

U.S. Department of Homeland Security
Region X
130 228th Street, SW
Bothell, WA 98021-9796

FEMA

March 5, 2007

Ms. Jana Hanson
Director City of Mount Vernon Development Services
910 Cleveland Avenue
P. O. Box 809
Mount Vernon, Washington 98273

Dear Ms. Hanson,

Thank you for providing the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) with an opportunity to review and comment on the City's Draft Environmental Impact Statement (DEIS) pertaining to the downtown flood protection alternatives (January 19, 2007 edition).

After a cursory review of the document, FEMA has the following comments:

The described alternatives, including the preferred alternative, appear to run independently of the ongoing General Investigation (GI) being conducted by the U.S. Army Corps of Engineers (USACE) in coordination with Skagit County. The DEIS makes several references to a "comprehensive strategy for reducing flood risks throughout the basin," yet the City is already proceeding with an independent project proposal outside of the broader investigation. Additional information is needed as to how the proposed alternative will integrate with the concurrent basin-wide flood control evaluation process. Should the GI identify other practicable alternatives that could occur within City jurisdiction, how would the City or this DEIS accommodate that process? *The GI Study is a USACE program that evaluates engineering and economic feasibility to identify alternatives for a flood damage reduction project. The Skagit River GI Study has been underway for many years and may or may not ever be completed. The Seattle District Army Corps of Engineers has publicly stated that the GI study is currently not scheduled to be completed for several years. Even if the study is completed, the preferred flood damage reduction project identified by the GI study may not obtain all of the following decisions needed to proceed to construction: identify a project that provides 100-yr protection; approval of the Chief of Engineers; receive a recommendation for authorization by the Chief of Engineers to Congress; and receive federal authorization in WRDA legislation or receive appropriations for construction. If the City's project is constructed before the GI study is complete, the GI study will incorporate the City's project in its analysis as an existing condition. The City has no assurance from the Corps that a GI study has a high likelihood of resulting in a*

constructed project that would provide 100-year level protection for historic downtown Mount Vernon.

The DEIS does not address the effect or consideration of a floodway (or similar conveyance corridor) to accommodate the base flood without increasing water surface elevations. Pursuant to Mount Vernon Code 15.36.280 (based on 44 CFR 60.3(c)(10)), standards regarding the cumulative effect of proposed development, combined with future or anticipated development, on the base flood elevations must be considered. Although the current maps for the City do not show a floodway, it is the intent of the ongoing Flood Insurance Study to evaluate, and show, a floodway in future updates to the Flood Insurance Rate Maps. The DEIS does not address how a flood way will affect the proposed development of a flood control structure protecting east Mount Vernon. How will the City address the additional flooding that will be displaced over the right bank of the river in west Mount Vernon and unincorporated Skagit County? ***A floodway has not been determined for the Flood Insurance Study. Once a floodway is determined, the City will perform an analysis to determine if the floodway would be encroached upon by the flood protection system, and, if there were encroachment, if there would be any increase in flood levels in adjacent areas including west Mount Vernon and unincorporated Skagit County. If it is determined that the Preferred Alternative would cause additional flooding, the City will address the additional flooding in accordance with applicable FEMA guidelines and local development codes and regulations.***

If a floodway is not determined before construction of the flood protection system, the City will demonstrate that the encroachment standard contained in FEMA regulations at 44 CFR 60.3(c)(10) will be met. This provision requires that “[U]ntil a regulatory floodway is designated, no new construction, substantial improvements, or other development shall be permitted 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.”

FEMA assumes that this DEIS represents a decision by the City to pursue a local solution to flooding and flood insurance requirements for Mount Vernon residents in the downtown area. The DEIS states an anticipated construction timeline of approximately two years. If the project is completed prior to a basin-wide approach to flood control (identified through the GI process), then this would require a physical map revision or some other official FEMA map action. Please be aware that communities must be able to demonstrate compliance with Section 9 of the Endangered Species Act prior to FEMA revising a map. The DEIS, as submitted, would not provide sufficient information regarding the effects on listed species in order for FEMA to issue a map action. However, if the City’s proposed alternative were to occur within the planning scope of the USACE's investigation, many of these considerations would be dealt with during the GI's environmental review process. ***The City is aware of requirements for compliance with Section 9 and other provisions of the Endangered Species Act (ESA) and is in the process of preparing a Biological Assessment and Essential Fish Habitat Assessment to***

evaluate compliance with the ESA as well as the Magnuson-Stevens Fishery Conservation and Management Act and the Sustainable Fisheries Act.

Thank you again for allowing FEMA to comment on the DEIS. If you have any questions about these comments, please contact me at (425) 487-4767.

Sincerely,

Ryan Ike, CRM

Floodplain Management Programs Specialist

cc: Chuck Steele, WA Dept of Ecology

RI: bb