

ROUTING AND TRANSMITTAL SLIP

Date 20 Nov. 78

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Bush		
2. Brooks (Reg. Plng.) <i>file</i>		
3. Smith (Econ.)		
4. Gardner (FPMS)		
5.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS Attached is Chapter 3 (rough draft) of the DEIS for Skagit Levee Project. I received it from the contractor on 17 Nov. 78, have briefly reviewed it, and have written some comments already in the margins. Also attached for your info. is the interview log required as part of the contract.

I would appreciate your technical review of this paper—particularly those sections marked in red. I am scheduled to return comments to the contractor on 27 Nov. 78, so, if possible, please give me any comments by then. Let me know if you can't review it by that date.

Thanks.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post) <i>Karen Mettling</i> Karen Mettling	Room No. — Bldg. ERS
	Phone No. 3624

5041-102

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

P004827

3. Relaxation of use ... to ...

3.01. Existing Land Use (to be added)

Please Review ENTIRE PAPER

3.02 Land Use Plans and Regulations. Land use and development of the Skagit River floodplain is directly or indirectly regulated by city, county, state and federal laws. The land use laws and plans which apply to this area are discussed in the following section. Figure is a composite map of the proposed future land uses as indicated by the comprehensive plans of these jurisdictions.

3.02.1 City Plans. Mount Vernon, Burlington and Sedro Woolley are the cities which would be affected by the proposed levee improvements. Development within each of these cities is regulated by comprehensive plans and zoning ordinances.

note: detail design

The Comprehensive Plan and plan map for Mount Vernon were adopted in 1976. The objectives of this plan include accommodating controlled growth, encouraging quality development, preserving the environmental lifestyle, rural setting and existing lifestyles of the residents, and encouraging continued development of the city as a regional center. It discourages annexation of agricultural lands and westward expansion of the city into the floodplain area. The Comprehensive Plan map shows a city of primarily single family houses, with industry concentrated along I-5 and a network of parks, agriculture, and public open space running throughout the city and along most of the Skagit River. One policy of the Comprehensive Plan restricts land uses between the dikes and the river to open space, agriculture or park lands. The city currently has two riverside parks along the western boundary and is trying to acquire an additional site for northward expansion of the Lions Park. Neither of the existing parks are protected by levees at present.

The proposed levees would provide 100 year flood protection for approximately 900 acres of land within the western portion of Mount Vernon. The protected area would include all of the existing floodplain area of Mount Vernon. Most of the land in this 900-acre area is designated as commercial, manufacturing or multiple family residential use on the zoning and Comprehensive Plan maps.

The General Plan for the city of Burlington was prepared in 1975. This plan recognizes the importance that agriculture plays in the economy of the Skagit Valley, and that much of the agricultural land on the edge of the city has been infiltrated by residential development. The plan also recognizes that development in Burlington has been limited by floodplain restrictions. The future land use recommendations in the general Plan are made with these two factors in mind; however, the location criteria for designating the future land uses in the plan are based primarily on the floodplain restrictions. For example, the plan suggests that most of the future residential development take place in the northeast and east portions of the city because this area is at a somewhat higher elevation than the rest of the city and would require less fill to develop. Most of the recent residential development has occurred in this area because of this trend, and the school district has purchased property in this area in anticipation of this trend continuing.

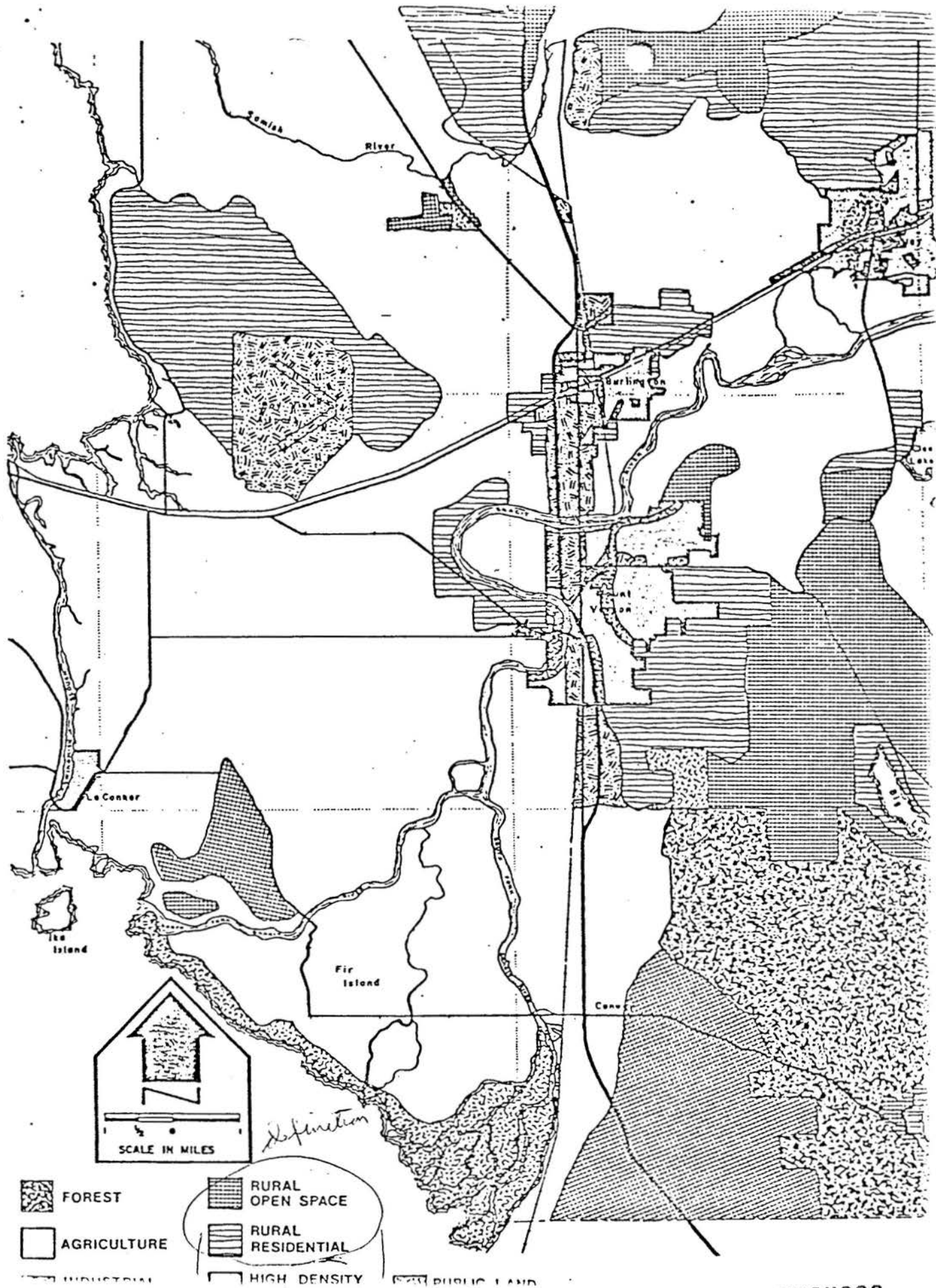
In addition, the Comprehensive Plan recommends that SR 20 be located on a

Existing
Land Use

MAP

to be provided

Same scale +
similar base map
utilized for future
land use map - from
Skagit County Comprehen
sive Plan.



P004830

dike to the south of Burlington; however, the plan recognizes that the feasibility of this route is based on road bed. (insert
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The proposed levee improvement project would provide 100 year flood protection for all but the northwestern portion of Burlington. The increased protection would allow building to occur in Burlington without requiring substantial fill. This may encourage further development in the western and southern areas of Burlington where growth was previously slowed by fill restrictions.

The Comprehensive Plan for Sedro Woolley was adopted in 1977. This plan contains population forecasts, as well as goal and policy statements relating to the future physical, social and economic development of Sedro Woolley. Although the plan is recent, it will be amended early in 1979 to reflect the proposed southerly route of SR 20. The City of Sedro Woolley also prefers the southerly route alternative with construction of SR 20 combined with flood protection efforts. The zoning code was prepared in 1971, and is currently being updated. The proposed changes in this code are primarily distinctions in industrial zones.

Only a very small portion of Sedro Woolley is in the floodplain, and the proposed levee improvements will not provide flood protection for this area. The proposed project is not expected to impact Sedro Woolley land use or plans.

3.02.2 County Plans. The study area is contained within the Northwest, North Central and Southwest planning districts of the Skagit County Comprehensive Plan. The policy statements and plan map for the Southwest planning area are in draft form; the policies and maps for the other two districts were adopted between 1973 and 1975. The general intent of the plan is to keep residential and commercial development within, or adjacent to major highways and existing urban areas. The plan is similar to the 1973 zoning map with a somewhat lower density residential development permitted in the areas which are distant from the incorporated areas.

The portion of the study which will receive 50 year flood protection by the proposed project is designated primarily as Agriculture (uses which relate to agricultural production) and Rural Open Space (low density residential development on 5-acre minimum lots. In addition, two small areas of Commercial/Industrial, will be within the 50-year flood protection area along the Burlington Northern Railroad right-of-way. More than half of the area which will receive 100 year flood protection by the proposed project is designated as Agriculture; the remainder is designated as Rural Residential (single family units on 1-acre minimum lots), and Commercial/Industrial.

A policy statement in the Northwest District Comprehensive Plan advocates a southerly route for SR 20 in order to provide flood protection for Burlington by using the highway as a levee, as well as causing the least disruption of agricultural and urban land. The proposed project is not consistent with this policy.

3.02.3 Shoreline Management Plan. The Washington State Shoreline Management Act empowers and requires local governments to prepare guidelines for development and use of the shorelines. The Skagit County Shoreline Management Master Program was prepared in 1976. The Master Program designates four types of shorelines within the project area: Urban, Rural Residential, Rural, and Conservancy. The proposed levee work would primarily be within the Rural designation with some work in the Urban and Rural Residential designations in the area of Mount Vernon. Shoreline stabilization and flood protection measures are permitted in these designations subject to the general regulations.

3.02.4 Skagit Regional Planning Council. The Skagit Regional Planning Council is composed of 12 member agencies: Port of Anacortes, Skagit Public Utility District #1, Mount Vernon, Sedro Woolley, Burlington, La Conner, Anacortes, Lyman, Concrete, Skagit County, the Swinomish Tribal Community, and the Skagit Soil Conservation District. The Council has done a series of studies on demographics, overall economic development, transportation development, and land use planning alternatives for Skagit County. The Overall Economic Development Program (1978) identifies the Lower Levee Flood Control project as the number one priority project for the region. The proposed levee improvement project would help the region meet this goal. The Council's Transportation Development Program (1978) recognizes that the southern route of the SR 20 bypass is the favored route, with or without its combination with the levee improvement projects. In addition, the Council will be preparing a regional park and recreation plan in the future.

3.02.5 State Laws and Regulations. Substantial work or development within 200 feet of the natural shoreline requires a Shoreline Management Permit. Such permits are issued by local government and reviewed by the Washington Department of Ecology. Snohomish County is the agency which will issue the permit for the proposed project. *Skagit*

Under the Clean Water Act of 1977, the discharge of dredged or fill material may not occur unless one of two conditions are met: a State water quality certification is obtained, or information regarding the effects of the discharge into waters is included in an environmental impact statement (EIS) which is submitted to Congress. The Water Quality Section of this EIS fulfills this requirement. *of dredge or fill material of the United States*

The Department of Natural Resources is the State's major owner and manager of marine and upland property. In the Skagit Valley, the DNR manages the school property island between the North and South Forks of the Skagit River. This island currently has public access at the northeast corner by a road along an existing levee. The DNR prefers that this public access continue to be available following the proposed levee improvement. *Report*

The DNR also has jurisdiction for wetland areas in the state. In 1975 a River Management Policy Plan was prepared to guide management of wetland areas to be consistent with the comprehensive plans, environmental and land use programs; existing local and state regulations; public and private interests and the multiple use values of rivers. The DNR has requested that the fill for the levee improvement be brought in from outside sources in order to leave the stream beds undisturbed. *The DNR is currently preparing a River*

*keeping
in these
beds,*

The Department of Fisheries is responsible for preservation, perpetuation and management of the State's food and shellfish resources. The State has a number of salmon enhancement programs planned for the Skagit River Basin. These programs include a habitat improvement project for Hooper Slough, an egg incubation box program on Jones Creek, a hatchery at Sulfur Creek, and an increased salmon production program at the Skagit Hatchery.

The Fisheries Department will coordinate with the COE so that the stream bed modification associated with the proposed project will not affect these projects.

COE Coord W/ DC

The Department of Game manages game, fish and wildlife in the study area. The Department of Game has plans for enhancement and restoration of game fish resources of Skagit Basin including a steelhead production increase in the Barnaby-Hanson Slough, a rearing facility on the Sauk River, and studies to identify solutions to the fish damage resulting from the hydroelectric dam. The Department of Game feels that channel modification, streambank realignment and riparian vegetation removal may have negative impacts, and recommends that the North Fork modification feature of the proposed levee project be dropped.

x

No conflict with

The purpose of the Parks and Recreation Commission is to acquire, develop, operate, and maintain parks and recreation areas for general public use and enjoyment. The Parks and Recreation Commission does not have any plans or programs in the project area.

The Interagency Committee for Outdoor Recreation provides grant funds for obtaining parks, but leaves the planning, development and management of these parks to other local and state agencies. This agency is not currently involved in funding any parks in the project area.

The Department of Transportation - to be provided by Karen.

Regarding SR 20

3.02.6 Federal Regulations and Policies. There are many federal regulations which are applicable for this particular action. Executive Order 11998 deals with floodplain management. Its objective is to "avoid short-term adverse impacts associated with occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development ..." (Corps of Engineers Regulation 33 CFR 239.6). The proposed action will alter the 100 year floodplain boundaries in the project area and provide greater flood protection in those areas. Lower flood insurance rates can be expected for those business and residents in those existing floodplains. Development in those areas will intensify, however, because of increased flood protection. No conflict with Executive Order 11998 will result.

7/26/98
EO 11998
floodplain
management

not necessarily inconsistent

Protection of wetlands with regards to governmental actions is mandated by Executive Order 11990. The order instructs all federal agencies to develop priorities and guidelines to protect these areas. The Corps has established such policies. The nature of the proposed action will require working within certain designated areas as wetlands but will not alter or modify their functioning.

Recommendation
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Department
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Fisheries

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Wetlands

The Flood Control Act of 1966 authorized the strengthening of existing levees and channel improvements along the lower 17 miles of the Skagit River. Additional authorizations are found in revisions of this act.

Federal regulation

They include the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, and the Housing and Community Development Act of 1977.

The National Environmental Policy Act of 1969 requires that all federal agencies evaluate and present for public review any significant environmental impacts associated with their action. This EIS and the accompanying environmental review process fulfills the requirements of this act.

In compliance with Section 404 of the Clean Water Act of 1977 (as amended in Section 404(r), Public Law 92-500), an evaluation of the impacts of the ~~proposed stream excavation and backfill activities~~ for levee modification has been accomplished during project planning and discussed in this EIS. ~~A listing of Section 404~~ evaluation factors as defined by U.S. EPA guidelines is attached as Appendix .

A Section 404 Evaluation Report which addresses

IS Not an instance

3.02.7 Federal Programs, Projects and Plans. Other federal agencies were contacted to highlight any potential conflicts with their programs, plans, or projects which might be on-going in the study area.

The National Park Service is currently studying the feasibility and desirability of designating a "Pacific Northwest National Scenic Trail" extending approximately 1,000 miles from the Continental Divide in Glacier National Park, Montana, to the Pacific Ocean beach of Olympic National Park, Washington. One of several routes is along the Skagit River through the study area. Any major changes in the aesthetic quality of the river or its banks could eliminate this area from further consideration.

pipeline crossing at Sedro Wolley

Recreational river

The Skagit River, from the ~~town of Mount Vernon~~ ^{pipeline crossing at Sedro Wolley} to and including the mouth of Bacon Creek, has the ~~potential of being~~ designated as a "wild and scenic river" by the U.S. Department of Agriculture. To qualify for this designation, the river must possess "outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural and similar values".* ~~Levee and channel improvements north and east of Mount Vernon could affect that segment of the river being considered further.~~

The U.S. Department of Housing and Urban Development administers the National Flood Insurance Program. In general, the program provides that all flood-prone communities adopt floodplain management regulations to protect lives and new construction from future flooding. Flood-prone communities adopting floodplain management regulations are eligible for federally subsidized flood insurance.

Refer to 10/10/77

Designated flood-prone ^{any in the Skagit area? Off-site del} communities which have not implemented floodplain management programs will be unable to obtain any form of federally guaranteed or subsidized financing for construction or acquisition within designated flood-prone areas. This financing includes federally guaranteed mortgages such as those obtained through Federal Housing Administration, Farmers Home Administration, and Veterans Administration. It further includes direct federal grants to communities such as Community Block Grants. Most importantly, Federal Disaster Assistance for flooding losses would be denied within these areas.

* Final EIS - The Skagit. A proposal for classification under the Wild & Scenic Rivers Act of 1968, as amended, by the U.S. Forest Service.

SKAGIT COUNTY

Parks and Recreation Department, John Aarstad (Planner) 336-5752; phone conversation November 11, 1978.

General Question: What studies, programs, or plans has the park department done which might be relevant to the COE proposal?

General Response: He was familiar with the proposed project and had seen the previous letter from the COE. The county did not have a park plan map, but County parks are as shown on Metsker and Thomas Bros. maps, with the addition of the new boat launch at Conway (five acres total on both sides of the South Fork bridge). This boat launch park is only in the schematic diagram stages, and the land has not been purchased yet. Another possible future park is located between the railroad bridge and Highway 99 on a 5-acre parcel which is currently owned by the diking district. The County considers this second site ideal, but has not made plans for acquisition or development.

Aarstad said that the proposed levee improvement program would not affect either park site.

Planning Department, Otto Walberg (Planner) 336-9333; meeting November 7, 1978.

General Question: What studies, programs, plans has the county done which are relevant to the proposed project?

General Response: The Shoreline Management Master Program, the Comprehensive Plan (currently being revised), and zoning are relevant plans. No other relevant plans or studies.

The Shoreline Management Master Program was approved in June 1976. The Shoreline areas along the Skagit include Urban, Rural, Rural Residential and Conservancy. Walberg did not comment further on this plan.

The Comprehensive Plan for the County is being redone. The County has been divided into six sections, and plans have been completed and approved for the top three sections (North Central, Northwestern, and Island County). Plans are now being worked on for the other two planning areas which cover the study area of the proposed project. Walberg gave me a rough map of the land use designations in these areas, and said the plan narrative would probably be similar to the completed plans. Walberg pointed out one policy statement from the Comprehensive Plan for the Northwest District (6.6.3) which applied to the proposed project and said that the rest of the policies were not relevant to the project. He also gave me a zoning map, and said that the categories are similar to those of the comprehensive land use plan.

Walberg said that the County didn't have any other programs or plans which were relevant to the project.

MOUNT VERNON

Engineering Department, Harold Christianson (Engineer) 336-6585); meeting November 7, 1978.

General Question: What City plans or studies are relevant to the proposed project?

General Response: The Comprehensive Land Use Plan and zoning are relevant to the proposed project. There is no park plan, however there are two riverside parks in Mount Vernon. The Comprehensive Plan was adopted in 1976. A policy statement in the Agriculture Section discourages uses other than agriculture, parks or open space between the dikes and the river.

The zoning code and map are being revised and will be finished by the end of November. (A new park classification, new residential classification and several changes in the map are being proposed.) Most of the changes are inland from the river, and the project is not expected to impact this new code.

There are two riverfront parks in Mt. Vernon, the Edgewater and Lions Parks. The Edgewater Park has a baseball diamond and play area, but is largely undeveloped. **It is an old landfill and is sinking;** further development would wait for stabilization. Christianson said that from what he has seen of the COE plans, the dike may cross the north section of the park, and may include a portion of the park within the protected area. However, he was not certain, and wanted to see detailed plans. The City will not have further plans for the park until it stabilizes, and therefore no plans would be affected by the COE project. Lions Park has an RV dump, comfort station, play area and tables. **It is at 30' elevation, and Christianson feels that it needs dike protection.** Also, the City is currently working on obtaining the Georgia Pacific property to the north to continue the park. Christianson said that he has been in touch with Pam Langford at the COE regarding the location of the dikes to these parks.

The City has just completed a downtown beautification project, and this project would not impact this program. Future improvement plans include a boat launch in the downtown area in the current parking area along the river. However, no plans or funding have been pursued for this project.

Christianson expressed preference for the west bank of the river to be diked in the area of Mt. Vernon since this area is the only escape route for the residents of the west bank area in the event of levee failure elsewhere.

SKAGIT REGIONAL PLANNING COUNCIL

Ian Munce (Director) 757-8381; meeting November 9, 1978.

General Question: What plans, programs or studies are relevant to the proposed project?

General Response: The SRPC has published a number of studies, many of which are updated annually. The 1978 Transportation Development Program advocates SR 20 to be located on the dike. Munce said that this route is favored by local jurisdictions as well, and has been recognized by the State (pg. 7, Washington State Transportation Committee Report) as realizing a cost savings by combining the two projects. Ian Munce said that Forest Brooke has said that the COE will not be able to cooperate with this plan because the proposed diking system will not go as far east as Sedro Woolley. This alternative location is still preferred by the regional governments, even if it cannot be combined with the proposed dike improvements. The Overall Economic Development Program and Comprehensive Economic Development Strategy recognizes the Lower Levee Flood Control Project as the #1 priority project for the region (page 23).

A regional park plan is being prepared by the SRPC: however, this has not been started yet. Several parks will most likely be included: a site south of Burlington (the old ferry landing); a County trail system between the cities in the region; and acquisition of the Georgia Pacific site by Mt. Vernon.

The SRPC has a general regional development policy of containing future residential and commercial development within existing incorporated areas. Munce believes that the flood insurance and fill requirements have reinforced this policy. SRPC studies have shown that most of the growth since 1970 has taken place in incorporated areas, and 60% of the growth took place in Mount Vernon. In addition, SRPC studies indicate that there is land available within incorporated areas for an additional 25 years growth according to present population forecasts. Since much of the plans have been prepared with consideration of future diking improvements, the proposed levee improvement program will not interfere with SRPC plans. [The only concern is that some areas outside of incorporated areas will also receive 100 year flood protection, and this may encourage future residential and commercial development outside of the existing cities.]

No other programs or plans would be affected by the proposed project.

possible

CITY OF BURLINGTON

Arnold Hanson (Supervisor) 755-0531); meeting November 9, 1978.

General Question: What plans or programs are relevant to the project in addition to the zoning code and comprehensive plan? Would the reclassification of Burlington as no longer a flood hazard area make it eligible for programs that it would not have otherwise been eligible for?

General Response: There are no other plans for Burlington. There is not an existing park plan or funding for parks, although there is some interest in acquiring land for parks in the future. The ferry landing site is the only potential park site which is not within the existing diking system.

Hanson said that HUD currently has the entire city of Burlington classified as a flood hazard area, and this would change with the proposed project. The primary immediate change from this reclassification would be that fill would no longer be required. Hanson said that in the past developers have maintained that fill costs have made it too expensive to build in Burlington and therefore some increase in building activity might be expected with the flood protection. The portion of Burlington near the freeway is the lowest, and therefore has required the most fill in the past (six feet in some places). This area might be expected to develop after flood protection is provided. Hanson says that following this change in fill requirement, the new buildings will be significantly lower than existing buildings in some areas. [In the past, Burlington has not qualified for HUD subsidized housing programs, and Hanson wonders if this would change with flood protection.]

*why haven't they qualified?
if because of flood plain location, then leaves no chance.*

WASHINGTON PARKS AND RECREATION COMMISSION

Region II Office 755-9231; meeting with Terry Durrone November 9, 1978; phone conversation with Larry Kay November 13, 1978.

General Question: Does the Parks and Recreation Commission have any plans for the project area?

General Response: (from both persons) The Parks Department does not own land in the study area or have plans to acquire land there in the future. The Game Department and some SNR-managed school property are within the study area.

SEDRO WOOLLEY

Pat Nicholson (City Clerk) 855-1661; Kathy Ernst (Planner) 855-1661; meeting November 9, 1978.

General Question: Does the City of Sedro Woolley have plans, programs or studies which are relevant to the proposed project?

General Response: Sedro Woolley has a zoning plan and comprehensive plan, both will be revised within the next year. The comprehensive plan was completed in 1977, but will be revised beginning in December to reflect the SR 20 highway bypass. The southern route is favored by Sedro Woolley. The zoning plan is currently being updated (primarily changing industrial zone classifications), and the new code should be approved before Christmas, 1978.

The city of Sedro Woolley will not be directly affected by the diking project since the proposed improvements do not extend that far eastward. However, the farmers in the Sedro Woolley area are concerned that the improved levees may cause flood waters to back up in their area at higher than existing levels. Additional concerns include the impact of the levees on the new sewer outfall which is located on the river (west of the landfill); impacts on the drainage ditch that drains into the slough which is currently used by several residences for storm water runoff; and potential impacts on the Wildcat Steelhead Park which is located on the east side of the Skagit River.

*We will interview
Need resources
of these
to determine
impact*

DEPARTMENT OF NATURAL RESOURCES (DNR)

Ronald J. Holtcamp, Marine Land Management Division. Interview November 13, 1978; 11:30 a.m.

General Question: Does the Department of National Resources have any program, projects, policies, or plans in the Skagit area which could affect or be affected by this COE project?

General Response: DNR generally has management responsibilities for certain publically owned lands throughout the state. There is one parcel of land located at the confluence of the north and south forks of the Skagit River which is currently being managed for the School Trust Funding Program. No conflict should arise from the COE project if access to the property is maintained. DNR also has a policy of trying to consolidate its holdings whenever possible. Therefore, they could either sell this parcel or add to it at any time.

DNR also has jurisdiction for wetland areas in the state. Given this responsibility, they have implemented a "River Management Policy Plan" which is applicable in this instance. Because the intent of the project is to provide greater flood protection, no conflict with this plan will result. [They do stipulate, however, that if any new diking is to be done, the material for the bank should be imported and not dredged from the bottom of the river bed.]

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INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION (IAC)

Ron Biley, Project Specialist. Interview November 13, 1978, 9:30 a.m.

General Question: Does IAC have any programs, projects, policies, or plans in the Skagit area which could affect or be affected by this ~~COE~~ project?
COE

General Response: IAC is basically a grant funding agency and leaves the planning and development and management of parks to other local and state agencies. If there are any facilities in the project area that were funded, in part or totally, by IAC and that facility were affected by this project, then the local agency with jurisdiction would be responsible. That agency would have to make assurances that the basic activities in that park were not altered or move the facility to another location approved by IAC. No projects, however, would be affected in this particular case.

NATIONAL FOREST SERVICE

Henry Johnson, Systems Engineer for the Mt. Baker/Snoqualmie Forest.
Interview November 7, 1978, 11:00 a.m.

General Question: Does the National Forest Service have any programs, policies, projects, or plans in the Skagit area which could affect or be affected by this COE project?

General Response: The COE project is too far away from any area under NFS jurisdiction. None of the NFS projects will affect this area.

NPSEN-DB

81 NOV 1978

SUBJECT: Skagit Levee and Channel Improvement Project

Division Engineer, North Pacific

ATTN: NPDEN-TE

1. The purpose of this letter is to inform you of the course of action we are following in the advance engineering and design of the Skagit Levee and Channel Improvement Project in order to maintain the scheduled construction start in Fiscal Year 1980.
2. The primary needs of the area are urban flood protection for Burlington and Mount Vernon, and rural flood protection for the agricultural areas. We have essentially completed our analysis of the delta flooding problem downstream of Sedro Woolley and developed a feasible plan to provide flood damage reduction for the entire contiguous hydrologic area. The most desirable plan is to increase the level of protection for agricultural areas downstream of Mount Vernon to approximately 50-year protection and provide 100-year or more protection to the urban areas of Burlington and Mount Vernon.
3. This would involve a change in project scope from the plan authorized by Congress in 1966. The change in scope involves an increase in area protected by approximately 3,800 acres or about 10 percent of the 38,000 acres protected by the 1966 authorized plan. Based upon criteria in draft ER 1105-2-31 titled "Planning, Changes to Authorized Projects," this increase would involve a Post Authorization Change (PAC) rather than the Significant Post Authorization Change (S-PAC) mentioned in paragraph 6 of our NPSEN-DB 1st Indorsement dated 29 December 1977 to basic NPDPB letter dated 1 December 1977, subject: OCE Response to Reclassification of Avon Bypass Project.
4. The draft ER lists four criteria for determining whether a change to an authorized project is classified as a S-PAC: (1) change in scope of 50 percent or more, (2) addition or deletion of a project purpose, (3) change in local cooperation requirements, or (4) exceedence of \$15 million Federal cost if the project was authorized under Section 201, Public Law 89-298. In regards to the Skagit Project, the last three criteria do not apply because no changes in project purposes or local cooperation requirements are planned, and the project was not authorized under Section 201, Public Law 89-298. For scope changes the draft ER states that "A change of 50 percent or more in the scope

P004863

NPSEN-DB

SUBJECT: Skagit Levee and Channel Improvement Project

Cook/sd/3455
17 Nov 78

of a project, such as the . . . area protected by a project . . ." is the governing criteria. As discussed in paragraph 3, the most desirable plan would involve a change of only about 10 percent in area protected, well below the criteria of 50 percent. Therefore, the Skagit Project would not involve a S-PAC, but would require a PAC.

5. The 1978 Water Resources Development Act legislation, which the 95th Congress did not enact, contained a section that would have provided authority to " . . . construct such additional flood control measures as are needed to extend flood protection upstream to and including the community in Sedro Woolley . . ." We believe this legislation is still desirable and, if enacted during 1979, could eliminate the need for processing a PAC with the General Design Memorandum. However, we are proceeding on the basis that the legislation will not be enacted prior to the summer of 1979 and that a PAC will be necessary.

cc:
Farrar/RP Sec file
Prog Dev ofc
Cook
Brooks/Worthington/Amador
Office of Counsel
WP, Engrg Div (0785E)

JOHN A. POTEAT
Colonel, Corps of Engineers
District Engineer

[Handwritten Signature]
DERRICK
PROBSEV OFC
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SELLWOLLE
ERLWEIN
LTC CARPENTER
COL POTEAT
22 Nov 78
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RP SEC *[Handwritten Signature]*