



June 23, 2023

Science Kilner
Regional Environmental Officer
FEMA Region X
130 228 Street SW
Bothell, WA 98021

**RE: DOCKET ID # FEMA-2023-0007
FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)
EIS REGARDING NFIP-ESA INTEGRATION IN OREGON**

Dear Ms. Kilner:

Thank you for the extended opportunity to review and comment on the above-referenced item. First, as Chair of the Board of Clatsop County Commissioners and as mayors of the five incorporated cities, we must emphasize our support of the large-scale environmental objective of protecting anadromous fish species and the Southern Resident Killer Whale. We continue, however, to have significant concerns regarding the implementation of the NFIP-ESA integration in Oregon and, more specifically, the impacts of this federal overreach within Clatsop County and our jurisdictions.

This process is occurring during a time of unprecedented uncertainty as several competing mandates and state-level changes converge on local jurisdictions. This perfect storm, consisting of a housing crisis, debilitating fiscal impacts from the Habitat Conservation Plan, and now the development-prohibitive requirements of this implementation plan, has created a confluence of regulation that will have extremely significant impacts on already constrained rural communities. While FEMA staff have stated that the yet-to-be-drafted model ordinance will not prohibit development, this is not fully accurate. The expense associated with collecting and maintaining data to support a community compliance plan or to mitigate development impacts can neither be initially undertaken nor sustained into the future by our communities.

Under the current FEMA schedule, implementation of the BiOp may begin as early as 2025. Implementation will also coincide with initiation of the Oregon Housing Needs Analysis and requirements for communities to produce a specified number of housing units each year or face potential penalties. Within Clatsop County, the Regional Housing Needs Analysis released in August 2020, estimated the need for an additional 3,018 residential units. The city with the largest need – Warrenton (1,107 units) – consists of approximately 5,519 acres within the Special Flood Hazard Area (SFHA). This represents approximately 48.9% of all lands within the City.

The County, our cities and our special districts are also facing the prospect of looming revenue decreases and possible service reductions due to the pending approval and implementation of the Oregon Department of Forestry's Habitat Conservation Plan (HCP). This will occur as local governments and special districts struggle to maintain and upgrade vital infrastructure needed to serve new housing. Clatsop County alone faces a \$3,000,000 revenue impact if the HCP moves forward as drafted. It does not appear that efforts have been taken to coordinate these

three very significant state/federal actions nor has analysis been done to determine the cumulative fiscal impacts on our local governments.

The cities and the County have been invited to comment on the draft Environmental Impact Statement (EIS), the intent of which is to identify the effects of the proposed action and the alternatives. "Effects" are defined as ecological, as well as economic. These effects may also be direct, indirect or cumulative, as stated in the "Summary of Expected Impacts" in the Notice of Intent. The County and the cities have been asked to identify potential impacts, before the model ordinance and new requirements have been finalized. It is therefore impossible for our jurisdictions to identify, let alone quantify, the economic, social or health impacts of this EIS. There is no doubt, however, that the impacts will be cumulatively significant when merged with new housing provision requirements and penalties and pecuniary repercussions when the HCP is also implemented. This unprecedented combination of unfunded regulations, prohibitions and penalization will place rural communities, particularly the cities of Astoria, Cannon Beach, Gearhart, Seaside and Warrenton, as well as Clatsop County, in a dire position. The siloed agencies at the state level have created competing and conflicting requirements, which simply cannot be achieved if the Biological Opinion is implemented in Oregon as currently drafted.

For these reasons, we are requesting that this review be halted and that implementation of the plan be delayed. It is premature to conduct an Environmental Impact Statement when the final parameters and requirements of the project have not been fully finalized. The public input obtained through this process cannot accurately estimate the potential impacts of implementation and is therefore meaningless as the implementation plan itself is meaningless without the final standards and regulations.

This process began in 2009 and has already been delayed and postponed several times. Another delay, to allow FEMA, the State and local jurisdictions to prepare a model ordinance, would allow a full and realistic opportunity to evaluate all potential impacts as required by an EIS review.

Respectfully,



Mark Kujala, Chair
Board of Clatsop County Commissioners



Sean Fitzpatrick, Mayor
City of Astoria



Barb Knop, Mayor
City of Cannon Beach



Kerry Smith, Mayor
City of Gearhart



Steve Wright, Mayor
City of Seaside



Henry A. Balensifer III, Mayor
City of Warrenton