



CITY *of*
TUALATIN

NEW FEDERAL FLOODPLAIN REQUIREMENTS





- What is the National Flood Insurance Program?
- What areas are affected?
- Why these requirements?
- What are these requirements?
- What options do we have?
- How might this affect development in Tualatin?
- What timelines are required?



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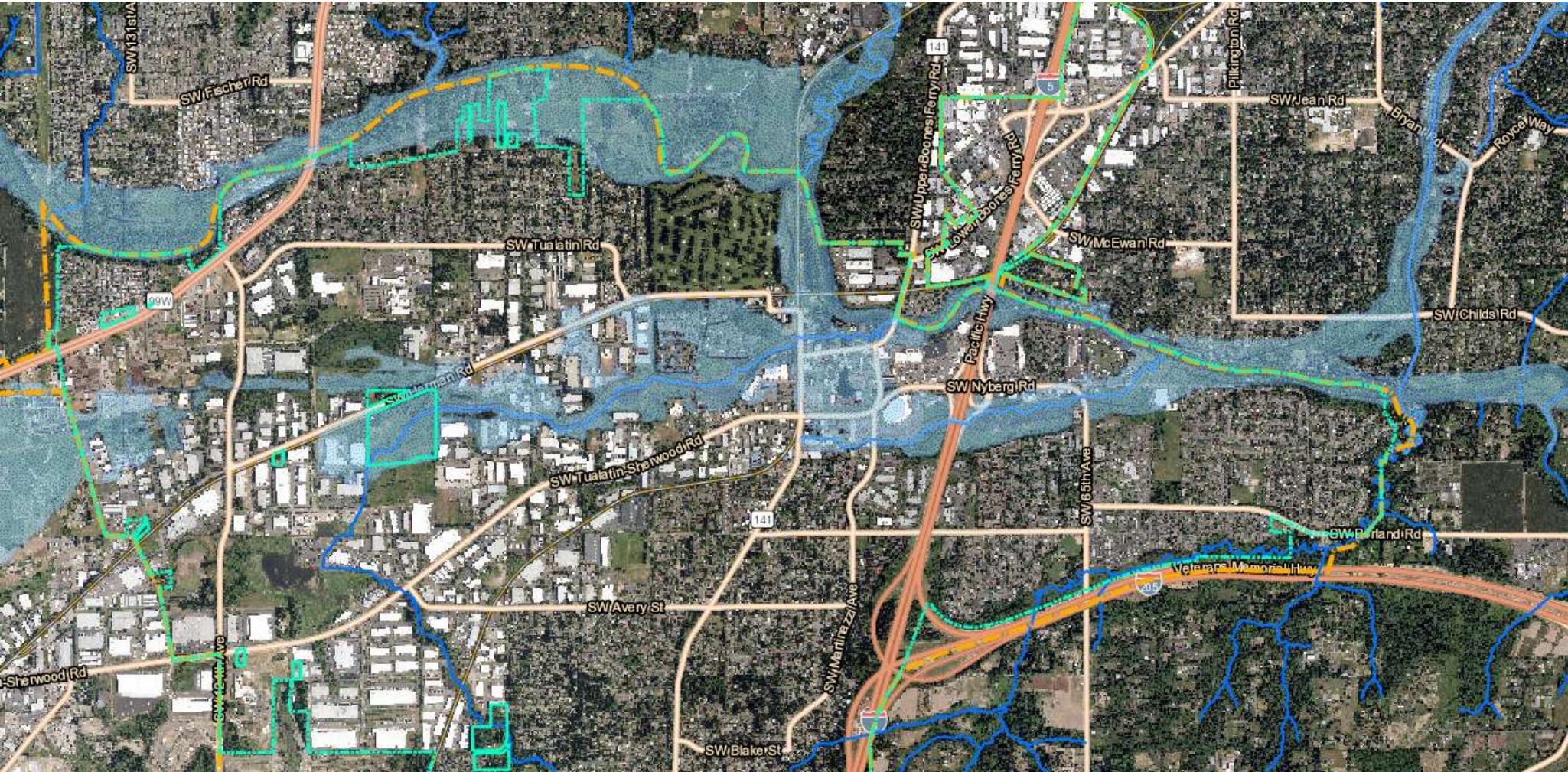
National Flood Insurance Program



- Through the National Flood Insurance Program (NFIP) property owners, renters, and businesses can receive flood insurance backed by the Federal Government. NFIP insurance is often more available and/or significantly cheaper than private insurance.
- The NFIP is managed by the Federal Emergency Management Agency (FEMA)
- Participation in the NFIP (and compliance with FEMA regulations) is required for community members to receive federal flood insurance, federal loans, and execute federal leases in the floodplain, and to receive response and recovery funding for federally declared disasters.



Special Flood Hazard Area (Floodplain) in Tualatin



Background



- 2009- Oregon environmental groups sued FEMA- alleging that FEMA was required to consult with the National Marine Fisheries Service (NMFS) as to whether the NFIP could jeopardize endangered species (salmon, sturgeon, candlefish, orcas).
- 2010- FEMA settled; agreed to take measures to protect these endangered species and consult with NMFS regarding impacts of NFIP
- 2016- NFMS issued its Biological Opinion (BiOp); which concluded implementation of the NFIP in Oregon jeopardized endangered species and adversely impacts their existing habitat.
- The BiOp contained measures FEMA could take to avoid jeopardizing endangered species.
- 2021/2023- FEMA subsequently issued a draft plan intended to reduce impacts of NFIP on endangered species; decided to implement the plan using a National Environmental Policy Act (NEPA) process- which is still underway (long-term measures).
- 2023- Oregon environmental groups sued again; FEMA taking too long to implement BiOp.
- 2024- **FEMA responded with new, separate, interim program of pre-implementation compliance measures (PICM) in an effort to comply** (short-term measures).



Pre-Implementation Compliance Measure (PICM) Options



1. **Moratorium** – Prohibit all new development (anything that would raise ground surface or increase impervious area or remove trees) in the Special Flood Hazard Area
2. **Case by Case Analysis** – For each case the developer must provide a professional Floodplain Habitat Assessment demonstrating that the proposed development would achieve ‘No Net Loss’ of floodplain storage, water quality, and vegetation in the Special Flood Hazard Area
3. **Model Ordinance** – Incorporate the Endangered Species Act performance standards into local floodplain ordinances.



Model Ordinance Parameters

- Maintain existing level or mitigate for reduction of:
 - Floodplain storage – available space for floodwater between existing ground surface and predicted flood elevation
 - Water Quality – pervious surface through which water can infiltrate into the ground
 - Vegetation – trees 6” or greater in diameter
- Mitigation can be provided onsite, or within same ‘reach’
 - Or at higher ratios elsewhere in watershed
- Planting mitigation for development within Riparian Buffer Zone
- Developers could still achieve compliance by providing ‘no net loss’ habitat analysis
- Maintenance, environmental projects exempt



NFIP Oregon Implementation Program Guidance

Model Floodplain Management Ordinance

For Participating Communities in the Implementation Plan Area



FEMA

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

How would development in Tualatin be affected?

- Biggest impact: The volume of any new structure in the floodplain area would need to be offset or mitigated (such as by lowering the ground surface onsite or nearby)
- Any new impervious area would need to be offset by newly-pervious area or stormwater quality/quantity treatment (similar to CWS requirements)
- Replanting required to offset any trees (>6" diameter) removed at ratios from 2:1 to 6:1 – new trees are assumed to be small at first



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Endangered Species Act Compliance Timeline



1. **Choose PICM** – E-mail to FEMA by December 1, 2024
2. **Begin Implementation**– Agencies are required to implement a PICM starting December 1. If the ordinance is not adopted, case-by-case analysis or a moratorium is required.
3. **Begin Reporting** – Starting January 1, 2025, Agencies must start collecting data to be reported yearly on applications in the floodplain and compliance
4. **Adopt Ordinance** – by July 31, 2025

Subject to change based on ongoing Federal/State conversations



Questions?



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