

**SENATE BILL REPORT**

**SB 6248**

**AS OF JANUARY 27, 1994**

**Brief Description:** Providing for flood damage reduction.

**SPONSORS:** Senators Erwin, Owen, Oke, Anderson, Hargrove, Snyder, Amondson, Roach, Sellar, Franklin and M. Rasmussen

**SENATE COMMITTEE ON NATURAL RESOURCES**

**Staff:** Kari Guy (786-7464)

**Hearing Dates:** February 4, 1994

**BACKGROUND:**

Responsibility for flood hazard prevention and management is divided between a number of agencies and jurisdictions. Locally, counties may adopt comprehensive flood control management plans on an optional basis, to establish a scheme for flood control protection. County plans may apply to cities and towns, or cities and towns may adopt their own plans.

The Department of Ecology has the authority to approve or reject designs and plans for any structure to be erected upon the banks, in the channel, or in the floodway of any stream or body of water. The Department of Ecology also provides technical assistance to local governments in the development of flood plain management ordinances, and reviews and approves these ordinances.

The Department of Fisheries has the responsibility to provide hydraulic project approval for any project that would use, divert, obstruct, or change the natural flow or bed of any waters of the state. Protection of fish life is the only grounds upon which approval may be denied or conditioned. The Department of Fisheries has also established rules regulating work within the waters of the state.

The Department of Natural Resources has authority over aquatic lands. The department has established rules governing use or modification of any river system.

Concerns have been raised that the lack of a coordinated state flood control policy makes it difficult to obtain permits for flood protection projects.

**SUMMARY:**

Legislative findings are made that reducing flood damage through the use of structural and nonstructural projects is in the public interest.

## PART I: LAND USE PLANNING

The prevention, minimization, and repair of flood damage is added to the list of responsibilities of the state under the State Environmental Policy Act (SEPA).

The following elements are added to the flood control management plan: identifying areas of potential channel migration, developing options to prevent channel migration, and identifying practices that will avoid long-term accretion of sediments. Counties must complete comprehensive flood control management plans by December 31, 1997. Any county with two or more presidentially declared flood disasters within the most recent ten-year period is required to complete a comprehensive flood control plan.

"Floodway" as referenced in defining the authorities of the Department of Ecology is clarified to mean the Federal Emergency Management floodway.

Cities are prohibited from annexing territory within a flood plain unless the city establishes zoning and use requirements consistent with the comprehensive flood control management plan of the county.

State agencies are directed to provide leadership in means to reduce the risk of flood losses. This may include attempting to locate new facilities outside of flood plains, flood-proofing existing facilities, and taking flood hazards into account when evaluating applications for planning grants.

A flood protection project is defined as work necessary to preserve, restore, or improve natural or human-made streambanks or flood control facilities.

The Department of Transportation is directed to assess all areas of the state in which road or bridge construction has impacted the flood plain, and to develop a plan for corrective action by December 31, 1994.

## PART II: PERMITTING

Agencies are directed to actively encourage, through permit requirements, the removal of accumulated materials from rivers and streams where there is a flood damage reduction benefit.

Department of Fisheries standards for gravel removal are revised and codified. The excavation line for gravel removal must be parallel to the water's edge, with the excavation at a minimum gradient of one half percent. Excavated materials may not be stockpiled within the ordinary high water line except from June 15 to October 15.

Department of Natural Resources standards for river management are revised and codified. Sand and gravel removal will be allowed regardless of the availability of alternative upland sites, and may be removed in an amount equal to the annual deposit of a stream times the number of years since the last

removal. The Department shall encourage river channel relocations and improvements where public benefit can be shown.

The Departments of Fish and Wildlife, Natural Resources, and Ecology are directed to develop a memorandum of understanding to facilitate the consideration of projects that will aid the prevention of flood damage. The memorandum must provide a plan to implement a streamlined, comprehensive permit process.

In making hydraulic project approval decisions, the Department of Fish and Wildlife must approve the project if (1) a project improves fish life over the long term to compensate for short-term losses, or if (2) the project protects structures likely to incur damage during the next flood season if the project is not completed, and the project lessens loss of fish life as compared to a project resulting from an emergency request.

Projects involving the repair of existing flood control facilities do not require hydraulic project approval if they are consistent with the county flood plan and necessary to avoid flood damage during the next season.

Applications for hydraulic project approval for projects to protect farm and agricultural land are not required to include notice of compliance with the State Environmental Policy Act. Final approval may not be granted until all requirements of the State Environmental Policy Act have been satisfied.

Applicants who win a hydraulics project approval permit appeal or shorelines permit appeal may be awarded legal and engineering costs involved in the appeal.

Reconstruction of dikes and levies, or construction of stream flow retention or detention facilities, are exempt from SEPA if consistent with a flood control management plan. Streambed maintenance, including sediment removal, sediment disposal, and streambank stabilization, that is performed to provide a flood control benefit is exempt from SEPA.

### PART III: FUNDING

The Department of Transportation is required to contribute to flood damage reduction projects for which state projects benefit. The contribution may not be less than 10 percent of the total project cost.

### PART IV: FLOOD HAZARD INFORMATION

The Department of Ecology is directed to file, and annually update, copies of FEMA flood insurance rate maps with the county auditor of each county.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested January 18, 1994

