

ESA and the National Flood Insurance Program

Implementing a salmon friendly program.



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NFIP ESA Compliance

Implementing a Reasonable and Prudent Alternative – FEMA
Region 10

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NFIP & ESA Purposes

NFIP

- ▶ **Better indemnify individuals for flood losses through insurance;**
- ▶ **Reduce future flood damages through state and community floodplain management regulations; and**
- ▶ **Reduce Federal expenditures for disaster assistance and flood control.**

ESA

- ▶ **To provide a means to conserve species and the ecosystems upon which they depend on.**
- ▶ **All federal departments and agencies shall utilize their authorities in furtherance of the purposes of the Act.**



NFIP ESA Compliance

Background

- ▶ 2003 NWF Sued FEMA for failure to comply with ESA
- ▶ Court Ruled FEMA must consult with NMFS
- ▶ FEMA provided NMFS a Biological Evaluation that stated NFIP may affect but not adversely
- ▶ September 2008 -NMFS issued Biological Opinion with Jeopardy/ Adverse Modification
- ▶ NMFS offered one Reasonable and Prudent Alternative



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NMFS Biological Opinion

Reasonable and Prudent Alternative

- ▶ **A Reasonable and Prudent Alternative is an action(s) that a federal agency can take to avoid violation of the ESA. These are actions that can be:**
 - 1) implemented in a manner consistent with the intended purpose of the NFIP,
 - 2) implemented consistent with the scope of the Federal agency's legal authority and jurisdiction,
 - 3) economically and technologically feasible.



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NMFS Biological Opinion

Reasonable and Prudent Alternative Elements

1. Notify PS Communities of determination

- Letter sent out to 121 communities and the state

2. Map Changes for impacts

- LOMC evaluation already implemented
- Working with NMFS on Priorities and Future Considerations

3. Require communities to consider impacts on fish habitat when issuing floodplain development permits

- Crafting implementation strategy to assist communities
- Pursuing funding to assist in implementation



NMFS Biological Opinion

Reasonable and Prudent Alternative Elements

4. Changes to CRS program

- **Developing interim guidance for Puget Sound communities**

5. Addressing levee vegetation maintenance effects

- **Coordinating with HQ and USACE**

6. Mitigation to adversely affected habitat

- **Working with Partners to identify opportunities**
- **Linked to RPA 3**

7. Report to NMFS on progress towards meeting requirements

- **Will be developing tools to minimize impacts on communities.**



Implementation Strategy

► Mapping:

- **Change Sequencing of mapping projects**
- **Change guidelines/specs**
- **Develop LOMC protocols and guidance**



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Implementation Strategy

- ▶ **FPM Performance Criteria:**
 - **Convene State/local regulators meeting (done)**
 - **Create performance standards criteria and checklist**
 - **Develop model ordinance**
 - **Develop programmatic tools to streamline compliance**



Implementation Strategy

▶ CRS

- **Develop strategy for interim and long term**
- **Work with Task Force to implement long term changes for 2011 Manual**
- **Develop information for newsletters, updates, etc.**
- **Conduct training**



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Implementation Strategy

- ▶ **Levee Vegetation Maintenance Effects:**
 - **Continuing to work with HQ on authorities**
 - **Evaluate impacts of WRDA and Levee Safety Committee**
 - **Collaborating with USACE on ramifications**



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Implementation Strategy

- ▶ **Mitigation and Monitoring**
 - **Identify creative implementation strategies within our authorities**
 - **Work with communities on existing mitigation requirements and on going activities**
 - **Develop reporting tools and protocols**



Conclusion

- ▶ **FEMA recognizes the need to continue the successful implementation of the NFIP in the Pacific Northwest; while at the same time participate to the greatest extent possible in protecting threatened and endangered salmon species.**
- ▶ **FEMA recognizes and acknowledges the importance of preserving critical salmon habitat and believes that the NFIP's core mission of reducing flood risks to life and property are not mutually exclusive.**
- ▶ **FEMA intends to be good partner to our States and local governments in protecting critical habitat and pledges to collaboratively assist them in this important regional value.**

