Guidance for Flood Risk Analysis and Mapping

Post-Preliminary Due Process

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November 2015

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.

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Document History

Affected Section or Subsection	Date	Description
First Publication	November 2015	Initial version of new transformed guidance. The content was derived from the Guidelines and Specifications for Flood Hazard Mapping Partners, Procedure Memoranda, and/or Operating Guidance documents. It has been reorganized and is being published separately from the standards.

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1.0 Introduction

This document provides the 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, Flood Insurance Rate Maps (FIRMs), and FIRM Databases. Specifically, this document provides guidance on due process procedures afforded during the Post-Preliminary Processing (PPP) phase of a Flood Risk Project. The PPP phase is the period of the Flood Risk Project from after Preliminary Issuance to the Effective Date.

2.0 Post-Preliminary Processing Timeline

Figure 1 depicts the overall PPP timeline of Flood Risk Projects to demonstrate where Due Process actions occur.

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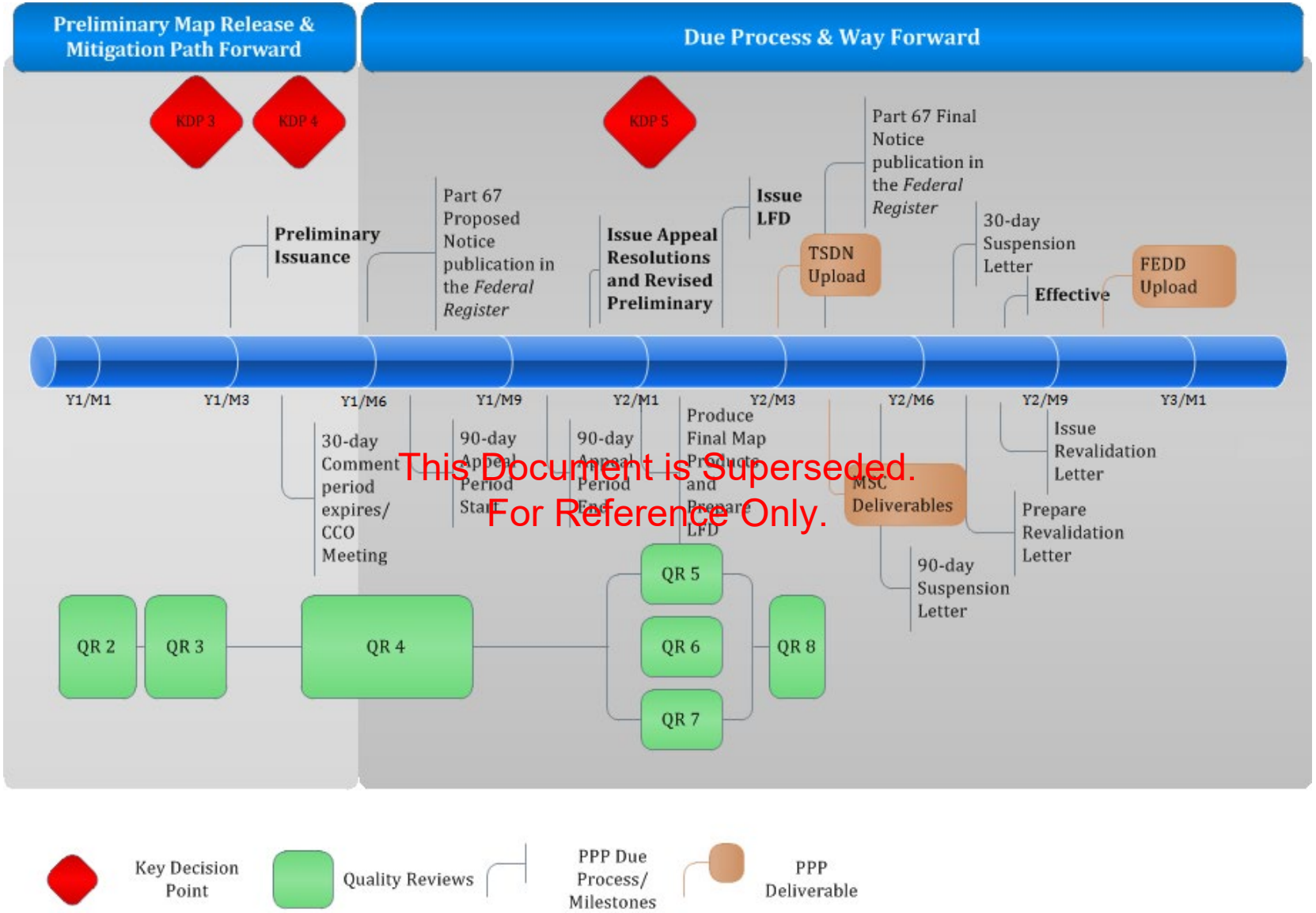
Figure 1: PPP Timeline



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Detailed guidance on Key Decision Points (KDPs) and Quality Reviews (QRs) is contained in the Key Decision Point (KDP) Process Guidance and Quality Review Guidance documents.

3.0 Initial 30-Day Comment Period

Following issuance of the Preliminary copies of the FIRM, FIRM Database, and FIS Report, FEMA provides a period (usually 30 days) for community officials and other stakeholders to review.

Comments may concern technical issues involving flood discharge values, Base Flood Elevations (BFEs), floodplain and floodway boundary delineations, and base map information (e.g., corporate limits, road locations, road names), or other information presented in the FIS Report. Comments are also submitted when typographical errors are discovered on Preliminary products.

Comments are not always limited to the areas affected by the revision, and may also propose changes based on information obtained by the designated Mapping Partners after the draft FIS Report and work maps were reviewed by FEMA and other Flood Risk Project Team members.

If issues with the Preliminary information are identified during this period, the designated mapping partner should coordinate with the FEMA Project Officer to determine if Revised Preliminary issuance is necessary. For more information, please refer to FEMA's Preliminary and Revised Preliminary Guidance document.

4.0 Consultation Coordination Officer (CCO) Meeting

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In order to provide proper public notice and explain the effects of the new or modified FIRM, FIRM Database, and FIS Report to community officials, citizens, and other interested parties, the FEMA RO will typically hold a community official and/or public meeting—often referred to as the "CCO Meeting", before initiating a statutory 90-day Appeal Period or finalizing the Preliminary products. During this public coordination meeting, the FEMA Lead for the Flood Risk Project and designated Mapping Partner team members present information on the following:

- How the new or revised flood hazard information was prepared and incorporated in the Preliminary copies of the FIRM, FIRM Database, and FIS Report
- Administrative procedures available to community officials and interested citizens who may wish to provide comments and or data on the results of the Flood Risk Project before adoption of the new or revised FIRM, FIRM Database, and FIS Report
- The impact of the Flood Risk Project, and the new or revised FIRM, FIRM Database, and FIS Report, on the NFIP status of the affected community (-ies)

For community-initiated map updates or Physical Map Revisions (PMRs), where sufficient coordination comparable to a CCO meeting has already occurred, FEMA and the community may decide not to hold the public coordination meeting. For these Flood Risk Projects, FEMA must document the decision in a letter to the community Chief Elected Official (CEO), and floodplain administrator, copies of which FEMA must distribute to the State NFIP Coordinator and other Project Team members, as per FEMA Standard ID (SID) # 384. The letter template is

provided at the end of this document. This documentation must be included in the Flood Elevation Determination Docket (FEDD) file. For more information on the FEDD, please see FEMA's Post-Preliminary Deliverables Guidance document

5.0 Determining if an Appeal Period is Required

The National Flood Insurance Act (NFIA) authorizes FEMA to conduct Flood Risk Projects and prepare FIS Reports, FIRMs and FIRM Databases to identify and update flood risk zones and estimate the risk premium rates. Under the NFIA, FEMA must provide communities with a 90-day appeal period when FEMA proposes new or modified BFEs for a community. Under the Biggert-Waters Flood Insurance Reform Act of 2012, FEMA must also provide communities with a 90-day appeal period when FEMA designates new or modified base flood depths, SFHAs, and regulatory floodways for a community.

The designated Mapping Partner must determine if any or all communities within a Flood Risk Project should be afforded a statutory 90-day Appeal Period. Scenarios where an Appeal Period is required are provided in Table 1.

Table 1: Scenarios When Appeal Period Is Required

Scenario	Description
Edge matching of effective floodplain boundaries or information	This usually occurs in first-time countywide Flood Risk Projects, when effective BFEs, base flood depths, SFHAs, or floodways are extended to an adjacent community that previously had different or no BFEs, base flood depths, SFHAs, or floodways on its effective FIRM. In these instances, an appeal period is required because BFEs, base flood depths, SFHAs, or floodways in the area are being changed or shown for the first time.
Redelineation of effective floodplain boundaries	This occurs when an effective SFHA boundary is redrawn on the FIRM using new or updated topography to more accurately represent the risk of flooding. In these instances, an appeal period is required because the SFHA boundary is being changed. However, the appeal period will only apply to the updated SFHA boundary delineations, not to the methodology used to originally establish the BFEs/flood depths (since this will not have changed).
Revisions to SFHA zone designations	A revision to an SFHA zone designation may occur with or without a BFE and/or boundary change. For example, when a Zone VE designation is changed to Zone AE to reflect the updated location of a Primary Frontal Dune (PFD), the BFE and SFHA boundary would not necessarily be changed. For any change in an SFHA zone designation, including the *removal* of an SFHA designation from a FIRM, an appeal period is required.

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Scenario	Description
Regulatory floodway boundaries	When the effective floodway boundary is redrawn on the FIRM to more accurately represent the extent of the encroachment, an appeal period is required.

Scenarios where an Appeal Period is ***not*** required are provided in Table 2.

Table 2: Scenarios When No Appeal Period Is Required

Scenario	Description
MT-1 cases	For an amendment resulting from the issuance of a Letter of Map Amendment (LOMA), a Letter of Map Revision based on Fill (LOMR-F), a Letter of Map Revision based on Inadvertent Inclusion in the Floodway (LOMR-FW), or another MT-1 case, an appeal period is not required.
Annexation of effective floodplain boundaries	When a new or revised FIRM shows new community boundaries that include effective BFEs, base flood depths, SFHAs, or floodways, an appeal period is not required, provided no BFE, base flood depth, SFHA, or floodway changes apply. However, if the flood hazard information in the annexed area never received due process (for example, if the area is shown for information only on all FIRMs depicting the area), an appeal period is required.
Datum Conversions	An appeal period is not required specifically for a datum conversion (e.g., a conversion from the National Geodetic Vertical Datum of 1929 (NGVD 29) to the North American Vertical Datum of 1988 (NAVD 88)).
Updates that do not affect flood hazard data	When Flood Risk Projects, Physical Map Revisions (PMRs), or LOMRs result in changes to FIRMs that do not affect the BFEs, base flood depths, SFHAs, or floodways, an appeal period is not required.

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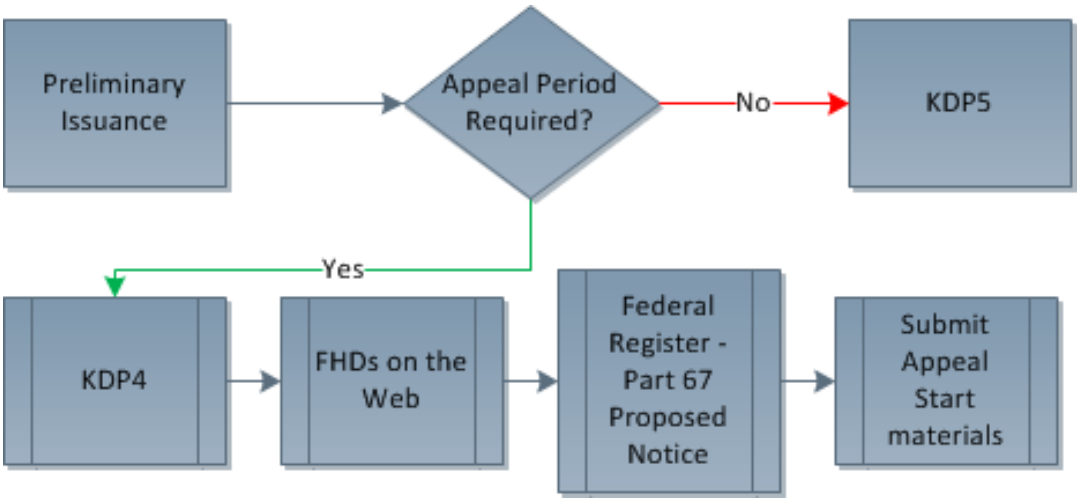
If it is determined that any or all communities within the Flood Risk Project require an Appeal Period, a series of steps must be taken before the Appeal Period can be initiated.

Figure 2: Determine if Appeal Period is Required



If it is determined an Appeal Period is required, the Flood Risk Project team should coordinate with the Region to obtain Key Decision Point 4 (KDP4) approval. Once approval is received, the Flood Risk Project team should proceed with developing and publishing a Proposed Flood Hazard Determination (FHD) Notice and initiating the Appeal Period.

FEMA initiates the administrative appeal process for the proposed BFE determination and SFHA designation by providing the following notification:

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- Publishing a proposed flood elevation determination or SFHA designation in the Federal Register for comment;
- Directly notifying the Chief Executive Officer (CEO) of the community of the proposed flood elevation determination or SFHA designation; and
- Publishing the proposed BFE determination or SFHA designation in a prominent local newspaper at least twice during the 10-day period following the notification of the community CEO.

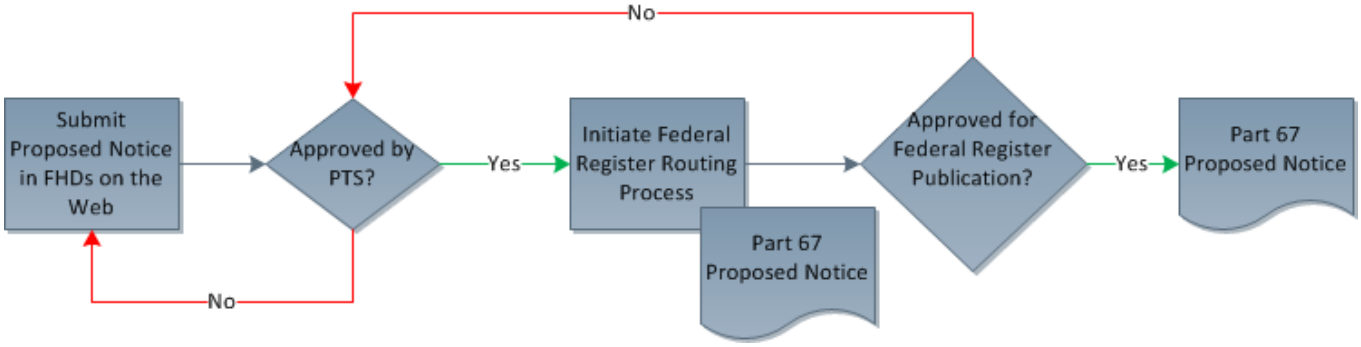
6.0 Proposed Flood Hazard Determination Notice

Per FEMA SIDs 385 and 387, the News Release and Federal Register Proposed Flood Hazard Determination (FHD) Notice, also referred to as Part 67 Proposed Notice, must include all communities affected by new or modified flood hazard information. FEMA's FHDs on the Web tool is the platform in which these notices are created. An overview of the FHD on the Web process is shown below in Figure 3. For more detailed guidance on these entries, see the Flood Hazard Determinations on the Web (FHD) document. The process ensures:

- Appeal eligible communities are identified in the FHDs on the Web tool and the community information agrees across the Preliminary map products displayed on FEMA's Map Service Center.

- Information captured in the FHDs on the Web application is routed for publication and published in the Federal Register correctly. Guidance on Federal Register notices may be found in the Federal Register Notices Guidance document.

Figure 3: Proposed Flood Hazard Determination Notice Process



7.0 Appeal Start Process

Upon publication of the Part 67 Proposed Notice in the Federal Register, the designated Mapping Partner may begin the necessary steps in order to initiate the Appeal Period. An overview of the steps is shown below in Figure 4. A template for the Appeal Start Letter is available at www.fema.gov/media-library/assets/documents/32786?id=7577.

Figure 4: Appeal Start Process

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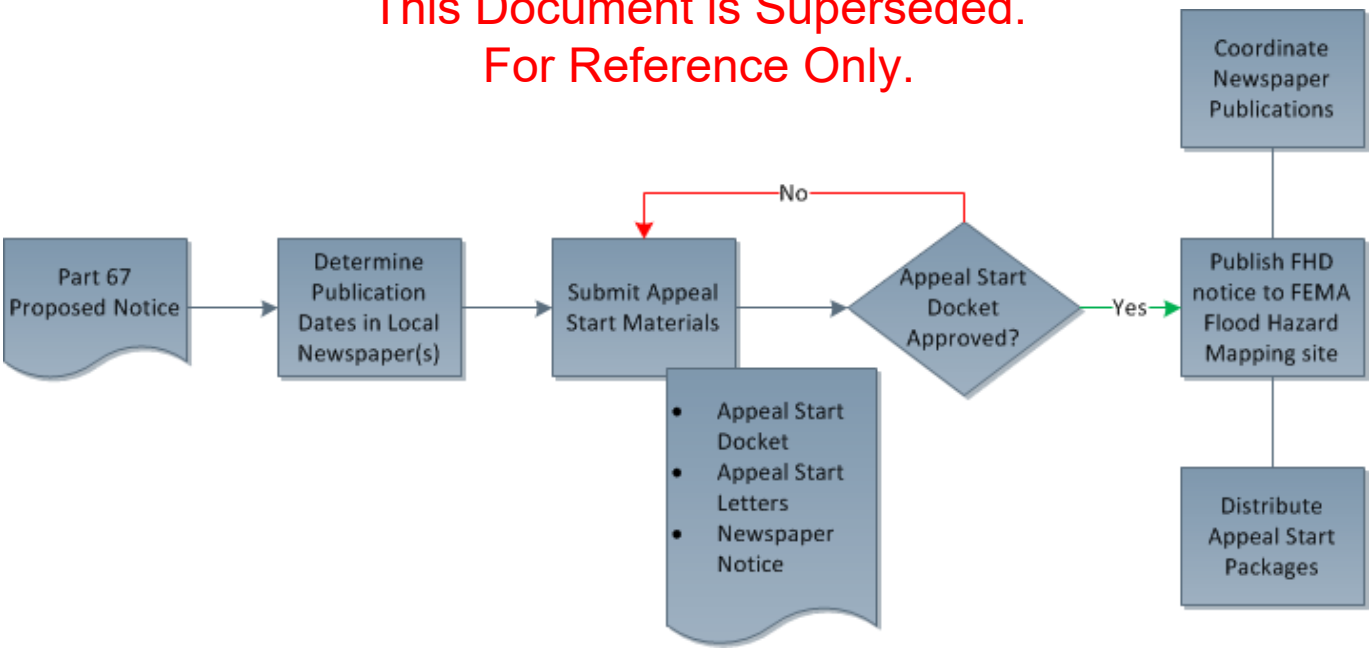

The Appeal Start process ensures:

- NFIP Regulation 44 CFR 67.4 and FEMA SID 385 are in compliance.

- Adequate Due Process is planned to communicate the Appeal Period process and pertinent information to affected communities.
- Newspaper Notices are scheduled in such a way that the community CEO and other officials responsible for floodplain management are notified with sufficient notice in advance of publications.
- The 90-day comment period for the *Federal Register* proposed FHD Notice and the statutory 90-day administrative appeal period must overlap by at least one day, per FEMA SID 515.

All appeal start correspondence, including proof of receipt of the Appeal Start Letter, must be archived in the FEDD.

7.1 Newspaper Notice

FEMA publishes a notice of the proposed FHD in a prominent local newspaper at least twice during the 10-day period following the notification of the community CEO. This occurs following the publication of the proposed notice in the *Federal Register*.

As the designated Mapping Partner prepares to initiate the appeal period, they should coordinate publication dates with the newspaper(s) and update the Appeal Period start and end dates in the FHDs on the Web tool, as per FEMA SID 516. The newspaper publication should be published in the legal notices section of a prominent local newspaper with circulation throughout the community. As a best practice, designated Mapping Partner should plan to publish the newspaper notices approximately 1 week apart.

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After appeal start notification to the CEO and after the newspaper notices have been published, if any errors are identified in the news release in the local newspaper, the designated Mapping Partner should notify FEMA immediately so a correction notice can be prepared, as per FEMA SID 386. The community and other affected stakeholders should also be notified when corrections to the news release are required, including the timelines for publishing corrections. The designated Mapping Partner should ensure that the newspaper publication occurred on the dates listed in the FHDs on the Web and the Appeal Start letter. In addition, the designated Mapping Partner updates the FHDs on the Web with the date the affidavit from the newspaper is received. If multiple newspapers are used during the notification process, the designated Mapping Partner should enter the latest affidavit date into the FHDs on the Web.

Templates for the newspaper notice and affidavit requests are available at www.fema.gov/media-library/assets/documents/32786?id=7577.

7.2 Appeal Start Best Practices

If the designated Mapping Partner believes that any of the projected dates throughout the Appeal Start process will be missed or delayed, they must contact the FEMA Production and Technical Services (PTS) provider Post-Preliminary Lead immediately and coordinate the best alternative to make sure the community receives adequate due process through advance notification. There are several best practice procedures that Mapping Partners should follow to

ensure Appeal Start letters are delivered in a timely fashion and that projected newspaper publication dates proceed as scheduled:

- Save all communications with the Community for the project's FEDD file, including original letters and emails, tracking information and signatures, read and delivery receipts (emails), and call logs.
- Use the Appeal Start docket to record the date when the CEO received their copy of the Appeal Start certified letter. See Figure 5, Example Appeal Start Docket .
- Use the Tracking Number and Mail Service website (e.g. USPS.com or FedEx.com) for delivery tracking to ensure delivery occurs prior to the first newspaper publication date. Designated Mapping Partners should not wait on the return of "Green Cards" to confirm delivery.
- FEMA PTS Provider PPP leads should work with the designated Mapping Partner closely during the Appeal Start process to confirm that all certified mailed letters are received by the community CEOs prior to the first newspaper publication date.

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Figure 5: Example Appeal Start Docket

STATE	COMMUNITY NAME	COUNTY	CID NUMBER	CCO MEETING DATE	STUDY TYPE	SECOND PUBLICATION DATE IN LOCAL NEWSPAPER	FEDERAL REGISTER DOCKET NUMBER	DATE PUBLISHED IN FEDERAL REGISTER	Target Mail Date	Delivery Confirmation Date * Needs to occur prior to first pub date of 10/31/2014
OH	City of Fairfield	Butler	390038	7/23/2014	PMR	11/7/2014	B-1434	8/25/2014	10/24/2014	10/29/2014
OH	City of Hamilton	Butler	390039	7/23/2014	PMR	11/7/2014	B-1434	8/25/2014	10/24/2014	10/29/2014
OH	City of Middletown	Butler	390040	7/23/2014	PMR	11/7/2014	B-1434	8/25/2014	10/24/2014	10/29/2014
OH	Village of Millville	Butler	390041	7/23/2014	PMR	11/7/2014	B-1434	8/25/2014	10/24/2014	10/31/2014 – letter also via email
OH	City of Monroe	Butler	390042	7/23/2014	PMR	11/7/2014	B-1434	8/25/2014	10/24/2014	10/29/2014
OH	Village of New Miami	Butler	390043	7/23/2014	PMR	11/7/2014	B-1434	8/25/2014	10/24/2014	10/29/2014

An overview of the timeline in which Appeal Start packages should be distributed in order to comply with NFIP regulations is provided below.

Figure 6: Appeal Start Mailing Timeline

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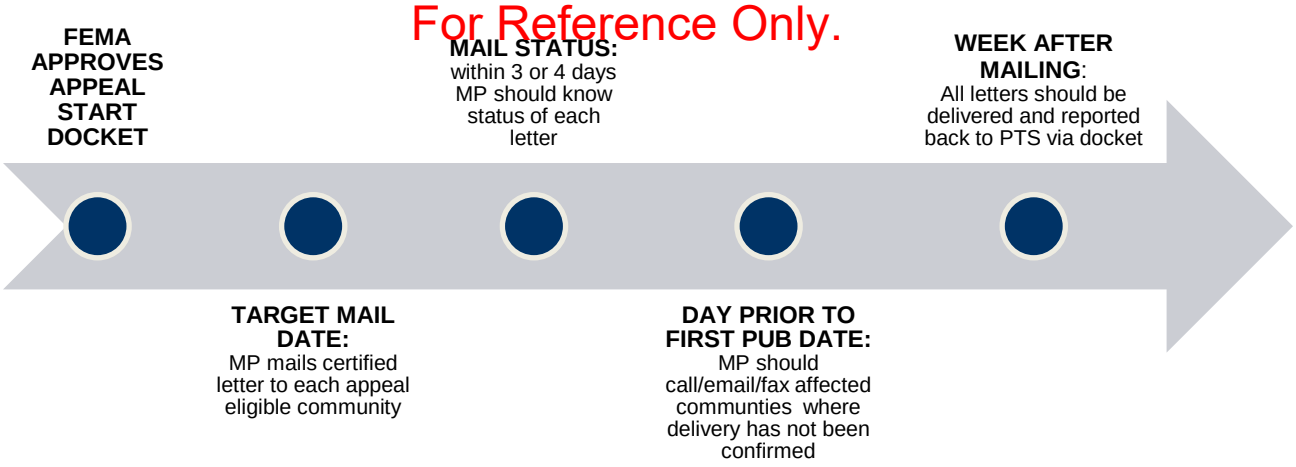

8.0 Appeal and Comment Processing

The 90-day Appeal Period starts on the same day as the second newspaper publication occurs in the local newspaper(s). During the Appeal Period, any owner or lessee of real property within the community who believes their property rights to be adversely affected by FEMA's proposed

determination may submit technical data that would justify a revision to the Preliminary FIRM, FIS Report, or FIRM Database.

Objections to changes involving the addition/modification of BFEs, base flood depths, SFHAs and/or regulatory floodways that fulfill the data requirements of 44 CFR 67.6 and are submitted within the 90-day Appeal Period are referred to as "appeals." All other submissions are referred to as "comments," including those which fulfill regulatory data requirements but are submitted outside of the 90-day Appeal Period.

Table 3: Appeals vs. Comments

Appeals	Comments
Areas showing new or revised BFEs or base flood depths	The impacts of changes that have occurred in the floodplain that should previously have been submitted to FEMA in accordance with 44 CFR 65.3
Areas showing new or revised SFHA boundaries (including increases or decreases in the extent of the SFHA)	Revisions to corporate limits
Areas where there is a change in SFHA zone designation	Road name errors and revisions
Areas showing new or revised regulatory floodway boundaries (including increases or decreases in the extent of the regulatory floodway	Requests for the incorporation of changes effected by a LOMA, LOMR-F, or LOMR
The elevations being proposed by FEMA with respect to an identified area having special flood hazards are scientifically or technically incorrect	Base map errors
The designation of an identified SFHA is scientifically or technically incorrect	Other possible omissions or potential improvements to the mapping

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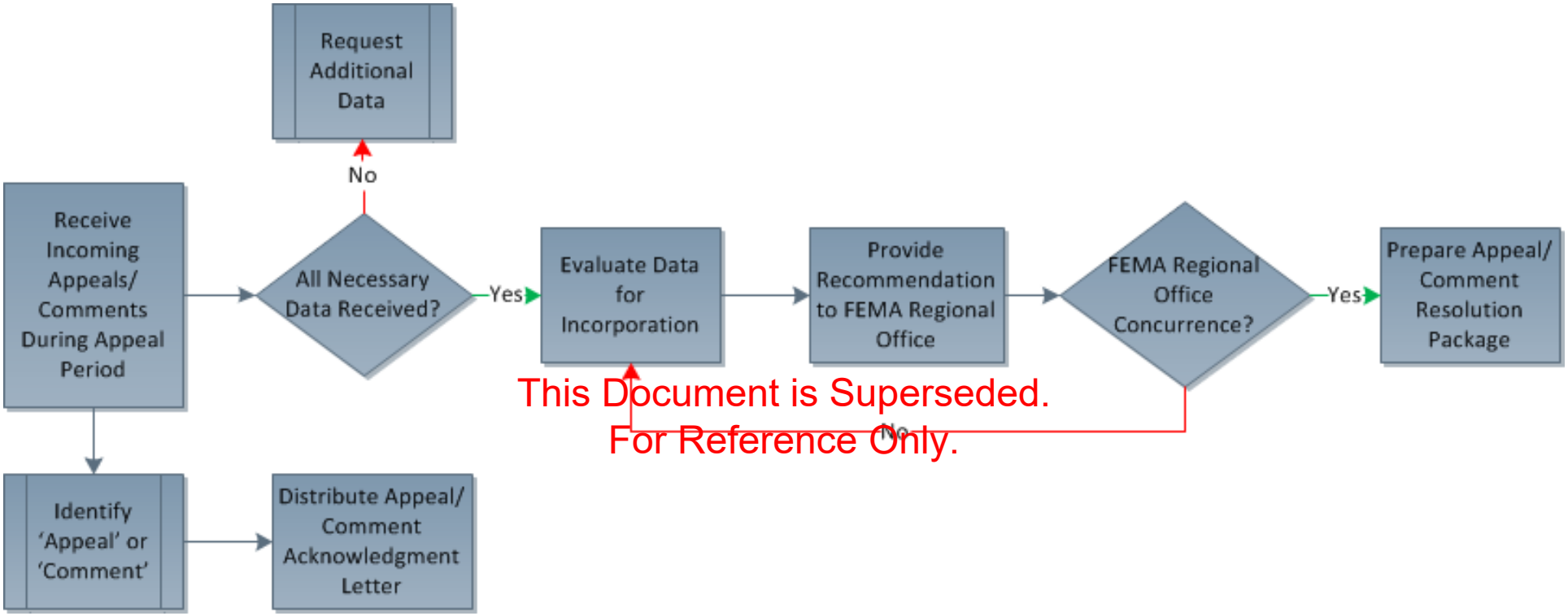
Figure 7: Appeal and Comment Process



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Every effort should be made to mutually resolve all appeals and comments with the appellant. If a mutual resolution cannot be made, FEMA and the community may refer to the Scientific Resolution Panel (SRP) process.

9.0 Letter of Final Determination

After all appeals or comments are resolved, FEMA will issue a Letter of Final Determination (LFD) informing the community that all Due Process requirements have been complied with on the Preliminary and/or Revised Preliminary map products that were provided to the community. The LFD will provide the projected map effective date and any pertinent direction regarding map adoption and regional contact information.

10.0 Adoption & Compliance Period

With the issuance of the LFD, FEMA provides the community with 6 months to adopt floodplain management ordinances that comply with the new or updated flood hazard data presented on the FIRM and FIRM Database, as discussed in Section 60.2 of the NFIP regulations. The new or updated ordinances, which are sometimes referred to as "compliant" ordinances, must meet the requirements of Section 60.3 of the NFIP regulations.

If the community has floodplain management ordinances in effect that require no amendment as a result of the new or updated flood hazard data, the compliance period may not be required. However, if the community did not have compliant ordinances when the LFD was issued, FEMA requests they submit updated floodplain management ordinances to the FEMA RO for review.

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As per FEMA SID 409, if the community fails to submit compliant ordinances to the FEMA RO within the first 90 days of the compliance period, the PTS must, at FEMA's request, prepare a 90-day suspension reminder letter to the community. If the community has not submitted compliant ordinances to the FEMA RO within 30 days of the effective date, the PTS must prepare a 30-day suspension reminder letter for the community.

If a community's floodplain management ordinances are non-compliant with NFIP regulations when the LFD is issued and the community fails to submit compliant ordinances to the FEMA RO within the first 90 days of the compliance period, the procedures below are followed.

1. At the direction of the Floodplain Management Section (FMS) staff at FEMA HQ, the FEMA PTS Provider prepares a 90-day suspension letter and submits it for review and signature.

2. If the CCO or other FEMA RO staff has not updated the FEMA Community Information System (CIS) database or otherwise notified the FMS staff that the community's floodplain management ordinances are compliant with the NFIP regulations, the FMS returns the signed letter to the FEMA PTS Provider for distribution. If the CCO or other FEMA RO staff member has updated the FEMA CIS database or otherwise notified the FMS staff that the community's floodplain management ordinances are compliant, the FMS staff returns the unsigned letter and notifies the PTS that the letter is not to be sent.

3. The FEMA PTS Provider mails the signed letter, if required, to the community CEO and floodplain administrator and distributes the external and in-house file copies in accordance with the distribution requirements.

If the community submits floodplain management ordinances that are compliant with the NFIP regulations to the CCO or other FEMA RO staff at least 30 days before the effective date, the CCO or other FEMA RO staff updates the FEMA CIS database or otherwise notifies the FMS and FEMA PTS Provider staff. If no such notification is received, the procedures below are followed.

1. The FEMA PTS Provider prepares a 30-day suspension letter and submits it to the FMS staff for review and signature.

2. If the CCO or other FEMA RO staff member has not updated the FEMA CIS database or otherwise notified the FMS or FEMA PTS Provider staff that the community's floodplain management ordinances are compliant with the NFIP regulations, the FMS staff returns the signed letter to the FEMA PTS Provider for distribution.

3. If the CCO or other FEMA RO staff member has updated the FEMA CIS database or otherwise notified the FMS or FEMA PTS Provider staff that the community's floodplain management ordinances are compliant, the FMS staff returns the unsigned letter and notifies the NSP that the letter is not to be sent.

4. The FEMA PTS Provider mails the signed letter and enclosures (copies of Sections 59.24 and 60.3 of the NFIP regulations), if required, to the community CEO and floodplain administrator and distributes the external and in-house file copies in accordance with the distribution requirements.

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5. At the request of the FMS staff, the FEMA PTS Provider may contact the CCO or other FEMA RO staff member to determine the compliance status of the community before mailing the suspension letter

If the community does not adopt the floodplain management ordinances by the effective date of the FIRM, FIRM Database, and FIS Report, FEMA must suspend the community from participation in the NFIP until the community adopts compliant floodplain management ordinances.