

Guidance for Flood Risk Analysis and Mapping

Post-Preliminary Due Process

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 May 2017.

Affected Section or Subsection	Date	Description
Sections 2.0, 3.0, 4.0, 5.0, 6.0, 7.0, 8.0, 9.0, and 10.0	February 2019	Updated Section 4.0 to cite the stakeholder engagement guidance documents where guidance for the Consultation Coordination Officer Meetings and Open Houses is found and updated the remaining sections to indicate documents are accessible through the FEMA Guidelines and Standards for Flood Risk Analysis and Mapping webpage.
Sections 4	February 2019	Update to include information on which communities should receive invitation to CCO meeting.
Section 5	May 2017	Slight terminology updates to refer to Flood Hazard Determination.
Section 6	May 2017	Additional standard referenced and minor figure updates to indicate who approves dockets.
Section 7.0,7.1,7.2	May 2017	Minor updates to MIP terminology. Moved text related to newspaper publications to the “best practice” section.

Table of Contents

1.0	Introduction	1
2.0	Post-Preliminary Processing Timeline	1
3.0	Preliminary Issuance: 30-Day Comment Period	3
4.0	Consultation Coordination Officer (CCO) Meeting	3
5.0	Determining if an Appeal Period is Required	4
6.0	Proposed Flood Hazard Determination Notice.....	7
7.0	Appeal Start Process	8
7.1	Newspaper Notice	9
7.2	Appeal Start Best Practices	9
8.0	Appeal and Comment Processing.....	10
9.0	Letter of Final Determination Processing	10
10.0	Adoption/Compliance Period Correspondence Processing	11

List of Figures

Figure 1.	PPP Timeline	2
Figure 2:	Determine if Appeal Period is Required.....	6
Figure 3.	Proposed Flood Hazard Determination Notice Process	7
Figure 4.	Appeal Start Process	8
Figure 5.	Appeal Start Mailing Timeline	10

List of Tables

Table 1:	Scenarios When Appeal Period Is Required.....	5
Table 2:	Scenarios When No Appeal Period Is Required	6

1.0 Introduction

This document provides the procedures that staff from the Department of Homeland Security's Federal Emergency Management Agency (FEMA), FEMA providers, 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 between Preliminary Issuance and the FIRM 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.

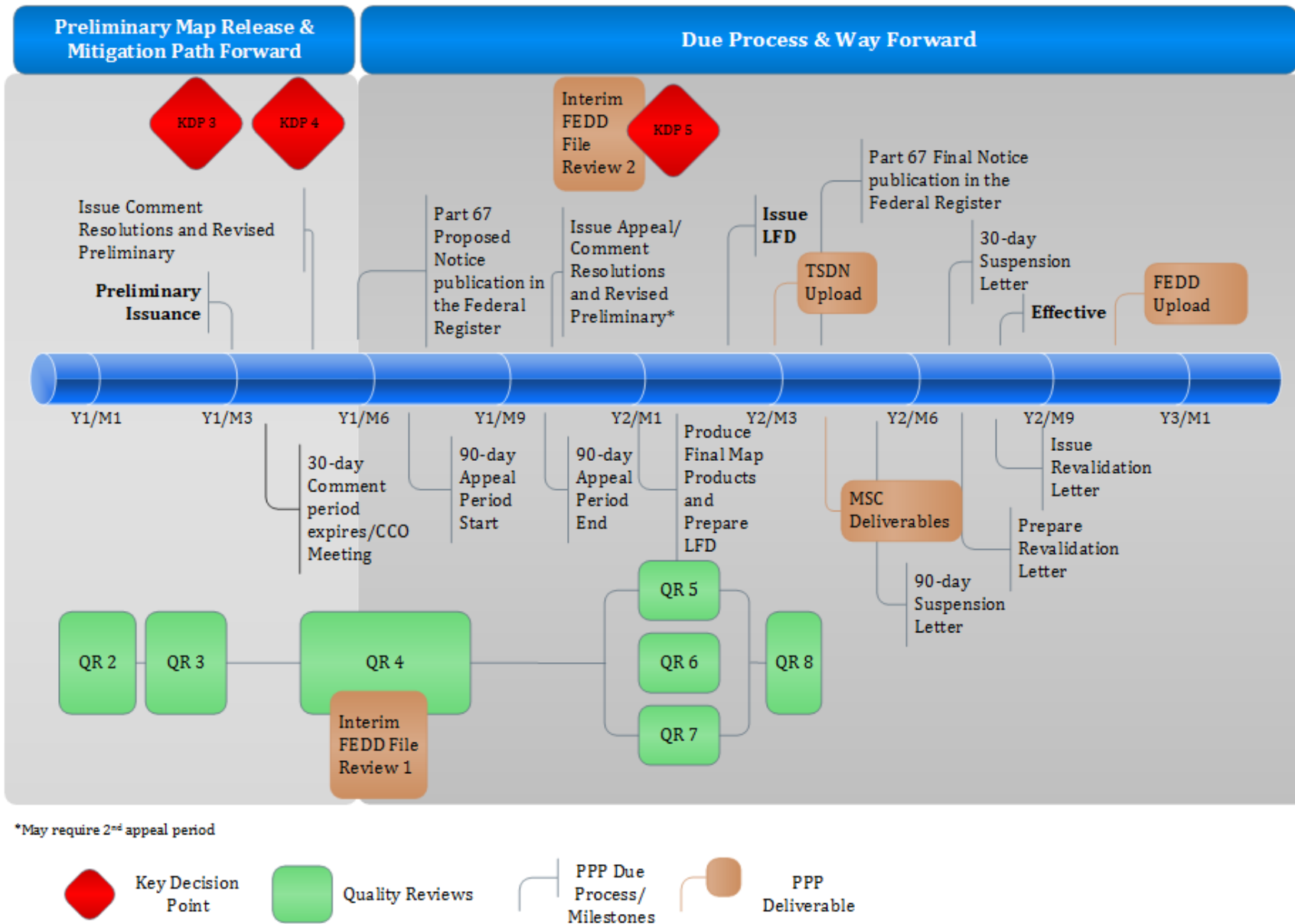


Figure 1. PPP Timeline

Detailed guidance on Key Decision Points (KDPs) and Quality Reviews (QRs) is contained in the [Key Decision Point \(KDP\) Process Guidance](#) document and the [Quality Management for Flood Risk Projects Guidance](#) document, which are accessible through the FEMA Guidelines and Standards for Flood Risk Analysis and Mapping webpage.

3.0 Preliminary Issuance: 30-Day Comment Period

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

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 also may be submitted when typographical errors are discovered on Preliminary products.

Comments are not always limited to the areas of the FIRM that are revised, 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 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 a Revised Preliminary version of the FIRM and/or FIS Report should be issued. For more information, please refer to FEMA's [Preliminary Distribution and Revised Preliminary Guidance](#) document, which is accessible through the FEMA Guidelines and Standards for Flood Risk Analysis and Mapping webpage.

For information on where comments should be uploaded to the MIP as well as the appropriate MIP tasks to complete, please see FEMA's [Data Capture Technical Reference](#) and FEMA's [Post-Preliminary Deliverables Guidance](#) documents which are accessible through the FEMA Guidelines and Standards for Flood Risk Analysis and Mapping webpage.

4.0 Consultation Coordination Officer (CCO) Meeting

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 Regional Office will hold a community officials and/or public meeting—often referred to as the “CCO Meeting”, before initiating a statutory 90-day Appeal Period or finalizing the Preliminary products. The CCO meeting invites are sent to communities that are getting updated FIRMs.

During the CCO Meeting, the FEMA Project Officer for the Flood Risk Project and designated Mapping Partners 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 each affected community.

Detailed information on the planning and execution of the CCO Meetings and the public Open Houses that most often will follow the CCO Meetings is provided in two FEMA guidance documents: [Guidance for Stakeholder Engagement: Due Process Phase](#) and [Guidance for Stakeholder Engagement: Preliminary National Flood Insurance Program Map Release Phase](#). Both documents are accessible through the FEMA Guidelines and Standards for Flood Risk Analysis and Mapping webpage.

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. This documentation must be included in the Flood Elevation Determination Docket (FEDD) file along with other Flood Risk Project documentation. Please see FEMA's [Technical Support Data Notebook and Flood Elevation Determination Docket Guidance](#) and [Post-Preliminary Deliverables Guidance](#) documents for more information. For information on what PPP deliverables are required to be uploaded to the MIP as well as the appropriate MIP tasks to complete related to the CCO meeting please see FEMA's [Data Capture Technical Reference](#) and the [Post-Preliminary Deliverables Guidance](#) documents. These documents are accessible through the FEMA Guidelines and Standards for Flood Risk Analysis and Mapping webpage.

5.0 Determining if an Appeal Period is Required

Through the National Flood Insurance Act of 1968 and subsequent modifications, the U.S. Congress has authorized FEMA to conduct Flood Risk Projects and prepare an FIS Report, FIRMs, and FIRM Databases to identify and update flood risk zones and estimate the risk premium rates. In accordance with the enabling legislation, FEMA must will provide communities with a 90-day Appeal Period when FEMA proposes new or modified BFEs, base flood depths, Special Flood Hazard Areas (SFHAs), and regulatory floodways for a community.

The designated Mapping Partners must determine if any or all communities affected by 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, base flood depth, 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 <i>removal</i> of an SFHA designation from a FIRM, an Appeal Period is required.
Regulatory floodway boundaries	When the effective regulatory 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 Flood Hazard Information	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.

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

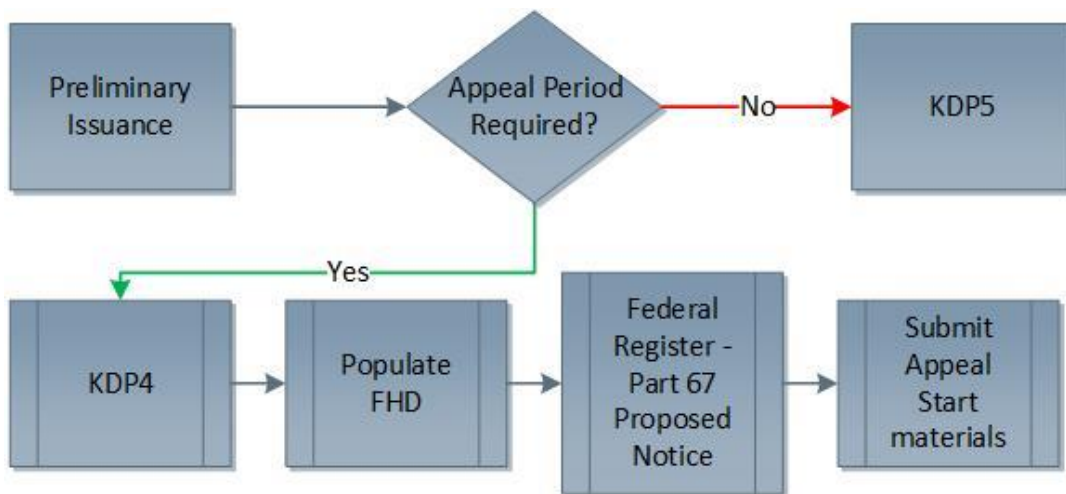


Figure 2: Determine if Appeal Period is Required

If the Mapping Partner determines that an Appeal Period is required, KDP4 approval is required prior to initiating the Appeal Period. Once approval is received, the Mapping Partner should proceed with developing and publishing a Proposed Flood Hazard Determination (FHD) Notice and initiating the Appeal Period.

FEMA initiates the 90-day Appeal Start process for the proposed flood hazard determination by providing the following notifications:

- Publishing a proposed Flood Hazard Determination Notice in the Federal Register for comment;
- Notifying the community Chief Executive Officer (CEO) in writing of the proposed flood hazard determination;
- Publishing a Proposed Flood Hazard Determination Notice 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 Notice(s) and Proposed Flood Hazard Determination (FHD) Notice published in the Federal Register, also referred to as “Part 67 Proposed Notice,” must include all communities affected by new or modified flood hazard information. The FEMA Mapping Information Platform (MIP) is the platform in which these notices are created via the “Populate FHD” task. An overview of the FHD process is shown in Figure 3. For more detailed guidance on these entries, please see the [MIP User Care](#) guide. The process ensures:

- Appeal eligible communities are identified in the “Populate FHD” task and the community information agrees across the Preliminary map products displayed on the FEMA Flood Map Service Center.
- Information captured in the “Populate FHD” task is routed for publication and published in the Federal Register. Guidance on Federal Register notices may be found in FEMA’s [Federal Register Notices Guidance](#) document, which is accessible through the FEMA Guidelines and Standards for Flood Risk Analysis and Mapping webpage.

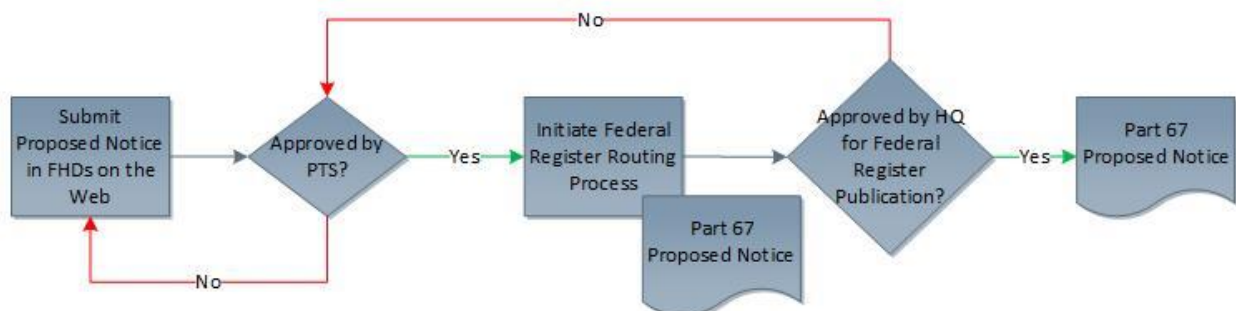


Figure 3. Proposed Flood Hazard Determination Notice Process

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 from FEMA Headquarters or their designee (Production and Technical Services provider).

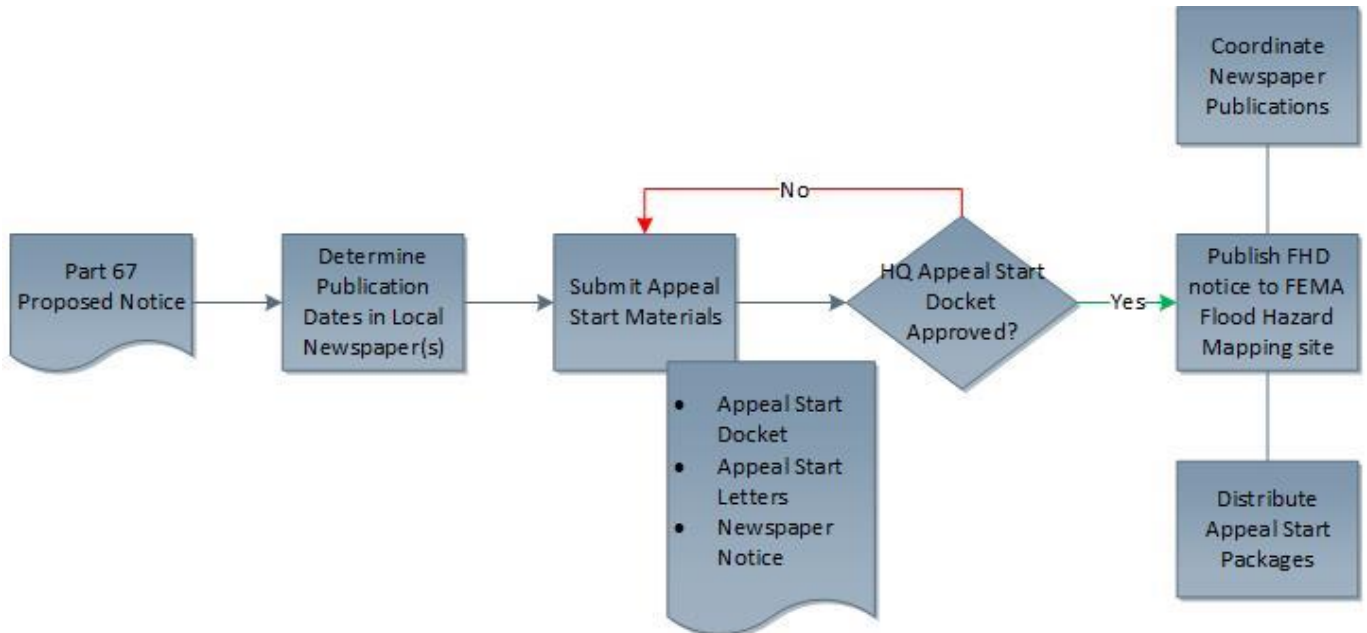


Figure 4. Appeal Start Process

The Appeal Start process ensures:

- Activities are in compliance with the NFIP Regulation cited at 44 CFR 67.4 and with FEMA SID 385;
- Adequate Due Process is planned to communicate the Appeal Period process and pertinent information to affected communities to the CEO;
- 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. For information on what PPP deliverables are required to be uploaded to the MIP as well as the appropriate MIP tasks to complete related to the Appeal Start process please see FEMA's [Data Capture Technical Reference](#) and the [Post-Preliminary Deliverables](#)

Guidance document. Both of these documents are accessible through the FEMA Guidelines and Standards for Flood Risk Analysis and Mapping webpage.

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 written notification of the community CEO. This occurs following the publication of the proposed FHD 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 enter the Appeal Period start and end dates in the “Initiate Appeal/Comment” task on the MIP, as per FEMA SID 516. If multiple newspapers are used during the publication process for a community, the designated Mapping Partner should enter the latest publication date into the “Initiate Appeal/Comment” task on the MIP. The newspaper publication should be published in the legal notices section of a prominent local newspaper with circulation throughout the community.

After Appeal Start notification to the CEO and after the newspaper notices have been published, if any errors are identified in the News Release(s) 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. The designated Mapping Partner should ensure that the newspaper publication occurred on the dates listed in “Initiate Appeal/Comment” task on the MIP and in the Appeal Start letter by requesting affidavits from each newspaper publication as these must be archived in the FEDD File and in the “Affidavit Receipt Data Capture” task. For information on what PPP deliverables are required to be uploaded to the MIP as well as the appropriate MIP tasks to complete once the newspaper notices have published please see [Data Capture Technical Reference](#) and [Post-Preliminary Deliverables Guidance](#) documents. Both of these documents are accessible through the FEMA Guidelines and Standards for Flood Risk Analysis and Mapping webpage.

Templates for the newspaper notice are available from the Flood Risk Templates and Other Resources page on the FEMA website and on the password-protected RMD SharePoint Portal. Templates for affidavit requests are available from FEMA Headquarters or designee (Production and Technical Services provider).

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. The best practice procedures listed below will allow Mapping Partners to ensure Appeal Start letters are delivered in a timely fashion and that projected newspaper publications proceed as scheduled:

- Designated Mapping Partner should plan to publish the News Release(s) approximately 1 week apart;

- Store all communications with the Community in the project FEDD file, including original letters and emails, tracking information and signatures, read and delivery receipts (emails), and call logs;
- Track and record the date when the CEO received the community copy of the Appeal Start via United States Postal Service (USPS) certified letter;
- Use the Tracking Number and Mail Service website (e.g. USPS.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 USPS “Green Cards” to confirm delivery;
- FEMA PTS Provider Post-Preliminary Leads should work with the designated Mapping Partner closely during the Appeal Start process to confirm that all USPS certified mailed letters are received by the community CEOs before the first newspaper publication date.

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

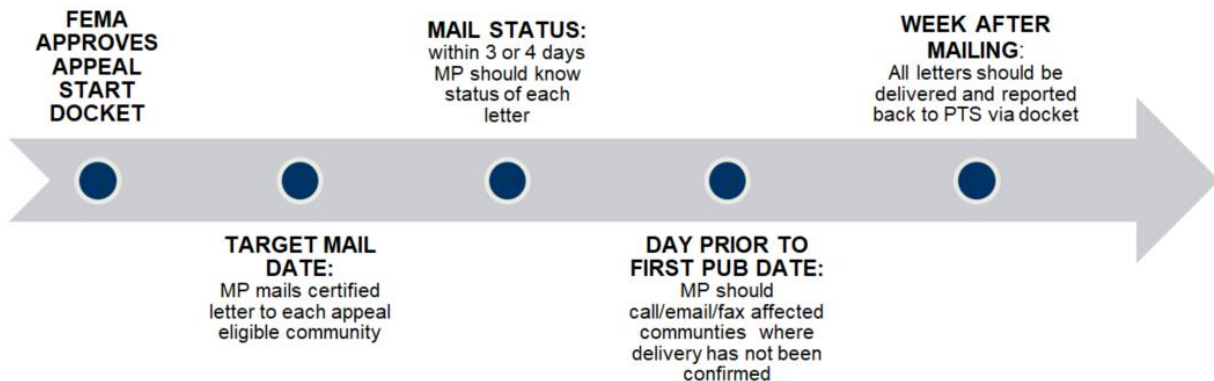


Figure 5. Appeal Start Mailing Timeline

8.0 Appeal and Comment Processing

The 90-day Appeal Period starts on the same date 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 flood hazard determination may submit scientific or technical data that would justify a revision to the Preliminary FIRM, FIS Report, or FIRM Database. Detailed information on the processing of any comments or appeals received for Flood Risk Projects provided in FEMA’s [Appeal and Comment Processing Guidance](#) document, which is accessible through the FEMA Guidelines and Standards for Flood Risk Analysis and Mapping webpage.

9.0 Letter of Final Determination Processing

After all appeals or comments are resolved, FEMA will issue a Letter of Final Determination (LFD) informing the community that the previously proposed flood hazard information is now considered final and all Due Process requirements have been complied with on the Preliminary

and/or Revised Preliminary map and report products that were provided to the community. The LFD will provide the FIRM effective date and any pertinent direction regarding map and ordinance adoption, and FEMA regional contact information.

More detailed guidance on the issuance of LFDs is provided in FEMA's [Letter of Final Determination](#) guidance document, which is accessible through the FEMA Guidelines and Standards for Flood Risk Analysis and Mapping webpage.

10.0 Adoption/Compliance Period Correspondence Processing

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 information 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 full 6-month adoption/compliance period may not be required, but will still be afforded to the community. 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 Regional Office and State NFIP Coordinator for review.

According to FEMA SID 409, if the community fails to submit compliant ordinances to the FEMA Regional Office by certain points during the adoption/compliance period, FEMA will work with a provider (usually PTS) to prepare letters as discussed below.

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 Regional Office within the first 90 days of the adoption/compliance period, the procedures below are followed.

1. At the direction of the Floodplain Management Division (FMD) 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 Regional Office staff has not updated the FEMA Community Information System (CIS) database or otherwise notified the FMD staff that the community's floodplain management ordinances are compliant with the NFIP regulations, the FMD returns the signed letter to the PTS Provider for distribution. If the CCO or other FEMA Regional Office staff member has updated the FEMA CIS database or otherwise notified the FMD staff that the community's floodplain management ordinances are compliant, the FMD staff returns the unsigned letter and notifies the PTS provider that the letter is not to be sent.
3. The 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 Regional Office staff at least 30 days before the FIRM effective date, the CCO or other FEMA Regional Office staff updates the FEMA CIS database or otherwise notifies the FMD and PTS Provider staff. If no such notification is received, the procedures below are followed.

1. The PTS Provider prepares a 30-day suspension letter and submits it to the FMD staff for review and signature.
2. If the CCO or other FEMA Regional Office staff member has not updated the FEMA CIS database or otherwise notified the FMD or PTS Provider staff that the community's floodplain management ordinances are compliant with the NFIP regulations, the FMD staff returns the signed letter to the PTS Provider for distribution.
3. If the CCO or other FEMA Regional Office staff member has updated the FEMA CIS database or otherwise notified the FMD or FEMA PTS Provider staff that the community's floodplain management ordinances are compliant, the FMD staff returns the unsigned letter and notifies the PTS provider that the letter is not to be sent.
4. The 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.
5. At the request of the FMD staff, the PTS Provider may contact the CCO or other FEMA Regional Office 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.

For information on what PPP deliverables are required to be uploaded to the MIP as well as the appropriate MIP tasks to complete during the adoption/compliance period please see the [Data Capture Technical Reference](#) and the [Post-Preliminary Deliverables Guidance](#) documents. Both documents are accessible through the FEMA Guidelines and Standards for Flood Risk Analysis and Mapping webpage.