

Oregon NFIP-ESA History



2009: Suit filed against FEMA for “failure to consult” under ESA Section 7



2018: Three-year extension from Disaster Recovery Reform Act



2019-2021: FEMA, DLCDC, and partners develop 2021 Oregon NFIP-ESA Implementation Plan



2016: Oregon BiOp issued with Reasonable and Prudent Alternatives



2019: FEMA begins renewed effort to develop Implementation Plan

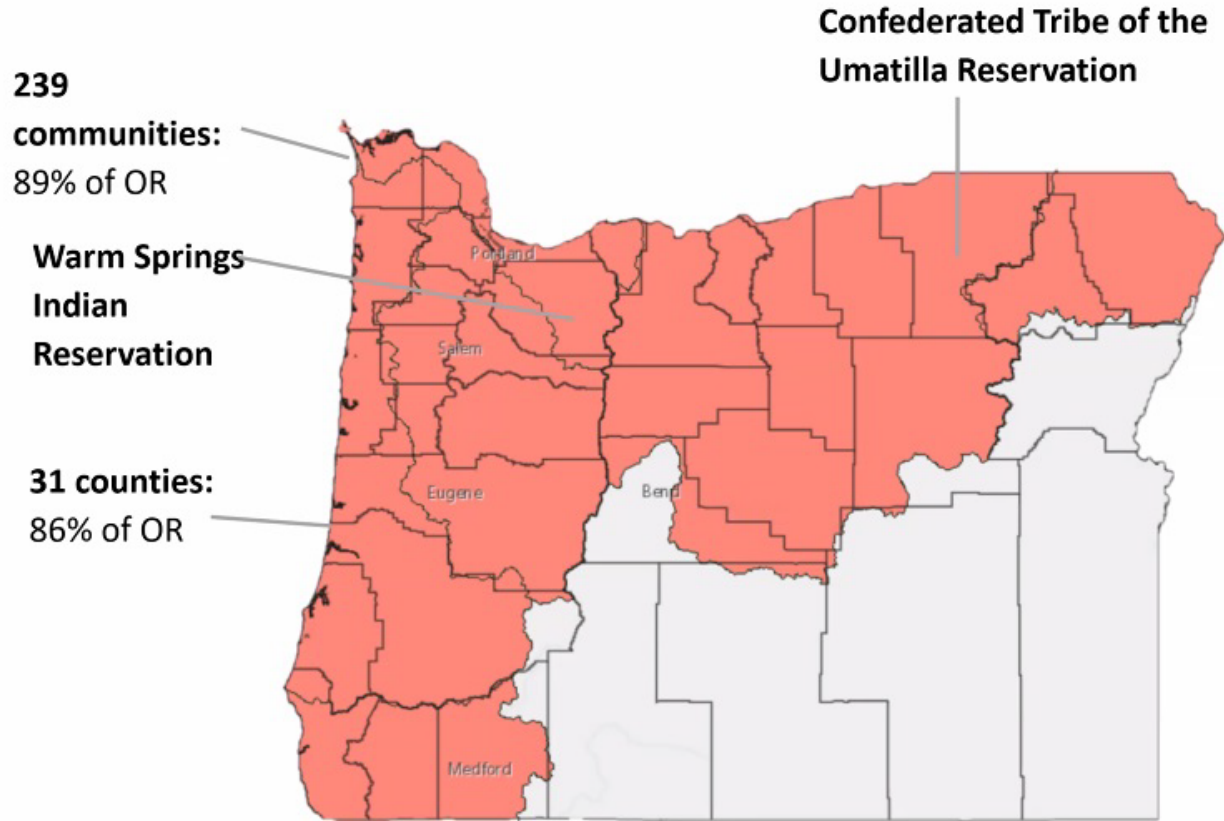


2023: Notice of Intent for Environmental Impact Statement (EIS) published..



FEMA

Oregon Communities Affected



Confederated Tribe of the Umatilla Reservation

239 communities:
89% of OR

Warm Springs Indian Reservation

31 counties:
86% of OR



90% NFIP policies impacted of **24,098** total policies in OR



Annual payment of **~\$24 million** and coverage of over **\$6.65 billion**

Action Area

(defined by NOAA salmon recovery domains)



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Current Status

- **Environmental Impact Statement (EIS) development:** FEMA is evaluating proposed changes to the Oregon outlined in the Implementation plan, in compliance with the National Environmental Policy Act. Public scoping meetings were held in Spring 2023.
- **Interim measures:** Communities need to take action, called Pre-Implementation Compliance Measures, to protect habitat and achieve “no net loss.”



No net loss is any development action resulting in negative impacts to one or more key floodplain functions that are then mitigated or avoided to offset said impacts.



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Near-term Options for Communities

FEMA developed PICMs for participating NFIP communities to comply with ESA requirements in the interim period while the full implementation is being reviewed under NEPA.

PICM options

Prohibit all new development

Prohibit all new development in the floodplain.

Model Ordinance

Incorporate the ESA into local floodplain ordinances.

Permit-by-Permit

Require permit applicants to develop a Floodplain Habitat Assessment documenting that their proposed development in the Special Flood Hazard Area will achieve “no net loss.”



FEMA

Reporting and Enforcement

Dec. 1, 2024: Communities select a PICM option.



If none selected, default to Permit-by-Permit.

Jan. 31, 2025: Data collection begins

Required information includes:

- ✓ Amount of fill, compensatory storage, and new impervious surfaces
- ✓ Area of clearing and grading
- ✓ Trees removed greater than six inches diameter
- ✓ Track acres disconnected or reconnected from the floodplain
- ✓ Mitigation provided



January 31, 2026: Data Reporting begins using FEMA reporting tool



If report is not provided it will result in a community visit.

2027: FEMA achieves full implementation.

← Ongoing PICM implementation →