

# Caw Caw Drainage Project Remains In Limbo

BY SUSAN USHER

County and soil conservation officials agree that salvaging an abandoned flood control and drainage project at the western end of the county is a good idea.

What they couldn't resolve in 1 1/2-hour meeting Monday is who—if anyone—is responsible for its restoration and maintenance.

County commissioners will take up the subject again at 4:30 p.m. Monday, Sept. 16, after soil conservation officials compile costs estimates of for restoration and/or various levels of maintenance along the 17 miles of drainage ditching that comprise the Caw Caw watershed.

Silting, sand bars, fallen trees and energetic beavers are beginning to take their toll on the watershed project, officially titled Brunswick County Drainage District 1. Established in the mid 1960s, its channels and ditches were completed in 1967 at a cost of about \$258,000. Property owners served by the district shared in the cost and were to be assessed for its maintenance.

However, maintenance work was performed only once, in 1974.

"It's in pretty good shape not to have been maintained," noted David Combs, area Soil Conservation Service area conservationist. "With some minimal maintenance it may last another 100 years. But if nothing is done it will go downhill fast."

**Still District?**  
Commissioners agree with County Attorney David Clegg's contention—based in part on an Attorney General's opinion written by Dan Oakley—that the clerk of Brunswick County Superior Court didn't have legal authority to dissolve the district in December 1976 and that the county is not responsible for the district.

The clerk's order was based on a resolution by the county commissioners in which the county agreed to assume the maintenance of the district as part of its water management and mosquito control program. They didn't specify what that maintenance might entail.

A year later the same board of commissioners refused to take over an agreement the drainage district had made with the U.S. Department of Agriculture Soil Conservation Service to maintain the drainage project.

Clegg said the county has several options that range from formally dissolving to reviving the district. He said the county could seek special legislation to dissolve the district or file a writ of mandamus to have the

clerk of court rescind the dissolution order and appoint drainage commissioners. Then the county could allocate money to the district the way it does to other agencies.

"Until you get a clerk or judge to say it is a district," warned James Bellamy of Shallotte, "people aren't going to believe it."

Bellamy, of Shallotte, is chairman of the county's Soil and Water Conservation District. He contends the county should logically assume the project, committing no more than \$20,000 per year to the project. The county would get a good return on its investment, he added, from the development proposed in the area.

But commissioners said that solution might cause more problems.

"This whole situation raises whole barrels of questions about other legal entities in the county," said Clegg.

**Precedents**

For example, Commissioner Grace Beasley said she was concerned that a county take-over might prompt other taxing districts such as the Leland Sanitary District to seek county support.

Chappell was concerned about having taxpayers countywide pay for a service of direct benefit to only a portion of the county.

"I'm a firm believer, if you receive the service you pay for it, that the people who benefit most pay," said Chairman Chris Chappell, a resident of the Caw Caw district.

But all agreed that any solution would probably involve county dollars.

**Support Divided**

From a shaky start in the mid-1960s to financial insolvency in the mid-1970s, the Caw Caw watershed

project was continuously plagued with divided support from the landowners the agricultural drainage project was intended to benefit.

Differences between the property owners, including at one time several hundred who opposed inclusion in the district and/or the levying of assessments—threw the matter into court, with Resident Judge Raymond B. Mallard ultimately instructing that drainage commissioners be either elected or appointed by the then Clerk of Court, Jack Brown. Brown had entered, on Feb. 21 1964, the original order that established the district.

Still some property owners blocked Soil Conservation Service engineers and surveyors from entering their property and threatened them with violence. At one point, a group petitioned Brown to disqualify himself from the proceedings in order to avoid a potential conflict of interest because of a relationship by marriage with personalities involved in the conflict.

Not until late 1971 and early 1972 were most of these differences essentially settled, the records show.

When completed, the watershed project drained into the Waccamaw River 21,710.7 acres of Caw Caw, Little Caw Caw and Shingletree swamps in the southwest corner of Shallotte Township.

Final cost of the 16 to 17 miles of canals and ditches was about \$258,000, court records show, with the Soil Conservation Service share about \$192,780 and that of the district's landowners, \$65,361. The project has also cleared some 205.2 acres.

Soil conservation officials say the same project couldn't be completed today for \$2 million—if permits could

be obtained to drain the wetlands.

At the end of the 1975 fiscal year, the district owed \$11,191: to Waccamaw Bank & Trust, \$3,500; to L.M. McLamb and Son Construction Co., \$1,950 plus \$157.71 interest; to A.D. McLamb & Sons \$5,100 plus \$492.29 in interest.

At that time, Drainage District Commissioner Wendell Bennett discussed the possibility of the county taking over the project under its water management and mosquito control program supervised by L.D. Benton. However, the court records note, the district understood it would

have to pay off its note to A.D. McLamb in full before the county could proceed; the district planned to contact the bank regarding an additional loan.

In a special meeting on Aug. 13, 1978, Brunswick County Commissioners Rusty Russ, Steve J. Varnam Jr. Ira D. Butler Jr. and Franky Thomas voted unanimously to take over the district at such time as the district commissioners petitioned the clerk of court.

On Aug. 27, the developers of Carolina Shores, CLA Properties Inc., agreed to a \$6,000 settlement of

its district assessments, paying \$1,500 down and agreeing to pay the remainder in annual installments over a three-year period.

Several months later, on Nov. 29, the county board of commissioners agreed to clear the district's remaining debts of \$5,988.05, with Russ adding that "revenues generated from the District tax would more than offset the above amount."

Then, on Dec. 1, Jack Brown, clerk of court, signed the order that was to have abolished the district and taken away its powers "as if it had never been brought into existence."

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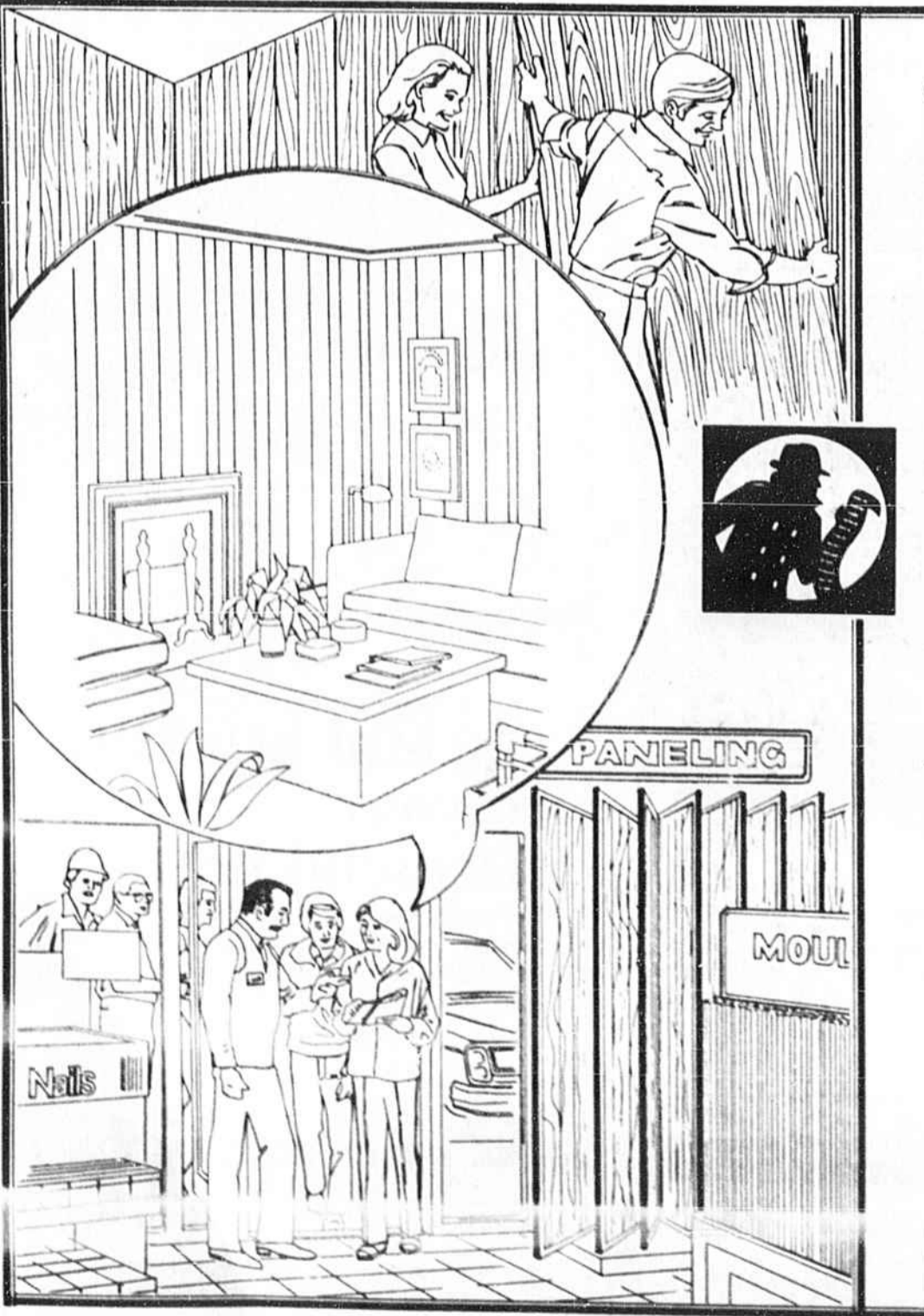
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