

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



Flood Storage



Water Quality



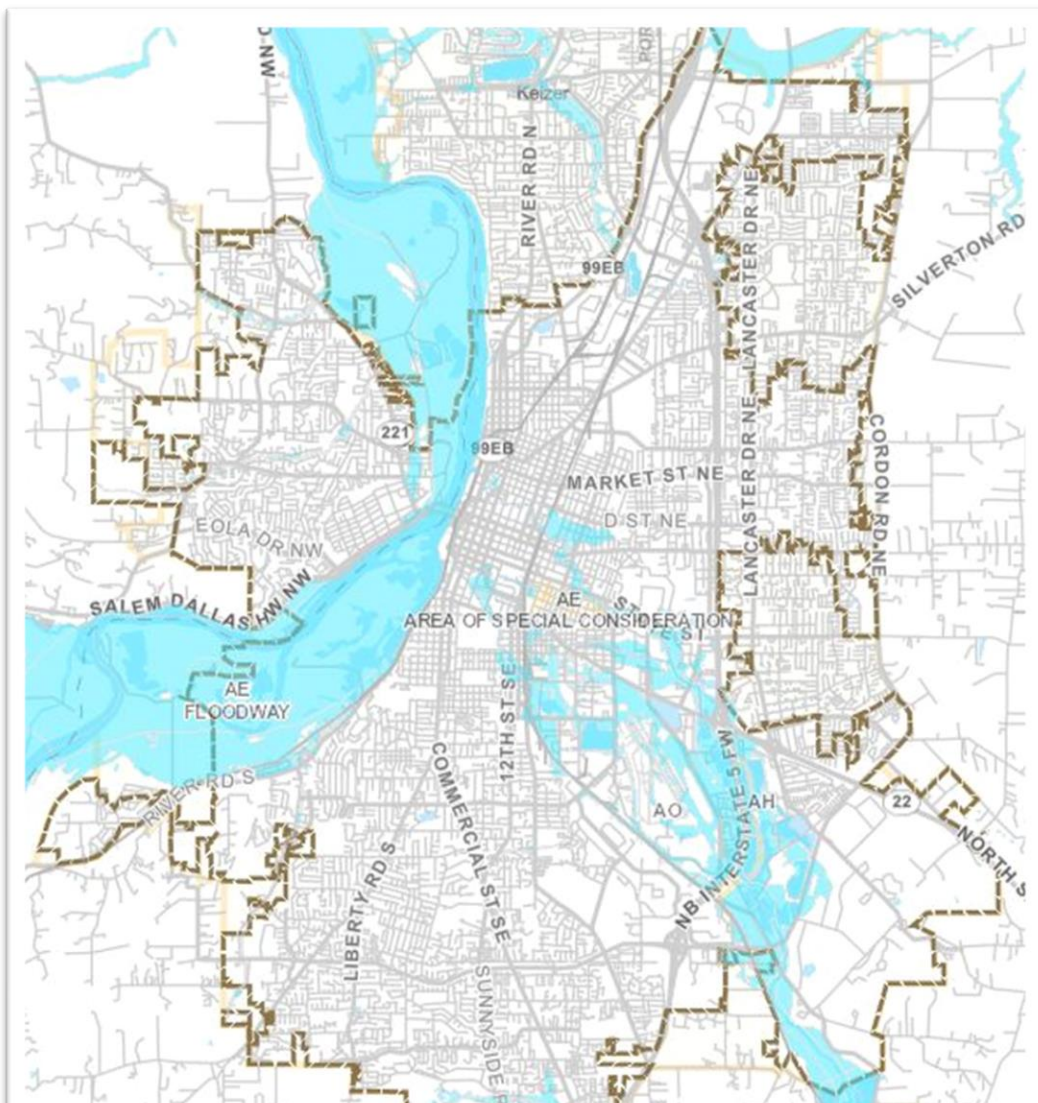
Riparian Vegetation

Examples of Potentially Harmful Development Activities

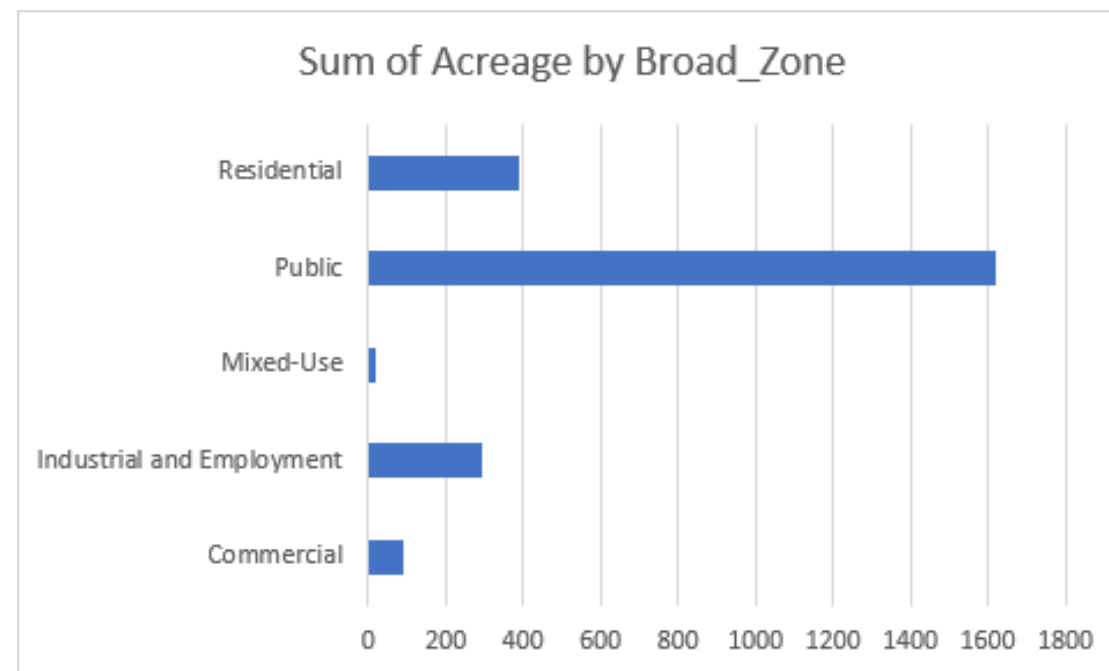
Placement of fill

Addition of impervious surface

Removal of existing vegetation



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

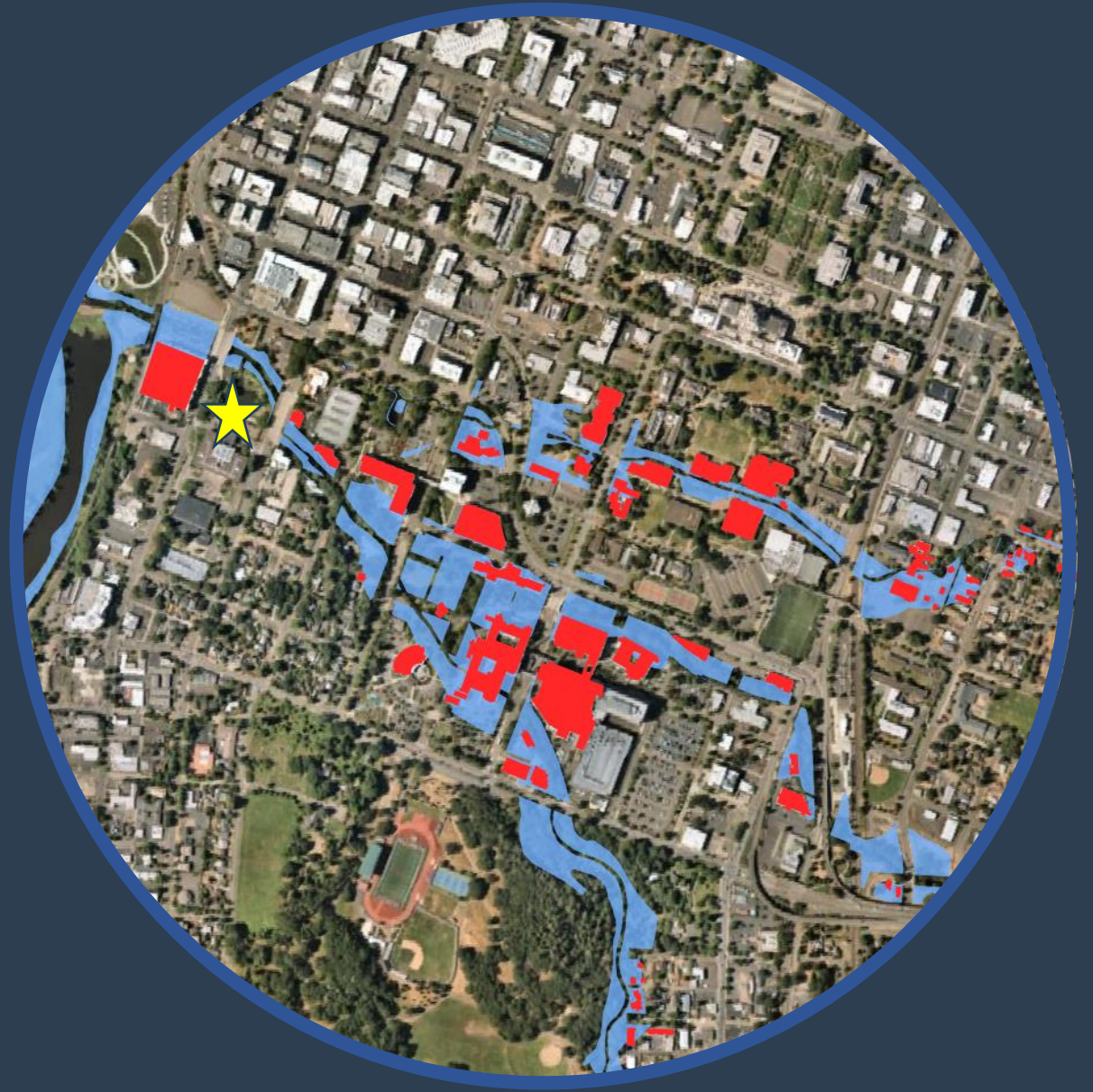
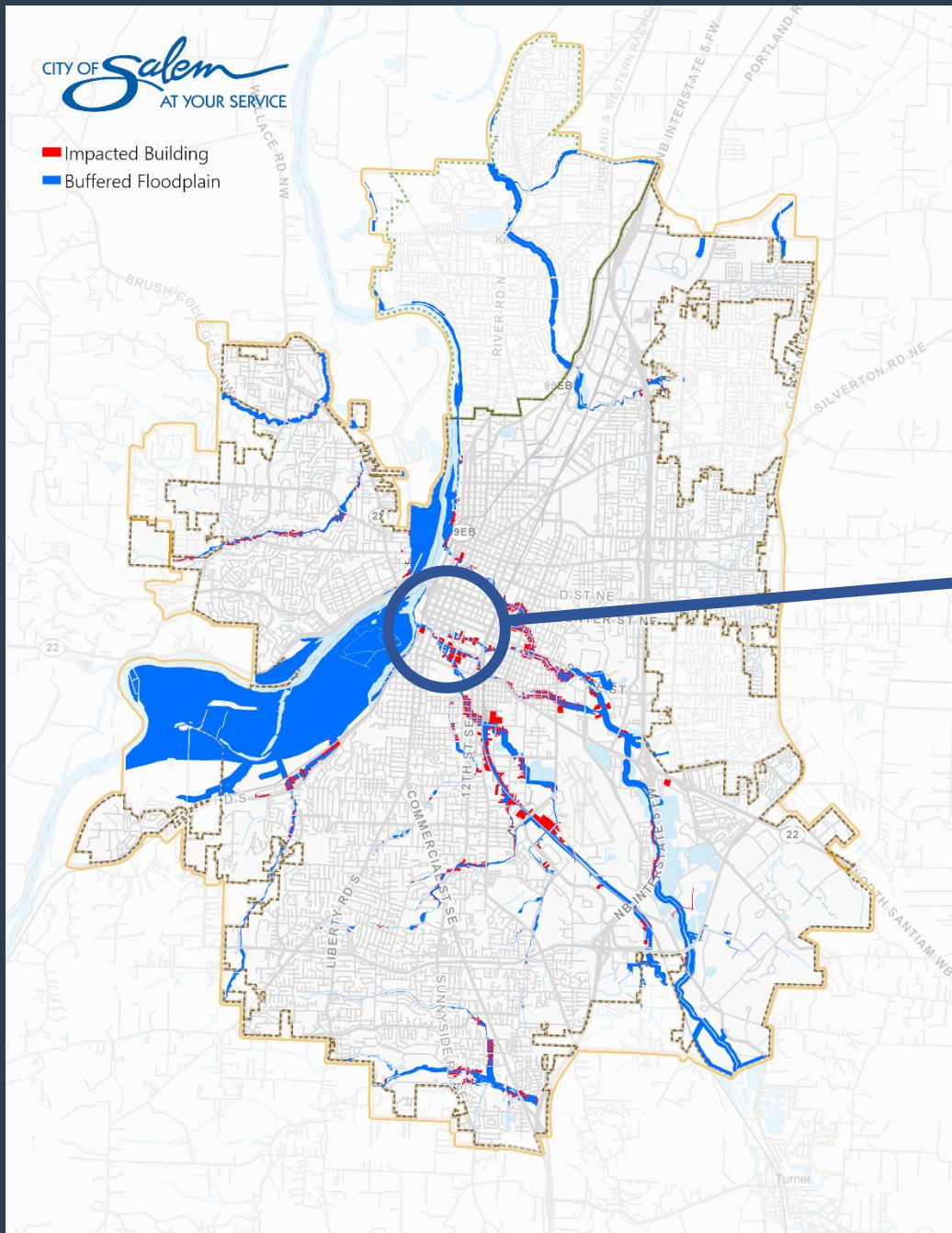


4,000 acres of Special Flood Hazard Area

Permit Volume

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





170-foot Riparian Buffer Zone

Options for NFIP Compliance



FEMA

Option 1

Prohibit all new development

Option 2

Adopt Model Ordinance

Option 3

Permit-by-Permit approach

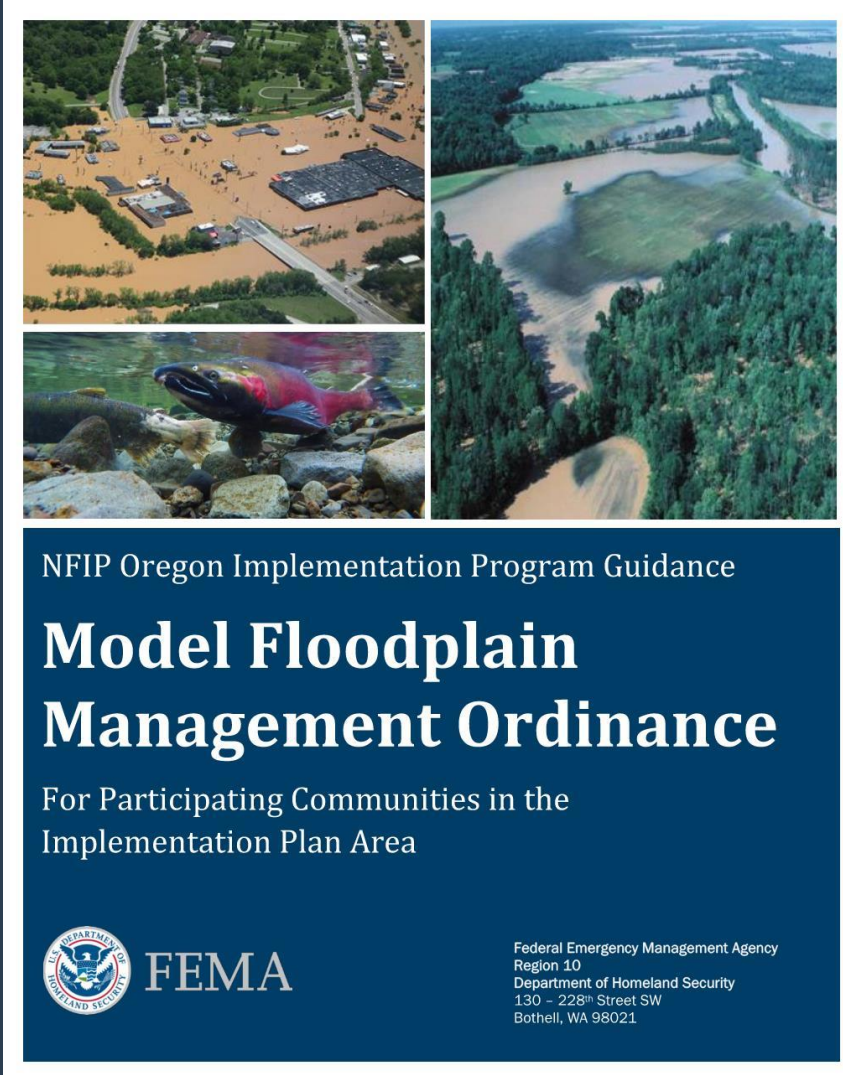
Option 1: Prohibit Development

- 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



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.

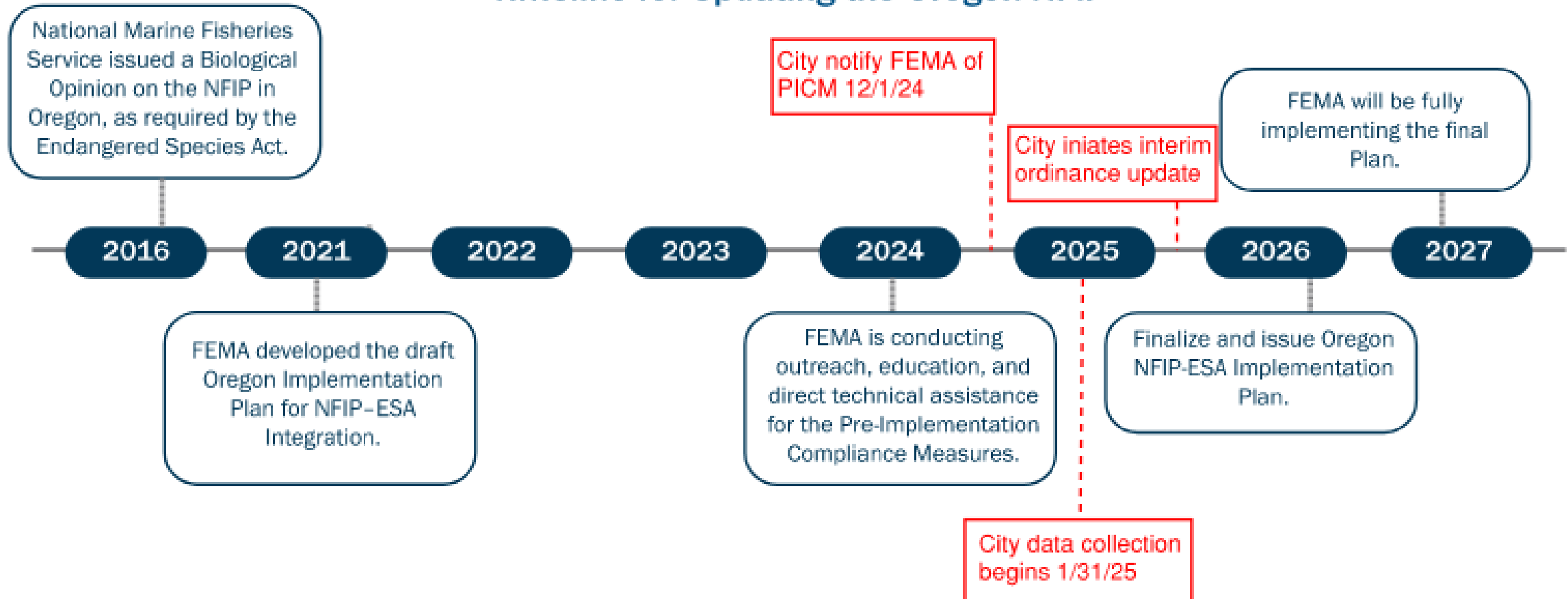


Implications of Non-Compliance

- 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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