

Appeals and Protests

Information for Community Officials in Louisiana



Introduction

The preliminary flood hazard maps being presented to Louisiana's coastal parish communities represent the most up-to-date, accurate information ever developed for the state's coastal region. These maps, once finalized, serve as the basis for the communities' flood plain management and the primary tool in preventing loss of life and property due to flooding.

Community officials and property owners have an opportunity to review these preliminary maps—also known as the Digital Flood Insurance Rate Maps (DFIRMs)—during a formal review and comment period. It is during this “90-day Appeal Period” in which objections (appeals or protests) to information shown on the digital map or in the accompanying Flood Insurance Study (FIS) report may be submitted to FEMA for consideration.

FEMA welcomes public input through the appeals and protests process. Additional proven scientific and technical information increases the accuracy of the maps and better reflects the community's flooding risks. The following information defines what constitutes an appeal or protest and explains the process by which a community or individual may take such action.

What is an Appeal?

Determining the Base Flood Elevation (BFE) within a community is a major component of the mapping process. The BFE is the elevation of the flood having a 1-percent-chance of being equaled or exceeded in any given year. This becomes the basis for the detailed floodplain boundaries, flood insurance risk zones, and regulatory floodway boundaries shown on the DFIRM panels. If an objection to the map involves the proposed BFEs, it is considered an **appeal**.

What is a Protest?

If an objection does not involve the proposed BFEs shown on the digital map panels and in the FIS report materials, it is considered a **protest**. Protests usually involve changes to items such as roads and road names, corporate limits, floodway limits, and floodplain boundary delineations.

Information regarding the roles and responsibilities of community officials and individual property owners in submitting, reviewing, and resolving appeals and protests is provided in the paragraphs below.

(Please see the document “Appeals and Protests: Required Support Data and Documentation” for detailed information on the technical information needed to support an appeal or protest.)



Activities Leading Up To Appeal Period

FEMA formally presents both paper and digital copies of the preliminary maps to community officials at a parish meeting and explains the map publication and adoption process in detail. FEMA encourages each community to publicize and display the maps and, if requested, may assist at public meetings. These meetings allow local residents to view the maps, ask questions and find out more information regarding their flooding risk.

The Appeals Period Process

After the formal meetings are held, FEMA will prepare the materials below.

- Listings of BFEs shown on the preliminary digital maps, which are posted on the FEMA Website at www.fema.gov/plan/prevent/fhm/bfe.
 - A legal notice, called a Proposed Rule, which is published in the FEDERAL REGISTER;
 - Public notices announcing the start of the appeal period and the posting of the BFE listings, which are published twice in local newspapers with wide circulation.
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- In addition, FEMA mails letters notifying community officials of the new or modified BFEs shown on the digital maps. These letters are referred to as “proposed flood elevation determination letters.” FEMA encourages community officials to distribute this information to their residents and other key stakeholders.
 - The 90-day appeal period begins on the date of the second publication of the public notice in the local newspaper.
 - During the 90-day period, any individual property owner who wishes to file an objection to the BFEs or other information in preliminary map and preliminary FIS report should submit their appeal or protest along with the required scientific or technical data to the community official designated to manage this process. (See “Appeals and Protests: Required Support Data and Documentation”)
 - Community officials review each appeal and protest to determine whether the information or data submitted is sufficient to forward to FEMA at the address shown below.
 - When forwarding an appeal or protest and support data to FEMA for review, community officials should include a transmittal letter stating whether the community supports the objection.
 - The community also may appeal or protest on its own behalf if no individual appeals or protests are submitted.
 - FEMA recommends that community officials notify FEMA Region 6 of appeals or protests as soon as possible. All documentation must be collected and forwarded together to the



address provided before the 90-day appeal period ends. This ensures no additional mapping actions will proceed without consideration of the objections.

Federal Emergency Management Agency

Attn: Frank Pagano

800 North Loop 288

Denton, TX 76209-3698

Telephone: (940) 898-5399

Fax: (940) 898-5195

- If community officials, property owners, or other non-community appellants are unable to obtain and submit the appropriate support data within the 90-day appeal period, they may pursue a formal map revision after the map has become effective.

How Appeals and Protests Will Be Addressed

The procedures that are to be followed in handling appeals or protests are summarized below.

- Once FEMA Region 6 receives the formal objections, FEMA will send letters to community officials acknowledging receipt of the appeals or protests.
- FEMA also will send copies of the acknowledgment letters to the floodplain administrators and to all appellants unless the number of appellants is so great that to do so would not be practical. In such cases, the community will be responsible for informing appellants that FEMA Region 6 has received the appeals or protests.
- FEMA will review all appeals and protests and the support data submitted with them.
- If any questions or problems arise, FEMA will work with community officials or the non-community appellants to resolve them.
- If needed, FEMA will request any additional support data through a letter to community officials or non-community appellants. FEMA will allow approximately 30 days for submittal of the required data.
- Data submitted within the 30-day period will be considered in resolving the objections.
- If the data is not provided within the 30-day period, FEMA will resolve the appeals or protests using the data originally submitted.
- If appeals and/or protests are adequately supported, FEMA will revise the BFEs, floodplain boundaries, regulatory floodway boundaries, and any other information affected by the objections. If appropriate, FEMA will revise the affected map panel(s) and/or FIS report material(s).
- FEMA will send letters explaining the resolution of the appeals and/or protests to the community officials along with copies of the revised map panel(s) and FIS report materials, if appropriate. The revised map panel(s) and FIS report materials will be stamped as "Revised."



- The affected communities will be given a 30-day period to review and submit comments on the resolution.
- FEMA will inform the community or other interested parties by letter if appeals and/or protests are denied and provide an explanation for the denial.
- At the end of the 30-day review period, FEMA will review and address all comments on the appeal and/or protest resolutions. FEMA will contact community officials if additional coordination is necessary.

At the end of this process, FEMA will continue processing the digital maps and FIS reports as discussed below.

How the Maps and Reports Become Final and Effective

- After the 90-day appeal period has elapsed and all objections have been addressed, FEMA will make the proposed BFEs final by publishing another legal notice, called a “Final Rule,” in the FEDERAL REGISTER and issuing Letters of Final Determination, or LFDs, to community officials.
- The LFD will inform community officials that the community is being given a period of time to enact new or modified floodplain management ordinances required for participation in the NFIP.
- During this six-month “adoption/compliance period,” FEMA prepares the digital maps and FIS reports in final form, and coordinates with the U.S. Government Printing Office to have them printed and distributed.
- At the end of the adoption/compliance period, the new digital and FIS reports will become effective.

How to Appeal the Final Determination Made by FEMA

Under the provisions of Section 67.12 of the NFIP regulations, an appellant who is aggrieved by the final determination by FEMA may, within 60 days of receipt of the LFD, appeal the final determination to the U.S. District Court for the district in which the community is located. While the appeal is being reviewed by the U.S. District Court, the final determination by FEMA will be effective, unless it is stayed by the Court for good cause shown.