

# NFIP Endangered Species Act Integration in the City of Salem

November 25, 2024





# **Summary**

**National Flood Insurance  
Program**

**Endangered Species Act**

**Impacts**

**FEMA Options**

**Schedule**

**Staff Recommendation**

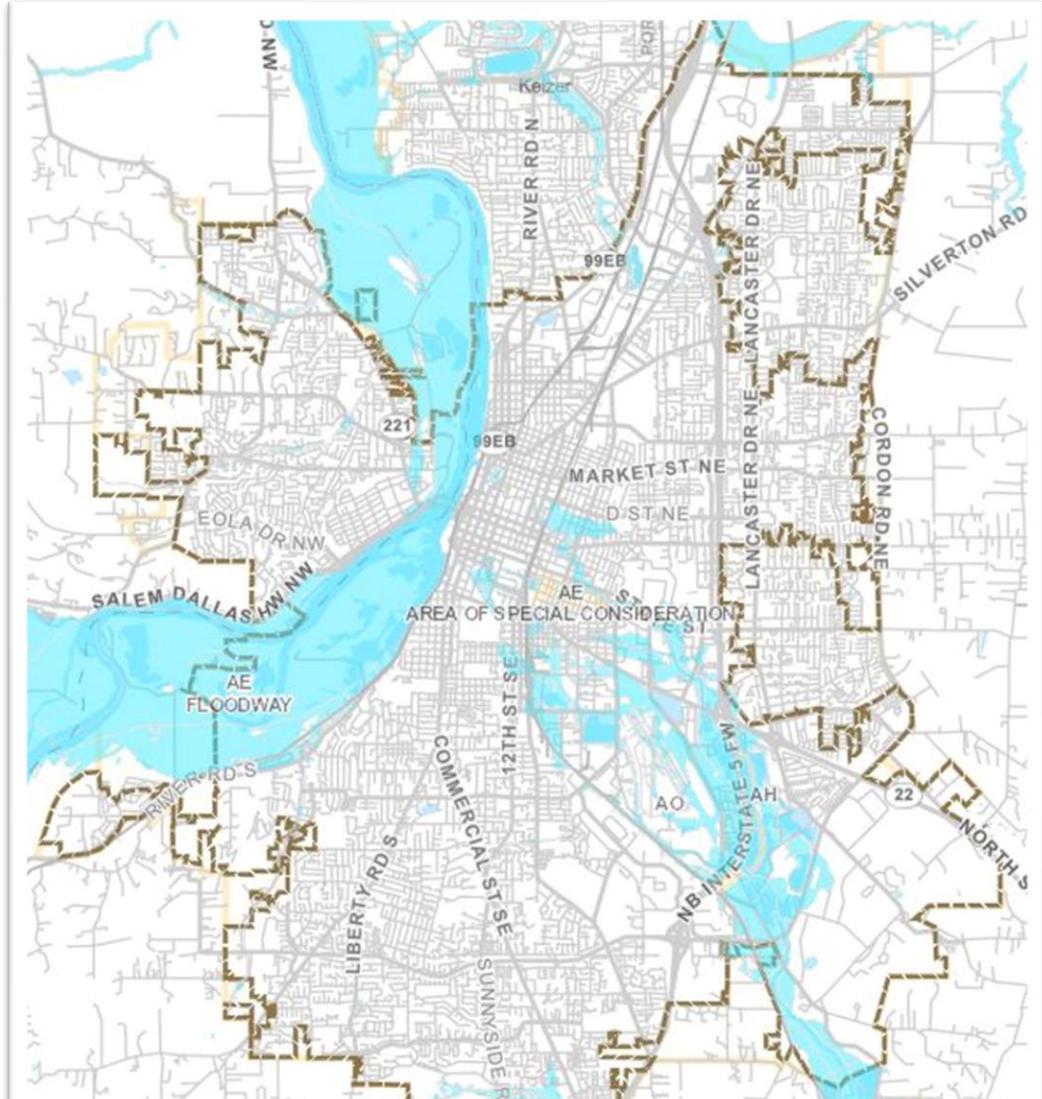
# What is changing?



# NFIP AND ENDANGERED SPECIES ACT

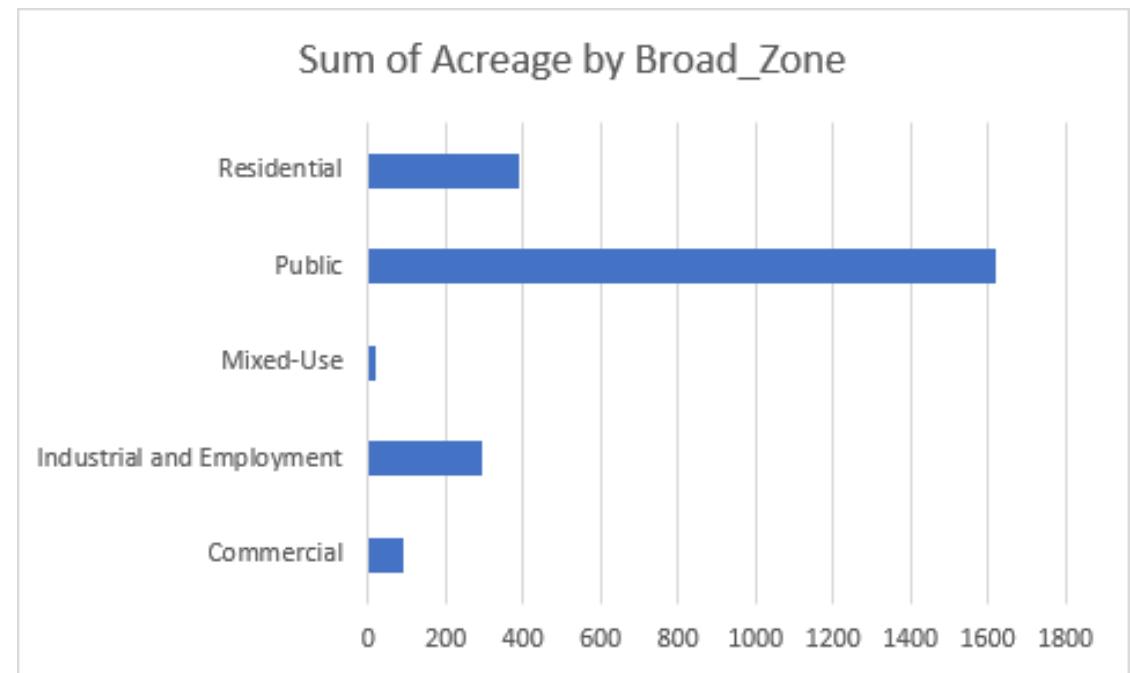
- New NFIP requirements to align with ESA standards
- Require a biological Habitat Assessment
- Applies to all land in the Special Flood Hazard Area (SFHA)

Floodplain Function	Examples of Potentially Harmful Development Activities
 Flood Storage	Placement of fill
 Water Quality	Addition of impervious surface
 Riparian Vegetation	Removal of existing vegetation



4,000 acres of Special Flood Hazard Area

Approximately 800 undeveloped acres zoned residential, mixed-use, industrial and commercial

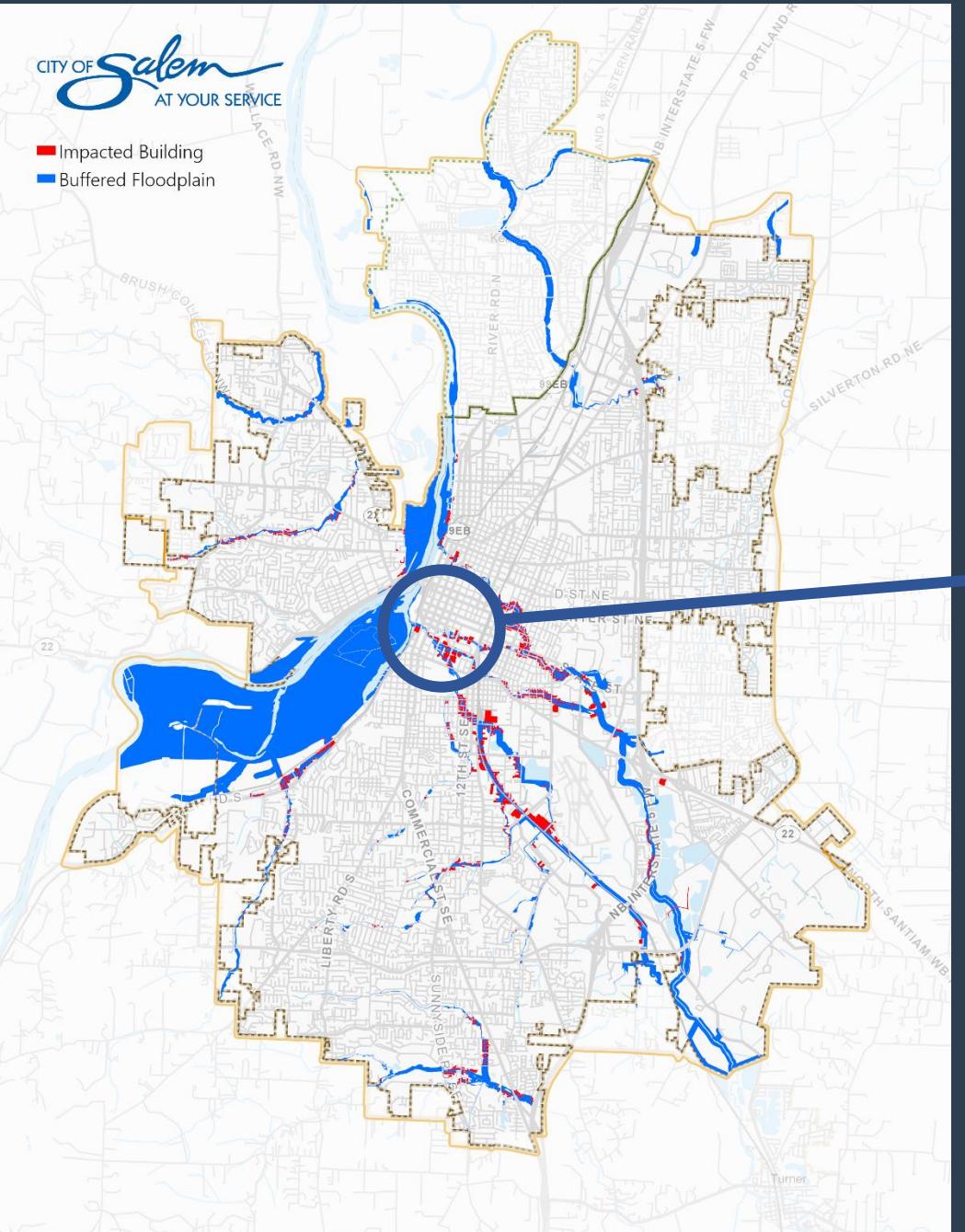


# Permit Volume

- City receives applications for 150-200 floodplain development reviews annually
- 4-5 new structures permitted annually

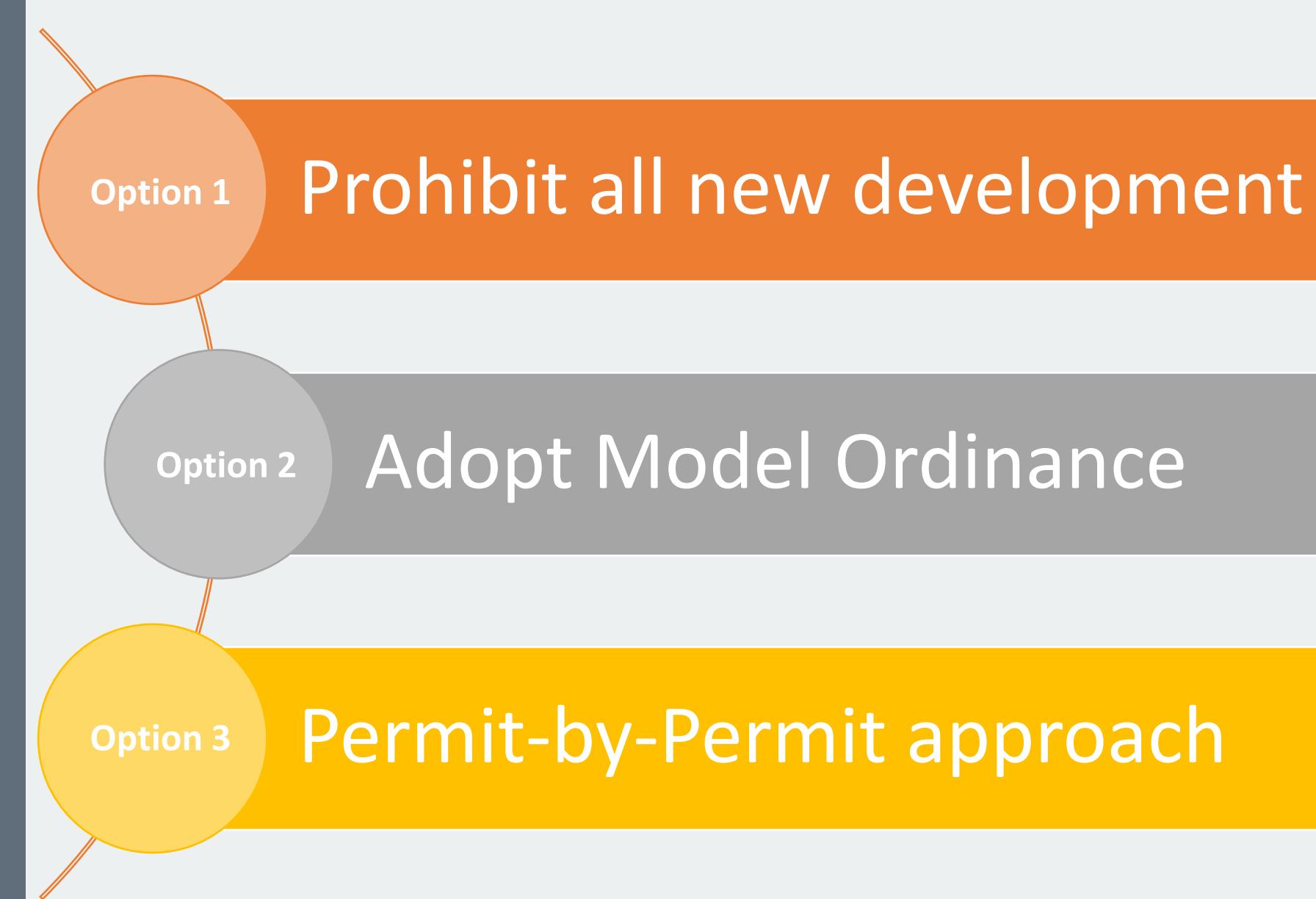


- Impacted Building
- Buffered Floodplain



170-foot Riparian Buffer Zone

# Options for NFIP Compliance



# Option 1: Prohibit Development

- Regulatory takings issue
- Immediate impact on housing production needs
- Impact on projects already approved through the land use process
- Economic impacts for the City and landowners



# Option 2: Model Ordinance

- Adopt a model ordinance provided by FEMA
- Amends current SRC Chapter 601
- Includes performance standards for flood storage, water quality and riparian vegetation
- Draft standards are not clear and objective



NFIP Oregon Implementation Program Guidance  
**Model Floodplain  
Management Ordinance**

For Participating Communities in the  
Implementation Plan Area



**FEMA**

Federal Emergency Management Agency  
Region 10  
Department of Homeland Security  
130 – 228th Street SW  
Bothell, WA 98021

# Option 3: Permit-by-Permit



Each floodplain development permit must review potential for impacts to species and habitat



Habitat Assessment Guidance provides a methodology for conducting the assessment.



Includes mitigation ratios.

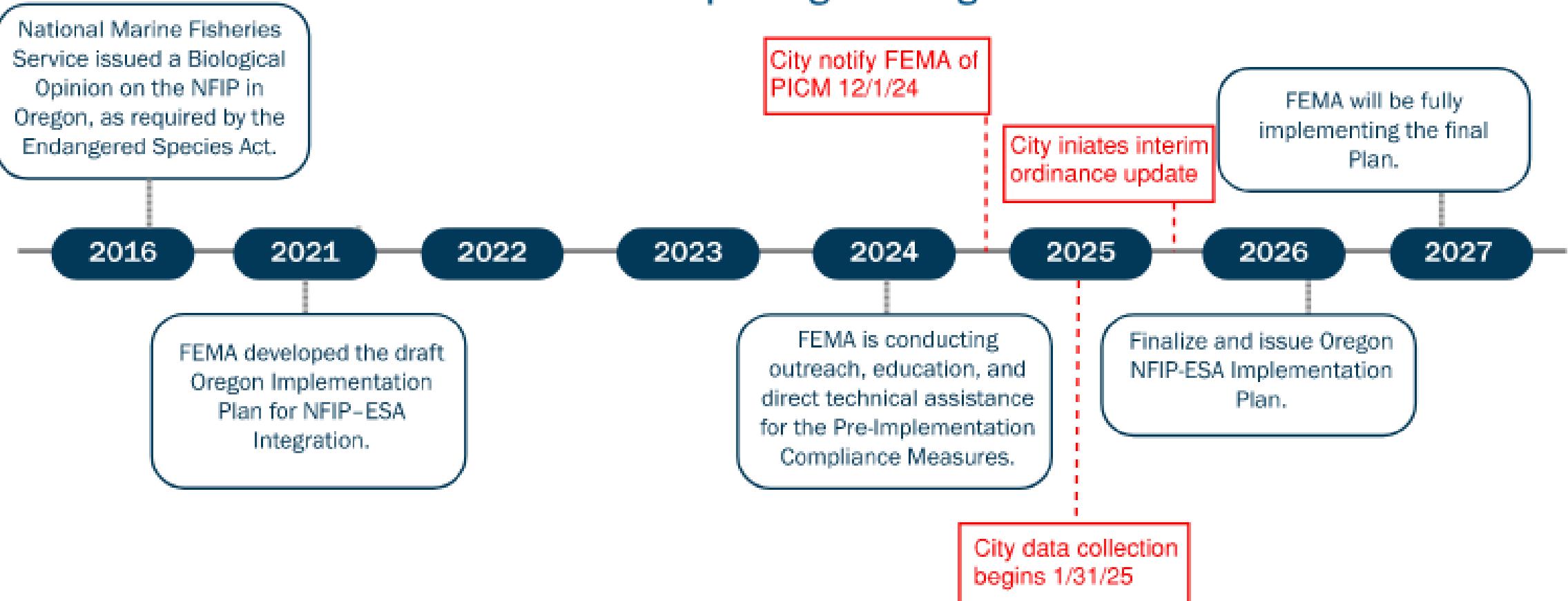


# Implications of Non-Compliance

- Floodplain program not compliant with the NFIP
- Three-phase FEMA audit process triggered
- Sanctions resulting in no new or renewed flood insurance policies
- Property owners must still comply with ESA

# FEMA Deadlines

## Timeline for Updating the Oregon NFIP



# Staff Recommendation

- Notify FEMA we are proceeding with Option 3 “permit-by-permit” approach
- Prepare code amendments requiring habitat assessments for consideration by the Planning Commission and City Council in early 2025



# Questions?

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