



October 30, 2009

Amy Gibbons
U.S. Army Corps of Engineers
Seattle District
P.O. Box 3755, Seattle WA 98124-3755

Via Email

RE: Skagit River Flood Risk Management and Ecosystem Restoration Feasibility Study: Comment on the Draft Project Management Plan Revisions dated September 2009

Dear Ms Gibbons,

Please accept these review comments on the revised project management plan. I am submitting these comments on behalf of the City of Burlington, the City of Sedro-Woolley, Dike District 17, and Dike District 12.

1. In preparation for reviewing the proposed revised plan, I first attempted to ensure I had an up-to-date existing plan. It is not clear what the current project management plan consists of. I have a document that is annotated "3/6/07 – Addendum to Project Management Plan, Interim PMP – Skagit River GI" that consists of three pages of narrative followed by five pages of a chart entitled "Skagit GI FDR Study, 2/26/07." That is followed by a 30-page document entitled "Project Management Plan, PMP – Last Revised 9/10/07." That is followed by a "Final Peer Review Plan, December 27, 2007" and a 14 March 2008 letter from Colonel Steven Miles of the Northwestern Division that apparently approved a peer review plan. That letter is not clear regarding the date of the plan which was approved.

I believe the "PMP – Last Revised 9/10/07" and the "Final Peer Review Plan, December 27, 2007" are the correct versions of the Project Management Plan, although it is unclear whether the updated cost estimates indicated in amendments #3 and #4 were incorporated into the 9/10/07 revised PMP version. For example, page 20 of the document infers a total feasibility study cost of \$7.613 million. But that does not match either the April 2007 amendment (\$6.638 million) or the September 2007 amendment (\$14.465 million). Bottom line is: the document trail is very confusing. It is difficult to know whether I am dealing with source documents. It should therefore be made clear in this new PMP, that it supersedes all previous project management plans.

2. Section 1.1, Introduction: this paragraph states that the revised PMP is "a revision of the revised PMP attached to the October 12, 2007 Project Management Plan." As discussed earlier, I could not locate a project management plan dated October 12, 2007, nor could I locate "the revised PMP attached to the October 12, 2007 Project Management Plan." This is all very confusing. I strongly urge this latest revision be written to function as a complete, stand-alone document in order to

alleviate this confusion. If I am confused, given my long association with the Feasibility Study, it is certain that many others will also be confused.

3. Section 1.3, Project Background: the first paragraph in this section should include a description of amendment #4, dated September 21, 2007 which increased the total feasibility study cost from \$6,852,180 to \$14,465,180.
4. Section 1.5, Purpose and Scope of the PMP: ER 1105-2-100 is entitled "Planning Guidance Notebook." The title is wrong in the draft.
5. Section 1.8, Project Scope: define acronyms "NED" and "LPA."
6. Section 1.10, Assumptions: We believe the newest hydraulic model (assuming this is the May 2008 update), will be adequate.

However, the hydrologic analysis is not adequate. We are deeply concerned that continued use of incorrect historic peak flow estimates incorporates significant bias into the hydrologic analysis, which, in addition to including overstated historic flood data points, also includes conservative choices at each decision point. This results in flood peak flow and volume estimates that are implausibly high. This concern is based on a significant body of comprehensive technical analyses undertaken by a consortium of Cities and Dike Districts, and additional independent analyses undertaken by Skagit County. The conclusions of these studies are published. This issue needs to be addressed in the revised Project Management Plan. In particular, to the extent the H&H reports are credited as having completed the Agency Technical Review, we would point out that an Agency Technical Review which meets the standards of Circular No. 1105-2-410, Review of Decision Documents, was never completed.

The second stated assumption is that sufficient funding is available to complete tasks within the designated schedule. Based on experience, we know this is not the case. Sections 3 and 4 of the revised PMP must be modified to take into account the reality of annual federal funding in the \$350,000 range.

7. Section 2.1, Project Delivery Team: please include email addresses for all persons listed.
8. Section 2.2, Government Entities and Stakeholders: please include the primary points of contact and associated email addresses for all of the external stakeholders listed.
9. Section 2.3, Executive Committee and Vertical Team: please add verbiage detailing how stakeholders external to the Executive Committee can provide input into the discussion. I believe the Executive Committee can function more efficiently in a private meeting; however, input from the external stakeholders into the meeting is important. To accomplish this, I would suggest that the Executive Committee agenda and supporting documentation be made available on a web page three weeks prior to the meeting, and the external stakeholders notified via email with a web address and a deadline for submitting written comments to the Executive Committee for consideration. After the meeting, a synopsis of the items discussed and decisions made should be written up and published. Please outline this process in section 2.3.
10. Section 2.5, Environmental Advisory Committee: please include email addresses for each environmental advisory committee member.

11. Section 2.6.1, Federal Responsibilities: please add verbiage in this section explaining how USACE will notify stakeholders of all feasibility study events, work products, and meetings. This can easily be done through routine contact with external stakeholders email lists.
12. Section 2.7, Status Reporting: add the sentence, "Quarterly study status reports will be distributed via email to the external stakeholders lists."
13. Section 2.8, Review and Acceptance of Work: add the sentences: "All draft work products will be distributed via email to the Project Delivery Team distribution list, the Government Entities and Stakeholders distribution list, and the Environmental Advisory Committee distribution list, with a minimum of 10 work days for review comments. Review comments will be considered by Skagit County and the Seattle District for inclusion in the final work product."
14. Section 3.2, Feasibility Cost Sharing: the total expense for the remaining work must be decreased substantially to meet the funding constraints (about \$350,000 of federal funding per year). Continued overestimation of federal funding will result in inefficient progress and additional project management plan revisions – itself a time-consuming and inefficient process.
15. Section 4, Plan Formulation, Schedule, Work Tasks: "robust" does not appear to be a likely outcome. Based on realistic funding levels, the work products envisioned need to be significantly trimmed down to have any chance of making the proposed 2012 completion date. Is 2012 still the completion goal?
16. Section 4.1, Quality Assurance: Please define acronym "ATR." It appears that quality assurance steps are much improved in this revised Project Management Plan. In particular, I note in section 5 the reference to Circular 1105-2-410, Review of Decision Documents, dated 22 Aug 2008. However, I have not seen the June 2009 Peer Review Plan noted in this section. Has this Peer Review Plan been developed?
17. Section 4.2, Feasibility Scoping Meeting: We recommend that as part of this meeting, appropriate expertise external to the Corps be assembled to consider the hydrology issue. I want to again emphasize: the hydrologic analysis is fundamental to the entire feasibility study. This analysis has yet to receive a formal, systematic and rigorous point-by-point discussion, involving qualified professionals, convened for the specific purpose of coming to agreement on this foundational issue. The Feasibility Scoping Meeting provides the opportunity for such an expert panel to be convened, within an existing Corps of Engineers process.
18. Section 4.6, Alternative Formulation: first sentence typo "will investigate group various measure together" should read "will group various measures together."
19. Section 4.12, Public Involvement: similar to comment 13 above, we recommend an email distribution list be compiled for all Flood Control Zone District Advisory Committee members, as well as interested members of the Public, and all draft work products circulated to these lists, inviting comments. It is most likely the comments will be few; however, this approach will provide very strong documentation of public outreach.
20. Section 4.13, Schedule: this is an excellent list of deliverables; however, it does not seem feasible. In combination with a re-look at the cost of the deliverables in section 4.14, a realistic

schedule and budget needs to be set. It does not appear feasible to meet a 2012 timeline for delivery of the Final EIS and the Final Feasibility Study. As stated previously, these important sections of the revised Project Management Plan should be re-written to assume an annual federal funding amount of \$350,000, along with any other reasonably expected funding. Substantial additional technical work has been completed outside of the General Investigation study, all of which is available for use in the GI component reports. We will be glad to make any/all of this work available. This might save some time and expense.

But adding the work other local agencies have completed won't help much. My sense is that realistically, this plan needs to dial in reduced federal Congressional funding of \$350,000 per year; then add in additional federal funding that may come from other sources (for example, it is my understanding some additional federal funds became available in 2009 – I am not sure of the probability of that continuing in 2010 and 2011). Based on that expected amount of funding, whatever it is, revise the "robustness" of the necessary deliverables down to the minimum acceptable. Then, revise the schedule based on the expected funding and the cost of the "bare bones" deliverables. Even after taking these painful steps, it is looking to me as if the Final Feasibility Report and the Final EIS cannot be completed until 2014 at the earliest. But whatever the answer is, it needs to be realistic.

21. Section 5, Quality Control Plan: this is well written and comprehensive. Please add the statement, "Skagit County will coordinate technical input and review from Municipalities, Dike Districts, and Special Purpose Districts within the County."

22. Section 9.6, Tactics and Tools Needed to Meet Goals: Add a bullet describing email distribution lists, as discussed in comment #13, above.

23. General comment: the previous PMP included significant resources for studying additional flood storage in the Baker system. The new PMP (September 2009) is a departure from the September 2007 plan, in that the 2007 plan contained specific funding goals for evaluation of additional upstream storage in the Baker hydroelectric project. Page 20 of the 2007 plan indicated funding of \$1,505,000 for evaluation of the dams, with \$1,055,000 targeted specifically to the Baker Hydroelectric Project. This focus on additional upstream storage has evaporated in the proposed September 2009 revision. We are concerned about this and would point out that the focus on the Baker storage was included in the September 2007 PMP due to overwhelming support for this concept from the downstream Cities, Towns, and Dike Districts.

24. General Comment: The communication process involving key stakeholders must be improved. We recommend much more use of email distribution lists and electronic distribution of draft documents. We recommend the following process:

- 1) Upon release of a draft report, stakeholders are notified by email with instructions for review comments and deadline for the comments. A press release should also accompany the draft report.
- 2) Review comments received are compiled and individually responded to in a written review document. It should be clear whether the review comments are accepted (or not) by both the Corps and the Local Sponsor, Skagit County.
- 3) Agency Technical Review comments are similarly compiled.
- 4) The revised draft report is released using the same process as the initial report release, and includes the review comments and the Agency Technical Review comments as an appendix.

The "DrChecks" format required for the Agency Technical review process in accordance with Circular No. 1105-2-410, Review of Decision Documents, could be used to track all comments. We believe the process outlined in steps 1-4 above is not unduly burdensome, is a well-accepted, standard process for design review documentation, is the process expected by external stakeholders, and will provide a much more consistent record of review. In addition, we believe this process is mandated by Circular No. 1105-2-410, paragraphs 7a, 7b, and 8g.

Thank you for the opportunity to review and comment on the revised Project Management Plan.



Chal A. Martin, P.E.
Public Works Director / City Engineer