
From: Chal Martin
Sent: Monday, March 30, 2009 4:01 PM
To: 'Ike, Ryan'
Subject: NAS Hydrology Review

Ryan, I wanted to alert you that a couple of weeks ago, Mayor Brunz, John Shultz (attorney representing Dike Districts 1 and 12), and I were in D.C. where we met with Doug Lamont, Deputy Assistant Secretary of the Army for Project Planning and Review (Civil Works), and Tab Brown, Chief of Planning, HQ USACE. At this meeting, we discussed our concern regarding the hydrology issue. Doug and Tab agreed to a 2-step approach with regard to the GI study: 1) convene a 1-day technical meeting to go over the most recent reports, and try to resolve differences or at least narrow differences; 2) move forward with an independent external peer review process if step 1 does not resolve the issue. It was mentioned at that meeting that an independent review would probably cost about \$500,000. Battelle was mentioned as an entity the Corps had done business with on these issues in the past.

Subsequently, we met with Dr. Steve Parker of the National Research Council to determine the process and possibility for the National Academies to take on the independent review if necessary. Dr. Parker indicated the National Research Council could do this. He estimated the cost might be \$400,000 - \$500,000. He was interested to know whether FEMA and the Corps would support an NAS review.

The Chair of the Skagit County Commission has preliminarily indicated he would support a review by the National Academies, and he believes this approach would be supported by the Board.

While I am not attempting to commit you to anything (indeed, flood partners here in the Valley have not discussed this issue yet in any detail), I am interested in what you might preliminarily think about this possibility. Would FEMA be in support of an NAS review? Would FEMA have any funding to partially defray the cost of this review? We recognize FEMA has its own process to enable an appeal of the underlying hydrological analysis. But if an NAS review could be put together, would FEMA hold off on releasing preliminary maps until this review was accomplished? Presumably, if this concept were to move forward, the entities participating would agree up front to accept the final edict from the NRC study. If this idea gains traction, we expect we would need to put together a partnership to pay the bill. Thanks Chal

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From: Ike, Ryan E-mail address(es) removed to prevent spam
Sent: Friday, April 10, 2009 4:24 PM
To: Chal Martin
Cc: Carey, Mark
Subject: RE: NAS Hydrology Review

I've spoken to several people here, at FEMA HQ and with the USACE. At this point, I'm still not certain I understand what the difference is between what you're proposing and our current review process of the PIE, NHC, USACE, and USGS studies is. If you are working with the USACE on something related to the GI, then we're interested in the outcome of your discussions, but it is not entirely related to our FIS. As you'll recall, the county, communities, and FEMA (and lawyers) discussed this type of third party tech review about a year or two ago and concluded that it is premature for FEMA to deviate from our review and appeal procedures since we haven't even yet reached the formal public process (with Preliminary maps) yet. It is not impossible that we could receive yet another submittal during the 90-day appeal period which would impact our analyses. Given this possibility, I'm not convinced that that an additional expensive review is wise; it could be for not if more data is thrown in the hopper during the next phase of the process.

If I've missed your point, let me know.

Thanks,

Ryan

From: Chal Martin
Sent: Monday, April 13, 2009 8:06 AM
To: 'Ike, Ryan'
Cc: Carey, Mark; Ed Brunz
Subject: RE: NAS Hydrology Review

Ryan, I think the idea is, all interested entities would agree specifically or tacitly to accept the NAS results. The specific agreement would come from the County, the Cities, and the DD's. The tacit agreement would come from FEMA and the Corps. For FEMA, it would mean waiting for the NAS results before releasing the preliminary maps, and then dialing the "approved" hydrology into the flood maps; in return there would be no appeal by the cities, county or DD's. Of course, other appeals could come forward but with the foundational technical work having been reviewed by the preeminent scientific organization in the U.S., other appeals would be difficult. For the Corps, it would mean working on the GI in such a way so that the NAS results could be incorporated into the study.

It would be helpful to this initiative to know if FEMA might be willing to wait. That's because this process would enable the locals to shift funding that was budgeted for a FEMA appeal, to instead pay for the NAS independent review. Conversely, if FEMA decides to go forward and release the preliminary maps, and the maps do not incorporate the hydrology corrections we think are warranted, then we would need to divert our resources into a FEMA appeal, which would probably kill the NAS review idea.

All of our local folks are aware of this possibility, but there has been no formal effort yet to get an agreement in place. We are meeting with the Corps one more time late this month or early May to go over the latest (October 2008) reports. The Corps has already signaled to expect no change in its position regarding the hydrology from that meeting. But maybe something will come of it. Then, about mid-May, there is a meeting scheduled for the GI study and presumably the idea of an NAS review will come up. I would guess it would take another 6 months to get the agreements in place to begin the NAS review, and then a year to complete the review. So if we were to get into this process, we would be looking at an answer about the first part of 2011.

So that is the story on this end. We are not asking FEMA to do anything at this point; rather, we are just interested in what FEMA might be willing to do. We think if we can get agreement on the hydrology, reluctance about the GI process could be flipped into enthusiastic support. That, in turn, could make a regional flood project possible.

Also, we are interested in meeting with your folks who are reviewing the October hydrology reports. Could we set something up? Thanks Chal

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From: Chal Martin E-mail address(es) removed to prevent spam
Sent: Thursday, April 23, 2009 8:20 AM
To: Ike, Ryan
Cc: Carey, Mark; Ed Brunz; Margaret Fleek
Subject: RE: NAS Hydrology Review

Ryan, any additional thoughts from your end on the potential NAS review?

On another matter, we had spoken at the NORFMA conference about the possibility of getting together with FEMA's technical folks to go over the hydrology reports. It has been my experience that it is good to sit down with the people who have read the reports to go over questions they may have, or points of clarification. There is a lot more information that is not included in the reports and can be made available if it is needed.

Thanks Chal

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From: Ike, Ryan E-mail address(es) removed to prevent spam
Sent: Friday, April 24, 2009 1:52 PM
To: Chal Martin
Cc: Carey, Mark; Ed Brunz; Margaret Fleek; Riebau, Mark
Subject: RE: NAS Hydrology Review

Chal,

I believe we have all the final reports from PIE, NHC, USACE, and the USGS related to the study. FEMA is now reviewing those data and preparing the preliminary FIS and maps. If there are points of clarifications needed, I think we will go directly to the responsible party. In PIE's case, I will make sure that you are included on any requests for additional points of clarification should they arise. At this point, I do not believe we will be pursuing an NAS review. As I said previously, FEMA has an obligation to follow our process and adhere to the regulations. Even if everyone agreed to wait on the NAS, there is nothing in the law or regs that states that this has any legal binding. Local applicants (outside of Burlington or the other cities) dissatisfied with the NAS would still be eligible to appeal the study and nothing would preclude anyone from pursuing federal courts.

In summary, given the high costs, deviation from public process (per 44 CFR), and residual potential for additional tech reviews, I don't think the proposal will work. I plan on sharing our conclusions and findings with a broad audience, including you and staff, but it would not be a debate. I believe we have an obligation to explain how and why we chose our conclusions, but this would not be the correct forum a debate. I agree with you that we need to have additional community-wide meetings to discuss the maps and FIS. It will be a lot easier to do this once there is a map and study we can discuss. I am very interested in discussing how we can best communicate results and discuss next steps with Skagit residents. As you and I know, we may end up needing to agree to disagree, but the civility needed to convey the flood hazard is a shared responsibility that FEMA and Burlington share.

Hope this makes sense.

Ryan