

BOULDER COUNTY: APPEALS & COMMENTS

FEMA's APPEAL AND COMMENT PROCESS

The 90-day appeals process is part of the regulatory mapping process outlined in the Code of Federal Regulations. The timing of when this appeals process will begin and conclude is dependent on the decisions that the community makes as we move forward through the process.

All appeals and comments must be reviewed by and submitted to FEMA by a community official or community designee. A community, an owner or lessee of a property, or anyone impacted by the updated Flood Insurance Rate Maps (FIRMs) can submit information to their community officials for review. Appeals must be submitted to FEMA Region VIII no later than the 90th day of the appeal period.

WHAT IS AN APPEAL?

An appeal is a formal request to have a FIRM amended based on an additional engineering study, which must include data that proves the proposed flood hazard information is scientifically or technically incorrect; contains an indisputable mathematical or measurement error; or reflects that a changed physical condition has occurred. All appeals must be certified by a registered professional engineer or licensed land surveyor and must include the required revisions to the FIRM and/or the Flood Insurance Study (FIS) report.

WHAT IS A COMMENT?

A comment is any submittal that does not meet the requirements outlined for appeals. Comments may include any feedback regarding road names, jurisdictional boundaries and other base map features, or concerns regarding proposed flood hazard information or any technical submittal that does not meet the full technical submittal for appeals.

WHAT HAPPENS AFTER AN APPEAL IS SUBMITTED?

FEMA, in coordination with the Regional Service Center (RSC), will review the submitted information and prepare an acknowledgement that will state one of the following:

- The **appeal is valid** and a change to the preliminary FIRM and/or FIS is warranted
- **Additional data or information is needed** to complete the review
- The information is **considered a comment** and will or will not be incorporated

FEMA provides a 30-day comment period from the date of an appeal or comment resolution letter is issued to allow the community/appellant to review FEMA's findings. Any comments received during the 30-day period must be addressed and resolved before proceeding with the Letter of Final Determination (LFD). There are, however, some limitations to an appeal. Due to map scale limitations, changes to individual lots or structures typically cannot be shown on the FIRM, so the appeals process typically cannot be used to remove a property from the floodplain.

LETTER OF MAP AMENDMENT (LOMA)

The LOMA process is available to property owners who believe their home or property has been inadvertently included in the floodplain. LOMAs officially change the zone designation for the structure or property on an effective FIRM, not a preliminary FIRM, therefore it is recommended that applications submit their LOMA application no more than 30 days before the preliminary FIRM is set to become effective. Once approved, an official amendment to an effective map is sent out by letter to the property owner.