



Federal Emergency Management Agency

Region X Federal Regional Center Bothell, Washington 98011

December 15, 1983

Mr. Bruce A. Cameron, Assistant Director
Office of Field Operations
Department of Ecology, MS PV-11
Olympia, Washington 98504

Dear Mr. Cameron:

This follows up our recent telephone conversation regarding the role of the Department of Ecology in issuing Flood Control Zone permits in the Skagit Delta.

On December 8 I conducted the Final Coordination Meeting for the Burlington Flood Insurance Study. After talking with you, I prepared a series of special requirements detailing how Burlington and Skagit County could administer encroachment standards in the Delta absent a specific floodway designation. I presented these special requirements to the City Council and other city officials at the meeting through a handout that was distributed to all in attendance (copy enclosed; see last four pages).

The basic standard FEMA must require of communities in situations where floodways are not yet established, is Section 60.3(c)(10) of the program regulations (copy enclosed):

(10) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

In order for us to approve ordinances from Burlington or Skagit County, it is necessary that this standard be included, together with criteria designed to meet the standard. The standard does not need to be applied to most small-scale development (e.g. single-family residential), but does apply to all larger-scale development, and will usually require a detailed hydrological/hydraulic engineering analysis.

Although I could not and did not present a State position relative to the Flood Control Zone Act, I did suggest that subsection (3) of WAC 508-60-050 appeared to be similar if not identical in effect to the FEMA encroachment standard:

"(3) The structures, works, or improvements will not adversely influence the regimen of any body of water by restricting, altering, hindering or increasing the flow of floodwaters in the floodway or flood channel expected during a flood up to a magnitude of one hundred year frequency so as to unduly reduce the flood storage capacity of the floodway fringe."

I further indicated that if the above standard could not be met and a State permit could not be issued, a permit from the local government could similarly not be issued since, according to Section 60.3(a)(2) of the Federal regulations, the local governments must:

"(2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or state law, ..."

This is to request that you confirm our discussion that the State role is substantially as presented above, i.e., that review by DOE of a Flood Control Zone permit application must consider the encroachment criteria spelled out at WAC 508-60-050(3) and assure that the criteria are met before a permit can be issued. Confirmation of DOE's policy is important and will assure a coordinated approach on the part of the Federal and State governments.

Please feel free to contact me if you have any questions.

Sincerely,



Charles L. Steele
Chief, Natural and Technological
Hazards Division

Copy to: Emily Ray (with Enclosures)
Ed Hammersmith (with Enclosures)
Herm Huggins (with Enclosures)
Steve West (with Enclosures)