

How Do I Challenge What's Shown on the Preliminary FEMA Maps?

Can what's shown on FEMA "Preliminary" Flood Insurance Rate Maps (FIRMs) be changed before they become finalized?

Yes and No. There are different levels of potential changes, and each level has different requirements for the type and format of supporting information needed. Also, the earlier the supporting information is submitted, the more likely the change can be made before the maps become final.

Who can submit comments, protests or appeals?

All comments, protests and appeals must come through the local unit of government that is the zoning authority, usually the city or the county (for unincorporated areas).

What types of challenges can be made?

Comments - Changes to street names, community boundaries, and other cosmetic or non-floodplain features are comments. Comments are usually incorporated into the final maps with minimal discussion.

Protests – If data are available to show that the boundary of the floodplain should be drawn differently, that is submitted as a protest. For example, better topographic data may be available. Whether protested areas are considered for incorporation into the final map depends on the size of the area, whether the area to be removed is contiguous with existing Zone X, the format of the data, etc. Digital data is more likely to be incorporated than paper data. Paper data may be incorporated but is dependent on whether it can be converted into a useable digital format.

In approximate A Zones, updated base flood elevations based on a technical study would be considered protests. The elevations will not be printed on the maps or in the Flood Insurance Study (FIS). In cases of new approximate A Zone analysis, the modeled A Zone information may be available for zoning/permitting decisions and for Letters of Map Amendments (LOMAs) or Letters of Map Revision based on Fill (LOMR-Fs).

Appeals – Appeals are challenges to changes in base flood elevation or floodway boundary in a detailed study area, or Zone AE. Challenges to changes in the base flood elevation require a high degree of supporting technical data that supports the appellants appeal. In most cases, a registered professional engineer must certify the supporting data.

When can the comments, protests and/or appeals be submitted?

Communities can begin submitting comments, protests and/or appeals immediately after the preliminary maps are distributed. To ensure consideration for incorporation of the change in time for the final map, they must be submitted before the end of the formal 90-day appeal period (if there are base flood elevation - BFE - changes) or 30-day comment period (if there are no BFE changes).

What are the options if the challenge is too late?

For protests, the better data can be submitted with a LOMA or LOMR-F request for the lot(s) of concern. For appeals, a Letter of Map Revision (LOMR) application can be submitted. A disadvantage of the LOMR-F or LOMR would be the inclusion of a possible application review fee for FEMA's contractor. Also, large scale LOMAs /LOMR-Fs and/or LOMRs do not physically change the FIRM panel or FIS report. They are a separate document. However, the LOMA/LOMR-F and/or LOMR become the official legal document for the applicable area identified.

