



90-DAY APPEAL PERIOD

The Federal Emergency Management Agency (FEMA) has completed and issued the Preliminary Digital Flood Insurance Rate Map (DFIRM) and Flood Insurance Study (FIS) depicting new or revised Base Flood Elevations (BFEs). Upon issuance of the DFIRM, there is a federally mandated 90-Day Appeal Period for public review of the data. The 90-Day Appeal Period begins on the date of the second publication of a legal notice listing the new or revised BFEs in a local newspaper.

During the Appeal Period, the community or other interested parties may refute the data shown on the Preliminary DFIRM or FIS report and submit a formal objection in two ways: **Appeal Process and/or Protest Process.**

Appeal Process

A flood study that determines BFEs along a stream involves collection of historical and physical data, followed by analyses using hydrologic methods to determine flow rates, and hydraulic modeling to determine water-surface elevations. Depending on the specific aspect of the study that is being challenged, various types of data are required to support an appeal.

The appeal is a formal objection to new or revised **BFEs** shown on a Preliminary DFIRM or FIS report. BFEs can be appealed if it is shown to be scientifically or technically incorrect. The distinction between “scientifically incorrect” and “technically incorrect” is important because of the differences in the types and amounts of data needed in support of an Appeal Petition.

Scientifically Incorrect Data

Basis of Formal Appeal	Required Data To Support Appeal	Certified By
Incorrect or inappropriate methodology used in the new study	<ol style="list-style-type: none"> 1. Appeal Petition 2. Explanation for superiority of alternative hydrologic or hydraulic methodology 3. A revised study, including updated hydrologic and/or hydraulic analysis, flood profiles, and floodplain and floodway boundaries, using the alternative methods or data that are believed to be superior to those used in the preliminary study 	Professional Engineer
Methodology not correctly applied in the new study; i.e., inappropriate or incorrect assumptions in methodology		



Technically Incorrect Data

Basis of Formal Appeal	Required Data To Support Appeal	Certified By
Insufficient or poor quality data in a new study	<ol style="list-style-type: none"> 1. Appeal Petition 2. Data believed to be superior to those used in original hydrologic or hydraulic analysis; documentation for source of the new data 3. A revised study, including updated hydrologic and/or hydraulic analysis, flood profiles, and floodplain and floodway boundaries, using the alternative methods or data that are believed to be superior to those used in the preliminary study 	Professional Engineer
Mathematical error in a new study	<ol style="list-style-type: none"> 1. Appeal Petition 2. Information that identifies the error and provides the correct calculation 	
Measurement error in a new study	<ol style="list-style-type: none"> 1. Appeal Petition 2. Information that identifies the error and provides the correct measurement 	
Physical change in the floodplain since the new study	<ol style="list-style-type: none"> 1. Appeal Petition 2. Information that identifies the change and sufficient topographical and/or structural data for an updated hydraulic analysis 3. Certified topographic maps or other certified ground elevation data of greater detail or more recent than those used for the preliminary DFIRM panel in question. 	Registered Land Surveyor or GIS Specialist

Protest Process

A formal objection to any new or revised information shown on a Preliminary DFIRM or FIS report submitted during the 90-Day Appeal Period that **does not involve Base Flood Elevations** is considered a protest. Protests generally involve comments regarding the delineation of the updated floodplain and/or floodway boundaries, corporate limits, road names, and road location.



Basis of Formal Protest	Required Data To Support Protest	Certified By
Floodplain boundaries, Floodway boundaries*	<ol style="list-style-type: none"> 1. Protest Petition 2. Certified topographic maps or other certified ground elevation data of greater detail and/or more recent than those used for the preliminary FIRM panel in question 3. Requested changes annotated on the topographic mapping and preliminary FIRM panel. 	Registered Land Surveyor or GIS Specialist, or Interested Individual
Corporate limits, road names, or road locations	<ol style="list-style-type: none"> 1. Protest Petition 2. Community maps in either digital or paper format showing the current information 	Community Official Registered Land Surveyor, GIS Specialist, or Interested Individual

*Note: Dispute of the floodway boundaries may require updated hydraulic modeling and would have to be submitted with proper documentation as an Appeal.

Submittal of Appeal and Protest Petitions

The formal objection and all supporting data shall be submitted to the **Chief Executive Officer (CEO) of the community** or to the local official designated by the CEO, such as the local Floodplain Administrator. It is then the community’s responsibility to forward this information to the Federal Emergency Management Agency (FEMA) for review and resolution. An interested party or the local community may submit either a formal protest or appeal.

The CEO or designated community official should review each formal Appeal or Protest received regarding a Preliminary DFIRM or FIS report to first verify completeness that all supporting documentation is supplied. Any appeal or protest petition received by the community must be forwarded to the State NFIP Coordinator before the completion of the 90-day appeal period. The objections and all supporting data are to be sent to your community’s local official:

<p>Shawnee County (Unincorporated Area) Mr. Barry Beagle, Planning Director Shawnee County Planning Department 1515 NW Saline St., Suite 102 Topeka, KS 66618</p>	<p>City of Topeka Ms. Miriam Berke, Director Development Services Division 620 SE Madison Ave. Topeka, KS 66603</p>
<p>City of Auburn Mr. Wayne Coop, Building Inspector 161 West 9th St. Auburn, KS 66402</p>	<p>City of Rossville Mr. Jeff Overmyer, Zoning Administrator P.O. Box 337 Rossville, KS 66533</p>
<p>City of Silver Lake Ms. Darlene Stadler, City Clerk P.O. Box 92 Silver Lake, KS 66539</p>	<p>City of Willard Ms. Laura Lord 127 Holden St. Willard, KS 66615</p>

Resolution of Appeal and Protest Petitions

An Acknowledgement Letter will be sent notifying the community that an Appeal or Protest has been received by FEMA. The supporting data will be reviewed to determine whether it constitutes a valid Appeal or Protest and if the formal petition supports a revision. If necessary, additional supporting data may be requested during this stage. Following the review of all submitted data, an Appeal Resolution Letter will be sent to the community CEO explaining the resolution of the Appeal or Protest. A revised Preliminary Transmittal Letter, disseminating a revised Preliminary FIS report and/or DFIRM that incorporates changes made, as a result, of the Appeal or Protest will be sent to the community, if necessary. The community has 30 days to review and comment on the resolution when necessary. At the end of the comment period and after all resolutions are completed, FEMA issues a Letter of Final Determination to the impacted community, publishes the new or revised BFEs in the *Federal Register*, and initiates the final production of the FIS report and DFIRM.

All efforts will be made to incorporate revision requests into the new DFIRM and FIS report. However, without receipt of the necessary data within a reasonable time frame the revision request may require processing after the preliminary FIS report and DFIRM panels become effective. A community's effective DFIRM or FIS report can be updated through the Letter of Map Revision process when all of the necessary data is submitted.