



FEMA

November 7, 2011

Mr. Tim Devries
Building Official, Skagit County
1800 Continental Place
Mount Vernon, Washington 98273

Dear Mr. Devries:

Thank you for submitting the Skagit County package to demonstrate compliance with the performance standards of the Reasonable and Prudent Alternative and Appendix 4 contained in the Biological Opinion. The Federal Emergency Management Agency (FEMA) Region 10 has taken great care in reviewing the submittal. We have some additional questions and comments that will need to be addressed. Please respond to the information requested in the enclosed document.

FEMA received a clarification letter from the National Marine Fisheries Services (enclosed) on September 26, 2011, that helped to formulate some of our comments.

Additional information copies of the revised Model Ordinance and Checklist can be downloaded from the FEMA website at: <http://www.fema.gov/about/regions/regionx/nfipesa.shtm>.

If you have any questions please feel free to contact me at (425) 487-4737 or via email at john.graves1@dhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "John Graves", is written over a horizontal line.

John Graves, CFM
Senior NFIP Specialist

Enclosures

JG:bb

FEMA Region X comments to Skagit County Proposed Door 2 submittal

Performance Standard 2- Mapping Criteria

Performance Standard 2.a- In addition to the Special Flood Hazard Area (SFHA) and floodway on the community's Flood Insurance Rate Map, the following areas are delineated (communitywide or permit by permit).

2. Channel migration zone (CMZ) plus 50 feet

In a letter dated September 26, 2011 (attached), NMFS has provided FEMA with clarification guidance that until a CMZ has been delineated using a scientifically sound approach a community must use the entire SFHA as the CMZ or use the WA Department of Ecology methodology for exempting a stream from CMZ mapping or demonstrate that a channel is prevented from normal or historic migration by human made or other shoreline modification as defined in WAC 173-26-221(3)(b). Until CMZ are delineated and adopted in the 2013 update to the Shoreline Master Program Skagit County must treat the entire SFHA as a CMZ.

Performance Standards 5- Habitat Protection Standards

Performance Standard 5.c- The community must prohibit development in the floodway, RHZ, and CMZ plus 50 feet or demonstrate that any proposed development in the area does not adversely affect water quality, water quantity, flood volumes, flood velocities, spawning substrate, and/or floodplain refugia for listed salmonids.

In the same September 26, 2011 letter NMFS also advised FEMA that communities that choose to implement the Biological Opinion through Door 2 "may include prescribed habitat restoration activities to compensate for lost habitat function in the protected area, but must also evaluate effects of anticipated development at a landscape (reach) scale." The letter further explains "A jurisdiction's submittal for Door 2 should address the anticipated impaired functions, as well as identified limiting factors, and describe how it intends to achieve the overall no adverse effect objectives, utilizing a technically credible system for assessing and quantifying habitat functions and values across differing scales."

Given that you will need to do more analysis, this may be an option that your community will want to consider pursuing.

Performance Standard 5.d- Any development outside the Protected Area must mitigate for adverse indirect effects on stormwater, riparian vegetation, bank

stability, channel migration, hyporheic zone, wetland and large woody debris functions such that equivalent or better salmon habitat protection is provided.

FEMA does not have any comments regarding the proposed language in the ordinance for this element; however, we do have some suggestions on additions that should be made to the checklist.

1. A question(s) should be added to ensure that any proposed project will not cause habitat isolation.
2. A question(s) should be added to ensure that a project will not require bank armoring.
3. A question(s) should be added to ensure that a project will not require channel alteration or straightening.
4. A question(s) should be added to ensure that a project will not have constructions effects on fish such as noise or turbidity.

If a project will have any of these effects then the project should be redesigned to eliminate the adverse effects. Alternatively a habitat assessment should be completed to ensure that the effects from these activities will not be measurable.