

Email

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Sponsoring Entity:

Montana Association of Conservation Districts

Resolution Title:

NACD Supports Leveraging the Momentum of the National Flood Insurance Program (NFIP) Conservation Action Program to Encourage and Work with FEMA to Develop National Standards and Processes to Streamline the Permit Process and reduce Engineering Analysis Costs for Stream, Streambank and Habitat Restoration Projects

Background Information:

Nationally, FEMA/NFIP floodplain permit regulations for stream, stream bank and habitat restoration projects require the same expensive time-consuming no-rise certification as a major development proposed in a regulated floodplain. This no-rise certification for restoration projects, which intuitively will improve floodplain function, can easily cost \$10,000 or more in engineering fees. The cost can cause smaller restoration projects to be abandoned or down-scoped in size. Conservation Districts can be a primary sponsor of restoration projects, a partner or at least support restoration projects because of the benefits to the natural environment. Even simple riparian fencing or riparian tree planting projects can require the time consuming and expensive no-rise certification.

Regulating activities in mapped floodplains is needed, but for restoration projects that improve floodplain function, the regulations need to change to allow more flexibility in application of the no-rise certification. Recently FEMA/NFIP initiated a request for information related to the "National Flood Insurance Program's Endangered Species Act Section 7(a)(1) Conservation Action Program" to assess the impacts of its regulation on threatened and endangered species. Many of these species could benefit from aquatic/riparian restoration projects. That request is typically the first step in regulation changes. FEMA/NFIP will rely on input from numerous stakeholder/interest groups to consider regulation changes. NACD would be a logical national entity to petition FEMA/NFIP to consider them an "external engaged stakeholder" in the process. That engagement could help modify current regulation that can adversely affect restoration projects that Conservation Districts support.

Resolution Text to be Included in the NACD Policy Book:

NACD supports leveraging the momentum of the NFIP Conservation Action Program to encourage work with FEMA to develop national standards and processes to streamline the permit process and reduce engineering analysis costs, primarily the no-rise certification, for stream, streambank and habitat restoration projects. This working relationship could involve NACD becoming an "external engaged stakeholder" in the FEMA/NFIP's rule change process.

Sponsors Actions on this issue to Date:

In 2015 the Montana Association of Conservation Districts approved Resolution 15-1 at its annual convention. MACD then tried to get legislation to streamline floodplain permitting for restoration projects passed in the Montana 2017 Legislature (Senate Bill 313). The bill successfully passed the Senate but was tabled and died in a House Committee. MACD then worked with the Montana Department of Natural Resources to form the Stream Restoration Committee, a multi-entity committee to work on floodplain permitting issues.

In 2021 MACD sponsored a bill (Senate Joint Resolution 6) to the 2021 Legislature that was a Resolution asking the Montana House and Senate to petition FEMA to work with the Stream Restoration committee. This Resolution Bill was almost unanimously passed by the 2021 Montana Legislature.

Impact on Existing NACD Policy:

This is a new policy that specifically asks NACD to work with FEMA to streamline floodplain permitting for projects that involve stream, stream bank and riparian habitat restoration projects that CD's commonly support. This working relationship would currently involve NACD petitioning FEMA to become an "external engaged stakeholder" in FEMA's rule change process. In NACD's 2021 Policy Book there are references on page 45 9.K. 2; page 70 19.A.7; page 74 19.I.2.b.c. that are related to this new resolution, but only incidentally.

Potential Financial Impact on NACD: This should have minimal, if any, impact on NACD financially. It is a statement of support.

If Applicable, Potential Fiscal Impact on the Federal Budget: NA

Meeting and Date Adopted by Sponsoring Entity: Montana Association of Conservation District Annual Fall Meeting, November 17, 2022.

Authorized Signatures and Titles*

Dean Rogge, MACD Board President;
Steve Hedstrom, MACD Representative to NACD;
Rebecca Boslough-King, MACD Executive Director