

## **Section 2**

# **Processing Procedures for Conditional and Final Letters of Map Revision Based on Conditions Other Than Fill**

The procedures to be followed in processing requests for conditional and final map revisions based on conditions other than fill are detailed in Subsections 2.1 through 2.8. The procedures are also presented graphically in the process flowcharts in Figures 2-1 and 2-2 (these flowcharts have likely changed), which appear at the end of this section. Descriptions and sample copies of the standard documents cited in Section 2 are provided in Appendix B of this Manual.

### **2.1 Conditional Map Revisions Based on Conditions Other Than Fill**

When requested to do so, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) will review a proposed project, such as construction of a building, stream-channel modification, levee construction, or other flood-control project. The purpose of this review is to determine whether the project is compliant with applicable National Flood Insurance Program (NFIP) regulations and to determine the potential effects of the project on the flood hazard information presented on the effective NFIP map(s). FEMA then issues a Conditional Letter of Map Revision (CLOMR) that describes those effects, if warranted, or issues a letter that explains why the CLOMR could not be issued.

CLOMRs provide assurance to community officials and other requesters that proposed projects are in compliance with NFIP regulations and that the proposed projects, once completed, will warrant a revision to the effective NFIP map(s)—i.e., Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), and/or Flood Boundary and Floodway Map (FBFM). Such assurance can be very important to requesters. For example, developers often need CLOMRs to obtain construction loans and building permits and to attract prospective buyers.

FEMA does not issue CLOMRs to correct errors or deficiencies in effective FHBMs, FIRMs, FBFMs, and Flood Insurance Study (FIS) reports. FEMA issues CLOMRs for the convenience of those who are affected locally by NFIP regulatory requirements. FEMA also issues CLOMRs for projects involving encroachments within regulatory floodways that cause increases in Base (1-percent-annual-chance) Flood Elevations (BFEs); such CLOMRs are required to comply with Section 65.12 of the NFIP regulations.

## **2.2 Final Map Revisions Based on Conditions Other Than Fill**

Community officials, or individuals through community officials, submit requests to revise effective FHBMs, FIRMs, FBFMs, and FIS reports for the following reasons:

- To show the effects of a completed flood-control project;
- To reflect the effects of other floodplain modifications;
- To incorporate the results of revised hydrologic and/or hydraulic analyses to reflect existing conditions; or
- To correct inaccurate flood hazard information that is presented on the effective map or in the effective FIS report.

When such requests are submitted, FEMA reviews the supporting data provided by the requesters and determines whether the requested revision is warranted.

When FEMA determines a revision is warranted, FEMA usually issues a Letter of Map Revision (LOMR). In some cases, as discussed in Section 1 of this Manual, FEMA physically revises and reissues the affected portions of the FIRM and FIS report (and, in some cases, FBFM) using the Physical Map Revision (PMR) process. By issuing LOMRs, FEMA makes accurate flood hazard information available in a timely manner for insurance rating and floodplain management purposes.

## **2.3 Exemptions of Review and Processing Fees**

CLOMR, LOMR, and PMR requests are processed in accordance with Part 65 of the NFIP regulations. The reimbursement requirements documented in Part 72 of the NFIP regulations apply to all CLOMR requests and to all LOMR and PMR requests except the following:

- Requests based on mapping or study analysis errors;
- Requests based on natural changes within designated Special Flood Hazard Areas (SFHAs);
- Requests based on federally sponsored flood-control projects where 50 percent or more of the project costs are federally funded;
- Requests based on detailed hydrologic and hydraulic studies conducted by Federal, State, or local agencies to replace approximate studies conducted by FEMA and reflected on the effective FIRM; and
- Requests based on flood hazard information meant to improve on the information shown on the effective NFIP map or within the effective FIS report, provided that the request does not incorporate, in whole or in part, manmade modifications within the SFHA.

## **2.4 Initial Processing**

As shown graphically in Figure 2-1 at the end of this section, FEMA and National Service Provider (NSP) staff shall follow the procedures summarized below in handling the initial processing of requests for CLOMRs and LOMRs.

1. If a submittal package is sent to FEMA Headquarters (HQ), the FEMA Project Engineer or other FEMA HQ staff member sends the package to the NSP for processing without reviewing the contents of the package.
2. The NSP Project Administration (PA) staff reviews the package to determine the appropriate category (e.g., CLOMR, LOMR) for the request, whether FEMA is to be reimbursed for processing the request, and whether the requester has submitted the appropriate application forms package. The PA staff then verifies whether a check, money order, or credit card information sheet to cover the initial fee (for CLOMR and LOMR requests based on structural measures on alluvial fans) or the full review and processing fee is included.
3. If a check, money order, or credit card payment information sheet is included and is appropriate for the type of request submitted, the NSP case reviewer sends the original check, money order, or information sheet and a copy of check to the PA group member who has been assigned responsibility to carry out the Fee-Charge System Administrator (FCSA) duties. (See Section 5 of this Manual for more information on FCSA responsibilities.)
4. Before sending it to the FCSA, the PA staff obtains the appropriate FEMA case number and writes the case number on the check, money order, or information sheet. The PA staff assigns the FEMA case number (e.g., 06-06-0002R) automatically using software embedded in the Mapping Information Platform (MIP). The FEMA case number is still based on the information below.
  - The first two digits ("06" in the example above) identify the fiscal year in which the request is received.
  - The next two digits ("06" in the example above) identify the FEMA Region in which the community is located.
  - The last four digits ("0002" in the example above) identify the consecutive request number for that Region during the fiscal year.
  - The letter suffix ("R" in the example above) identifies the process under which the request is to be processed. The suffix letters used are "P" for LOMRs, "R" for CLOMRs, and "X" for corrections to LOMRs or CLOMRs.

In the example above, the case is the second received and assigned in Region VI during Fiscal Year 2006, and is being processed as a CLOMR request.

5. If the NSP case reviewer determines that a payment has been submitted incorrectly for a fee-exempt request and the payment has already been deposited into the National Flood Insurance Fund (NFIF), the NSP case reviewer may prepare and send a 316-REFUND letter (Appendix B, page B-51), or the NSP case reviewer may include the appropriate refund paragraph in an acknowledgment letter (316-ACK letter, page B-33). In either case, the NSP distributes copies of the letter to the FCSA and to the FEMA refund coordinator. The refund method is based on the type of payment submitted as follows:
  - If the payment submitted is in the form of a cashier's check or money order, the FEMA refund coordinator prepares a memorandum to the Office of the Comptroller (REFUND1.MEM, Appendix B, page B-85) to request a refund check, and sends two copies of the memorandum to the NSP (one for the case file and one for the FCSA).
  - If the payment submitted is in the form of a regular check, the FEMA refund coordinator coordinates the issuance of a refund via direct-deposit or electronic fund transfer procedures using the bank information referenced on the check submitted by the requester. (FEMA takes this approach to comply with the provisions of the Debt Collection Improvement Act of 1996 (Public Law 104-134), as implemented by the U.S. Treasury via 31 CFR Part 208.)
  - If the payment is submitted using a credit card, the FCSA credits the cardholder's account electronically on the same date as the date on the 316-ACK letter or the 316-REFUND letter.
6. If the NSP determines that the request is not fee-exempt, but the payment submitted is more than was required, the NSP also may prepare a 316-REFUND letter (Appendix B, page B-51) or select the appropriate refund paragraph in the 316-ACK letter (Appendix B, page B-33). In either case, the NSP distributes copies of the letter to the FCSA and to the FEMA refund coordinator. As indicated in Item No. 5 above, the refund method is based on the type of payment submitted. If a refund check from the U.S. Treasury is required, the FEMA refund coordinator prepares a memorandum to the Office of the Comptroller (REFUND1.MEM, Appendix B, page B-85) to request a refund check, and sends two copies of the memorandum to the NSP (one for the case file and one for the FCSA).
7. If the NSP case reviewer determines that a payment has been submitted incorrectly for a fee-exempt request and the payment has **not** already been deposited, the NSP case reviewer selects the appropriate paragraph in the 316-ACK letter (Appendix B, page B-33) or prepares the 316-RETURN letter (Appendix B, page B-55) and mails it to the requester. The NSP distributes copies of the letter and check to the FEMA refund coordinator and places copies in the case file and FCSA file.

8. The NSP case reviewer places all correspondence and backup data (including the completed application forms) in a case file and enters information about the request into the appropriate portion of the MIP; the NSP case reviewer then includes all information about the request in regular updates to the case file, the MIP, and the LOMC module of the CIS database.
9. The FCSA deposits the fee into the NFIF and enters the appropriate information into the fee collection portion of the LOMC module of the CIS database.
10. The NSP case reviewer reviews the submittal for completeness, in accordance with the requirements of Part 65 of the NFIP regulations.
11. At the direction of the FEMA Project Engineer, the NSP case reviewer may acknowledge a request by telephone. If a written acknowledgment is required, the NSP case reviewer follows the procedures below.
  - For fee-exempt requests, the NSP case reviewer prepares and sends a 316-ACK letter (Appendix B, page B-33) within 5 working days. If the requester has submitted the required application forms package and sufficient supporting data, the 316-ACK letter only acknowledges receipt of the forms and data. If the requester has not submitted all required forms and data, a 316-AD letter (Appendix B, page B-39) requests the remaining required forms and/or data.
  - For requests that are not fee exempt, the NSP case reviewer prepares and sends a 316-ACK letter (Appendix B, page B-33) or a 316-FEE letter (Appendix B, page B-45) within 5 working days. If the materials submitted are complete, meaning the requester has submitted the required application forms package, sufficient data, and proper review and processing fee, the 316-ACK letter simply acknowledges receipt of the forms, data, and fee. If the materials submitted are not complete, the 316-AD letter (Appendix B, page B-39) requests the remaining required forms, data, and fee. If the requester has submitted the required forms and sufficient supporting data, but has not provided the required fee, the NSP sends a 316-FEE letter (Appendix B, page B-45) to request the appropriate fee payment.
  - If the payment submitted by the requester exceeds the review and processing fee required by FEMA and the request involves structural measures on alluvial fans, the NSP case reviewer notifies FEMA. At the request of the FEMA Project Engineer, the NSP case reviewer may prepare a 316-REFUND letter (Appendix B, page B-51) to return the excess amount or delay refunding the money until processing of the case is complete and apply the additional amount toward the total review and processing fee.
12. The NSP distributes file copies of the letters in accordance with Subsection 2.10 of this Manual.

## **2.5 Technical Review**

Upon receipt of the required technical data, application forms, and review and processing fee, the NSP case reviewer performs the technical review of the request. Before starting, the NSP case reviewer identifies previous map actions for the affected map panel(s) to ensure that effective data are used. The NSP case reviewer also notes other requests that may affect the submittal (e.g., a previous CLOMR that affects the same area).

The remaining technical review that the NSP case reviewer must perform is detailed in Volume 2 of *Guidelines and Specifications for Flood Hazard Mapping Partners* (FEMA, 2003). These *Guidelines* may be viewed or downloaded on the FEMA Flood Hazard Mapping Website at [http://www.fema.gov/plan/prevent/fhm/dl\\_cgs.shtm](http://www.fema.gov/plan/prevent/fhm/dl_cgs.shtm).

During the course of the technical review, the NSP case reviewer may determine that additional data are required to complete the review. The NSP case reviewer may contact the requester by telephone to discuss the additional data or fee required. Regardless of whether the requester is contacted by telephone, the NSP case reviewer prepares and sends a 316-AD letter (Appendix B, page B-37) with an enclosure describing the data required. The distribution requirements for these letters and all other letters prepared during the technical review are detailed in Subsection 2.10 of this Manual.

In response to the request for additional data, a requester may request an extension of the 90-day period to compile and submit the required data. In response to this request, the NSP case reviewer coordinates with the FEMA Project Engineer if appropriate and prepares a 316-EXT letter (Appendix B, page B-43) granting the extension and providing a new data submittal deadline.

If the required data are received within 90 days of the date of the 316-AD or 316-EXT letter, the NSP case reviewer prepares and sends a 316-ACK letter (Appendix B, page B-33) to the requester to acknowledge receipt of the data and initiate final processing of the request. If the required data are received within 90 days of the date of the letter, but is determined to be an incomplete submittal, the NSP case reviewer prepares and send a 316-AD/INC letter (Appendix B, page B-41); the deadline for resubmittal of the data remains 90 days from the date of the original 316-AD or 316-EXT letter. If the required data are not received within the 90-day period, the NSP suspends processing of the request. Any submittal received after the suspension date is treated as an original request and is subject to all submittal requirements, including repayment of any required review and processing fee.

If the NSP case reviewer encounters significant delays in the processing of the request, the NSP case reviewer prepares and sends a 316-INT letter (Appendix B, page B-47) to notify the requester about the delay and provide a timeframe within which the request will be processed.

## **2.6 Final Processing**

FEMA and NSP staff shall follow the procedures summarized below during the final processing of CLOMR and LOMR requests.

1. The NSP case reviewer prepares appropriate letters, determination documents, and enclosures for each CLOMR or LOMR request, including invoice letters when they are appropriate. The NSP case reviewer then submits the letters and documents to the appropriate FEMA Project Engineer for review and signature, as appropriate. Additional details on the materials to be prepared for each type of case are provided later in this section.
2. The FEMA Project Engineer returns the signed letter(s) to the NSP.
3. If the conditional or final map revision request is fee-exempt, if the total review and processing fee for a non-exempt request has been received, or if no additional billable costs were incurred by the NSP for a CLOMR or LOMR request involving a structural measure on an alluvial fan, the NSP mails the appropriate correspondence and enclosures; distributes external and in-house file copies in accordance with Subsection 2.10 of this Manual; and updates the MIP and FEMA CIS database records.
4. If additional billable costs of \$50.00 or more are due for a CLOMR or LOMR request involving a structural measure on an alluvial fan, the NSP case reviewer prepares and sends a 316-INVOICE letter (Appendix B, page B-49) to the requester. The NSP holds the signed, undated letter, determination documents, and other enclosures until the fee requested in the invoice letter is paid.
5. Upon receipt, the FCSA notifies the NSP case reviewer that final payment has been received (if the fee was not forwarded to the FCSA by the case reviewer), deposits the fee in the NFIF, and updates the LOMC module of the CIS database as appropriate.
6. The NSP date-stamps and mails the appropriate letter(s), determination document(s), and enclosures; distributes external and in-house file copies of the letters, determination documents, and enclosures in accordance with the requirements provided in Subsection 2.10 of this Manual; and updates the MIP and FEMA CIS database records.

## **2.7 Additional Processing Information for Conditional Letters of Map Revision**

The FEMA response to a conditional map revision request usually is issued in the form of a CLOMR. As shown in the sample 104 letter (Appendix B, page B-3), the CLOMR is addressed to the Chief Executive Officer (CEO) of the community that will be affected by the proposed project. If multiple communities are affected, a separate letter is prepared and addressed to the CEO of each community. A copy of each 104 letter also is sent to the requester (if the requester is not the CEO) and to the floodplain administrator for the affected community (if the administrator is not the requester or the CEO).

As shown in the sample, the 104 letter provides the following information to the community and the requester:

- The FEMA determination of whether the proposed project that is the subject of the CLOMR, when completed, will be compliant with applicable NFIP regulations;
- A description of the effects the project, when completed, will have on the effective NFIP map panel(s) affected by the project; and
- A description of the process for revising the effective NFIP map panel(s) and FIS report materials (e.g., Flood Profiles, tables) and the information that will be required by FEMA before any revision can be made.

When appropriate, applicable portions of the NFIP regulations and other guidance documents are referenced in the letter and included in the package(s) sent to the CEO(s), floodplain administrator(s), and requester.

## **2.8 Additional Processing Information for Letters of Map Revision**

FEMA and NSP staff shall follow the procedures summarized in Subsections 2.8.1 through 2.8.5 for the processing of LOMRs. At the end of this process, the NSP shall incorporate the results of the LOMR into the affected NFIP map panel(s), when appropriate, during the processing of the next physical map update to those panels.

### **2.8.1 Letter Preparation and Distribution**

FEMA and NSP staff shall follow the steps below in preparing and distributing LOMRs and the enclosures that accompany them.

1. The NSP case reviewer determines the type of revision that is to be effected and prepares the appropriate cover letter (Appendix B, page B-63) and determination document for the revision request. The following categories of revision are possible:
  - SFHAs decrease, BFEs not affected;
  - SFHAs and BFEs decrease;
  - SFHAs increase, BFEs not affected; and
  - BFEs increase, SFHAs increase or decrease.
2. If the SFHAs or BFEs increase, the NSP case reviewer contacts the FEMA Regional Office (RO) staff to determine whether the community's ordinances will be affected by the LOMR determination being issued.
3. Based on the information provided by the FEMA RO staff, the NSP case reviewer prepares the LOMR determination document using specially designed automation software that is accessed through a password-protected portion of the MIP. The sample

format and instructions for including standard language in the determination document is provided in Appendix B, on pages B-65 through B-84.

4. The NSP case reviewer prepares enclosures to be distributed with the cover letter and determination document. The enclosures will consist of digitally produced map panels, tables, and/or Flood Profiles.
5. If BFEs are affected by the LOMR, the NSP case reviewer prepares a newspaper notice (105b, Appendix B, page B-9), an Interim Rule for publication in the FEDERAL REGISTER (105c, Appendix B, page B-11), and a newspaper transmittal letter (157-L, Appendix B, page B-21).
6. If a previously nonexistent flood insurance risk zone designation is being added to a FIRM panel or if a flood insurance risk zone designation is being deleted entirely from a FIRM panel, the NSP notifies the staff at Computer Sciences Corporation (CSC) by preparing and sending a zone change memorandum (CSC LOMR FORM, Appendix B, page B-61).
7. In preparing the LOMR, the NSP includes the date the LOMR determination becomes effective. As shown in Table 2-1, the effective date will vary depending on the special circumstances involved in a case. **The NSP must coordinate closely with FEMA HQ and RO staff in setting effective dates for LOMR determinations.**
8. The NSP submits the cover letter, determination document, and enclosures to the FEMA Project Engineer for review and signature.
9. The FEMA Project Engineer coordinates the review and signature process with appropriate FEMA HQ staff and returns the signed cover letter, determination document, and enclosures to the NSP.
10. If the required review and processing fee has been received, the NSP mails the newspaper letter and notice, if required, allowing ample time for receipt before the first publication date. Otherwise, the NSP delays distribution of the newspaper letter and notice until the fee is received.
11. The NSP mails the signed cover letter, determination document, and enclosures to the community CEO and floodplain administrator (at least 1 week before the first newspaper publication date if BFEs are affected) and distributes the external and in-house file copies in accordance with the requirements detailed in Subsection 2.10 of this Manual.

**Table 2-1. Guidelines for Establishing Effective Dates for Letters of Map Revision**

Revision Type	Special Circumstances	Effective Date
SFHAs Decrease	None	Date LOMR Determination Package Sent
SFHAs and BFEs Decrease	None	Date LOMR Determination Package Sent
SFHAs Increase	Property owner notification and acceptance; community has compliant ordinances	Date LOMR Determination Package Sent
SFHAs Increase	Property owner notification and acceptance; community does not have compliant ordinances	After 6-Month Compliance Period Elapses
SFHAs Increase	Property owner notification but no acceptance; community does not have compliant ordinances	After 6-Month Compliance Period Elapses
SFHAs Increase	Property owner notification but no acceptance; community has compliant ordinances	30 Days After Date LOMR Determination Package Sent
SFHAs Increase and BFEs Increase; SFHAs Increase and BFEs Decrease, OR SFHAs Decrease and BFEs Increase	Property owner notification and acceptance; community has compliant ordinances	Date LOMR Determination Package Sent
SFHAs Increase and BFEs Increase; SFHAs Increase and BFEs Decrease, OR SFHAs Decrease and BFEs Increase	Property owner notification but no acceptance; community has compliant ordinances	1 Day After 90-Day Appeal Period Elapses
SFHAs Increase and BFEs Increase; SFHAs Increase and BFEs Decrease, OR SFHAs Decrease and BFEs Increase	Property owner notification and acceptance; community does not have compliant ordinances	After 6-Month Compliance Period Elapses

## **2.8.2 Appeal Period Requirements**

If a 90-day appeal period is required as a result of a LOMR, FEMA and NSP staff shall follow the additional procedures summarized below.

1. By the first day of each month, the NSP PA group compiles the required information for all communities receiving LOMR cover letters and determination documents for which 90-day appeal periods were initiated during the previous month and prepares an Interim Rule (105c, Appendix B, page B-11) for publication in the FEDERAL REGISTER. The NSP PA group includes the proposed FEMA docket number in the Interim Rule.
2. The NSP PA group submits an original Interim Rule, four copies of the Interim Rule, and an electronic version of the Interim Rule to the designated FEMA coordinator responsible for FEDERAL REGISTER publications.
3. The FEMA coordinator routes the original Interim Rule for concurrence and signature and holds the hard copies and electronic version until the original is signed.
4. When the signed copy of the Interim Rule is received, the FEMA coordinator forwards the diskette and three hard copies to the Office of General Counsel for publication in the FEDERAL REGISTER and sends one hard copy to the NSP PA group for filing.
5. The NSP PA group obtains a copy of the Interim Rule as published in the FEDERAL REGISTER, provides a copy of the Interim Rule to the FEMA coordinator for FEDERAL REGISTER cost tracking, and ensures the Interim Rule is published correctly in the FEDERAL REGISTER. If the Interim Rule is published incorrectly, the NSP PA group notifies the designated FEMA coordinator and coordinates revisions to the Interim Rule with the FEMA coordinator.
6. The NSP PA group reviews the newspaper notice to ensure proper publication. If the notice is published incorrectly, the NSP PA group prepares a 153-L letter (Appendix B, page B-19) to notify the community about the correction and coordinates with the newspaper to republish the notice.
7. The NSP case reviewer and other technical staff resolve any appeals or protests received in accordance with Part 67 of the NFIP regulations following the procedures for appeals and protests documented in Subsection 2.8.3 of this Manual and in Volume 2 of *Guidelines and Specifications for Flood Hazard Mapping Partners* (FEMA, 2003).
8. After the 90-day appeal period ends and any appeals or protests are resolved, the NSP PA group prepares a 116 letter (Appendix B, page B-17).
9. Unless requested to do otherwise by the FEMA Project Engineer, the NSP PA group includes the affected community on a docket listing all communities that are scheduled to receive 116 letters. In such cases, the Project Engineer notifies the NSP that the letter may be mailed by concurring on the docket.
10. The NSP PA group mails the 116 letter (Appendix B, page B-17) to the community CEO and floodplain administrator and distributes the external and in-house file copies in accordance with the requirements detailed in Subsection 2.10 of this Manual.

11. By the first day of each month, the NSP PA group compiles the required information for all communities receiving LOMR cover letters and determination documents for which 90-day appeal periods elapsed during the previous month and prepares the Final Rule (159, Appendix B, page B-23) for publication in the FEDERAL REGISTER.
12. The NSP PA group submits an original Final Rule, four copies of the Final Rule, and an electronic version of the Final Rule to the FEMA coordinator.
13. The FEMA coordinator routes the original Final Rule for concurrence and signature and holds the hard copies and electronic version until the original is signed.
14. When the signed copy of the Final Rule is received, the FEMA coordinator forwards the diskette and three hard copies to the Office of General Counsel for publication in the FEDERAL REGISTER and sends one hard copy to the NSP PA group for filing.
15. The NSP PA group obtains a copy of the Final Rule as published in the FEDERAL REGISTER, provides a copy to the FEMA coordinator for FEDERAL REGISTER cost tracking, and ensures the Final Rule is published correctly in the FEDERAL REGISTER.
16. If the Final Rule is published incorrectly in the FEDERAL REGISTER, the NSP PA group notifies the FEMA coordinator and coordinates revisions to the Final Rule with the FEMA coordinator.

### **2.8.3 Appeal and Protest Processing**

FEMA and NSP staff shall follow the procedures summarized below if appeal or protest submittals are received during the appeal period.

1. The NSP case reviewer and other technical staff review the submittal to determine whether the submittal constitutes an appeal or protest and to evaluate the completeness of the data submitted.
2. If the submittal can be considered an appeal (i.e., BFEs modified by the LOMR determination are in question), the NSP case reviewer prepares a LOMR appeal acknowledgment, or 175-A(L), letter (Appendix B, page B-29) and provides it to the NSP PA group.
3. The NSP PA group sends the letter to the community CEO, and sends copies of the letter to the community floodplain administrator and all appellants.
4. If the submittal does not qualify as an appeal (comments do not relate to BFEs modified by the LOMR determination, but do relate to other modifications effected by the LOMR determination), the NSP case reviewer prepares a LOMR protest acknowledgment, or 175-P(L), letter (Appendix B, page B-31) and provides it to the NSP PA group.
5. The NSP PA group sends the letter to the community CEO, and sends copies of the letter to the community floodplain administrator and all protestors.
6. The NSP PA group distributes the external and in-house file copies of the letter in accordance with the distribution requirements detailed in Subsection 2.10 of this Manual.
7. The NSP case reviewer, unless directed otherwise by the FEMA Project Engineer, calls the CEO or community official named in the letter to acknowledge receipt of the appeal

or protest, to resolve any questions regarding the submitted data, and to request any required additional data.

8. If required, the NSP case reviewer or other technical staff prepares a letter from FEMA to the community CEO and/or floodplain administrator to confirm the request for additional data. The letter specifies a 30-day period to submit the data and states that, if the data are not received within 30 days, the appeal or protest will be resolved on the basis of data already received. (Note: The 30-day review period may extend beyond the end of the 90-day appeal period.)
9. If no additional data are received within the 30-day period, the NSP case reviewer proceeds with the appeal or protest analysis using the data submitted as discussed in Subsection 2.8.3.1. If additional data are received within the 30-day period, the NSP case reviewer includes these data in the analysis.

### **2.8.3.1 Appeal or Protest Analysis**

The NSP case reviewer or other technical staff performs a standard technical review of the data submitted. If additional hydrologic or hydraulic analyses are needed, the NSP case reviewer or other technical staff obtains approval from the FEMA Project Engineer before beginning the work.

If the analysis cannot be completed such that the appeal or protest resolution letter is sent to the community CEO within 90 days of receipt of the data necessary to resolve the appeal or protest, the NSP case reviewer prepares an interim response letter. The NSP PA group then sends the letter to the FEMA Project Engineer for review and signature and mails the signed letter to the community CEO, community floodplain administrator, and all appellants or protesters.

The NSP is to prepare and send these letters at the end of each subsequent 90-day period until the appeal or protest is resolved. The distribution for file copies of these letters is the same as the distribution for the acknowledgment letters.

### **2.8.3.2 Appeal Resolution**

FEMA and NSP staff shall follow the procedures summarized below in preparing the appeal resolution correspondence.

1. If the appeal resolution results in changes to the FEMA determination documented in the LOMR determination document(s), the NSP case reviewer prepares the new cover letter(s), determination document(s), and enclosures. The NSP case reviewer ensures that the new determination summarizes the issues raised by the appeal and discusses the procedures used to evaluate and resolve the issues.
2. The NSP case reviewer coordinates review and signature with the FEMA Project Engineer.
3. The NSP PA group transmits the cover letter(s), determination document(s), and enclosure(s) to the community CEO(s), community floodplain administrator(s), and all appellants.

4. If the appeal resolution does not result in any substantive changes, the NSP case reviewer prepares the appropriate appeal resolution letter(s) to inform the community CEO(s), community floodplain administrator(s), and all appellants that the FEMA determination documented in the LOMR determination document(s) will not be changed and the reasons why no changes will be made. (Note: The appeal resolution letter usually provides a 30-day period for comments to be provided on the finding of no required change.)
5. The NSP case reviewer provides the appeal resolution letter(s) and enclosure(s), if appropriate, to the PA group, who submits the appeal resolution letter(s) and appropriate enclosures to the FEMA Project Engineer for review and signature.
6. The FEMA Project Engineer coordinates the review and signature process with appropriate FEMA HQ staff and returns the appeal resolution letter(s) and enclosures to the NSP for processing.
7. The NSP PA group mails the appeal resolution letter(s) and enclosures as appropriate and distributes external and in-house file copies in accordance with the requirements established by the FEMA Project Engineer or other appropriate FEMA staff.
8. If no comments are received during the review period (usually 30 days) established in the appeal resolution letter(s), the NSP PA group and the case reviewer prepare the 116 letter(s) (Appendix B, page B-17) and submit the letter(s) to the FEMA Project Engineer for review and concurrence.
9. The FEMA Project Engineer returns the signed letter(s) to the NSP for distribution.
10. The NSP mails the signed and dated copy of the 116 letter(s) to the community CEO(s) and floodplain administrator(s) and distributes external and in-house file copies in accordance with the requirements in Subsection 2.10 of this Manual.
11. If comments are received during the review period established in the appeal resolution letter(s), the NSP case reviewer discusses the comments with the FEMA Project Engineer to determine an appropriate response. If appropriate, the FEMA Project Engineer directs the NSP case reviewer to prepare a response and delay the issuance of the 116 letter(s), or directs the NSP to issue the 116 letter(s) and include a response to the comments in the 116 letter(s).
12. The NSP case reviewer provides the appropriate letter(s) to the NSP PA group, who submits the separate response letter(s) or amended 116 letter(s) to the FEMA Project Engineer for review and concurrence.
13. The FEMA Project Engineer coordinates the review and signature process with appropriate FEMA HQ staff and returns the letter to the NSP for processing.
14. The NSP PA group mails the letter(s) to the community CEO(s), community floodplain administrator(s), and appellants, and distributes external and in-house file copies in accordance with the requirements in Subsection 2.10 of this Manual or as specified by the FEMA Project Engineer.

### **2.8.3.3 Protest Resolution**

FEMA and NSP staff shall follow the procedures summarized below in preparing the protest resolution correspondence.

1. The NSP case reviewer discusses the protest resolution with the FEMA Project Engineer to determine whether a denial letter, a separate response letter, or new LOMR determination document(s) should be sent to the community CEO(s), community floodplain administrator(s), and other protesters in the affected community(ies).
2. If the requested changes **are** to be made, the NSP case reviewer prepares the new cover letter(s), determination document(s), and enclosures.
3. If the requested changes are **not** to be made, the NSP case reviewer prepares the denial letter(s) or other separate response letter(s) summarizing what FEMA will or will not do.
4. The NSP case reviewer provides the required documents to the NSP PA group, who submits the documents to the FEMA Project Engineer for review and signature.
5. The FEMA Project Engineer coordinates the review and signature process with appropriate FEMA HQ staff and returns the signed documents and enclosures to the NSP for processing.
6. The NSP PA group mails the documents and enclosures, as appropriate, to the community CEO(s), community floodplain administrator(s), and other protesters, and distributes external and in-house file copies in accordance with the requirements established by the PO or Project Engineer.

### **2.8.4 Community Compliance Followup**

If a community's floodplain management ordinances are not compliant with the NFIP regulations before a LOMR determination is issued, FEMA and NSP staff shall follow the procedures summarized below.

1. The NSP contacts the FEMA RO staff approximately 60 days after the LOMR determination issuance date to determine whether the community's ordinances are compliant with NFIP regulations.
2. If the community's ordinances are still not compliant with NFIP regulations, the NSP prepares a 90-day suspension, or S-90-L, letter (Appendix B, page B-93) and submits the letter to the staff of the FEMA Floodplain Management Section (FMS) in the Risk Reduction Branch at FEMA HQ for review and signature.
3. If the FMS staff returns a signed letter, the NSP PA group mails the signed letter to the CEO and floodplain administrator and distributes the external and in-house file copies in accordance with the requirements detailed in Subsection 2.10 of this Manual.

4. If the FMS staff has received information from the FEMA RO indicating that the community's ordinances are compliant with NFIP regulations, the FMS staff directs the NSP not to send the S-90-L letter; no further action by the NSP is required.
5. If the NSP has not received information from the FEMA RO staff in the interim, the NSP contacts the FEMA RO staff approximately 45 days after the date of the S-90-L letter to determine whether the community's ordinances are compliant with NFIP regulations.
6. If the FEMA RO staff informs the NSP that the community's ordinances are still not compliant, the NSP prepares a 30-day suspension, or S-30-L, letter (Appendix B, page B-91) and submits the letter to the FMS staff for review and signature.
7. If the FMS staff returns a signed letter, the NSP PA group mails the signed letter to the community CEO and floodplain administrator and distributes the external and in-house file copies in accordance with the requirements detailed in Subsection 2.10 of this Manual.
8. If the FMS staff has received information from the FEMA RO indicating the community's ordinances are compliant with NFIP regulations, the FMS staff directs the NSP not to send the S-30-L letter; no further action by the NSP is required.

### **2.8.5 Reinstatement Processing**

If a community is suspended from participation in the NFIP and is subsequently reinstated, the FMS staff may direct the NSP to prepare additional correspondence for the community. In such cases, FEMA and NSP staff shall follow the procedures summarized below.

1. The NSP prepares a reinstatement, or RINSTATE, letter (Appendix B, page B-87) and submits the letter to the FMS staff for review and signature.
2. The FMS returns the signed letter to the NSP.
3. The NSP mails the signed letter to the community CEO and floodplain administrator and distributes the external and in-house file copies in accordance with the requirements detailed in Subsection 2.10 of this Manual.

## **2.9 Processing Information for Deferrals**

If the revision request reflects changes to flood hazard information that are not of a significant nature or do not affect an area of existing development, then the FEMA Project Engineer may decide that the request may be deferred. FEMA and the NSP will process these deferrals in the manner described below.

1. An informational letter may be issued to respond to such submittals as annexation requests and biennial report information, explaining to a community why FEMA will not revise the NFIP map(s). This implies that the submitted information was sufficient to enable a revision, but a conscious decision was made to defer the revision.

2. A request may be placed in the Future File. This is done with an entry in the MIP and the FEMA CIS database documenting potential revisions discovered by the NSP. This can occur when the NSP discovers mismatches in flood hazard information between two communities during the course of processing a map revision.
3. The NSP prepares the deferral letter, if appropriate, and sends it to the FEMA Project Engineer for review and signature.
4. The FEMA Project Engineer coordinates the review and signature process with appropriate FEMA HQ staff and returns the letter to the NSP for processing.
5. The NSP mails the signed deferral letter to the community CEO and floodplain administrator; distributes file copies to the FEMA RO and the State NFIP Coordinator; and places copies in the in-house case file and Future File.

## **2.10 Distribution Requirements**

Sample copies of the standard documents prepared by the NSP and FEMA for processing CLOMR and LOMR requests are provided in Appendix B of this Manual. In addition to the CEOs and floodplain administrators for the affected communities, many other individuals and agencies receive copies of the standard documents used in processing CLOMR and LOMR requests. The distribution requirements for these documents are provided in Table 2-2.

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**Table 2-2. Distribution Requirements for Standard Conditional and Final Map Revision Documents**

<b>Document Number</b>	<b>State NFIP Coordinator</b>	<b>Regional Flood Insurance and Mitigation Division Director</b>	<b>FEMA Refund Coordinator</b>	<b>NSP Case File</b>	<b>FEDD File</b>	<b>LOMC Subscription Service</b>	<b>FCSA</b>	<b>Other</b>
104		X		X				
105b	X	X		X	X			
105c	X	X		X	X			
116	X	X		X	X			
153-L	X	X		X	X			
157-L				X	X			
159	X	X		X	X			
175-A(L)	X	X		X	X			
175-P(L)	X	X		X	X			
316-ACK	X	X	X	X				X
316-AD		X		X				
316-AD/INC		X		X				
316-FEE			X	X			X	X
316-INT				X			X	X
316-INVOICE			X	X				X
316-REFUND			X	X				X
316-RETURN			X	X				X
317-PI			X	X				X

**Table 2-2. Distribution Requirements for Standard Conditional and Final Map Revision Documents**

<b>Document Number</b>	<b>State NFIP Coordinator</b>	<b>Regional Flood Insurance and Mitigation Division Director</b>	<b>FEMA Refund Coordinator</b>	<b>NSP Case File</b>	<b>FEDD File</b>	<b>LOMC Subscription Service</b>	<b>FCSA</b>	<b>Other</b>
317-PT			X	X				X
CSC LOMR Form				X				X <sup>1</sup>
LOMR Cover Letter	X	X		X	X	X		
LOMR Determination Document	X	X		X	X	X		
REFUND1.MEM				X				X
RINSTATE	X	X		X	X			X <sup>2</sup>
S-30-L	X	X		X	X			X <sup>2</sup>
S-90-L	X	X		X	X			X <sup>2</sup>

<sup>1</sup>Copies Distributed to CSC

<sup>2</sup>Copies Distributed to State Insurance Commissioner and Internal FEMA Files