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County must pay flood control easements Nookachamps residents form defense fund

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CLEAR LAKE – The county must acquire flowage easements from Nookachamps-Clear Lake property owners before work on a proposed flood control project can begin, it was announced Tuesday.

Rescinding earlier statements, Vernon Cook, project manager for the U.S. Army Corps of Engineers, told county commissioners and project opponents that the county will have to pay for the right to flood certain areas.

The announcement didn't pacify Nookachamps-Clear Lake farmers, however, and over \$1,000 was collected at a community gathering last night to form a legal defense fund.

Property owners in this area are up in arms about a proposed levee and channel improvement project, which would give 100-year flood protection to the urban Mount Vernon and Burlington areas, but result in increased water on their property in the event of severe flooding.

About 50 residents gathered at the Clear Lake Fire Hall last night to share a pot luck dinner and question corps officials.

In a prepared opening statement, local farmer Larry Kunzler said, "After tonight, the time for strong words is at end. Strong actions must prevail."

He encouraged his neighbors to begin legal steps to stop the project, "if you feel you cannot and should not have to live under the conditions that this project would mandate."

Cook told the group that no plan would satisfy every county resident, but alternative 3E "seems to satisfy the most wishes and looks most feasible."

This alternative calls for a ring dike around the north side of Burlington and a weir structure between Burlington and Sedro-Woolley, allowing flood waters greater than a 50-year level into the Samish River drainage area.

"To the Nookachamps-Clear Lake area, this can only do one thing," Cook acknowledged. "When you try to force the same amount of water through a smaller opening, it goes up."

Anything greater than a 25-year flood would add an estimated two feet of water to whatever flooding the area would otherwise receive, he said.

Studies by the Corps have not produced any structural measure with a favorable cost-benefit ratio that would lessen the impact on this area, Cook said.

Members of the audience, balancing paper plates of pork and salad on their laps, began to grow restless.

“These restrictions on my river are restrictions on my rights,” one man said.

“For some of us, there is no compromise,” said another. “All of us will get more water. Some will get a lot more water.”

“Why protect the people below to our detriment?” a woman asked.

“It isn’t that we don’t want people to have flood protection, but we don’t want to be the only ones without it,” another voiced.

Cook then announced the change in policy on consequential damages. After consultation with other corps officials, he learned the county will be required to “make the property owners whole” if the project will reduce the values of their property.

“Somebody has got to pay for the right to flood the land,” he said. “We can with some degree of certainty predict what will happen if the project is built. The local sponsor must acquire the right to do that.”

An appraisal will be made of the property’s value before and after the levee improvements, he explained. The county must reimburse the owner for any reduced value. This agreement then frees the county of any liability in the event of a severe flood.

Any property owners who refuse to sign an agreement would be taken to court by the county, which has “eminent domain” over the whole area. A jury would then determine a fair value for the land.

Cook estimated this would add \$3 million to the local \$10 million share of the \$50 million project.

But Kunzler said later he felt the offer was “an insult”, adding he wants total compensation for any losses suffered as a result of the project. He and neighbors are forming a Nookachamps-Clear Lake Legal Defense Fund to stop the project and “will go all the way to the Supreme Court if we have to.”

Residents of this area still support such alternatives as an Avon bypass, Sauk River containment dam, or dredging.

The Sauk dam was eliminated as a possibility when the Skagit was included in the federal Wild and Scenic Rivers program, however.

The other two alternatives are considered far too costly to be feasible solutions, Cook said.

Earlier Tuesday, Cook said he expects the final environmental impact statement for the proposed project to be completed by the first of May.

A meeting is scheduled next Tuesday with residents of the Samish Basin area, who also have expressed concerns about the effects of the flood control project.