

# September 2024 Update

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

### Cooperating Agency Review

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Over the past quarter, Cooperating Agencies have reviewed the Draft Implementation Plan, Path C—Custom Community Plan—Guidance, and sections of the EIS. FEMA appreciates the time and attention that Cooperating Agencies have taken to review and provide thoughtful comments.

The Implementation Plan will inform decision-makers, floodplain administrators, developers, and property owners about the proposed changes to the administration of the NFIP in Oregon. It also forms the basis for the analysis of impacts to be presented in the EIS. The Plan will be released for public comment at the same time as the Draft EIS is published.

This September 2024 Quarterly Update focuses on one aspect of the Plan—the proposed Riparian Buffer Zone.

### Riparian Buffer Zone (RBZ)

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**What is a Riparian Buffer Zone?** An RBZ is the area of land that borders rivers, streams, lakes, and other bodies of water. The RBZ provides many benefits to fish species both during and between flooding events. It can serve as important habitat for fish. During flood events, fish disperse up into this refuge, following slower moving waters away from high velocity flows in the floodway and the main channel. While in the area, fish benefit from the vegetation, insects, and other food sources that may be present. Vegetation filters sediment and pollutants from runoff, provides shade thereby moderating water temperature, provides shelter for juvenile fish, and contributes debris and nutrients to the waterway. Vegetation also stabilizes eroding banks.

FEMA is proposing to establish a standard 170-foot RBZ for use in NFIP-ESA integration in Oregon. There is typically significant overlap between the Special Flood Hazard Area (SFHA) and the RBZ. Depending on the size of the SFHA, the RBZ may encompass some or all of the SFHA.

**How is it measured?** The outer boundary would be measured from the ordinary high water mark of a fresh waterbody (lake; pond; ephemeral, intermittent, or perennial stream) or from the mean higher-high water line of a marine shoreline or tidally influenced river reach, and extends for 170 feet. This distance generally equates to about 80 percent of the maximum potential tree height of common tree species in the plan area and would be expected to provide an equivalent or greater percentage of associated riparian functions in most instances. The RBZ would include the area between these outer boundaries on each side of the stream, including the stream channel. In instances where the 170-foot RBZ may extend farther than the SFHA, only impacts occurring in both the RBZ and the SFHA would need to be mitigated.



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OR EIS website

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



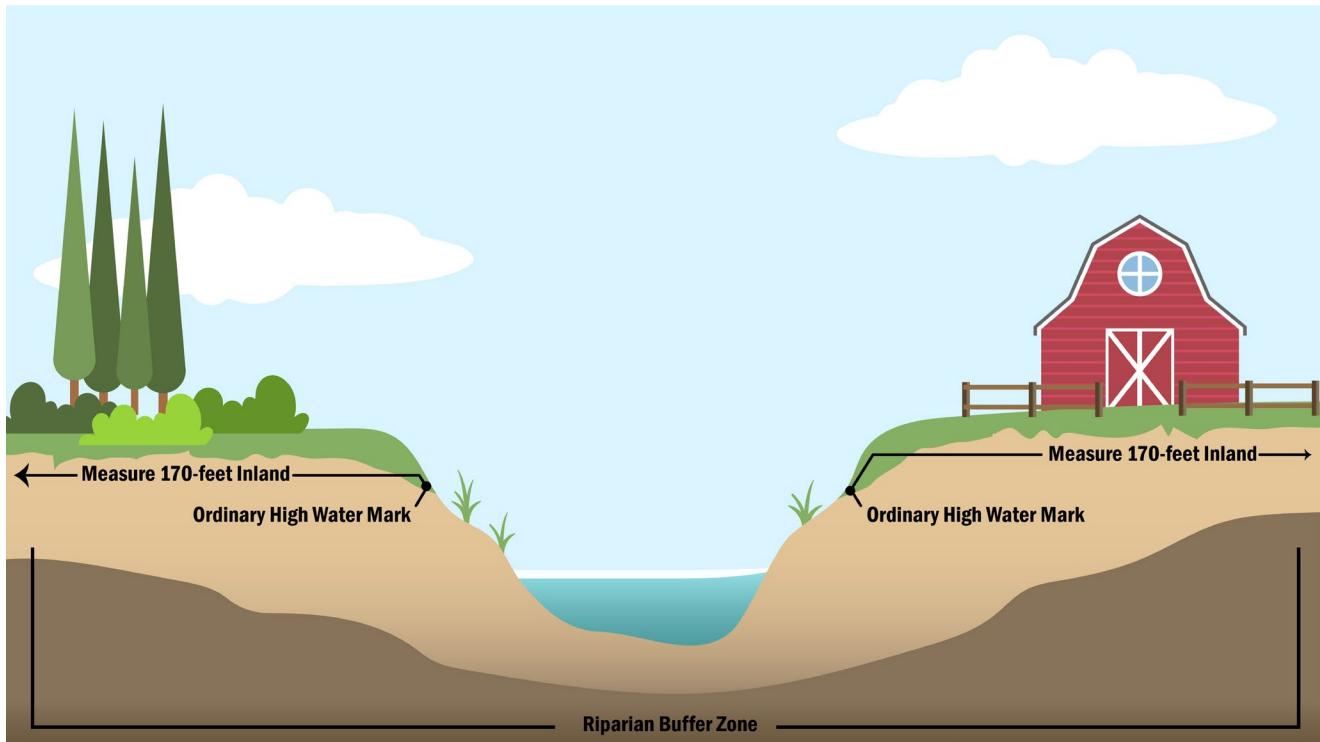


Figure 1. Proposed Riparian Buffer Zone

**What will be required for floodplain development?** FEMA is proposing mitigation ratios required for no net loss in the RBZ for each floodplain function. Habitat restoration activities in the RBZ would be considered self-mitigating and not subject to the no net loss standards. Development that is dependent on being located with the RBZ to function (i.e., functionally dependent on water) would require no net loss (see box below). Development that occurs in the RBZ but is not a habitat restoration activity nor a riparianly dependent use would require no net loss as well as an additional standard of beneficial gain.



### Definitions of Functionally Dependent Use and Beneficial Gain

**Functionally Dependent Use:** A use which cannot perform its intended purpose unless it is located or carried out in proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Beneficial Gain:** Going beyond no net loss to provide additional benefits with no negative component to ESA-listed species and essential fish habitats. FEMA's beneficial gain standard is that five percent of the RBZ for any development site that is not a functionally dependent use shall be planted with a mix of onsite, native riparian vegetation (includes herbaceous, shrubs, and trees) that is optimized for the site conditions and use.

**Can a community propose a different RBZ based on local habitat conditions?** Path C (Custom Community Plan) offers opportunities to adopt a deviation to the 170-foot RBZ (to no less than 50-feet) based on the local maximum potential tree height or existing riparian functions of the RBZ. Communities could also propose a localized definition of beneficial gain. See the [March 2024 Quarterly Newsletter](#) for examples of Path C flexibility.



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