



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: August 14, 2024

SUBJECT: Oregon National Flood Insurance Program / Endangered Species Act
Implementation Plan / Legislative Consideration

RECOMMENDED MOTION:

Lobbying efforts may be necessary in the 2025 Legislative Session to recommend repealing entirely or paring back in designated floodplains, Oregon Revised Statute (ORS) 197A.400.

BACKGROUND AND POLICY IMPLICATIONS:

A National Marine Fisheries Service 2016 Biological Opinion (BiOp) is now part of the National Flood Insurance Program (NFIP) in the State of Oregon. This Oregon BiOp, which was issued in response to a federal lawsuit, concludes that the Federal Emergency Management Agency's (FEMA) implementation of the NFIP in Oregon is causing jeopardy to 17 Endangered Species Act (ESA) listed species and adverse modification of critical habitat for 16 of those species. This is significant because FEMA provides floodplain development standards that cities and counties must follow to be eligible for the NFIP, and this BiOp will overhaul the floodplain development standards for certain areas. On July 16, 2024, FEMA sent information to Oregon cities and counties about how it will implement ESA within the NFIP.

See accompanying memorandum for additional information.

BUDGET IMPACTS:

None

ATTENDANCE:

Peter Gutowsky, CDD Director
Will Groves, Planning Manager
Audrey Stuart, Associate Planner