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**RE: FEMA Map Appeal**

Gentlemen,

It is our understanding that FEMA plans to initiate the appeal period for the new Skagit Basin FIRM maps in the near future. In our September 2010 meeting with the mayors and commissioners, we discussed that you would be providing the County with a proposed appeal plan. The idea was that this would allow the County to contemplate financial participation in the cities' appeal.

We have received a public document in the past few days that contains few details, but have otherwise not been invited to participate in formulating an appeal plan. It is our understanding that the cities' appeal plan has generally been cloaked in secrecy – for example, Burlington city council members were allowed to see but not keep a copy of the appeal plan.

As the Board of Commissioners made clear during our September meeting, the County must be involved in the front-end planning of the appeal on an open and transparent basis if the County is to financially participate in an appeal. Nevertheless, at this point we have literally no idea what the cities plan to appeal, what technical information will form the basis for the appeal, nor what legal

theories will be asserted – and so forth. Once the appeal is filed, the opportunity to participate in forming the appeal plan will be foreclosed.

We understand that the cities have collectively allocated \$150,000 for the appeal. In our experience, the amount of time and money involved in battles of this nature seldom if ever stay within the bounds of pre-conflict predictions.

For example, few County officials in office in 1995 would have predicted that the dispute over farmland fish buffers would involve paying Seattle law firms more than \$5,000,000 over the course of a decade. And few in 2001 foresaw that many more millions would be paid to outside law firms to pursue water rights litigation in the Skagit River Basin. Speaking from substantial experience, outside counsel is easy to hire and complex disputes are easy to start, but the costs are exceedingly hard to control once started. With this mind, given the likely costs of this endeavor and the extensive efforts already funded by the County that have reduced the base flood elevation, we believe it important that the community proceed with a plan that is likely to accomplish clearly defined objectives.

We presume it is not the cities' intention to initiate an appeal without the County's input and then later seek the County's financial participation. Given the cities' budgetary constraints and comments by Mayor Norris during our September 2010 meeting, it seems a virtual certainty that the cities will be asking Skagit County to financially participate in the cities' appeal effort in the not too distant future. While we continue to have grave concerns about a technical appeal based on Pacific International Engineering's (PIE) work product, it is even more important that all jurisdictions in the Skagit River Basin work on a coordinated basis in dealing with the new FIRM maps.

The new FIRM maps have been published in their final form, the technical information underlying them is publically available, the cities' technical criticisms are well-known, and the appeal period will start in a matter of days. With this in mind, it is difficult to comprehend the reason for the extensive secrecy in which the cities' appeal plans have thus far been shrouded. From our perspective, any perceived need for secrecy is considerably outweighed by the need to justify the extremely large and highly unpredictable expenditure that local government is on the verge of undertaking. The new FIRM maps may well have intolerable impacts, but proceeding precipitously will only add insult to injury.

With the foregoing in mind, we invite a more open discussion about the cities' plans to appeal the FIRM maps if the County is to be later asked to financially participate in the appeal.

Very Truly Yours,



Will Honea  
Chief Civil Deputy

cc: Richard Weyrich  
Board of Commissioners