



TILLAMOOK COUNTY BOARD OF COMMISSIONERS NOTICE OF MEETING AGENDAS

BOARD OF COMMISSIONERS

Erin D. Skaar, Chair

eskaar@co.tillamook.or.us

Mary Faith Bell, Vice-Chair

mfbell@co.tillamook.or.us

David Yamamoto, Commissioner

dyamamoto@co.tillamook.or.us

CONTACT

Tillamook County Courthouse
201 Laurel Avenue
Tillamook, Oregon 97141
503.842.3403
www.co.tillamook.or.us

COMMUNITY UPDATE MEETING

Tuesday, May 2, 2023 at 8:00 a.m.

Teleconference and KTL-FM at 95.9

BOARD MEETING

Wednesday, May 3, 2023 at 9:00 a.m.

Board of Commissioners' Meeting Room 106

County Courthouse, Teleconference, and Live Video at tctvonline.com

AGENDAS

COMMUNITY UPDATE – 2023-05-02 COMMUNITY UPDATE AUDIO.MP4

CALL TO ORDER: Tuesday, May 2, 2023 8:00 a.m.

1. 00:27 Welcome and Board of Commissioners' Roll Call
2. 00:52 Adventist Health Tillamook
3. 04:32 Tillamook County Community Health Center
4. 08:47 Nehalem Bay Health Center & Pharmacy
5. 11:10 Sheriff's Office
6. 13:35 Emergency Management
7. 15:48 Oregon Department of Transportation
8. 23:29 Board of Commissioners
9. Cities
 - 33:28 Manzanita
 - 34:14 Rockaway Beach
 - 39:34 Garibaldi
 - 40:15 Bay City
 - 43:26 Tillamook
 - 56:54 South County

ADJOURN – 8:58 a.m.

MEETING – 2023-05-03 – BOCC MEETING.MP4

CALL TO ORDER: Wednesday, May 3, 2023 9:00 a.m.

1. 02:08 Welcome & Request to Sign Guest List
2. 02:09 Pledge of Allegiance
3. 02:32 Public Comment: There were none.
4. 02:37 Non-Agenda Items:
Two Unscheduled Agenda Items Before Agenda Item #5/Commissioner Erin Skaar

LEGISLATIVE – ADMINISTRATIVE

- 02:50 **UNSCHEDULED:** Discussion and Consideration of a Donation Temporary Easement with the State of Oregon, Department of Transportation for a Temporary Easement for a Work Area for construction Purposes on Property Located in the Northwest Quarter of Section 18, Township 2 North, Range 9 West/Chris Laity, Director, Public Works

A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Board signed the temporary easement.

- 08:30 **UNSCHEDULED:** Discussion and Consideration of a Donation Agreement with the State of Oregon, Department of Transportation for a Temporary Easement for a Work Area for construction Purposes on Property Located in the Northwest Quarter of Section 18, Township 2 North, Range 9 West/Chris Laity, Director, Public Works

A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Chair signed the agreement.

5. 09:28 Discussion and Consideration of an Oregon Department of Emergency Management State Preparedness and Incident Response Grant Number SP22-053 for Portable Lighting/Randy Thorpe, Director, Emergency Management

A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Chair signed the grant agreement.

6. 14:26 Discussion and Consideration of a Landlord Letter of Consent for Health Resources and Services Administration Funding Opportunity/Eric Swanson, President, Tillamook Adventist Health

A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Board signed the letter of consent.

7. 18:12 Discussion and Consideration of a Resolution in the Matter of Proclaiming May 12, 2023 as "Provider Appreciation Day" in Tillamook County, Oregon/Eva Manderson, Director, Northwest Regional Child Care Resource and Referral
- A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Board signed R#23-008.
8. 27:25 Discussion and Consideration of a Letter to the Federal Emergency Management Agency (FEMA) Requesting Cooperating Agency Status for the Implementation of the Federal Emergency Management Agency's Biological Opinion/Sarah Absher, Director, Department of Community Development
- A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Board signed the letter.
9. 34:53 Discussion and Consideration of a Scoping Comment Letter Regarding Implementation of the Plan for National Flood Insurance Program-Endangered Species Act Integration in Oregon (FEMA BiOp)/Sarah Absher, Director, Department of Community Development
- A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Board signed the letter.
10. 1:09:24 Discussion and Reconsideration of Order #851-21-000086-PLNG-01: A Goal Exception request for approval of an exception to Statewide Planning Goal 18, Implementation Measure (IM) 5; approval of a comprehensive plan amendment for a "committed" exception and/or a "reasons" exception to Goal 18, Implementation Measure 5 for the construction of shoreline stabilization along the westerly lots of the Pine Beach Subdivision and five oceanfront lots to the north located within the Barview/Twin Rocks/Watseco Unincorporated Community Boundary along with reconsideration of Floodplain Development Permit Request #851-21-000086-PLNG for the installation of a beachfront protective structure (rip rap revetment) within an active eroding foredune east of the line of established vegetation in the Coastal High Hazard (VE) zone, an Area of Special Flood Hazard within the Flood Hazard Overlay Zone. The subject properties are Lots 11-20 of the Pine Beach Replat Unit #1, designated as Tax Lots 114 through 123, of Section 7DD, and Tax Lots 3000, 3100, 3104, 3203 and 3204 of Section 7DA all in Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. There are multiple property owners and applicants/Sarah Absher, Director, Department of Community Development
- A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Board signed Order #851-21-000086-PLNG-01.
11. 1:19:36 Discussion and Consideration of a Resolution in the Matter of Proclaiming May 7-13 as "Public Service Recognition Week" in Tillamook County, Oregon/Jodi Wilson, Director, Human Resources
- A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Board signed R#23-009.

12. 1:27:45 Discussion and Consideration of a Memorandum of Understanding with AFSCME Local 2734 for a Collective Bargaining Agreement Extension to December 31, 2023/Jodi Wilson, Director, Human Resources

A motion was made by Commissioner Yamamoto and seconded by Vice-Chair Bell. The motion passed with three aye votes. The Chair signed the memorandum of understanding.

13. 1:32:20 Board Concerns: There were none.

14. 1:33:29 Board Announcements

ADJOURN – 10:36 a.m.

JOIN THE BOARD OF COMMISSIONERS' MEETINGS

The board is committed to community participation and provides opportunity for public attendance during meetings via in-person and teleconference.

- **Community Update Meetings: Tuesdays at 8:00 a.m.**
 - Teleconference: Dial 971-254-3149, Conference ID: 736 023 979#
 - Radio: KTIL-FM at 95.9
- **Board Meetings: Wednesdays at 9:00 a.m.**
 - County Courthouse: Board of Commissioners' Meeting Room 106, 201 Laurel Avenue, Tillamook
 - Teleconference: Dial 971-254-3149, Conference ID: 736 023 979#
 - Live Video: tctvonline.com

MEETING INFORMATION AND RULES

- Matters for discussion and consideration by the board shall be placed on an agenda prepared by the staff and approved by the board chair. Any commissioner may request items on the agenda.
- Public hearings are formal proceedings publicized through a special public notice issued to media and others. Public hearings held by the board are to provide the board an opportunity to hear from the public about a specific topic. Public hearings are therefore different regarding audience participation at board meetings.
- Commissioners shall be addressed by their title followed by their last name.
- Commissioners shall obtain approval from the chair before speaking or asking questions of staff, presenters, and public. As a courtesy, the chair shall allow an opportunity, by the commissioner who has the floor, to ask immediate follow-up questions.
- A majority of the board shall constitute a quorum and be necessary for the transaction of business.
- All board meeting notices are publicized in accordance with public meeting laws.
- All board meetings shall commence with the Pledge of Allegiance.
- The chair will utilize the gavel as needed to maintain order, commence and adjourn meetings, and signal approval of motions.
- The board reserves the right to recess to executive session as may be required at any time during these meetings, pursuant to ORS 192.660(1).
- The courthouse is accessible to persons with disabilities. If special accommodations are needed for persons with hearing visual, or manual impairments who wish to participate in the meeting, contact (503) 842-3403 at least 24 hours prior to the meeting so that the appropriate communications assistance can be arranged.

PUBLIC COMMENT

- Providing public comment is an opportunity for constituents to be heard and express their views to the board.
- The board allows public comment at board meetings during the public comment period designated on the agenda.
- Comments are limited to one per person and per agenda item.
- Comments must be related to the agenda item(s) previously registered to comment on.
- The allotted time for public comments is two minutes per person; this time may not be allotted to another speaker. The chair may, at their sole discretion, further limit or expand the amount of time.
- The public comment opportunity is not a discussion, debate, or dialogue between the speaker and the board, which may or may not respond.
- Members of the public do not have the right to disrupt the meeting; the board may prohibit demonstrations such as booing, hissing, or clapping.
- Remarks containing hate speech, profanity, obscenity, name calling or personal attacks, defamation to a person, people, or organization, or other remarks the board deems inappropriate will not be allowed.
- Failure to follow all rules and procedures may result in not being able to provide public comment and/or being removed from the meeting.

In-Person Procedures

- Sign in before the meeting begins and indicate your desire to provide public comment and which agenda item you would like to comment on. When your name is announced, please come forward to the table placed in front of the dais and for the record, first identify yourself, area of residence, and organization represented, if any.

Virtual Procedures

- Register by sending an email to publiccomments@co.tillamook.or.us by 12:00 p.m. on the Tuesday prior to the board meeting. The email must contain all of the following information:
 - Full name, area of residence, and phone number.
 - Agenda item(s), you wish to comment on.
- Once registered, and before the start of the meeting, board staff will email a Microsoft Teams meeting link.
- When logged in to the meeting you must remain muted with your camera off until your name is called, then you unmute and turn on your camera.
- The chair may require those providing virtual comment to turn on their camera while providing comment or testimony.

Written Procedures

- Written comments may be mailed to 201 Laurel Avenue, Tillamook, Oregon 97141 or emailed to: publiccomments@co.tillamook.or.us.
- Written comments received by 12:00 p.m. on the Tuesday prior to the board meeting will be distributed to the board and posted online. All written comments submitted become part of the permanent public meeting record.

AGENDAS

COMMUNITY UPDATE

CALL TO ORDER: Tuesday, May 2, 2023 8:00 a.m.

1. Welcome and Board of Commissioners' Roll Call
2. Adventist Health Tillamook
3. Coastal Caucus
4. Tillamook County Community Health Center
5. Nehalem Bay Health Center & Pharmacy
6. Tillamook Family Counseling Center
7. Sheriff's Office
8. Emergency Management
9. Oregon Department of Transportation
10. Board of Commissioners
11. Cities
 - a. Manzanita
 - b. Nehalem
 - c. Wheeler
 - d. Rockaway Beach
 - e. Garibaldi
 - f. Bay City
 - g. Tillamook
 - h. South County

ADJOURN

MEETING

CALL TO ORDER: Wednesday, May 3, 2023 9:00 a.m.

1. Welcome & Request to Sign Guest List
2. Pledge of Allegiance
3. Public Comment
4. Non-Agenda Items

LEGISLATIVE – ADMINISTRATIVE

5. Discussion and Consideration of an Oregon Department of Emergency Management State Preparedness and Incident Response Grant Number SP22-053 for Portable Lighting/Randy Thorpe, Director, Emergency Management
6. Discussion and Consideration of a Landlord Letter of Consent for Health Resources and Services Administration Funding Opportunity/Eric Swanson, President, Tillamook Adventist Health
7. Discussion and Consideration of a Resolution in the Matter of Proclaiming May 12, 2023 as "Provider Appreciation Day" in Tillamook County, Oregon/Eva Manderson, Director, Northwest Regional Child Care Resource and Referral
8. Discussion and Consideration of a Letter to the Federal Emergency Management Agency (FEMA) Requesting Cooperating Agency Status for the Implementation of the Federal Emergency Management Agency's Biological Opinion/Sarah Absher, Director, Department of Community Development
9. Discussion and Consideration of a Scoping Comment Letter Regarding Implementation of the Plan for National Flood Insurance Program-Endangered Species Act Integration in Oregon (FEMA BiOp)/Sarah Absher, Director, Department of Community Development
10. Discussion and Reconsideration of Order #851-21-000086-PLNG-01: A Goal Exception request for approval of an exception to Statewide Planning Goal 18, Implementation Measure (IM) 5; approval of a comprehensive plan amendment for a "committed" exception and/or a "reasons" exception to Goal 18, Implementation Measure 5 for the construction of shoreline stabilization along the westerly lots of the Pine Beach Subdivision and five oceanfront lots to the north located within the Barview/Twin Rocks/Watseco Unincorporated Community Boundary along with reconsideration of Floodplain Development Permit Request #851-21-000086-PLNG for the installation of a beachfront protective structure (rip rap revetment) within an active eroding foredune east of the line of established vegetation in the Coastal High Hazard (VE) zone, an Area of Special Flood Hazard within the Flood Hazard Overlay Zone. The subject properties are Lots 11-20 of the Pine Beach Replat Unit #1, designated as Tax Lots 114 through 123, of Section 7DD, and Tax Lots 3000, 3100, 3104, 3203 and 3204 of Section 7DA all in Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. There are multiple property owners and applicants/Sarah Absher, Director, Department of Community Development

11. Discussion and Consideration of a Resolution Proclaiming May 7-13 as "Public Service Recognition Week" in Tillamook County, Oregon/Jodi Wilson, Director, Human Resources
12. Discussion and Consideration of a Memorandum of Understanding with AFSCME Local 2734 for a Collective Bargaining Agreement Extension to December 31, 2023/Jodi Wilson, Director, Human Resources
13. Board Concerns
14. Board Announcements

ADJOURN

OTHER MEETINGS AND ANNOUNCEMENTS

A budget committee meeting of the Solid Waste Service District will be held on **Tuesday, May 2, 2023** at **3:00 p.m.** to discuss the budget for fiscal year 2023-2024. The meeting will be held in the Board of Commissioners' Meeting Room 106 in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#. Public comments can be submitted to publiccomments@co.tillamook.or.us. This is a meeting where deliberation of the Budget Committee will take place.

The Commissioners will hold a Board Briefing on **Wednesday, May 3, 2023** at **2:00 p.m.** to discuss weekly Commissioner updates. The meeting will be held in the Board of Commissioners' Meeting Room 106 in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#.

A budget committee meeting of the 4-H & Extension District will be held on **Thursday, May 4, 2023** at **12:00 p.m.** to discuss the budget for fiscal year 2023-2024. The meeting will be held in the Board of Commissioners' Meeting Room 106 in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#. Public comments can be submitted to publiccomments@co.tillamook.or.us. This is a meeting where deliberation of the Budget Committee will take place.

Tillamook County's Elected Official Compensation Board will meet on **Wednesday May 10, 2023** at **11:30 a.m.** in the Board of Commissioners' Meeting Room 106 in Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#

A public meeting of the Tillamook County Budget Committee will be held on **Wednesday, May 10, 2023** at **1:00 p.m.** to discuss the budget for fiscal year 2023-2024. The meeting will be held in the Board of Commissioners' Meeting Room 106 in the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. The teleconference number is 1-971-254-3149, Conference ID: 736 023 979#. Public comment can be submitted at publiccomments@co.tillamook.or.us. This is a public meeting where deliberation of the Budget Committee will take place.

There will be **NO** Board of Commissioners' Board Briefing on **Wednesday, May 10, 2023**.

Wednesday, May 3, 2023

PLEASE PRINT

Eva Manderson emanderson@nvresd.k12.or.us ^{child care}

ERIC Swanson ~~Swanson~~ EALORD ^{AKTM}

Sarah Absher DCD

Pat Ferner

(Please use reverse if necessary)

TILLAMOOK COUNTY BOARD OF COMMISSIONERS' MEETING

WEDNESDAY, May 3, 2023

PUBLIC COMMENT SIGN-IN SHEET

PLEASE PRINT

[illegible]



Tillamook County Board of Commissioners

201 Laurel Avenue, Tillamook, OR 97141

Phone: 503-842-3403

Erin D. Skaar, Chair

Mary Faith Bell, Vice-Chair

David Yamamoto, Commissioner

Landlord Letter of Consent

May 3, 2023

Tillamook County is the owner of the property located at 1000 Third Street, Tillamook, Oregon. The property is currently leased by the Northwest Medical Foundation of Tillamook. Northwest Medical Foundation of Tillamook currently has a lease agreement with Tillamook County for a period of 50 years that will expire on August 14, 2045.

Tillamook County is in full agreement with the proposed improvements to the aforementioned leased property as part of the Health Resources and Services Administration (HRSA) funding opportunity, and grant permission to the Northwest Medical Foundation of Tillamook to undertake proposed improvements. Tillamook County agrees to either modify the existing lease, or include in the new lease, the following restrictive terms, which will be signed by both Tillamook County and the Northwest Medical Foundation of Tillamook.

- a) The recipient agrees not to sublease, assign, or otherwise transfer the property, or use the property for a non-grant-related purpose(s) without the written approval from HRSA (at any time during the term of the lease/agreement, whether or not grant support has ended).
- b) The property owner will inform HRSA of any default by the recipient under the lease/agreement.
- c) HRSA shall have 60 days from the date of receipt of the property owner's notice of default in which to attempt to eliminate the default, and that the property owner will delay exercising remedies until the end of the 60-day period.
- d) HRSA may intervene to ensure that the default is eliminated by the recipient or another recipient named by HRSA.
- e) The property owner shall accept payment of money or performance of any other obligation by the HRSA's designee, for the recipient, as if such payment of money or performance had been made by the recipient.
- f) In the event that the recipient defaults, the grant is terminated, or the recipient vacates the property before the end of the lease term, HRSA shall have the right to designate a replacement for the recipient for the balance of the lease term, subject to approval by the property owner, which will not be withheld except for good reason.

Tillamook County also acknowledges that there will be Federal interest in the property as a result of the proposed improvements and that Tillamook County agrees to file a Notice of Federal Interest prior to work commencing, if required by HRSA.

BOARD OF COMMISSIONERS FOR TILLAMOOK COUNTY, OREGON

Handwritten signature of Erin D. Skaar in black ink.

Erin D. Skaar, Chair

Handwritten signature of Mary Faith Bell in black ink.

Mary Faith Bell, Vice-Chair

Handwritten signature of David Yamamoto in black ink.

David Yamamoto, Commissioner

AN EQUAL OPPORTUNITY EMPLOYER



Tillamook County Board of Commissioners

201 Laurel Avenue, Tillamook, OR 97141

Phone: 503-842-3403

Erin D. Skaar, Chair

Mary Faith Bell, Vice-Chair

David Yamamoto, Commissioner

May 3, 2023

Galeeb Kachra
Sr. Environmental Specialist
FEMA Region 10
Mitigation Division
130 228th Street SW
Bothell, WA 98021
Galeeb.kachra@fema.dhs.gov

RE: FEMA Docket 2023-0007
Preparation of EIS regarding FEMA's Plan for NFIP-ESA Integration in Oregon

Dear Mr. Kachra,

Earlier this year, FEMA issued a Notice of Intent announcing its plan to prepare an Environmental Impact Statement (EIS) evaluating the environmental impacts of implementation of FEMA's plan for NFIP-ESA integration in Oregon. 88 F.R. 13841 (March 6, 2023). We are writing as the Commissioners of Tillamook County to request cooperating agency status for Tillamook County in preparation of this EIS pursuant to 40 C.F.R. §1501.8, which provides that a "State, Tribal, or local agency of similar qualification may become a cooperating agency by agreement with the lead agency."

As you know, Tillamook County is an NFIP-participating jurisdiction in Oregon. FEMA has stated its intent to require Tillamook County and other NFIP-participating jurisdictions in Oregon to adopt and implement FEMA's final implementation plan for NFIP-ESA integration in Oregon once available. Further, FEMA has further explained that it plans to use the NEPA process to concurrently develop and evaluate the effects of that final implementation plan and various guidance documents. As a result, we believe that it is very important for NFIP-participating jurisdictions in Oregon to participate directly and substantively in the EIS process.

Tillamook County includes significant areas designated as Special Flood Hazard Area (SFHA). Further, Tillamook County has a broad range of land uses, including recreational, commercial, residential and agricultural lands, within these SFHA. As a result, Tillamook County is well positioned to assist FEMA in evaluating the various environmental consequences that are likely to result from implementation of FEMA's plan for NFIP-ESA integration in Oregon. We can provide specific information and examples regarding how application of FEMA's implementation plan is likely to affect farmers, homeowners, businesses and other commercial operations, and other landowners and tenants within Tillamook County. Similarly, we can assist in evaluating how the implementation plan will affect the natural environment, as well as its socioeconomic consequences. We have both jurisdiction and special expertise applying floodplain development standards to properties within the SFHA. We believe that by engaging local jurisdictions early in the EIS process FEMA will be able to more fully capture and disclose the environmental and socioeconomic impacts of its proposed action.

Please accept this request for participation as a cooperating agency. We understand that acting as a cooperating agency, FEMA will look to Tillamook County to prepare some analysis of the potential impacts of FEMA's NFIP-ESA integration implementation plan. We further understand that FEMA will expect Tillamook County to participate in various meetings, to review draft documents, and to comply with an established schedule for the EIS development.

Thank you very much for your consideration. We look forward to working with FEMA on this important project.

Sincerely,

BOARD OF COMMISSIONERS FOR TILLAMOOK COUNTY, OREGON


Erin D. Skaar, Chair


Mary Faith Bell, Vice-Chair


David Yamamoto, Commissioner

Cc: John Graves, FEMA, Region X



Tillamook County Board of Commissioners

201 Laurel Avenue, Tillamook, OR 97141

Phone: 503-842-3403

TTY Oregon Relay Service

Erin D. Skaar, Chair

Mary Faith Bell, Vice-Chair

David Yamamoto, Commissioner

May 5, 2023

Ms. Science Kilner
Regional Environmental Officer
FEMA Region 10
130 228th Street SW
Bothell, WA 98021
FEMA-R10-ESAccomments@fema.dhs.gov

Re: Scoping Comment regarding FEMA Docket 2023-0007
FEMA's EIS regarding NFIP-ESA Integration in Oregon

Dear Ms. Kilner,

Tillamook County appreciates the opportunity to provide comments regarding the scope of FEMA's Environmental Impact Statement (EIS) evaluating the effects to the natural and human environment of FEMA's planned "NFIP-ESA integration" in Oregon. Tillamook County has been working with FEMA for the last several years to try to understand the scope and implications of FEMA's Implementation Plan and to identify how Tillamook County can comply with the proposed new requirements while recognizing Tillamook County's existing land use patterns, its Comprehensive Plan, and other plans and policies. To date, we have been unsuccessful in finding a path forward. We appreciate that the EIS provides an opportunity to identify and address the inherent tension between FEMA's proposed new restrictions and existing land use regulations and schemes in Oregon.

Because of Tillamook County's special expertise in floodplain regulation and development, Tillamook County has separately requested that FEMA grant it cooperating agency status so that we may participate more fully with FEMA in the preparation of this EIS. We await FEMA's response to this request. In the meantime, please accept this letter identifying various topics that Tillamook County believes must be addressed in FEMA's EIS.

I. Scope of the Proposed Action

As a preliminary matter, Tillamook County is concerned that FEMA's Draft Implementation Plan is not sufficiently complete or definite to enable environmental review at this time. The Implementation Plan, and particularly the appendices, provide multiple, inconsistent means of achieving the goal of "no net loss of three key natural floodplain functions (flood storage, water quality, and riparian habitat)." (Implementation Plan, p. 12.) The Implementation Plan acknowledges the uncertainty of the Proposed Action and the need for additional information to provide sufficient certainty regarding what FEMA intends to require (see Implementation Plan, p. 25-26). NFIP-participating jurisdictions and others potentially affected by the Implementation Plan need these documents now to meaningfully comment about the scope of their potential impacts. We are concerned that the order of analysis (NEPA process before the action is sufficiently clear) is inhibiting public comment.

This ambiguity starts with the definition of development (see 44 CFR 59.1, any man-made change to the land). Tillamook County acknowledges that FEMA's definition of development is broad, but many NFIP-participating jurisdictions are not in the habit of requiring floodplain development permits for many activities that FEMA now seems to believe qualify as development – e.g., culvert replacements, paving, minor construction (fence, deck, small storage shed), ditch clearing, other routine grading activities. While FEMA can claim this is an error by the jurisdictions, FEMA has been reviewing communities permit records through Community Assistance Contacts (“CACs”) and Community Assistance Visits (“CAVs”) and has not identified the lack of floodplain permits for these activities as deficiencies to date. To the extent that FEMA now intends to start enforcing a broad definition of “development”, this EIS needs to evaluate the consequences of applying these standards to a suite of activities that otherwise have not required a permit. This includes requiring new discretionary permits for projects that historically have required no permits or only simple ministerial approvals. The Implementation Plan identifies three key components to achieving the goal of “no net loss” – flood storage, water quality, and riparian habitat. The Implementation Plan does not, however, adequately define what FEMA intends to require regarding each of these components. For example, what types of grading activities trigger a requirement for compensatory storage? If compensatory storage is required, what qualifies as compensatory flood storage? Is it sufficient for a property owner to “dig a hole” with a volume equivalent to the area of fill in the SFHA below the base flood elevation (BFE)? Where does the compensatory storage need to be located in relation to the fill? What about properties in the coastal zone – is compensatory storage required there?

Similarly, the Implementation Plan is unclear about the target or requirements for water quality. In one place, the Implementation Plan equates this new water quality requirement with limiting new impervious surface (p. 20), but later provides that the NMFS's Oregon NFIP BiOp requires “implementation of binding stormwater policies and/or programs including (a) a quantitative post-construction stormwater performance standard, and (b) prioritization of low-impact development and nonstructural approaches to stormwater management” (p. 27). Binding stormwater standards do not necessarily require limiting new impervious surface. Further confusing matters, the provisions in Appendix A offer a whole different suite of means to achieve the “no net loss” standard (e.g., restricting division of land, steering development away from the SFHA, requiring structural elevation rather than fill).

The provisions regarding agriculture and silviculture are equally ambiguous and confused with double speak. For example, many typical agricultural practices, including harvest and field preparation, involve moving soil in ways that could qualify as filling or grading. For farmers, these activities are “normal soil disturbance.” Based on the language in the NMFS Oregon NFIP BiOp (including the errata) and the Implementation Plan, farmers are unclear whether or how FEMA's proposed NFIP-ESA integration standards may apply to them. Ports are asking similar questions about how FEMA will apply these new standards to water-dependent uses such as piers and wharves, as well as common shoreline stabilization methods such as riprap and revetment maintenance.

Tillamook County has been approached by dozens of other NFIP-participating jurisdictions since FEMA issued its Notice of Intent to prepare its EIS. All are profoundly confused about what the Implementation Plan actually requires. To date FEMA has provided very little assistance to NFIP-participating jurisdictions to understand how these standards could apply within their boundaries. Property owners are generally unaware that any changes are pending. This ambiguity and lack of public awareness is very concerning as FEMA initiates environmental review.

FEMA needs to evaluate the full range of potential impacts from prohibiting floodplain development to permitting development unchanged (compared to pre-Implementation Plan) but with some form of mitigation. Based on the Implementation Plan, in some communities, FEMA will expect strict enforcement of each restriction as part of each floodplain development permit. By comparison, in

other portions of the Implementation Plan, FEMA states that it is willing to accept less and even the non-applicability of certain provisions to some floodplain areas. The criteria for who (which jurisdictions and properties) is required to strictly comply and who will have flexibility is not clearly articulated in the Implementation Plan.

Finally, Tillamook County understands that the proposed new standards will only apply to property located in the SFHA. At the same time, however, we understand that as part of RPA Element 3, FEMA is considering changes to its mapping protocols that could result in substantial changes to – including expansion of – the SFHA. The Implementation Plan references a “pilot study” that will “serve as a feasibility test for integrating Element 3 mapping recommendations into FEMA’s program.” (Implementation Plan, p. 10.) To date, we are not aware of FEMA disclosing the results of this pilot study. Tillamook County is very concerned that FEMA will evaluate the impacts of the Draft Implementation Plan on the existing/currently mapped SHFA, but then later revise its mapping protocol and expand, potentially significantly, the areas to which these new standards apply. The fact that these changes in mapping protocols may take time to implement is not a basis for failing to disclose their likely impacts in FEMA’s EIS. If they are not reasonably foreseeable at this time, then FEMA needs to plan for future environmental review before applying the proposed new standards to areas subsequently mapped into the SFHA.

II. Purpose and Need and Alternatives

Tillamook County requests that FEMA revise its statement of purpose and need. As set forth in its Notice of Intent, FEMA’s purpose and need for preparing this EIS is to: “To implement changes to the administration of the NFIP that align closely to the recommendations in NMFS’s BiOp in the proposed action area. The recommended changes are designed to avoid jeopardy to the ESA-listed species and critical habitats described in the BiOp, while also maintaining consistency with FEMA’s existing NFIP statutory and regulatory authorities and the program’s objectives.” A broader purpose and need could lead to more potential alternatives. For example, FEMA could recast its purpose and need as evaluating changes to FEMA’s implementation of the NFIP to ensure that NFIP is consistent with requirements of ESA Section 7(a)(2), rather than just implementing the recommended changes in the NMFS’ Oregon NFIP BiOp.

As an alternative to implementing the Draft Implementation Plan (modeled after NMFS’s Oregon NFIP BiOp), FEMA could also evaluate the environmental impacts of: (1) floodplain development restrictions that require NFIP-participating communities to avoid “take” of ESA-listed species under Section 9 of the ESA, together with (2) identifying ESA habitat preservation and restoration opportunities within SFHAs in Oregon and using FEMA’s funds and other programs (e.g., HMPG and BRIC grants) to implement those opportunities. FEMA has been requiring documentation of “no take” as part of Conditional Letters of Map Change (including CLOMRs and CLOMR-Fs) across the country since 2016. (See Implementation Plan, p.9.) Similarly, FEMA also requires NFIP-participating jurisdictions to attest that other types of non-conditional map amendments (e.g., LOMRs, including floodway revisions) will not result in take of ESA species as a condition of processing those applications (see FEMA’s Community Acknowledgment Form). FEMA has been enforcing these requirements for more than 6 years and presumably has accumulated data about how successful this “no take” approach has been and its relative degree of burden to applicants and NFIP-participating jurisdictions.

After considering the effects of a no “take” approach to local governments and SHFA owners and developers, FEMA could supplement this (to the extent necessary) by using its other programs to purchase (in fee or easement) and protect and/or restore existing floodplain areas to achieve no jeopardy or adverse modification (e.g., purchase and maintain existing floodplain habitat areas). As part of reviewing the floodplain landscape within NFIP-participating jurisdictions in Oregon, FEMA

could identify floodplain areas that offer ESA protections and benefits. As FEMA's community compliance plan approach demonstrates, it is not necessary to apply development restrictions to every floodplain property to achieve a net benefit to ESA-listed species and habitat. This is a reasonable and feasible alternative to FEMA's current Implementation Plan.

Since NMFS's jeopardy determination is directed to FEMA, and not NFIP-participating jurisdictions, FEMA should consider at least one alternative that requires FEMA (rather than NFIP-participating jurisdictions) to take affirmative steps to reduce its alleged impacts on ESA-listed species and designated habitat. As non-federal entities, NFIP-participating jurisdictions should be held to the ESA no "take" standard, and not equated with FEMA and required to assist FEMA in meeting its no jeopardy or adverse modification obligation.

III. Specific Issues for Consideration in the EIS

Tillamook County anticipates that FEMA's proposed implementation of its Implementation Plan will have significant impacts to the natural and human environment. Specific issues that FEMA needs to address in its EIS include the following.

A. Mitigation

FEMA's Implementation Plan suggests that many project applicants will be permitted to use mitigation to offset the effects of their floodplain development on flood storage, water quality and riparian habitat. As part of its environmental review, FEMA needs to consider whether such mitigation is actually available to project applicants. This should include evaluating the availability of mitigation on site (i.e., does the site include adequate area or conditions for compensatory mitigation? Or for stormwater treatment or low-impact development techniques)? It should also consider the availability of required mitigation off-site, including the process to identify and the cost to utilize such mitigation. It is not adequate for FEMA to simply assume that mitigation is available to offset impacts.

Further, Appendix D to the Implementation Plan walks through FEMA's mitigation principles. It is not clear how FEMA intends to require NFIP-participating jurisdictions to apply these. For example, when has an applicant demonstrated that it has avoided an impact "to the extent possible" or that an action is "unavoidable" such that it can move onto demonstrating minimization and mitigation? While FEMA identifies its proposed mitigation "hierarchy" (avoidance, minimization, followed by mitigation), these concepts are unfamiliar to many NFIP-participating jurisdictions and floodplain landowners and the EIS needs to provide clear guidance about how to apply them. FEMA must consider the technical skills and expertise of local jurisdictions to apply these mitigation concepts. It is Tillamook County's experience that many jurisdictions do not feel confident in their ability to evaluate and authorize mitigation and consequently will not allow project proponents to use mitigation for fear of consequences during a subsequent CAC or CAV.

Similarly, FEMA talks about jurisdictions taking a "landscape approach" to mitigation and suggests partnering with public and private entities "to identify compensatory mitigation mechanisms and opportunities." (Implementation Plan, p. 63.) Much of this "jargon" is unfamiliar to NFIP-participating jurisdictions. If utilized, we are deeply concerned the relative ambiguity and uncertainty of this approach will undermine the efficacy of any environmental analysis that assumes implementation of such measures.

Again, FEMA should not be permitted to simply assume implementation of these types of mitigation without clear evidence that local jurisdictions understand them and have the capacity to implement them.

B. Existing Federal, State, and Local Programs and Requirements, including Cumulative Impacts

It is unclear whether and how FEMA's environmental analysis will take into account existing federal, state and local codes and regulations that impact ESA-listed species and their habitat. The Implementation Plan states: "Many Oregon NFIP communities have compensatory mitigation requirements for impacts to some or all of the 3 floodplain functions." (See p. 45.) It is critical that FEMA take into account these various programs when identifying and evaluating the environmental effects of the "no action" alternative. One of the significant criticisms of NMFS' Oregon NFIP BiOp has been that NMFS failed to consider any existing laws and programs that already protect ESA species and habitat and instead assumed that the only protection for ESA species in the SFHA came from the NFIP. That is not the case. FEMA can and should use the No Action alternative as its opportunity to set the record straight about the impacts of implementing the NFIP "as is" in Oregon. FEMA must also consider how the imposition of other existing federal, state and local laws and plans might overlap with its new measures. For example, as part of its scoping presentation, FEMA said that projects that go through a Section 7 ESA consultation would not be required to also meet the additional standards set out in the Implementation Plan. It is not clear in the Implementation Plan how FEMA intends to avoid such "double dipping" with cumulative impacts from overlapping regulatory burdens. The purpose of FEMA's NFIP-ESA integration should be limited to filling gaps – to the extent there are any – not creating another layer of regulation that covers the same territory in another more restricting and expensive way. The EIS needs to disclose and evaluate this issue and identify how FEMA will address this concern.

C. Impacts to Local Land Use Plans and Programs

Tillamook County is extremely worried about how FEMA's Implementation Plan will impact its ability to continue operating under its existing land use plans and policies. FEMA needs to plainly evaluate apparent conflicts between its proposed new restrictions and the development otherwise contemplated by local planning documents. If certain SFHA areas are restricted from further development, where will that development go? What will it displace in those locations (i.e., indirect effects)? We have included a map that overlays existing development with mapped SFHA, see Attachment 1. That map depicts the very limited area available in Tillamook County to accommodate growth and development that is displaced from floodplain areas.

FEMA should complete an exercise of reviewing several planned or recently completed subdivisions and other large-scale developments that include property within the SFHA, applying its proposed standards, and disclose how application of those standards would likely affect the resulting development. That will help jurisdictions evaluate how continued participation in the NFIP will likely affect their ability to meet state housing production needs and other land use planning goals and policies.

Tillamook County completed a Housing Needs Analysis (HNA) in 2019. The HNA estimated an increase of 2,936 residents in the 20-year projection between the base and forecast years with significant socio-economic and demographic shifts. Accordingly, the number of housing units necessary to ensure an adequate supply is expected to increase in tandem with the variety of housing types needed to accommodate a diversity of new residents. Forecasts indicate an additional 2700 dwelling units are needed over the next 20 years and an overall amount of residential land of just over 1,340 buildable acres are needed to accommodate this growth.

Further, Tillamook County is in the midst of updating its Hazard Mitigation Plan and is concerned that FEMA's proposed NFIP-ESA integration requirements conflict with and/or undermine the ability of the

County to implement that Plan – which is also required by FEMA. FEMA should evaluate in the EIS the degree to which the proposed new standards conflict with or create difficulties in implementing local HMPs and other plans.

D. Evaluate Different Types/Degrees of Development within the Context of Different Floodplain Types/Areas

As part of conducting its analysis, FEMA should divide the impact analysis up into multiple different regions from fully developed urban areas to natural, undeveloped floodplains and the various levels of development between those two (e.g., suburban community, small coastal community, agricultural area, urban growth areas) and explain how the proposed standards will apply in each of these environments. Similarly, FEMA should divide up the floodplain into different areas (10 year, 25 year, 50 year, and 100 year floodplain; coastal and riverine environments). For each of these regions and portions of the floodplain, FEMA should clearly articulate how application of its proposed developments standards will benefit ESA-listed species and habitat and how it will affect development options, particularly compared to current zoning and other local plans and policies applicable to the property. The EIS should consider and disclose the different degree and quality of habitat and corresponding benefits provided by applying its proposed standards to different types of properties (e.g., what is the benefit of compensatory flood storage in the 90-year floodplain, or the benefit of additional stormwater standards on properties connected to a municipal stormwater system). NFIP-participating jurisdictions and the public need this analysis to understand the relative benefits and burdens of application of the new proposed standards. Tillamook County is concerned based on the examples provided during FEMA's scoping meeting that FEMA will seek to oversimplify this analysis, emphasize benefits and minimize burdens, and report impacts (both benefits and burdens) that will be significantly different as similar or equivalent.

Further, FEMA needs to consider the potential impacts of its proposed development standards on different types of development and land uses. This should include not only simple or typical commercial and residential development, but also myriad types of agriculture and agricultural operations, as well as port and industrial operations, and recreational facilities in the floodplain. Tillamook County has heard significant concern from ports who are unclear how FEMA's proposed new standards will affect their ability to undertake diverse activities, including maintaining shoreline stabilization (rip rap or revetment), expanding an existing pier or wharf, and building a new marine terminal.

Further, Tillamook County is very concerned about how the new restrictions will apply to the multiple parks and recreational opportunities that exist in its floodplains. FEMA needs to evaluate how applying its proposed restrictions to those existing parks and open spaces will affect their utility for these purposes. Will we be able to maintain or expand a bathroom or pavilion? Will we be able to regrade and repair parking areas – or expand parking as demand for recreational facilities continues to grow? Will we be able to maintain and expand boat launches? To the extent the answer remains yes with conditions and/or mitigation, FEMA needs to evaluate the viability of implementing those conditions and/or mitigation requirements at these locations. If we are unable to use floodplain areas for these recreational activities, FEMA needs to consider how increased demand at other existing recreational facilities may affect both the land itself and visitors' experiences.

The Tillamook County Parks Department is responsible for managing more than 1,890 acres in over 41 locations. There are 6 campgrounds that provide 664 overnight recreational vehicle, tent & cabin camping sites as well as 21 boat launches and 10 "Day Use" areas. Many of these facilities are within or partially within the SFHA. There are over 5 million visitors and guests that come to the Tillamook County Parks Departments facilities each year. The overall value of the County Parks facilities is more than \$25 million dollars. The cost for upkeep, maintenance, and infrastructure enhancement of

these facilities to meet the needs of the public is \$6.5 million dollars annually. In addition to meeting the recreational needs of visitors and residents, these facilities support the economic base of our fishing industries and serve as critical infrastructure for emergency responders (coast guard, sheriff, ambulance and fire districts). Inability to expand these facilities or maintain existing facilities due to costly and burdensome review processes will result in environmental, economic and social impacts.

Also, FEMA needs to evaluate how its proposed requirements will apply to infrastructure projects, such as new and replacement roads, bridges and culverts. This should include consideration of the effects of the proposed new standards on the availability of the source materials (e.g., gravel, concrete, asphalt) needed to construct and maintain the transportation network. The news is replete with stories about efforts by the federal government to make permitting of new and replacement infrastructure projects, including new energy production and transport, quicker and more efficient. We are concerned that FEMA's new standards will make it more difficult to get these critical facilities on the ground.

As part of these analyses, FEMA needs to evaluate and disclose how application of the new standards to each of these project types is likely to affect permitting timelines and costs, both for applicants and NFIP-participating jurisdictions. Tillamook County is very concerned that application of these new standards will substantially extend permitting timelines, increase the number of appeals as local jurisdictions struggle to apply these new standards, and increase the overall cost of preparing and processing applications.

E. Different Impacts Associated with Different Compliance Pathways

FEMA needs to identify and evaluate how the selection of a particular compliance "path" may affect the outcome within a community. For example, jurisdictions that elect to adopt the Model Ordinance (once available) will be required to apply specific development standards to every property within the floodplain. That will result in one set of consequences within that community. By comparison, the environmental consequences in communities that elect to prepare "approved community compliance plans" may be very different, particularly if they consider all of their habitat impacts and benefits across a larger watershed. Similarly, communities that pursue a Habitat Conservation Plan aimed at addressing "take" of ESA-listed species in their community are likely to end up with a very different set of requirements than those proposed in the Implementation Plan.

In practice, the different compliance paths are likely to mean that properties in one community are subject to different standards than in another. Clearly disclosing and explaining these differences needs to be a foundational part of FEMA's analysis in the EIS to help NFIP-participating jurisdictions decide how to proceed. If FEMA only analyzes the "common denominator" (overall goal of no net loss), the analysis will be incomplete and inadequate to inform decisionmakers, jurisdictions and the public about likely effects and will fail to provide needed guidance regarding which path to elect.

F. Socioeconomic Impacts

FEMA's analysis also needs to consider the socioeconomic impacts of its proposed new restrictions. These include impacts to individual property values and the corresponding impact on the local tax base. For communities with large SFHAs, Tillamook County anticipates that application of the new standards will drive down the value of properties containing SHFAs and thus reduce the property tax revenue that the County collects. This will in turn reduce the funds available for implementation of government services ranging from constructing and maintaining roads, schools, and other infrastructure to providing other government services and programs such as emergency services, veterans and family counseling services, and the Tillamook Bay Flood Improvement District.

In particular, Tillamook County is concerned that the Implementation Plan underestimates the geographic scope of FEMA's proposed changes. Appendix C states that Tillamook County contains only 290.67 acres of "developable area in the SHFA." Our own analysis is that Tillamook County includes nearly 30,000 acres of SFHA, which affects nearly 6,000 separate tax accounts. The assessed value of these ~6,000 tax parcels is approximately \$1.2 billion, representing approximately 20% of the assessed value for land in the County. Implementation of the proposed restrictions will reduce these values and thus reduce the County's available revenues.

Further, the socioeconomic analysis should consider the effects on SFHA property owners and users. For example, how many fewer lots will be available for development based on the new restrictions and what is the corresponding loss of revenue from that property? Similarly, what is the financial impact to farmers from the reduced capacity and corresponding yield of their land, as well as the increased cost of compliance with the new standards – ranging from the cost of additional permits and discretionary reviews to the cost of constructing and maintaining compensatory storage areas and new stormwater systems? These are just a few examples of the likely socioeconomic consequences that will attend FEMA's proposed new restrictions on properties within the SHFA. All of the direct and indirect costs that result from restrictions on properties in the SFHA should be evaluated and disclosed in the EIS.

G. Unintended Consequences

FEMA's analysis must also consider unintended consequences. For example, in Tillamook County for the last decade or longer numerous farmers have been replanting riparian corridors on their properties to improve habitat conditions. If FEMA's new standards will hereafter limit those farmers' ability to remove these plantings when needed to support their operations, farmers will be disincentivized to take such actions in the future. This will have a corresponding negative impact on floodplain habitat values.

Similarly, FEMA needs to evaluate how application of the new restrictions will disincentive redevelopment and repair of SFHA properties that could improve habitat conditions. Rather than repairing or upgrading facilities in the SHFA, many landowners are likely to avoid the burdens of the new restrictions and allow existing structures and operations to deteriorate. The EIS needs to account for these negative consequences.

H. Habitat Restoration Projects

It is not clear from the Implementation Plan whether or how FEMA intends to consider habitat benefits of projects as part of its analysis. Aside from communities that elect the third path (community compliance plan), it is not clear that any habitat benefit projects will be recognized or accounted for in the EIS or when local jurisdictions apply these new restrictions. For example, above we mentioned the various farmers who have been replanting riparian corridors on their properties over the last decade. Will they be permitted to use those habitat benefits to offset impacts from proposed new development? How will local governments know to account for those projects? Should property owners begin to maintain an accounting of habitat benefits and impacts on their properties?

Further, in scoping meetings FEMA has stated that communities like Tillamook County will not be credited for various habitat restoration efforts that they have undertaken in the recent past. Within the last decade alone, roughly 1,000 acres in Tillamook County have been restored or are in process of being restored to tidal wetlands, improving water quality, fish habitat and floodplain function (e.g., Miami River Preserve, Kilchis Pointe Reserve, Southern Flow Corridor). The Super Salmon Highway project has also restored over 124 miles of stream habitat by removing fish passage barriers. This

work is a great example of public/private partnerships between local government, restoration entities and landowners. FEMA needs to explain why it would not consider these projects in its analysis when NMFS's Oregon NFIP BiOp also did not consider these benefit projects in its analysis. Not all floodplain development is harmful to habitat and FEMA needs to account for those benefit projects in its analysis to avoid overburdening communities with unnecessary development restrictions.

I. Impacts to Communities with Environmental Justice Concerns

FEMA needs to consider the socioeconomic, racial and ethnic make up of the areas that will be affected by the new restrictions. As FEMA is aware, often times floodplain areas are inhabited by lower income and/or minorities precisely because the value of these lands are already relatively lower than non-floodplain areas. As a result, it seems likely that these new restrictions may disproportionately impact communities with environmental justice concerns.

FEMA's analysis needs to consider these demographics and the capacity of such communities to shoulder the additional burdens of FEMA's proposed new requirements, including their relative ability to relocate out of the floodplain. This analysis should overlap with the analysis requested in section G above (unintended consequences) and section J below (indirect effects).

J. Indirect Effects

FEMA must also include analysis of indirect effects defined as those effects "which are caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems." 40 CFR 1508.1(g)(2). Some examples of indirect effects include: increased food costs due to increased cost of agricultural production; increased home costs due to less available land, including corresponding impacts to low-income families and communities; increased pressure on recreational lands outside of the floodplain, and decreased community revenue as fewer visitors come to floodplain parks and natural areas. These are intended as just a few examples of the myriad types of indirect effects that can reasonably be anticipated to occur if FEMA implements its proposed new measures.

Further, as the population of Oregon continues to grow and more people move into historically rural areas, what will be the long-term impact of these restrictions? Tillamook County has prepared a map (Attachment 1) identifying the existing land types/uses in the County. The orange areas are land owned by the federal or state government or in forestry. The purple areas are the mapped floodplains and floodways. The bright green areas are the land within the county that will remain available for development. Tillamook anticipates that this land will not be able to accommodate all of the development demands on the County, and at the same time, the undeveloped land (orange) is not available for expansion/relocation of the needed services. FEMA's analyses need to consider not only current demand, but anticipated future demand, for all different types of development and how restricting development within the floodplain will put increased pressure on other land to accommodate displaced uses.

K. Optional Additional Standards

Appendix B to the Implementation Plan includes a long list of "additional ideas for actions that NFIP communities could implement" as part of FEMA's NFIP-ESA integration in Oregon. The EIS must include an analysis of the potential environmental impacts of communities implementing these standards as well to ensure that the EIS captures the full suite of potential effects.

L. Impact on NFIP Participation

FEMA often likes to state that NFIP participation is voluntary. Yet FEMA is well aware that the voluntary nature of the NFIP effectively disappeared when Congress established the flood insurance purchase requirement and limited the ability of communities that do not participate in the NFIP to receive relief after a federal disaster declaration. The demand for flood insurance and the need for federal dollars in the case of disaster make opting out of the NFIP a very difficult bargain for most communities.

Nevertheless, as part of its analysis, FEMA needs to evaluate the environmental and socioeconomic consequences of Oregon communities electing to discontinue participation in the NFIP when FEMA begins making compliance with the final requirements of FEMA's Implementation Plan a mandatory condition for participation in the NFIP. This includes the environmental consequences of defaults on federally backed mortgages, and the environmental impacts of slower or incomplete recovery due to the unavailability of disaster relief dollars.

While FEMA may believe this result is unlikely, FEMA's implementation of Risk Rating 2.0 has coincided with notable decreases in the uptake of NFIP flood insurance. Tillamook County foresees similar potential impacts to community participation from implementation of the proposed new restrictions.

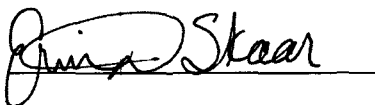
IV. NFMS Concurrence with FEMA's Approach

As FEMA is aware, its Implementation Plan varies in substantial ways from the "reasonable and prudent alternative" set forth by NMFS in its Oregon NFIP BiOp. FEMA should disclose whether it has received concurrence from NMFS that implementation of its Proposed Action will satisfy FEMA's ESA Section 7(a)(2) consultation requirements and eliminate NFMS's concern that implementation of the NFIP in Oregon causes jeopardy or adverse modification.

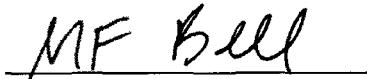
In conclusion, Tillamook County appreciates the opportunity to provide these comments regarding the scope of FEMA's EIS regarding its plans for NFIP-ESA integration in Oregon. Tillamook County further reiterates its request to become a cooperating agency in FEMA's preparation of this EIS. In any event, please be sure to include Tillamook County as a party of record for this EIS and to provide notice to the County of all future actions related to FEMA's NEPA analysis or implementation of the Proposed Action or other measures aimed and NFIP-ESA integration.

Sincerely,

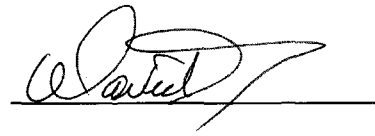
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