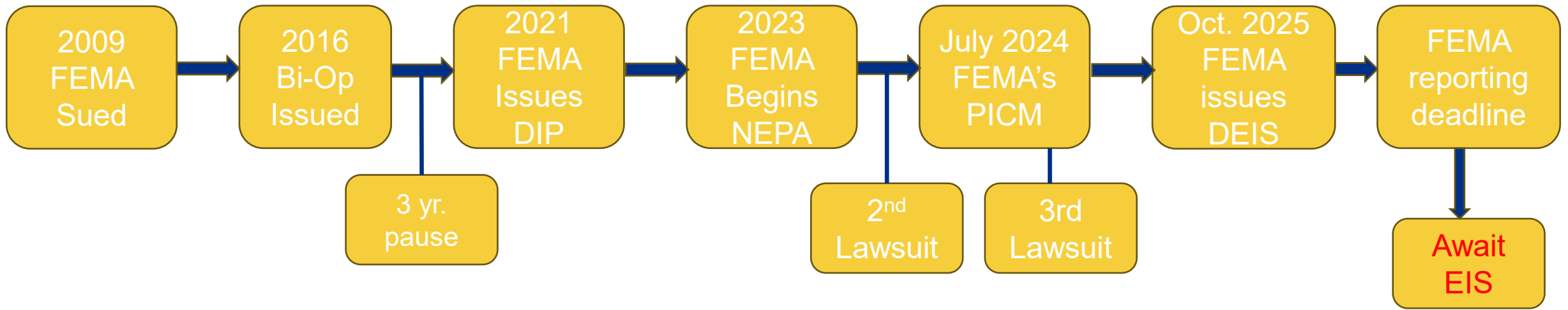


Oregon's Bold Biological Opinion – Coming to a State Near You!



June 3, 2026 - ASFPM Conference

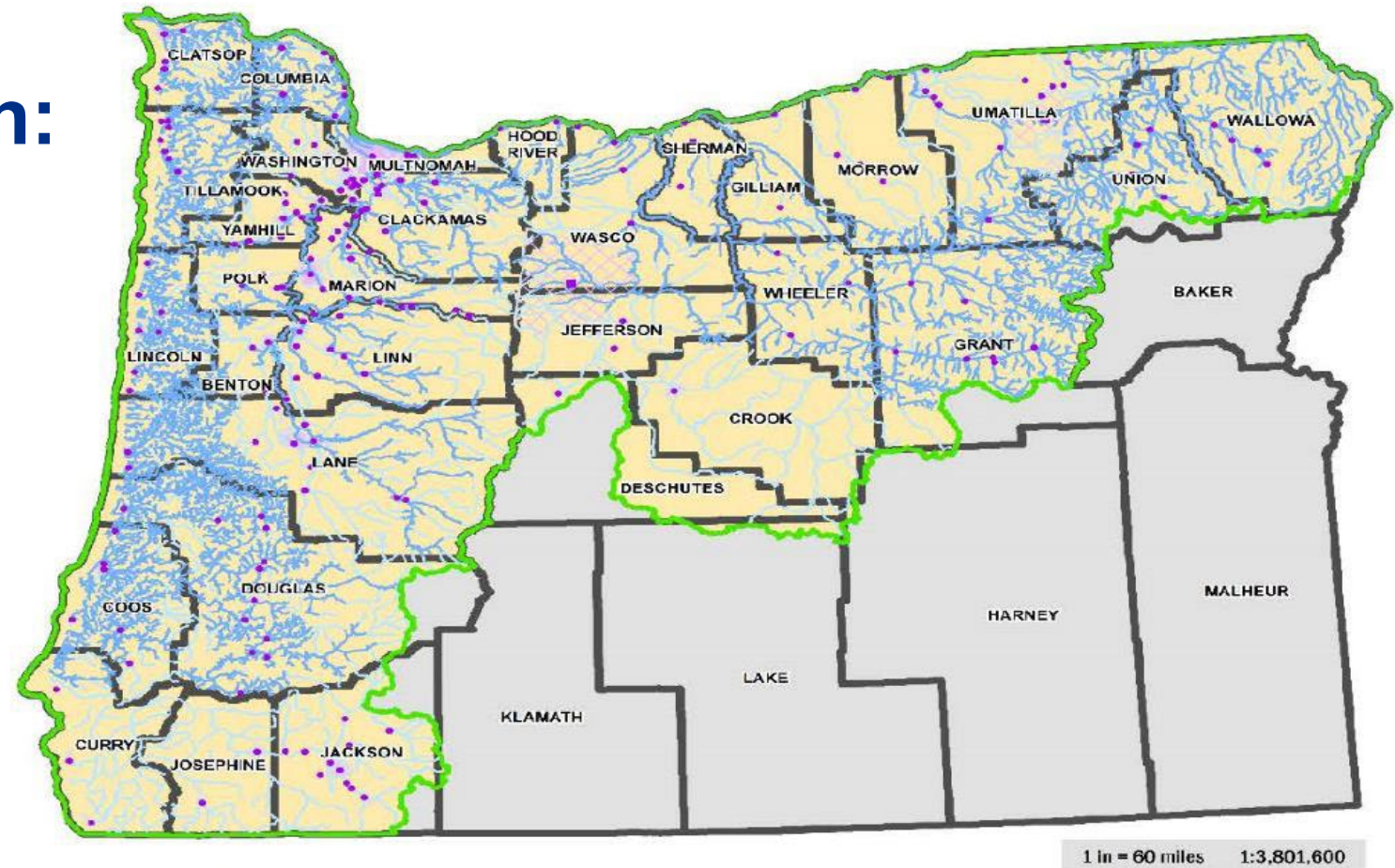
Deanna Wright, Oregon's NFIP Coordinator, CFM
Department of Land Conservation and Development



Oregon's Bi-Op Path

Impacts in Oregon:

- 89% of the state
- 239 NFIP Communities
- 2 Tribes
- 90% of NFIP Policies
- 5 counties not included



OREGON NFIP BIOP ACTION AREA

2021.09.28

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 those habitats) are displayed 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, Klamath, Lake, and Malheur Counties.

*Critical habitats are via NOAA Fisheries: <https://www.fisheries.noaa.gov/resource/map/critical-habitat-salmon-and-steelhead-all-west-coast>

Oregon's Role



DLCD

Department of
Land Conservation
& Development

- Technical assist
- Continued coordination FEMA/Local
- Share information with FPA's
- Advisory committee along with other local staff
- Coordinate with other agencies
- Long-time floodplain grant

Current Status of the BiOp in Oregon

2 Processes Simultaneously!

FEMA's PICM (short-term)

Three Pathways:

- 1) Adopt FEMA model ordinance
- 2) Moratorium in the SFHA
- 3) Permit-by-Permit with Habitat Assessment Mitigation

No Net Loss (NNL) = mitigation or off-sets

FEMA's Full Implementation

Three Options:

- 1) No Action Alternative
- 2) NNL with exceptions
- 3) NNL without exceptions

September 1, 2027, deadline for FEMA to fully implement

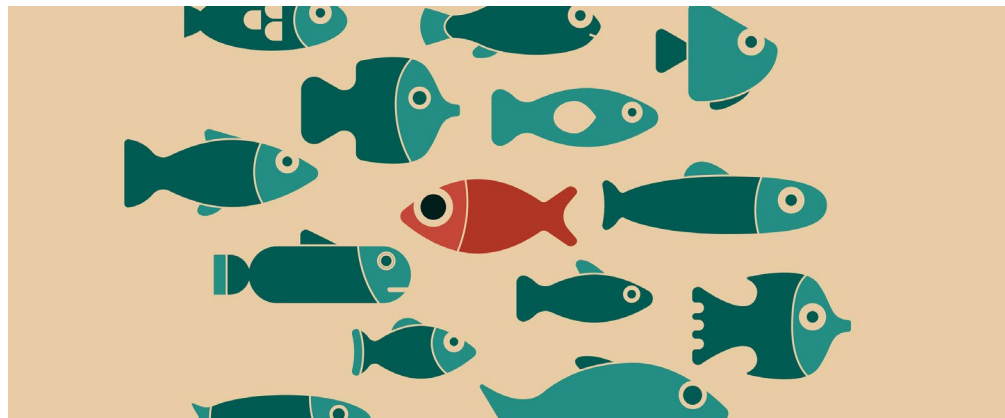
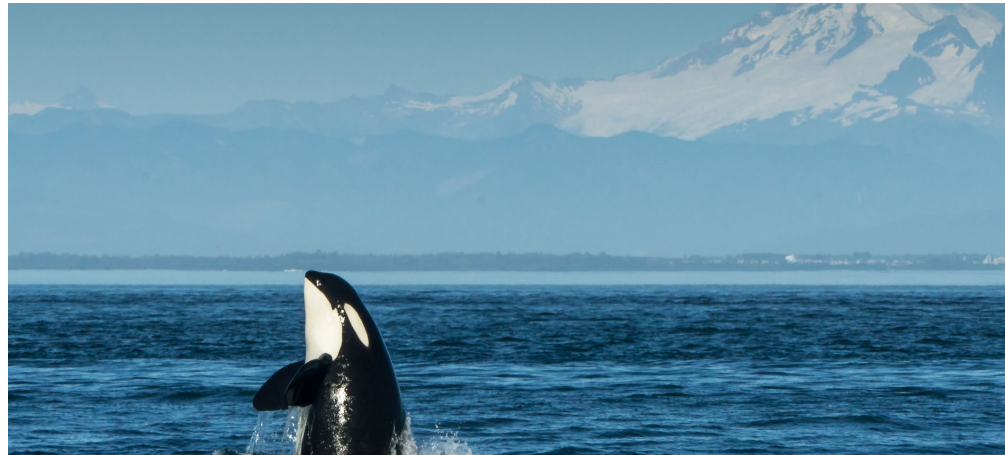
Lawsuits Challenging FEMA's NFIP Implementation in Oregon

Environmental groups sue FEMA

Complaint:

[Center for Biological Diversity](#)

[motion to dismiss](#) issued April 2026 by federal judge



Oregon Coalition group sue FEMA

Complaint filed Jan. 6 2025

[Oregonian's For Floodplain Protection](#)



Recent ESA Highlights

Regulatory ESA Revisions

- Back-and-Forth between administrations
- If it lives on, then may be **coming to a state near you!**

Federal ESA Rulemaking:

- Elimination of “off-sets” to avoid a take
- Proposal to change the “harm” rule

NFIP Rulemaking – exempt BiOps from NFIP

God Squad and ESA

FEMA Review Council report on ESA

1. Are RPA's considered new floodplain standards?
2. Oregon's housing crisis
3. FEMA's Model Code is complex
4. FEMA's unrealistic timelines to implement
5. FEMA shift responsibility on local gov't versus rulemaking
6. FEMA to understand Oregon land use system and processes

Time, Capacity, Funding!

Key Concerns in Oregon



If this comes to a state near you, what would you do?

Who would handle this issue and what staff would you bring in to assist you?

1. Does CFR 60.3(a)(2) really require NNL?
2. Prolonged suspension of LOMC-F based on fill
3. FEMA's multiple shutdowns and reduced staffing levels
4. What happens to communities who fail to implement the BiOp?
5. Enough with the State-by-State approach!
6. ESA activity & Audits in CAP-SSSE grant.

Time, Capacity, Funding!

Key Concerns in Oregon - continued



If this comes to a state near you, what would you do?

Who would handle this issue and what staff would you bring in to assist you?

Other States BiOp's

Washington

- Years ahead of Oregon
- Similar lawsuit, findings, species (*take, jeopardy*)
- Limited to Puget Sound area
- Implemented BiOp under a **3-Door approach**:
 1. Adopt a Model Ordinance
 2. ESA Checklist for compliance
 3. Permit-by-Permit under NMFS Review

California

- Years behind Oregon
- Similar suspension of LOMC-F in dozens of CA counties (May 2023)
- T&E species unknown

Florida

- Species – Sea Turtles and Key Deer impacts of floodplain development (2010)

What the Bi-Op May Have Missed in Oregon



Willamette River, Oregon

1. Oregon's statewide planning program
2. Public involvement
3. Other approaches
4. Other state agency involvement
5. Appetite for law changes
6. Subsequent pending lawsuits
7. Other impacts to species:
 - Dams/Hydropower
 - Climate changes
 - Fisheries impacts



Stone Plaque, Oregon Capitol State Park, Salem

What Can Be Done Differently?

**FEMA to do ESA
rulemaking protections
versus a state-by-state
approach.**

**Involve many
people during
consultations!**

Evaluate what the state already has in place to assist with fish habitat and species protections.

Involve your natural resources staff with ecology and biology backgrounds.

Resiliency planning or initiatives aimed to connect land and water.

Ensure building codes reduce risks.