



## APPEALS PROCESSES

### PROCEDURES OF SUBMISSION AND RESOLUTION

#### 90-Day Appeal Period

The State of Georgia in partnership with the Federal Emergency Management Agency (FEMA) has completed and issued the preliminary Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) depicting new or revised Special Flood Hazard Areas (SFHAs), floodways and /or Base Flood Elevations (BFEs). Upon issuance of the FIRM, 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 FIRM or FIS report and submit a formal objection as follows:

#### APPEAL PROCESS

A flood study that determines flood hazard boundaries and BFEs along a stream involves collection of historical and physical data, followed by analyses using hydrologic methods to determine flow rates, and hydraulic modeling to determine water-surface elevations. Studies of coastal flooding involve specialized analyses of storm surge and wave effects. Depending on 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 **floodway boundaries, flood hazard boundaries, and/or BFE** shown on a preliminary FIRM or FIS report. Changes in the floodway boundaries, flood hazard boundaries, and 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"> <li>1. Appeal Petition</li> <li>2. Explanation for superiority of alternative hydrologic or hydraulic methodology</li> <li>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</li> </ol>	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"> <li>1. Appeal Petition</li> <li>2. Data believed to be superior to those used in original hydrologic or hydraulic analysis; documentation for source of the new data</li> <li>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</li> </ol>	Professional Engineer
Mathematical error in a new study	<ol style="list-style-type: none"> <li>1. Appeal Petition</li> <li>2. Information that identifies the error and provides the correct calculation</li> </ol>	Professional Engineer
Measurement error in a new study	<ol style="list-style-type: none"> <li>1. Appeal Petition</li> <li>2. Information that identifies the error and provides the correct measurement</li> </ol>	Professional Engineer
Physical change in the floodplain since the new study	<ol style="list-style-type: none"> <li>1. Appeal Petition</li> <li>2. Information that identifies the change and sufficient topographical and/or structural data for an updated hydraulic analysis</li> <li>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</li> </ol>	Registered Land Surveyor or GIS Specialist
Floodplain boundaries, Floodway boundaries*	<ol style="list-style-type: none"> <li>1. Appeal Petition</li> <li>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</li> <li>3. Requested changes annotated on the topographic mapping and preliminary FIRM panel.</li> <li>4. Floodway boundaries dispute may require updated hydraulic modeling.</li> </ol>	Registered Land Surveyor or GIS Specialist, or Interested Individual

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 State of Georgia for review and resolution. An interested party or the local community may submit either an appeal or comment.

The CEO or designated community official should review each formal appeal or comment received regarding a preliminary FIRM or FIS report to first verify completeness that all supporting documentation is supplied. The community should prepare a statement as to whether the community supports or does not support the formal objection. Any appeal or comment 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:**

**Collis Brown, CFM**  
**Georgia Floodplain Mgmt Coordinator**  
**Georgia Dept of Natural Resources**  
Environmental Protection Division  
4220 International Parkway, Suite 101  
Atlanta, Georgia 30354  
Collis.Brown@dnr.state.ga.us

### **RESOLUTION OF APPEAL PETITIONS**

An Acknowledgement Letter will be sent notifying the community that an Appeal has been received by the State. The supporting data will be reviewed to determine whether it constitutes a valid Appeal 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. A revised Preliminary Transmittal Letter, disseminating a revised preliminary FIS report and/or FIRM that incorporates changes made, as a result, of the Appeal 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 SFHAs in the *Federal Register*, and initiates the final production of the FIS report and FIRM.

All efforts will be made to incorporate revision requests into the new FIRM 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 FIRM panels become effective. A community's effective FIRM or FIS report can be updated through the Letter of Map Revision process when all of the necessary data is submitted.