Draft Environmental Impact Statement

Draft Oregon Implementation Plan for NFIP-ESA Integration

August 2025

FEMA

Federal Emergency Management Agency
Region 10
Department of Homeland Security
130 – 228th Street SW
Bothell, WA 98021

Cover Photo Credit:

Top Left and Right: stock photos from Federal Emergency Management Agency archives;
Bottom Left: Salmon swimming across the road: Nature Pic of the Day (NPOD),
https://www.naturepicoftheday.com/archive/2019-03-23

Table of Contents

Figures

Tables

Acronyms and Abbreviations

BiOp	Biological Opinion
CFR	Code of Federal Regulations
dbh	Diameter at Breast Height
DLCD	Oregon Department of Land Conservation and Development
EFH	Essential Fish Habitat
EIS	Environmental Impact Statement
ESA	Endangered Species Act
FIRM	Flood Insurance Rate Maps
HUC	Hydrologic Unit Code
MSA	Magnuson-Stevens Fishery Conservation and Management Act
NEPA	National Environmental Policy Act
NFIA	National Flood Insurance Act
NFIP	National Flood Insurance Program
NMFS	National Marine Fisheries Service
NOI	Notice of Intent
RBZ	Riparian Buffer Zone
SFHA	Special Flood Hazard Area
USACE	U.S. Army Corps of Engineers
USC	United States Code

Executive Summary

ES.1. Introduction, Purpose, and Need

Congress developed the National Flood Insurance Act of 1968 (NFIA). With the passage of the NFIA, Congress created the National Flood Insurance Program (NFIP) to "provid[e] appropriate protection against the perils of flood losses" and to "minimiz[e] exposure of property to flood losses" (42 USC 4001l). The primary purpose and objective of the NFIP is to provide access to federally underwritten flood insurance. The NFIA was amended in 1973 to require the purchase of flood insurance as a condition of receiving federally underwritten loans and federal assistance in the special flood hazard area (SFHA).

The Federal Emergency Management Agency (FEMA) implements the NFIP. The NFIP was designed so that floodplain management would be regulated and carried out at the state and local levels where land use authority resides. Communities choosing to participate in the NFIP are required to adopt and enforce floodplain management regulations (e.g., ordinances) that meet the NFIP minimum floodplain management standards (44 Code of Federal Regulations [CFR] 59.2[b], 59.22, 60.1[d], 60.3[a]-[f], 60.6) to gain access to federally underwritten flood insurance and certain federal financial assistance.

Section 7(a)(2) of the Endangered Species Act (ESA) requires that each federal agency shall ensure that any action authorized, funded, or carried out by such agency (e.g., the NFIP) is not likely to jeopardize the continued existence of any threatened or endangered species (ESA-listed species) or result in the destruction or adverse modification of their designated critical habitat. Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) regarding whether their actions may adversely affect essential fish habitat (EFH).

"Jeopardize the continued existence of" means to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species (50 CFR 402.02).

In 2011, FEMA consulted with NMFS under the ESA and the MSA on the implementation of the NFIP in Oregon. NMFS concluded in their 2016 Biological Opinion (BiOp) that the NFIP as implemented in the Oregon plan area is likely to result in jeopardy of 16 listed fish species and the Southern Resident killer whale, and it will result in destruction or adverse modification of designated critical habitat and will have adverse effects on EFH. Therefore, the purpose for the proposed action is to ensure that the implementation of the NFIP in the Oregon plan area is consistent with the requirements of the ESA and MSA.

The proposed action is needed to avoid jeopardizing the continued existence of listed species, and avoid, minimize, or otherwise offset potential adverse effects on EFH, while also maintaining consistency with FEMA's existing NFIP statutory and regulatory authorities and the program's

objectives. The proposed action is to modify the implementation of the NFIP in the Oregon plan area, as detailed in the 2024 Draft Oregon Implementation Plan for NFIP-ESA Integration (Appendix A).

ES.2. National Environmental Policy Act

Under the National Environmental Policy Act (NEPA), federal agencies are required to evaluate the environmental, social, and economic effects of their proposed action prior to making a decision. This Draft Environmental Impact Statement (EIS) has been developed in accordance with NEPA to evaluate the potential impacts on the natural and human environment of the proposed action and associated alternatives.

FEMA is the federal lead agency under NEPA. NEPA allows for the lead agency to invite other agencies to cooperate or participate in the preparation of NEPA documents. Cooperating agencies (42 United States Code [USC] 4336a) assist the lead federal agency by participating in the NEPA process and review impacts related to their jurisdiction or special expertise.

The following cooperating agencies have agreed to participate in development of this Draft EIS based on their special expertise or jurisdiction: NMFS, U.S. Fish and Wildlife Service (USFWS), the Oregon Department of Land Conservation and Development (DLCD), the City of Portland, and Tillamook, Benton, and Umatilla counties. To the extent feasible, the cooperating agencies have participated in the analysis by providing information, comments, and technical expertise to FEMA; participated in coordination meetings; and raised issues as early in the process as is reasonably feasible. FEMA initiated coordination with cooperating agencies in 2023 after initiating the EIS process. The cooperating agencies provided valuable input that was incorporated into the purpose, need, alternatives, and environmental analysis of alternatives.

ES.3. Oregon Implementation Plan for Endangered Species Act Integration

From 2017 to 2021, FEMA worked with DLCD, interested stakeholders, and considered input provided by NMFS to address the integration of ESA and MSA considerations in the implementation of the NFIP in the Oregon plan area, and FEMA developed the draft Oregon Implementation Plan for NFIP-ESA Integration (2021 Draft Implementation Plan). The 2021 Draft Implementation Plan was updated in 2024 and details FEMA's proposed action. The 2024 Draft Implementation Plan outlines no net loss standards for participation in the NFIP by Oregon communities within the plan area (**Figure ES-1**).[1] The no net loss standards include mitigation ratios to offset impacts on three floodplain functions, riparian buffer zone (RBZ) requirements, as well as reporting requirements.

[1] NFIP participating communities are defined as "any State or area or political subdivision thereof, or any Indian Tribe or authorized Tribal organization, or Alaska Native village or authorized native organization, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction" (44 Code of Federal Regulations 59.1).

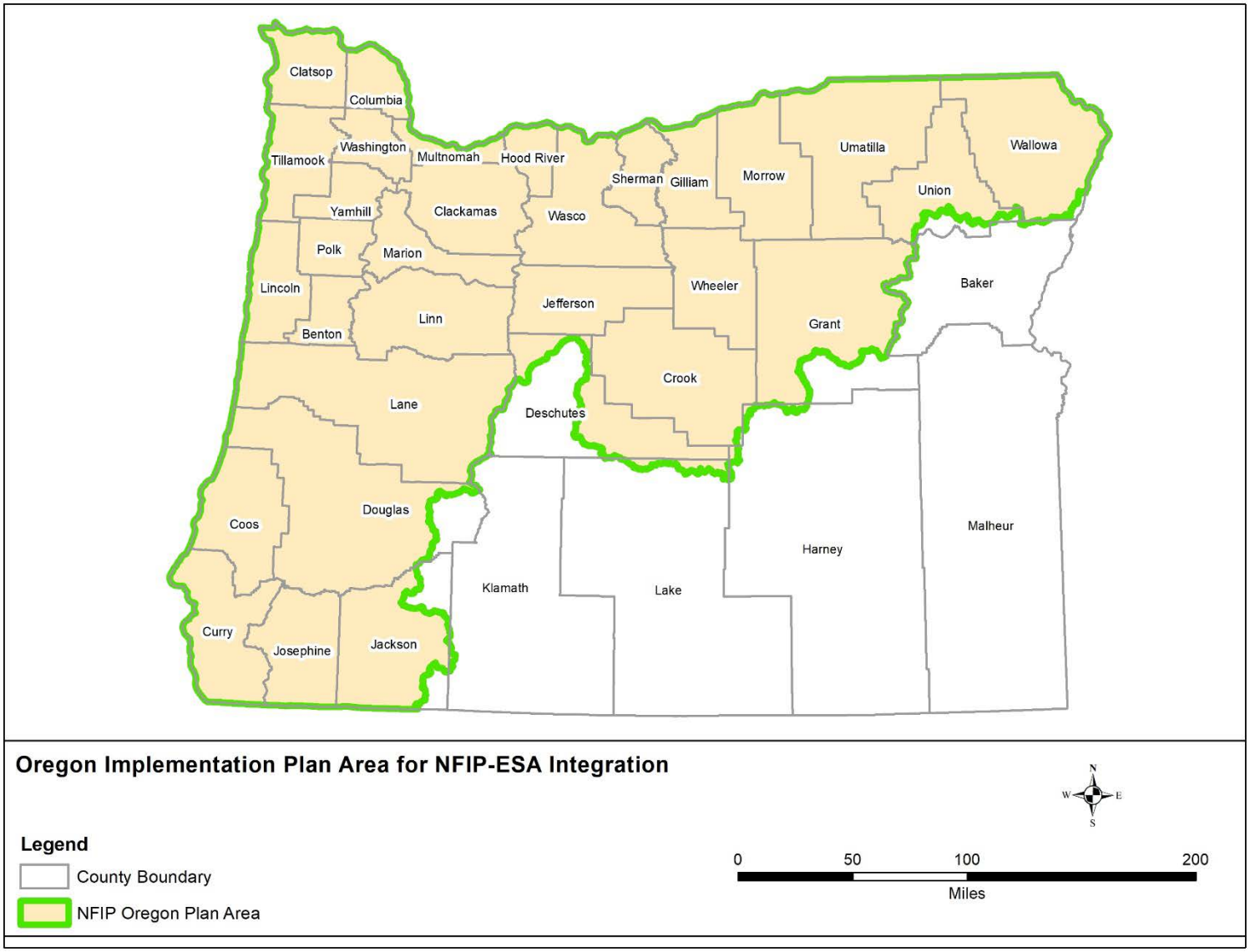

Figure ES-1. Oregon National Flood Insurance Program Plan Area for Endangered Species Act Integration

What is no net loss?

No net loss is a standard wherein adverse impacts must be avoided or offset through mitigation so that there is no net change in the function from the authorized existing condition.

The authorized existing condition is the state of the site when a floodplain permit application is submitted and assumes the resolution of all violations (e.g., unpermitted development).

The no net loss standards would apply to development actions that: 1) occur in an Oregon NFIP participating community within the plan area: 2) are in the special flood hazard area (SFHA) (e.g., Zones AE and VE as depicted on **Figure ES- 2.**) [2]; and 3) meet FEMA's definition of development.

Definition of Development and Special Flood Hazard Area

Development, as defined in 44 CFR 59.1, means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials (44 CFR 59.1).

Note that the term “development” for the NFIP is not restricted to a building with walls and a roof. It includes any disturbance (permanent or temporary) of the ground, which may include structures with walls, but would also include development such as a new or expanded culvert, road, or driveway.

The SFHA is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V (44 CFR 59.1).

[2] https://www.fema.gov/sites/default/files/documents/how-to-read-flood-insurance-rate-map-tutorial.pdf

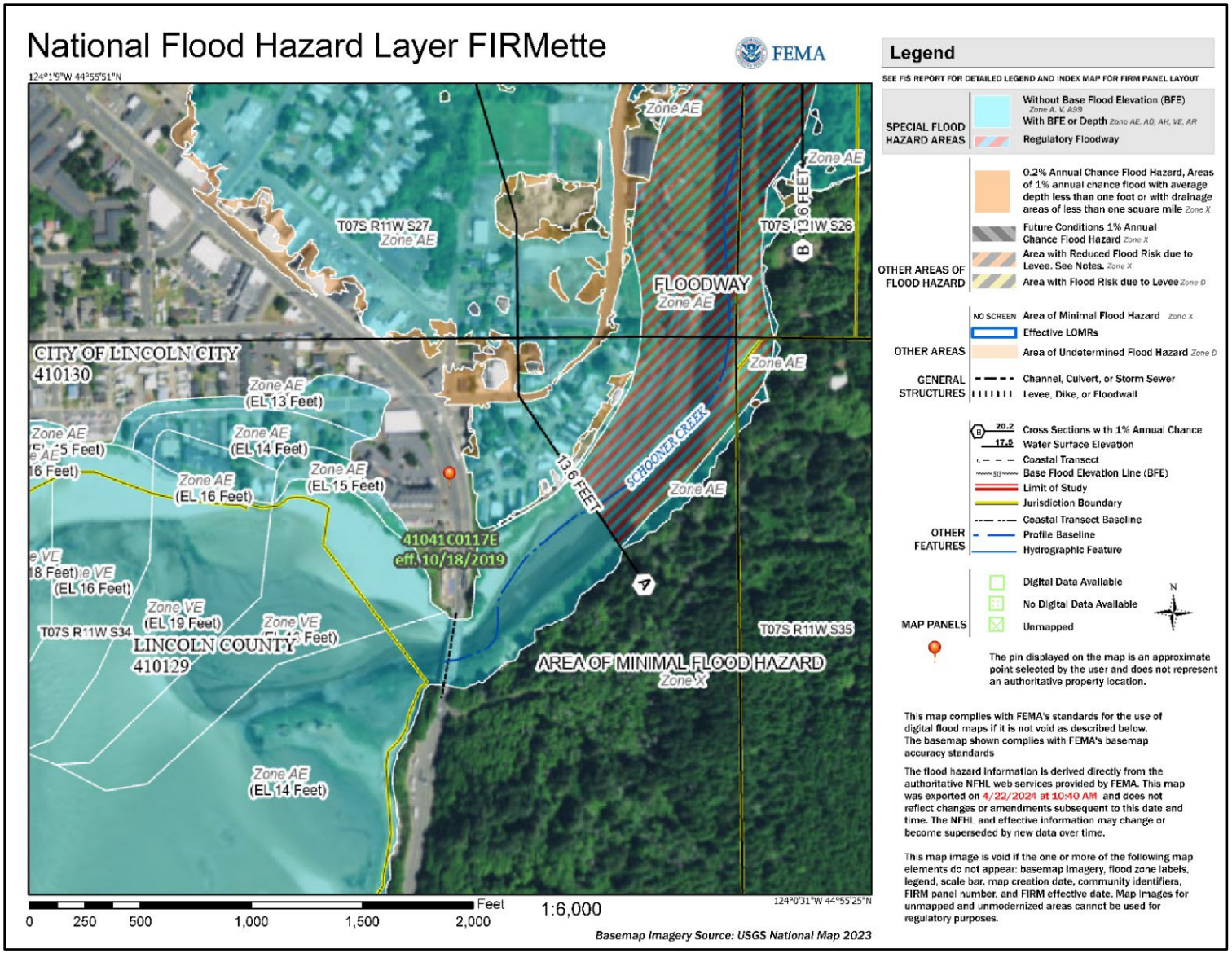

Figure ES- 2. Special Flood Hazard Area (SFHA) Depicted on a Flood Insurance Rate Map

FEMA identified three floodplain functions for which the no net loss standards would apply. The floodplain functions FEMA identified are flood storage, water quality, and vegetation. FEMA identified the following proxies to measure impacts on the three floodplain functions from SFHA development:

1. Flood Storage Proxy: The flood storage capacity, which is the three-dimensional space (i.e., volume) between the existing ground and the base flood elevation with impacts measured as the volume occupied by a development.[3]
2. Water Quality Proxy: The extent of pervious surface in the SFHA measured as an area that is impacted by the creation of new impervious surface.
3. Vegetation Proxy: Trees 6 inches in diameter at breast height (dbh) or larger in the SFHA with impacts measured as the number of such trees removed by a development.

More information on the floodplain functions, proxies, and what would be mitigated is provided in the 2024 Draft Implementation Plan (Appendix A of this Draft EIS).

Mitigation would be required to offset impacts on the three floodplain functions, with increased mitigation ratios depending on the location of the impact (development) and mitigation, as shown in **Table ES.1**. Mitigation requirements apply to development located in the floodway, RBZ, or in the remainder of the SFHA.

The RBZ, based in part on its adjacency to waterways, provides a number of benefits to fish species both during and between flooding events. FEMA identified RBZ requirements as part of the no net loss standards, which include establishing a 170-foot buffer around waterbodies and planting requirements for development that is not dependent on being located in proximity to waterways.

The boundary of the RBZ is measured from the ordinary high water mark of a fresh waterbody (e.g., lake; pond; ephemeral, intermittent, or perennial stream) or from the mean higher-high water mark of a marine shoreline or tidally influenced river reach to 170 feet inland (**Figure ES- 3**).[4] The RBZ includes the area between these boundaries on each side of the waterway, including the waterway channel. Where the RBZ is larger than the SFHA, the no net loss standards would only apply to the area within the SFHA.

[3] The base flood elevation identifies the height that water will rise above the surface of the ground during the 1-percent annual chance flood (i.e., 100-year flood, SFHA).

[4] The U.S. Geological Survey defines freshwater as water containing less than 1,000 milligrams per liter of dissolved solids, most often salt. However, for the purposes of no net loss, fresh waterbodies are any waterbodies with a mapped SFHA that are not marine waters or tidally influenced waters.

Table ES.1. Proposed No Net Loss Mitigation Ratios and Multipliers from 2024 Draft Implementation Plan

Location of Impact	Proportion of Mitigation to Impact (Mitigation:Impact)				
	Flood Storage Capacity	Pervious Surface	Trees [3]		
			(6-inches dbh to 20-inches dbh)	(Greater than 20-inches dbh to 39-inches dbh)	(Greater than 39-inches dbh)
Impact Occurring in the Mapped Floodway [1]	2:1	1:1	3:1	5:1	6:1
Impact Occurring in the Riparian Buffer Zone (RBZ) [2]	2:1	1:1	3:1	5:1	6:1
Impact Occurring Outside the Floodway and RBZ, in remainder of SFHA	1.5:1	1:1	2:1	4:1	5:1
Mitigation Location Multipliers [4]					
Mitigation occurring on-site or off-site in the same reach [5]	100%	100%	100%	100%	100%
Mitigation occurring off-site, in a different reach, but within the same watershed (i.e., 10-digit Hydrologic Unit Code [HUC]) [6]	200%	200%	200%	200%	200%

Conditions:

1. *When the floodway is not mapped, the mitigation ratios for the RBZ and remainder of the SFHA would be used.*
2. *Impacts that occur in the RBZ must be mitigated in the RBZ.*
3. *Trees planted for mitigation do not have a specified dbh; however, they must be native species.*
4. *Mitigation multipliers of 100 percent result in the required mitigation occurring at the same value described by the ratios above, while multipliers of 200 percent result in the required mitigation being doubled.*
   a. *For example, if a development would create 1,000 square feet of new impervious surface, then 1,000 square feet of new pervious surface would need to be created. However, if only 500 square feet can be created on-site and in the same reach, the remaining 500 square feet created off-site along a different reach would need to be created at double the required amount as a result of the 200 percent multiplier. That is, another 1,000 square feet of pervious surface would need to be created at the off-site location, in addition to the 500 square feet created on-site.*
5. *Reach is defined as a section of a stream or river along which similar hydrologic conditions exist, such as discharge, depth, area, and slope. It can also be the length of a stream or river (with varying hydrologic conditions) between major tributaries or two stream gages, or a length of river for which the characteristics are described by readings at a single stream gage.*
6. *Watersheds are determined by the U.S. Geological Survey using the 10-digit HUC area.*

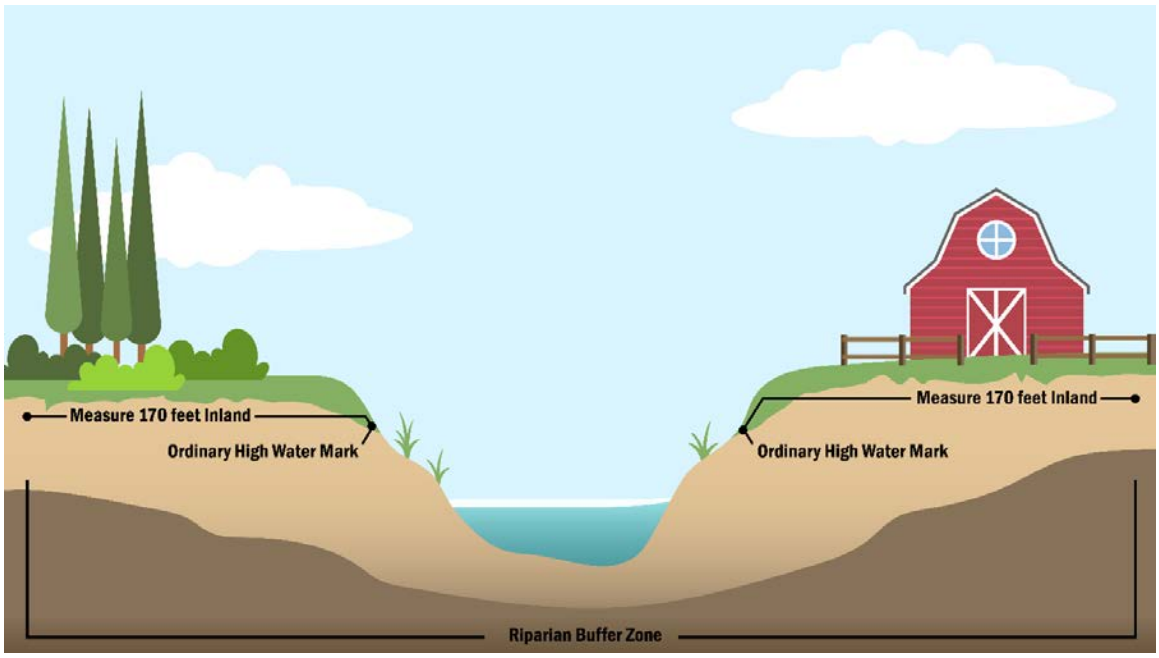

Figure ES- 3. Riparian Buffer Zone

Development that is dependent on being located near a waterbody would need to be within the RBZ to function. These functionally dependent uses would require no net loss of the three floodplain functions per the mitigation ratios in **Table ES.1**. Development in the RBZ that is not a functionally dependent use would require an additional planting requirement, termed beneficial gain. FEMA is not proposing to limit development in the RBZ. Instead, FEMA identified mitigation ratios that reflect the importance of the RBZ in preserving floodplain functions and established the beneficial gain standard, which allows for development that is not functionally dependent on being located near a waterway to continue to occur in the RBZ while maintaining the floodplain functions of the RBZ in the long term. Beneficial gain plantings are in addition to plantings required for no net loss of vegetation, which requires mitigation for the removal of trees greater than 6 inches dbh.

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 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, parking, passenger waiting rooms, or related manufacturing facilities.

Beneficial Gain: FEMA's beneficial gain standard would apply to development that is not a functionally dependent use and occurs within the RBZ. The standard would require that an area within the RBZ, within the same reach as the project, and equivalent to 5 percent of the area impacted within the RBZ be planted with native riparian herbaceous, shrub, and tree vegetation.

Under the NFIP, any human-made change to improved or unimproved real estate in the SFHA requires a permit from the local floodplain administrator. However, not all permitted actions would require mitigation for impacts on floodplain functions. Activities not subject to the no net loss standards are described in Chapter 3 of this Draft EIS.

Four paths have been identified for communities to choose from to implement the no net loss standards. The four paths are a result of recognition by FEMA and its partner agencies of the diverse needs, capacities, policy contexts, and geographic constraints faced by NFIP participating communities in the Oregon plan area. Each community would select the path(s) that works best for them. The four paths are:

- Path A – A community would adopt a model ordinance developed by FEMA.
- Path B – A community would complete an ordinance checklist to demonstrate that all the required elements in the model ordinance are found in existing or newly adopted local, regional, or statewide enforceable requirements.
- Path C – A community would develop a customized community plan identifying their proposed approach to implementing the no net loss standards at the community level. The community would develop the plan, and FEMA would approve the plan prior to community implementation.
- Path D – Communities can pursue compliance with ESA at the community level by working directly with NMFS through the development of a 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.

ES.4. Alternatives Analysis

Identifying and analyzing alternatives is an essential part of the NEPA decision-making process. Between mid-2015 and late 2023, FEMA engaged with agencies, Tribes, stakeholders, and other interested parties regarding the integration of ESA compliance into the NFIP in Oregon. FEMA hosted dozens of webinars, workshops, feedback sessions, and meetings, all of which informed the process to develop alternatives that would meet the purpose and need of the proposed action.

In addition, during the 92-day NEPA scoping period in 2023, FEMA hosted dozens of webinars, workshops, feedback sessions, and other meetings, all of which informed the process to develop alternatives that would meet the purpose and need of the proposed action. FEMA emphasized the request that the public submit possible reasonable alternatives, including additional or alternative avoidance, minimization, and mitigation measures that achieve the no net loss standards for the three floodplain functions.

As part of the alternatives development, FEMA screened alternatives, ideas, and options using the following three-part screening evaluation to identify reasonable alternatives: 1) consistent with purpose and need, 2) technically and economically feasible, and 3) implementation and anticipated impacts are different from those of other alternatives. This Draft EIS presents the No Action Alternative and two reasonable action alternatives that meet all three screening criteria.

ES.4.1. NO ACTION ALTERNATIVE (ALTERNATIVE 1)

Under the No Action Alternative, implementation of the NFIP in the Oregon plan area would continue as described in Section 1.2 and Section 1.3 of this Draft EIS.

ES.4.2. NO NET LOSS WITH EXCEPTION FOR PROJECT-SPECIFIC ESA COMPLIANCE ALTERNATIVE (ALTERNATIVE 2)

Under Alternative 2, all communities participating in the NFIP in the Oregon plan area would be required to meet the standards of no net loss for NFIP-ESA integration. The no net loss standards would be implemented through avoidance, minimization, or mitigation measures as described in Chapter 3 of this Draft EIS. Applicability and exceptions are detailed in Section 3.3 of this Draft EIS.

*"No net loss standards" is an umbrella term that includes mitigation ratios to offset impacts on the three floodplain functions (**Table 1.1**), RBZ requirements (buffer zone and planting requirements, Section 3.3.1 of this Draft EIS) as well as reporting requirements (Section 3.3.5 of this Draft EIS).*

Under this alternative, a development proposal that has project-specific ESA compliance through other means would not need to implement the no net loss standards. For example, a project that needs a U.S. Army Corps of Engineers (USACE) permit, where USACE has documented compliance with the ESA (Section 1.1.2 of this Draft EIS), would have project-specific ESA compliance through USACE. Similarly, a development receiving federal funding (e.g., from FEMA disaster-related grant programs) would have project-specific ESA compliance from the federal funding agency documenting compliance with the ESA.

ES.4.3. NO NET LOSS WITHOUT EXCEPTIONS FOR PROJECT-SPECIFIC ESA COMPLIANCE (ALTERNATIVE 3)

Under Alternative 3, development in the Oregon plan area would be subject to the no net loss standards, as detailed in the 2024 Draft Implementation Plan and summarized in Section ES.3, regardless of whether it has project-specific ESA compliance through other means.

ES.5. Summary of Potential Impacts

This Draft EIS considered three categories of impact: direct, indirect, and cumulative. As discussed in Chapter 4 of this Draft EIS, there would be no direct impacts from the alternatives, other than the potential direct costs to FEMA for implementation. Development in the SFHA itself is not a federal action because FEMA does not authorize, fund, or carry out development under the NFIP.[5] Development in the SFHA is authorized by NFIP participating communities and subsequently carried out locally. However, indirect impacts would occur. The analysis of indirect impacts encompasses all

[5] FEMA does provide funding to communities for projects that may occur in the SFHA under programs other than the NFIP, such as through Public Assistance and Hazard Mitigation grants as well as under the National Flood Mitigation Fund established through the NFIA.

reasonably foreseeable actions. Further, the impact analysis includes a determination of impact magnitude and statement of significance at the Oregon plan area scale. The Oregon plan area scale thereby encompasses the cumulative incremental effects of the alternatives and reasonably foreseeable actions. As each of these discretionary decisions are made at the community, landowner, and developer levels, the sum of the various indirect effects would be the cumulative effect of the alternatives at the Oregon plan area scale.

Alternative 2 and Alternative 3 would have minimal adverse impacts on farmland soils, air quality, wild and scenic rivers, coastal resources, and noise and a slight beneficial effect on these resources, with the exception of farmland soils. Significant economic impacts under Alternative 2 and Alternative 3 would primarily be a result of the increased cost and complexity (e.g., design, review, permitting) to implement the no net loss standards for development within the SFHA and for communities to establish no net loss processes and reporting (e.g., administrative costs). However, Alternative 2 and Alternative 3 present a possible economic benefit to property owners in the SFHA and communities from potentially increased property values and associated tax revenues.

All three alternatives would result in adverse impacts on resources to varying degrees. However, Alternative 2 and Alternative 3 would have beneficial effects on certain physical (e.g., air quality), and biological resources when compared to the No Action Alternative. Alternative 2 and Alternative 3 would result in 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 the with no net loss standards could impair habitat quality, reduce biodiversity, and alter habitat connectivity. The No Action Alternative would result in impacts to biological resources consistent with existing conditions, which NMFS determined would result in jeopardy of 16 listed fish species and the Southern Resident killer whale, result in destruction or adverse modification of designated critical habitat and adversely affect EFH. Compared to the No Action Alternative, Alternatives 2 and 3 would reduce 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 compared to the No Action Alternative. Some adverse impacts on terrestrial habitats and species may still occur under Alternatives 2 and 3 due to the potential for development to favor land outside the SFHA to avoid the cost and complexity of the no net loss standards.

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 both with and without project-specific ESA compliance through other means.

As discussed in Chapter 3 of this Draft EIS, under Alternative 2 and Alternative 3, implementation of the no net loss standards would meet the purpose and need, thereby ensuring that implementation of the NFIP in the Oregon plan area is consistent with the requirements of the ESA and MSA.

Table ES.2 presents the number of significant impacts for each alternative analyzed in this Draft EIS as well as potential beneficial effects.

Table ES.2. Significance of Impacts and Potential Beneficial Effects

Resource	No Action Alternative	Alternative 2	Alternative 3
Land Development, Use, and Value	No impact compared to existing conditions[1]	**Significant impact**	**Significant impact**
Economic Impacts	No impact compared to existing conditions[1]	**Significant impact**	**Significant impact**
Seismicity, Geology, Topography, Soils	No impact compared to existing conditions[1]	Less than significant impact; Beneficial effect	Less than significant impact; Beneficial effect
Water Quality	Less than significant impact[2]	Less than significant impact; Beneficial effect	Less than significant impact; Beneficial effect
Wetlands	No impact compared to existing conditions[1]	**Significant impact;** Beneficial effect	**Significant impact;** Beneficial effect
Floodplains	Less than significant impact[2]	Less than significant impact; Beneficial effect	Less than significant impact; Beneficial effect
Vegetation	**Significant impact**[2]	Less than significant impact; Beneficial effect	Less than significant impact; Beneficial effect
Terrestrial Wildlife	**Significant impact**[2]	Less than significant impact; Beneficial effect	Less than significant impact; Beneficial effect
Fish and Aquatic Wildlife	**Significant impact**[2]	Less than significant impact; Beneficial effect	Less than significant impact; Beneficial effect
Threatened and Endangered Species	**Significant impact**[2]	Less than significant impact; Beneficial effect	Less than significant impact; Beneficial effect
Cultural and Historic Resources	No impact compared to existing conditions[1]	Less than significant impact; Beneficial effect	Less than significant impact; Beneficial effect
Tribal Treaty Rights	**Significant impact**[2]	Less than significant impact; Beneficial effect	Less than significant impact; Beneficial effect
Hazardous Materials	No impact compared to existing conditions[1]	Less than significant impact; Beneficial effect	Less than significant impact; Beneficial effect
Transportation	No impact compared to existing conditions[1]	**Significant impact**	**Significant impact**
Public and Critical Infrastructure, Health, and Safety	No impact compared to existing conditions[1]	**Significant impact;** Beneficial effect	**Significant impact;** Beneficial effect
Total Significant Impacts	5	5	5
Total Beneficial Effects	0	11	11

Notes:
1. The general impact of development on a resource that would occur regardless of the alternative is analyzed as part of the existing conditions. Section 4.1.4 provides additional information.
2. Based on NMFS determination in the 2016 BiOp.

ES.6. Agency and Public Involvement

ES.6.1. SCOPING PROCESS AND COMMENTS

On March 6, 2023, FEMA published a notice of intent (NOI) in the Federal Register announcing their intent to prepare an EIS and to conduct in-person and virtual scoping meetings (88 Federal Register 13841). The NOI identified the process to provide written comments via the Federal Rulemaking Portal (https://www.regulations.gov, ID: FEMA-2023-0007) and explained that written and verbal comments would be accepted at the scoping meetings. To support the public engagement effort, FEMA established a plan-specific website at https://www.fema.gov/about/organization/region-10/oregon/nfip-esa-integration and updated the website throughout the scoping period. The website was identified in the NOI and included information about the in-person and virtual scoping meetings, key documents, maps, and copies of the slides used in the public meetings.

Over the three-month public scoping period, FEMA held seven in-person public meetings, five virtual public meetings, and 12 targeted audience virtual meetings. Over 400 individuals attended these meetings. During the scoping comment period, FEMA received approximately 100 comment letters and tabulated approximately 960 distinct comments from those letters. The majority of submissions were from local government, including cities and counties, individuals, and businesses/business groups. Stakeholders voiced a variety of concerns during the scoping comment period. FEMA considered the content of all comments received in determining the scope of the EIS. Chapter 5 summarizes all alternatives, information, and analyses submitted by state, Tribal, and local governments, and other public commenters during the scoping process. **Table ES.3** identifies where each comment topic area was addressed in the EIS.

Table ES.3. Scoping Comments EIS Reference

Topic	EIS Reference
Impacts – General	Impacts for each alternative are analyzed in Chapter 4 of the EIS. Economic impacts are further evaluated in Appendix D. Water quality impacts are further detailed in Appendix G. Biological resource impacts are further analyzed in Appendix H. Floodplain impacts are described in detail in Appendix I.
Proposed Action – Implement RPA2	FEMA's analysis of the 2016 NMFS BiOp as an alternative is available in Section 3.5.2 of the EIS.
Proposed Action – Buffer	The RBZ is described in Section 3.3.1.4 of the EIS as well as in the 2024 Draft Implementation Plan (Appendix A).
Costs- Litigation and Takings	Economic impacts associated with the alternatives are summarized in Section 4.3 of the EIS and detailed in Appendix D. The regulatory background for this EIS is detailed in Chapter 1.
Proposed Action – FEMA Action	FEMA's role under the NFIP is described in Chapter 1. FEMA's authority to implement the alternatives is described in Section 1.6.1 of the EIS and the 2024 Draft Implementation Plan (Appendix A).
Land Use – Planning	Land use planning is analyzed in Section 4.2 of the EIS.

Topic	EIS Reference
Land Use – Residential	Residential land use is analyzed in Section 4.2 of the EIS. Economic impacts on residential land uses are analyzed in Section 4.3.
Impacts – Infrastructure	Impacts to infrastructure are analyzed in Chapter 4 of the EIS, including infrastructure related to hazardous materials (Section 4.15), transportation (Section 4.16), public and critical infrastructure (Section 4.17), and the economic impact that affects infrastructure (Section 4.3).
Costs – to Public	Economic impacts associated with the alternatives are summarized in Section 4.3 of the EIS and detailed in Appendix D.
Impacts – Ports	Economic impacts associated with the alternatives are summarized in Section 4.3 of the EIS and detailed in Appendix D.
Status Quo/NFIP As Is	The No Action Alternative is analyzed in Chapter 4 of the EIS.
Alternatives – Withdrawal from NFIP	The impacts of withdrawing from the NFIP are detailed in the Frequently Asked Questions (Appendix B).
Proposed Action – Mapping	NFIP mapping is described in Section 1.3.1. FEMA's evaluation of the 2016 NMFS BiOp alternative, including changes to mapping, is available in Section 3.5.2 of the EIS.
Mitigation – Duplication	Duplicative mitigation is analyzed through the differences between Alternative 2 and Alternative 3. The 2024 Draft Implementation Plan explains how developers can work with federal, state, and local regulatory agencies and the floodplain administrator to identify opportunities to provide for multiple mitigation requirements within the same site, if feasible, to reduce duplication and costs.
Proposed Action – Development Definition	Development is defined in 44 CFR 59.1. The relationship between the alternatives and development is described in Section 2.6 of the 2024 Draft Implementation Plan (Appendix A).
Proposed Action – Community Paths	The Community Paths for compliance are summarized in Section 3.3.2 of the EIS and Chapter 4 of the 2024 Draft Implementation Plan (Appendix A).
Costs – General	Economic impacts associated with the alternatives are summarized in Section 4.3 of the EIS and detailed in Appendix D.
Mitigation – Other Restoration Projects	The relationship between restoration projects and the alternatives are described in Section 3.3 of the EIS and Section 2.7 of the 2024 Draft Implementation Plan (Appendix A). The potential to utilize future restorations projects to achieve no net loss under Path C is summarized in Section 3.3.2.3 of the EIS, Section 4.4 of the 2024 Draft Implementation Plan (Appendix A), and the Path C – Customized Community Plan guidance (Attachment D of the 2024 Draft Implementation Plan [Appendix A]).
Biological Resources – Fish	Biological resources, including fish, are analyzed in Section 4.10 of the EIS and detailed in Appendix H.

Topic	EIS Reference
NEPA Process	The NEPA process and purpose is summarized in Section 1.1.1 of the EIS. The alternatives development and screening process is detailed in Section 3.1 of the EIS. The agency and public involvement process is described in Chapter 5 of the EIS.
Alternatives	The alternatives are described in Chapter 3 of the EIS.
Proposed Action – Compatibility	The compatibility of the alternatives with existing federal, state, and local regulations are analyzed by resource in Chapter 4 of the EIS.
Costs – to Implement	Economic impacts associated with the alternatives are summarized in Section 4.3 of the EIS and detailed in Appendix D.
Mitigation	Mitigation methods are described in Section 3.3.1 of the EIS and Chapter 3 of the 2024 Draft Implementation Plan (Appendix A).
Proposed Action – Implementation Plan	The 2024 Draft Implementation Plan is available in Appendix A.

ES.6.2. PUBLIC PARTICIPATION PROCESS ON DRAFT EIS AND NEXT STEPS

This Draft EIS will include a public review and comment period where FEMA will request input on the alternatives analysis and impact findings. FEMA will consider all input received during this Draft EIS public review and comment period. FEMA will develop a Final EIS and identify a preferred alternative. FEMA will develop a Record of Decision and identify a selected alternative.