

Pre-Implementation Compliance Measures Discussion

**Endangered Species Act &
National Flood Insurance
Program Integration
in Oregon**



What are we talking about?

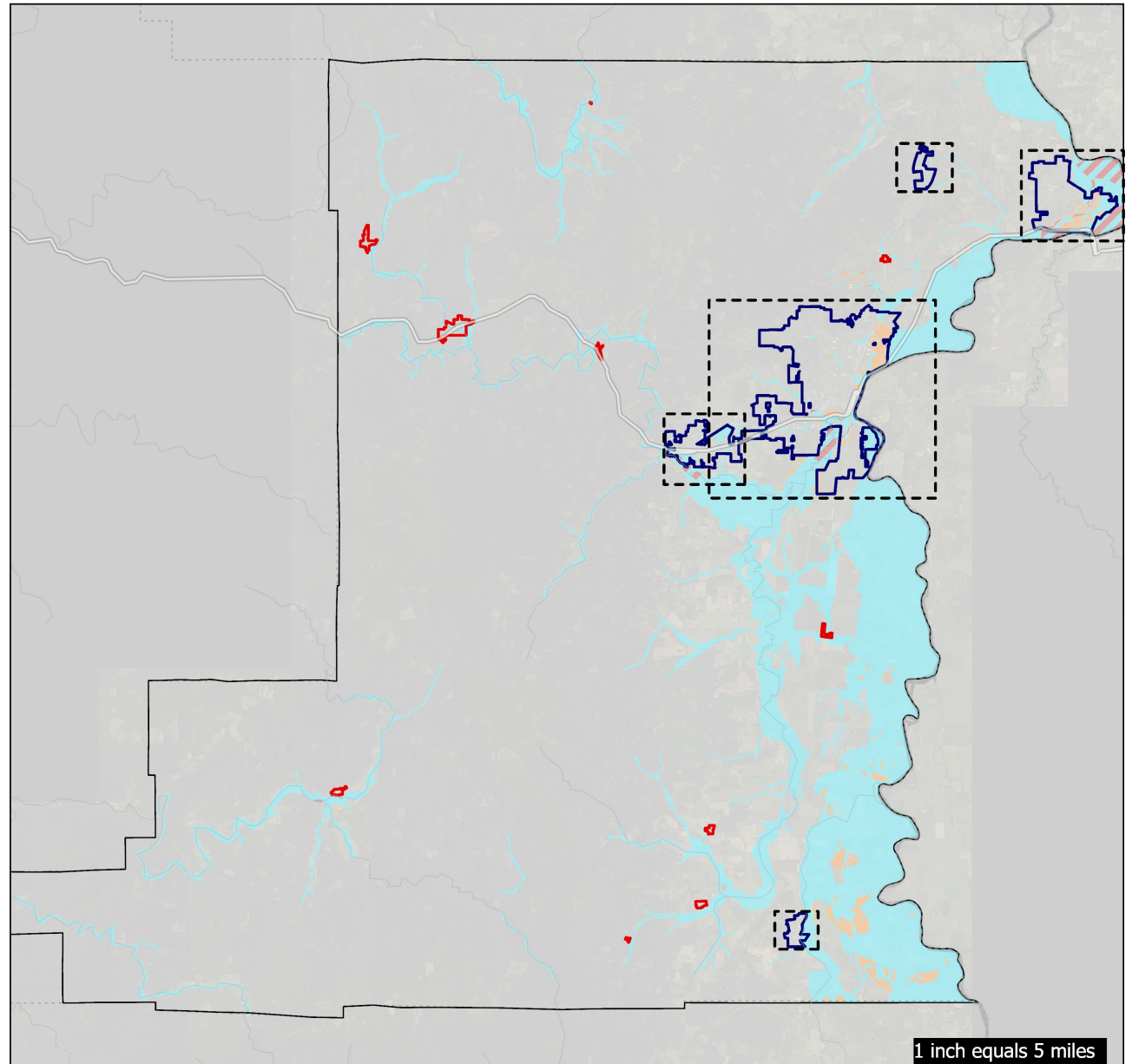
Overview

Important Dates

What's Affected?

Implementation Options

Discussion



Floodplain Habitat Protection Goals Related to the Biological Opinion and the National Flood Insurance Program

Ensure continued habitat viability for identified endangered species

Guide development away from sensitive habitat areas

Ensure development does not cause additional damage to habitat areas

Strengthen systems of accountability and implementation of new requirements

Key Habitat Functions		
Category	Measurement	Consideration
Undeveloped Space	Volume	How much space is impacted?
Water Quality	Area	How much ground surface is impacted?
Riparian Vegetation	Number	How many trees are impacted?



Timelines & Project Areas

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



Key Project Areas

- **Pre-Implementation Compliance Measures**


Now: Decision & implementation due by
December 1, 2024

- **Cooperating Agency Participation**

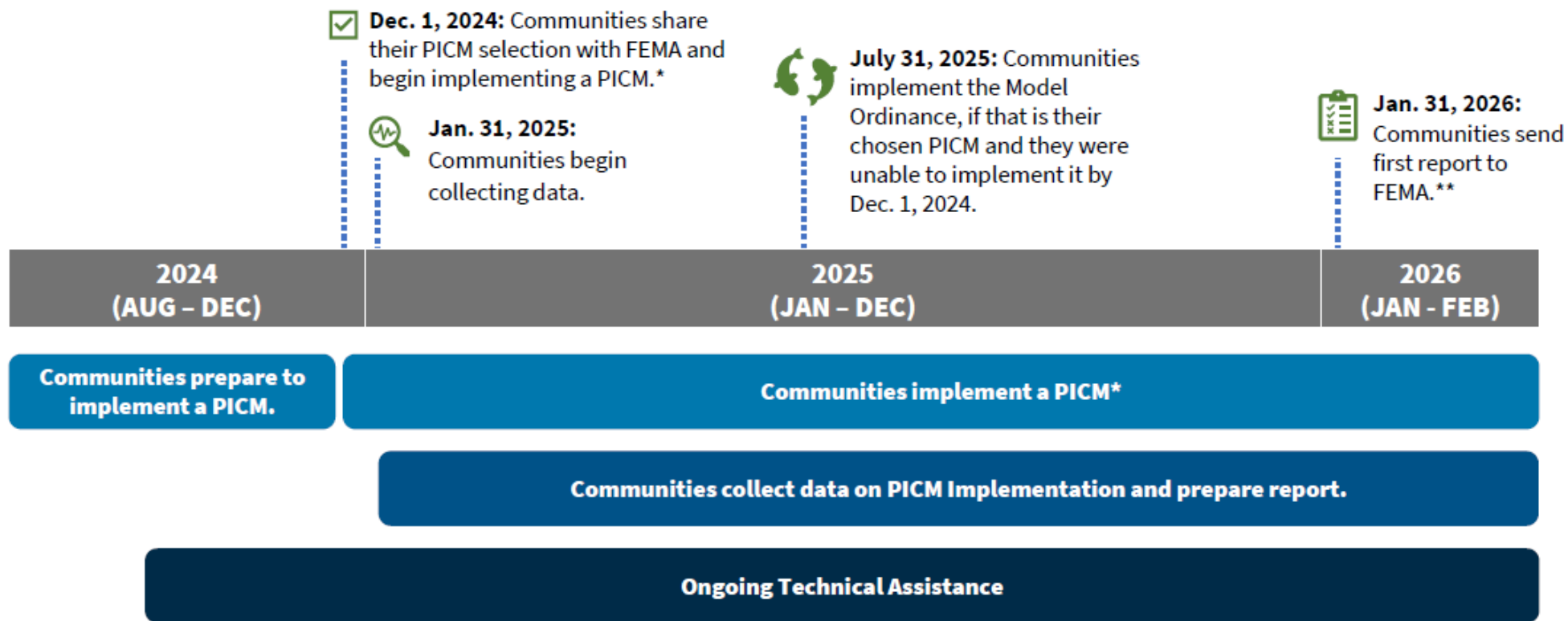
Ongoing: Review & comment on documents for FEMA's
pre-decisional Draft Environmental Impact
Statement

- **Long-term Implementation**

Future: Code adoption & implementation expected in
2027



PRE-IMPLEMENTATION COMPLIANCE MEASURES (PICM) IMPLEMENTATION TIMELINE



*If a community chooses the Model Ordinance approach and is unable to put it in place by Dec. 1, the community must implement the Permit-by-Permit approach or prohibit all new development in the Special Floodplain Hazard Area until they are able to implement the Model Ordinance approach, which must be implemented by July 31, 2025.

**FEMA will provide a reporting tool. If report is not provided, it will result in a community visit.



FEMA

Recent Communications

- **Letters to FEMA**
Oregon Delegation and Governor of Oregon
- **Impact Statement**
Association of Oregon Counties Legislative Affairs Manager
- **Pre-Implementation Compliance Measures FAQ Sheet**
Department of Land Conservation & Development
- **Pre-Implementation Compliance Measure Workshops**
Federal Emergency Management Agency, Region 10







Floodplains in Benton County




NFIP-ESA Act
Integration

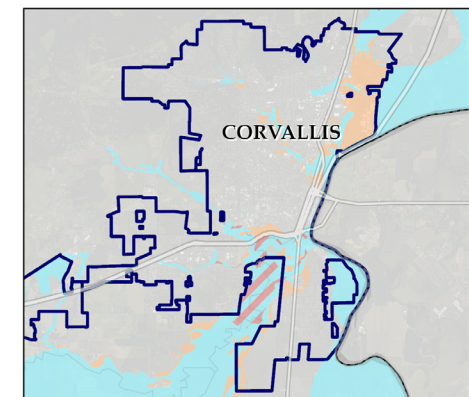
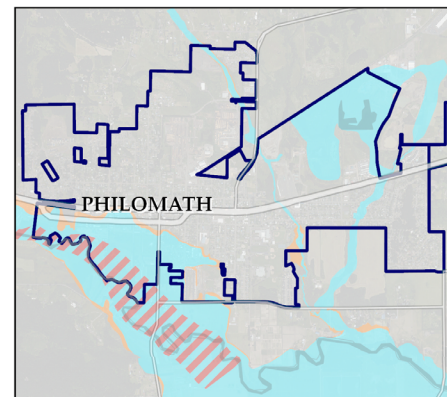
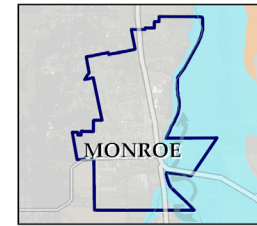
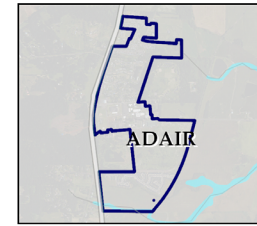
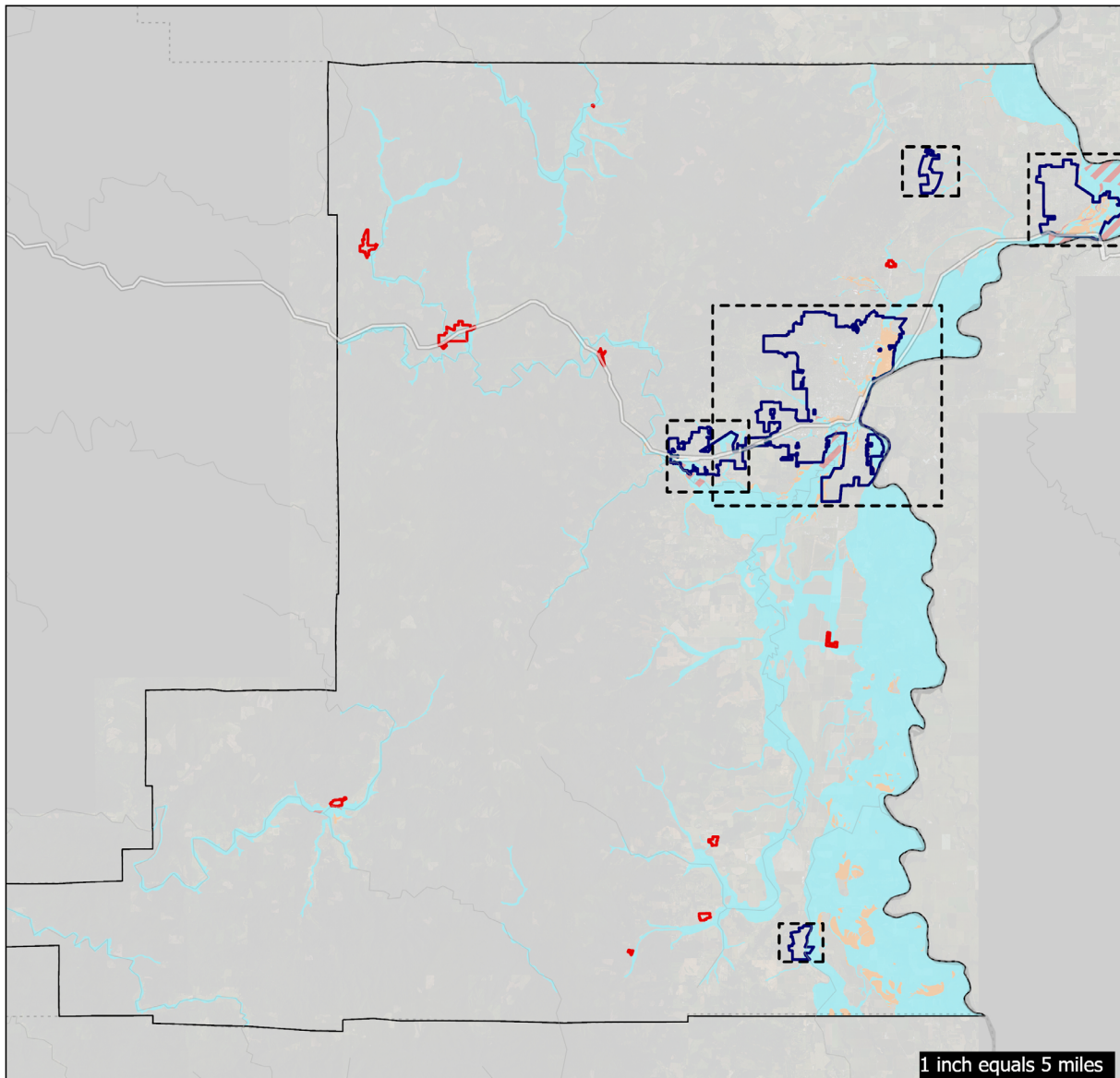


Jurisdictions in Benton
County

-  Incorporated Cities
-  Communities

FEMA Floodplain - NFHL

-  1% Annual Chance Flood Hazard
-  2% Annual Chance Flood Hazard
-  Floodway



Benton County Floodplains

	Total Acres	Floodplain Acres	Percent Floodplain
Benton County	434,000	59,000	14%
<i>Unincorporated Benton County</i>	<i>420,000</i>	<i>57,000</i>	<i>14%</i>
Unincorporated Communities	190	30	16%
Incorporated Cities	14,000	1,900	14%

Unincorporated Communities	Total Acres	Floodplain Acres	Percent Floodplain
Alpine	40	0.1	0.3%
Alea	40	6	15%
Bellfountain	30	0.4	1%
Greenberry	40	18	45%
Wren	30	7	23%



Incorporated Cities	Total Acres	Floodplain Acres	Percent Floodplain
Adair Village	340	5	2%
Albany (part)	2,530	500	20%
Corvallis	9,400	1,000	11%
Monroe	330	60	18%
Philomath	1,400	300	21%

Acres are approximate.




NFIP-ESA Act
Integration

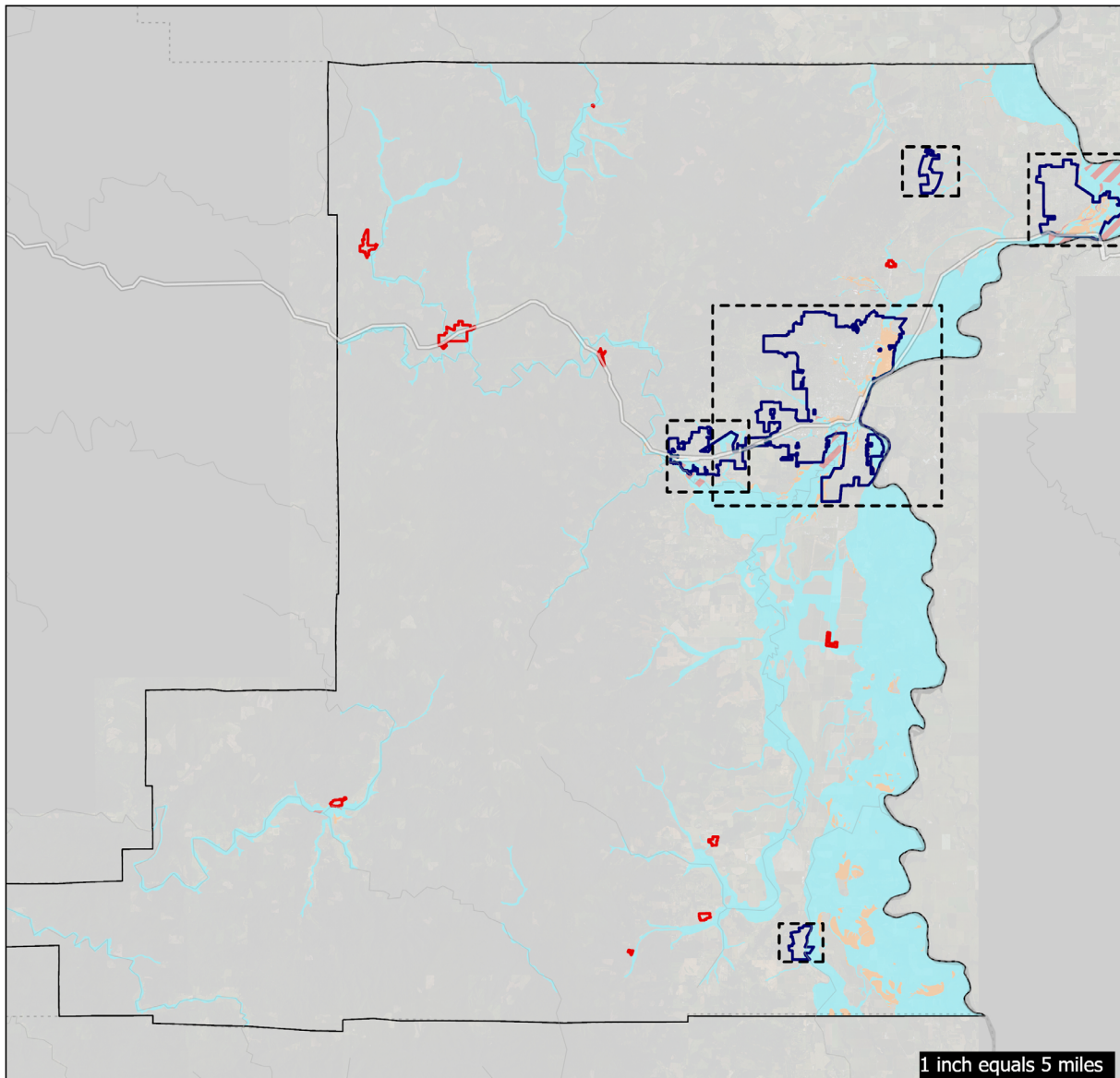
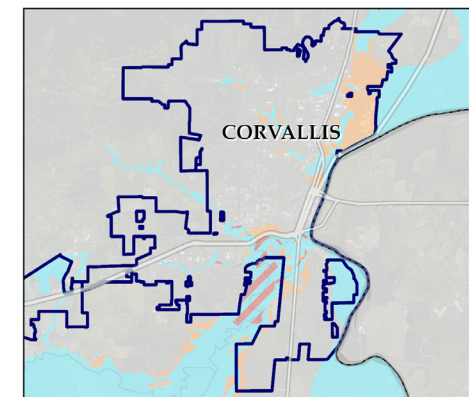
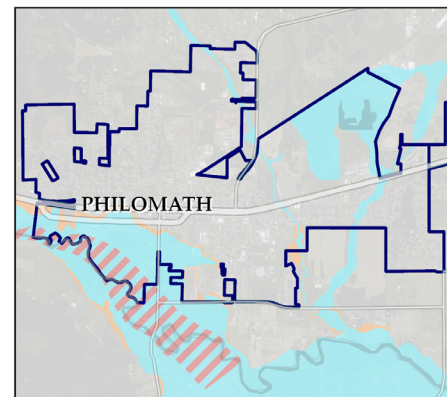
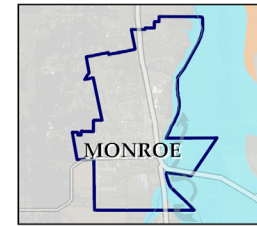
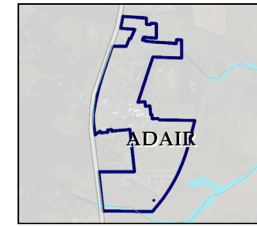


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Benton County Land & Floodplains

Zone Type	Tax Lots	Floodplain Acres
Resource Use	2,500	51,700
Residential	500	800
Industrial	50	140
Commercial	10	10
Other	40	2,000

Resource Zones	
Exclusive Farm Use	93%
Forest Conservation	4%
Multi-Purpose Agriculture	2%
Floodplain Agriculture	1%

Residential Zones	
Rural Residential	68%
Urban Residential	32%
Village Residential	< 1%

Industrial Zones	
Rural Industrial	38%
Urban Industrial	33%
Village Industrial	--
Agricultural Industrial	29%

Commercial Zones	
Rural Commercial	90%
Urban Commercial	10%
Village Commercial	--

Other Zones	
Open Space	87%
Public	12%
Special Use	1%

Numbers are approximate.

Benton County Structures, Floodplains & Buffers

Zone Type	Floodplain Structures	All Addresses	Floodplain Addresses
Resource Use	2,700	1,100	540
Residential	600	400	160
Commercial	10	5	2
Industrial	90	30	20
Other	40	10	1


Structures

Zone Type	Floodplain	170ft Buffer	50ft Setback
Resource Use	2,700	900	300
Residential	600	200	80
Commercial	10	10	0
Industrial	90	30	4
Other	40	1	1

Addresses

Zone Type	Floodplain	170ft Buffer	50ft Setback
Resource Use	540	200	30
Residential	160	50	10
Commercial	2	2	0
Industrial	20	3	1
Other	1	1	0

Numbers are approximate.

The slide features a light blue background with decorative white line-art illustrations of leaves in the corners. The top-left and top-right corners each contain a cluster of several oval-shaped leaves on a stem. The bottom-left and bottom-right corners each contain a single large heart-shaped leaf with internal vein lines, and a small cluster of two oval leaves below it. A thin white horizontal line is positioned below the main text.

Pre-Implementation Compliance Measures

Reporting and Enforcement

↑ Ongoing PICM implementation ↓

December 1, 2024: Communities select a PICM option.



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

January 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



Requirements are outlined in RPA Element 5
New Reporting Tool required
Beginning next calendar year

July 31, 2025: Communities fully implement PICMs

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.

Evaluation of Options

Pre-Implementation Compliance Measures	
Option 1	Adopt interim model ordinance
Option 2	Perform permit-by-permit reviews
Option 3	Prohibit all development in flood hazard areas

	Model Ordinance	Permit-by-Permit
Ordinance adoption required	X	X
Project must comply with no net loss standards	X	X
Applicant must submit documentation to show compliance	X	X
Application form helpful	X	X
Staff review & approval required	X	X
Needs	Time	Time & Final guidance document



Discussion & Next Steps



Discussion

- Questions?
- Thoughts?
- Comments?

Next Steps

- Prepare & submit formal response to FEMA by December 1, 2024
- Work towards implementation of chosen Pre-Implementation Compliance Measure option
- Identify & maintain communication with FEMA regarding technical assistance needs
- Continue reviewing & commenting on pre-decisional documents for FEMA's draft Environmental Impact Statement





Thank you

Toby Lewis

Benton County
Community Development
Department