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Board of
Equity

April 29, 2013

RE: Dike District #12
Shoreline Substantial Development Permit

Skagit County Hearing Examiner
Attn: Wick Dufford
1800 Continental Place
Mount Vernon WA 98273

Dear Hearing Examiner Dufford:

It is my understanding that you are accepting additional written comments within one week of the public hearing held last week.

It is the City's duty to protect the community to the maximum extent feasible and practical from the adverse impacts of riverine flooding. The City of Burlington is commenting on this permit application because the levees protecting the city are partially located in the County. This is the reason that Skagit County was asked to be Co-Lead on the Environmental Impact Statement that specifically includes the proposed project that is the subject of the Shoreline Substantial Development Permit. The public notice for the EIS process specifically included all the cities and towns in the area and any known concerned or interested parties. The issues raised by some individuals that testified in opposition to issuance of this permit have already been addressed in the EIS.

The proposed levee work under this Shoreline Permit constitutes a critical maintenance and upgrade, and is intended to make the levee more solid. The levee segment proposed for maintenance and upgrade is in the most vulnerable location subject to a potentially devastating failure. The fact that the levee height will be increased as a part of this project is not new; regardless of the outcome of the Corps of Engineers General Investigation, the levees need to be at least this tall to provide a reasonable degree of flood protection. The precise level of protection the upgraded levees will provide has yet to be finalized due to unresolved differences between various models that predict how much water will arrive in a flood event. Regardless, this plan has been thoroughly reviewed by well qualified professionals and determined to be a solid approach that is workable. The increase in flood elevations is minimal, as the studies show. The larger issue for the agricultural industry is not how high the levee is adjacent to Burlington, but how fast the flood water recedes. To address the agricultural industries concerns, there is a solid need for a regionally coordinated drainage plan update, with a focus on post-flood drainage. This action would be completely separate from the activities proposed under this permit application.

The City of Burlington and Dike District #12 are partners, working diligently to protect the community while not significantly adversely affecting others. An existing Inter-local Agreement between the City of

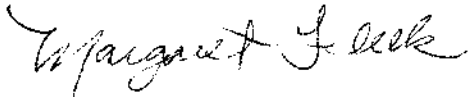
Burlington and Dike District 12, dated March 13, 2008, has been entered into to complete the extensive maintenance and fill needed to strengthen the levees without increasing the current height. A second Inter-local Agreement is currently being negotiated with the intent of completing the work specified in the EIS, final issued July 16, 2010.

At least 6 major firms and entities, including the U.S. Army Corps of Engineers, have been directly involved in the analysis and design of the levee system. Consistent with the on-going work of the General Investigation Study, the goal is to provide significant protection for urban areas. To my knowledge, Dike District #12 has always operated under approved permits.

The City of Burlington supports approval of the Shoreline Substantial Development Permit with the conditions identified in the staff report. As county staff stated at the public hearing, the project complies with County Shoreline permit requirements. The indefinite delay proposed at the end of the public hearing could unnecessarily jeopardize the health and safety of the public.

Thank you for thoughtful consideration of this permit.

Sincerely,

A handwritten signature in cursive script that reads "Margaret Fleek".

Margaret Fleek
Planning Director