






What modifications are being proposed to the NFIP in Oregon?

As required by the Endangered Species Act (ESA), the National Marine Fisheries Service (NMFS) issued a Biological Opinion in 2016 on the NFIP in Oregon. In 2020-2021, the Oregon NFIP Implementation Planning Group, informed by the Oregon Department of Land Conservation and Development (DLCD) stakeholder work groups, developed the draft Oregon Implementation Plan for NFIP-ESA Integration (the Plan). The Plan outlines the performance standards NFIP-participating communities must meet to ensure the implementation of the NFIP in Oregon is compliant with the ESA and that floodplain development actions do not jeopardize ESA-listed species and their critical habitat.

The proposed changes include: (1) information changes provided by FEMA to Oregon NFIP-participating communities, (2) changes to mapping products, and (3) reporting requirements for these communities. NFIP-participating communities must also meet a standard of “no net loss” for three key natural floodplain functions essential to the survival of the ESA-listed species in Oregon.

How does the Plan impact me and my community?

NFIP-participating communities will have to ensure that negative impacts to the following three floodplain functions are either avoided or fully mitigated when approving floodplain development with their jurisdictions: flood storage, water quality, and riparian vegetation. The goal is for floodplain development in Oregon to achieve “no net loss” to these functions. “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.

-  **Flood Storage**
no net increase in fill
-  **Water Quality**
no net increase in impervious surface
-  **Riparian Vegetation**
no net loss of trees

Environmental Impact Statement (EIS) for Modifications to the National Flood Insurance Program (NFIP) — Endangered Species Act (ESA) Integration in Oregon

Why is FEMA preparing this Environmental Impact Statement (EIS)?

An EIS review is required for all federal actions with the potential to significantly impact the human environment, so that the following objectives can be met:




Stakeholders and the public can provide input to decision-making and understand action-related environmental effects.



Mitigation measures may be incorporated that will reduce or eliminate the potential for impacts.



 **OR EIS website**
<https://www.fema.gov/about/organization/region-10/oregon/nfip-esa-integration>



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What options will communities have to meet the new standards?

The Plan identifies four paths that communities can take:

- Path A:** Adopt a model ordinance which will provide suggested updates to floodplain management code.
- Path B:** Submit to FEMA an ordinance checklist for new and/or existing policies that address the higher standards.
- Path C:** Develop and implement a community compliance plan, approved prior to implementation by FEMA (in coordination with NMFS), that meets the “no net loss” goal at the community level (e.g., ESA 4(d) limit).
- Path D:** Develop and implement a community-level Habitat Conservation Plan (Section 10 requirements of the ESA).

A community may choose a single path for their entire jurisdiction or different paths in different parts of the jurisdiction. FEMA will provide support to communities as they develop a strategy that best fits their floodplain management programs.

What is the NEPA Process?

The National Environmental Policy Act (NEPA) requires federal agencies to review, disclose, and consider impacts to the natural, physical, and socioeconomic environment prior to undertaking a federal action. The NEPA process encourages the public to participate in the review process during public comment periods.

The NEPA process is shown below. The dark-blue steps represent notices or publications that FEMA will distribute throughout the process. The light-blue steps represent opportunities for the public to comment.

FEMA has determined that the NEPA analysis for the Proposed Action should be an EIS as there is the potential for significant impacts to the human environment.

The NFIP–ESA Integration EIS will evaluate the impacts on the natural, physical, and human environment, and will analyze the effects of the new performance standards on how the NFIP is implemented in Oregon for ESA compliance.



Get Involved!

FEMA wants to hear from you. FEMA is seeking relevant information, studies, or analyses about impacts that the Plan may have on property owners, developers, and communities.

Specifically, please comment on the potential effects that the Proposed Action could have on



Biological resources

(e.g., ESA-listed species and their habitats)



Physical resources and natural floodplain functions

(e.g., geology, ground and surface water, coastal zone)



Socioeconomics

(e.g., community land use planning, economics, social structures, development plans, minority and low-income populations, Tribes, infrastructure, agriculture, energy transmission, and transportation).



Other Reasonable Alternatives

(e.g., additional or alternative avoidance, minimization, and mitigation measures that achieve the performance standard of no-net loss of three key natural floodplain functions)

How can you comment?

Written comments may be provided during the comment period at: <https://www.regulations.gov>; Docket ID FEMA-2023-0007

Comments may also be provided by mail or at the virtual and in-person public meetings.



OR EIS website

<https://www.fema.gov/about/organization/region-10/oregon/nfip-esa-integration>



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