



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

What is this?

In 2009 Portland Audubon Society brought lawsuit against FEMA regarding the Endangered Species Act (ESA – est. 1969).

ESA requires federal agencies conduct does not jeopardize endangered or threatened species or destruction and/or adverse modification of their habitat.

A settlement was reached resulting in FEMA consulting with the National Marine Fishery Service who 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.



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

What is this?

FEMA was then tasked to modify the NFIP so development actions in floodplains would result in 'no net loss' to key habitats.

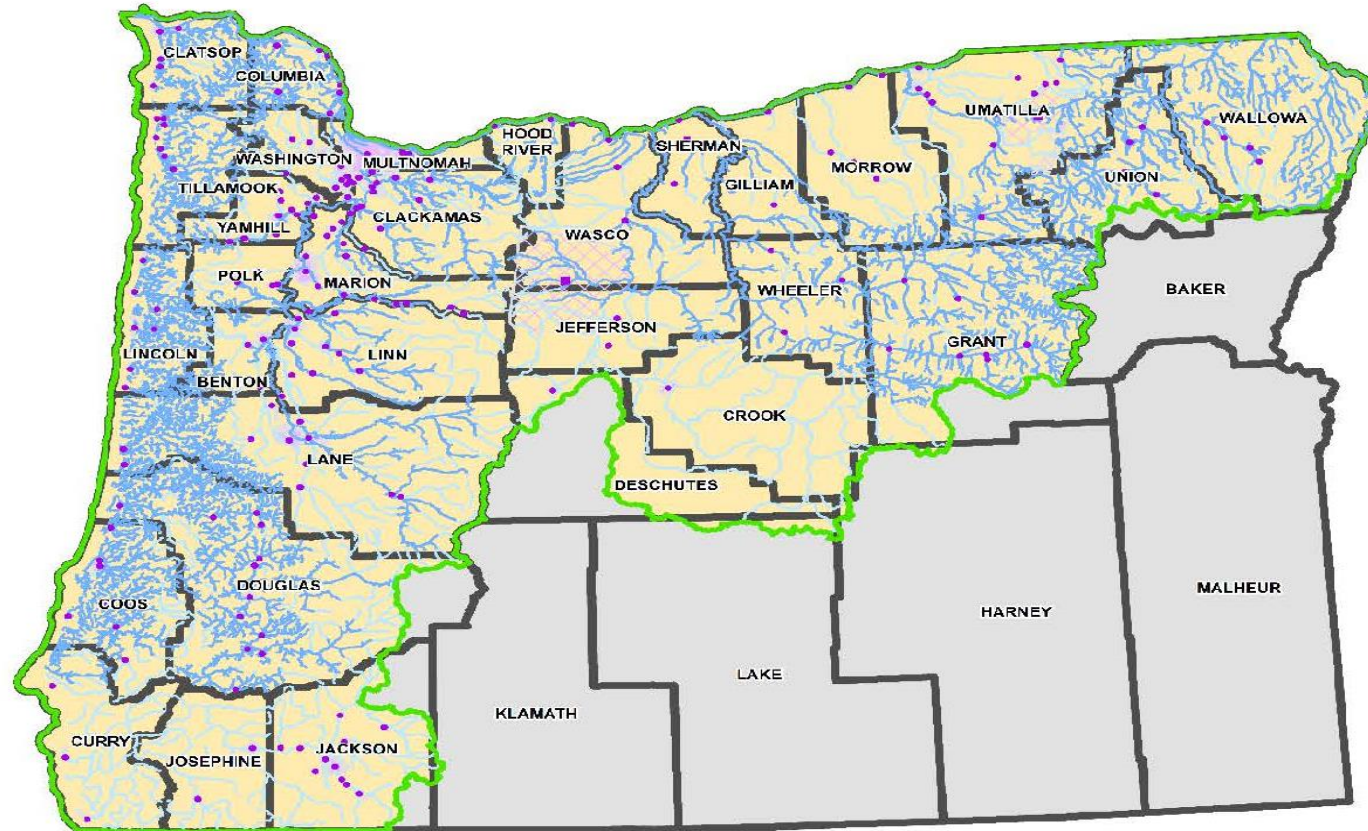
“No net loss” means that mitigation of all negative impacts is provided on site, within the same reach, or in the same watershed, with increasing mitigation ratios for each.

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.



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



1 in = 60 miles 1:3,801,600

OREGON NFIP BIOP ACTION AREA

2021.09.28

LEGEND

- ▬ OREGON NFIP ACTION AREA
- ▬ CRITICAL HABITATS (SALMON/STEELHEAD)*
- ▬ MAJOR STREAMS
- COUNTIES
- NFIP PARTICIPATING TRIBES
- NFIP PARTICIPATING COMMUNITIES

ABOUT

This map displays the Oregon NFIP BIOP Action Area where critical habitats for salmon and steelhead (and areas upstream of those habitats) are displayed in relation to NFIP participating tribes and jurisdictions. Most NFIP-participating communities within Oregon have all or a portion of land within the BIOP Action Area, with the exception of Baker, Harney, Klamath, Lake, and Malheur Counties.

*Critical Habitats are via NOAA Fisheries: <https://www.fisheries.ncaa.gov/resource/map/critical-habitat-salmon-and-steelhead-all-west-coast>



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

Why do we need to comply with the new NFIP regulations?




- Participation in the NFIP is voluntary but necessary for federal flood insurance.
- FEMA sets minimum standards; communities may adopt stricter standards.
- Communities are responsible for adoption & enforcement of standards.
- FEMA may place communities on probation or removed if they fail to adopt or enforce standards.
- Removal means property owners would not qualify for federally backed flood Insurance or Federal Assistance in a Flood disaster.
- No federal mortgage insurance or loan guarantees can be provided in identified flood hazard areas not in NFIP.



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

What is the intention of the SFHA new requirements?

To ensure communities do not allow new unmitigated impacts to three key natural functions of floodplains from new development. Setting a standard of “no net loss” of the three natural floodplain functions.

Floodplain Function	<i>Examples of Potentially Harmful Development Activities</i>
 Flood Storage	<i>Placement of fill</i>
 Water Quality	<i>Addition of impervious surface</i>
 Riparian Vegetation	<i>Removal of existing vegetation</i>



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

What is the intention of the SFHA new requirements?

- Avoid new development in areas of greatest flood risk and habitat value
- Avoid flood-related erosion & protect habitat values of native vegetation in areas immediately surrounding waterways
- Mitigate any remaining new development impacts to the 3 floodplain functions



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

What are examples of proposed new regulations?

- Prohibition of new land divisions that create lots or parcels without buildable area outside of the SFHA
- Limit density to 1 unit (with exceptions to address state and local allowances for ADU's etc.)
- Prohibit new development where there is a buildable area outside the floodplain.
- Use of structural elevation vs. fill in, where possible, mitigate all development impacts to flood storage.
- Restrictions on additions of impervious surfaces.
- Creation of a vegetated setback or corridor for all aquatic features.
- Implementation of binding stormwater policies.
- Effective compensatory mitigation of all remaining impacts.



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

New Land Division & Model Code



Buildable Area



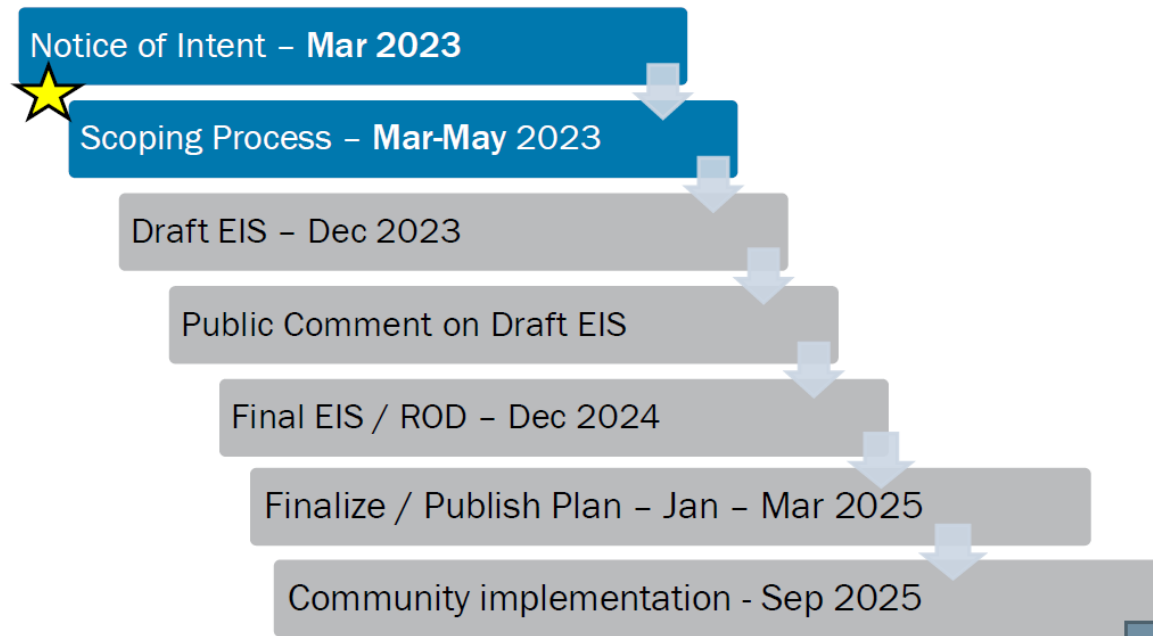


Oregon Implementation Plan for NFIP-ESA Integration (National Flood Insurance Program and Endangered Species Act)

How do I find out more?

FEMA presentation and additional supplemental documents on City website

FEMA representatives' presentation in Tillamook on 4/5/23 available on City website.





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

What can I do?

Provide commentary and input to FEMA, all comments are due by 5/5/23.

Written Comments email to: FEMA-R10-ESAcomments@fema.dhs.gov

**Written Comments: Ms. Science Kilner, Regional Environmental Officer
FEMA Region 10
130 228th St. SW
Bothell, WA 98201**