What Will Happen if Tillamook County Complies with FEMA Demand Letter?

In the July 22nd *Headlight Herald* article, “FEMA flood plain development restriction updates accelerated,” the results of compliance to the “Pre-Implementation Compliance” will be as follows:

. . . adopting a model ordinance from FEMA that includes a ***no-net-loss*** standard for new development, requiring developers to obtain habitat assessment and mitigation plans for their projects showing that they meet the no-net loss standard or ***prohibiting development in areas of special flood hazard entirely***.

A few arguments against compliance are as follows:

1. FEMA’s has not fully developed their “final implementation plan” and does not plan to until 2026.

2. FEMA’s 2026 plan will not be fully implemented until 2027.

3. FEMA has not received the “Record of Decision of Environmental Impact Statement” on which to base their new plan, and has made no mention of an economic impact statement to county or private revenues.

4. The recent Supreme Court ruling overturning the “Chevron Doctrine” in [*Loper Bright Enterprises v. Raimondo*](https://www.google.com/search?cs=0&sca_esv=dc8ff04c814c1798&q=Loper+Bright+Enterprises+v.+Raimondo&sa=X&ved=2ahUKEwjEurn5tZSIAxX9ETQIHckFAxAQxccNegQIAhAC&mstk=AUtExfDhSdXSOqwbk8JnYcB9LWUAm_J_bsGIwVc0qEXlNVM8nwDPc2d83lf6uk1iLLFd4Zd82iI4nN-UHxDtS8e6xAtlzl3YiaBhEhSaqLbaWwFgy-CK7X0DtT7r5YpmJDW2r8uDsF04Et-Hvxhj97RohKe6b6gKwLYcxbb7r5k2e46_CIM&csui=3)calls into legality FEMA’s rulemaking power in this letter. This in addition to their lack of response to legitimate scientific arguments of the 2016 Biological Opinion, total disregard for state and local control, and dispossessing land owners from responsibly maintaining and developing their private property in FEMA’s established “flood zones.”