

March 2024 Update

Environmental Impact Statement (EIS) for Modifications to the National Flood Insurance Program (NFIP) — Endangered Species Act (ESA) Integration in Oregon

Cooperating Agency Review

Cooperating Agencies have reviewed and commented on Draft EIS *Chapter 1: Introduction*, *Chapter 2: Purpose and Need*, and *Chapter 5: Scoping Summary* (portion of chapter), as well as the outline for the Implementation Plan Technical Guidance.

Development of Alternatives

With information gathered during the National Environmental Policy Act (NEPA) Scoping process that occurred between March and June 2023, FEMA screened alternatives to be analyzed in the Environmental Impact Statement (EIS). The screening process asked three key questions:

1. Is the alternative consistent with the purpose and need for the proposed action?
2. Is the alternative technically and economically feasible?
3. Are the alternatives' implementation and anticipated impacts different from those of other alternatives?

Preliminary results of the screening process suggest four alternatives to evaluate in the EIS: a No-Action Alternative and three action alternatives. The No-Action Alternative represents conditions with the NFIP in Oregon unchanged. Each of the three action alternatives describes a different approach for avoiding jeopardy to ESA-listed species.

Directions for Determining if a Location is in the Plan Area

At the request of DLCD, FEMA prepared step-by-step directions for determining if a location is in the Plan Area. Prior to posting on the OR NFIP EIS website, FEMA asked the NEPA Cooperating Agencies to review the directions and provide suggestions to ensure clarity and usefulness. The directions are now available at [Determining if a Location is Within the Plan Area \(fema.gov\)](https://www.fema.gov/about/organization/region-10/oregon/nfip-esa-integration)

Public, Agency and Tribal Engagement Plan

FEMA is developing a plan to guide outreach and engagement with the public, agencies and Tribes through the NEPA process. The plan describes how FEMA will inform and interact with potentially interested and affected parties throughout the NEPA process. It focuses on strategies for providing information about the Draft EIS, including



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<https://www.fema.gov/about/organization/region-10/oregon/nfip-esa-integration>



opportunities for review and comment. Engagement activities are anticipated to include public notifications; targeted outreach to NFIP-participating communities and other key audiences; in-person public meetings and virtual public meetings; and advanced outreach and focus groups. Details are still being developed.

Implementation Plan Pathways

FEMA continues to develop technical content for the four Pathways of the OR NFIP-ESA Integration Implementation Plan, including the model ordinance (Path A) and ordinance checklist (Path B), as well as guidance for preparing a community compliance plan (Path C) or a community-level habitat conservation plan (Path D). Cooperating Agency review of the draft model ordinance is anticipated for later this spring, with the ordinance checklist following.

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:* mitigate floodplain development impacts to one or more of the three habitat functions through a community-scale investment with a combination of open space, restoration, additional floodplain storage, impervious surface removal, and tree planting.
- *Regional Integrated Plans:* multiple communities could partner for development of a watershed scale approach to steering development, restoration, and mitigation actions in the floodplain.
- *Community-specific geographic adjustment to the no net loss standard:* in cases where topographic or other physical characteristics create isolated pockets of floodplain, a community could provide justification for waiving the no net loss standard for one or more of the three habitat functions.
- *Community-specific adjustment to the riparian buffer zone or mitigation ratios:* a community could analyze the unique circumstances of development, habitat quality, potential for fish presence and other community-specific details, and provide FEMA with scientific justification for adjusting the riparian buffer zone or mitigation ratios.

This list is intended to be illustrative, not exhaustive. The approach can be tailored to community-specific circumstances. FEMA will provide technical assistance to communities that choose to pursue this approach.

Next Steps

FEMA anticipates Cooperating Agency review of *Chapter 3: Description of Alternatives* in spring of 2024. The EIS team will continue to analyze impacts associated with the Implementation Plan and alternatives through summer and into fall 2024. As technical reports and sections of the EIS are ready for preliminary review, FEMA will request Cooperating Agency review. Publication of the DEIS is anticipated in late 2024 or early 2025.



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NEPA Timeline



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