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News from Region X

The NFIP and the Endangered Species Act

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Recently, FEMA changed the MT-1 Form (Conditional and Final Letters of Map Amendment and Letters of Map Revision Based on Fill [CLOMA, LOMA, CLOMR-F, LOMR-F]) and MT-2 Form (Conditional Letters of Map Revision and Letters of Map Revision [CLOMR, LOMR]) to include a requirement on compliance with the Endangered Species Act (ESA) for CLOMAs, CLOMR-Fs and CLOMRs. Local officials are required to acknowledge on the Community Acknowledgement Form that the CLOMA, CLOMR-F or CLOMR request complies with Sections 9 and 10 of the ESA.

CLOMR-Fs and CLOMRs are issued before a physical action occurs in the floodplain and are FEMA’s comments as to whether the proposed project would meet minimum National Flood Insurance Program (NFIP) requirements and how the proposed changes would impact the NFIP maps. Because CLOMAs, CLOMR-Fs and CLOMRs are submitted to FEMA prior to construction, there is an opportunity to identify if threatened and endangered species may be affected by the potential project. If potential adverse impacts could occur, then changes may be required to the proposed activity and/or mitigation.

The purpose of the ESA is to conserve threatened and endangered species and the ecosystems upon which they depend. Congress passed the ESA in 1973 with recognition that the natural heritage of the United States was of “esthetic, ecological, educational, recreational, and scientific value to our Nation and its people.” Congress understood

that, without protection, many of the nation’s living resources would become extinct. Species at risk of extinction are considered endangered, whereas species that are likely to become endangered in the foreseeable future are considered threatened. At present approximately 1,900 species are listed as threatened or endangered under the ESA. The U.S. Department of Interior’s Fish and Wildlife Service and the U.S. Department of Commerce’s National Marine Fisheries Service share responsibility for implementing the ESA.

CLOMA, CLOMR-F and CLOMR applicants are responsible for documenting to FEMA that ESA compliance has been achieved prior to FEMA’s review of an application. ESA compliance may be documented by submitting to FEMA a copy of an Incidental Take

Permit, an Incidental Take Statement, a “not likely to adversely affect” determination from the National Marine Fisheries Service (NMFS) or the U.S. Fish and Wildlife Service (USFWS), or an official letter from NMFS or USFWS concurring that the project has “No Effect” on proposed or listed species or designated critical habitat. The applicant may begin by contacting a NMFS or USFWS office, State wildlife agency office, or independent biologist to identify whether threatened or endangered species exist on the subject property and whether the project associated with the request would adversely affect species or designated critical habitat. These entities are also available to discuss questions pertaining to listed species and ESA compliance. If potential adverse impacts could

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NFIP and ESA *(cont.)*

occur, then NMFS or USFWS may require changes to the proposed activity and/or mitigation.

Additional information about the ESA and these requirements is available from FEMA at www.fema.gov or by requesting a copy from the DHSFEMA Map Information exchange (FMIX) toll free at 1-877-FEMA-MAP (1-877-336-2627).

Flood Insurance Studies and the ESA

FEMA Region X began using data on Endangered Species Act (ESA) species and habitat in FY '11 to influence the algorithm that determines which Flood Insurance Studies (FIS) are funded each year in Washington and Oregon. This algorithm weights a number of criteria to create a score that allows them to determine which watersheds are the highest priorities for each fiscal year.

The criteria used to prioritize new studies are based on factors tied to Congressional budget appropriations along with other considerations including population areas at risk, floodplain size or location, and presence of ESA species and habitat. FEMA's funding from Congress often stipulates that they pursue specific types of studies, and FEMA Headquarters establishes targets based on these terms which in turn shape how Region X identifies FIS priorities. For example, priority categories dictated by Congress in the past have included: coastal, levee, and riverine studies, as well as studies in partnership with state and local governments through the Cooperating Technical Partners grant program.

The prioritization process is conducted using an algorithm to help Region X systematically identify where FISs should be located in order to be both cost effective and to provide the greatest benefit. The national FEMA decision algorithm

emphasizes studies in coastal and riverine areas and is weighted as follows: assessment of risk (45%), evaluation of need to update data (45%), and available terrain data (10%). The risk assessment is determined by three factors: population density (60%), NFIP policies & claims (30%), and floodplain area (10%). The "evaluation of a need to update data" is identified by priorities established by the Coordinated Needs Management System (CNMS). Availability of existing terrain data is also an important factor because it allows FEMA to create a study at a lower cost, which means they are able to study more watersheds.

In order to reflect the unique local factors in prioritizing FISs, Region X has integrated additional criteria into the national algorithm to better reflect the circumstances of the Pacific Northwest. The regional version of the formula incorporates local contribution of data and the presence of listed endangered species into the decision making process. Therefore, if endangered species are present in a watershed then that FIS receives a higher priority for funding than an otherwise identical watershed without endangered species.

Local data, provided by communities and states, can include climate change, floodplain development pressure, growth, land use changes, and areas without digitized Flood Insurance Rate Maps. Watersheds with listed endangered species in Washington and Oregon are identified using Geographic Information Systems (GIS) data and input from those states. The full dataset, once compiled, allows Region X to view this information in GIS to aid the Region's study prioritization and during the Discovery effort. Additionally, Region X funds a Risk MAP Coordinator in Oregon and Washington to develop a statewide flood risk portfolio on a watershed basis that prioritizes studies and reflects the presence of listed endangered species. Region X's GIS data files and datasets that are

used to determine the priority ranking of community Flood Insurance Studies are available upon request and the state portfolios are available at www.starr-team.com.

Ask the Help Desk

Question: I was looking through the July issue of the STARR Region X Newsletter and I had a question about the Biggert-Waters Act and the changes to the substantial improvement threshold: Will the NFIP also be moving to 30% rather than the current 50% threshold? If so, will our ordinances need to reflect those changes? We are currently in the middle of revising our ordinances; if we can make the changes now, would we be better off?

The change in the Biggert-Waters Act pertains specifically to the definition of "substantial improvement" when determining whether a structure is eligible for Pre-FIRM flood insurance rates. We (at the RSC) don't know of any changes to the definition as it relates to floodplain management, but you have correctly identified a potential area of confusion when these changes take effect.

As you update your ordinance, you may want to consider revising your definition to match the language in the new law, even though it's not required. Not only would it be less confusing to your property owners, but under the Community Rating System, you could receive extra points for enforcing higher regulatory standards.

It's always possible that the definitions in 44 CFR §59.1 will change to reflect this new language, but for now, we haven't heard anything.

Ask the Help Desk!

Have a question about a mapping project or mitigation planning? Email us at RegionXHelpDesk@starr-team.com.

RiskMAP

Increasing Resilience Together

Upcoming Events & Training

(All times Pacific)

NORFMA Idaho Mini-Conference

August 2-3
Boise, ID
www.norfma.org

WAHUG Users Group Conference Call

August 6, 2:00 pm
www.usehazus.com/wahug

Elevation Certificates

August 9, 10:00 am – 12:30 pm
September 13, 10:00 am – 12:30 pm
Online* – 2 CECs

MT-1 Form Basics

August 16, 10:00 am – 11:00 am
Online* – 1 CEC

Oregon Hazus Overview

August 21-22
Salem, Oregon
j.mp/OoTICc

Hazus Flood Module

August 23, 10:00 am – 11:00 am
Online* – 1 CEC

Hazus Earthquake Module

September 6, 10:00 am – 11:00 am
Online* – 1 CEC

NORFMA 2012 Conference

September 19-21, 2012
Spokane, WA
www.norfma.org

Determining Base Flood Elevations

October 11, 10:00 am – 11:00 am
Online* – 1 CEC

EMI L273

October 15-19, 2012
Spokane, WA
M.Stewart@emd.wa.gov

Elevation Certificates for A Zones

October 18, 10:00 am – 12:30 pm
Online* – 2 CECs

*To register for online courses, visit STARR's training site online at j.mp/starrwebtraining, or email RXTraining@starr-team.com.

Featured Training

Hazus Flood Module

August 23, 10:00 am

Hazus is a loss estimation tool used with ArcGIS to determine losses to flood, hurricane, and earthquake. Hazus is an excellent tool which can be used for mitigation planning, disaster response, community planning etc. If you would like to learn more, please join this one-hour webinar which will focus on the flood module. The Earthquake module will be highlighted in September. Training will cover methodology for each model, required inputs, and results.

One (1) CEC for CFMs

Presenter: Kelly Stone, FEMA Region X

Oregon Hazus Overview

August 21-22, Salem, Oregon

FEMA and Oregon DLCDC are sponsoring course designed to provide an overview of Hazus tools such as CDMS and the earthquake and flood modules. This course will provide each user the necessary requirements to update Hazus with local data and complete flood and earthquake analysis using Shake Maps and flood depth grids. The course will focus on data for Multnomah County, but the same principles apply to any community. Attendees are encouraged to bring their own local data for use in the course.

For more information, including prerequisites and registration information, visit <http://j.mp/OoTICc>.

Training Suggestion Box

If you don't see a desired training topic listed on our schedule and have a suggestion for a topic you would like to learn more about, drop us a line! STARR is always seeking out and developing new training classes. All our current offerings are based on feedback from readers like you. If you have ideas for future training topics, or if you have expertise on a particular subject and would like to sponsor a session, please contact us at rxtraining@starr-team.com.

EMI L273 Returns to Region X

FEMA Region X and the Washington Emergency Management Division are sponsoring two fall sessions of EMI L273 - *Managing Floodplain Development Through the NFIP*. One session will be held in Spokane, October 15 to 19, at the Washington Department of Social and Health Services Building. The second session in the Puget Sound/Olympia area is yet to be scheduled.

Look for updates and details at www.starr-team.com.

For more information or to register, contact Mark Stewart, Washington EMD, M.Stewart@emd.wa.gov.



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