

Department of
Land Conservation
& Development

OREGON NFIP BIOP ACTION AREA

LEGEND

- OREGON NFIP ACTION AREA
- CRITICAL HABITATS
- SALMON/STEELHEAD*
- MAJOR STREAMS
- COUNTIES
- NFIP PARTICIPATING TRIBES
- NFIP PARTICIPATING COMMUNITIES

ABOUT

This map displays the Oregon NFIP BIOP Action Area where critical habitats for salmon and steelhead (and areas upstream of these habitats) are designated in relation to NFIP participating tribes and jurisdictions. Most NFIP participating communities within Oregon have all or a portion of land within the BiOp Action Area, with the exception of Baker, Harney, Malheur, Lake, and Wallowa Counties.

*Information on the location of salmon and steelhead habitat is derived from the Oregon Department of Fish and Wildlife (ODFW) and the National Marine Fisheries Service (NMFS).

Related State Law



FEMA's Dec. 1 deadline meant Oregon communities participating in the National Flood Insurance Program had little opportunity to conduct required public processes, with hearings, opportunity for public comment, recommendations from planning commissions, or deliberations and actions by city councils and county commissions. These transparent and inclusive processes are required by state law, local charters, and local ordinances.

State requirements include:

- [ORS 197.505 through 197.540](#) – Moratorium
- [ORS 197.610 through 197.651](#) – Plan amendments
- [OAR 660-018](#) – Plan amendments
- [ORS 227.186](#) for cities and [ORS 215.503](#) for counties - M56 Landowner Notification. Cities and counties in Oregon are required to send a notice to landowners before “rezoning” property. The requirement uses a broad definition of rezoning that includes any change that “limits or prohibits land uses previously allowed.” DLCD maintains a [webpage](#) with resources to help with landowner notification.

Cities and counties have raised concerns about their ability to comply. LCDC does not have a direct enforcement role with respect to Measure 56 notice compliance. Further, LCDC has construed its enforcement order rules at OAR chapter 660, division 45, to require more than one instance of noncompliance to form either a pattern or practice of decision making that violates either an acknowledged comprehensive plan or land use regulation. Given these unique circumstances and the scope of its enforcement authority described above, LCDC will not prioritize its limited resources on enforcement related to a participating community's adoption of a PICM.

State Agency Assistance

Oregon Department of Land Conservation and Development (DLCD). DLCD recognizes the challenging circumstances created by FEMA's PICM approach and deadline and intends to continue to assist participating communities in responding to FEMA's new requirements by creating and updating a [Frequently Asked Questions Document \(FAQ\)](#) and passing along information from FEMA as it becomes available. Participating communities may contact DLCD's NFIP Coordinator, Deanna.Wright@dlcd.oregon.gov for additional information or technical assistance.

Oregon Department of Fish and Wildlife (ODFW). ODFW provides technical assistance for local governments on the avoidance, minimization and mitigation of fish and wildlife habitat impacts. This can include recommendations in response to land and water development actions, which may include applying the mitigation hierarchy and recommending durability of mitigation projects using transparent reporting, monitoring and metrics to ensure successful implementation. ODFW administers the [state's fish passage rules](#) (ORS 509.585), which may be triggered for projects within the Special Flood Hazard Area (SFHA) that create a barrier to fish movement, or may entrain fish during a high flow event. Collaboration and coordination between public and private entities with ODFW regarding compliance of the state's fish passage authority is required.



ODFW also provides proactive planning and technical assistance regarding habitat restoration and mitigation banking credits. Available GIS resources for local governments to utilize in reviewing projects with the SFHA to avoid, minimize or mitigate impacts to fish and wildlife habitat include:

- *Oregon Fish Habitat Distribution and Barriers Database*: Fish habitat distribution and fish passage barrier data is available on a [web viewer](#) or for [downloading GIS files](#).
- *Priority Wildlife Connectivity Areas*: These areas represent the parts of the landscape with the highest overall value for facilitating wildlife movement, which includes the use of riparian and floodplain corridors. Connectivity data is available on a [web viewer](#) or for [downloading GIS files](#).
- *Local Comprehensive Plans and Goal 5 Inventories*: For many local governments, Statewide Planning Goal 5 has not been updated since the acknowledgment of local comprehensive plans. However, there is an opportunity to incorporate Goal 5, specifically to protect riparian habitat, and wildlife corridors.
- *State Wildlife Action Plan (Oregon Conservation Strategy)*: The State Wildlife Action Plan is an overarching state strategy for conserving fish and wildlife and identifies Strategy Habitats and Species, as well as Conservation Opportunity Areas. These areas identify priority areas to focus conservation investments, including floodplain and riparian restoration. Data for Conservation Opportunity Areas can be [viewed and downloaded](#) on [COMPASS](#) (Centralized Oregon Mapping Products and Analysis Support System).
- *Native Fish Conservation and Recovery Plans*: Recovery plans available [online](#), which were designed to address legal requirements for recovery planning under the federal ESA and the Oregon Native Fish Conservation Policy.

Department of State Lands (DSL). Oregon's [State Wetland Inventory \(SWI\)](#), maintained by DSL may be a useful data source for a permit-by-permit approach as wetlands and waterways are often located in the Special Flood Hazard Area.

Oregon Watershed Enhancement Board (OWEB). OWEB reminds jurisdictions that while FEMA's 2024 model ordinance clarifies that habitat restoration efforts should be considered self-mitigating and not subject to the broader no net loss standard, FEMA has also rescinded the 1999 Region X policy on fish enhancement structures.

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