



October 25, 2009

Subject: Trip Report, National Association of Flood and Stormwater Management Agencies,
October 20 – 23, 2009

To: Mayor, Council, Staff

This conference was held in Colorado Springs at the Broadmoor Resort. Local attendees were John Shultz, Attorney for Dike Districts 1 and 12; Esco Bell, Mount Vernon Public Works Director; Lorna Ellestad, Corps of Engineers General Investigation Project Manager for Skagit County, and Chal Martin, Burlington Public Works Director. That we had a local team representing a number of different entities made us more effective in networking with various government officials, as will be described. Our group stayed at nearby hotels. We were the only members from Washington State.

The NAFSMA annual meetings provide an opportunity for its members to get updates on the latest federal legislation, share information, and meet with top federal officials who oversee – as well as develop and implement policy on – flood, storm water, and water quality issues. Our goals for the conference were:

- 1) Attend the workshops and issue sessions to get the latest information
- 2) Meet and introduce ourselves to federal officials
- 3) If possible, set up meetings with those federal officials who might be able to help with our local issues; provide background on our local issues to these officials

The local issues were:

- 1) Delay of emergency repairs on levees of several Skagit County dike districts
- 2) Skagit River hydrology
- 3) Mount Vernon Conditional Letter of Map Revision (CLOMR) application
- 4) Progress of the Skagit General Investigation study

The national issues were:

- 1) Possible new water quality regulations and mandatory low impact development standards/requirements
- 2) Effects of climate change on water resource management
- 3) Move toward management of water issues in a watershed, not political subdivision, geographic setting
- 4) Change in federal levee management philosophy regarding levee accreditation, safety, and residual risk (FEMA is pushing a much harder line on local accountability)
- 5) Update of the Principals and Guidelines for federal water resource project planning
- 6) Possible new executive order regarding water resource project planning

The week prior to the meeting, Chal notified several meeting participants that our Skagit contingent was interested in meeting with them during the conference. Those officials were:

- 1) Hon. Terrence C. "Rock" Salt, Principal Deputy Assistant Secretary of the Army (Civil Works)
- 2) Deborah Ingram, Acting Deputy Assistant Administrator of Mitigation, FEMA
- 3) Doug Lamont, Deputy Assistant Secretary of the Army (Project Planning and Review) (Civil Works)
- 4) Theodore "Tab" Brown, Chief, Planning & Policy Division, Headquarters U.S. Army Corps of Engineers

All confirmed they would meet with us at the conference.

Tuesday evening following the training session, Lorna, John and Chal met with Ed Thomas and Fernando Pasquel of the Michael Baker Corporation (FEMA's technical consultant) and Jennifer Molloy of the EPA. During the course of the day, we had discussed the problem we were having in getting an adequate technical review of our new reports on the Skagit hydrology. At the evening dinner meeting, Fernando (a Vice President of Michael Baker) indicated interest in the topic and said perhaps it would be possible to convene a meeting of technical experts to look at the new reports. Chal told Fernando we would be willing to meet with FEMA's technical experts on the hydrology issue and would fund the travel and staff time for the meeting, if necessary. Chal said that two full days of discussion would be required to give the topic the in-depth discussion it needed. Fernando said he would follow up on this possibility.

Esco arrived Tuesday evening. Wednesday morning prior to the main session, Lorna, John, Esco and Chal met with Terrence C. "Rock" Salt, the Civil Works Principal Deputy Assistant Secretary, Civil Works. We discussed the wide range of Skagit issues. Mr. Salt informed us that he would be in Stevenson next week for a meeting with The Nature Conservancy. Regarding the Skagit hydrology issue, Mr. Salt indicated he might be able to help with asking the USGS to provide qualified technical experts to look at the two new hydrology reports, since the reports shed light on the characterization of the historic flood estimates. He agreed that getting the hydrology right was a foundational issue for the GI. Mr. Salt was also interested in the problems the dike districts were having in getting the emergency repairs completed. He said that he would discuss the emergency repair issue with the Seattle District while at the conference in Stevenson next week. John and Lorna followed up on this later, as John met with Steve Stockton, Chief of Civil Works at HQ Corps of Engineers, who told John he had already discussed the emergency repair matter with Mr. Salt, and that he, too, would be at the conference in Stevenson. John and Lorna also spoke briefly with Dan Berentson, Natural Resources Division Manager at the Skagit County Public Works Department, who will be at the meeting in Stevenson.

Chal and Esco spoke with Deborah Ingram, Acting Deputy Assistant Administrator of Mitigation, FEMA, who arranged a lunch meeting with Doug Bellomo, Director, Risk Analysis Division, Mitigation Directorate, FEMA; and Roy Wright, Doug's deputy. Bill Fry, retired FEMA employee and now a consultant for FEMA, also joined the lunch meeting. At the meeting, Esco and Chal outlined the issues involved with Mount Vernon's CLOMR submittal and the Skagit hydrology – including the problem that FEMA had unfortunately contracted with the Corps to provide the preliminary flood maps, as well as the odd initial response from FEMA regarding the Mount Vernon CLOMR. We got the impression Doug and Roy were at least somewhat aware of the Skagit hydrology and Mount Vernon CLOMR issues. Both were largely non-committal, but both listened attentively as Esco and Chal outlined the issues from our perspective. Doug thought that the best mechanism FEMA had available to address the issue was the flood map appeal process. After the meeting, Bill Fry spoke with Esco and Chal and indicated that to his knowledge, our issues and problems involving both the hydrology and the CLOMR response were unique, and that it was good for Doug and Roy to hear our perspective. Both Doug and Roy indicated the CLOMR should be handled in accordance with FEMA's standard process. And that appears to be what is now happening.

The group arranged a dinner meeting with Tab Brown, Chief, Planning & Policy Division, Headquarters U.S. Army Corps of Engineers, and Doug Lamont, Deputy Assistant Secretary of the Army (Project Planning and Review) (Civil Works). At this meeting, Lorna described in detail the background of the Skagit General Investigation, and the hydrology issue. Since Skagit County is the local partner for the General Investigation study, and not Burlington, Mount Vernon, or the Dike Districts, Lorna's involvement was very important. The dinner meeting lasted for over an hour and a half, and both Tab and Doug were engaged and interested. The consensus that emerged was that the best course of action would be to continue using the Corps process as much as possible to address the hydrology issue. It was thought that in conjunction with the Feasibility Scoping Meeting, the headquarters could bring in experts to look at the issue. Recently, the Feasibility Scoping Meeting was delayed due to inadequate preparatory work products. Both Tab and Doug thought the approach should be to get the meeting ready as soon as possible. Tab mentioned he would discuss the issue with the Division Chief of Planning out of Portland. The result of this meeting was that both Tab and Doug had a much more in-depth understanding of the Skagit hydrology issue, and the progress of the Skagit GI.

Also during the dinner meeting, our group introduced ourselves to Steve Stockton, Director of Civil Works at Corps Headquarters. The following day, John met again with Steve and they further discussed the issue of the delayed

Administration Department

emergency repairs. Steve assured John he would bring up the issue with appropriate officials attending the conference in Stevenson next week.

Thursday, the group met one more time for about an hour with Tab Brown, and provided additional information regarding the new technical studies. At this meeting, Tab mentioned that maybe a course that could be followed would be to go ahead with an external independent technical review. He suggested Battelle Labs, not the National Academies of Science, as a potential contractor for the independent study.

In general, and in addition to our ability to meet with the national policymakers and program managers regarding Skagit issues, the conference was an excellent forum for providing information about what we can expect in the near term regarding federal legislation and policy. The presentations are available on the NAFSMA web page. Of special interest were presentations by Ted Illston, Majority professional staff, House Transportation & Infrastructure Committee, Water Resources & Environment Subcommittee, and John Anderson of the Minority staff. Ted indicated that Committee Chair James Oberstar plans to introduce a follow-on of the Clean Water Act that will remove “navigable” from the definition of water bodies that are under the jurisdiction of the federal government. This was a matter of concern to John, representing the minority party, who believed that clarifying language could be drafted that would be less far-reaching than removal of the “navigable” restriction. Deborah Ingram, Acting Deputy Assistant Administrator of Mitigation for FEMA put forward FEMA’s policy regarding land use planning policies as they relate to future flood risk. She included a number of photographs of the recent Chehalis flooding (including the pictures of Wal-Mart under water). She did not mention the community by name, but used the pictures as an example of how, from FEMA’s perspective, local communities across the country are avoiding the hard decisions necessary to say “no” to projects in the flood plain that may provide short-term economic gain, but increase flood risk in the long term. FEMA is a proponent of making communities more resilient to flooding in the future. We heard the word “resilient” from FEMA many times during the conference.

Esco stayed later on Friday, and stopped by to visit the FEMA office in Denver that was reviewing the Mount Vernon CLOMR. The purpose of this stop was to make a personal connection with the people who are reviewing the application, answer questions if there were any, and show by his visit that the issue was very important to Mount Vernon.

About 150 people attended the conference, with a significant number of those being federal executive branch top leadership. The number of federal agency leadership officials in attendance speaks to NAFSMA’s influence and effectiveness at the federal policy level.

Summary:

- 1) Our Skagit County contingent was able to meet with, and establish a personal relationship with key federal officials who can help with our local flood issues.
- 2) We were able to explain our issue in-depth to many of these key officials (Doug Bellomo, Roy Wright, Tab Brown, “Rock” Salt, Doug Lamont, Steve Stockton, Bill Fry, Fernando Pasquel, and others).
- 3) We gained the attention of these folks and commitments to help move our issues forward.
- 4) By Thursday morning of the conference, our little team had networked enough so that most of the participants recognized the “Skagit County” group, and many had an idea regarding Skagit issues.

Followup actions:

- 1) Chal will immediately follow up with several contacts to ensure the folks we spoke with understand we are still interested. In particular, Chal will provide the Northwest Hydraulic Consultants’ and Pacific International Engineering’s hydrology reports to Fernando Pasquel of Michael Baker, and pursue a technical meeting to discuss the reports. Should this meeting come about, we may also be able to bring in other participants, including possibly USGS experts who understand the subject matter. Even if such a meeting does nothing to change the FEMA or COE position regarding the hydrology, we will be building knowledge with experts inside the federal bureaucracy regarding the hydrology issue, which may still help later.

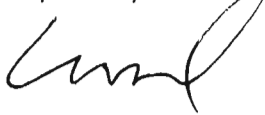
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- 2) Dan Berentson at the County was briefed on our meetings with Mr. Salt, Steve Stockton and Tab Brown, and will make contact with these people the week of 26 October in Stevenson.
- 3) Additional contact with USGS, beyond the region, to bring in qualified technical review of the hydrology reports, seems warranted. HQ Army Civil Works and HQ Corps of Engineers staff both committed to help arrange such a meeting. The County is the best partner to take lead on this request.
- 4) A contact should be established with Battelle Labs to get an idea of how Battelle might conduct an independent technical review of the hydrology issue – with a cost estimate. Burlington can take lead on this.
- 5) John Shultz will follow up immediately and provide a summary and documents regarding the emergency levee repair issue to Mr. Salt and Steve Stockton. Additionally, John will draft an invitation letter to Mr. Salt to come to the Skagit Valley for a visit. We can probably get this request signed by a number of local partner agencies. A visit by the Deputy Assistant Secretary would be valuable to the overall flood effort because it would provide an opportunity for Mr. Salt to gain an impression of the local community, and help the Secretary's office remember the Skagit issues in a real as opposed to abstract way.

Cost to attend the conference for Chal: conference fee \$850. Airplane and hotel: \$540. Rental car: \$150. Per Diem: \$160. Total \$1700.

Respectfully submitted,



Chal A. Martin, P.E.
Public Works Director / City Engineer

C: Dike District 12
Dike District 1
City of Mount Vernon
Skagit County

Atch: Agenda



2009 Annual Meeting

October 20–23, 2009

Broadmoor Resort, Colorado Springs

2009 Annual Meeting Agenda

Tuesday, October 20, 2009

- 8:00 a.m. **Registration Opens**
Rocky Mountain Foyer *(Workshop & Annual Meeting Registration Check-In Available Through 4 p.m.)*
Continental Breakfast
- 9:00 a.m. **Latest Trends in Stormwater Management Workshop**
Jointly Organized by NAFSMA and the Urban Watersheds Research Institute
- NAFSMA Welcome**
Gale William Fraser, II, PE, President, NAFSMA
General Manager, Clark County Regional Flood Control District
- 9:05 a.m. **Workshop Introduction, Ben Urbonas, Urban Watersheds Research Institute**
- 9:10 a.m. **Current and Projected Federal and States Regulatory and Legal Setting**
Moderator: Scott Tucker, NAFSMA Advisor
- 9:15 a.m. **State of Colorado Perspective:**
Janet Kieler, Permits Section Manager, Water Pollution Control Program,
Colorado Department of Health and Environment
- 9:50 a.m. **Federal Perspective:**
Jennifer Molloy, Office of Water,
U.S. Environmental Protection Agency
- 10:25 a.m. **Break**
- 10:40 a.m. **The Legal Setting: An Attorney's Perspective**
David W. Burchmore, Partner, Squire, Sanders & Dempsey LLP.
- 11:15 a.m. **National Academy of Science (NAS) Report and What It Means to MS4s**
Doug Harrison, NAFSMA Advisor

2009 Annual Meeting Agenda

- 11:20 a.m. The NAS Report – What Does it Mean to MS4s, A Reviewer's Perspective
Eric Strecker, P.E., GeoSyntec, Inc.
- Noon **Workshop Working Lunch – Box Lunches Served**
Discussion on LID and Floodplain Interface
Fernando Pasqual and Edward Thomas, Michael Baker Corporation
- 1:00 p.m. **MS4 Perspective – NAFSMA Whitepaper Summary**
Tim Richards, NAFSMA Stormwater Management Committee Chairman, Deputy City Engineer, City of Charlotte
- 1:45 p.m. **Examples of Regional/Community Approaches Used in Colorado**
Moderator: Ben Urbonas
- 1:50 p.m. **Stormwater Management in the Fountain Creek Watershed**
Dan Bare and Ken Sampley, City of Colorado Springs
- 2:25 p.m. ✱ **Colorado Stormwater Council**
Jill Platt Kemper, President, Colorado Stormwater Council
- 3:00 p.m. **Break**
- 3:20 p.m. **Recommendations for a Better MS4/NPDES Future –**
Moderator: Scott Tucker Jennifer Molloy (EPA), Janet Kieler (State), Doug Harrison (NAFSMA), Eric Strecker (Practitioner), and Ben Urbonas (Technical Perspective)
- 4:30 p.m. **Discussion By All Attendees – Ben Urbonas, Moderator**
- 5:00 p.m. **Adjourn**
- 2:00 p.m. **NAFSMA Board of Directors Meeting**
Gaylord Boardroom
- 4:30 p.m. **Board of Directors Meeting Adjourns**

2009 Annual Meeting Agenda

Wednesday, October 21, 2009

7:00 a.m. **Registration Opens**

*Rocky Mountain Foyer
Continental Breakfast*

8:00 a.m. **Stormwater Management Committee Meeting**

Rocky Mountain C *Led by Stormwater Committee Chairman, Tim Richards
Deputy City Engineer, City of Charlotte*

GENERAL SESSION

9:00 a.m. **Welcome**

Rocky Mountain AB *Gale William Fraser, II, PE, NAFSMA President*

9:10 a.m. **Emerging Issues in Urban Flood and Stormwater Management –
The Federal Perspective**

Moderator: Gale William Fraser

Hon. Terrence C. "Rock" Salt, Principal Deputy Assistant Secretary of
the Army (Civil Works)

Deborah Ingram, Acting Deputy Assistant Administrator of Mitigation, FEMA

* Deborah Nagle, Deputy Director of Water Permits Division,
U.S. Environmental Protection Agency

10:15 a.m. **Break**

10:30 a.m. **Emerging Legislative Issues**

*Moderator: Jim Fiedler, P.E., D.WRE, NAFSMA Vice President, Chief Operating Officer
Utility Enterprise, Santa Clara Valley Water District*

*Ted Illston, House Transportation & Infrastructure Committee,
Water Resources & Environment Subcommittee, Majority Professional Staff*

*John Anderson, House Transportation & Infrastructure Committee,
Water Resources & Environment Subcommittee, Minority Staff*

11:15 a.m. **Emerging Legal Issues**

David Burchmore, Partner, Squire, Sanders & Dempsey LLP.

12:30 p.m. **Lunch**

Rocky Mountain CD **Keynote: Climate Change and Its Expected Impacts on Water
Resources Planning**

G. Tracy Mehan, III, Principal, The Cadmus Group, Inc.

2009 Annual Meeting Agenda

2:30 p.m.

Local Flood and Stormwater Management Activities Occuring in A Watershed Context

Rocky Mountain AB

Moderator: Steve Fitzgerald, NAFSMA Flood Management Committee Chairman

- **The Trinity River Corridor Project, Dallas, Texas**
Rebecca Rasor, P.E., Director, Trinity River Project
- **Ohio River Basin Comprehensive Reconnaissance Study**
*Beth A. Cade, Community Planner & New River Navigator,
U.S. Army Corps of Engineers*
- **Context Sensitive Flood Hazard Mitigation Model (CSFHM),
Maricopa County Flood Control District**
*Dennis Holcomb, Landscape Architecture Branch Manager,
Flood Control District of Maricopa County*

4:30 p.m.

Adjourn

6:30 p.m.

Special Reception and Dinner Event at the Cheyenne Lodge

*(Transportation Provided From Broadmoor West Building Beginning at 6:15 p.m.
Casual Dress Appropriate)*

2009 Annual Meeting Agenda

Thursday, October 22, 2009

- 8:00 a.m. **Flood Management Committee Meeting**
Rocky Mountain C (All attendees invited to participate)
Chaired by Flood Management Committee Chairman, Steve Fitzgerald,
Harris County Flood Control District
- 9:00 a.m. **GENERAL SESSION**
Rocky Mountain AB **Current Issues, Successes and Challenges in Flood and Stormwater Management**
Moderator: Dusty Williams, NAFSMA Treasurer, General Manager, Riverside County
Flood Control and Water Conservation District
The Corps Perspective
Steve Stockton – Director of Civil Works, U.S. Army Corps of Engineers
- 9:30 a.m. **Louisiana Coastal Restoration Project**
Garret Graves, Director, Office of the Governor – Coastal Activities
- 10:00 a.m. **Break**
- 10:15 a.m. **Emerging Levee Safety Issues**
National Levee Safety Committee Recommendations
 - Karin Jacoby, Member, Local Representative, National Levee Safety Committee
 - Mike Stankiewicz, Member, State Representative, National Levee Safety Committee
 - Steve Fitzgerald, NAFSMA Testimony on National Levee Safety Committee Recommendations
- 11:15 a.m. **So You Live Behind A Levee, Manual on Levee Safety**
Lawrence H. Roth, P.E., G.E., F.ASCE, Deputy Executive Director,
American Society of Civil Engineers
- 11:35 a.m. **Levee Security Issues**
Herb Nakasone and Enrique E. Matheu, PhD, Chief, Dams Sector Branch, DHS
- Noon **NAFSMA 2009 Awards Luncheon –**
WBR & Foyer **Announcement of 2009 Excellence in Communications Awards**
- 1:30 p.m. **Federal Flood Risk Management Initiatives**
Moderator: Bill DeGroot, NAFSMA Floodplain Management Committee Co-Chair,
Urban Drainage and Flood Control District

FEMA Update on Levee Safety/PAL Agreements and Related Issues,
Doug Bellomo, Director, Risk Analysis Division, Mitigation Directorate, FEMA

USACE Perspective on Flood Risk Management, Levee Safety and Related Issues,
Edward Hecker, Chief, Contingency Operations, USACE

2009 Annual Meeting Agenda

- 2:30 p.m. **Break**
- 3:00 p.m. **Federal Flood Risk Management Initiations (Cont.)**
Moderator: Dave Canaan, NAFSMA Floodplain Management Committee Co-Chair, CRS Task Force Representative, Director, Water & Land Resources, Mecklenburg County Government, Charlotte, NC
FEMA Risk Map Update
Roy Wright, Deputy Director, Risk Analysis, Mitigation Directorate, FEMA
- 3:45 p.m. **National Hydrologic Warning Council Flood Risk Management Priorities**
Kevin G. Stewart, President, National Hydrologic Warning Council
- 4:15 p.m. **NAFSMA Annual Membership Meeting**
- 5:00 p.m. **General Session Adjourns**
Evening On Your Own

Friday, October 23, 2009

- 8:00 a.m. **Floodplain Management Committee**
Theater
(All attendees invited to participate)
Led by Floodplain Management Committee Co-Chairs Bill DeGroot and Dave Canaan
- 9:00 a.m. **GENERAL SESSION**
Rocky Mountain AB
Main Ballroom
Moderator: Tim Richards, NAFSMA Stormwater Management Committee Chairman
The Outlook for Federal Water Resources Funding & Priorities
Mia O'Connell, Executive Managing Director, Carmen Group
- 9:30 a.m. **Update & Discussion of The Clean Water Restoration Act**
Ted Illston and John Anderson
- 10:00 a.m. **Discussion of Flood and Stormwater Operations and Maintenance Challenges -**
How do we address existing issues and develop sustainable future flood risk and stormwater management and approaches, including Risk MAP, the NFIP and levees safety compliance issues.
Lead Facilitator: Linda Manning, President, Council Oak
The Issues - Herb Nakasone, Ingrid Fairchild and Dusty Williams
- Noon **2009 Annual Meeting Adjourns**