

LRP

U.S. Department of Homeland Security
Region X
Federal Regional Center
130 - 228th Street, Southwest
Bothell, WA 98021-8627

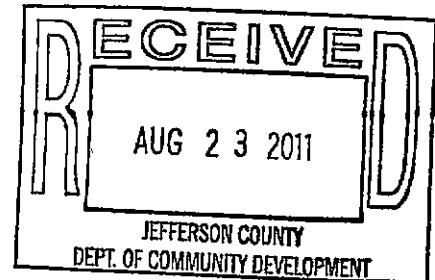


FEMA

August 17, 2011

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Phillip Morley
Jefferson County Administrator
Post Office Box 1220
Port Townsend, Washington 98368



Dear Mr. Morley:

This letter is a follow-up to my letter dated July 28, 2010 concerning implementation of the Reasonable and Prudent Alternative (RPA) outlined in the September 22, 2008 Biological Opinion for the implementation of the National Flood Insurance Program (NFIP) in the Puget Sound region. This Opinion was issued by the National Marine Fisheries Services (NMFS). In the July 28, 2010 letter and in additional technical assistance and outreach events, we discussed three options to demonstrate compliance with the performance standards outlined in the RPA. The Department of Homeland Security's Federal Emergency Management Agency (FEMA) has provided this information to all of the 122 affected communities.

The following are the three options that we have provided to your community for complying with the performance standards in the RPAs. The first two options take a programmatic approach. The third option requires demonstration of compliance on a permit by permit basis.

- 1) Adopting an Endangered Species Act (ESA) compliant ordinance. FEMA provided your community with an ESA model ordinance that addresses the RPA performance standards.
- 2) Use of the FEMA provided Biological Opinion checklist. This checklist provides an avenue for communities to demonstrate that your current and proposed ordinances, policies, and written procedures meet or exceed the RPA performance standards.
- 3) Permit by permit approach. If your community chooses this option, you must require the applicant or provide a habitat assessment that determines that the development project will not have an adverse effect or provide concurrence from the Services that the project is compliant with ESA.

FEMA must demonstrate compliance with the Biological Opinion by September 22, 2011. Therefore, by September 22, 2011 if your community has not done so, please indicate to us in writing which of the three options you have chosen and provide documentation for that option (ESA ordinance, checklist, and any procedures associated with the permit by permit approach, etc.) that implements the RPA performance standards. FEMA will review these documents and confirm compliance with the RPA performance standards. If a community has chosen not to adopt the model ordinance or provided a completed Biological Opinion checklist, the community will need to implement the third option of the permit by permit review.

Phillip Morley
August 17, 2011

2

If your community is unable to adopt the ESA model ordinance or have not completed a review of existing regulations and procedures using the Biological Opinions checklist to show compliance by September 22, 2011, you may demonstrate your intention to comply by that date by notifying FEMA of the delay, the documents that need to be finalized, and the projected date in which the complete package will be submitted. FEMA will review any adopted ordinances, procedures, and policies you submit in the meantime. Until FEMA approves all aspects of the compliance package, the community will need to implement the third option of the permit by permit review.

After the September 22, 2011 deadline, FEMA will have implemented all aspects of the RPA's and will shift to compliance monitoring of communities implementing the option they chose for meeting the RPA performance standards. Communities will be placed into a queue for compliance monitoring visits, with priority given to those communities that have failed to choose a compliance option or failed to provide annual reports.

In the following weeks, FEMA will provide further technical assistance and clarifying guidance on implementing the RPA standards to communities. In the meantime, please feel free to contact John Graves of my staff if you have any further questions via email at john.graves1@dhs.gov, or by telephone at (425) 487-4737.

Sincerely,



Mark Carey, Director
Mitigation Division

cc: Scott McKinney, Washington State NFIP Coordinator
Stacie Hoskins, Community Development Director, Jefferson County