Jones & Smith

Attorneys at Law

Gary T. Jones **Gail R. Smith**

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Hannah Hadley, CENWS-EN-ER
Army Corps of Engineers
Seattle District
PO Box 3755
Seattle, WA 98124-3755

Re: Skagit River GI Study Feasibility Report and EIS Comment

Dear Ms. Hadley:

This letter comments on the draft Feasibility Report & Environmental Impact Statement published June 6 and presented at a public meeting on Thursday, June 19, 2014 in Mount Vernon. The undersigned attended that meeting as a representative of Skagit County Consolidated Diking Improvement District No. 22, Skagit County Diking District No. 17 and Skagit County Diking District No. 3. Our office also advises Skagit County Drainage and Irrigation Improvement Districts No. 15 and No. 17.

These special purpose districts governed by Title 85 Revised Code of Washington provide benefits to particular land within geographic boundaries where landowners voted to approve an engineered set of improvements, taxed themselves to build, and thereafter annually to operate and maintain diking and drainage improvements. These districts rely on technical assistance and flood fighting personnel of the Seattle District Army Corps of Engineers in declared emergencies and to restore damage due to flooding. The diking districts participate in the USACE administered Rehabilitation and Inspection Program, have signed Cooperation Agreements under Public Law 84-99 and use the Engineering Manuals published for nonfederal flood control works as a guide. The Districts accept as valid the statement of the problem in the Feasibility Report, and welcome the opportunity to reduce flood risk from overland flow from October to March and year around. The districts generally agree with the Goal and the two Objectives stated in the Feasibility Report and Tentatively Selected Plan (TSP) called Comprehensive Urban Levee Improvement (CULI).

The documentation of environmental constraints concerning three ESA listed species of salmon appear to be outdated in Appendix D because of reliance on U S Fish and Wildlife Service August 1997 Reconnaissance Study, and a cluster of letters received in 2001. There is no evidence of ESA consultation with NOAA NMFS or USFWS. This heading is left blank except the notation (pending). The Feasibility Report and EIS do not take account of the habitat restoration work that has been initiated and completed during the past 15 years. It also includes a list of threatened and endangered species as of 1997 and therefore omits Puget Sound Chinook salmon.

415 Pine Street · PO Box 1245 · Mount Vernon, WA 98273
Telephone (360) 336-6608 · Facsimile (360) 336-2094

The named Dike Districts plus District No. 1 and District No. 12 completed levee restoration to repair damage done in 2003 and 2006 floods during the "fish window" in 2011 under Cooperation Agreements with USACE. Accounting for delayed response to their damage survey reports that should have been remedied within one year, and for permit conditions, the Districts and USACE may have spent more money on mitigation of salmon habitat than was spent on restoring the levees. This statement is not made to discount the importance of environmental impact mitigation or the federal share of mitigation costs but to point out the risks to life and property which have occurred because of Endangered Species Act consultation, specifically about Puget Sound Chinook salmon habitat.

The Districts contend that the completed Skagit watershed projects and those which are in progress should be sufficient off site mitigation for CULI because of its focus on urban infrastructure. In support of this contention we offer the Three Year Implementation salmon plan for the Skagit Basin 2014-2016 following the 2010 strategic approach. See also the Strategies document prepared by Western Washington Agricultural Association for the preservation of the environment and the agricultural community, and the cover of the Skagit Delta Tidegates and Fish Initiative Implementation Agreement May 28, 2008, plus the Skagit Stream Team Annual Water Quality Report for 2012-2013. Readers of the Feasibility Study and EIS should not assume that the problems described in the letters attached to Appendix D accurately describe unmitigated habitat impacts on salmon that should be remedied in the implementation of the "Tentatively Selected Plan" or the pending ESA consultation.

The flood damage reduction plan set forth in the Feasibility Study does not recognize the steps that have been taken to implement the 2005 Chinook Recovery Plan approved by Skagit River System Cooperative and Washington Department of Fish and Wildlife. That Recovery Plan reset in 2010 has become the focal point of Skagit Watershed Council's vision of fish habitat. Significant partnerships have been developed in the Skagit watershed to achieve salmon habitat restoration. For example, Puget Sound Energy, Seattle City Light, The Nature Conservancy, North Cascades Institute and the Skagit River System Cooperative have all implemented substantial changes and invested in fish habitat. Wiley Slough Habitat Restoration Project in District No. 22 is one large example. The Fir Island Farm project is another example of Washington Department of Fish and Wildlife converting public lands inside District No. 22 to fish habitat during the Study time frame. District No. 3 has setback levee on Dike Road and cooperated with The Nature Conservancy and Drainage District No. 17 to create the Fisher Slough Habitat Restoration Project.

The National Marine Fisheries Service and the U.S. Fish and Wildlife Service are consulting with the U S Forest Service, Washington Department of Natural Resources and Washington State Department of Ecology and the Federal Emergency Management Agency including its National Flood Insurance Program to mitigate loss to spawning habitat, incidents of mass wasting on steep slopes, forest road washouts and methods of operating dams on the Baker River and the Skagit River to protect fish habitat and lower the peak flow during flood events in the lower Skagit Valley. The future of forestry and fish can be made more secure by implementing the Tentatively Selected Plan when recognition is given to the fish habitat conservation efforts that have been made and the commitments already in place.

The Districts endorse the concept of preparing for a flood that exceeds the 1% chance standard. Rainfall and snowmelt vary widely year to year. The Chehalis River experience shows that our region can receive 20 inches of rain in a 48 hour period. Preparing for such an event increases the chance of surviving without loss of life and the chance of sustaining property damages that are manageable. It cannot eliminate all risk. Those who live on the floodplain and in particular those who operate diking and drainage facilities want those facilities to be resilient and capable of functioning in extreme circumstances to limit damages. The primary way of limiting property damage in such a flood is to limit the maximum rise and duration of high water surface elevation on the flood plain.

Reducing water surface elevation and flood water velocity through adequate interior drainage requires adding infrastructure at salt water outlets. Concurrently providing more capacity for overland flows through roads and other barriers is essential to this approach. Controlled release of flood water to receiving salt water through pumps, tidegates and floodgates could avoid breaching salt water dikes. This key challenge to the feasibility of the Tentatively Selected Plan is not adequately described in the document.

The 2014 feasibility study describes a Tentatively Selected Plan (TSP) for a watershed at risk. Although there are risks of earthquake, fire, wind and dam failure, the most predictable and devastating hazard to the watershed is flooding. Flooding could destroy homes, businesses, city infrastructure, roads, bridges, utilities and disrupt the regional economy. The consequences of failure of the Skagit River Bridge recently brought into focus the dangers to the regional economy from cutting Interstate 5.

Skagit County and USACE made plans to flood proof Skagit County in earlier feasibility reports 1962 and 1979. Each time the people have been unwilling to vote local funding essential to implement the plan to reduce flood risks. Except for residents of Nookachamps and Fir Island, who suffered devastation in 1990 the majority of Skagit watershed residents have paid a low price for voting not to fund flood risk reduction. Whether events such as Katrina and the Chehalis flooding have changed public opinion remains to be seen. However, there is broad acceptance of the “Tentatively Selected Plan” because of the communication initiated by Skagit County government to inform citizens and the various municipal and special purpose district elected representatives serving locally.

The TSP is consistent with the essential elements of the Growth Management Act. The Act mandates population and public investment concentrated in urban areas. Natural resource lands and rural lands should be managed for low population density and high natural resource production. This vision of Skagit River watershed includes farms, forests, and fish as essential to a healthy community. The Districts urge the state and county government to align their plans for the Skagit watershed to reduce flood risk and realize a viable future with farms, forestry, and fish. In the short run the multijurisdictional hazard mitigation plan can do this. By building an early warning system, managing dams and keeping debris off bridges, coordinating the incident command structure, training leaders, including special purpose district commissioners and volunteers during annual flood awareness week drills, the Tentatively Selected Plan can reduce risk. The FEMA Community Rating System is implemented year round by Skagit County

Planning and community Development to reduce flood risk in those areas that do not receive urban protection.

Skagit County is required to adopt a Shoreline Master Plan update. RCW 90.58.100(1)(h) allows the Master Plan to approve measures to reduce flood risk of statewide interest. The Districts advocate a Shoreline Master Plan that incorporates future flood gates and added interior drainage to accommodate the statewide interest in flood damage reduction and coordinate the Tentatively Selected Plan with Skagit County Shoreline Management Master Program. This comment urges coordination of the measures in the Feasibility Study TSP and the Skagit Shoreline Master Program in the Skagit River and Skagit Bay, Joe Leary Slough and Padilla Bay, as well as Samish River and Samish Bay, and all of their special purpose district improvements.

There are dissenting voices who justly ask whether the risk reduction in the Skagit River Basin will increase the risk in the Samish River Basin including Thomas Creek. These questions should be answered by the representatives of Sedro Woolley, Burlington, Nookachamps and Clear Lake, who appear to be affected by measures at Sterling blocking Gages Slough, at Burlington Hill directing over bank water to Joe Leary Slough, and at the Hospital and Wastewater Treatment Plant "ring dikes" which displace Skagit River water.

One of the keys to understanding the Tentatively Selected Plan is to measure the impact of ring diking the Sedro-Woolley Wastewater Treatment Plant, the hospital complex on SR 20 and the Sterling cut off of Gages Slough for the benefit of the City of Burlington. These measures may direct flood water toward the Samish River. The risk increases in proportion to the volume and velocity of water that comes to Sedro-Woolley from the upper valley. Under certain extreme circumstances it appears to be unavoidable that flood water will reach the Samish River and earlier GI feasibility work by Noel Gilbrough of the USACE showed that even the "no action" alternative sent flood water to Thomas Creek and Samish River.. Consequently, the changes necessary to protect Old Highway 99, Interstate 5, the Burlington Northern Santa Fe railroad track and other landowners whose damages would be increased by high water surface elevations north and east of Burlington should be part of anticipating how flood water will pass to Samish or Padilla Bay without damaging and impairing salt water dike and drainage infrastructure.

Each of these special purpose districts have a significant bridge or bridges that are a factor limiting downstream passage of flood water. Changing bridges is expensive. Changing one bridge may cause the next bridge downstream to be less safe. The Tentatively Selected Plan lacks details about the monitoring and removal of debris to reduce the risk to bridges at Division Street, Conway and Rexville as well as Interstate 5 and the Burlington Northern Santa Fe railroad bridge. Debris management was studied in 2006 with funding from the State Department of Transportation and resulted in debris management protocols which are vaguely referenced in the EIS.

The diking districts and drainage districts aim to protect life and property by reducing flood damages in their limited jurisdictions and appreciate what has been done to articulate a practical plan for a comprehensive project with broad public support.

Thank you for the opportunity to comment.

Respectfully yours,

JONES & SMITH

GARY T. JONES
GTJ/lfd

cc: Commissioners District No. 3
Commissioners District No. 17
Commissioners District No. 22
Commissioners Drainage District No. 15
Commissioners Drainage District No. 17
Kara Symonds SCPW
Betsy Stevenson SCP&CD-Shorelines

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