



FEMA

November 14, 2024

The Honorable Tina Kotek
Office of the Governor
900 Court Street NE, Suite 254
Salem, Oregon 97301

Dear Governor Kotek:

Thank you for your letter and the detailed information provided regarding FEMA's proposed strategy for the National Flood Insurance Program (NFIP) in Oregon, specifically regarding the implementation of Element 2 of the Reasonable and Prudent Alternative (RPA) in the National Marine Fisheries Service's (NMFS) Biological Opinion ("BiOp") on the implementation of the NFIP in Oregon. FEMA refers to these efforts as the Pre-Implementation Compliance Measures (PICMs). FEMA is committed to implementing and enforcing the NFIP fairly, in a way that helps reduce flood losses across the nation. FEMA is also committed to compliance with Section 7(a)(2) of the Endangered Species Act (ESA).

We understand the importance of the issues raised and acknowledge the need for careful consideration and collaboration with state and local officials and agencies. We appreciate hearing your insights and feedback. FEMA recently met with a representative from your office to discuss the timeline for the PICMs and the implementation of the BiOp.

We are committed to working together to ensure that the implementation of the PICMs is done thoughtfully and effectively. We will continue to engage with all relevant stakeholders to find a balanced and sustainable solution. However, our compliance with the ESA is contingent on timely implementation of the NMFS BiOp recommendations. FEMA must meet the deadlines for implementation that were represented to the Court in a lawsuit filed by the Center for Biological Diversity against FEMA in the District Court for the District of Oregon and they cannot be altered at this time.

We acknowledge these deadlines may be challenging for some communities and we want to emphasize that FEMA is committed to working together in good faith as a partner with communities to ensure compliance with the ESA, including providing technical assistance where needed. Our goal will be to ensure success in meeting the requirements.

As a reminder, communities are expected to choose one of three PICM options by December 1, 2024: prohibit all new development in the floodplain, incorporate the ESA into local floodplain

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ordinances or require permit-by-permit Floodplain Habitat Assessments. If no option is selected by that time, FEMA expects the community is defaulting to the permit-by-permit option. Shortly after December 1, FEMA will reach out via letter to each community to communicate the PICM the community has chosen or defaulted to and offer technical assistance to help communities as they are implementing the PICM option. All communities are expected to begin data collection efforts on January 31, 2025 using the data collection points outlined in Element 5 of the RPA and the reporting tool FEMA has developed to help communities collect and report this data. Communities are expected to fully implement their chosen PICM option by July 31, 2025. Communities are encouraged to contact the Region 10 Floodplain Management team with questions using the dedicated email box set up for PICM: fema-r10-mit-picm@fema.dhs.gov

If you have questions or need additional assistance, please have a member of your staff contact FEMA's Office of External Affairs, Intergovernmental Affairs Division at FEMA-IGA@fema.dhs.gov.

Sincerely,

Eric J. Letvin, PE, Esq., CFM
Deputy Assistant Administrator, Hazard Mitigation Directorate
FEMA Resilience

Cc: Willie G. Nunn, Regional Administrator, Region 10