



Skagit River System Cooperative

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June 8, 2009

Margaret Fleek
Planning Director
City of Burlington

Electronic Correspondence

Reference: Draft Environmental Impact Statement to Adopt a Strategic Program for Comprehensive Flood Hazard Mitigation in the Burlington Urban Area and Adjacent Land

Dear Ms. Fleek

Thank you for the opportunity to submit late comments on the Burlington Flood Hazard Mitigation Draft EIS. Skagit River System Cooperative (SRSC) submits these comments on behalf of the Sauk-Suiattle Indian Tribe and the Swinomish Indian Tribal Community.

SRSC appreciates the City of Burlington's and Dike District 12's (City) desire to plan for flood damage reduction through the development of the Flood Hazard Mitigation Draft EIS (DEIS). The Sauk-Suiattle Tribe and Swinomish Tribe recognize the need for comprehensive flood damage reduction in the Skagit Valley. The DEIS however lacks sufficient detail and fails to analyze the effects of primary proposed actions of heightened and fortified levees to attain Federal Emergency Management Agency (FEMA) 100-year certification. The DEIS does not perform any hydraulic analysis of the alternatives, it only states generalities of potential effect. The DEIS repeatedly states the City's intent to construct 100-year certified levees where appropriate and other flood control measures as necessary and appropriate without any identification of locations or analysis of effects. The City needs to identify what areas would be appropriate for 100-year levees and what other measures would be considered for other locations. The alternatives analysis needs to include flow modeling including water routing if over-topping levees are considered as alternatives. Upstream and downstream effects need to be analyzed for all alternatives with specific details. That analysis should include the necessary height of levees for 100-year certification, an analysis of what waterward work will need to take place so that the levee toe can support the additional levee height, and a cumulative effects analysis of how increasing levee height will affect the in-water levee maintenance schedule. The primary analysis of the No Action Alternative seems to be that it will make it harder to develop the flood plain in Burlington and induce economic hardship. There is no analysis of hydrology and where flood waters will route under the No Action Alternative, nor is there any environmental analysis. There are also a very limited number of alternatives to the proposed

action. The alternatives are essentially raising the levees and no action. For a major action there should be other alternatives considered, at least a levee setback option should be analyzed.

There is considerable discussion in the DEIS about competing flow models. The City comes to the conclusion that it only has viable options if its consultant's model is used. The City also states that it is prepared to appeal the FEMA decision and take legal action if FEMA does not choose to use the City's consultant's model. In this respect the DEIS seems premature. The City should either wait for the FEMA process to be completed or analyze the alternatives using all three models.

The DEIS does not analyze the proposed action in the context of comprehensive basin wide flood damage reduction studies. The DEIS recognizes that flood control efforts by the City will likely need to be coupled with other actions under consideration to avoid impacts but provides no direct analysis.

The Affected Environment, Significant Impacts, and Mitigation Measures section does not contain sufficient detail and analysis of ongoing and foreseeable impacts. The continued maintenance of the DD 12 levee at Burlington maintains the banks of the Skagit River in a degraded state for fish habitat. Without continued maintenance the levee would degrade and fish habitat would recover. SRSC recognizes the city's need to maintain the levee but there also needs to be mitigation to off-set the impact to fish of continually maintaining the Skagit River in state of degraded habitat. Even with the levees in a functional state there could be some incremental improvements in fish habitat but vegetation removal and addition of new rock at potential failure sites precludes significant incremental habitat improvement. The City's proposal has the potential to exacerbate this problem. Raising the levees in place may place more pressure on the levee toe rock and river front levee face requiring more frequent levee maintenance. Raising the levees may also require increasing the waterward footprint of the levees further impacting fish habitat. The DEIS alludes to this possibility but does not evaluate that potential or environmental impact. The DEIS does not analyze any alternatives such as set back levees with riparian restoration that could significantly decrease the environmental impact of maintaining a system of levees. The DEIS states that there will be fish benefits because there will be riparian restoration in Gages Slough resulting in improved water quality. Gages Slough is not connected directly to the Skagit River and has no anadromous fish access. Therefore riparian restoration in Gages Slough will not have a direct benefit to anadromous fish. Improved water quality may provide some benefit to fish but that benefit would be far short of commensurate with the impact to fish of maintaining the Skagit River in its degraded state.

SRSC believes it would be counterproductive to proceed to a Final EIS from the current draft and recommends that the City of Burlington and Dike District 12 issue a supplemental Draft EIS with a greater level of analysis. The supplemental DEIS should include a comprehensive hydraulic analysis of the proposed action using all three hydraulic models. Conversely if the city wished to use only one model for in-depth hydraulic analysis the City should wait until the model issue is resolved by FEMA. The hydraulic analysis should include up and downstream environmental effects as well as the projects effects on other proposed flood damage reduction measures. The supplemental DEIS should also include a greater analysis of the No Action Alternative and analyze additional alternatives. The National Marine Fisheries Service (NMFS)

recently issued a Jeopardy Biological Opinion for effects of FEMA's National Flood Insurance Program (NFIP) in Puget Sound. The City should address the Biological Opinion and how it may effect the proposed action, other alternatives, and flood plain development in Burlington.

SRSC appreciates the opportunity to provide comments on the Burlington Flood Hazard Mitigation Draft EIS and looks forward to working with Burlington and Dike District 12 toward comprehensive flood damage reduction solutions in the Skagit River Basin.

Sincerely,

A handwritten signature in black ink, appearing to read "Stan M. Walsh". The signature is fluid and cursive, with a large loop at the end.

Stan M. Walsh
Environmental Services Manager
Skagit River System Cooperative

Cc: Lorraine Loomis (Swinomish)
Richard Wolten (Sauk-Suiattle)