

**A RESOLUTION TO PROTECT THE COMMUNITY'S INTERESTS WITH RESPECT
TO FLOOD RISK MAPPING BY THE FEDERAL EMERGENCY MANAGEMENT
AGENCY**

WHEREAS, the Board of Skagit County Commissioners has declared protection of life and infrastructure during flood events to be of paramount importance to Skagit County; and,

WHEREAS, the Skagit River poses a threat of seasonal flooding, with attendant risk to life, property, businesses, and infrastructure within Skagit County; and,

WHEREAS, the Federal Emergency Management Agency (FEMA) performed a Flood Insurance Study for the Skagit River (FIS or Study) and prepared and issued Flood Insurance Rate Maps (FIRMs or Flood Maps) adopted by Skagit County (County) in 1984; and,

WHEREAS, FEMA is currently in the process of performing a new Study with the intent to issue updated Flood Maps for Skagit County; and,

WHEREAS, the Board of Skagit County Commissioners has made extensive efforts to work cooperatively and proactively with FEMA and other federal agencies to ensure accurate and appropriate flood data and information are utilized in the development of the updated Flood Maps; and,

WHEREAS, the Board of Skagit County Commissioners recognizes that FEMA's policy of applying failure analysis will lead to a significant increase in existing base flood elevations assumed by the updated Flood Maps in any event, and, accordingly, the impact to the community created by the updated Flood Maps will be substantial regardless of the data, methodologies and assumptions at issue; and,

WHEREAS, the Board of Skagit County Commissioners is committed to rational decision analysis on the basis of objective science and data, and, conversely, does not support outcome oriented decision analysis; and,

WHEREAS, the Board of Skagit County Commissioners is also insistent that any updated Flood Maps produced by FEMA reflect the public risk and potential for damage with the highest degree of accuracy possible, and, among other things, do not exhibit undue reliance on unwarranted precautionary assumptions; and,

WHEREAS, the Board of Skagit County Commissioners believes the community as a whole is entitled to a more exhaustive and thorough research and analysis of contested and incomplete data, methodologies and potentially unwarranted precautionary assumptions before FEMA's updated Flood Maps are imposed on the community; and,

WHEREAS, the Board of Skagit County Commissioners has retained a consulting firm with particular expertise in river hydraulics and hydrology to assist the County in its review of work performed by FEMA in the development of the updated Flood Maps, and to perform an independent, objective review of river hydraulics and hydrology work previously performed at the direction of other jurisdictions within Skagit County; and,

WHEREAS, the County has recently brought forward to FEMA new information which the County believes, if utilized in the Study Flood Maps, would result in Preliminary Flood Maps issued for public review that would more appropriately reflect flood elevations and potential risk from Skagit River flooding; and,

WHEREAS, pursuant to 42 U.S.C. § 4104 the Skagit County Board of Commissioners is designated the primary local entity to bring appeals forward on behalf of the community and has, therefore, been assigned by Congress a critical leadership role in representing the interests of the community with respect to the updated Flood Maps; and,

WHEREAS, the appeal process created by FEMA under 44 C.F.R. 67 is exceedingly onerous in that it requires the County as party appellant to coordinate with the entire community and then submit proposed alternative Flood Maps within ninety (90) days following the second newspaper publication by FEMA of the proposed new flood elevations; and,

WHEREAS, the County, without waiving any rights, claims or defenses of any nature, will continue to work cooperatively and proactively with FEMA in its development of updated Flood Maps, concurrently preparing for the eventuality that it may be in the best interest of the community to appeal and/or litigate FEMA's Preliminary Flood Maps after they are published.

NOW, THEREFORE, BE IT RESOLVED AND HEREBY ORDERED BY THE BOARD OF SKAGIT COUNTY COMMISSIONERS,

Section 1. The Skagit County Public Works Department is directed to continue working cooperatively with FEMA to ensure the most appropriate data and information is utilized in the Skagit River Flood Insurance Study and development of the updated Flood Insurance Rate Maps.

Section 2. The Skagit County Public Works Department is directed to work with the County's consultants to conduct necessary analysis for the preparation of alternative Flood Insurance Rate Maps in accordance with FEMA guidelines utilizing supportable data and other information available, and seeking to eliminate unwarranted reliance on precautionary assumptions.

Section 3. The Skagit County Administrator, together with the Public Works Department, is directed to work in conjunction with the Office of the Prosecuting Attorney to develop successful appeal and/or litigation strategies consistent with the goals and objectives of this Resolution.

Section 4. The Board of Commissioners requests the Office of the Prosecuting Attorney to develop and prepare, if necessary, for an appeal of the Preliminary Flood Insurance Rate Maps in accordance with 44 C.F.R. 67. The Board of Commissioners also requests the Office of Prosecuting Attorney to develop a Professional Services Agreement for the professional services of Slade Gorton, esq. and Bart Freedman, esq. of the Kirkpatrick & Lockhart Preston Gates Ellis LLP law firm, to assist in matters related to this Resolution, amount not to exceed \$50,000 without express Board consent, subject to appropriate subsequent Board and other requisite approval of the terms and conditions of said Professional Services Agreement.

Section 5. County Administration and the Public Works Department are directed to work with cities, dike districts and other affected parties in a unified community effort to develop alternative Flood Insurance Rate Maps consistent with supportable data and analysis.

BE IT FURTHER RESOLVED, Skagit County Public Works Department staff shall regularly report to the Board of Skagit County Commissioners its progress in continued efforts to work cooperatively with FEMA and the Cities of Mount Vernon and Burlington to develop Flood Insurance Rate Maps that most appropriately reflect the risk of Skagit River flooding in Skagit County.

PASSED this 8th day of October, 2007.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Sharon D. Dillon
SHARON D. DILLON, Chair

Don Munks
DON MUNKS, Commissioner

Kenneth A. Dahlstedt
KENNETH A. DAHLSTEDT, Commissioner

Attest:

Linda Hammen, Assistant
~~Joanne Giesbrecht~~
Clerk of the Board

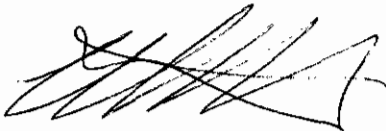
SKAGIT COUNTY
Resolution # R20070500

Approved as to Content:



Gary Rowe
Skagit County Administrator

Approved as to Form:



William Honea
Chief Civil Prosecuting Attorney