

# National Flood Insurance Program - Endangered Species Act Integration in Oregon Draft Environmental Impact Statement and Updated Draft Implementation Plan



FEMA

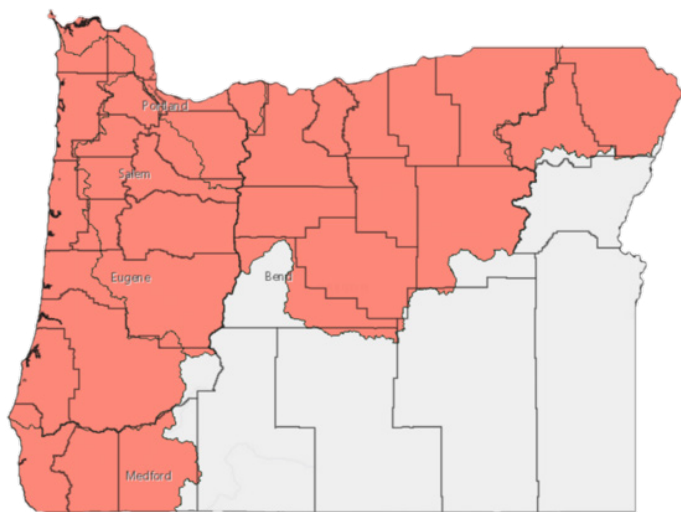


**August 2025**

The Federal Emergency Management Agency (FEMA) has developed a Draft Environmental Impact Statement (EIS) and updated Draft Implementation Plan for National Flood Insurance Program-Endangered Species Act Integration in Oregon.

## About the Draft Implementation Plan for NFIP-ESA Integration

The purpose of the NFIP is to minimize the long-term risks to lives and property from the effects of flooding, while reducing costs of flood damages to taxpayers. Communities that choose to participate in the NFIP are required to adopt and enforce floodplain management regulations that meet minimum standards to gain access to federally underwritten flood insurance and financial assistance.



**Oregon Plan Area**

FEMA implements the NFIP, which is under review in Oregon for potential changes in implementation procedures to comply with the ESA and Magnuson-Stevens Fishery Conservation and Management Act (MSA). In 2016, the National Marine Fisheries Service (NMFS) concluded that the NFIP as implemented in the Oregon plan area would result in jeopardy of listed fish species and the Southern Resident killer whale, result in destruction or adverse modification of designated critical habitat and adversely affect essential fish habitat (EFH). In response, FEMA worked with the Oregon Department of Land Conservation and Development (DLCD) and interested stakeholders to address the integration of ESA and MSA considerations into the implementation of the NFIP in the Oregon plan area, informing the development of the 2021 Draft Oregon Implementation Plan for NFIP-ESA Integration, which was updated as part of this EIS.

## Environmental Process

Under the National Environmental Policy Act (NEPA), federal agencies are required to evaluate the effects of their proposed action prior to making a decision. In March 2023, FEMA initiated the scoping process under NEPA (88 FR 13841) to gather input on the range of alternatives and potential impacts to be studied in the Draft EIS. FEMA has now prepared a Draft EIS to evaluate the potential impacts from the natural and human environment proposed modifications to the implementation of the NFIP in the Oregon plan area.

## What is included in the updated Draft Implementation Plan?

FEMA has also released an update to the 2021 plan that incorporates public comments received during the scoping process. The updated Draft Implementation Plan outlines the no net loss standards that communities within the Oregon plan area would need to implement for participation in the NFIP. These net loss standards consist of mitigation ratios to offset impacts on three floodplain


**No net loss** requires that adverse impacts must be avoided or offset through mitigation so that there is no net change in the habitat function from the authorized existing condition (i.e., from when a floodplain permit application is submitted).

functions, riparian buffer zone (RBZ) requirements, as well as changes in reporting requirements. The RBZ is an area of land bordering rivers, streams, and other water bodies, that serves as an important habitat to fish during flooding events.




### How would implementation of the NFIP change in the Oregon plan area?

The no net loss standards would apply to development that:

- Occurs in an Oregon NFIP participating community within the plan area
- Is in the special flood hazard area (SFHA)
- Meets FEMA’s definition of development



**Development** includes all ground disturbance (e.g., buildings, roads, driveways, or culvert).

Floodplain functions	Examples of potentially harmful development activities
 Flood storage	Placement of fill, structures, and/or facilities that occupy space
 Water quality	Adding surfaces, like pavement or roofs, that prevent water from absorbing into the soil
 Vegetation	Removal of trees over 6 inches in diameter at breast height (dbh) or larger near rivers, streams, and other water bodies

**No net loss standards apply to three floodplain functions.**

### Alternatives Under Consideration

Identifying and analyzing alternatives is an essential part of the NEPA decision-making process. Key steps that informed alternatives included:

- FEMA hosted dozens of webinars, workshops, feedback sessions, and meetings, all of which informed the process of developing alternatives that would meet the purpose and need,
- FEMA used a three-part screening evaluation to identify reasonable alternatives that were consistent with purpose and need, were technically and economically feasible, and were different from other alternatives in terms of the implementation and anticipated impacts.

The Draft EIS presents the No Action Alternative and two reasonable Action Alternatives as shown in the table below.<sup>1</sup>

	Alternative 1 No Action	Alternative 2 No Net Loss Except for Project-Specific Endangered Species Act (ESA) Compliance	Alternative 3 No Net Loss for All Projects
Meets ESA and MSA requirements	X	✓	✓
No net loss requirements	N/A - No change to NFIP in Oregon	<b>No net loss required for projects:</b> <ul style="list-style-type: none"> <li>• That are in the Special Flood Hazard Area (SFHA)</li> <li>• That meet the definition of development</li> </ul> <i>No net loss (NNL) is <b>not required</b> for projects that have other ESA compliance.</i>	<b>No net loss required for projects:</b> <ul style="list-style-type: none"> <li>• That are in the SFHA.</li> <li>• That meet the definition of development.</li> <li>• Regardless of other ESA compliance.</li> </ul>
Key benefits and impacts	Adverse impacts to ESA-listed species, designated critical habitat, and EFH.	<ul style="list-style-type: none"> <li>• Avoids cost and complexity for projects with other ESA compliance.</li> <li>• May result in some impacts to floodplain functions when NNL not required.</li> </ul>	<ul style="list-style-type: none"> <li>• Additional protection for floodplain functions.</li> <li>• Likely results in additional mitigation measures for projects with other ESA compliance.</li> </ul>

<sup>1</sup> The impacts listed in the table for the No Action Alternative are based on the NMFS Biological Opinion.

## Potential Impacts and Benefits

All three alternatives would result in adverse impacts on resources to varying degrees. The table below indicates the potential adverse and beneficial effects of each alternative.<sup>1</sup>

(S) Significant adverse   
 (LS) Adverse, less than significant   
 (BE) Beneficial effect   
 (NI) No impact compared to existing conditions

Resource	No Action Alternative	Alternative 2		Alternative 3	
Short term or long term impacts or benefits		Short Term	Long Term	Short Term	Long Term
Land Development, Use, and Value	(NI)	(S)		(S)	
Economic Impacts	(NI)	(S)		(S)	
Seismicity, Geology, Topography, Soils	(NI)	(LS)	(BE)	(LS)	(BE)
Water Quality	(LS)	(LS)	(BE)	(LS)	(BE)
Wetlands	(NI)	(S)	(BE)	(S)	(BE)
Floodplains	(LS)	(LS)	(BE)	(LS)	(BE)
Vegetation	(S)	(LS)	(BE)	(LS)	(BE)
Terrestrial Wildlife	(S)	(LS)	(BE)	(LS)	(BE)
Fish and Aquatic Wildlife	(S)	(LS)	(BE)	(LS)	(BE)
Threatened and Endangered Species	(S)	(LS)	(BE)	(LS)	(BE)
Tribal Treaty Rights	(S)	(LS)	(BE)	(LS)	(BE)
Hazardous Materials	(NI)	(LS)	(BE)	(LS)	(BE)
Transportation	(NI)	(S)		(S)	
Public and Critical Infrastructure, Health, and Safety	(NI)	(NI)	(S) (BE)	(NI)	(S) (BE)
<b>Total Significant Adverse</b>	<b>5</b>	<b>5</b>		<b>5</b>	
<b>Total Beneficial Effects</b>	<b>0</b>	<b>11</b>		<b>11</b>	

Please review the Draft EIS for more information on the potential adverse and beneficial effects of each alternative.

<sup>1</sup> The impacts listed in the table for the No Action Alternative are based on the NMFS Biological Opinion.



Under all alternatives, the significant economic benefit of the NFIP would remain for communities that participate.

**No Action Alternative** would result in the following impacts:

- No impact on land use compared to existing conditions.
- According to the biological opinion issued by NMFS, the adverse impacts on biological resources will result in the destruction or adverse modification of designated critical habitat and adversely affect EFH.

**Alternatives 2 and 3** would have the following impacts:

- Significant impact on land use based on the potential for some development to move outside of the SFHA due to increased costs for mitigation and the use of land in the SFHA for mitigation thereby reducing development potential and associated potential need for Urban Growth Boundary (UGB) expansion.
- Significant economic impact based on the cost and complexity to implement the no net loss standards.
- Short-term adverse impacts on biological resources related to construction activities to implement the no net loss standards. Soil loss and compaction, vegetation alteration, and pollutants from construction equipment associated with no net loss standards could impair habitat quality, reduce biodiversity, and alter habitat connectivity.
- No net loss standards in the SFHA would result in beneficial effects on fish and aquatic wildlife, including aquatic threatened and endangered species.
- Some adverse impacts on terrestrial habitats and species may still occur due to the potential for development to favor land outside of the SFHA to avoid the cost and complexity of the no net loss standards.
- Compared to existing conditions, reduced impacts on biological resources in the long term by implementing the no net loss standards in the SFHA, which would result in beneficial effects on aquatic habitats and associated special-status species.

Alternative 2 and Alternative 3 would have the same number of significant impacts; however, **Alternative 3 would generally result in impacts and beneficial effects occurring more broadly than under Alternative 2** because the no net loss standards would be applied to developments with and without project-specific ESA compliance through other means.



***Aerial shot of a bridge in Corvallis, Oregon crossing the Willamette River.***

## Learn More and Share your Comments!



Public comments can be submitted from August 22 to October 6, 2025. Local governments, businesses, communities, agencies, tribes, and the public are encouraged to review and comment on the Draft EIS and updated Draft Implementation Plan. Please share your comments on the alternatives and their potential benefits and impacts on people, endangered species, and the environment. Comments on the Draft EIS should be specific and inform the Agency's selection among the alternatives.

Comments must be submitted by October 6 in one of the following ways:

- Visit FEMA's website for information about the dates, times, and locations of the **virtual public meetings** where you can provide verbal comments.
- Visit the **virtual room**, which will include an online comment form and materials about the Draft EIS and background about the updated Draft Implementation Plan for NFIP-ESA Integration.
- Submit a comment by
  - **Email:** [fema-r10-or-nfip-esa-integration@fema.dhs.gov](mailto:fema-r10-or-nfip-esa-integration@fema.dhs.gov)
  - **Mail:** NFIP OR-EIS, FEMA, Region 10, 130 - 228th Street SW, Bothell, WA 98021
  - **Fax:** 425-775-7560 Attention: FEMA NFIP OR EIS
  - **Online Comment Form:** <https://tinyurl.com/FEMA-OR-EIS-Comment>

**Visit FEMA's website to learn more and sign up for updates about the Draft EIS!**



You can also contact us at FEMA-R10-OR-NFIP-ESA-Integration@Fema.dhs.gov.

## Next Steps

FEMA will consider all input received during the Draft EIS public review and comment period. Following the public review and comment period on the Draft EIS, FEMA will develop a Final EIS, identify a preferred alternative, and publish a Record of Decision to conclude the NEPA process.

### Notice of Intent (NOI)

FEMA published an NOI to prepare an EIS on March 6, 2023.

### Scoping Period

In March 2023, FEMA initiated the scoping process under NEPA, gathering input over 3 months.

### Cooperating Agencies

In late 2023, seven Local, State, and Federal Agencies signed agreements with FEMA to assist on the Draft EIS.

### Draft EIS and Public Comment Period

In August 2025, FEMA published a Draft EIS, opening a 45-day comment period on the updated Draft Implementation Plan for the NFIP-ESA Integration in the Oregon plan area.

### Final EIS and Record of Decision

FEMA will consider input and develop a Final EIS and identify a preferred alternative.



**FEMA**

