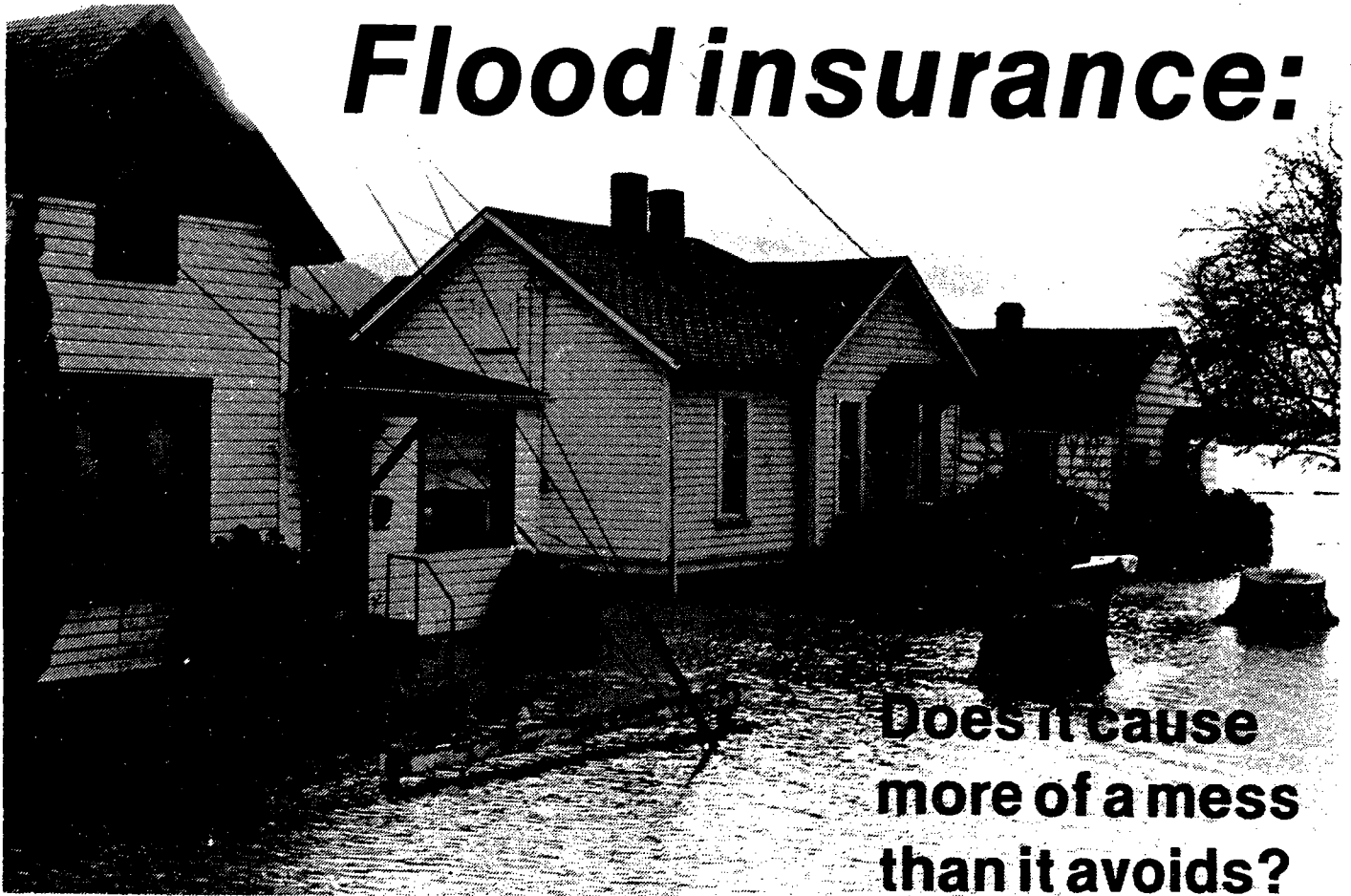


Flood insurance:



**Does it cause
more of a mess
than it avoids?**

by John Draper
Argus News Editor

Even though the Skagit River has been quiet for some time, sloshing over the dikes only a bit in recent years, no one can doubt it is capable of unleashing a disasterous flood.

Skagit County's diking system will only offer protection against minor floods, and the word minor is used loosely here. The December 1975 flood was a minor event, and it caused over \$2 million worth of damage to buildings in Skagit County, \$1.5 million of which was damage to privately owned property.

This flood was "minor" only in light of the knowledge that the Skagit River is capable of far worse.

The 100-year flood carries 270,000 cubic feet of water per second. During such an event the dikes and levees fail and, up to their ears in water, residents here look to floods like the one in 1975 as a blessing.

This all boils down to one question: What's to be done to protect residents from such a disaster? A flood is almost certainly going to happen. Over a 30-year period — the term of most mortgages — there is about one chance in four that a 100-year flood will occur.

The federal government came up with one answer to Skagit County's problems in the form of the Federal Flood Insurance Act. The problem is, this act has created just about as much of a stir as a basement full of water.

In 1968, Congress established this program for providing insurance to property owners in flood-prone areas.

But there's a catch. In order to receive the insurance, the local government in which the property owner lives has to adopt and enforce certain building regulations aimed at reducing flood losses.

What the regulations boil down to is that all houses must be built above the 100-year flood level, which for Skagit County is at least four feet, and that land-fill development must not be used overly much.

Whether or not this is a good program is academic. Both the county and the cities within the county have entered into

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agreements with the Federal Emergency Management Agency (FEMA), the federal department that encompasses the flood insurance program, to follow their regulations.

In return, FEMA has paid out insurance claims here that have been increasing every year. In 1977, Skagit County received only \$150 on one claim; in 1979,

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—Joan Hart, president of the Skagit County Farm Bureau

many more claims were filed, totalling around \$154,000, and in 1980 FEMA paid off still more local claims, to the tune of \$457,103.

The ironic thing is that virtually none of these claims came from people whose houses had been elevated above the 100-year flood level. There hasn't been a 100-year flood since the county and the cities entered the insurance program.

Joan Hart, President of the Skagit County Farm Bureau, sees this as being a case of putting residents in "double jeopardy." People who build above the 100-year flood level will never be hurt by a flood, she said, yet they still have to pay in insurance premiums to the federal government.

But if the regulations aren't followed and insurance is paid out, the problems may be worse than just "double jeopardy."

For example, in 1980 the federal government paid out around \$122 million for flood damages to New Orleans area property owners and insurance adjusters. Upon investigation, however, FEMA discovered the local government had not been enforcing FEMA building regulations.

What has resulted is two civil lawsuits by the federal government aimed at recovering around \$93.4 million of the payments. The government has also asked that all development be halted in the areas in question.

Could this happen in Skagit County?

Authorities around here differ in their opinions as to whether every city is following the FEMA building regulations. Two things seem certain, however: the county strictly enforces its FEMA-type building ordinance and Mount Vernon is enforcing FEMA regulations weakly, if at all.

Mount Vernon Building Official Ron Maynock admitted he will not force a property owner to build above the 100-year flood plain if that owner doesn't want to. He said he doesn't want to be heavy-handed with people around here.

"Is it better to come down hard on a guy, or is it better to work with them and come to an equitable solution?" he asked. "These people out there pay my salary. I can't just say 'obey my rules.'"

When asked if Mount Vernon could be sued like the two areas in New Orleans, Maynock said yes, but added he isn't worried about it.

However, The Argus has learned that two FEMA officials came to Mount Vernon recently and took pictures of a house on Hoag Road for which Maynock issued a building permit. The house is about 400 feet from the dike, and is not elevated at all. According to an Argus source, FEMA is aware Mount Vernon has not been enforcing its regulations.

Chuck Steele, director of natural and technological hazards with FEMA's Seattle office, explained FEMA might have ignored such disobedience in the past. This new, waste-conscious administration, though, doesn't look kindly on paying out money it doesn't have to.

Talking about officials who don't enforce FEMA regulations, he said. "Up until this year, we would have soft-peddled it."

Despite the federal budget crunch, Steele said FEMA has the manpower to investigate policy holders and make sure they are following regulations.

More than anything, it is these regulations that cause complaints around here.

Hart complained farmers are hit the worst by these regulations. Most farm land, she said, is in the low elevations, which are high flood danger areas. As a result, she said farmers are forced to build their barns and houses to regulations they can't afford.

"Our buildings are low-cost," she said. "We can't afford to have an engineer come in and build a barn."

On the other hand, she said, if the farm buildings were raised to FEMA regulation by using landfill, which is cheaper than elevated construction, the buildings could be undercut in a dike-bursting flood.

She said the Washington State Farm Bureau has sent a resolution to FEMA asking them to ease their regulations with farmers.

A similar effort in another state already failed, though. In 1976, Tipton County, Tennessee officials sought an exemption from the regulations and procedures for building permits applicable to the "mainland" portion of the county for two islands in the Mississippi River.

Do we want to sacrifice money for safety or safety for money?

—Larry Kunzler, member of the Skagit River Flood Control Committee

FEMA's only answer was to quote its regulations, one in particular that reads, "In order to qualify for federal flood insurance, a community must apply for eligibility for the entire area within its jurisdiction..."

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Tipton County was denied its request — the same request, basically, the Farm Bureau has suggested.

But farmers aren't the only ones complaining about flood regulations.

For example, Edward Snyder from Mount Vernon reported he was recently sent reeling by a bureaucratic onslaught from the county when he tried to build a basement on his property, which is on the flood plain. He said that when he went to the county Permit Center to get a permit for his basement, he received a run around.

"First she told me the county doesn't want people suing the county for any damage by flood. Then she changed her story and told me I would be interfering with the flood waters. It makes me feel they don't know what the story is," he said.

The story is that FEMA regulations require policy holders to elevate their lowest habitable floor above the 100-year flood level.

Snyder said the house he was going to build with the basement was to be raised up on landfill that would have put it above this level. The basement may have still been below this level, but Maynock questions whether a basement can be called a "habitable floor."

Such confusion is another one of Maynock's gripes with FEMA. He said if FEMA wants him to enforce their regulations, they should give him some help interpreting them.

"We think we're on pretty slim ground when it comes to enforcing a federal requirement like that," he said. "We're given a set of requirements, but we're not given any assistance in interpreting them."

Gwynne Legro, engineer and land surveyor representing Snyder, said he hopes Mount Vernon continues its resistance to FEMA. He said his client isn't the only one angry with flood regulations.

"When enough people get disturbed, they'll rebel," he said. "I like grassroots government. I believe the people at the grassroots can do a better job."

Larry Kunzler, a member of the Skagit River Flood Control Committee, said people must look past the discomfort created by FEMA regulations.

There's no getting around the fact, Kunzler said, that if we have a 100-year flood there are going to be some tremendous losses. Building regulations can help ease these losses, he said.

"FEMA regulations will cost money," he admitted. "But do we want to sacrifice money for safety, or safety for money?"

To cut the cost of elevating structures to meet FEMA regulations, most property owners around here have chosen to raise their houses on landfill rather than constructing them on platforms or some

other type of raised structure. FEMA studies show landfill is considerably cheaper than elevated construction.

Kunzler said that shouldn't be the question here.

"What's more important, the developers' profit or the safety of people in the county?" he asked.

A big problem with landfill construction is that it is confusing the already sticky situation up here. By the time the county and cities had entered the insurance program, Interstate-5, in reality one long piece of landfill, had already been constructed.

FEMA officials say there's no way of telling how much I-5 will raise flood waters and they say continued landfill development is making the estimate harder. FEMA regulations say local governments cannot raise the flood waters by more than a foot through landfill development.

"Landfill development diverts water, sends it someplace else," Kunzler said. "Where is the water going to go?"

Every new landfill development makes it that much harder to designate a floodway in Skagit County, FEMA officials say. A floodway is an area where flood waters are to flow. Around here, though, landfill development, commercial construction and other factors make it nearly impossible to ascertain where flood waters will go.

The problem is that Skagit County must designate a floodway if it and the cities want to continue in the federal flood insurance program.

County Flood Engineer Don Nelson called designating a floodway in Skagit County an "arbitrary decision."

"Where the dike breaks will be the floodway," he said.

Steele said the FEMA office in Seattle is asking an official from Washington, D.C. to come out and tell them if creating a floodway in Skagit County is feasible. He said that until then, FEMA won't strictly enforce its regulation against landfill development before the floodway is designated.

"It's an extremely complex situation up there," he said. "We haven't figured out a way to resolve it. Until we do, we can't be heavy-handed."

One possible resolution to the problem has been suggested by the Skagit River Flood Control Committee: the density floodplain.

8. The Mount Vernon (Wash.) Argus, January 14, 1982

Flood insurance

Nelson explained this plan ignores the problem of trying to create a specific floodway, getting around it by restricting the density of construction everywhere in the flood plain. In a sense, much of the county becomes the floodway because the waters would not be impeded by clustered development.

Nelson noted, however, there is nothing else comparable to this plan in Washington State and he isn't too sure how FEMA will react to it.

Regardless of what position local residents take on the issue of flood control regulations, it is obvious the complex issue will continue to spark debate here for some time.

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