Draft NFIP BiOp Workgroup Categories and Topics

The workgroup topics (CAPITALIZED) below were recommended by participants in FEMA sponsored workshops held in areas around the state between June 27, 2016 and July 28, 2016. During the workshops, participants raised concerns and questions regarding the Biological Opinion on the NFIP, as implemented in Oregon, issued in April 2016. Participants were interested in potential impacts to local permitting procedures that may result from FEMA's response to the Reasonable and Prudent Alternative (RPA) in the Biological Opinion. FEMA has asked for input from NFIP communities and other interested parties as they develop their implementation plan for the interim measures described in the RPA. DLCD will facilitate workgroups to help FEMA get the input they have requested.

Process (Permitting)

This workgroup will focus on the local permitting process for development in the special flood hazard area. *Products for FEMA may include: preferred approaches to introducing and scheduling code amendments; draft code language; and identification of priorities and constraints for implementation and enforcement.*

DEVELOP EASY TO UNDERSTAND FACT SHEETS DESCRIBING THE POSITIVE BENEFITS TO COMMUNITIES FROM INTERIM MEASURES

CLARIFY DEFINITION OF WATER-DEPENDENT USES

DEFINING NO ADVERSE EFFECT ACTIVITIES

DEVELOP IMPLEMENTATION APPROACHES FOR SMALL COMMUNITIES

EXPLORE ISSUES AROUND AGRICULTURAL USES THAT REQUIRE A FLOODPLAIN DEVELOPMENT PERMITS

DEVELOP GUIDANCE FOR USING CLOMR-F'S—STUDY FEASIBILITY OF UNIVERSAL USE

CONSIDER METHODS TO IMPROVE TRACKING EFFECTIVENESS

PROPOSE CRS CREDIT POSSIBILITIIES WITHIN BIOLOGICAL OPINION GOALS

FIND INTERSECTIONS AND CONFLICTS WITH EXISTING LOCAL MITIGATION PROGRAMS

Technical (Assessing and mitigating habitat impacts)

This workgroup will focus on the mechanics of reviewing projects for their potential impact on floodplain functions that support salmon and their habitat. It will explore the benefits and limitations of applying existing strategies for habitat protections to a local permitting process. *Products for FEMA may include: approaches to determining specific mitigation obligations based on directives in the RPA; approaches to monitoring mitigation actions to ensure their ongoing function; parameters for assessment and mitigation strategies allowed under RPA Element 2A,iv (exceptions); options for achieving the stormwater management directive in RPA Element 2A, iii; and recommendations for integrating the requirements of RPA Elements 2A and 2B.*

DEFINE FLOOD STORAGE AS DESCRIBED IN SUB ELEMENT 2A

DEVELOP GUIDANCE FOR SUBMITTING MITIGATION EXCEPTIONS

CONSIDER PROGRAMMATIC APPROACHES TO MITIGATION EXCEPTIONS

DEVELOP MITIGATION BANKING CONCEPTS

DEVELOP GUIDANCE ON HOW TO MEET BENEFICIAL GAIN STANDARD

DEVELOP GUIDANCE FOR FINDING AND EVALUATING BIOLOGISTS FOR CLOMR-F/LOMR-F ASSESSMENTS

CONSIDER RELATIVE IMPORTANCE OF HABITAT FUNCTIONS IN AO ZONES AND AH ZONES

CONSIDER APPROACHES FOR MEETING MITIGATION OBJECTIVES OF RPA ELEMENT 2A IN AO & AH ZONES

CONSIDER PERFORMANCE ISSUES FOR THE APPLICATIONS OF PERVIOUS PAVEMENT IN FLOOD ZONES

Regulatory (ESA, state law and administrative rules)

This workgroup will investigate local government obligations that will be triggered by code amendments that make development in floodplains more difficult to permit, due to added cost, added process, or possible new limits on the type of development allowed. It will also seek a better understanding of the intersection between a local government's direct obligation and options under the ESA and new NFIP directives that resulted from the biological opinions in Washington and Oregon. *Products for FEMA may include: recommended approaches to reduce the potential for appeals of code amendments or permit conditions at the local level; recommendations for avoiding state triggers for additional process. Identification of existing regulations that contribute to achieving no-net-loss-of standard, and possible use of the 4(d) rule limit for municipal, residential commercial and Industrial development.*

CONSIDER MEASURE 56 REQUIREMENTS

INVESTIGATE MEASURE 49 RAMIFICATIONS

INVESTIGATE INTERSECTIONS AND CONFLICTS WITH STATE NATURAL RESOURCE PLANNING GOALS

INVESTIGATE POTENTIAL CONFLICTS WITH STATEWIDE PLANNING GOALS 9, 10 AND 14

INVESTIGATE POTENTIAL CONFLICTS WITH GOAL 15

STUDY LEGAL DIMENSIONS UNDER NOLLAN-DOLAN

INVESTIGATE POSSIBLE INTERSECT BETWEEN THE 4(D) RULE FOR NORTHWEST SALMON SPECIES AND THE RPA.

Technical (Mapping)

This work group will focus on the challenges of identifying landscape features described in the RPA for use by local governments in applying various mitigation standards. *Products for FEMA may include: recommendations for estimating ordinary high water sufficiently to meet the intended habitat protection outcome; Recommendations for delineating the 10-year floodplain; and recommendations, related to mapping, for achieving habitat objectives in flood zones with undefined stream channels.*

DEVELOP BENCHMARK STANDARD OR AVAILABLE PROXIES FOR RIPARIAN BUFFER ZONE

DEVELOP GUIDANCE ON DELINEATING 10-YEAR FLOOD ZONE AND COMPARING TO FLOODWAY

Issues that need to be addressed, but may not fit within the workgroup structure:

- Strategies for ports and large campuses (Possibly a sub part of the Technical-habitat assessment WG?)
- Financial cost of implementation and funding possibilities
- Wildcards (FEMA HQ actions, legislative actions, reauthorization of the NFIP)
- Consequences for local governments and property owners if RPA deadlines are not met (Legal WG?)
- Requests for info or actions in advance of workgroup products
    - Information on expectations for local government data tracking
- Region specific issues that are not covered otherwise
- Overlap between RPA implementation objectives and other federal permits/programs