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SKAGIT COUNTY  
PDS

April 26, 2013

Wick Dufford, Hearing Examiner  
Skagit County Office of Land Use Hearings  
1800 Continental Place  
Mount Vernon, WA 98273

**Subject: Shoreline Substantial Development Permit PL12-0191  
Permit Summary and False Accusations**

Dear Mr. Dufford:

Following is a summary of past and ongoing permitting for the DD12 projects, east of Burlington in Skagit County. This summary does not include the permitting within the City of Burlington or other areas in Skagit County.

The accusations during the hearing and in written testimony that Dike District 12 has been performing work without permits are false. Some of the testimony included work that was permitted in the City of Burlington south of Gardner Road.

Most all work on the levee in the City of Burlington is within shoreline jurisdiction, In contrast, almost the entire levee in Skagit County has been out of shoreline jurisdiction until the recent changes to the critical areas ordinance which shifts the start of the 200 feet from ordinary high water to the edge of associated wetlands. In every case, we obtain all the permits required by the jurisdiction we are working in at the time we apply for permits.

Even with the changes to the Skagit County code, most of the Skagit County portion of the levee is outside of shoreline jurisdiction and is only included because it is a portion of a larger project. We continue to permit these projects as the regulators require.

At the time of application for this permit, we had three active Fill and Grade Permits in place that permit maintenance fill up to the level of the existing levee top from Stations 159+00 to 232+00. At this time we have completed work under two of the permits, and we have requested a 6 month extension for the remaining permit.

Fill and Grade Permit BP 07-0267 was submitted on March 15, 2007 and issued for construction on May 15, 2010. BP 07-0267 represents work on the R&E plan from Station 159+00 to 204+00, pages 68 to 73 in EIS. This permit expires on May 14, 2013, but we have requested a 6 month extension to complete this work.

Fill and Grade Permit BP 03-0564\BP 06-0817 with Shoreline Exemption PL 03-0487 was submitted on May 16, 2003, reissued on July 27, 2009 and expired on July 26, 2012. This work was completed. This permit included work on the R&E plan from Station 204+00 to Station 228+00, pages 73 to 75 in EIS.

Fill and Grade Permit BP 07-1051 was submitted on August 24, 2007, issued on November 5, 2010, and expired November 14, 2013. This work is complete and represents work from Station 228+00 to 232+00 on the R&E Plan pages 75 and 76 of the EIS. There was false testimony during the hearing that claimed this work was done without a permit.

I have routinely been preparing permit applications for the District a year in advance so that we have a steady stream of permitted projects. This is necessary so that we have an opportunity to receive the necessary free fill material when it becomes available. When we have wet weather and cannot place fill, we still need locations to receive and stockpile the free fill material. Occasionally permits will sit in an approved status until we are ready to proceed.

Since Skagit County will no longer permit these projects in more reasonable size pieces, we have had to combine five years worth of work into one permit review process. Delay of this work in any way will be a financial burden on the Dike District and all contributing construction projects that are scheduled for this summer that rely on nearby stockpile locations.

When I began the application for this permit a year ago, we anticipated being to hearing in the fall of 2012 and being permitted for work in early 2013. We still need to get our fill and grade permit and flood plain development permit. We also have 60 day lead times on NPDES permits and every week of delay at this time of the year reduces our available 50 working day weather window for these projects.

This project will likely be 18 months from pre-application until we pull our fill and grade permit in mid July 2013. This slow process alone is becoming a burden.



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