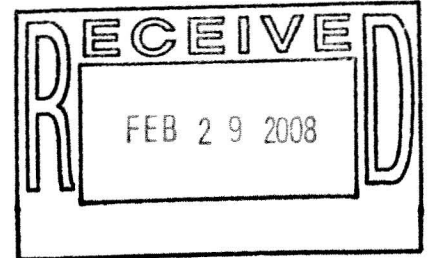




# FEMA

February 26, 2008



Honorable Bud Norris  
Mayor of Mount Vernon  
PO Box 809  
Mount Vernon, Washington 98273

Dear Mayor Norris:

The U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) was recently requested to agree to a Memorandum of Agreement (MOA) between Skagit County, the City of Burlington, the City of Mount Vernon, County Dike District 1, and County Dike District 12 on the use of an independent scientific panel to resolve issues associated with the hydrology used in the ongoing Flood Insurance Study (FIS). This letter is in response to that proposal.

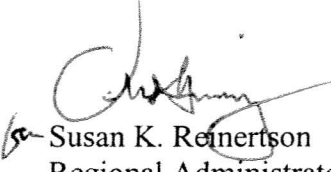
After evaluating the proposed scope, effect, panel selection (procedures), and anticipated outcome, FEMA finds several significant issues that preclude agreement to the MOA. In summary, we believe the submitted MOA violates public due process, presumes that FEMA will not provide an unbiased adjudication, and sets an unnecessary precedence for deviating from established federal regulations related to the FIS processes identified in Parts 67 and 68 of 44 Code of Federal Regulations (CFR). We are also concerned that the list of parties signing this MOA is not inclusive, yet the expected outcome of the MOA would be applied to the entire geographic area.

Procedurally, FEMA simply can not circumvent public process nor decline any opportunity to consult with community officials upon completion of a review of data submitted during the statutory 90-day appeal period. Should additional adjudication be necessary at the conclusion of the appeal period, there are specific regulations that can be implemented. These procedures include assembly of a scientific panel as well as conducting an administrative hearing. If the need arises, FEMA will continue to work within our statutory and regulatory authorities to evaluate contentious data.

Honorable Bud Norris  
February 26, 2008  
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Our primary objective throughout this study remains the most accurate flood risk assessment possible, preservation of life and property, and wise floodplain management programs. If new data is provided, we will revise our maps as warranted. My staffs remain available to provide technical support as needed. For more information, please contact Mark Carey, Director, Mitigation Division at (425) 487-4682.

Sincerely,

  
Susan K. Reinertson  
Regional Administrator

RI:bb