



Oregon Implementation Plan for NFIP-ESA Integration (National Flood Insurance Program and Endangered Species Act)

FEMA regional representatives held a meeting in Tillamook on 4/5/23, (video link on Corb.us website) outlining proposed changes and future land use modifications for the National Flood Insurance Program (NFIP).

Our community being involved with the NFIP ensures we are eligible for federal flood insurance coverage but also requires regulatory land use and development standards within the Special Flood Hazard Area (SFHA) per FEMA and City Ordinances.

In 2009 the Portland Audubon Society brought a lawsuit against FEMA regarding the Endangered Species Act which requires federal agencies to ensure that any action they authorize, fund, or conduct does not jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of their habitat. A settlement was reached resulting in FEMA consulting with the National Marine Fishery Service who in In 2016 issued a biological opinion (BiOp) that the current implementation is likely to jeopardize the continued existence of 16 fish species listed as threatened or endangered.

FEMA was then tasked to modify the NFIP implementation so development actions in floodplains would result in 'no net loss' to key habitats. "No net loss" means that mitigation of all negative impacts is provided on site, within the same reach, or in the same watershed, with increasing mitigation ratios for each.

1. Flood storage (as impacted by development in the SFHA that involves fill)
2. Water quality (as impacted by addition of impervious surface in the SFHA)
3. Riparian vegetation (development that removes vegetation at or near the edge of rivers and streams)

The proposed modifications will require additional regulations and restrictions for land use and development within SFHA properties. The Implementation Plan requires communities to adopt regulations to continue to be involved within the NFIP program.

Below are examples of possible future restrictions on a land use basis for our local community;

- Prohibition of new land divisions that create lots or parcels without buildable area outside of the SFHA
- Avoidance measure(s) to steer new development away from part or all of the SFHA
- Avoid flood-related erosion and protect habitat values of native vegetation in areas immediately surrounding waterways with creation of vegetated setback for all aquatic features in SFHA zones.
- Requirement to use structural elevation storage vs. fill in the floodplain, where possible, and to mitigate all development impacts to flood storage.
- Limit and/or mitigate new development impacts to water quality through restrictions on impervious surfaces.
- Implementation of binding stormwater policies and/or programs, including post-construction stormwater performance standard.
- Effectively offset any remaining new development impacts to the 3 floodplain functions through compensatory mitigation of all remaining impacts which are; Flood Storage – Fill, Water Quality – Impervious surfaces, Riparian Vegetation - Removal of existing vegetation.

The timeline for the implementation is currently in the review process (2022-2024) with estimated community implementation in 2025.