

# APPEALS AND COMMENTS PROCESS

## PROCEDURES OF SUBMISSION AND RESOLUTION

### 90-Day Appeal Period

The Georgia Department of Natural Resources (GA DNR) 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 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 identifying the new or revised changes 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 in two ways: **Appeal Process** and/or **Comment 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. 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 BFE (or Base Flood Depths) or any change in Special Flood Hazard Area (SFHA) boundary, floodway delineation, or zone designation shown on a preliminary FIRM or in a FIS report. They can be appealed if they are 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. The basis of formal appeals is provided along with the data needed to support it in FEMA's **Appeal and Comment Processing** found online at:

[www.fema.gov/sites/default/files/2020-02/Appeal\\_Comment\\_Processing\\_Guidance\\_Feb\\_2019.pdf](http://www.fema.gov/sites/default/files/2020-02/Appeal_Comment_Processing_Guidance_Feb_2019.pdf)

## COMMENT PROCESS

A formal objection to any new or revised information shown on a preliminary FIRM or FIS report submitted during the 90-Day Appeal Period that does not involve addition/modification of Base Flood Elevations (BFEs)/Base Flood Depths (BFDs), or any change in Special Flood Hazard Area boundary, floodway delineations, or flood zone designations is known as a Comment. In general, a formal Comment involves corporate limit revisions, road name errors and revisions, base map errors, and other possible omissions or potential improvements to the mapping.

## SUBMITTAL OF APPEAL AND COMMENT 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 State of Georgia for review and resolution. An interested party or the local community may submit either a formal comment or appeal.

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 NFIP State Coordinator before the completion of the 90-day appeal period.

### Objections and all supporting data are sent to:

**Joe Martinenza P.E.**

**NFIP State Coordinator**

**Program Manager-Floodplain Unit**

Georgia Department of Natural Resources

Environmental Protection Division

Watershed Protection Branch

2 Martin Luther King Jr. Drive, Suite 1152 East

Atlanta, Georgia 30334

470-938-3355

[Joseph.Martinenza@dnr.ga.gov](mailto:Joseph.Martinenza@dnr.ga.gov)

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## RESOLUTION OF APPEAL AND COMMENTS PETITIONS

An Acknowledgement Letter will be sent notifying the community that the State has received an Appeal or Comment. The supporting data will be reviewed to determine whether it constitutes a valid Appeal or Comment 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 Comment. A revised Preliminary Transmittal Letter, disseminating a revised preliminary FIS report and/or FIRM that incorporates changes made, as a result, of the Appeal or Comment 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 a notice about the changes 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.