

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

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.**



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Background

- ▶ 2003 - NWF Sued FEMA for failure to comply with ESA
- ▶ 2004 - Court Ruled that FEMA must consult with NMFS
- ▶ 2006 - FEMA provided to 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. It must identify alternative actions that:**
 - 1) Can be implemented in a manner consistent with the intended purpose of the NFIP,
 - 2) Can be implemented consistent with the scope of the Federal agency's legal authority and jurisdiction,
 - 3) Are economically and technologically feasible.



NMFS Biological Opinion

Reasonable and Prudent Alternative Elements

1. Notify PS Communities of determination

- Letter sent out to 121 Puget Sound communities and the State of Washington

2. Map Changes to Reduce impacts

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



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5.4

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.**



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Implementation Strategy

► Mapping: Element 2

- **Develop LOMC protocols and guidance**
 - *Completed in 2006*
- **Change Sequencing of mapping projects**
 - *Coordinating with NMFS on FY09 Projects*
- **Change guidelines/specs**
 - *'Future conditions' based on land-use plans*
 - *Climate Change ~ less definable ~ uncertain*



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Implementation Strategy

- ▶ **FPM Performance Criteria: Element 3**
 - **Convene State/local regulators meeting**
 - *Completed*
 - **Create performance standards criteria and checklist**
 - *In progress*
 - **Develop model ordinance**
 - *In progress*
 - **Develop programmatic tools to streamline compliance**
 - *In progress*



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Implementation Strategy

▶ CRS: Element 4

- **Develop strategy for interim and long term**
 - *Working with CRS Task Force to develop strategy*
- **Work with Task Force to implement long term changes for 2011 Manual**
 - *Presented to CRS Task Force for consideration*
- **Develop information for newsletters, updates, etc.**
 - *Outreach material in development*
- **Conduct training**
 - *Training materials in development*



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Implementation Strategy

- ▶ **Levee Vegetation Maintenance Effects: Element 5**
 - **Continuing to work with HQ on authorities**
 - **Evaluate impacts of WRDA 2007 and Levee Safety Committee**
 - **Collaborating with USACE on ramifications**
 - *Met with USACE in October*



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Implementation Strategy

- ▶ **Mitigation and Monitoring: Element 6**
 - **Identify creative implementation strategies within our authorities**
 - **Work with communities on existing mitigation requirements and on-going activities**
 - **Develop reporting tools and protocols**



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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.**



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