



This is informational only. Individualized letters will be sent to all affected homeowners. If you do not receive a letter, you are not affected by the new development regulations in the Special Flood Hazard Areas (SFHA)

Manzanita homeowner,

As you may recall from our December City Council Regular Session, the City must comply with the 2016 National Marine Fisheries Service (NMFS) Biological Opinion (Bi-Op) due to our participation in the National Flood Insurance Program (NFIP). To maintain standing within the program, the City must adopt and enforce floodplain development regulations that meet the NFIP's minimum requirements. In 2009, a lawsuit was filed by the Portland Audubon Society against the Federal Emergency Management Agency (FEMA) regarding the effect of the implementation of NFIP-regulations on endangered species and their habitat. FEMA negotiated a settlement in 2010, and in 2011 started a formal consultation process with the National Marine Fisheries Service (NMFS). In 2016, the NMFS issued a Biological Opinion (Bi-Op).

The Bi-Op identified three floodplain functions that serve to protect habitat that is essential to the survival of the Endangered Species Act (ESA)-listed species:

1. Flood Storage - The impacts of placing fill in the SFHA.
2. Water Quality - The impacts of adding new impervious surface in the SFHA.
3. Riparian Habitat - The impacts of removing vegetation near rivers and streams.

As a result, the regulations for developing in the Special Flood Hazard Area (SFHA) have changed, effective December 1, 2024. To comply with the new regulations, the City of Manzanita must adopt one of the three approved Pre-Implementation Compliance Measures (PICMs). These measures include:

1. Prohibit all new development
2. Adopt a model ordinance
3. Permit-by-permit Habitat Assessment

The City has chosen option number 3: Permit-by-permit Habitat Assessment, requiring a Habitat Conservation Plan that demonstrates consistency with Section 9 and 10 of the ESA. The Habitat Assessment Guide provided by FEMA lists the requirements for how to evaluate a site-specific development to ensure that the proposal meets the 'no net loss' standard as required by the Reasonable and Prudent Alternatives (RPAs) in the Bi-Op. The assessment is required to be performed by a "Qualified Professional," though City staff have not identified who these professionals are or what a site-specific assessment would cost a developer or property owner.

If you would like to verify that your property is *not* in the Special Flood Hazard Area, you can follow these steps.

- Go to: <https://www.fema.gov/flood-maps>
- Click on "National Flood Hazard Layer"



- Click on “NFHL Viewer”
- Type your address in the “Find address or place” box
- Click on the “search” symbol or hit “enter” on your keyboard
- The map will zoom in on location.
- If your property is not in the blue Zone VE, you are unaffected

X

Leila Aman
City Manager

For additional resources, please see below:

Date	Document
04/14/16	NMFS BiOp
07/15/24	FEMA - Seaside Community Letter
07/15/24	FEMA - PICM Fact Sheet
08/14/24	FEMA - Habitat Assessment Guide
08/15/24	FEMA - Model Floodplain Ordinance
08/22/24	Letter to FEMA - Oregon Congressional Delegation
09/26/24	Letter to FEMA - Governor Kotek
10/04/24	DLCD FAQ
10/21/24	FEMA - Habitat Assessment Example
10/28/24	City of Seaside - Temporary Development Moratorium Ordinance
10/31/24	FEMA - Habitat Assessment Sample
10/31/24	FEMA - Analysis of Habitat Assessment Sample
11/14/24	FEMA - Response to Gov. Kotek
11/26/24	Mitigation Assessment - Updated
11/26/24	PICM - Model Ordinance - Updated