

# Skagit Flood Risk Management Working Group Draft Meeting Notes

June 25, 2001

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## Attachment 1. Agenda

## Attachment 2. Attendance List

The seventh meeting of the Skagit Flood Risk Management Working Group was held on Monday, May 25, 2001 from 9:00 AM to 12:00 PM in Hearing Room C of the Administration Building in Mount Vernon. A copy of the agenda is included as Attachment 1 and an attendance list is included as Attachment 2. The meeting began around 9:15 AM after the attendees had an opportunity to sign in, acknowledge others and take their seats.

## I. Welcome and Approval of Minutes from May 22<sup>nd</sup>

Valerie Lee, the **facilitator**, welcomed the group and stated that the goals for the meeting were to review the results of the survey taken at the May 22<sup>nd</sup> meeting of the most interesting alternatives, to learn about events since the last Working Group meeting on May 22<sup>nd</sup> and to discuss the alternatives in light of the new developments. She asked the group if anyone had changes to the notes from May 22<sup>nd</sup>.

A few corrections were noted, and the **facilitator** confirmed that the group would receive corrected copies of the minutes.

## II. Report from Stephen Pierce, Corps of Engineers

**Stephen Pierce** distributed copies of updated drawings for the various alternatives. He explained that these contained additional notes and descriptions. Most importantly, he pointed out that the question regarding the depth of the new riprap was resolved. The new riprap will be placed as deep as the old. In response to a question, he agreed that the riprap could not be shallower than the depth of the river to ensure that the levee would not be undercut.

**Chuck Bennett** asked if the riprap would eventually become exposed in places as the river meanders, and if the resource agencies might have a problem with the exposed riprap. The Corps responded that the agencies may not like the exposed riprap, but the exposed percentage would be low compared with the length of the channel.

**Rich Johnson** asked why the entire length of the river was going to have riprap, especially because the water will rarely meander to the edge of the new levees. Stephen said that the new riprap would definitely be placed all along the three-bridge corridor, but the Corps was discussing only placing new riprap at parts of the channels where there was currently protection. **Mike Scuderi** mentioned that Kurt Buchanan had done a survey of riprap in the Skagit, and found that most areas had riprap protection. **Rich** volunteered that he had that survey in his office and agreed to loan it to **Mike**.

Several people were emphatic that they believed dikes should be protected with riprap. **Mike** replied that he and the agencies recognized the need to protect the dikes. He believed that a riparian area would be possible in conjunction with well-protected dikes.

**Ed Capasso** asked whether there would be siltation problems in areas where the setbacks encouraged lower water velocity. **Mike** replied that siltation might occur, but the silt would be easily mobilized in a flood so that it would not decrease the river's conveyance.

During a short discussion regarding the vegetation in the setback areas, **Rich** pointed out that trees in front of the dikes slow the water during a flood and reduce the failure rate of the dikes. **Mike** cited a study on the Mississippi that found fewer failures where trees were present in front of dikes. However, to protect the dikes themselves from fallen trees and damage due to tree roots, no trees are usually allowed within 40 feet of a dike or on its slopes. **Leonard** offered to show **Mike** a place on his property where falling trees had ripped out parts of the dike.

## III. Report from Dave Brookings, Skagit County

**Dave Brookings** said that the people at the County have been very busy with this project. He reported on several of the activities.

The Director of Washington State Department of Ecology (Ecology) met with the County Commissioners regarding in-stream flow regulations. If a diversion alternative is chosen, the water would have to be taken out of the Skagit River, possibly requiring a permit or a designation from Ecology that the diversion is not a consumptive use of river water.

**Dave Brookings** pointed out that if this project were refused, it might make it more difficult to do slough restoration because that also takes water out of the river. Ecology said that within two-months it would have the Attorney General's office provide its interpretation of how the designation should be handled. **Ed Capasso** noted that the Mayor of Anacortes wrote a letter to Ecology expressing concerns about water quality and quantity surrounding the potential diversions. As a result there were still major issues about diverting water to a bypass.

The County has also met with the Washington State Department of Transportation (WSDOT) to discuss the possibility of partnering with the SR 20 improvement project.

**Dave Brookings** reported that it appeared from the meeting that there would be some overlap on right-of-way issues that would save money, especially on the second section of the project beginning at Fredonia. Although it seemed that the two plans would not dovetail perfectly, he believed that the WSDOT saw that the flood risk management project would protect the transportation corridor and the state would be willing to help out with the costs because of that protection.

**Dave Brookings** highlighted that, as mentioned in the last meeting, the agricultural community needs to be kept informed of developments. To that end, he met with the Flood Control Council and shared information with them. He believed that participants left the meeting with a better understanding of the issues in Skagit basin such as dam re-licensing, in-stream flows and the critical areas ordinance.

**Dave Brookings** reported that an executive level meeting between the County and the Corps had been scheduled. The meeting will cover topics such as the project timeline, activity to date, right-of-way issues, marketing to the US Congress and future steps.

At a local level, **Dave Brookings** acknowledged that the County needed to increase its public outreach. He had planned a meeting with the County Commissioners the following day to discuss hiring a public relations firm and a right-of-way consultant. As part of the marketing drive, he spoke with a 3-D graphic artist about three-dimensional visual representations of what the valley's flooding would be like with or without the proposed projects.

Lastly, **Dave Brookings** reported that the County was working with its Congressional delegation and establishing a link to President George W. Bush. He reported that many people were working hard to get the project the attention it deserves and ensure that it will be constructed in 2006 or 2007.

#### **IV. Report from Mike Scuderi, Corps of Engineers**

During his presentation, **Mike Scuderi** reviewed the sheets that he had sent out in the mailing prior to the meeting. He spoke specifically about the list of questions that the resource agencies had created. In addition to listing the questions the resource agencies had raised regarding the various alternatives, the sheet included how quickly and by whom the questions should be answered. In general, the high priority concerns represent potential major problems with the alternatives.

**Mike** pointed out that the numerous high priority concerns on the resource agencies' list of questions for the Swinomish diversion indicate serious potential problems with that alternative. These potential difficulties include water rights, saltwater intrusion, tidegates and maintenance of the channel. **Dave Hedlin** added that in his experience ditches in the floodplain fill in very quickly. Several people agreed and offered to give **Mike** locations where fence posts were barely visible above ground or ditches were lined with culverts. Todd offered soils data that the WSDOT had gathered for the SR 20 project.

**Mike** expressed confidence that the engineering problems could be solved, but realized that the Corps needed to convince the agencies of the efficacy of the solutions.

**Ed Capasso** asked if there were similar situations elsewhere in the country where the Corps could learn about techniques that had been used for flood control. **Mike** replied that there was a similar project in Sacramento, but once the project gets to a certain level of specificity, each area is unique.

Several people expressed continuing concerns about saltwater intrusion and the success of the tidegates in preventing it. At times such as high tide, where the saltwater level is higher than the freshwater level, there may be problems of saltwater intrusion. **Will Roozen** said that the intrusion problems were getting worse in certain places such as close to Telegraph Slough. He was also concerned that too much land would be taken up by the saltwater marsh at the outlet of the diversion.

Returning to the items on the list of resource agency questions that he had distributed, **Mike** commented that overtopping had few priority concerns because the overtopping option had been considered a few years ago. **Dave Burdick** asked if the same assumption that all fish will be lost if they go over the dikes would apply to a levee break. **Mike** answered affirmatively because the definition of "take" in the Endangered Species Act (ESA) includes harassing as well as killing the species. **Chuck** asked if the environmentalists could sue in the case of a levee break. **Mike** indicated that a levee break would probably be considered an act of God, and therefore the dike districts would most likely not be liable.

Continuing to review the list of resource agency concerns, **Mike** noted that the setbacks option only had one urgent question: riprap. It had become clear that the new levees

would need to be protected with riprap, but that riprap in the existing river channel would be detrimental to the fish.

The Samish diversion also had one major question on the list of concerns. Because of the potential for mixing of fish stocks, there might be a jeopardy call from the National Marine Fisheries Service.

Currently, **Mike** is collecting final questions from the agencies and will be working with technical people to answer the questions. He stated that the EIS process has been actually underway since 1998 when a Notice of Intent was issued. **Dave Brookings** inquired about whether the environmental studies might delay the project. **Mike** responded affirmatively, but added that it depended on the level of detail required in the studies. **Mike** added that he was also waiting for the reports about the potential effects of this project eelgrass in Padilla Bay.

## V. Summary of Results from May 22<sup>nd</sup> Survey

At the last Working Group meeting on May 22<sup>nd</sup>, participants wrote on cards the two alternatives that they found most interesting. The **facilitator** directed participants to page 13 of the draft notes and summarized the results. No one had listed either of the overtopping alternatives as the most interesting. Only one person had listed the Samish diversion, and one had listed the small Swinomish diversion. Five people had listed the levee setbacks as their top alternative, with a total of eight listing it in their top two. Four people had selected the north Swinomish diversion as their top preference, with a total of 12 people selecting either large Swinomish diversion (#1 or #7) as one of their top two alternatives. However, since 11 people voted, at least one person selected Swinomish diversions for both of their choices. The **facilitator** summarized that, based on these results, the weight of interest lies behind a large Swinomish diversion and levee setbacks.

She asked the County how many alternatives the Working Group should choose. **Dave Brookings** said that he would like the group to identify their top two preferred alternatives. He recognized the potential problems that could arise if one option is selected and then unforeseen problems arise.

The **facilitator** asked if alternatives 1 and 7 could be combined or whether the group should choose between the two. **Mike Scuderi** responded that much of the scoping process would be similar. He recalled that the resource agencies thought the use of the diversion by juvenile salmon would increase if the diversion inlet were located where Alternative 1 was planned, rather than where Alternative 7 was planned because of the large woody debris at the Alternative 1 location. It was pointed out, however, that after a flood the location of the wood in the river would change. In addition to a different location of the inlet structures, the wetlands and farmlands impact may be different for the different alternatives. Because this information was not yet available, **Mike**

supported lumping the alternatives together.

Before calling a break, the **facilitator** posed the first question she would ask again after the break: Can Alternatives 1 and 7 be grouped as one alternative for now?

**\*\*\*BREAK\*\*\***

## **VI. Identifying the Working Group's Preferred Alternatives**

Upon returning from the break, the **facilitator** continued the discussion of Alternatives 1 and 7 by asking **Todd Harrison** about WSDOT's position. **Todd** responded by saying that from the agency's perspective, both 1 and 7 protect the roadways. For Alternative 7, the amount of shared right-of-way would be a minimal advantage, because the channel would be much wider than the road. He did see opportunities to share mitigation projects and costs especially on the first segment of the highway. However, from a transportation standpoint, the more southerly option, Alternative 1, would be better because the distance between the projects would allow more flexibility for both projects. He concluded that, despite their differences from a transportation standpoint, the two options and the studies associated with them were similar enough that they could be grouped.

**Dave Brookings** asked if the group could combine the two into one Swinomish option. The **facilitator** asked the group if they felt comfortable lumping the two. Participants' responses were:

Fred Buckenmeyer—yes

Todd Harrison—yes

Dave Burdick—yes, because cultural and resource studies will offer more information

Ed Capasso—yes

Chuck Bennett—yes

Dave Hedlin—yes

Will Roozen—yes

Curt Wylie—yes

Margaret Fleek—yes

Rich Johnson—yes, because the group does not know enough yet to determine the best course and the EIS should offer more information.

The Swinomish diversion was defined to be between SR 20 and about a mile south of SR 20. **Todd** asked how the location for Alternative 1 was chosen. The Corps responded that it had been chosen to follow the low land and to avoid structures wherever possible.

The **facilitator** noted that in previous meetings, **Will Roozen** had expressed a preference for the Samish diversion. She asked him if he was willing to agree to preferred alternatives that did not include it. He responded affirmatively.

The **facilitator** asked if anyone had concerns regarding either alternative before they voted. **Mike** mentioned the Edgewater landfill. He said that in Alternative 5 they could not avoid the landfill and that it would need to be cleaned up by the County before the Corps begins work there. The cost of the clean up was estimated to be \$10 million. It was pointed out that the Ecology offers grants partially cover the cost of cleaning up municipal landfills.

The facilitator asked if there were any other questions or concerns. **Will** asked about the costs of the two alternatives that were being examined. The Swinomish diversion would be approximately \$220-225 million with \$78 million for the County's cost. The setbacks would cost \$280 million with \$108 million for the County's cost. **Stephen Pierce** said that the figures were accurate to about 10%, which would mean that the setbacks would probably be slightly more expensive overall. The figures include real estate costs, construction costs, riprap and mitigation but not a clay barrier or a tidegate structure, both of which might be needed for a diversion.

**Leonard Halverson** added that he thought that there could be problems with the low flow channel in the diversion because some areas of land are only 8 feet above sea level.

The **facilitator** asked again for questions and concerns. When there were none, she asked the group if they could identify the Swinomish diversion and the levee setbacks as their preferred alternatives.

Todd Harrison—yes  
Dave Burdick—yes  
Leonard Halverson—yes  
Ed Capasso—yes  
Chuck Bennett—yes  
Dave Hedlin—ok  
Will Roozen—yes  
Curt Wylie—yes  
Fred Buckenmeyer—yes  
Margaret Fleek—yes  
Rich Johnson—yes

The **facilitator** said that she had spoken with Bob Boudinot prior to the meeting and that he had favored setbacks and would be comfortable if two preferred alternatives, one including setbacks, were identified. **Dave Brookings** mentioned that he had heard from **Larry Wasserman**, who concurred with moving the two alternatives identified by the group and the do nothing alternative forward.

The **facilitator** noted that there was complete agreement among those present, including Bob Boudinot, who voted by proxy. She commended everyone for a very thorough and successful process. She thanked the group for its energy and thoughtfulness.

**Dave Brookings** addressed the question of what the next steps would be. First, he would like to check in with Working Group Members who could not attend. He asked Ben Perkowski from the Watershed Council to check in with Shirley Soloman of Long Live the Kings! **Dave** also mentioned that Pat Massey was not in attendance. It was agreed that the County and the Corps would need to have a meeting with FEMA to discuss Executive Order 11988.

**Dave Burdick** asked if overtopping would still be considered in the EIS, and the Corps said that it was still an option and explained why overtopping was popular at first but is not longer a top alternative. To move forward with a Feasibility Study, the Corps had to do a reconnaissance study that demonstrated a project could be built to meet the Corps cost/benefit ratio criterion. The Corps used economic data from the late 1970's. That was before much of the development that occurred in the 1980's and 1990's so the economics were no longer accurate. After seeing the results of the hydraulic model and understanding that old economic data were used, the Corps and the County began to realize that they weren't limited to the very unpopular but effective flood control option of overtopping.

**Dave Brookings** said other steps would be to send a message to the Commissioners on the consensus that the group had reached and to celebrate the good work. He thanked the entire group and said he would request that the group is kept on-call throughout the EIS. There will be other issues about which the group's input would be very helpful.

**Mike** and **Dave Burdick** both commented that they had experience with many other planning processes and that this one had been one of the best ones either of them had been involved with. **Ed Capasso** asked if Environment International could prepare a report on the process. **Dave Brookings** suggested that one way to present the information would be a statement of agreement signed by all parties that would summarize the process. Environment International agreed to draft such a statement of agreement for review by the Working Group.

With congratulations to all parties involved, the meeting closed.

Attachment 1:

**Draft Agenda**  
**Skagit Flood Risk Management Working Group**  
**June 25, 2001**

**9:00 – 9:15 Adoption of Draft Notes from May 22nd Meeting**  
Facilitator Valerie Lee, Environment International Ltd. (EI)

**9:15 – 10:00 Update on Activities of the Corps and Sponsor**  
Mike Scuderi and Dave Brookings

**10:00 – 11:00 Review of Process and Discussion and Identification of Top Alternatives**  
All Participants

**11:00 – 11:15 Break**

**11:15 – 1:00 Discussion and Identification of Top Alternative(s)**  
All Participants

Attachment 2:

**Skagit Flood Risk Management Working Group**

**June 25, 2001 Attendance List**

<b>Name</b>	<b>Affiliation</b>	<b>Contact Information (changes)</b>
Fred Buckenmeyer	City of Mount Vernon	
Charles Bennett	Dike District #12	
Dave Burdick	Department of Ecology	
Donald Dixon	Skagit County Public Works	
Curt Wylie	Dike District #22	
Mike Scuderi	Corps	
Todd Harrison	WSDOT	
Leonard Halverson	Upriver	
Ed Capasso	City of Anacortes	
Margaret Fleek	City of Burlington	
Dave Brookings	Skagit County	
Rich Johnson	WDFW	
Jacqueline Vander Veen	Skagit County Public Works	
Stephen Pierce	Army Corps of Engineers	
William Roozen	Drainage District #19	
David Hedlin	Dike District #9	
Ben Perkowski	Skagit Watershed Committee	

James Geluso of the Skagit Valley Herald (360-416-2146) was also in attendance.