

1 TESTIMONY BEFORE JOINT SELECT COMMITTEE ON FLOOD DAMAGE REDUCTION  
2 MAY 1992 – MOUNT VERNON

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4 CHAIRMAN JOHNSON: And from a local standpoint the first person I'd like to call to kind of give  
5 us an overview of some of their own experience is Neal HAMBURG, from Dike District 17.

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7 HAMBURG: I assume that you'd like to hear what happens on the grass roots level while you're in  
8 your front room and what have you.

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10 CHAIRMAN JOHNSON: Absolutely, you're welcome to stand up here or stand back there or  
11 whatever you want to do.

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13 HAMBURG: I just want to address both sides here. If, in fact, I'm sitting at home this is an  
14 instance of how problems come about. This is how we've come aware of it. It could come from a  
15 fisherman on the bank, a resident or a property owner and he'll say "I have got a problem in the  
16 front of my house I believe." We'll go look at it and see yes it is a problem. It's a bank failure its a  
17 rotten debris and (unintelligible)...The dikes are old and a lot of the foundation of these things was  
18 built on old cedar logs and whatever have you and they decay. At that point in time we look at it  
19 and say yes we have a problem. If we determine that it's necessary we'll contact the county. If it  
20 looks bigger than that we'll, in other words if it's influencing a riverside area such as rip-rap and that  
21 sort of thing and it will involve the Corps and between the three of us we'll usually come to a  
22 conclusion that whether it's a bid item or its a very costly repair or it's just something  
23 (unintelligible). That's repair. Now in the last 10 or 12 years our system which encompasses the  
24 area of directly north of Mt. Vernon has been in pretty much in a maintenance mode. In other  
25 words, maintaining the dike level which it does drop. it sags and drops as the rickety foundation it  
26 is on changes. Where back in 1990 (unintelligible) we probably had about 3 or 400 feet have  
27 dropped 2-3 feet but this type of repair will involve bid work. It will involve Corp. of Engineers  
28 for approval because we do have to maintain a certain engagement of the Corps. What is that called  
29 Noel?

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31 GILBROUGH: Well you've got PL-99.

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1 **HAMBURG**: Yeah, PL-99 certification. PL-99 certification from my standpoint would mean that if  
2 we had a flood situation or a high water situation and it inflicts damage in the Dike District or on  
3 the dike the Corps will come in and help us. If we don't have PL-99 certification, we're dead, we're  
4 on our own. (unintelligible) ... We would talk to them; we'd talk to Dave Brookings (Skagit  
5 County Flood Engineer) and we probably sketch out what we heard at (unintelligible)...and do  
6 whatever needs to be done and we may get a contractor to give us some ideas as to what methods  
7 we should use in return. That will probably go out for bids and the project will be completed. The  
8 actual decision as to whether it's going to be done or not may be made anywhere along this line. In  
9 other words it's a positive decision to go until we find something that tells us not to. That could be  
10 money. It could just be the feasibility of the thing if it's going to work out if its going to work into  
11 the long term plan or whatever. As far as new construction, which would be raising of the dikes or  
12 widening them or that sort of thing we really haven't done much for quite some period of time its  
13 been mostly maintenance. We've put in some key ways with our current structures and those key  
14 ways, a key way is just a clay key that goes down through the dike and down below to prevent  
15 underflow, underneath the dike. That decision to put those in was made by (unintelligible) ...of the  
16 dike and we have enough to justify the cost of putting them in we put them in. The reason we're not  
17 elevating is an old (intelligible) problem by the bend there. We don't have the understructure  
18 underneath the dikes to hold more than a 25 year flood, not in our area. We have boil ups that will  
19 raise anywhere from 10 feet from the dike to 150 to 200 yards inside. So we're about the level that  
20 we are going to be. Does that answer your question?

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22 **GILBROUGH**: I think we asked this question before but you think there's no (unintelligible). The  
23 rough concept I'm saying is that 25 year event elevation is about all of most of these dikes can  
24 stand. Is that about right?

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26 **HAMBURG**: I'm not an engineer and I don't have soil knowledge in areas other than my own. If  
27 they are similar and the soil structure underneath the dike, in other words you've moved up gravel at  
28 an average of about 20-25 feet. If that's the case I would say yeah, about 25 years. That's all it  
29 would be.

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1 CHAIRMAN JOHNSON: From a practical standpoint you'd be seeing a 25 year level but if you  
2 were to decide at the dike district you wanted to go to 50 years, what would the Corps have to say  
3 about that or is your level really dictated to you by the Corps.

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5 **HAMBURG**: At the present time there isn't any level dictation that I know of. There's an agreement  
6 or as I understand it a resolution passed in one of the committees that we not exceed 50. As far as  
7 the Corps I don't think the Corps has advised us.

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9 GILBROUGH: I think that the agreement is not to exceed the 50 years flow elevation.

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11 Unintelligible, two speakers.

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13 GILBROUGH: But according to our standard, definition you reduce the levy by 2 foot of freeboard,  
14 you know additional height that's about a 25 year flood elevation the way we would do it.

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16 **HAMBURG**: That's just about where we are now.

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18 CHAIRMAN JOHNSON: So there's a certain amount of restriction in terms of unlimited dike  
19 building so that -- this question came up down in Snohomish County as far as the proverbial dike  
20 wars where one dike district builds their dikes up far higher than the poor dike district across the  
21 river so that in a real high flood event you'll know which way the water's going.

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23 **HAMBURG**: Okay I can see you're point there, yes but everything else is equal. Your point is well  
24 taken. I will say there is nothing I know of that would prevent us from putting up to 100 years,  
25 except money.

26

27 GILBROUGH: There is a gentlemen's agreement, if you will, between the diking districts where it  
28 came along that they will not build above the 50 year profile, on the Skagit.

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30 VanZanten: If they are going to do major works on the dikes in Skagit County, must they have a  
31 shoreline permit?

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1 **HAMBURG**: Oh yes, well depending upon what type of work. In other words is it inside, no.

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3 VanZanten: My point is if you need shoreline permit and that goes through the county process,  
4 would that question the impact of raising your dikes or doing something to other people we dealt  
5 with under that concept.

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7 **HAMBURG**: Having not stepped into that area I can't answer that question. (Laughter).

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9 VanZanten: We don't have that problem in Whatcom county either. The county engineer has  
10 indicated to me at least that if we did they'd have to go to a shoreline application and that's where  
11 that issue should be dealt with then and the answer made by a third party.

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13 CHAIRMAN JOHNSON: As far as this effect on carrying it (the water) across the river or up river  
14 or something like that.

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16 VanZanten: So there is that permitting process that would allow the dike evaluation in a decision  
17 you know remaining among the lower parties I guess.

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19 **HAMBURG**: Well there's another factor that enters into this which isn't official and doesn't have or  
20 there's no laws involved, you can call it a gentlemen's agreement or whatever you might call it.  
21 Dike commissioner's can vindicate a lot because they have to lean on each other when things get  
22 rough.

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24 VanZanten: That's the way we've been operating too.

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26 **HAMBURG**: The telephone would ring quite promptly if we came up with a plan to put our dikes  
27 to a 100 year level I guarantee you that.

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29 VanZanten: But my point is I think there's some concern in the minds of members of the public, this  
30 committee and the legislature; do we need some additional regulation to assure that those kind of  
31 things don't happen. And I think it's probable that the shoreline permitting process is a mechanism  
32 that ...

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**HAMBURG:** I think it would be right if we came to that. There's another factor in there that is involved. Mr. Youngsman is in the district that I represent. If either of you were going to spend 5 million dollars to raise the dike level to 100 years level, I am sure that he would be at my door or calling me quite rapidly because his tax statement would reflect that and he would well know that it was going to be ineffective and he would be followed by probably another 150 people very promptly. So there are regulatory things that aren't written but they're there.

**Jim Kramer:** On that point that Shirley was making, I'm not sure if King County if that issue is really going to come up and maybe it's not worth investigating or it's just found by other constrains but I don't think there's anything in state legislation or in the Shoreline's plan.

Snohomish County Engineer: On that point as far as I know, the Shoreline Management permits, its required if you deviate anything from the original design as a structure from the \_\_\_\_\_ it's what they are bringing up back to the preexisting level. You do not need the permit and you'll be exempt from it but if you are changing location of the dike or elevating it or changing the regional design, as a structure you will be probably required to get permits.

**KRAMER:** I know that you're required to get a permit but I am not aware of anything in shoreline or SEPA that ask you the question "will your action cause additional flooding?"

**KUNZLER:** Cumulative impacts.

**VANZANTEN:** I guess I'm assuming that once you've discarded the shoreline of Sepa permit you'd start causing a lot of effects right and that's how the question would get on the table. That would coincide. I don't know that it is specifically spelled out the shoreline but I'm assuming that process would bring that question to...

**CHAIRMAN JOHNSON:** Okay I'm going to call on John Weiseman who wanted to make a comment on this.

1 **WISEMAN**: Yes I just would have real concern if you were to undertake some kind of policy that  
2 would make this uniform level mandatory. I think you'll find places where you're sitting right now  
3 will be underneath 10 feet of water should our sandbag line fail in downtown Mt. Vernon and I  
4 think it's going to be prudent for us to at some point in time build some kind of a flood wall to  
5 protect the extremely high assessed valuation protect us against the high risk of loss of life and other  
6 catastrophe. And we're building that kind of a structure and you may wish to go higher than the 50  
7 year flow line of a 25 year flood protection, it would just make good sense. We may have other  
8 critical facilities somewhere in the flood plain that should be protected, again, for fear of loss of life  
9 and heavy financial loss to a higher level. So, I would caution you not to think just of the rural  
10 flood plain and the 50-year, or 25-year or whatever uniform level of protection you're providing  
11 because that's kind of the area that we have most of our problems. And to also bear in mind that  
12 there are areas like the city of Mt. Vernon, and I'm sure there are others that are subject to that kind  
13 of catastrophic loss that maybe should receive a little higher level of protection. Don't rule it out.

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15 **GILBROUGH**: I think your best tool and one that was established by the FCAAP program of the  
16 Department of Ecology is the comprehensive flood planning process. That each county is either  
17 going through the process or completed it. But you let the counties and their own internal work  
18 rules to establish all of the levee height elevations and then police one another with their shoreline  
19 process or whatever...

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21 **CHAIRMAN JOHNSON**: In other words, let the locals prioritized it ...

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23 **GILBROUGH**: You don't want to get involved in that one. And then, you know Snohomish  
24 County is the one that I was involved in heavily and I think they did a real good job of doing that. I  
25 think you'll find that the rest of these counties . . . Because that's the overall process. The decision  
26 they make on the overall will be a good one.

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28 **VANZANTEN**: I don't mean to imply that I have any . . . that I back in any way a uniform level  
29 or standard level or anything like that. My only point is, it is a legitimate question that if one  
30 diking district builds their dikes higher, if we went and scalped all of the bars in Whatcom County,  
31 is there going to be some negative impact somewhere else. My only point is, I think there are some  
32 mechanisms in place to raise and look at those questions. And then you make your decision on the

1 basis of the information that has come out of that public process. And I would urge this committee  
2 not to necessarily say we need more rules to govern that process. I think we have some there  
3 already that can bring that to public discussion.

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5 **ROD MACK**: I would agree. The mechanism is there through the Shoreline Permit process.  
6 Though probably, I'm not aware of any place in the state that has that kind of criteria in their  
7 program. Hopefully, that kind of information is available...(unintelligible).

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9 **CHAIRMAN JOHNSON**: What I was going to say, but what these gentlemen over here were  
10 saying that they're acknowledging that information should be aware, it should addressed, it should  
11 be talked about, disclosed and all of that. You're saying that it shouldn't necessarily be the state  
12 who decides, ultimately decides that it should be addressed in the comprehensive flood management  
13 plan for this area. Is that what you're saying?

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15 **WISEMAN**: I think the classic example when DOE was coming out with proposed flood plain  
16 regulations, I believe one of the DOE individuals mentioned earlier that critical facilities should be  
17 protected, or not be allowed in the flood plain. And the rules that were originally proposed would  
18 have prohibited us from building a fire station in a flood plain unless it were protected to 500 year  
19 flood protection level, and the routes leading to the fire station, which meant that we could not have  
20 provided fire protection to those individuals already living in the flood plain. We would have had  
21 to move out of the flood plain, back up on the hill somewhere, and our response time would have  
22 been too great. So, it's easy to . . . with all good intentions . . . formulate regulations and not  
23 perceive all the details that can come out of it . . . all of the problems that can come out of it.

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25 **CHAIRMAN JOHNSON**: To repeat, if I said you don't mind addressing it, but you still like the  
26 local authority to decide what the answer to the problem would be.

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28 **WISEMAN**: Exactly.

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30 **CHAIRMAN JOHNSON**: Harvey Walden.

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1 **WALDEN**: (Unintelligible). If we were to bring our level up to their level I guarantee you they  
2 would raise their dikes.

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4 Speaker: Immediately.

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6 Several speakers: (Unintelligible)

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8 **CHAIRMAN JOHNSON**: Right. Which points to the . . . one of the points of House Senate Bill  
9 5411 was to get the counties to do comprehensive flood control planning for entire river systems to  
10 try to take into the account the whole system, and get everyone along the river to decide at what  
11 levels some of the protection would be, and where the water would go, and not dump it on the dike  
12 district that has the most obligations and the least financing to do that.

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14 **WALDEN**: Don't make another law so that I have to pay more than \$1,300 a year that I'm paying  
15 now. for diking and ditching, it's just about prohibitive. And I pay that on 42 acres.

16

17 **VANZANTEN**: I don't want to make another law.

18

19 **CHAIRMAN JOHNSON**: She's innocent, I'm guilty. [Laughter]

20

21 SEVERAL SPEAKERS: Unintelligible.

22

23 **HAMBURG**: One thing I'd kind of like to emphasize in regard to the comprehensive plan. We're  
24 talking about levies and comprehensive plan. When you think about the comprehensive plan, it  
25 involves a lot more than levies. Levies are just a part of it. We've gone about as far as we're going  
26 to go, I think, with levies. The alternatives that Noel was talking about are the things that are going  
27 to help us in the future. It isn't going to be the levies. The alternative moves. So, that's why that  
28 plan is, to me, is very, very important. The community interaction and unification on this thing is  
29 absolutely essential.

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31 **WALDEN**: The one thing that came clear to me just a little bit ago is the fact that these dikes that  
32 we have are capable of 25-year floods. You can't go higher without . . .



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**HAMBURG:** I was talking about one district.

**WALDEN:** I know but any of the districts. I don't know that any of us have any more qualified base to do that than what the river is made of. You're built on river buildup, sand, silt, deposit, whatever as (Unintelligible) we build the dike on top of it. We didn't go down and clear the land underneath. We just build it on top by pushing up the sand that the river deposits. What's underneath there is a big question. So, I'm sure we don't have any more firmness than what they have until you get to the clay, and the clay is more of a blue clay mud and they could probably build them to 500-year flood without any problem.

**CHAIRMAN JOHNSON:** Tony, would you and Sky like to make any comments regarding local decision-making process for the committee. Once again, things that you think the state could help to facilitate the decision-making or either free up local hands to less restrictive policies, or have the state force you to the point with more uniform restrictions, a more restrictive policy. Compared to what the status quo is, we have to have input on whether or not there's going to be legislative tactics next January that beefs things up, or strips things down or whatever. You guys have your thoughts on some of the decision-making process and policies?

**Sky Miller:** Specifically, on the uniform level I think that should be a local decision and I also think we have the vehicles in place now through SEPA and through Shorelines management plan to stop projects for a levy, the Marshland levy project was stopped at the county level through the vehicles of Sepa and Shorelines.

**CHAIRMAN JOHNSON:** This is a loaded question, what John was talking about, where you got a city, you know, downtown area, high property values that might require some sort of protective wall. Something like that for flood control purposes. Are you saying that uniform dike levels are something that locals should decide on? In other words, should there be wide variations? If it could be in particular for a certain area. I mean, as far as what they decide the level should be. But once those levels are decided, should they be uniform?

**VANZANTEN:** Should the state say, you've got to be uniform. We don't say how.

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**SKY MILLER:** No. And when we say uniform levels in the Snohomish River, that's a misnomer reading. We've got a 5 plus one on the upper reach of Marshland and French Slough, and the other as you come around the corner just within a mile, we drop it down to a foot lower than that. The next district down, Diking District 1, has the ability to go back up a foot higher than their neighboring district just to get into the PL-99 program so they have somebody to repair their levy. On down farther, we're into a tidal influence. We have a different elevation set for those districts. The City of Everett has some land which is essentially 100-year protection down there. So, we don't have uniform levels. We have a compromise. But, what we do have is a line drawn all the way down the river. Nobody goes past this line. And that line kind of goes up and down.

**CHAIRMAN JOHNSON:** Which has been agreed upon by all the parties?

**SKY MILLER:** Right.

Unidentified Speaker: On both sides of the river, or up and down the river?

**SKY MILLER:** Both sides, up and down, (Unintelligible).

Unidentified Speaker: So, what you're saying is that you don't want the state to get in and help?

\_\_\_\_\_: [Laughter]

**CHAIRMAN JOHNSON:** Okay, so, the word uniform may not be the word, but at least we're agreed upon local levels like you said, both sides of the river, up and down the river. That part should remain as a local river system decision.

**SKY MILLER:** Right.

**CHAIRMAN JOHNSON:** Jim?

1 **JIM KRAMER**: I agree with what's been said. We don't want to ascribed to the system of  
2 protection and only can you have that little or no protection at all. Because there are situations  
3 where you have a city, it needs local protection. A farm that stores water, probably it should have a  
4 different level of protection. Otherwise, we going to just wall off everything because we have  
5 consistent levels of protection. What I thought Shirley was talking about, and something that I  
6 think at least we should be looking at in the flood control plans to make sure it's in there, is what  
7 assessment is made and what action is taken if you protect one thing to the detriment of another.  
8 What is done to the detriment property. And I don't think that in the past has been dealt with  
9 through some of these actions, and to my knowledge still isn't in some areas that I think we're  
10 speaking to the aware and enlightened in this community. And there are others in the state that I've  
11 seen flood walls put up where that hasn't been assessed. And it's still, as recently as a couple of  
12 years ago, still happening. So, I think the question that I think we ought to look at is what is in  
13 either the flood plans that are coming in or some approval process other than when you take an  
14 action to protect one property, that negative effect of that action is looked at and somehow assessed  
15 and dealt with. King County in our statement which is receiving considerably controversy is that if  
16 you protect one property to the detriment of the other, you have to get the other property's approval  
17 through some sort of flood easement to be able to do that.

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19 Unidentified Speaker: What is a flood easement?

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21 **KRAMER**: A flood easement is basically a purchase of a right to flood that parcel.

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23 Unidentified Speaker: Unintelligible.

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25 **KRAMER**: Right. Because you're sending the water. The other way it can be dealt with is that you  
26 just wait for the damage to happen and the property owner can sue, which is somewhat the case that  
27 is happening up here. I guess the question is, is the state and local government want to allow that  
28 process to happen. The state has some interest because you're funding projects that do these things.  
29 And I guess there is a recent state interest when you are funding and action that has a negative  
30 consequence that hasn't been dealt with at the time because it is constructed with potentially later  
31 liabilities.

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1 **TONY**: Just to clarify that in essence, it's not the elevation of the levies that are uniform, but it's  
2 more in a sense of inundation that's uniform. That's what the commissioners agree it will take so  
3 much water by at this elevation. And we forgot that the city development or higher value  
4 development recruitments. I, for one, would recommend site specific study of the volume of the  
5 protection. In other words, once you look at the flood plain and see it in terms of islands that you  
6 protect it. If you have a court house in a flood plain, you certainly want to protect it for a long  
7 period against major floods -- 500,000 year floods. Whereas, if you have a field that you use only  
8 occasionally, that field should be open to quite frequent inundations to remove the pressure from  
9 more protected areas. So, the uniformity in a field would be very uneven, and yet the volume and  
10 inundation process would be considered as pretty much on the same scale. So, one could call that  
11 acceptance by the society by the residents of the area and it would be fairly uniform with regard to  
12 inundation and protection. So, to sum it up, the state shouldn't really interfere, it should be the local  
13 government that would assess the rights and protection.

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15 **CHAIRMAN JOHNSON**: But, you're saying the assessment process, though, that you need to  
16 look at the value of the . . . the amount of inundation the relevant value of inundating one area  
17 versus another.

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19 **TONY**: Yes. That's why I said that in some areas we have lowered and in other areas we left the  
20 dikes higher, giving them added protection for the site.

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