

National Flood Insurance Program (NFIP) & Endangered Species Act (ESA) Integration in Oregon

Draft Environmental Impact Statement (EIS) and updated Draft Implementation Plan

Public Meetings

September 6, 8, 11, and 30th, 2025



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Pre-decisional and deliberative

Federal Emergency Management Agency 9/9/2025

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Note: This is the complete slide deck. Due to time constraints, not all slides are presented at every public meeting.

Meeting Purpose



Present updated Draft Implementation Plan and No Net Loss requirements.



Present findings of the Draft Environmental Impact Statement.



Answer questions.



Solicit comments.

Agenda

- Welcome and Introductions
- National Flood Insurance Program
- Statutes: ESA, MSA, and NEPA
- Updated Draft Implementation Plan
- Draft EIS Overview
- Draft EIS and Comment Period
- Stay Connected
- Q&A
- Public Comment Period



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MSA

NEPA

Plan

DEIS

Examples

Public
Comment

National Flood Insurance Program (NFIP)

Flood Impacts in Oregon

- In the United States, flooding is the **single greatest source of damage** from natural hazards.
- Congress created a National Flood Insurance Program (NFIP) following devastating flooding in the 1960s.
- Oregon had **400 flood insurance claims** from 2013-2017, with payments of over **\$6.7 million**.



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About the National Flood Insurance Program (NFIP)



- Protects lives and property.
- Reduces costs to taxpayers.
- Over 22,000 communities participate.



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- Floodplain mapping.
- Minimum floodplain management standards.
- Flood insurance coverage.
- Access to federal financial assistance in the Special Flood Hazard Area.



Community

- Adopts/enforces local floodplain management ordinances.
- Issues or denies floodplain development permits.
- May establish higher floodplain regulatory standards.

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Community

NFIP-participating community
any local government or tribal entity with
land use authority.

When do I need a permit under the NFIP?

1. Is the project happening in the Special Flood Hazard Area (SFHA) / i.e., Regulatory Floodplain?



2. Does the project meet the definition of Development?

44 CFR 59.1 *Development* means any man-made change to improved or unimproved real estate, including...



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When do I need a permit under the NFIP?

Examples of projects that meet the definition of development:

Buildings of any size (house, barn, commercial, etc.)

Terracing, fences, and any **structures**

Mining, dredging, filling, grading, excavation, drilling

Paving, roads, driveways, sidewalks

Bank stabilization, habitat restoration

Piers, marinas, port structures, boat ramps

Storage of equipment or materials

Drainage and utility infrastructure

Underground or at grade tanks



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Examples

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Endangered Species Act (ESA)

Magnuson-Stevens Fishery Conservation and Management Act (MSA)

National Environmental Policy Act (NEPA)

Endangered Species Act (ESA) Requirements



FEMA consulted on implementing the NFIP under ESA Section 7(a)(2).

Section 7(a)(2) of the ESA requires Federal agencies to ensure that any action they authorize, fund, or carry out is unlikely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of their habitat.



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Magnuson-Stevens Fishery Conservation and Management Act (MSA) Requirements

The MSA establishes national program for conservation and management of fishery resources of the U.S. including commercial salmon.

Under the MSA, federal agencies must avoid harming essential fish habitat (EFH), defined as areas fish need to live, grow, and reproduce.

Section 305 (b)(2) requires Federal agencies to consult with the National Marine Fisheries Service (NMFS) regarding whether their actions may adversely affect EFH.



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National Environmental Policy Act (NEPA)

- 1970 law that applies to all federal agencies.
- Evaluate impacts before making a decision.
- Environmental Impact Statement if significant effects.

NEPA Factors Considered:

- Land Development and Use
- Economic
- Environmental
 - Wetlands, Floodplains, Water Quality, Vegetation, Wildlife
- Cultural
- Tribal Treaty Rights
- Public and Critical Infrastructure



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Examples

Public
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Updated Draft NFIP-ESA Integration Implementation Plan

Oregon NFIP-ESA Draft Implementation Plan Status

- 2018: Proposed Strategy.
- 2019-2021: Worked with DLCD and other stakeholders.
- October 2021: Draft Implementation Plan.
- Spring 2023: Subject of NEPA Public Scoping
- August 2025: Updates Based on Comments Received during NEPA scoping.



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Oregon Implementation Plan for NFIP-ESA Integration

FEMA's response and proposed implementation approach for the 2016 Biological Opinion on the National Flood Insurance Program in Oregon

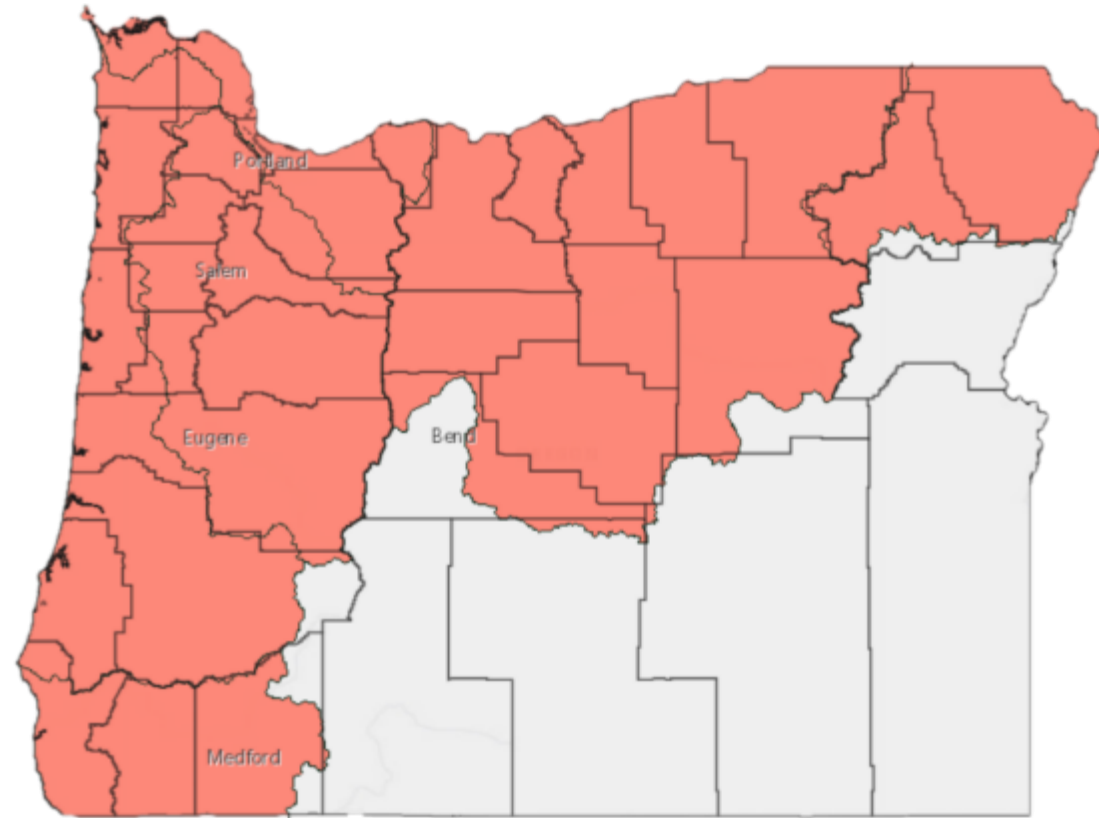
DRAFT, October 2021



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Oregon Communities Affected

- Changes apply to development actions that:
 - Occur in current or future Oregon NFIP participating communities within the plan area (based on Six Salmon and Steelhead Recovery Domains).
 - Are in the currently mapped or future Special Flood Hazard Area (SFHA).
 - Meet regulatory definition of development.
- **~90% of communities and counties and Two Tribes** are currently participating.
 - All communities that choose to participate in the future will be affected.



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Overview of 2016 NMFS NFIP Jeopardy Finding for Oregon



- Likely to jeopardize 16 ESA-listed fish species and orcas.
- Adverse modification of designated critical habitat.
- Adverse effects on essential fish habitat (EFH).

- Reasonable and Prudent Alternatives (RPAs).



- Modify NFIP in Oregon to ensure No Net Loss to key habitat functions.

No Net Loss: Adverse impacts must be avoided or offset through mitigation to ensure no change in habitat function.



“No Net Loss” (NNL) Standards & Floodplain Functions

NNL standards would apply to development with a new or increased footprint

Location-specific ratios for each proxy

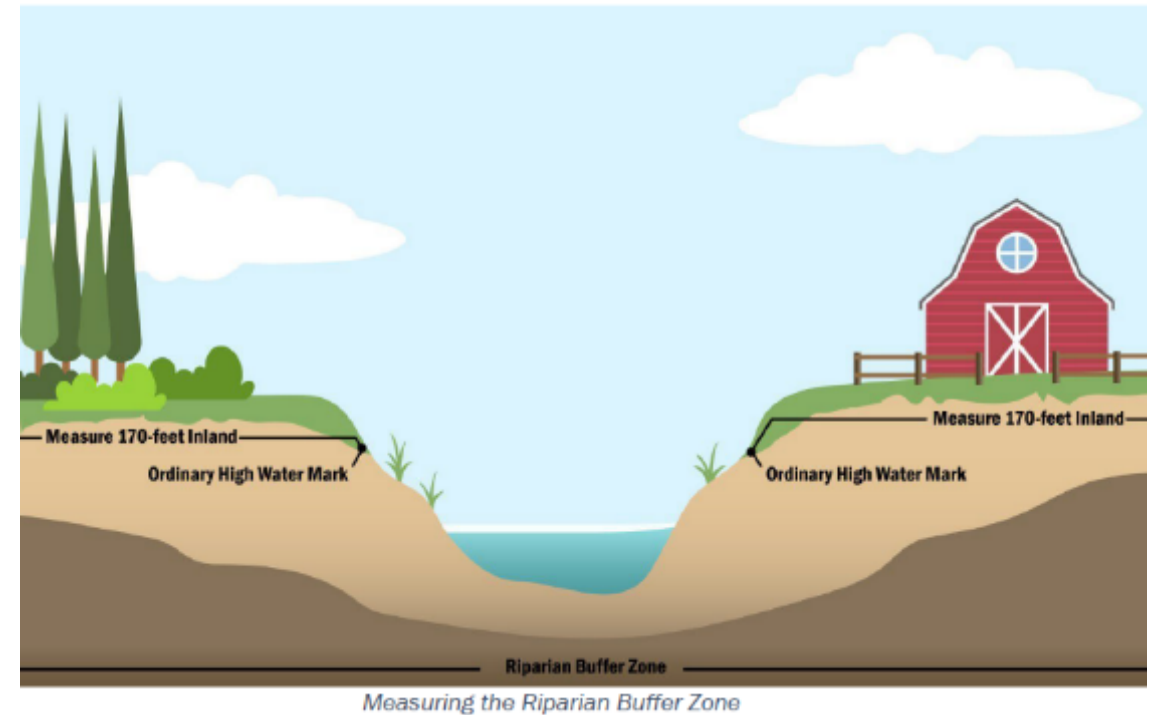
Floodplain Function	Proxy (No net loss of...)	Loss of
Flood Storage	Flood Storage Capacity	Fish accessible and egress-able habitat
Water Quality	Pervious surfaces	Natural filtration, temperature, flow
Vegetation	Trees 6 inches dbh	Canopy habitat, shade, filtration, wood, stabilization



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Riparian Buffer Zone (RBZ)

- No limits on use or development.
- Waterbody and immediate vicinity.
- Standard 170-foot RBZ.
- Vital refuge areas for fish species during and between flooding events.
- Higher mitigation ratios to achieve NNL.
- Exemption for habitat restoration
- Additional vegetation requirements for non-functionally dependent use.



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Location of Impact	Proportion of Mitigation to Impact (Mitigation : Impact)				
	Flood Storage Capacity	Pervious Surface	Trees		
			6-20 inches dbh	20-38 inches dbh	>39 inches dbh
In Floodway	2:1	1:1	3:1	5:1	6:1
In Riparian Buffer Zone	2:1	1:1	3:1	5:1	6:1
In Remainder of SFHA	1.5:1	1:1	2:1	4:1	5:1
Mitigation Location Multipliers					
Mitigation in Same Reach	100%	100%	100%	100%	100%
Mitigation in Different Reach but Same Watershed	200%	200%	200%	200%	200%

3-dimensional space from existing ground to BFE

Mitigation Ratio Examples

Mitigation Ratio Example — NNL depends on conditions

Remove one
tree 35" dbh



Mitigate in RBZ
in same reach



Replant 5

In different
reach, same
watershed



Replant 10

Remove one
tree 10" dbh

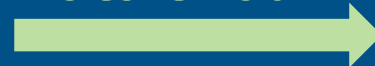


Mitigate in RBZ
in same reach



Replant 3

In different
reach, same
watershed



Replant 6

Four Paths to Compliance

A	B	C	D
Adopt a model ordinance	Complete an ordinance checklist	Develop a customized community plan	Pursue alternative ESA compliance at the community level.
Developed by FEMA.	Demonstrate that new and/or existing local policies address the required elements of the model ordinance. Includes future State requirements	Customize, mix, and match to implement NNL at community or sub-community level Can include Parcel-by-Parcel and a future State pathway.	Working directly with NMFS: Habitat Conservation Plan under ESA Section 10(a)(1)(B) or an ESA Section 4(d) Limit authorization, as appropriate. This path allows for alternatives to no net loss



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Path C Examples

- Path C, the community compliance plan, provides flexibility for communities to develop a customized approach that reflects their unique characteristics.
- A community may be able to customize the plan to include one or more of the following:
 - *Local Floodplain Mitigation Banks*
 - *Parcel-by-Parcel Implementation of No Net Loss*
 - *Community-specific geographic adjustment to the no net loss standard*
 - *Community-specific adjustment to the riparian buffer zone or mitigation ratios*



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Examples

Public
Comment

Draft Environmental Impact Statement (Draft EIS)

Purpose and Need

Purpose:

Ensure that the implementation of the NFIP in OR is consistent with ESA/MSA requirements.

Need:

- Avoid jeopardizing the continued existence of listed species.
- Avoid, minimize, or offset potential adverse effects on Essential Fish Habitat (EFH)
- Maintain consistency with FEMA's existing NFIP statutory and regulatory authorities and program objectives.

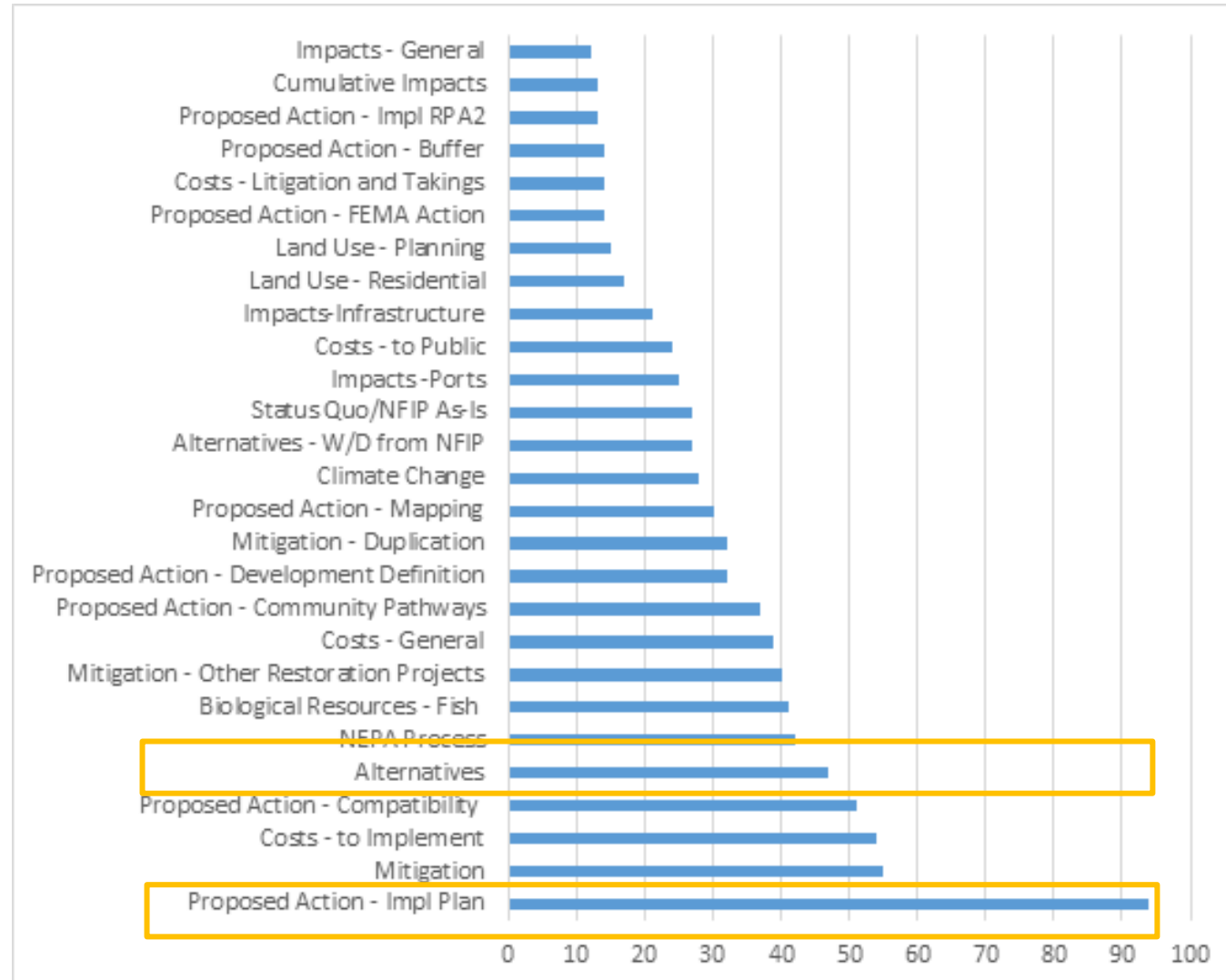


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Scoping Comments Received

- Public Scoping (Spring 2023):
 - 100 submissions
 - 1000 distinct comments
 - The graph on the right shows the number of comments received by topic.



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NEPA Cooperating Agencies



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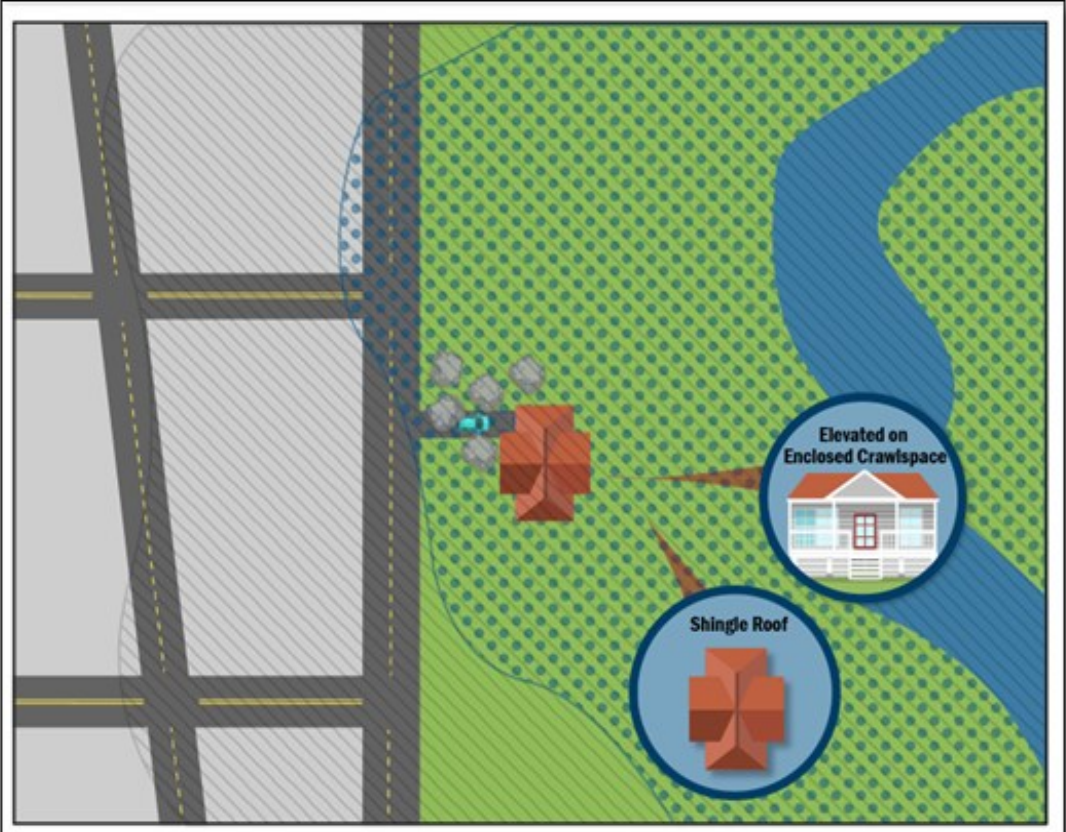
Examples

Public
Comment

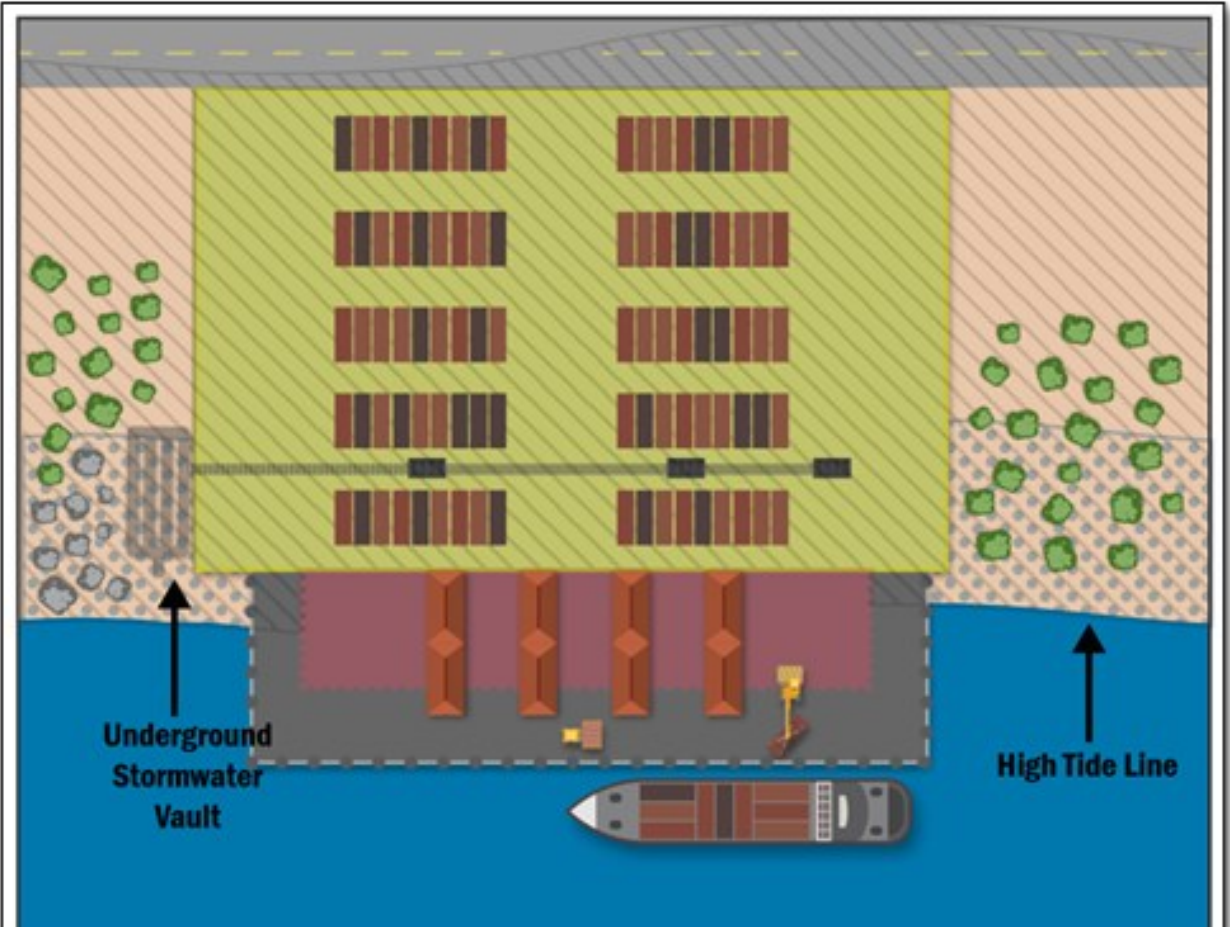
Model Projects

Model Project: Residential New Build – Single Family Home

Floodplain Function	Impact	Required Mitigation
Flood Storage	House and Driveway: 1,700 cubic feet new fill and structure below the base flood elevation.	6,800 cubic feet of replacement fish accessible and egressible flood storage must be created.
Water Quality	House and Driveway: 2,300 square feet new impervious surface.	4,600 square feet of impervious surface must be mitigated.
Vegetation	Removes 5 trees greater than 6 inches dbh.	30 trees must be planted.
Beneficial Gain	House is a non-water dependent use in the RBZ.	115 square feet of the RBZ must be planted with native riparian herbaceous, shrub, and / or tree vegetation.



Model Project: Port Improvement Project



Legend

	Resurfaced Parking Lot		Waterway
	Original Wharf		Removed Trees
	Wharf Expansion		Existing Trees
	Special Flood Hazard Area		
	Riparian Buffer Zone		



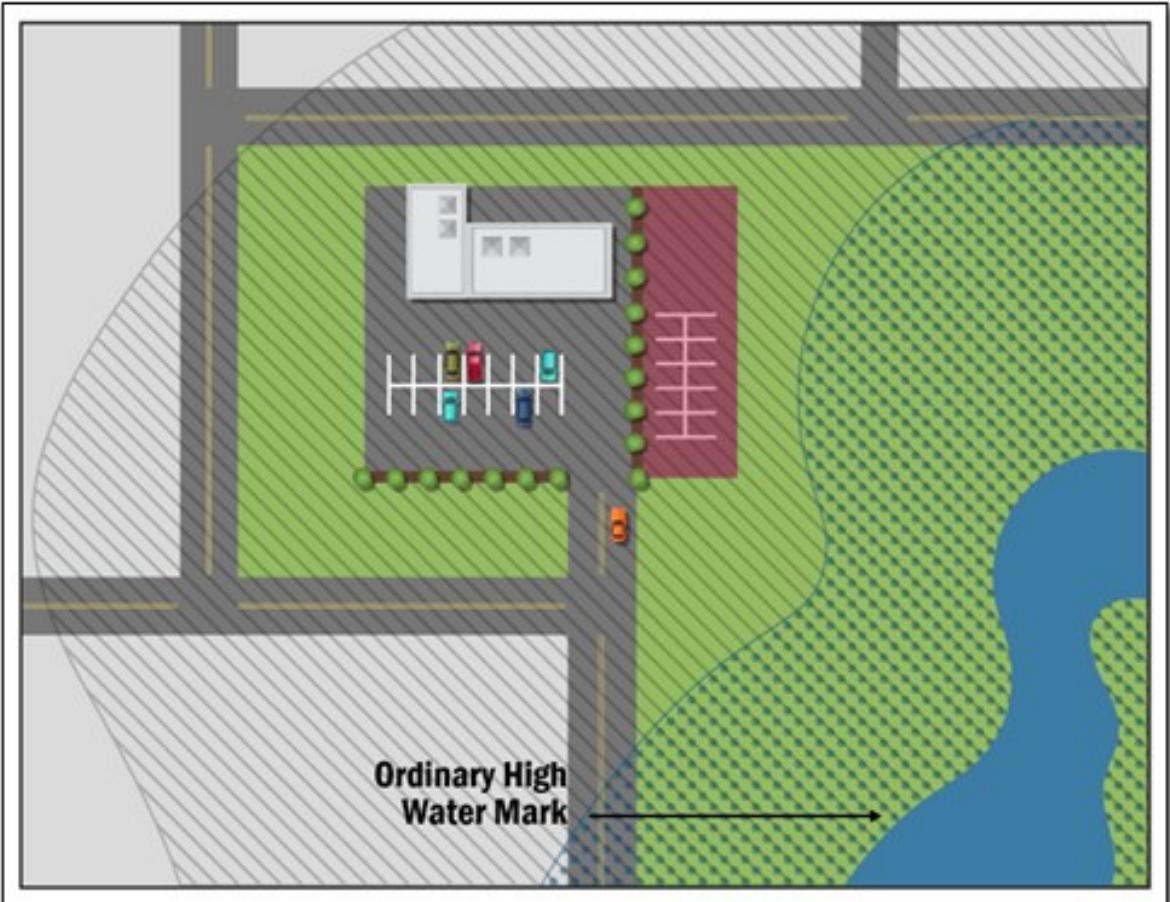
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Model Project: Port Improvement Project

Floodplain Function	Impact	Required Mitigation
Flood Storage	<ul style="list-style-type: none">• Replacement of existing 5 acres of wharf and construction of an underground vault: No impact.• Expanding wharf by 5 acres: volume of piers between high tide line and BFE = 47,624 cubic feet.• Dredging: No impact.• Parking Pavement improvement (thicker pavement): 54,450 cubic feet in the RBZ and 272,250 cubic feet outside RBZ.• Total: 102,074-cubic-foot reduction in flood storage capacity within the RBZ and 272,250 cubic-foot reduction outside of the RBZ.	<ul style="list-style-type: none">• Within the RBZ: 204,148 cubic feet replacement flood storage required.• Outside the RBZ: 408,375 cubic feet replacement flood storage required.
Water Quality	<ul style="list-style-type: none">• Only new impervious surface is the wharf expansion.• No impact because reduction of pervious surface is addressed through the underground vault to manage stormwater and protect water quality.	No further mitigation required.
Vegetation	<ul style="list-style-type: none">• Removes 5 trees from 6 to 20 inches dbh.• Removes 5 trees from 20 to 39 inches dbh.	40 trees must be planted in the RBZ.
Beneficial Gain	<ul style="list-style-type: none">• Parking pavement improvement is a non-functionally dependent use in the RBZ.• Beneficial gain required.	0.25 acre (10,890 square feet) must be planted with native riparian herbaceous, shrub, and/or tree vegetation in the RBZ.

Model Project: Parking Lot Redevelopment



Legend

- Waterway
- Riparian Buffer Zone
- Special Flood Hazard Area
- Removed Parking Lot
- Newly Planted Trees



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Model Project: Parking Lot Redevelopment

Floodplain Function	Impact	Required Mitigation
Flood Storage	<ul style="list-style-type: none">• New Building: removes 35,000 cubic feet of flood storage.• Pavement removal and repavement of smaller lot area: Adds 28,725 cubic feet of flood storage on site.• Net Total: 6,275cubic-foot reduction in flood storage capacity.	9,412.5 cubic feet of replacement flood storage must be created.
Water Quality	<ul style="list-style-type: none">• New Building and parking lot: No impact because area was previously impervious surface area.• Removal of excess pavement: Removal of 19,900 square feet of existing impervious surface.	<ul style="list-style-type: none">• No mitigation required.• <i>Reduction of 19,900 square feet of impervious surface could be used to mitigate impacts from another development under Path C.</i>
Vegetation	No trees removed; 16 new trees planted.	<ul style="list-style-type: none">• No mitigation required.• <i>Increase of 16 trees could be used to mitigate impacts from another development using applicable off-site ratio.</i>
Beneficial Gain	Not applicable; development located outside the RBZ.	No mitigation required.



Guide to the Draft EIS

In the EIS...	You can find...
Chapter 1	Introduction to the project
Chapter 2	Purpose and Need of the action
Chapter 3	Description of the analyzed alternatives
Chapter 4	Analyzes the alternatives for their environmental, social, and economic effects, including describing potential beneficial and adverse outcomes

In the EIS...	You can find...
Chapter 5	Description of public and agency involvement, including Tribal consultation
Chapter 6-7	A list of preparers and references
Appendices	2024 Revise Draft Implementation Plan, Frequently Asked Questions, Oregon Plan Area Instructions, Model Projects
Appendices	Technical Reports (Economic, Water Quality, Biological Resources, Floodplain)



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Potential Impacts and Benefits

FEMA evaluated each alternative for **significance of impacts** and **potential beneficial effects** to the affected environment.

- Land Development, Use, and Value
- Economic Impacts
- Seismicity, Geology, Topography, Soils
- Surface Waters, Groundwater, Water Quality
- Wetlands
- Floodplains
- Vegetation
- Fish and Aquatic Wildlife
- Threatened and Endangered Species
- Cultural Resources
- Tribal Treaty Rights
- Hazardous Materials
- Transportation
- Public and Critical Infrastructure, Health, and Safety



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No Action Alternative and Two Reasonable Action Alternatives

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

*According to the BiOp from NMFS

Selected Resources (long term, plan scale)

Resource	No Action Alternative	Alternative 2	Alternative 3
<u>Human Dimension</u>			
Land Development, Use, and Value; Economic Impacts	NI	S	S ⁺
Transportation; Public and Critical Infrastructure, Health, and Safety	NI	S	S ⁺
<u>Species Dimension</u>			
Water Quality; Floodplains	LS	BE	BE ⁺
Vegetation	S	BE	BE ⁺
Threatened & Endangered Species; Tribal Treaty Rights	S	BE	BE ⁺



Significant
adverse



Adverse, less than
significant



Beneficial effect



No impact compared to existing
conditions

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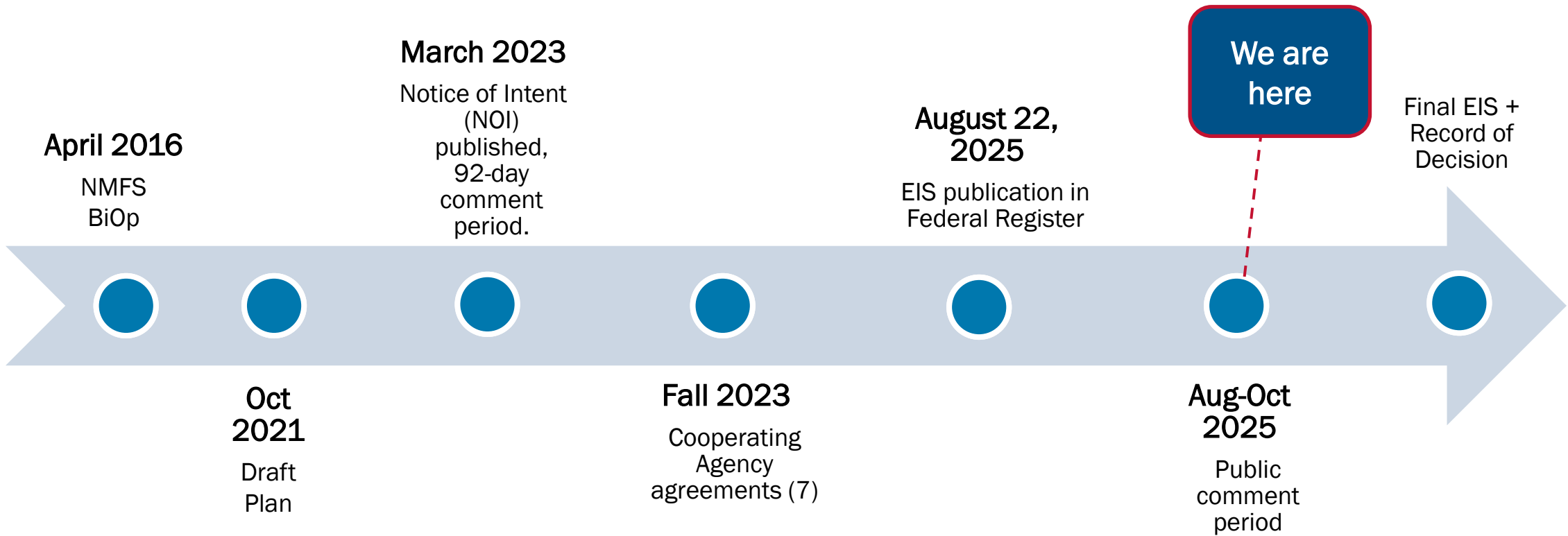
DEIS

Examples

Public
Comment

Draft EIS Public Comment Period (through October 6, 2025)

Oregon Implementation Plan NEPA timeline



Public Meetings

Saturday, Sept. 6, 11 am – 1 pm

Monday, Sept. 8, 10 am – 12 pm

Thursday, Sept. 11, 6 – 8 pm

Tuesday, Sept. 30, 6 – 8 pm



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Public Comments Requested



- **We want to hear from you about:**
 - Does the Draft EIS disclose the potential impacts of the alternatives on you, your community, and the environment?
 - Any new information or data that would substantively change the analysis and conclusions.
 - Which alternative should FEMA select and why.
 - Anything that should be clarified or corrected.
- **Helpful comments:**
 - Focus on specific issue or problem.
 - Areas of support
 - Issues of concern
 - Potential solutions
 - Opinions supported with details, facts, references, etc.



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How to Comment



- Public Comment Period Open until October 6, 2025



Public Meeting:

Court Reporter in attendance to capture verbal comments.



In writing, mail to:

NFIP OR EIS, FEMA, Region 10, 130 – 228th Street SW,
Bothell, WA 98021



Email: fema-r10-or-nfip-esa-integration@fema.dhs.gov

Online comment form: <https://tinyurl.com/FEMA-OR-EIS-Comment>



Fax: 425-775-7560 Attention: FEMA NFIP OR EIS



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Visit the virtual
meeting room!



Stay connected!



Visit the [NFIP-ESA Integration in Oregon Program website](#) to learn more and sign up for updates about the Draft EIS and upcoming public comment opportunities.



Contact us with questions at:

FEMA-R10-OR-NFIP-ESA-Integration@Fema.dhs.gov



Scan me with your phone's camera to go to the website.



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