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June 15, 2020

Skagit County Commissioners
Skagit County Planning Commissioners
1800 Continental Place, Suite 100
Mount Vernon, WA 98273

sent via email to: pdscomments@co.skagit.wa.us, planningcommission@co.skagit.wa.us

Subject: Proposed amendments to SCC 14.04 & 14.34

Dear Commissioners,

Soon the Planning Commission will examine proposed code amendments to Skagit County Code Chapters 14.04 – Definitions, and 14.34 Flood Damage Prevention. To aid in the decision making there are some lesser known and rarely discussed details regarding the FEMA Flood Insurance Study (FIS) utilized by the Planning and Development (PDS) staff that the Commissioners should be aware of.

- FEMA's 44 CFR 59.1, RCW 90.58.030, WAC 173-158-030, & SCC 14.04 all define a floodway differently. Generally it is the area to be kept free from encroachments to allow the conveyance of waters that have dangerous depth and velocities.
- Skagit River floodways do not exist in Districts 1 or 2, they are only in District 3, and only upstream (east) of Highway 9.
- Twenty two floodway designations lack a scientific determination and amount to just drawing some lines on a map (*pg 31, 1985 FIS*).
- The quality and freshness of the cross sectional data utilized in determining the FIS is inaccurate, stale, and problematic. Although widely heralded as Best Available Science, the cross sectional measurements were originally created by the USGS in 1963 and supplemented with ten cross sections added in 1977 (*pg 26, 1985 FIS*). This stale data was used in the 1985 FIS. It was then re-branded and used for the new study data in the 2010 FIS (*pg 37, 2010 FIS*).
- The currently used maps fail to acknowledge over 50 miles of existing levees and shoreline armoring in the County.
- Skagit County expended over \$380k in 2011 appealing the 2010 FIS maps, to date there has been no resolution for the errors on the maps.
- More than \$14 Million was spent for studies done by USACE and they still utilized the 1963 cross section data upstream of Highway 9.

These critical mapping errors were presented to PDS in the past to which they replied that FEMA drew the maps. The mistakes were then presented to FEMA to which they replied that the County instructed them where to draw the lines on the maps.

Although PDS staff claim these proposed changes are minor, 14.34.190(5) is actually a MAJOR onerous proposal that presents no valid reason or mandate for prohibiting a well in a floodway. This new requirement would rely on the conscious use of knowingly incorrect maps to determine the legality of a well and unnecessarily infringes upon property owners rights, all while providing zero benefits to anyone.

No progressive decisions should be made until these maps are corrected and acknowledge the actual ground truth.

Respectfully,
Brian Lipscomb

Although the 1985 "Flood Insurance Study, Skagit County, Washington, Unincorporated Areas" is still in effect, it appears to have been removed or is no longer easily located on the County's website. An archived copy is available on request.

Map appeal

https://www.goskagit.com/news/local-officials-call-fema-s-new-flood-maps-devastating/article_d71021ed-1221-5308-b28f-66275d60b370.html

<https://www.fema.gov/news-release/2009/12/23/skagit-county-preliminary-flood-maps-be-re-issued>

\$14 million for GI Study

https://www.goskagit.com/all_access/skagit-county-officially-puts-end-to-skagit-river-flood-study/article_73a1fb74-1b87-11e5-bd0c-ab70921a145c.html

2010 Flood study

<ftp://ftp.skagitcounty.net/Planning/Documents/FEMAfloodstudy/study.pdf>

44 CFR 59.1 <https://www.fema.gov/media-library/assets/documents/12437>

RCW 90.58.030 <https://apps.leg.wa.gov/rcw/default.aspx?cite=90.58.030>

WAC 173-158-030 <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-158-030>

SCC 14.04 <https://www.codepublishing.com/WA/SkagitCounty/cgi/defs.pl?def=def207>