

September 2023 Update

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

Schedule Update

The National Environmental Policy Act (NEPA) 92-day scoping period ended June 26, 2023. FEMA has analyzed the submitted comments as summarized them in this update. FEMA, with input from stakeholders, is working on the Technical Guidance (including the model ordinance) and the draft EIS. We anticipate publishing both in early 2024 followed by a robust public outreach and public comment period of at least 60 days.

Previous Accomplishments

Over the three-month (92-day) public scoping period, we held 12 public meetings (7 in-person and 5 virtual), reached over 800 people face-to-face, received 100 written submissions, and tabulated approximately 1,000 distinct comments from the submissions and meeting transcripts.



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OR EIS website

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



Outreach Efforts

We sent three advisories to 383 business and non-profit community leaders, 445 elected officials, and 11 tribal nations across Oregon; and sent two emails to 1,400 Oregon individuals and organizations. Many communities and individuals re-posted the notices on their own social media channels. We also issued News Releases on May 25 and June 21 to 864 media outlets and reporters.

Scoping Summary

The following summarizes some of the primary themes of comments FEMA received the following public comments:

- Commenters expected to review and comment on a fully developed implementation plan, to include a model ordinance.
- Many comments (written and verbal), especially those submitted By Oregon communities, discussed how the proposed performance standards in the implementation plan will have severe economic impacts on communities (tax basis, development plans, housing needs), floodplain managers (cost and time of implementation), and property owners (individuals and businesses).
- Oregon ports and other agencies are especially concerned about potential duplicative mitigation requirements that may stem from the proposed plan when coupled with project-specific ESA requirements.
- Of the tabulated 960 comments, seven (0.72%) offered some form of compliment or encouragement to FEMA for the proposed plan. All comment letters, even those that included the complimentary feedback, opposed the plan or criticized one or more aspects of FEMA's proposed action.
- There were two comment periods: March 6-May 5, 2023 and May 25-June 26, 2023. During the first comment period 78 percent of the written submissions and 83 percent of the tabulated comments were received.
- The current (status quo) requirements of the NFIP are poorly understood. Many communities expressed concern regarding perceived discrepancies between what FEMA requires and what communities require for the issuance of floodplain development permits under the NFIP regulations at 44 C.F.R. § 60.3.
- The current (status quo) requirements for hydraulic and hydrologic analyses (H&H, often referred to as "no-rise" analyses) for habitat restoration projects in the floodway (and associated requirements for a Conditional Letter of Map Revision (CLOMR) in the case of a rise) are poorly understood. Commenters tied the proposed plan to the 2020 rescission of a 1999 FEMA Region 10 memo that was widely misunderstood as a waiver of some of these requirements for projects that benefit fish habitat. Commenters misunderstood the rescission as a change in FEMA policy and indicated that these requirements have increased the cost and complexity of such projects.



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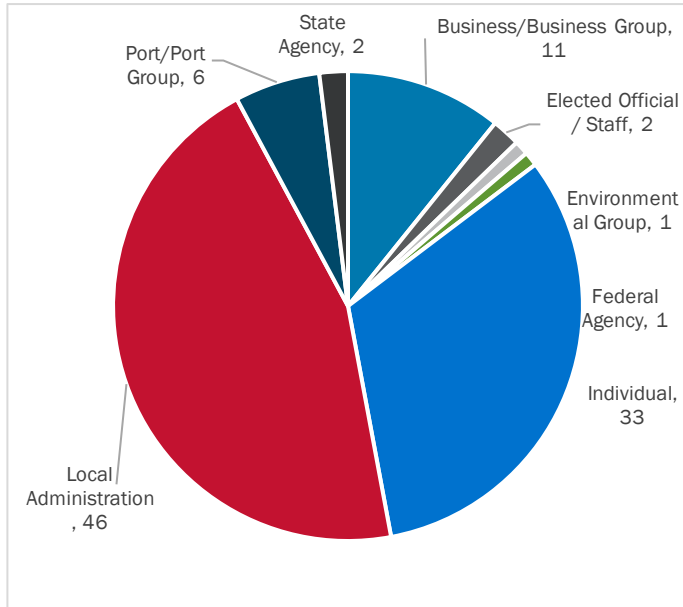
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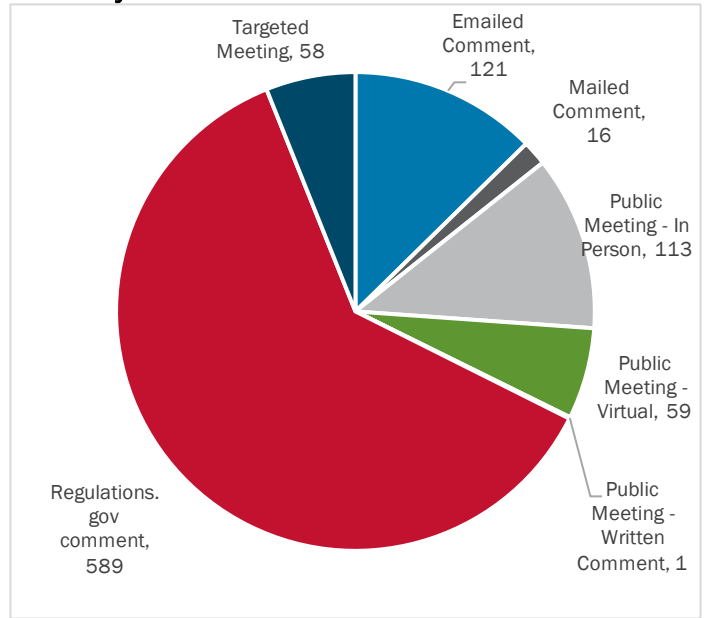


The following charts summarize the scoping comments FEMA received:

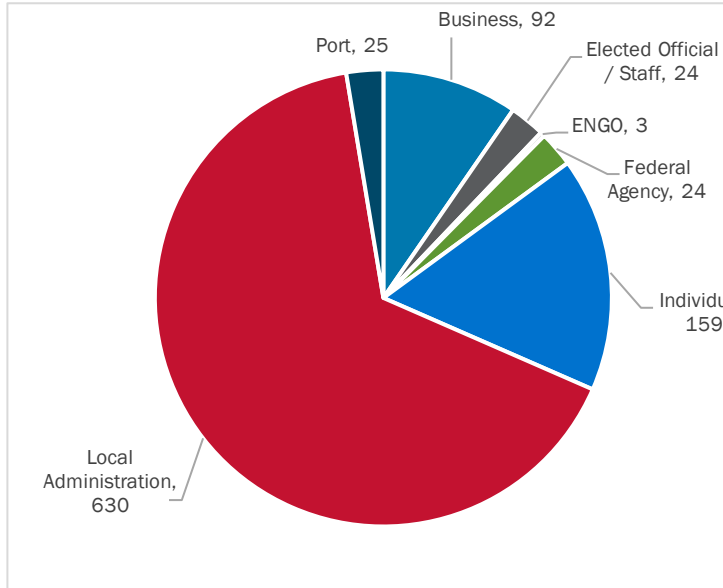
Submitter's Affiliation



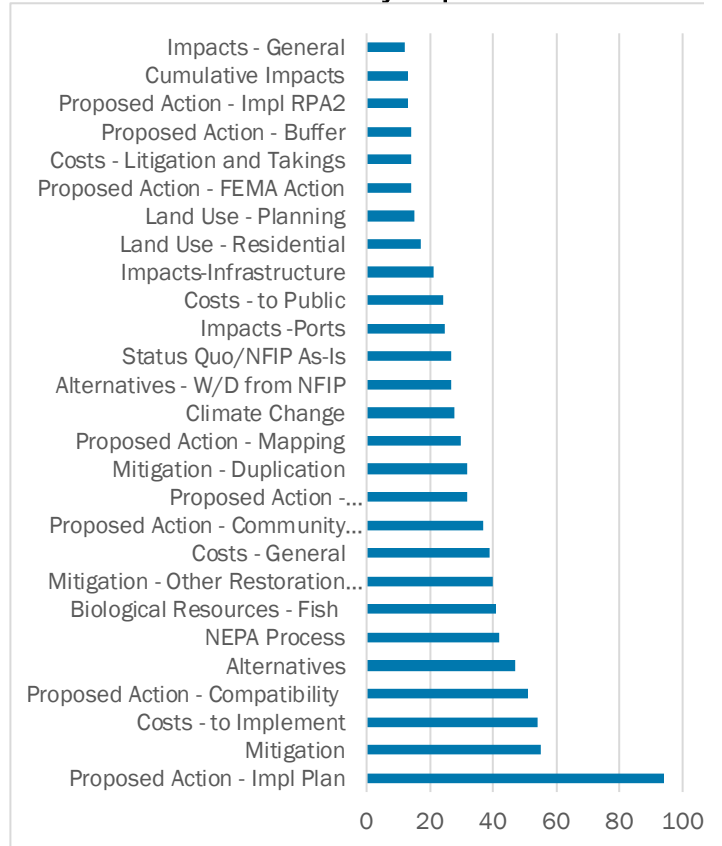
Delivery Method



Affiliation of Each Comment



Number* of Comments by Topic



* For topics with ten or more comments only



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