



News from Region 10

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Newsletter Ideas?

*Do you want to spread the word about an upcoming event or recent success story? Let us know what you'd like to see in future issues! Articles can be up to 500 words and may include pictures. **Email:** RXNewsletter@starr-team.com.*

Update on Oregon's Biological Opinion

In 2009, environmental advocacy groups sued the Federal Emergency Management Agency (FEMA), alleging that FEMA's floodplain regulations violated the Endangered Species Act (ESA). The lawsuit stated FEMA failed to consult with National Marine Fisheries Services (NMFS) about how the existing floodplain regulations could jeopardize threatened species in Oregon. FEMA resolved the lawsuit by formally entering consultations with NMFS. The lawsuit is only applicable in Oregon.

In April 2016, NMFS issued its [Biological Opinion](#) (BiOp) concluding that the NFIP in Oregon jeopardizes the survival of several threatened species, including salmon, sturgeon, eulachon, and orcas. The BiOp contained a Reasonable and Prudent Alternative (RPA) with recommendations from NMFS to FEMA on how to avoid jeopardizing the threatened species. In October 2021, FEMA issued a draft implementation plan on how to reduce the negative impacts of the NFIP on threatened species. However, none of the Oregon NFIP communities adopted or administered the draft implementation plan because it was not considered a land use regulation change. Note: there are similar but separate BiOp's in Washington state and now California.

In 2023, FEMA started reviewing the draft implementation plan using a National Environmental Policy Act (NEPA) process, which is still underway today. Under the NEPA process, FEMA will analyze whether there are additional alternatives or changes to the 2021 draft implementation plan to consider. In September 2023, environmental groups filed a lawsuit alleging that FEMA had been too slow to implement the BiOp. Plaintiffs included the Center for Biological Diversity, the Northwest Environmental Defense Center, Willamette Riverkeeper, and The Conservation Angler. See the [Oregonian article about the lawsuit](#).

In July 2024, FEMA announced a new program of pre-implementation compliance measures (PICM) for short-term measures for the BiOp, separate from the NEPA full implementation process (long-term measures).

Under PICM, FEMA directed Oregon NFIP communities to choose and implement one of three paths (outlined below), to protect habitats, and achieve a new performance standard of "no net loss" to three floodplain functions: flood storage, water quality, and riparian vegetation.

PICM Paths:

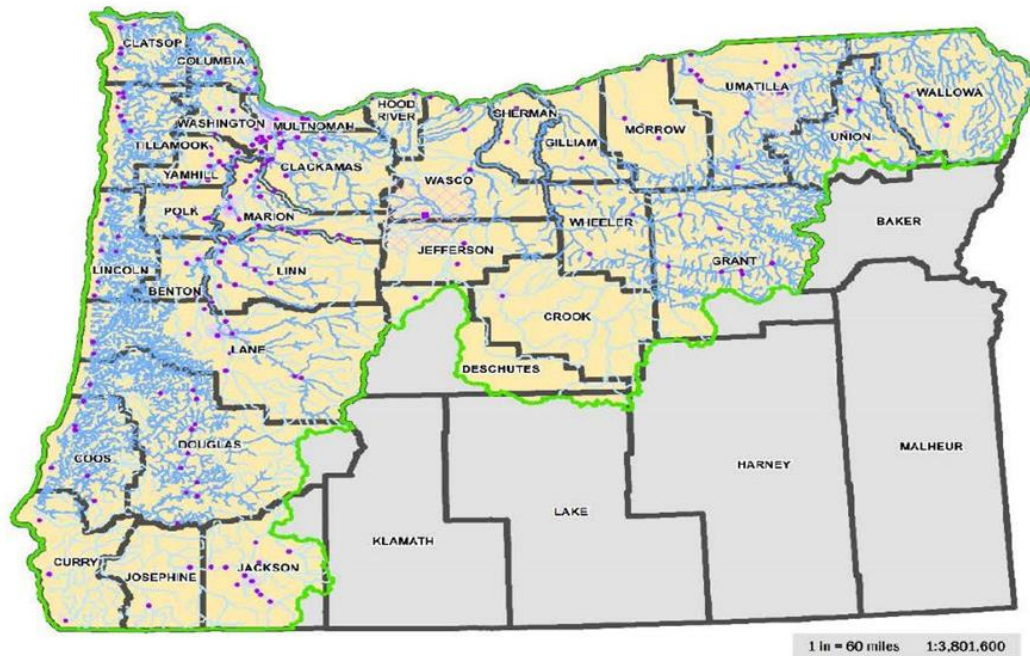
Pathway 1: Adopt the PICM model floodplain management ordinance that considers a no net loss standard.

Pathway 2: Review individual development proposals on a permit-by-permit basis using a Habitat Assessment and Mitigation guidance document from FEMA.

Pathway 3: Prohibit all new development in the Special Flood Hazard Area.

In addition, effective August 1, 2024, all Letters of Map Change based on fill have been temporarily suspended in Oregon due to FEMA's PICM. The suspension is expected to remain in effect until FEMA achieves full implementation, estimated in 2027. FEMA also sent a letter to the Oregon State Hazard Mitigation Officer recommending they prioritize funding for mitigation projects that target buyouts in regions with high occurrences of repeat damage where critical salmonoid habitats are present.

In Oregon there are over 220 NFIP communities across 31 counties within the BiOp implementation area, representing approximately 86% of the state. The Oregon NFIP BiOp Action Area is shown in the graphic below.



OREGON NFIP BIOP ACTION AREA

2021.09.28

LEGEND		ABOUT This map displays the Oregon NFIP BiOp Action Area where critical habitats for salmon and steelhead (and areas upstream of those habitats) are displayed in relation to NFIP participating tribes and jurisdictions. Most NFIP-participating communities within Oregon have all or a portion of land within the BiOp Action Area, with the exception of Baker, Harney, Klamath, Lake, and Malheur Counties.
OREGON NFIP ACTION AREA	COUNTIES	
CRITICAL HABITATS (SALMON/STEELHEAD)*	NFIP PARTICIPATING TRIBES	
MAJOR STREAMS	NFIP PARTICIPATING COMMUNITIES	

*Critical habitats are via NOAA Fisheries: <https://www.fisheries.ncea.gov/resource/map/critical-habitat-salmon-and-steelhead-all-west-coast>

FEMA is also requiring cities and counties to begin gathering additional data on local floodplain permitting starting **January 31, 2025**, and then submit an annual report to FEMA starting January 2026. If the community did not choose a PICM path or was not able to implement its chosen path by December 1, 2024, FEMA defaulted the community to the permit-by-permit option.

Oregon places a premium on public involvement and land use processes. As such, many community staff were left scrambling on how or whether to require developers to comply with a FEMA PICM without following state and local processes to amend development codes to include the new performance standards. While the [Oregon Governor requested a PICM pause](#) to the PICM path deadline of December 1, 2024, the date was not extended by FEMA. Some communities have made their PICM choice, some are still considering options, and others are choosing alternative paths to PICM to demonstrate ESA compliance. Oregon state staff recommended local staff evaluate their situation, send questions to FEMA PICM staff, and communicate with FEMA to update them on the community's decision.

For now, FEMA has two separate processes in Oregon's BiOp: NEPA evaluation of the full implementation plan, and interim implementation through PICM. FEMA expects PICM to continue until issuing a decision on the NEPA process in 2026. Additional information can be found at:

[Oregon Department of Land Conservation and Development \(DLCD\) FAQ on PICM](#)

[FEMA's ESA Webpage](#)

On December 4, 2024, FEMA sent DLCD follow-up emails to BiOp community staff acknowledging individual community PICM selections and offered additional PICM technical assistance and resources.

This article, with minor revisions, was submitted by Deanna Wright, CFM, Oregon's NFIP Coordinator.

New NFIP Quoting Tool

FEMA has recently developed a new NFIP quoting tool to make it easier for homeowners and renters to understand flood risks and potential insurance costs. This tool will give potential policyholders a general understanding of what their policy could look like. All that is needed is the property address and basic information about the structure. Most users can obtain a quote in 10 minutes or less.

To use the tool, please visit <https://www.floodsmart.gov/policy-quote/>. For additional details on NFIP policies, review the [Flood Insurance Manual](#) or call (877) 336-2627.

FEMA Launches Hazus 7.0

FEMA has released Hazus 7.0, a significant update to its natural hazard risk modeling software with enhanced capabilities for flood and hurricane risk assessment. This is the first version of Hazus available on the ArcGIS Pro platform. The initial release of Hazus 7.0 includes improved modeling for flood and hurricane wind hazards, while Hazus 6.1 will remain available for users who want to model tsunami and earthquake hazards.

Hazus remains an open-source tool used by professionals across planning and emergency management. Each year, more than 40,000 planners, GIS specialists, and emergency managers rely on Hazus to assess potential impacts from natural hazards.

To learn more about Hazus, including how to download the software, please visit <https://www.fema.gov/flood-maps/products-tools/hazus>.

FEMA Accepting Comments on New Public Assistance Mitigation Cost Share Incentives Policy

FEMA is accepting comments on its newly issued Public Assistance Mitigation Cost Share Incentives Policy, FEMA Interim Policy FP-104-24-002.

Background on the change:

Under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (Stafford Act), the President may provide financial assistance to eligible applicants for the repair, restoration, reconstruction, or replacement of an eligible facility damaged by a major disaster at a minimum Federal cost share of 75 percent.

The Bipartisan Budget Act of 2018 amended the Stafford Act to add the new provision 406(b)(3), authorizing FEMA's Public Assistance (PA) program to increase the minimum Federal cost share for measures that increase readiness for, and resilience from, a major disaster.

This interim Public Assistance Mitigation Cost Share Incentives Policy applies to PA-eligible applicants, including State, local, Tribal, and Territorial governments and certain private nonprofit organizations, and implements section 406(b)(3) by providing guidance regarding eligible measures that meet FEMA's criteria for the Federal cost share increase up to 85 percent.

Comments must be received no later than **January 29, 2025**.

For more information, please visit the public notice website at <https://www.federalregister.gov/documents/2024/10/01/2024-22270/public-assistance-mitigation-cost-share-incentives-policy>.

Earthquake and Tsunami Resources

After the recent earthquake off the coast of California triggered tsunami warnings in California and Oregon, we thought it would be worthwhile to discuss some FEMA earthquake and tsunami resources.

In October, FEMA released the [Earthquake Mitigation Planning Guide for Communities](#). This document is designed to help state, local, tribal, and territorial communities learn about their earthquake risk as they write or update their Hazard Mitigation Plan. The document also discusses mitigation strategies, securing earthquake mitigation funding, and real-world examples of communities leading earthquake resiliency efforts.

FEMA has a [website to help the public understand tsunamis](#). There is also [tsunami information on Ready.gov](#) with information on how to prepare for, survive during, and stay safe after tsunamis. Additionally, the [Community Rating System \(CRS\) can credit communities for reducing their tsunami risk](#) in several categories.

Additional information from FEMA about earthquake and tsunami risks can be found at <https://www.fema.gov/emergency-managers/risk-management/earthquake> and <https://www.fema.gov/fact-sheet/understanding-tsunamis>, respectively.


Ask the Help Desk:

The Region 10 Service Center is here to help local community officials and stakeholders with technical, training, mitigation, and mapping questions. **Email:** RegionXHelpDesk@starr-team.com.

Online Training Calendar

(All times Pacific)

Course	Date/Time	Continuing Education Credits (CECs)
STARR II: Basics of Reading Flood Maps	January 16, 10 am	1.5
STARR II: Floodplain Regulations	January 23, 10 am	1
STARR II: Intro to SI/SD (Basics)	January 30, 10 am	1
STARR II: Technical Bulletins	February 6, 10 am	1
STARR II: EC Basics	February 13, 10 am	2
STARR II: EC Review	February 20, 10 am	2

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

Note: the courses in the Online Training Calendar for this newsletter have not been uploaded to STARR II's training site as of this time but will be uploaded in the near future.

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