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FAQ: What is the “Protected Area”?

The Reasonable and Prudent Alternative (RPA) defines an area within the floodplain that comprises a zone where protection of natural features and functions is of greater importance for salmonid fitness and survival. The RPA calls this zone the Riparian Habitat Zone (RHZ). In order to lessen confusion between the RHZ and the Riparian Buffer Zone (RBZ) FEMA has referred to this zone as the “Protected Area”.

The RPA sets a No Adverse Effects standard for development in the FEMA floodway, the Channel Migration Zone plus 50 feet, and the Riparian Buffer Zone, whichever measure is the largest. Defining the Protected Area in a rural environment is relatively straight forward. However, identifying the Protected Area in a developed environment may pose some challenges.

Where development has left few existing habitat features and functions adjacent to a stream or river, the largest measure of the Protected Area may be the Riparian Buffer Zone (RBZ) as identified using Washington State DNR stream-typing and DFW recommended buffer widths, because infrastructure and flood-control measures may effectively constrain the floodway and the channel migration zone. In marine shorelines the RBZ defines the Protected Area.

Per the RPA and May 14, 2009 errata letter the required RBZ widths are as follows:

- 250 feet from Type S (Shorelines of the State) streams
- 200 feet for Type F streams (fish bearing greater than 5 feet wide and marine shorelines)
- 150 feet for Type F stream less than 5 feet wide
- 150 foot to 225 feet for type N (non salmonid-bearing) perennial and seasonal streams, depending on slope stability (the 225 foot buffer applies to unstable slopes)

While the RPA asks for protection of the CMZ plus 50 feet, it acknowledges that infrastructure may prevent a jurisdiction from allowing natural channel movement in all but Shoreline Management Act “rural conservancy” and “natural shoreline” designations (see footnote 22 of NFIP BO, page 222). Similarly, the presence of a levee may constrain the floodway to a very narrow band adjacent to the stream or river. In these circumstances, the largest measure of the Protected Area is likely to be the Riparian Buffer Zone. Separate FAQs discuss riparian buffer zone (RBZ) management and the requirements to delineate the CMZs.

Within the Protected Area, development actions that would adversely affect salmonid habitat functions are not allowed. To manage the Protected Area to a “no adverse effects” standard, communities may use several of their existing regulatory programs, for example the Growth



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Management Act critical areas ordinances, Shoreline Master Programs, and/or flood hazard management ordinances or plans. So long as local requirements, individually or taken together, preserve the habitat functions that remain in the Protected Area, no additional or expanded buffer designation is necessary. However, communities should assess their zoning, lot size and growth potential within the Protected Area to anticipate future uses, and how impacts to functions will be avoided. In some circumstances, ordinance or zoning changes may be necessary to prevent future adverse effects of development on the remaining habitat features or functions, especially in those cases where a community's existing regulatory buffers are narrower than those prescribed in the RPA (See the FAQ on RBZs)

Another potential option is for jurisdictions to propose a restoration package(s) for those watersheds where anticipated future development in the Protected Area would result in an incremental loss of some function(s). It is important to note that impacts can be short-term (like turbidity from land disturbance) and long-term (such as removing trees, and filling the floodplain to elevate new structures). If a community chooses to estimate future impacts in the Protected Area, and balance those with a comprehensive restoration strategy, both short and long term effects will need to be factored, along with a mitigation ratio that anticipates temporal loss of function, and a margin of failure rate. The overall net result must be that adverse effects to ESA listed fish species do not result from land development and other ground disturbing actions over short- or long-term temporal scales, at either project area or larger spatial scales. Please also refer to the separate memo that discusses appropriate spatial and temporal scales for habitat analysis for more discussion on this topic.