



Challenging a Flood Insurance Study - Appeals of Proposed Base Flood Elevations

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Maryland Association of Floodplain and Stormwater Managers
Thursday, October 21, 2010



OFFICE OF THE MAYOR

909 South Main Street

Phone: 3
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Mayor

October 19, 2009

Mr. William R. Blanton Jr., Chief
Engineering Management Branch
Mitigation Directorate
Federal Emergency Management Agency
500 C Street, SW
Washington, D.C. 20472

Dear Mr. Blanton:

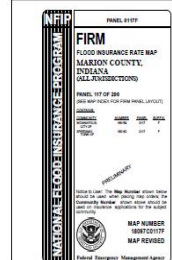
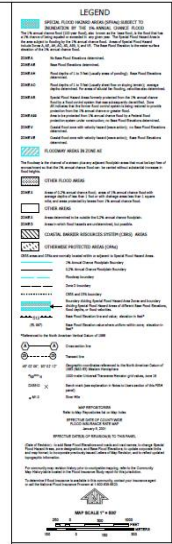
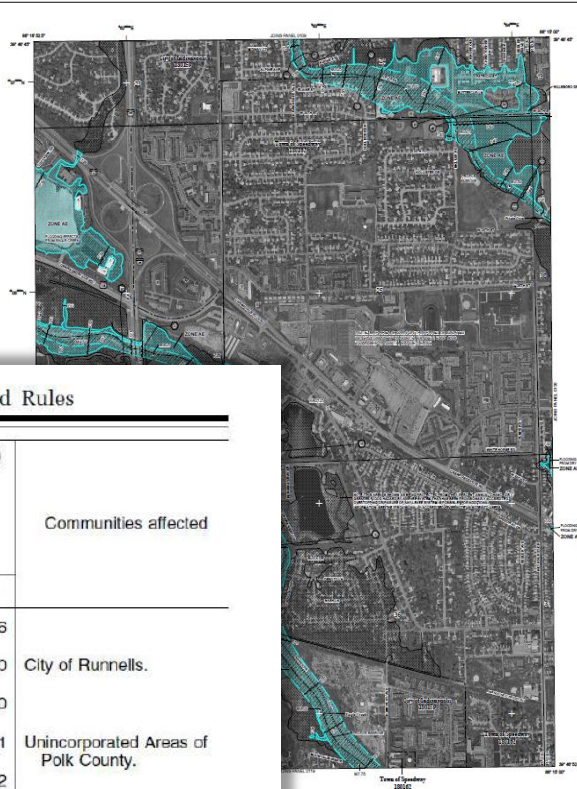
NOTES TO USERS

The map is for use in determining the Federal Flood Insurance Program (FFIP) flood insurance rates for the community of Runnells, Iowa. The map is not to be used for any other purpose. The map is not to be used for any other purpose. The map is not to be used for any other purpose.

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62050 Federal Register/Vol. 75, No. 194/Thursday, October 7, 2010/Proposed Rules

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Mud Creek	At the intersection of Northwest 2nd Street and Northwest 142nd Avenue.	None	+965	City of Runnells.
	Approximately 0.5 mile upstream of the confluence with the Des Moines River.	None	+780	
North River	Approximately 1.25 mile upstream of the confluence with the Des Moines River.	None	+780	Unincorporated Areas of Polk County.
	At the intersection of Southeast 72nd Avenue and Southwest 60th Street.	+780	+781	
Raccoon River	At the intersection of Southeast Avon Drive and Southwest Goodhue Drive.	+780	+782	Unincorporated Areas of Polk County.
	Approximately 250 feet upstream of the I-35 crossing	+828	+829	
	Approximately 1.6 mile upstream of the I-35 crossing	+831	+833	

* National Geodetic Vertical Datum.

+ North American Vertical Datum.

Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Roy E. Wright, Deputy Director, Risk Analysis Division, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

ADDRESSES

City of Alleman

Maps are available for inspection at 14000 Northeast 6th Street, Alleman, IA 50007.

City of Polk City

Maps are available for inspection at 112 3rd Street, Polk City, IA 50226.

City of Runnells

Maps are available for inspection at 110 Brown Street, Runnells, IA 50237.

Unincorporated Areas of Polk County

Maps are available for inspection at 111 Court Avenue, Des Moines, IA 50309.

95	-76° 35' 55.92"	+ 115	+ 116
ad	39° 11' 37.5"	+ 115	+ 118
	-76° 39' 20.9"		
	39° 5' 27.25"	None	+ 117
	-76° 44' 24.33"		
	39° 7' 16.12"	None	+ 214
	-76° 44' 2.08"		
with Patuxent River	38° 59' 30.8"	+ 43	+ 46
	-76° 42' 24.05"		
ridge Road	39° 7' 9.11"	+ 130	+ 131
	-76° 48' 33.78"		
highway	39° 8' 47.12"	+ 8	+ 9
	-76° 36' 20.83"		
ive	39° 7' 22.6"	None	+ 51
	-76° 37' 54.4"		

Today's Objectives

- NFIP regulations
 - Initiation
 - Time Frame
 - Requirements
 - Appeal versus Protest
 - Community's Role
 - FEMA's Response
- Levee Considerations
 - *FEMA Procedure Memorandum No. 52*
- Appeal Resolution
 - Alternatives

Challenging a Flood Insurance Study – Appeals of Proposed Base Flood Elevations

- **NFIP Regulations**
- 44CFR Part 67 – Establishes the Appeals Procedure
 - Proposed Base Flood Elevations Must be Published (Paragraph 67.4)
 - Must be Filed in Writing (Paragraph 67.5)
 - Must be Based on Scientific or Technical Information (Paragraph 67.6)
 - Must be submitted by Community Chief Executive Officer (CEO) (Paragraph 67.7)
 - Appeals Procedure (Paragraph 67.8)
 - Individual Appeals Reviewed on Their own Merit (Paragraph 67.9)

- Window of Opportunity

After the review and appeal periods have ended and all comments/appeals have been addressed, we will initiate final preparation of the FIS report and FIRM. The new FIS report and FIRM for your community will become effective approximately 6 months later. Prior to the effective date, you will be notified that you should adopt floodplain ordinances or modify existing ordinances as necessary to reflect any changes in the FIS report and FIRM, including reference to the new effective date. Approximately 3 weeks prior to the effective date, we will send your community printed copies of the FIS report and FIRM.

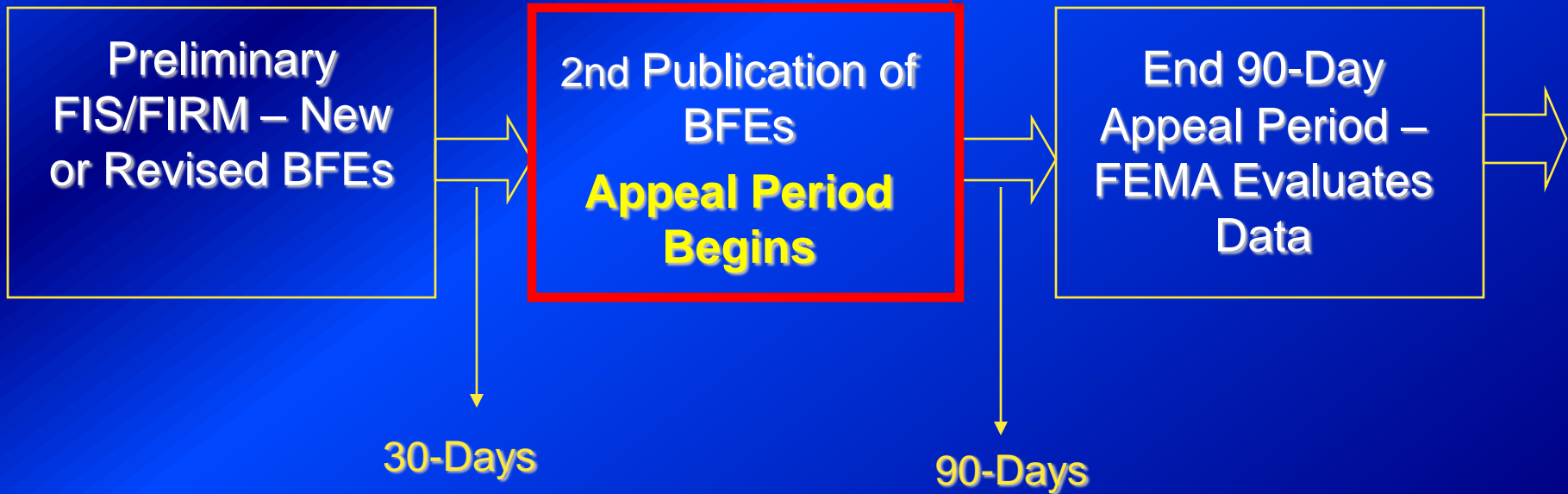


Challenging a Flood Insurance Study – Appeals of Proposed Base Flood Elevations

- Window of Opportunity
 - Community Given 30-Days to Review
 - BFEs Published Twice in Local Newspaper
 - Also available at:
 - Federal Register - “Proposed Rule”
 - FEMA’s website – “Base Flood Elevation (BFE) Notices for Preliminary Flood Insurance Studies and Letters of Map Revision (LOMR)”
 - 90-Day Appeal Period Begins with Second Publication
 - Appeal Resolution within 90-Days from Receiving the **Complete** Appeals Data Package

Challenging a Flood Insurance Study – Appeals of Proposed Base Flood Elevations

Federal Register Publication of Proposed Notice
CEO Receives 101/155 Letter
Proposed BFE Published in Prominent Local Newspaper



Challenging a Flood Insurance Study – Appeals of Proposed Base Flood Elevations



Challenging a Flood Insurance Study – Appeals of Proposed Base Flood Elevations

- Appeals
 - Challenge New or Revised BFEs
 - Based on Data that Show BFEs to be Incorrect
 - Scientifically
 - Technically
 - Scientifically Incorrect
 - Inappropriate or Incorrect Methodology
 - Technically Incorrect
 - Incorrectly Applied Methodology
 - Insufficient or Poor-Quality Data
 - Mathematical or Measurements Errors
 - Physical Changes

Challenging a Flood Insurance Study – Appeals of Proposed Base Flood Elevations

- What is Meant by Incorrect?
 - Not Absolute
 - Applicants Must Provide Alternative Analysis

Challenging a Flood Insurance Study – Appeals of Proposed Base Flood Elevations

■ Protests

- DOES NOT Challenge Proposed BFEs
- DOES Challenge the Information or Data Presented in the FIS and FIRM
- Typically Consist Off:
 - More Detailed Topographic Data
 - Improved Floodplain Boundary Delineations
 - Omissions
 - Base Map Errors:
 - Street Names
 - Corporate Boundaries

Challenging a Flood Insurance Study – Appeals of Proposed Base Flood Elevations

■ The Community's Role

- Communities and Individuals May Appeal Proposed or Revised BFEs
- Individuals Should Submit Data Directly to the Community
- The Community Reviews and Consolidates the Appeals Received
- The Community Prepares a Written Opinion on the Justification of the Appeals Received
- The Community Submits the Opinion and Appeals Data to FEMA for Review

Challenging a Flood Insurance Study – Appeals of Proposed Base Flood Elevations

- FEMA's Response
- Appeal Resolution
 - Reviews and Evaluates Submitted Data
 - Acknowledges the Submittal in Writing
 - 175A
 - 175P
 - May Request Additional Data
 - Recommends a Resolution
 - May Issue Revised Preliminary (If Changes are Significant)
 - Prepares and Distributes Resolution Letter
 - Addresses Comments and Prepares the LFD Letter

Challenging a Flood Insurance Study – Appeals of Proposed Base Flood Elevations

- **Protest Resolution**
 - Changes Incorporated (Usually at the Time the FIS and FIRM are Printed)
 - Unless the Changes are Significant
 - Revised Preliminary is Not Distributed
 - No Additional Community Review and Comment
 - Resolution Explained in LFD letter

Challenging a Flood Insurance Study – Appeals of Proposed Base Flood Elevations

- **Levee Considerations**

- To appeal the effects of levees/levee systems or similar structures/systems
 - Submit data and documentation to show freeboard, structural stability, and operation and maintenance requirements of Section 65.10 have been met
- To appeal the effects of a flood protection system involving Federal funds that is under construction
 - Submit data and documentation to show requirements for “adequate progress” in accordance with Section 61.12 have been met
- **Expired Provisionally Accredited Levee/Levee Systems**
 - FEMA Procedure Memorandum No. 52 set forth a 90-day period to comment on floodplain delineations only

Challenging a Flood Insurance Study – Appeals of Proposed Base Flood Elevations

- Lost Cause(?)
- *Effective BFEs Can Be Revised at Any Time*

Challenging a Flood Insurance Study – Appeals of Proposed Base Flood Elevations

Resources:

- Study – Status and Description Explanations

http://www.fema.gov/fhm/st_study.shtm

- Part 67: Appeals from Proposed Flood Elevation Determinations

http://www.access.gpo.gov/nara/cfr/waisidx_09/44cfr67_09.html

- Appeals, Revisions, and Amendments to National Flood Insurance Program Maps: ***“A Guide for Community Officials”*** (December 2009)

<http://www.fema.gov/library/viewRecord.do?id=4053>

- Maryland Department of Environment – DFIRM Outreach Program website

<http://mesgis.com/dfirm/info/communities.html>