



SKAGIT COUNTY PUBLIC WORKS DEPARTMENT

1800 Continental Place, Mount Vernon, WA 98273-5625
(360) 336-9400 FAX (360) 336-9478

February 15, 2005

Dear Mayors and Dike District Commissioners:

Enclosed is a letter to members of our Congressional delegation from you, the elected officials of Skagit County, who are directly responsible for the health and safety of our citizens.

As the letter states, we are deeply concerned about the letters the Corps of Engineers has submitted to the Federal Energy Regulatory Commission (FERC), suggesting that the additional flood control storage at the Lower Baker Reservoir is a mere "place holder" in the new license to be issued to Puget Sound Energy for the Baker River Hydro-Electric Project. The Corps insists additional flood control storage can only be considered as part of the ongoing "General Investigation" study process, and will not be reviewing the additional flood control as part of the FERC NEPA process. The new license, once issued by FERC, will be in place for up to 45 years and we need to ensure that adequate provisions for flood control are included and not delayed by the Corps process for many years, or even decades.

The County requests that you join the Board of County Commissioners in signing this letter requesting that our Congressional delegation intervene on behalf of the citizens of Skagit County. We would like to have your signatures before the meeting we have scheduled on February 28th, between the County, Congressman Rick Larsen and Colonel Debra Lewis.

We are also in the process of scheduling a trip to Washington, D.C. to meet with our Congressional delegation and this letter will serve to demonstrate the continued support of elected officials in Skagit County for flood control.

The original letter will be available for signature at the Public Works Department reception desk from February 16-23, between the hours of 7:30 a.m. and 4:30 p.m. If additional assistance is necessary to secure your signature, please contact Lorna Ellestad at (360) 419-3421. Thank you for your help and consideration in this important matter.

Sincerely,

Chal A. Martin, P.E.
Director/County Engineer

CAM/le
Enclosure



SKAGIT COUNTY BOARD OF COMMISSIONERS

DON MUNKS, First District
KENNETH A. DAHLSTEDT, Second District
TED W. ANDERSON, Third District

February 14, 2005

The Honorable Rick Larsen
United State House of Representatives
1529 Longworth House Office Building
Washington, D.C. 20515-4702

The Honorable Patty Murray
United States Senate
173 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Maria Cantwell
United States Senate
717 Hart Senate Office Building
Washington, D.C. 20510

RE: Additional Flood Control Storage, Baker Hydroelectric Project

Dear Congressman Larsen, Senator Murray, and Senator Cantwell:

We, the elected officials of Skagit County directly responsible for the health and safety of our citizens, are writing to express our deep concern that recent progress made toward increasing flood control in the Skagit River basin is at risk. Your leadership and immediate attention is needed in order to salvage any realistic possibility that enhanced flood control will become a reality.

Skagit County, as part of the Federal Energy Regulatory Commission (FERC) Baker River Hydroelectric Project relicensing process, negotiated a settlement agreement with Puget Sound Energy (PSE) and other interested parties to provide for improved flood control at the Project, including up to 29,000 acre feet of new storage in the Lower Baker Reservoir. This was a major breakthrough in the effort to protect the County's downstream communities from severe flooding.

Unfortunately, since the settlement was submitted to FERC on November 30, 2004, the effort to obtain adequate flood control has experienced serious setbacks. Many of the settlement parties submitted comments to FERC where they described the settlement provision providing for up to 29,000 acre feet of new storage at the Lower Baker Reservoir as a "placeholder" that was "speculative" even though these terms were never mentioned during settlement negotiations, let alone agreed to. Even worse, the Corps of Engineers has made certain decisions that, if unchanged, will delay additional flood storage for many years, or even decades.

In a major blow to the flood control effort, the Corps recommended to FERC in a December 23, 2004, letter that additional flood control "should not be considered" as part of the FERC relicensing process, including the FERC's environmental analysis conducted under the National Environmental Policy Act (NEPA). By doing so, the Corps is passing up a golden opportunity to save considerable time and money by conducting its flood control environmental analysis of additional flood control jointly with FERC. This is a process where FERC, not the Corps, is responsible for bearing the costs of the NEPA analysis.

SKAGIT COUNTY COMMISSIONERS ADMINISTRATIVE BUILDING

1800 Continental Place, Suite 100, MOUNT VERNON, WA 98273 PHONE (360) 336-9300 FAX (360)336-9307

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Instead, the Corps insists additional flood control can only be considered as part of the "General Investigation" (GI) study process, including a separate and duplicative NEPA analysis. The GI process has been going on for decades with little or no progress. It is not a coincidence that the FERC relicensing process, not the GI process, produced the biggest Skagit River basin flood control breakthrough in decades.

The Corps then goes on to say in its January 3, 2005, letter to FERC that thus far, the GI study process "has not yet identified whether there is a Federal interest in adding additional flood control at either Upper or Lower Baker Dam, but this will be an option." Therefore, notwithstanding its statutory mission to provide for the public health and safety through flood control and the severe risk of Skagit River flooding, the Corps has responded to the flood control settlement in a wholly unsupportive and counterproductive manner.

In an even more recent blow to progress in implementing the flood control settlement, Corps staff informed the County staff on February 9, 2005 that the Corps staff can no longer meet with the County to discuss the scope of the FERC NEPA analysis of additional flood control. Corps staff claim, incorrectly, that such a meeting is prohibited by a letter of understanding the Corps has with FERC.

So not only has the Corps acted to slow additional flood control rather than expedite it, now the Corps refuses to even discuss with the County how to make progress on the additional flood storage authorized by the settlement! Instead of working with the County and FERC to develop a joint NEPA analysis of additional flood control that could save large amounts of time and money, the Corps has insisted that all issues/processes associated with the provision of additional flood control be dealt with exclusively in the bureaucratic graveyard of the Corps GI process.

Flood control at PSE's Baker River Project is unique because of the involvement of the Corps in providing flood control at a FERC-licensed dam that the Corps is not the owner or operator of. As a consequence, the Corps will need to approach this issue in an innovative manner that takes the unique aspects of the Project and the FERC process into account. Insisting that all matters be handled exclusively through the GI process, as if the Baker River Project was owned and operated by the Corps, is not going to work.

As a first step, we request that you ask the Corps to reconsider its decision not to take advantage of the opportunity available through the FERC relicensing process to complete the necessary environmental analysis jointly with FERC instead of conducting a second environmental analysis as part of the GI process. The Corps has determined that it does have the authority to rely on the FERC NEPA process to study the environmental impacts of the existing flood control in the Upper Baker Reservoir through its status as a NEPA "cooperating agency" with FERC. There is no reason why the Corps cannot do the same for the additional storage at Lower Baker while reserving to the GI or some other Corps process the economic analysis necessary for the Corps to arrive at a final approval of additional flood control in Lower Baker.

Second, thus far, the Corps has told the County what it can't do on flood control. Instead, the Corps needs to start saying what it can do, and then start doing it. To that end, we request that you ask the Corps to come up with an action plan/timetable detailing all of the steps it will take to make the additional flood control authorized by the Baker River Project settlement a reality. This action plan/timetable should be developed in consultation with the County and PSE and submitted to you for your review no later than March 7, 2005.

Third, we request that you ask the Corps to start working cooperatively with the County instead of at cross purposes with us. The County and its elected officials have been the driving force behind the effort to obtain adequate flood storage, including the provision in the Baker River relicensing settlement that provides for additional storage. Frankly, the Corps has been a barrier to progress every step of the way. You must insist to the Corps that this type of behavior is unacceptable. We need the Corps to work together with us, not refuse to meet with the County and send letters to FERC attempting to prevent a critical environmental analysis of additional flood control from going forward.

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In conclusion, making additional flood control storage for the Skagit River Basin a reality will require decisive and forceful leadership from elected officials. We need your help to convince the Corps to become a partner with the County in obtaining adequate flood storage, not an obstacle to progress. The health, safety, and well being of our constituents in Skagit County depends on your efforts.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON


DON MUNKS, Commissioner

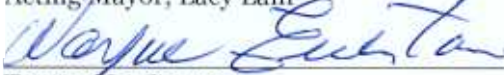

KENNETH A. DAHLSTEDT, Commissioner



TED W. ANDERSON, Commissioner

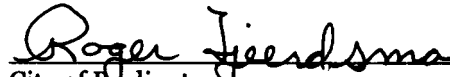
Mayors

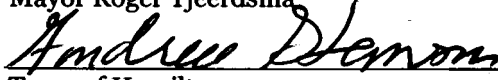

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Mayor H. Dean Maxwell

Town of Concrete
Acting Mayor, Lacy Lahr



Town of La Conner
Mayor Wayne Everton


City of Mount Vernon
Mayor Bud Norris


City of Burlington
Mayor Roger Tjeerdsma


Town of Hamilton
Acting Mayor, Andrew Hansen


Town of Lyman
Mayor Chris Stormont


City of Sedro-Woolley
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Donald Moe

Bob Dean

Dike District #1
Bob Dean

David J. Olson

Dike District #3
David Olson
N/A Consolidated into
Dike District #12

Dike District #8
Thomas Hulbert
N/A Consolidated into
Dike District #12

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Tim Wallace

Alan Mesman

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Darrin Morrison
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