

**A RESOLUTION DIRECTING COUNTY STAFF HOW TO PROCEED
WITH CONTESTING FEDERAL EMERGENCY MANAGEMENT
ADMINISTRATION (FEMA) 100-YEAR FLOOD MAPS**

WHEREAS, flooding of the Skagit and Sauk River systems adversely impacts the health, safety, and economy of Skagit County and the State of Washington; and

WHEREAS, the Federal Emergency Management Administration (FEMA) is currently updating its flood maps associated with the Skagit River that identifies the likely inundation by a 100-year flood event; and

WHEREAS, Skagit County (County), the Dike Districts, and Cities and Towns of Skagit County desire that the updated FEMA flood maps accurately depict the 100-year flood event and that the maps are based on hydrology derived from the best available science, data, and methodology; and

WHEREAS, the County and the Cities of Mount Vernon and Burlington and Dike Districts 1 and 12 have initiated a joint effort to contest FEMA's flood maps with a strategy of ensuring any proposed 100-year map revision is reviewed and accepted by an independent three-member scientific panel; and

WHEREAS, the Board of Skagit County Commissioners adopted Resolution No. 20070500, authorizing staff to retain the law firm of Kirkpatrick Lockhart Preston Gates Ellis LLP as counsel to develop a potential strategy to appeal FEMA's updated flood maps; and

WHEREAS, counsel has successfully persuaded FEMA to consider the formation of a three-member scientific panel, with a charge to review and determine the most accurate hydrology for the Skagit River system; and

WHEREAS, the County is committed to spending resources necessary to scientifically determine the most accurate hydrology associated with the Skagit River, including investigation of high-water marks in the Crofoot area to evaluate the magnitude of the 1897 and 1909 flood events, as well as a Paleoflood Investigation in the Dalles area to evaluate the magnitude of the 1897 flood event. The County believes such investigation may provide more scientifically accurate information about the foregoing flood events than that relied upon by FEMA to date; and

WHEREAS, the Cities of Mount Vernon and Burlington will be the principal municipal beneficiaries of any reduction in the 100-year flood hydrology and associated base flood elevation, and have to that end represented their intention to pay a reasonable portion of the costs of the appeal and associated technical work; and

WHEREAS, the County has committed substantial resources and has embarked on a specific course of action with respect to this issue in material reliance on public representations by City and Dike District representatives that the costs of an appeal would be shared equitably.

NOW, THEREFORE, BE IT RESOLVED AND HEREBY ORDERED THAT:

The Board of Skagit County Commissioners adopts the following findings of fact:

1. It is in the community's best interest to work jointly with the City of Mount Vernon and the City of Burlington to advance a technical appeal of FEMA's base flood maps.

2. It is in the community's best interest to seek review of the hydrology and base flood elevations by a three-member independent scientific panel.
3. The City of Mount Vernon, the City of Burlington, Dike District 1, and Dike District 12, as the principal beneficiaries of any reduction in the Skagit River system hydrology and base flood elevation, should collectively contribute at least 50% of the appeal costs incurred by the County.

BE IT FURTHER RESOLVED AND HEREBY ORDERED THAT:

Section 1. The Board of Skagit County Commissioners directs the Skagit County Public Works Department to prepare and forward to the Board for consideration necessary contractual agreements, with Northwest Hydraulics Consultants, the Bureau of Reclamation, Kirkpatrick Lockhart Preston Gates Ellis LLP, and other entities necessary to prepare and defend a scientifically accurate hydrology of the Skagit River system before an independent three-member panel.

Section 2. The Board of Skagit County Commissioners directs staff to develop an interlocal agreement with the City of Mount Vernon and the City of Burlington for work associated with preparing and defending a scientifically accurate hydrology of the Skagit River system before an independent three-member panel.

WITNESS OUR HANDS AND THE OFFICIAL SEAL OF OUR OFFICE this 22 day of January, 2008.

**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Don Munks
DON MUNKS, Chairman

Kenneth A. Dahlstedt
KENNETH A. DAHLSTEDT, Commissioner

Sharon D. Dillon
SHARON D. DILLON, Commissioner



APPROVED AS TO CONTENT:

Gary Rowe
Gary Rowe, County Administrator

APPROVED AS TO FORM:

William Honea
William Honea, Chief Civil Deputy
Skagit County Prosecutor's Office

ATTEST:

Linda Hennum, Assistant
Joanne Giesbrecht, Clerk
Skagit County Board of Commissioners

SKAGIT COUNTY
Resolution # R20080037