



FLOODPLAIN / FLOODWAY DETERMINATION APPEAL

City of St. Joseph
1100 Frederick Avenue
St. Joseph, MO 64501

Date Submitted/Received

Owner or Lessee of property

Date

Email Address

Mailing Street Address

Office Phone Number

City, State, Zip Code

Cell Phone Number

SITE DATA

1. Street Address _____ Parcel #: _____

Location: _____ 1/4: _____; 1/4: _____; Section: _____; Township: _____; Range: _____

1. Appeal is related to: Floodplain Determination : Floodway Determination : Both Floodplain and Floodway Determination

2. Property was previously shown as: Being in the Floodplain Being in the Floodway Not being in either the Floodplain or Floodway

3. Technical data provided with appeal: Yes: No See Enclosure documents:

a. _____

b. _____

c. _____

d. _____

4. Technical data was signed and stamped by a Missouri Professional Engineer: Yes: No

Engineering Firm: _____

5. **IF ANSWERED YES, CERTIFICATION MUST BE PROVIDED PRIOR TO THE ISSUANCE OF A PERMIT TO DEVELOP, THAT THE PROPOSED DEVELOPMENT WILL RESULT IN NO INCREASE IN THE BASE (100-YEAR) FLOOD ELEVATIONS.**

Office Use Only APPLICATION APPROVAL/DENIAL

Appeal Approved Yes: No

Comment Approved: Yes: No

On: _____
Date

Authorizing Official

Samuel T. Barber, CFM, Customer Assistance Director
Print Name and Title

ANY APPEAL APPLICATION RECEIVED WHICH IS NOT SUPPORTED BY SCIENTIFIC OR TECHNICAL DATA WILL NOT BE FORWARDED AS AN APPEAL, BUT AS A COMMENT. COMMENT WILL BE CONSIDERED BY FEMA BUT WILL NOT RECEIVE A WRITTEN RESPONSE.

Submittal Processed on _____ By _____

Submitted to FEMA and SEMA on _____ By _____

Decision letter sent to applicant on _____ By _____

Process Explanation:

Section 110 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) is intended to ensure an equitable balancing of all interests involved in the setting of BFE determinations. The legislation provides for an explicit process of notification and appeals for your community and for private persons prior to this office making the BFE determinations final. The appeal procedure is outlined below for your information. The regulations FEMA developed to implement Section 110 are listed in Title 44, Chapter I, Part 67, Code of Federal Regulations. A copy of the NFIP regulations is enclosed.

Our 90-day appeal period started on June 15, 2010 and ends on September 12, 2010. Any owner or lessee of real property in our community who believes his or her property rights will be adversely affected by the BFE determinations may appeal to City of St. Joseph, Community Floodplain Manager not later than September 12, 2010. All appeals and comments must be sent to City of St. Joseph, Attn: Community Floodplain Manager, Room 107, City Hall, 1100 Frederick Ave, St. Joseph, MO. Note that the 90-day appeal period is statutory and cannot be extended or shortened for any reason. It is important to know, however, that the sole basis for the appeals is having knowledge or information indicating that the proposed BFE determinations are scientifically or technically incorrect. However, inquiries regarding data other than the proposed BFE determinations (e.g., incorrect street names, typographical errors, omissions) will be considered as comments and not appeals. Any applicable changes will be made before the revised FIS report and FIRM become effective.

Your appeal will be reviewed and a written decision returned to you by your Community Floodplain Manager stating whether the evidence presented is sufficient to justify an official appeal by us on your behalf. Our decision whether to file your appeal will be made and sent to FEMA within the 90-day appeal period and at the same time a copy sent to the FEMA Region VII, 9221 Ward Parkway, Suite 300, Kansas City, Missouri 64114. Any appeal received after September 12, 2010 will be considered comments.

If the FEMA Region does not receive an appeal from us within the 90 days provided, FEMA shall consolidate and review on their own merits the individual appeals, which we have on file and forwarded to them. FEMA's final decision will be in writing, and copies will be sent to each individual appellant and the State coordinating agency. The appeal resolution process will consider any scientific or technical data submitted by us intended to negate or contradict the information upon which the proposed BFE determinations are based. The appeal will be resolved by consultation with us, an administrative hearing, or submission of the conflicting data to an independent scientific body or appropriate Federal agency for a determination. FEMA will determine the method for resolution.

If we cannot submit scientific or technical data before the end of the 90-day appeal period, we may nevertheless submit data at any time as specified in Part 65 of the NFIP Regulations. If warranted, FEMA will revise the FIRM again after the effective date.

The reports and other information used for the final determination will be made available for public inspection. Until the conflict of data is resolved and the FIRM becomes effective, flood insurance available within your community will continue to be available in accordance with the effective FIRM dated September 19, 1984.

If warranted by substantive changes, during the appeal period, FEMA will send to us revised copies of the FIS report and FIRM. At the end of the 90-day appeal period and following the resolution of any appeals, FEMA will send us a letter of final BFE determinations. The FIRM panels for Buchanan County, Missouri and Incorporated Areas have been computer-generated. Once the FIS report and FIRM are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to us for use in a computer mapping system. These files can be used in conjunction with other thematic data for purposes of floodplain management, insurance determinations, and many other planning applications.