

# ESA and the National Flood Insurance Program

Implementing a salmon friendly program.



FEMA

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.**



# NFIP ESA Compliance

## **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***



**FEMA**

# 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**
- 2. Map Changes to Reduce impacts**
- 3. Require communities to consider impacts on fish habitat when issuing floodplain development permits**
- 4. Changes to CRS program**
- 5. Addressing levee vegetation maintenance effects**
- 6. Mitigation to adversely affected habitat**
- 7. Report to NMFS on progress towards meeting requirements**



# NMFS Biological Opinion

## **Response to the Biological Opinion**

- ▶ **Planning Process**
- ▶ **Collaboration**
- ▶ **Technical Assistance**
- ▶ **Facilitation**



**FEMA**

# NMFS Biological Opinion

## Planning Process

- ▶ Region and HQ reviewed Biological Opinion
- ▶ Formed workgroups of Regional, HQ and OCC for each RPA element
- ▶ Each workgroup debated:
  - ▶ Ability to implement the RPA
  - ▶ Options for implementation
  - ▶ Submitted a write up of options to be included in an implementation plan
- ▶ Implementation plan has been submitted to FEMA leadership at the Region and HQ



FEMA

# NMFS Biological Opinion

## **Collaboration with Local Communities**

- ▶ FEMA is committed to maintaining our partnerships at the local level.
- ▶ Work with local communities to determine if existing regulations may meet the performance standards outlined in the BiOp.
- ▶ Through technical assistance offer suggestions to strengthen local regulations to meet the performance standards outlined in the BiOp.



**FEMA**



# NMFS Biological Opinion

## **Technical Assistance**

- ▶ FEMA offers technical assistance to communities to help implement the NFIP
- ▶ Traditional technical assistance includes:
  - ▶ Technical Bulletins
  - ▶ Model Ordinances
  - ▶ Floodplain Management Bulletins
  - ▶ Outreach Materials



FEMA

# NMFS Biological Opinion

## **Facilitation**

- ▶ FEMA continues to work with NMFS and USACE to facilitate discussions and consultations with impacted communities as appropriate and as required by law.
- ▶ Met with the State Emergency Management, Floodplain Management and local officials to seek input



**FEMA**

NFIP ESA Compliance

Implementing a Reasonable and Prudent Alternative – FEMA  
Region 10



# 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.



FEMA