

Skagit Planning Department Meeting re: Gages Slough

April 5, 1984

Persons in attendance:

Bob Schofield – Skagit County Planning Dept Director

Betsy Dwire – Skagit County Shorelines Administrator

Otto Walberg – Skagit County Assistant Planning Department Director

Don Nelson – Skagit County Public Works Department Flood Control Section Manager

Gene Sampley – Skagit County Public Works Director

Linda Arentzen – Soil Conservation District

Ray Henery – Burlington Mayor

Stan Kersey – Burlington City Supervisor

Rod Mack – Department of Ecology

Herb McElvaine -- FEMA

Schofield: During May and June of 1983 the County held several hearings in response to a CFOG petition in which they asked to include Gages Sough in the County Shorelines Master Program. Hearings were before the planning commission. Turned out to be inconclusive. I wrote a general summary to the County Commissioners as a result of those hearings. **Planning Commission found Gages Slough to be an important and necessary natural drainageway, which is being destroyed by encroachment and filling, and lack of action to regulate by Skagit County and the City of Burlington.** Planning Commission recommended comprehensive study in cooperation with City with objective of arriving at solution, which would maintain slough as a watercourse without losing local control. County Commissioners directed Mr. Sampley and myself to initiate cooperative effort to find solution to the problem. We formed a task force which included he and I and Otto and Betsy and Don Nelson. Also include Linda Arentzen from the Soil conservation District and Bob Boudinot from Burlington. We talked about a number of possibilities; some of them were; to do nothing, to include it in the Shorelines Program, to

1 form a drainage district; to form a sub-flood control district; or to form a professional drainage
2 ordinance; to installing a pump to handle immediate needs; to have Burlington form a drainage facility
3 all along the slough. After looking at the information we needed to arrive at a solution we needed a
4 detailed topographic map; we needed a comprehensive hydrology study to determine what goes in and
5 what goes out, what current capacity of slough is and what are projected needs. We needed a water
6 quality determination; we need to understand the environmental considerations. We need information
7 to understand the FEMA floodplain/floodway program. We know that there is more water flowing into
8 the slough then what there is flowing out. We need to know where its going. We need to know legal
9 requirements of the Sub-flood control zone solutions; we need analysis of permitting process.

10 When we listed all these things we were overwhelmed with things we didn't know about the
11 slough. We found that we couldn't develop a management technique for the slough without knowing
12 what the entire problem was. So we suggested to the Commissioners that we: 1) install a pump to take
13 care of existing drainage problems, on a temporary basis; 2) that Burlington adopt a drainage ordinance;
14 3) We undertake joint action to conduct comprehensive study to find out the things we didn't know.
15 The County Commissioners suggested we request a technical opinion from the Department of Ecology
16 as to why the lower portion of Gages Slough was not included in the original shorelines designation
17 maps given to us for our Master Program. If this portion was not eligible it would be to our advantage to
18 know that. It would be to our advantage to know if it was eligible in their opinion. Last, we did ask DOE
19 last fall for clarification. We received an answer and it is included in the handouts. Summarized in third
20 paragraph. He says, "During the fall and winter, department staff travelled the entire length of Gages
21 Slough and reviewed the extensive files relating to Gages Slough. According to staff, portions of the
22 slough do contain wetland vegetation. However, the slough has been so altered through the years that
23 it consists of a series of ponded areas rather than a flowing body of water. It collects waters from
24 upland drainage and does not normally demonstrate connection to the Skagit River. Moreover, the
25 Skagit River dikes do provide some measure of protection. Inclusion of the slough under the shoreline
26 jurisdiction as a shoreline or as an associated wetland, based on information presently available does
27 not appear warranted at this time. **NOTE: DOE LTR DATED MARCH 7, 1984.** So I guess that a study
28 should be delayed until the flood insurance issues are resolved. It is likely that the resolution process
29 will provide you with usable basic information and also clarify areas where further information should
30 be generated. I'll ask Rod to comment on that later. Once the flood insurance issues are settled, I feel
31 that we should reexamine the status of Gages Slough.

1 These suggestions were passed on to the County Commissioners' and they concurred with our
2 approach and authorized us to include some money in our budget for this year on part of that study.
3 And authorized us to approach the DOE to see if we couldn't solicit some help and funds from them
4 while we were awaiting those answers. We have approached Brown and Caldwell to take what we felt
5 should be contained in the study. We included what they came up with in your handouts today. **NOTE:**
6 **TITLE OF DOCUMENT WAS GAGES SLOUGH COMPREHENSIVE DRAINAGE STUDY.** That formalizes what
7 information we thought we needed in order to solve this problem. That's about where we are now. We
8 haven't progressed very much. We have been waiting for everyone to get together and start off on it. I
9 would like to say this; it became apparent to us after we got into this thing that the Gages slough
10 problem, really has nothing to do with rather or not we have a mall coming or not. The problem exist, it
11 may be heightened by the mall there, but we need some kind of a resolution of Gages Slough. We
12 regard the problem with Gages Slough as totally independent of the mall. I just wanted to make that
13 perfectly clear, it's totally independent of the mall. If the mall falls by the wayside, we still need to do
14 something with Gages Slough.

15 **Arentzen:** Gages Slough has been a hot item way before the mall was ever proposed. There have been
16 things in the past proposed and they failed. Still the problem has gotten worse over the years. It hasn't
17 gotten any better. The pump station is really needed and it would be nice if all of us could pull our
18 resources together to get something accomplished. Burlington is going to be there and going to have
19 development going on and it would be nice to take care of the drainage problems that exist.

20 **Mack:** We have gone over the proposed study of Gages Slough. In fact, we have had a couple of our
21 hydraulic engineers take a look at it. In terms of funding, we view it as a sort of worthwhile undertaking.
22 The kind of funding were talking about comes through NOAA's Coastal Fund Management Program. We
23 will try and get this money through Bobs office. If the county identifies this as one of their high
24 priorities, we think they could be eligible for a grant. We think grant funding to be approved within a
25 month and to become effective September 1st. That doesn't exactly coincide with your project I guess
26 but...

27 **Sampley:** Can work proceed and still be eligible for funding?

1 **Mack:** Yean, there's a match requirement anyway under the grant. It's a 80-20 grant and we would
2 want to formalize that agreement before we get into that. Whatever work you would do would be
3 included in expenses for grant. Technically, we can't compensate you for work before we get the grant.

4 **Schofield:** We could start projects with our money and when your money became available.....

5 **Mack:** Yeah, we could pick it up wherever you are at that point. What I'm saying is we can't approve
6 outright expenditures until we get the grant. Our initial reaction to your proposal is good and I think
7 there is support. There is some questions raised about the topographical information. Given the
8 discussions ongoing with FEMA and the Corp about elevations we kinda wondered if there isn't some
9 kind of information that would be generated there that would answer some of the same questions.
10 What you are proposing seems to be in terms of dollars, on the topographic maps. That's expensive
11 information. Didn't seem like you are going to e getting an awful lot for that amount o money. We have
12 asked FEMA to take a look at in terms of the elevations on the river what we have been using historically
13 for the issuance of flood control zone permits. To attempt to resolve the discrepancies between the two
14 agencies. We don't have strong overwhelming preferences one way or the other.

15 **Henery:** Is FEMA doing some more work in that area?

16 **McElvaine:** Well, no we are waiting for the official appeal. What has happened here is through the
17 years how many maps have we made, how many times have we went back and forth on this. Our
18 national office has come to the point where they said, "We're not going to spend anymore money." And
19 so, essentially the last revision was what we had to work with. So we are really kind of encouraging
20 unofficially the technical appeal. Because part of the process of instituting a study like this is to go
21 through the public meetings, which we did in Mt. Vernon and then go through the 90 day appeal
22 process. And if someone offers some technical information that would substantiate an appeal then we
23 would have to answer that. So the state in their asking for the resolution in the Corp data and the
24 Dames and Moore data through the appeals process then our agency will have to answer that. So we
25 think this is a way to get our agency to continue to do that little bit more work that we think needs to be
26 done. To get the Corps and Dames and Moore to agree on a set of technical data. So you have a few
27 days left to submit your appeal.

28 **Mack:** Formally we have not technically submitted an appeal, at this time.

1 **Schofield:** If you did submit an appeal and FEMA did authorized some more work what's the period that
2 that would take?

3 **McElvaine:** I can't honestly say. Cause Dames & Moore is the technical contractor for three regions.
4 It's a matter of workloads for them. Getting them to come out and meet with the Corp and then go
5 back and produce final set of maps. Appeals have run anywhere from 30 days to two years.

6 **Henery:** What if no appeal is submitted?

7 **McElvaine:** Then we go with the Dames & Moore data.

8 **Henery:** That we have now?

9 **Kersey:** Gosh. We only have a couple of days to go before the 90 days is up.

10 **NOTE:** General discussion then took place with multiple speakers concerning Gages Slough topo study
11 would be more accurate than either Dames & Moore or Corps data. Discrepancy between those
12 elevations were two to three feet.
13

14 **Nelson:** That's a lot of water.

15 **McElvaine:** One slight problem along that line. Dick Regan of the Corps has been hurt in a motorcycle
16 accident. He'll be out for at least 30 days. He's Corp man needed to resolve differences between FEMA
17 and Corp data.

18 **Henery:** Well I have concerns. We've been dragging this thing on and studying it to death. I think its
19 about time we come to a conclusion. Get this thing resolved. I just had a call this morning. The concern
20 was is DOE still not accepting this new map from FEMA.

21 **Mack:** We aren't at this time. We've been meeting and working with the Corps and FEMA. We just
22 can't believe that there could be a three foot discrepancy. With no more real certainty with the Dames
23 & Moore report than the Corps data. The Corp is still confident with their information. So we've got a
24 catch 22 until this is resolved.

25 **Henery:** The thing that is bad I think that it is all wrong that we are caught between two agencies. I
26 just don't think it's right. Down in the City of Burlington we don't have two bosses. We have one boss.
27 And rather I'm right or wrong I'm still the boss. If Stan or someone disagrees with me we'll sit down and

1 talk about it. For them to disagree with me and then go across the street and tell someone I'm not right,
2 well, I've been in private enterprise for 63 years, I guess basically, and it just upsets me, it really perturbs
3 me, to think that we have two separate identities that are controlling our destinies. I just think it is
4 wrong.

5 **Kersey:** Worse than that, we are doing the typical thing that people hate so damn much about
6 government; we aren't able to give anybody an answer.

7 **Henery:** Like I told the man this morning; he wants to build a house on his lot. I've known the guy for
8 years. I said, "Gosh, don't give it to me, I'm between a rock and a hard place. We got two operations
9 and if they know what the hell they are doing are not I don't know." We've got our hands tied and you
10 know what people think of this kind of operation. America was built on the process that if I own a piece
11 of property leave me alone, and it just puts us in a heck of a position. I just think that it is wrong that we
12 are between DOE and FEMA and neither one of them will give us an answer. **They want to study**
13 **something some more. I think the time has come that we should do something.**

14 **McElvaine:** Looking at it from the other side I can understand certain of your points. **Our point is that**
15 **we are stuck. There's not enough money out there. We've got 11,600 flood prone communities out**
16 **there. Skagit Valley is not the most important one. So they're reluctant to spend any more money.**
17 **Compared to the Mississippi the rest of us are peanuts.** I'm saying that to do it right, the way we'd all
18 like to do it, what would you guess the cost would be? To come in and survey this delta, and we're
19 looking at an alluvial fan here, and this is where we are getting into a difference of philosophy here, in
20 order to resolve it, and it can be resolved, we're talking big money.

21 **Henery:** So what are we supposed to do in the mean time?

22 **McElvaine:** I don't know.

23 **Henery:** See we went to the Corp of Engineers when I was on the City Council and said help. They said,
24 it's your problem, we're not going to get involved. So we go along that way. Now the Corps of
25 Engineers comes in and says its not your problem, we're going to take care of it. So we don't know
26 which way to turn. You see what I mean. I've been a Burlingtonian for a few years and these people
27 come to me, and well I can't even go downtown anymore. I was down at the restaurant across the
28 street this morning and folks come in and said what are we going to do? You see the folks are getting,

1 and I can't blame them, here's a man, going back to the guy this morning, he's got a lot, its paid for, and
2 he wants to build a home on it. I just don't think that it is right that the citizens that we have to put up
3 with that. I feel so strongly about it.

4 **McElvaine:** Well we happen to agree. That's why we say unofficially we can't go out and order the
5 state to appeal because we are supposed to keep the appeals to a minimum, but unofficially we
6 welcome the appeal so we can resolve this difference.

7 **Henery:** What's it going to do, what's it going to do if they do or not or don't? How's that going to
8 affect us? Let's say we're not going to get an appeal. They're not going to appeal so now what are we
9 going to do? So what's Burlington to do?

10 **McElvaine:** Then we're looking at the last Dames & Moore map.

11 **Henery:** Is that the one we got now?

12 **McElvaine:** Yes.

13 **Henery:** So that's the one we're going to go on if there is no appeal?

14 **WalBerg:** Is that the good one or the bad one?

15 **McElvaine:** That's the last one.

16 **Henery:** This is my concern; I think we owe some of our people some answers that are straight forward.
17 I'm not too good a politician when it comes to speaking around the corner either its black or its white.
18 What are we going to tell our folks? Let's say it does happen. Let's say they appeal then what do we
19 do? What's going to happen if we do get the appeal?

20 **McElvaine:** Then this would force Dames & Moore and the Corps to sit down across the table and try
21 and work out the technical aspects of it so we can come to an agreement.

22 **Henery:** It's just going to take more time yet? Are we just going to be setting here on a teter totter?

23 **McElvaine:** I'm afraid so. Until we get this resolved. Well it will be a matter of months at the very
24 earliest cause Regan was working on it, he was going back in all the Dames & Moore stuff. When I was

1 up here two weeks ago on a related matter we drove up and check out the highway and Burlington
2 Northern tracks. That's where the Corp had some concerns with regards to Dames & Moore data.

3 **Nelson:** The water will come into Burlington first over Highway 20, which is adjacent to Gages Slough.

4 **McElvaine:** Yeah.

5 **Henery:** Are we going to do anything about Gages Slough then until this thing is resolved between the
6 state and FEMA?

7 **McElvaine:** Well I guess but the states recommending you don't.

8 **Kersey:** Well I don't think they necessarily are. If I've heard what he has said if we need this sort of
9 information that we are proposing here to do it right and he's saying that we may need all of this but
10 maybe FEMA should be involved in part of it, and there isn't any money available until September. Why
11 not submit an application for these funds now and get DOE's response to that application and it could
12 be contingent on rather FEMA can come in or not but we know now or at least fairly soon what's going
13 to happen. At least we're taking some action as to getting somewhere.

14 **Henery:** That's what I want to do, get something going.

15 **McElvaine:** Let me say one other thing that is important here. Chuck Steele from our office has been
16 involved and he's out of town this week so I'm more or less sitting in for him. When we finished the first
17 study it was done by the Corps of Engineers and as you remember we came up with some rather high
18 elevations. We just about put the City of Mt. Vernon out of business. It was Chucks tenacity he said
19 that doesn't look right. We ought to be able to give them some better elevations than that and he was
20 instrumental in getting Dames & Moore involved. That's what has caused our problem because Dames
21 & Moore said data should be changed. Base flood elevations should be lower than Corp had it. While
22 we are in this bind right now I think the net result will be that the man that has this lot that you are
23 worried about while he might have to wait a couple of months and will come up with a heck of a lot
24 better elevations to build to and everybody in the future will have better stuff to work with. You won't
25 be jacking houses way up into the air or telling the guy it's impractical to build on your lot.

26 **Henery:** If I could tell him that he would feel a lot better.

1 **Kersey:** Well there's potential but Dames & Moore are a reputable firm, they are all over the country.
2 We dealt with them in Auburn. DOE I doubt rather they are really questioning the truthfulness of the
3 report, just the fact that there is so much difference in the two studies.

4 **Mack:** Exactly. I don't care where it ends up.

5 **Kersey:** What makes me mad is that we're playing games now and probably this report is going to stand
6 that they have given us but unfortunately we got the questions in-between and governments playing
7 their little games.

8 **McElvaine:** The long term result I believe will be much better, much more workable elevations for the
9 whole valley.

10 **Kersey:** Back to the grant. The county may have put up some money but I know they don't have any
11 money to spare and I know Burlington doesn't have any. We need to get where we can get some money
12 some help financially. At least we can start the process.

13 **Schofield:** It seems to me that its going to take us 30 to 60 days to negotiate a work schedule with Rod
14 and his people and to pick a consultant to get ready to go. I don't know why we can't get started on
15 that phase of it. Maybe by that time we'll know whether we are going to go with FEMA or not.

16 **Kersey:** We got to go to the council for authority to do anything and we have to know what we're going
17 with. I think that if we tell them we need \$55,000 bucks or something well no way. They're going to
18 raise the same questions that FEMA or anybody else is, where do we get the money from.

19 **Schofield:** I think we would like to start that phase of it right now. As it stands now you don't have
20 anything to go to the council with and I don't have anything to go to the commissioners with so let's
21 start these negotiations, get an agreement with DOE, get something in hand.

22 **Mack:** That something in hand will allow us and FEMA to know exactly what the scope of the study is
23 and maybe where some of that information that they potentially will develop fits in and could be slightly
24 modified to fit your needs.

25 **McElvaine:** I honestly don't see a lot of our going out and doing a lot of surveying. I think the resolution
26 of this problem between Dames & Moore and the Corp is going to be more on the study technique. I

1 think they are going to go on the information they have. I'm saying I don't know if there will be a lot of
2 useful information generated useful to you and Gages Slough.

3 **Henery:** Just so I got the picture clearly what we are going to do is, start the process to get the Gages
4 Slough resolved. That's all we're going to do now. I mean are you going to study it some more? Is that
5 what we are going to do?

6 **Kersey:** Yeah, to provide information to make a decision on.

7 Henery: I think you ought to take a dragline down there, clean it out and let it run. You might kill a fish
8 or a crawdad or two. My kids played on that dumb thing 30 years ago and there wasn't anything down
9 there but green slime.

10 **Schofield:** I don't think there is now.

11 **Henery:** There isn't Bob.

12 **Schofield:** The problem is that you don't know that and I don't know that.

13 **Henery:** Well I'd be willing to make you a bet because it's within 300 feet of my house. Well anyway, is
14 the fisheries department involved in any of this?

15 **Nelson:** Game.

16 **Schofield:** Game department was invited today and I don't know where they are.

17 **Henery:** Why would they be involved? Why is the game department involved?

18 **Nelson:** They say there's bass there. It's a game fish. Game gets involved with the habitat issue.

19 **Henery:** Where do we go from here? What do we want to resolve, that study?

20 **NOTE: TAPE TURNED OVER.**

21 **Henery:** They'll come back with a recommendation?

22 **Schofield:** This is what planning ought to do and what you Burlington ought to do in order to take care
23 of the long range program with regards to Gages Slough.

1 **Henery:** How long do you anticipate this to take?

2 **Schofield:** I would anticipate that it would take a season.

3 **Henery:** You mean we are going to go another year without this thing being resolved.

4 **Sampley:** Just to be quite candid, if this approach is taken, yeah! I would guarantee it. My opinion is
5 that there is a variety of solutions to the thing. Technically, its not as big of a problem as it is to get
6 everybody to agree.

7 **Henery:** Gene you said exactly what I agree on. Exactly. I think we are making a mountain out of a
8 molehill.

9 **Sampley:** In order to resolve this I think we need to walk through this process and it's been a problem
10 for 50 years of something like that and if one more year will bring this to the point where we can put the
11 hammer down on it I think it's worth that extra year. I think that with the pump we're putting in it will
12 resolve an immediate problem from the county's perspective.

13 **Henery:** Are we going to put the pump in regardless of.....

14 **Sampley:** Yes.

15 **Henery:** We're going to do that right now?

16 **Sampley:** We're moving ahead. We just sent a letter to you saying we got the permit.

17 **Dwire:** We haven't gotten one from DOE yet.

18 **Sampley:** We almost got the permit. It's gotten through the tough guy already.

19 **Kersey:** May I help you with a problem that you may not be aware of yet? Do you have right-of-way to
20 cross Mccorquedale and Pulver?

21 **Nelson:** Mccorquedale to Pulver? We have right-of-way on the west side through Carstens Place.

22 **Kersey:** I got a hunch that something is blocking that ditch between Mccorquedale and Pulver. I'll put
23 five bucks on the table right now and bet on it. Something's in there that shouldn't be in there.

24 **Nelson:** Could be.

1 **Kersey:** Cause I have been watching real close. First of all I drive by Pulver all the time. I need to check
2 the logs at the bridge cause that's been a concern of mine since I've been here. That ditch at
3 Mccorquedale is bankful or over. You look at it from I-5 and its big. Kinda a miniature Mississippi River.
4 But at Pulver its way down and where it goes into the pipe over there by the trailers it isn't half full. It
5 has never been more than three quarters full. But that's flooding as high as its ever been since I've been
6 here. Before the ditch was cleaned and I know something's in there and I've also been told that there
7 are logs and stuff over on Dynes property but I know that the Slough is up higher then it should be.

8 **Nelson:** Well I was just over there a week ago Stan. I went down to the outlet. I would estimate there
9 is two foot of water over the outlet pipe. The river was down and I went down to the outlet and the
10 outlet is running every drop of water it can run. It's shooting water out that far.

11 **Kersey:** Just looking at the pipe though on the east side at the pipe going under the trailer park it isn't
12 half full now and it's still flooded over at Mccorquedale. It has been for weeks. You can tell at
13 Anacortes how much higher it is and I was told by people who have walked the railroad tracks theres
14 logs in the ditch behind Dynes.

15 **Nelson:** There's blockage all the way? I don't know what could be in at Mccorquedale and Pulver; we
16 just got done cleaning it.

17 **Kersey:** But Brendels been in there with his stuff. I don't know if he's caused something there or not
18 but I'm willing to bet something has been done.

19 **Nelson:** I'm a little cautious about that cause he might take a shot at you.

20 **Kersey:** All the pumps in the world aren't going to help you if you can't get through.

21 **Nelson:** Oh true enough but its got to be down as much as it has been in the past. We do have to be
22 careful that we don't pull it down too low. We don't want to drain Gages Lake.

23 **Kersey:** Yeah but if we are at the top of the bank on both sides of Mccorquedale now then we got a
24 problem if it ever starts raining.

25 **Sampley:** We didn't replace the pipes on Mccorquedale.

1 **Kersey:** It's on both sides, both sides. It's up to the bank on Brindles side. Not quite as high but its up
2 to the top.

3 **Nelson:** Of course, if we pull the water down with a pump we are increasing the velocity and this would
4 allow for more water to flow.

5 **Kersey:** Sure looks like a blockage.

6 **Henery:** How soon are we looking for the pump to be in?

7 **Schofield:** Tell them what you heard yesterday. We issued a shoreline permit and the CFOG people are
8 going.....

9 **Dwire:** Going to appeal it to DOE. Both the environmental determination of negative significance and
10 the shoreline permit so we may be into some litigation. If its taken before the Shorelines Hearings
11 Board which may be who knows when.

12 **Sampley:** But CFOG didn't even show up for our hearing.

13 **Nelson:** I thought that you said they had to make all their protest at out hearing.

14 **Schofield:** But they've got 30 days to appeal before DOE.

15 **Mack:** Then they can go on to the Shorelines Hearing Board.

16 **Schofield:** That's what takes the time.

17 **Nelson:** That can take years.

18 **Henery:** So could we be tied up then and maybe never get the pump in? See this is the thing, aw I don't
19 want to get started. So what happens now?

20 **Schofield:** Proceed like nothings going to happen. Proceed like we're going to do this study. Start
21 negotiating with Rod, see if this thing gets resolved in the interim.

22 **Henery:** Who initiates it, you?

23 **Schofield:** Yean, we would like to work with Bob Boudinot if you can.....

1 **Henery:** That's find. He'll understand it.

2 **Schofield:** It would be us, Bob Boudinot and we'll negotiate with Rod.

3 **Henery:** Let's do it. We got to get off dead center and get something done.

4 **Kersey:** As much as I hate studies if we're going to end up fighting about something you got to have
5 something to base your fight on.

6 **Schofield:** Yeah, we have got to be able to defend our position. Sorry Mr. Mayor.

7 **Henery:** Well I'm from the old school. When you had a job to do you just do it. But anyhow lets do
8 something so we can get it started. Okay, that's it.

9

10

11