



October 29, 2008

RE: Endangered Species Act Compliance  
Reasonable and Prudent Alternatives

Federal Emergency Management Agency  
Dennis A. Hunsinger, PhD, Acting Regional Administrator  
Region X  
130 228<sup>th</sup> Street, SW  
Bothell WA 98021-9796

Dear Mr. Hunsinger:

The City of Burlington has reviewed your letter of October 21, 2008, and the Biological Opinion regarding development consistent with the National Flood Insurance Program having the potential for jeopardizing threatened or endangered Chinook salmon, chum salmon, steelhead, and killer whales and adversely modifying critical habitat.

The Endangered Species Act has been a matter of concern to the City of Burlington since the listing of the fish in the Skagit River. In 2001, the City of Burlington prepared a detailed background report on the multi-faceted approach that the city has designed and is implementing to mitigate the impact of urban development on listed species and their habitat. That report was transmitted to the National Marine Fisheries Service at that time and the city has continued to diligently pursue a mitigation strategy. Burlington recognizes that it has a responsibility to take a proactive approach on a local ESA mitigation strategy and has been diligently pursuing that strategy.

Today, the City of Burlington is focused on a multi-faceted approach to mitigation that includes an emphasis on improving stormwater quality through the NPDES II municipal stormwater program, including implementation of the Gages Slough Management Plan that includes regular water quality monitoring, inspection and action to correct stormwater problems ranging from plugged catch basins to cleaning up detention ponds and bioswales at the source. A major focus is the wetland buffer restoration program with fifteen sites identified, two completed projects with long term monitoring and management in place and other projects scheduled for the upcoming planting season. Code development of Low Impact Development (LID) standards is in process and staff review is underway at this time.

Office of the Mayor

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Burlington is a regional provider of sanitary sewer service. In 2000, the Sewage Treatment Plant was upgraded and the use of Chlorine disinfectant was eliminated and replaced by UltraViolet light to disinfect the waste stream. Today, that program has been combined with a focused Pretreatment program that works with individual businesses and industries to make sure that the waste stream is as clean as possible at the source. These programs have a direct impact on improving water quality in the Skagit River.

A major step was taken in 2004 as the Parks and Recreation Comprehensive Plan was updated to add the Connected Open Space Plan and the overall Comprehensive Plan was updated in 2005 to specifically limit future urban growth area expansion for Burlington to protect farmland and resource land from development. The Connected Open Space Plan addresses the long range program to set the levees back along a major stretch of the Skagit River to allow for future riparian habitat. The City of Burlington and Dike District #12 are partners in an aggressive land acquisition program to prevent development along the Skagit River shoreline, including acquisition of a forested riparian area on the riverside of the levees at Gardner Road Bar, and the acquisition of more than 100 acres adjacent to the levees including a forested riparian area that is on the riverside of the levees in the area upstream from the railroad bridge.

The city, as part of the Skagit County Natural Hazard Mitigation Planning Committee, has just completed the five-year update of the Natural Hazard Mitigation Plan and we are moving forward with a programmatic Environmental Impact Statement on our overall flood hazard mitigation program in concert with Dike District #12.

Finally, there is minimal land remaining for development, with minimal potential for harm to listed species. All the levee setback and enlargement work is being accomplished on the landward side of the levees, and the potential for fish stranding in the urban area is very limited.

In summary, Burlington takes its location in an area that is home to endangered and threatened species very seriously and is directly engaged in a multi-pronged approach to mitigation. Our staff is available to work with you to further refine the implementing measures which protect/mitigate floodplain development actions that may affect listed species and their habitat.

Sincerely,



Edward J. Brunz  
Mayor

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