



KATE BROWN
Governor

June 17, 2016

W. Craig Fugate
Administrator
U.S. Department of Homeland Security/FEMA
500 C Street, SW
Washington D.C. 20472

Subject: Response to Federal Emergency Management Agency (FEMA) June 13, 2016, notice to local governments regarding FEMA's implementation of the Reasonable and Prudent Alternative arising from National Marine Fisheries Service (NMFS) Biological Opinion

Dear Mr. Fugate:

On June 15, 2016, FEMA forwarded to the Department of Land Conservation and Development (DLCDD) a copy of FEMA's June 13, 2016, letter to National Flood Insurance Program (NFIP) communities in Oregon. The letter is required by the NMFS Biological Opinion and Reasonable and Prudent Alternative (RPA) to provide notice of the outcome of the Endangered Species Act (ESA) consultation between FEMA and NMFS.

The State was taken aback by the letter's poor attempt to communicate with local governments on what is required of them at this time, and what is not required. I request that FEMA avoid undue burdens and premature punitive actions on local governments and Oregon communities by providing clear information to local governments and greater procedural input into the guidelines and standards to be developed by FEMA over the course of the coming years.

I was also disappointed in the tone of the letter and its inconsistent, confusing and erroneous messages. For example, I am deeply concerned that the letter implies local governments are required to take actions in direct response to the RPA. The RPA does not apply directly to NFIP communities. The RPA states that "... the locus of accountability for these ESA duties rests upon FEMA." The letter also inappropriately threatens enforcement actions before FEMA has even developed an implementation plan.

The letter indicates an alarming abdication of FEMA's responsibilities as the implementing agency for the NFIP. FEMA determines how to interpret and implement the RPA. Oregon expects the federal government to be a partner with the State, local and tribal governments in implementing federal programs. I call on FEMA to work closely with local communities, tribal



W. Craig Fugate
June 17, 2016
Page Two

governments, state agencies and stakeholders in FEMA's development of standards and guidelines that protect endangered salmon and steelhead, and the economic vitality of our communities.

The Department of Land Conservation and Development has scheduled several meetings around the State at FEMA's request. FEMA Region X previously indicated the intent of these meetings is to gather local community input to inform FEMA's development of an RPA implementation plan. It is critical that FEMA engage local communities, tribal governments and the State to inform FEMA's implementation of the RPA.

Oregon will continue to advocate strongly for local communities, and for actions that benefit healthy salmon and steelhead habitat consistent with Oregon's land use program. Oregon looks forward to working with FEMA on a collaborative process to ensure that revised floodplain management standards meet multiple social, economic and environmental needs.

Sincerely,



Governor Kate Brown

KB:la

cc:

Roy Wright, Associate Administrator
Michael Grimm, Assistant Administrator Mitigation
Kenneth Murphy, Region X Administrator
Will Stelle, NOAA West Coast Regional Administrator
Mark Carey, FEMA Region X Mitigation Division Director
Kim Kratz, National Marine Fisheries Service
Oregon Congressional Delegation
Senate President Peter Courtney
House Speaker Tina Kotek
Senate Republican Leader Ted Ferrioli
House Republican Leader Mike McLane
Richard Whitman, Natural Resource Policy Director
Jim Rue, Department of Land Conservation and Development
Mike McArthur, Association of Oregon Counties
Mike McCauley, League of Oregon Cities