



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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March 13, 2009

Margaret Fleek, Director
Planning & Community Development Department
833 South Spruce Street
Burlington, WA 98233

RECEIVED

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PLANNING DEPT.

Dear Ms. Fleek:

Re: Burlington/Dike District #12
Draft EIS on Flood Hazard Mitigation, February 13, 2009

Thank you for sending a copy of the Draft Environmental Impact Statement referenced above, and for the opportunity to review this document. Our review is focused only on the levee upgrade and construction elements of the DEIS.

Overall, the DEIS is lacking in detail and specificity regarding the impacts of enlarging existing levees and constructing new levees. Levees in Burlington and in the Lower Skagit Delta in general are major physical facilities that have major impacts. But it is unclear from the DEIS just what is being proposed. Following are some examples supporting this conclusion:

Page 6, Construct 100-year levees “in appropriate locations.” The DEIS does not identify levee segments that will be upgraded or constructed to the 100-year standard. Is this the entire levee reach throughout the City of Burlington? Through the many miles of DD 12’s jurisdiction? There is no discussion of what “appropriate locations” are or how they were determined. The location is important in order to identify uses subject to impacts from levee work, including upstream and downstream impacts as well as impacts across the River.

Page 12, Certified levees and insurance. There is a statement that: “With certified levees, flood insurance may become optional in some locations.” These locations need to be identified; are they most of the City or only portions of the City? There should be enough technical information to show what parts of Burlington will and will not be protected to the 100-year standard, but that information was not found in the DEIS. Lacking this information, one cannot assess the effectiveness of the proposed projects.

Page 15, Use of most accurate hydrology and hydraulics. An objective of the proposal is to ensure that the most accurate modeling is used to generate new Base Flood Elevations (BFEs) so that levee elevations are certifiable. The presumption in our review is that at least some of this work should have been done for the DEIS so that reviewers will be able to assess the impacts based on at least one set of hydrology figures.



Page 18, Downstream impacts from levee certification. The statement is made that: "Levee certification may result in more water moving down the river past Burlington. . . ." This is precisely the kind of information that is lacking in the DEIS, i.e., specifics on the increased flows that will result from rebuilding or constructing the new levees. The impacts need to be quantified.

Page 18, Levee setbacks. The DEIS states that levee setbacks are planned through the three-bridge corridor. Is this the only area where setback levees will be used, or will there be setback levees on other parts of the system, and will all of these be certifiable levees? Will the setback levees have significant benches between the River and the levee in order to grow trees and brush for fish habitat? Setback levees will have a greater chance of complying with the NMFS Biological Opinion as it relates to the levee Reasonable and Prudent Alternative.

Page 19, Proposed action. The proposed action is to: ". . .construct 100-year certified levees in appropriate locations, and provide other flood measures as necessary and appropriate based on FEMA's final Flood Insurance Study, when this study is adopted following resolution of any appeals." Presumably, the FEMA study will choose between either the Corps of Engineers or the PIE hydrology, and a table on page 20 shows differences in impacts between these two sets of hydrology. However, there is not nearly the degree of specificity discernable from this table for the reviewer to assess impacts. Also, it may be difficult to certify only certain segments of a levee system, given the need to tie into high ground, etc.

These examples highlight the fact that the DEIS does not adequately specify impacts of what appears to be a major levee building proposal. The document needs to show in quantifiable terms based on hydraulic analyses the upstream and downstream impacts, as well as the impacts across the River in the City of Mount Vernon and, if applicable, in unincorporated Skagit County.

Another general concern we have is that the project is proceeding outside of the context of a comprehensive regional approach to flood hazard reduction in the Skagit Delta. While we applaud the City for its initiative, the DEIS calls for regional considerations but does not present a holistic framework for solving flood problems in the larger area. The Corps of Engineers' General Investigation (GI) is a comprehensive approach to solving flood problems, and has many measures that are currently being considered that could have serious impacts on the proposed levee project. The DEIS does acknowledge the GI on page 11 and references some measures that would be supported in the regional approach (Nookachamps storage and Sterling bypass, both of which have been criticized by committees dealing with the Comprehensive Flood Hazard Management Plan revision).

Following are other comments on the DEIS besides those regarding impacts of enlarging or building new levees:

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Page 6, Corps of Engineers General Investigation. The DEIS states that the Corps/County GI will not be completed until 2018 “at the earliest.” While the GI process has taken a long time, the information that we have indicates a completion date of between 2010 and 2012.

Page 6, flood insurance increases. The DEIS states that: “No action will generate extremely high flood insurance premiums for the families that live in the community.” This is not true. Burlington’s average annual premium at this time is \$703, which is less than Skagit County’s overall average premium of \$784. Premiums will not increase because as stated in the DEIS, flood insurance is grandfathered for existing buildings. Below-grade crawlspaces should have been properly regulated since November 2001, and those that were built before then have a couple of options to assure they will not be rated as basements. Any new construction will have to comply with Burlington’s flood ordinance, which means flood insurance will not be “extremely high” unless variances are granted or mistakes are made.

Response to Skagit County comment letter. The City’s response to Skagit County’s August 27, 2008 letter stated the following: “The goal of the program is to retain BFEs at or near their present levels in order to maintain the City’s ability to provide economic opportunity for its citizens and the region. The goal is **not** to completely remove the City from the floodplain.” This is also referenced in the table on page 20 of the DEIS, viz., that BFEs will be retained at near the status quo if levee segments are certified and parts of the City will be out of the floodplain. The DEIS does not provide specifics on what parts of the City will be protected by certified levees, and what the “status quo” BFEs would be, based on detailed engineering analyses and quantifiable numbers.

Our comments are only from the perspective of the State’s floodplain management program. They do not include reviews from the perspective of the Shoreline Management Act or Section 401 Water Quality Certification.

Thank you for considering these comments. If you have any questions, please feel to contact me at (425) 649-7139.

Sincerely,



Charles L. Steele
Floodplain Management Specialist

cc: Dan Sokol, Ecology
Bob Fritzen, Ecology
Geoff Tallent, Ecology
Mark Carey, FEMA