



Appeal Petition

What is an Appeal?

A formal objection to new or modified Base Flood Elevations (BFEs), the addition or modification of any Special Flood Hazard Area (SFHA) boundary or zone designation, or a regulatory floodway shown on a preliminary FIRM panel and/or in the FIS Report, submitted by a community during the 90-day appeal period is considered an appeal. Appeals are based on empirical data that show that the proposed BFEs, SFHA boundary or zone designations, or regulatory floodways are scientifically or technically incorrect.

What Information is Required to Support an Appeal?

A flood study that determines BFEs or any SFHA boundary or zone designation, or regulatory floodways 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. An Appeal must be based on data that show the proposed BFEs 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 that an appellant must submit to demonstrate one versus the other.

Scientifically Incorrect BFEs, SFHA Boundaries or Zone Designations, or Regulatory Floodways

The BFEs, SFHA boundaries or zone designations, or regulatory floodways are determined to be scientifically incorrect if the methodology used in the determination of the BFEs is inappropriate or incorrect, or if the assumptions made as part of the methodology are inappropriate or incorrect. An Appeal that is based on the BFEs, SFHA boundaries or zone designations, or regulatory floodways being scientifically incorrect would therefore contend that the use of a different methodology or different assumptions would produce more accurate results (i.e., BFEs that are correct).

Technically Incorrect BFEs, SFHA Boundaries or Zone Designations, or Regulatory Floodways

The BFEs, SFHA boundaries or zone designations, or regulatory floodways are said to be technically incorrect if at least one of the following is true:

- The methodology was not applied correctly.
- The methodology was based on insufficient or poor-quality data.
- The application of the methodology included disputable mathematical or measurement errors.
- The methodology did not account for the effects of physical changes that have occurred in the floodplain.

If a BFE, SFHA boundary or zone designation, or regulatory floodway is thought to be incorrect the following must be submitted as supporting documents along with a current certified survey:

- A revised study, including updated hydrologic and/or hydraulic analyses, flood profiles, and floodplain and floodway boundaries, using the alternative methods or data that are believed to be superior to those used in the preliminary study.

If the measurement of the BFE is thought to be incorrect, the following must be submitted:

- Information that identifies the error and provides the correct measurement.
- Current (more current than the State provided data) documentation by a registered land surveyor.

Please use the tables provided on the when submitting an appeal.

