

# Pre-Implementation Compliance Measures Workshop – Permit-by-Permit Approach

Thursday, Nov. 14, 9:00 – 11:30 am



# FEMA

# Workshop Purpose

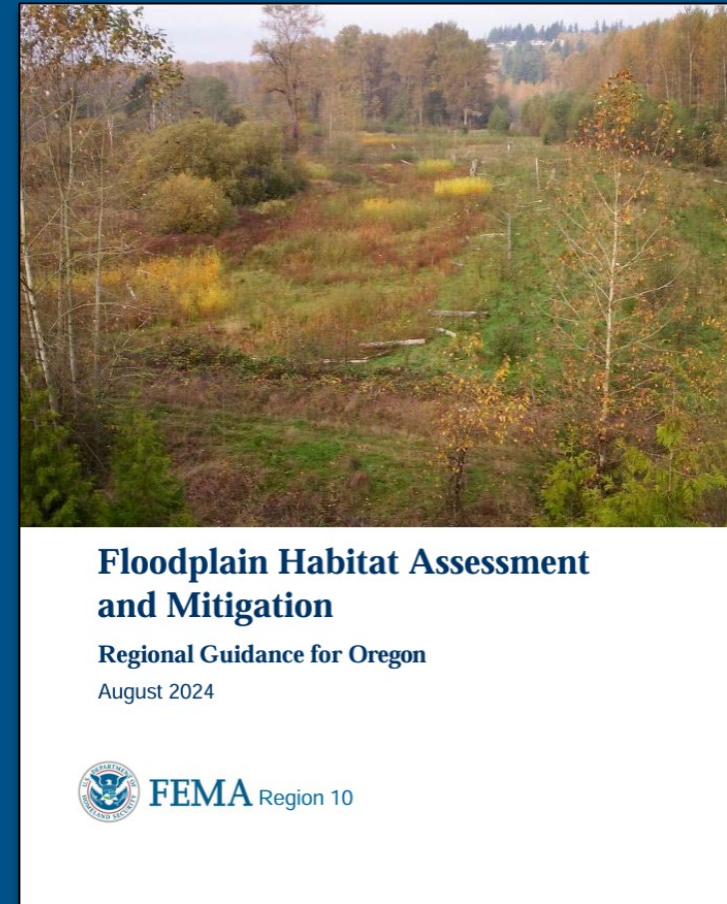
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- FEMA will provide in-depth information about the Permit-by-Permit Pre-Implementation Compliance Measure (PICM).
- Provide an opportunity for Oregon National Flood Insurance Program (NFIP) floodplain managers to ask questions and discuss issues related to implementing the PICM for Endangered Species Act (ESA) compliance.



# Agenda

- Welcome and Introductions
- PICM Overview
- Presentation on the Permit-by-Permit Approach
- Introduction to Technical Assistance
- Time for questions



# Meeting Guidelines

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- Honor the agenda
- Participate actively and respectfully.
- Provide your name and affiliation each time you speak.
- Be mindful of your speaking time.
- Hold questions until designated times.
  - Keep questions focused to content presented

# Zoom Instructions

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- Open Participants window to see who is in the meeting



- Turn microphone/video on/off



- Chat is reserved for technical difficulties



- Use Raise Hand feature (or \*9 if calling in) to ask a question



# Introductions

# PICM Overview

# Pre-Implementation Compliance Measures (PICMs)

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- FEMA developed PICMs for participating NFIP communities to comply with Endangered Species Act (ESA) requirements in the interim period while the full implementation is being reviewed under NEPA.
- The PICM options are:

## Prohibit all new development

**Prohibit all new development in the floodplain.**

## Model Ordinance

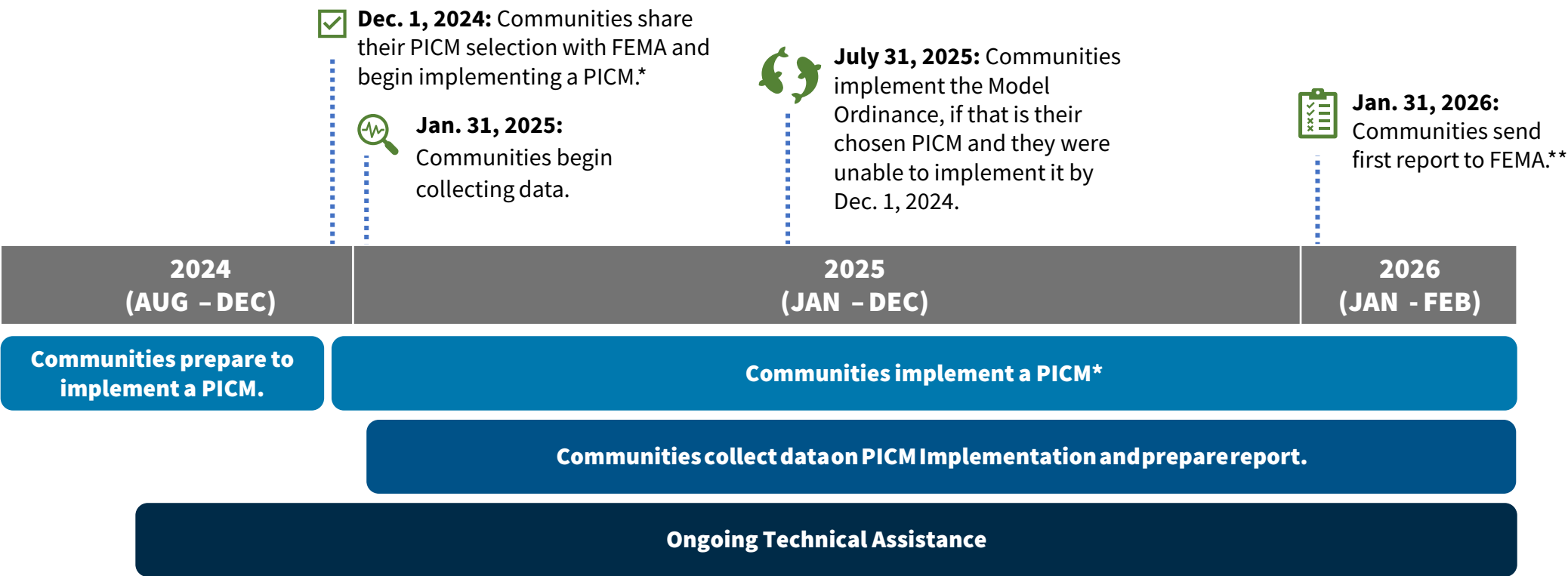
**Incorporate the ESA into local floodplain ordinances.**

## Permit-by-Permit

**Require permit applicants to develop a Floodplain Habitat Assessment** documenting that their proposed development in the Special Flood Hazard Area will achieve no net loss.



# PICM Implementation Timeline



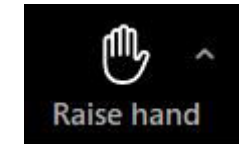
\*If a community chooses the Model Ordinance approach and is unable to put it in place by Dec. 1, the community must implement the Permit-by-Permit approach or prohibit all new development in the Special Floodplain Hazard Area until they are able to implement the Model Ordinance approach, which must be implemented by July 31, 2025.

\*\*FEMA will provide a reporting tool. If report is not provided, it will result in a community visit.

# Questions?

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- To enter the discussion queue, use the "Raise your hand" button or press \*9 on your phone. Please lower your hand once you are done speaking.
- If unable to speak, use the chat for technical assistance. Refrain from sidebar conversations.



# Permit-by-Permit Approach

How to Review a Habitat Assessment – A Guide for Permit Officials

# Introduction

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## **What is a Habitat Assessment?**

- A report that describes the impact of a proposed development project on existing habitat.
- Required for projects within the Special Flood Hazard Area (SFHA).
- Helps ensure compliance with the Endangered Species Act (ESA).

## **Why review Habitat Assessments?**

- To ensure the protection of ESA-listed species and their critical habitats.
- To ensure that development projects minimize impacts on floodplain functions.
- To comply with the National Flood Insurance Program and possibly obtain Community Rating System (CRS) credit for Habitat Protection.

## How the Permit-by-Permit approach ensures NFIP-ESA compliance

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- Individual habitat assessments identify the existing floodplain functions at the development site in question and identify the mitigation measures taken to ensure ESA compliance.

# Key Components of a Habitat Assessment

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## Step 1: Project Area Description

- Location information (address, coordinates, ownership).
- Water resource information (watershed, and water bodies).
- Regulatory areas (SFHA, floodway, RBZ).
- Existing site conditions (topography, vegetation, connectivity to floodplain).

## Step 1: Sample Habitat Assessment

- Provides the project address of 123 Residence Ave., Floodtown, OR.
- Property is 500 feet from Salmon Creek, which flows into the Euchalon River, part of the Columbia River drainage basin.
- In SFHA, outside of RBZ and designated floodways. Located in RBZ-fringe.
- Describes existing conditions of the 0.5-acre lot.

# Key Components of a Habitat Assessment

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## Step 2: Existing Habitat Description

- Projected species identification (ESA-listed species, EFH, critical habitat).
  - PICM is under the assumption that all development within the SFHAs of the implementation area causes a “likely to adversely affect” determination for the 16-listed fish species and the Southern Resident killer whale due to direct, indirect, and cumulative impacts that may occur.
- Site investigation (This is explained in project area description).
- Habitat narrative (Focused on the floodplain functions. Identify the amount of area within the project area that is undeveloped space, pervious surface, and the number and size of trees).

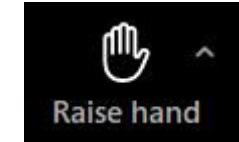
## Step 2: Sample Habitat Assessment

- Acknowledges the potential impact of the project.
- Describes the existing features of the lot.
- Details the current status of the floodplain functions on the site.

# Questions?

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# Key Components of a Habitat Assessment (cont'd)

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## Step 3: Project Description

- Summary of project features (structures, facilities, impervious surfaces).
- Construction process (land clearing, grading, stormwater management, construction phasing).
- Location of development
- Mitigation hierarchy
  - Protection measures (setbacks, erosion control, best management practices).
- Impacts to floodplain functions, floodplain connectivity, and area cleared and graded

## Step 3: Sample Habitat Assessment

- Outlines the key components of the proposed development.
- Provides insights into the construction process and its potential impacts.
- Consistently refers to the project's location within the SFHA and RBZ-fringe.
- Shows understanding of the concept of mitigation hierarchy.
- Partially addresses impacts to functions, connectivity, and area cleared and graded.

# Key Components of a Habitat Assessment (cont'd)

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## Step 4: Environmental Effects Assessment

- PICM is under the assumption that all development within the SFHAs of the implementation area causes a “likely to adversely affect” determination for the 16-listed fish species and the Southern Resident killer whale due to direct, indirect, and cumulative impacts that may occur.

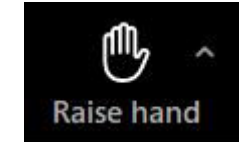
## Step 4: Sample Habitat Assessment

- Information provided throughout the assessment can be interpreted to address the core aspects of Step 4:
  - Assumption of Adverse Effects
  - Mitigation Ratios for No Net Loss
  - Consideration of Impact Location
  - Mitigation Measures Addressing Specific Impacts

# Questions?

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# Key Components of a Habitat Assessment (cont'd)

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## Step 5: Mitigation Alternatives Review

- Avoidance: Relocating or redesigning the project to avoid impacts is the most preferred approach.
- Minimization: If avoidance is not feasible, minimizing the footprint and magnitude of impacts.
- Mitigation: Compensating for unavoidable impacts through restoration or creation of habitat.

## Step 5: Sample Habitat Assessment

- The assessment follows the mitigation hierarchy outlined in Step 5.
- Meets No Net Loss Goal.
- Gives specific examples of Mitigation Alternatives.

# Key Components of a Habitat Assessment (cont'd)

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## Step 6: Mitigation Plan

- Analyze direct, indirect, and cumulative effects of the project on listed species and their habitats based off of mitigation ratios required to achieve No Net Loss.
- Consider impacts of development location and how this affects No Net Loss requirements.
- Consider proximity to species, timing of activities, and severity of impacts.
- Should outline specific actions to mitigate for identified impacts, including construction and permanent measures.
- Include a No Net Loss Determination by floodplain function.

# Key Components of a Habitat Assessment (cont'd)

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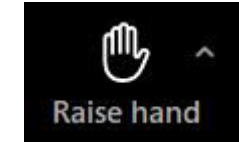
## Step 6: Sample Habitat Assessment

- Clearly outlines specific actions for each mitigation measure ensuring clarity and actionable steps..
- Demonstrates the achievement of no net loss for each impacted floodplain function.

# Questions?

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# Reviewing Habitat Assessments: Strategies

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- **Establish Qualification Criteria for Habitat Assessment:**
  - Does the assessment describe existing project area conditions as related to the three floodplain functions?
  - Does the assessment describe the impacts to the floodplain functions that development will create?
  - Does the assessment describe proposed mitigation to achieve No Net Loss?
- **Provide a List of Qualified Professionals:**
  - Offer guidance to applicants on finding qualified individuals or firms.
- **Utilize Third-Party Review:**
  - Engage an independent expert to review the assessment for completeness and accuracy.



# Review Checklists

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- Develop checklists tailored to specific project types and potential impacts.
- **Example Checklist Items**
  - Is the project area clearly defined and mapped?
  - Is the existing project area clearly described?
  - Are all potential impacts on listed species and their habitats identified and analyzed?
  - Are the mitigation measures appropriate, feasible, and likely to be effective?

# Conclusion

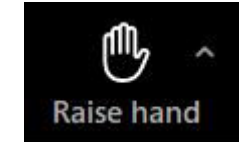
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- Thorough Habitat Assessment reviews are crucial for:
  - Protecting ESA-listed species and their habitats.
  - Ensuring responsible development within floodplains.
  - Meeting NFIP requirements and promoting community resilience.

# Questions?

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# Introduction to Technical Assistance

# Overview

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- FEMA is offering technical assistance to communities to assist them in implementing the PICMs.
- Technical assistance includes:
  - One-on-one support to help communities work through the challenges associated with meeting ESA compliance requirements and implementing the PICMs.
  - Sharing clear expectations for what communities may be asked to provide during an NFIP Compliance Visit or Audit.
- If you have general questions about the PICMs, please send those to [FEMA-R10-MIT-PICM@fema.dhs.gov](mailto:FEMA-R10-MIT-PICM@fema.dhs.gov).

# Technical Assistance Request Form

- FEMA is providing technical assistance to NFIP communities as they implement the PICMs, now through June 2025.
- Communities can submit technical assistance requests through the TA Request Form:
  - <https://forms.gle/biDLWxNdaQc5ruHfA>
- FEMA will begin reviewing and responding to requests beginning the week of November 4 and will respond on a rolling basis.



Scan me with your  
phone's camera to go  
to the TA Request  
Form.

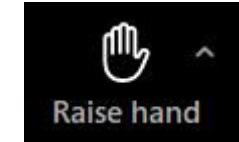


# Question and Answer Session

# Questions?

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# Next Steps

## Next Steps

- **Now – June 2025:** Submit technical assistance requests:  
<https://forms.gle/biDLWxNdaQc5ruHfA>
- **Dec. 1, 2024:** Share your community's PICM selection with FEMA through an email to the PICM inbox ([FEMA-R10-MIT-PICM@fema.dhs.gov](mailto:FEMA-R10-MIT-PICM@fema.dhs.gov)) and begin implementing a PICM.
- **Jan. 31, 2025:** Begin collecting data.
- **Jan. 31, 2026:** Communities send first report to FEMA.



Scan me with your  
phone's camera to go  
to the TA Request  
Form.

## Learn More

- Visit our website
- Contact us with questions at:  
[FEMA-R10-MIT-PICM@fema.dhs.gov](mailto:FEMA-R10-MIT-PICM@fema.dhs.gov)



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