Report and FIRM panels. Then the community must forward this information to NCFMP and FEMA, along with a statement as to whether or not the community supports the petition. The CEO or designee may also submit a petition to a preliminary FIRM or FIS Report on behalf of the community. These objections and all supporting data should be sent to John Dorman, Director, North Carolina Floodplain Mapping Program, 4719 Mail Service Center, Raleigh, NC 27699-4719, (919) 715-5711. The community should also send a copy of this information to Doug Bellomo, P.E., CFM, Deputy Branch Chief, Hazard Study Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, S.W., Room 423, Washington, D.C. 20472, (202) 646-2585.

### **How Are Appeals and Protests Resolved?**

A letter will be sent to the CEO of the affected jurisdiction(s) acknowledging receipt of the petition. The supporting data will be reviewed to determine whether they constitute a valid appeal or protest and if they support a revision to the preliminary FIS Report or FIRM. If necessary, additional supporting data will be requested. Following the review of all submitted data, NCFMP and FEMA will send a letter to the community CEO, explaining the resolution of the appeal or protest along with copies, if necessary, of a revised preliminary FIS Report and/or FIRM panels. Updates to the FIS Report and/or FIRM panels that reflect the resolution of a protest are typically produced when the final FIS Report and FIRM panels are printed. The community has 30 days to review and comment on the resolution. At the end of the comment period and after any comments on the appeal or protest resolution have received a response, FEMA issues a final determination letter to the affected community, publishes the new or revised BFEs in the Federal Register, and prints the new FIS Report and FIRM panels.

### **How Are Concerns Pertaining to Unrevised Flood Hazard Information Addressed?**

Flood hazard information from a current effective FIS report or FIRM panels carried over, without revision to the BFEs, to a preliminary FIS report or FIRM panels cannot be appealed or protested, because the data already went through an appeal period when the effective maps were originally issued. However, since new FIS Report and FIRM panels are being prepared, the opportunity exists to update unrevised information in the FIS Report and on the FIRM panels before printing. If a revision request is received in conformity with NFIP regulation 44 Code of Federal Regulations Part 65 from the community, all efforts will be made to incorporate the data into the new FIS Report and FIRM panels. However, time constraints or lack of necessary data may require that the map revision request be processed after the new FIS Report and FIRM panels are effective. Furthermore, a community's current FIS Report or FIRM panels can always be updated through the Letter of Map Revision process, provided the necessary data is submitted. Therefore, concerns with unrevised flood hazard information and supporting data should be forwarded by the affected community to the addresses above as a map revision request.

### **Where Can I Get Additional Information on Appeals and Protests?**

Further information on this topic, as well as the NFIP and floodplain mapping, is available from the FEMA Map Assistance Center toll-free information line at 1-877-FEMA MAP (1-877-336-2627) or via e-mail at [FEMAMapSpecialist@mapmodteam.com](mailto:FEMAMapSpecialist@mapmodteam.com).

July 2003  
Revised June 2007  
Revised February 2008