



February 1, 2012

Gerry O'Keefe
Executive Director
Puget Sound Partnership
326 East D Street
Tacoma, WA 98421

Via U.S. Postal Service and email at actionagenda@psp.wa.gov

RE: City of Burlington and Dike, Drainage and Irrigation District 12 Comments, Puget Sound Partnership Draft Action Agenda

Dear Mr. O'Keefe,

Thank you for providing the opportunity to comment on the Puget Sound Partnership's Draft Action Agenda. This is a coordinated response from the City of Burlington and Dike District 12.

The City and Dike District appreciate the tremendous effort that has been undertaken to develop the draft agenda, and are supportive of efforts to improve water quality in the Skagit River and Puget Sound. We believe the draft Action Agenda's focus on the areas of land development, shoreline alteration, runoff from the built environment, wastewater, and loss of floodplain function is appropriate, and we recognize the difficulty and complexity of developing programs and actions to improve water quality within these categories.

Both the City and the Dike District want to be partners and do our part to both help develop specific projects or actions to improve water quality in Puget Sound, and help implement those projects or actions when consensus is reached. As you know, the City, as a general purpose government, and the Dike District, as a special purpose district, have important responsibilities we are obligated to carry out, many of which touch upon the areas of the Action Agenda's focus. We have knowledge and perspective that can provide valuable insight into developing approaches to improve water quality in the areas the Partnership is focusing on.

Burlington, like many cities throughout the nation, was developed in a river floodplain and gradually grew into its present boundaries, adjacent to the Skagit River. Similarly, Dike District 12's levee system was developed over time, and protects the city as well as a significant area of floodplain to the north and east of Burlington from smaller Skagit River floods. Both the City and the Dike District have a fundamental interest in protecting the city from flooding so that the City may maintain its economic viability, which is central to the quality of life of tens of thousands of Skagit County residents. It is the intent of the City and Dike District to work hard to support this fundamental goal in the most environmentally responsible way attainable.

Many ongoing efforts are already underway: Burlington operates its Storm Water Utility consistent with the requirements of a National Pollution Discharge Elimination System (NPDES) permit under the oversight of the

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Washington State Department of Ecology. The City has budgeted \$300,000 to develop a Comprehensive Management Plan for Gages Slough, which will include a significant clean water component. Additionally, the City has developed a compliance protocol for implementing the requirements of the FEMA flood plain biological opinion, which has been submitted to FEMA for review.

Also, the City and Dike District 12 continue to provide strong support to the Corps of Engineers General Investigation of Skagit River flooding. This investigation continues to provide valuable information regarding floodplain management, including a recent important report detailing the importance of maintaining connection in the Sterling area between Sedro-Woolley and Burlington, where hydraulic modeling indicates more than 50,000 cubic feet per second of water, and nearly 150,000 acre-feet of water, will leave the system in a 100-year Skagit flood event. In addition, the City has taken legislative action annually over the past 10 years to preserve a levee setback corridor between the three bridges adjacent to the City. Future levee setbacks in this area provide the promise of additional habitat restoration in the future.

Dike District 12 is the largest Dike District in Skagit County, and is a partner in flood risk management, along with eleven other dike districts and a number of drainage districts, all special purpose districts which deal with water and flood management throughout the Skagit River watershed. These Districts have been developing and managing flood risks since 1897, and provide protection to over 100,000 residents of the County. More importantly, it is fair to say that every drop of water which flows through the Skagit River watershed and ultimately arrives in Puget Sound, passes through the various Skagit County Dike Districts. Dike District 12 is the largest District and a leader in flood risk management for the entire County. There is also the Skagit County Flood Control Partnership, consisting of a cooperative of five Dike Districts which coordinate flood risk management activities in Skagit County.

Without these Dike Districts, and flood risk management provided, along with environmental and habitat enhancements, an eventual catastrophic flood is inevitable. A disastrous flood will destroy everything in its path, including infrastructure, life and property, environmental and habitat improvements and projects, and all types and ranges of activities done by others to preserve and protect the environment, fish habitat, and clean water. There is nothing more destructive to habitat, environmental protections, or life and property, than the toxic damage of flood waters.

Dike Districts in Skagit County and elsewhere are intimately involved in flood risk management, with numerous other federal and state agencies, most notably the Army Corps of Engineers. The Dike Districts are involved in the emergency PL84-99 repair program with the ACOE, and also in inspections, maintenance, and projects under federal guidelines and regulations of the Corps. During the last decade, there has been much more involvement with habitat restoration, environmental protection, and vegetation and aquatic protection.

Recently, Skagit County Dike Districts have completed a five year program of PL84-99 repairs with ACOE, state and federal agencies, tribal interests, and habitat consultants in repairs and improvements to the Skagit River. This involved extensive Endangered Species Act, section 7 consultation between ACOE, environmental agencies, and the Dike Districts for habitat improvement, aquatic protection, fish species enhancement, and vegetation management. The project was one of the first of its kind in the State of Washington, and cost nearly \$8 million for habitat and environmental enhancements in cooperation with federal agencies and under NOAA's Biological Opinion.

In addition, the City of Burlington and Dike District 12 are engaged in a multi-year levee certification project. A project of this nature, as well as future projects in compliance with the Biological Opinion, can provide critical elements of habitat restoration, consistent with the goals of the Puget Sound Partnership's Action Agenda. City and Dike District staff members are knowledgeable and experienced in water management issues, and are willing to be part of this process in consultation with the PSP.

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Specific comments for Chapter 5, Protect and Restore Floodplain Function:

1) A5.1, Improve data and information to accelerate floodplain protection, restoration and flood hazard management:

A5.1 NTA 1: Burlington and Dike District 12 concur with the recommendation to “work with local levee owners to identify the barriers to implementing levee setbacks and habitat friendly levee management practices and work with key parties to address barriers.” As stated earlier, we see one of the key locations in the Dike 12 levee system to be the floodplain connection between Burlington and Sedro-Woolley, in the Sterling area. It may be that this area can be further investigated in cooperation with the Corps of Engineers, Skagit County, Burlington, Dike 12 and others as a case study to determine how such areas can be enhanced to provide clean water benefits, keep floodplains connected, and reduce flood risk.

A5.1, NTA 3: As the Partnership works with relevant state and federal agencies to draft an action plan to address programs and recommendations for legislative changes, rule amendments, and administrative changes needed to achieve the floodplain pressure reduction target, it will also be crucial to include local agencies and special purpose districts in the discussions to ensure recommendations going forward can be implemented. Therefore, we recommend this NTA include the phrase “. . . work with relevant state, federal, *and local* agencies. . .” In particular, we note that the July 2010 report referenced, entitled “Floodplain Management: A Synthesis of Issues Affecting Recovery of Puget Sound” was written without input from either the City of Burlington or Dike District 12 (or any dike district).

Although the City and Dike District concur with many of the recommended actions outlined in this report, we cannot support several recommendations. Had the City and Dike District 12 been involved in reviewing this report, it is possible some of its recommendations which we do not support, could have been written in language that would be acceptable to all parties. It is much more efficient to have the involvement of important stakeholders before determining recommended actions, than having disagreement due to lack of input. We also note that there has been little input from cities in the Skagit River watershed, nor any input from the Skagit Dike Districts, or any other dike districts in other counties. In our view, any conclusions and recommendations are deficient, if lacking such key stakeholders. As a general comment, the City and Dike District recommend that every document written with the intent of using it as a basis for policy decisions or future recommended actions, be opened to the public for review and comment, similar to a SEPA or NEPA process. It would also be suggested that more emphasis be made on soliciting input and comments from a wider range of key stakeholders.

2) A5.2, Align policies, regulations, planning, and agency coordination to support multi-benefit floodplain management: Burlington and Dike 12 support this near term action goal. With regard to the Salmon Recovery discussion under this goal, the “Levee Vegetation” bullet, we recommend the bullet be changed to read, *“the allowable amount and size of vegetation along Corps certified levees impacts the riparian habitat for many critical salmon-bearing streams and rivers. Opportunities may exist to increase riparian vegetation, consistent with Corps of Engineer levee maintenance standards (or variances to these standards with the approval of levee owners).”* With regard to “Ongoing Programs” under this goal, Burlington and Dike District 12 recommend changing the bullet to read, *“In coordination with the Corps of Engineers and local levee owners, PSP is currently leading the development of new regional levee-based vegetation standards; the standards are expected to be complete by 2012.”*

3) A5.3, Implement and maintain priority floodplain restoration projects: Burlington and Dike District 12 concur with the near term actions as written for this goal. One critically important bridge structure in Skagit County is the BNSF Skagit River bridge, constructed in 1916. This bridge will fail in a large Skagit River flood event and therefore has a significant impact on the floodplain during Skagit River floods. It should be included in any prioritization list of most important roadways and bridges that have the biggest impacts on floodplain functions and floodplain connectivity.

4) A5.6, Incorporate climate change forecasts into floodplain protection and restoration strategies: Burlington and Dike District 12 concur with the near term actions as written for this goal.

Additional comment: The City of Burlington and Dike District 12 strongly support strategic, collaborative partnerships to achieve the salmon recovery and clean water goals of the Puget Sound Partnership. To this end, both the City and the Dike District support the formation of a Local Integrating Organization in Skagit County. This Local Integrating Organization is critical to obtain relevant information from key stakeholders, whose voices have not yet been heard in this process. This could widen the scope of information regarding flood management, vegetation management, drainage and water quality issues which affect the local watersheds, and for the management and protection for these discharged waters when protective actions are still available, before discharge into Puget Sound.

In closing, we would again like to emphasize our appreciation for the Partnership's conscientious work in drafting this update. We appreciate the opportunity to provide this input.

Sincerely,

A handwritten signature in black ink, appearing to read 'STEVE', with a large, stylized flourish at the end.

Steve Sexton
Mayor

C: Steve Sakuma