

1 projected flows under future developed conditions, the county may use
2 the projected flows as the basis for determining the zero-rise
3 floodway. The rules adopted by the department shall meet the following
4 minimum requirements:

5 (1) Except as provided in subsection (2) of this section, a
6 development proposal within a designated flood plain including but not
7 limited to, new or substantially improved structures may not cause an
8 increase in the base flood elevation or a net decrease in the storage
9 volume of the flood plain unless the following requirements are met:

10 (a) Amendments to the flood insurance rate map have been adopted by
11 the federal emergency management agency to incorporate the increase in
12 base flood elevations; and

13 (b) Appropriate legal documents are prepared in which all property
14 owners affected by the increased flood elevations consent to the
15 impacts on their property. These documents shall be filed with the
16 title of record for the affected properties.

17 (2) The following are presumed to produce no increase in base flood
18 elevation:

19 (a) Residential structures or substantial improvements to existing
20 residential structures using a foundation of posts and piers or similar
21 construction;

22 (b) Residential structures or substantial improvements meeting the
23 following conditions:

24 (i) The residence is in existence before the effective date of this
25 section;

26 (ii) The lot contains less than five thousand square feet of
27 buildable land outside the zero-rise floodway; and

28 (iii) The total building footprint of all proposed structures on
29 the lot is equal to or less than two thousand square feet. On a one-
30 time basis, a substantial improvement may increase the total building
31 footprint beyond two thousand square feet if the improvement does not
32 increase the total building footprint by more than twenty percent;

33 (c) Structures and installations that are dependent upon the
34 floodway may be located in the floodway if the development proposal is
35 approved by all agencies with jurisdiction. Such structures include,
36 but are not limited to:

37 (i) Dams or diversions for water supply, flood control,
38 hydroelectric production, irrigation, or fisheries management;

- 1 (ii) Flood damage reduction facilities, such as levees and pumping
2 stations;
- 3 (iii) Stream bank stabilization structures where no feasible
4 alternative exists for protecting public or private property; and
- 5 (iv) Storm water conveyance facilities;
- 6 (d) Farm and agricultural land as defined in RCW 84.34.020(2).

7 NEW SECTION. **Sec. 102.** A new section is added to chapter 86.16
8 RCW to read as follows:

9 Unless the context clearly requires otherwise, the definitions in
10 this section apply throughout this section and section 101 of this act.

11 (1) "Base flood" or "one hundred year flood" means a flood having
12 a one percent chance of being equaled or exceeded in any given year.

13 (2) "Department" means the department of ecology.

14 (3) "Federal emergency management agency floodway" means the
15 channel of the stream and that portion of the adjoining flood plain
16 that is necessary to contain and discharge the base flood flow without
17 increasing the base flood elevation more than one foot.

18 (4) "Flood insurance study" means the official report provided by
19 the federal insurance administration that includes flood profiles and
20 the flood insurance rate map.

21 (5) "Flood insurance rate map" means the official map on which the
22 federal insurance administration has delineated areas of flood hazard.

23 (6) "Flood plain" means any land area susceptible to being
24 inundated by water from any inland or tidal waters creating a general
25 and temporary condition of partial or complete inundation of normally
26 dry land areas.

27 (7) "Substantial improvement" means any maintenance, repair,
28 structural modification, addition, or other improvement of a structure,
29 the cost of which equals or exceeds fifty percent of the market value
30 of the structure either before the maintenance, repair, modification,
31 or addition is started or before the damage occurred, if the structure
32 has been damaged and is being restored.

33 (8) "Zero-rise floodway" means the channel of the stream and that
34 portion of the adjoining flood plain that is necessary to contain and
35 discharge the base flood flow without any measurable increase in flood
36 heights. A measurable increase in base flood height means a calculated
37 upward rise in the base flood elevation, equal to or greater than 0.01
38 foot, resulting from a comparison of existing conditions and changed

1 conditions directly attributable to development in the flood plain.
2 This definition is broader than that of the federal emergency
3 management agency floodway but always includes the federal emergency
4 management agency floodway. The boundaries of the one hundred year
5 flood plain as shown on the flood insurance study shall be considered
6 the boundaries of the zero-rise floodway unless a special study has
7 been conducted, that study has determined a different boundary, and the
8 county in which the study was conducted has adopted the results of the
9 study.

10 **Sec. 103.** RCW 86.12.200 and 1991 c 322 s 3 are each amended to
11 read as follows:

12 The county legislative authority of any county may adopt a
13 comprehensive flood (~~control~~) hazard management plan for any drainage
14 basin that is located wholly or partially within the county.

15 A comprehensive flood (~~control~~) hazard management plan shall
16 include the following elements:

17 (1) Designation of areas that are susceptible to periodic flooding,
18 from inundation by bodies of water or surface water runoff, or both,
19 including the river's meander belt or floodway;

20 (2) Establishment of a comprehensive scheme of flood (~~control~~)
21 hazard protection and improvements for the areas that are subject to
22 such periodic flooding, that includes: (a) Determining the need for,
23 and desirable location of, flood (~~control~~) hazard reduction
24 improvements to protect or preclude flood damage to structures, works,
25 and improvements, based upon a (~~cost/benefit~~) cost-benefit ratio
26 between the expense of providing and maintaining these improvements and
27 the benefits arising from these improvements; (b) establishing the
28 level of flood protection that each portion of the system of flood
29 (~~control~~) hazard reduction improvements will be permitted; (c)
30 identifying potential impacts of in-stream flood hazard work on the
31 state's in-stream resources, meander belt, or floodway and considering
32 alternatives to in-stream flood (~~control~~) hazard reduction work; (d)
33 identifying areas where flood waters could be directed during a flood
34 to avoid damage to buildings and other structures; (~~and~~) (e)
35 identifying areas where a river may migrate into a new channel and
36 considering alternatives to protect the new channel, and identifying
37 practices that will avoid long-term accretion of sediments; and (f)
38 identifying sources of revenue that will be sufficient to finance the

1 comprehensive scheme of flood (~~control~~) hazard protection and
2 improvements;

3 (3) Establishing land use regulations that preclude the location of
4 structures, works, or improvements in critical portions of such areas
5 subject to periodic flooding, including a river's meander belt or
6 floodway, and permitting only flood-compatible land uses in such areas;

7 (4) Establishing restrictions on construction activities in areas
8 subject to periodic floods that require the flood proofing of those
9 structures that are permitted to be constructed or remodeled; and

10 (5) Establishing restrictions on land clearing activities and
11 development practices that exacerbate flood problems by increasing the
12 flow or accumulation of flood waters, or the intensity of drainage, on
13 low-lying areas. Land clearing activities do not include forest
14 practices as defined in chapter 76.09 RCW.

15 A comprehensive flood (~~control~~) hazard management plan shall be
16 subject to the minimum requirements for participation in the national
17 flood insurance program, requirements exceeding the minimum national
18 flood insurance program that have been adopted by the department of
19 ecology for a specific flood plain pursuant to RCW 86.16.031, and rules
20 adopted by the department of ecology pursuant to chapter 86.16 RCW and
21 RCW 86.26.050 relating to flood plain management activities. When a
22 county plans under chapter 36.70A RCW, it (~~may~~) shall incorporate the
23 portion of its comprehensive flood (~~control~~) hazard management plan
24 relating to land use restrictions in its comprehensive plan and
25 development regulations adopted pursuant to chapter 36.70A RCW.

26 **Sec. 104.** RCW 86.16.025 and 1989 c 64 s 2 are each amended to read
27 as follows:

28 With respect to such features as may affect flood conditions, the
29 department shall have authority to examine, approve or reject designs
30 and plans for any structure or works, public or private, to be erected
31 or built or to be reconstructed or modified upon the banks or in or
32 over the channel or over and across the federal emergency management
33 agency floodway of any stream or body of water in this state.

34 **Sec. 105.** RCW 86.16.041 and 1989 c 64 s 4 are each amended to read
35 as follows:

36 (1) Beginning July 26, 1987, every county and incorporated city and
37 town shall submit to the department of ecology any new flood plain

1 management ordinance or amendment to any existing flood plain
2 management ordinance. Such ordinance or amendment shall take effect
3 thirty days from filing with the department unless the department
4 disapproves such ordinance or amendment within that time period.

5 (2) The department may disapprove any ordinance or amendment
6 submitted to it under subsection (1) of this section if it finds that
7 an ordinance or amendment does not comply with any of the following:

8 (a) Restriction of land uses within designated floodways including
9 the prohibition of construction or reconstruction of residential
10 structures except for: (i) Repairs, reconstruction, or improvements to
11 a structure which do not increase the ground floor area; and (ii)
12 repairs, reconstruction, or improvements to a structure the cost of
13 which does not exceed fifty percent of the market value of the
14 structure either, (A) before the repair, reconstruction, or repair is
15 started, or (B) if the structure has been damaged, and is being
16 restored, before the damage occurred. Work done on structures to
17 comply with existing health, sanitary, or safety codes or to structures
18 identified as historic places shall not be included in the fifty
19 percent determination;

20 (b) The minimum requirements of the national flood insurance
21 program; and

22 (c) The minimum state requirements adopted pursuant to ((RCW
23 86.16.031(8))) this chapter that are applicable to the particular
24 county, city, or town.

25 **Sec. 106.** RCW 86.16.045 and 1989 c 64 s 6 are each amended to read
26 as follows:

27 A county, city, or town may adopt flood plain management ordinances
28 or requirements that exceed state requirements or the minimum federal
29 requirements of the national flood insurance program without following
30 the procedures provided in RCW 86.16.031(8).

31 **Sec. 107.** RCW 86.26.105 and 1986 c 46 s 5 are each amended to read
32 as follows:

33 ((A comprehensive flood control management plan shall determine the
34 need for flood control work, consider alternatives to in-stream flood
35 control work, identify and consider potential impacts of in-stream
36 flood control work on the state's in-stream resources, and identify the
37 river's meander belt or floodway.)) A comprehensive flood ((control))

1 hazard management plan shall be completed and adopted (~~((within at least~~
2 ~~three years of the certification that it is being prepared, as provided~~
3 ~~in RCW 86.26.050))~~ by December 31, 1997.

4 If after this (~~(three year period))~~ date has elapsed such a
5 comprehensive flood (~~(control))~~ hazard management plan has not been
6 completed and adopted, grants for flood (~~(control maintenance))~~ hazard
7 projects shall not be made to the county or municipal corporations in
8 the county until a comprehensive flood (~~(control))~~ hazard management
9 plan is completed and adopted by the appropriate local authority.
10 These limitations on grants shall not preclude allocations for
11 emergency purposes made pursuant to RCW 86.26.060.

12 NEW SECTION. Sec. 108. A new section is added to chapter 35.13
13 RCW to read as follows:

14 (1) No city or town may annex territory located within the
15 designated flood plain unless the city or town establishes zoning and
16 use requirements for the territory to be annexed that are consistent
17 with the comprehensive flood hazard management plan of the county of
18 jurisdiction.

19 (2) As used in this section, "flood plain" means any land area
20 susceptible to being inundated by water from any inland or tidal waters
21 creating a general and temporary condition of partial or complete
22 inundation of normally dry land areas.

23 NEW SECTION. Sec. 109. A new section is added to chapter 35A.14
24 RCW to read as follows:

25 (1) No code city may annex territory located within the designated
26 flood plain unless the city establishes zoning and use requirements for
27 the territory to be annexed that are consistent with the comprehensive
28 flood hazard management plan of the county of jurisdiction.

29 (2) As used in this section, "flood plain" means any land area
30 susceptible to being inundated by water from any inland or tidal waters
31 creating a general and temporary condition of partial or complete
32 inundation of normally dry land areas.

33 NEW SECTION. Sec. 110. A new section is added to chapter 43.17
34 RCW to read as follows:

35 The heads of state agencies shall provide leadership in encouraging
36 a broad and unified effort to prevent uneconomic uses and development

1 of Washington flood plains and in particular, to promote the public
2 health, safety, and welfare and to reduce the risk of flood losses in
3 connection with Washington lands and installations and state-financed
4 or state-supported improvements.

5 When planning the location for new facilities, state agencies
6 directly responsible for the construction of state buildings,
7 structures, highways, roads, recreational facilities, or other
8 facilities shall evaluate flood hazards and as far as practicable shall
9 preclude the uneconomic, hazardous, or unnecessary use of flood plains
10 in connection with such facilities.

11 Whenever practical and economically feasible, floodproofing
12 measures shall be applied to existing facilities to reduce flood damage
13 potential.

14 State agencies responsible for the review or approval of sewage
15 treatment plants, water treatment plants, interceptor sewers,
16 subdivisions, trailer parks, and other facilities within the state
17 shall evaluate flood hazards in writing in connection with such review
18 and approval of facilities. These state agencies shall take measures
19 to minimize the exposure to potential flood damage to facilities and
20 development that the facilities may induce, and the need for future
21 state expenditures for flood protection and flood disaster relief.

22 State agencies responsible for programs that entail land use
23 planning shall take flood hazards into account when evaluating
24 applications for planning grants and when reviewing water and
25 wastewater facility plans, area-wide wastewater management plans, and
26 comprehensive land-use plans.

27 Requests for appropriations for state construction of new
28 buildings, structures, roads, or other facilities by state agencies
29 shall be accompanied by a statement on the findings of the agency's
30 evaluation and consideration of flood hazards in development of such
31 requests.

32 **PART II**
33 **PERMITTING**

34 NEW SECTION. **Sec. 201.** A new section is added to chapter 75.20
35 RCW to read as follows:

36 Unless the context clearly requires otherwise, the definitions in
37 this section apply to RCW 75.20.100, 75.20.103, and 75.20.130.

1 (1) "Bed" means the land below the ordinary high water lines of
2 state waters. This definition does not include irrigation ditches,
3 canals, storm water run-off devices, or other artificial watercourses
4 except where they exist in a natural watercourse that has been altered
5 by humans.

6 (2) "Commercial" means any facility or building used for commerce,
7 including those used for agricultural or industrial purposes.

8 (3) "Emergency" means an immediate threat to life, public land, or
9 private property, or an immediate threat of serious environmental
10 degradation.

11 (4) "Streambank stabilization" includes but is not limited to log
12 and debris removal; bank protection including riprap, jetties, and
13 groins; gravel removal; and erosion control.

14 (5) "To construct any form of hydraulic project or perform other
15 work" does not include the act of driving across an established ford.
16 Driving across streams or on wetted stream beds at areas other than
17 established fords requires approval. Work within the ordinary high
18 water line of state waters to construct or repair a ford or crossing
19 requires approval.

20 **Sec. 202.** RCW 75.20.100 and 1991 c 322 s 30 are each amended to
21 read as follows:

22 (1) In the event that any person or government agency desires to
23 construct any form of hydraulic project or perform other work that will
24 use, divert, obstruct, or change the natural flow or bed of any of the
25 salt or fresh waters of the state, such person or government agency
26 shall, before commencing construction or work thereon and to ensure the
27 proper protection of fish life, secure the written approval of the
28 department of fisheries or the department of wildlife as to the
29 adequacy of the means proposed for the protection of fish life. This
30 approval shall not be unreasonably withheld. Except as provided in RCW
31 75.20.1001 and 75.20.1002, the department of fisheries or the
32 department of wildlife shall grant or deny approval within forty-five
33 calendar days of the receipt of a complete application and notice of
34 compliance with any applicable requirements of the state environmental
35 policy act, made in the manner prescribed in this section. The
36 applicant may document receipt of application by filing in person or by
37 registered mail. A complete application for approval shall contain
38 general plans for the overall project, complete plans and

1 specifications of the proposed construction or work within the mean
2 higher high water line in salt water or within the ordinary high water
3 line in fresh water, and complete plans and specifications for the
4 proper protection of fish life. The forty-five day requirement shall
5 be suspended if (~~(1)~~) (a) after ten working days of receipt of the
6 application, the applicant remains unavailable or unable to arrange for
7 a timely field evaluation of the proposed project; (~~(2)~~) (b) the site
8 is physically inaccessible for inspection; or (~~(3)~~) (c) the applicant
9 requests delay. Immediately upon determination that the forty-five day
10 period is suspended, the department of fisheries or the department of
11 wildlife shall notify the applicant in writing of the reasons for the
12 delay. Approval is valid for a period of up to five years from date of
13 issuance. The permittee must demonstrate substantial progress on
14 construction of that portion of the project relating to the approval
15 within two years of the date of issuance. If either the department of
16 fisheries or the department of wildlife denies approval, that
17 department shall provide the applicant, in writing, a statement of the
18 specific reasons why and how the proposed project would adversely
19 affect fish life. Protection of fish life shall be the only ground
20 upon which approval may be denied or conditioned.

21 (2) In making a decision as to whether fish life is protected, the
22 department of fisheries or the department of wildlife shall determine
23 if a project as proposed or modified improves fish life or habitat over
24 the long term to compensate for any potential short-term losses.

25 (3) Chapter 34.05 RCW applies to any denial of project approval,
26 conditional approval, or requirements for project modification upon
27 which approval may be contingent. If any person or government agency
28 commences construction on any hydraulic works or projects subject to
29 this section without first having obtained written approval of the
30 department of fisheries or the department of wildlife as to the
31 adequacy of the means proposed for the protection of fish life, or if
32 any person or government agency fails to follow or carry out any of the
33 requirements or conditions as are made a part of such approval, the
34 person or director of the agency is guilty of a gross misdemeanor. If
35 any such person or government agency is convicted of violating any of
36 the provisions of this section and continues construction on any such
37 works or projects without fully complying with the provisions hereof,
38 such works or projects are hereby declared a public nuisance and shall
39 be subject to abatement as such.

1 (~~For the purposes of this section and RCW 75.20.103, "bed" shall~~
2 ~~mean the land below the ordinary high water lines of state waters.~~
3 ~~This definition shall not include irrigation ditches, canals, storm~~
4 ~~water run-off devices, or other artificial watercourses except where~~
5 ~~they exist in a natural watercourse that has been altered by man.~~

6 The phrase "~~to construct any form of hydraulic project or perform~~
7 ~~other work~~" shall not include the act of driving across an established
8 ford. ~~Driving across streams or on wetted stream beds at areas other~~
9 ~~than established fords requires approval. Work within the ordinary~~
10 ~~high water line of state waters to construct or repair a ford or~~
11 ~~crossing requires approval.)~~)

12 (4) For each application, the department of fisheries and the
13 department of wildlife shall mutually agree on whether the department
14 of fisheries or the department of wildlife shall administer the
15 provisions of this section, in order to avoid duplication of effort.
16 The department designated to act shall cooperate with the other
17 department in order to protect all species of fish life found at the
18 project site. If the department of fisheries or the department of
19 wildlife receives an application concerning a site not in its
20 jurisdiction, it shall transmit the application to the other department
21 within three days and notify the applicant.

22 (5) In case of an emergency arising from weather or stream flow
23 conditions or other natural conditions, upon request the department of
24 fisheries or department of wildlife, through their authorized
25 representatives, shall ~~((issue))~~ grant immediately ~~((upon request))~~,
26 oral approval for removing any obstructions, repairing existing
27 structures, restoring stream banks, or ~~((to protect))~~ protecting
28 property threatened by the stream or a change in the stream flow
29 without ~~((the necessity of obtaining))~~ requiring a written approval
30 prior to commencing work. Conditions of an oral approval shall be
31 reduced to writing within thirty days and complied with as provided for
32 in this section. ~~((Oral approval shall be granted immediately upon~~
33 ~~request, for a stream crossing during an emergency situation.))~~

34 (6) This section shall not apply to a project involving the repair
35 of an existing flood hazard reduction facility if the project is
36 determined by the county to be:

37 (a) Consistent with a currently approved comprehensive flood hazard
38 management plan; and

39 (b) Necessary to avoid flood damage during the next flood season.

1 (7) This section shall not apply to the construction of any form of
2 hydraulic project or other work which diverts water for agricultural
3 irrigation or stock watering purposes authorized under or recognized as
4 being valid by the state's water codes, or when such hydraulic project
5 or other work is associated with streambank stabilization to protect
6 farm and agricultural land as defined in RCW 84.34.020. These
7 irrigation or stock watering diversion and streambank stabilization
8 projects shall be governed by RCW 75.20.103.

9 **Sec. 203.** RCW 75.20.103 and 1991 c 322 s 31 are each amended to
10 read as follows:

11 (1) In the event that any person or government agency desires to
12 construct any form of hydraulic project or other work that diverts
13 water for agricultural irrigation or stock watering purposes, or when
14 such hydraulic project or other work is associated with streambank
15 stabilization or flood damage reduction to protect farm and
16 agricultural land as defined in RCW 84.34.020, and when such
17 ~~((diversion or streambank stabilization))~~ hydraulic project will use,
18 divert, obstruct, or change the natural flow or bed of any river or
19 stream or will utilize any waters of the state or materials from the
20 stream beds, the person or government agency shall, before commencing
21 construction or work thereon and to ensure the proper protection of
22 fish life, secure a written approval from the department of fisheries
23 or the department of wildlife as to the adequacy of the means proposed
24 for the protection of fish life. This approval shall not be
25 unreasonably withheld. Except as provided in RCW 75.20.1001 and
26 75.20.1002, the department of fisheries or the department of wildlife
27 shall grant or deny the approval within forty-five calendar days of the
28 receipt of a complete application ~~((and notice of compliance with any
29 applicable requirements of the state environmental policy act,))~~ made
30 in the manner prescribed in this section. The applicant may document
31 receipt of application by filing in person or by registered mail.

32 (2) A complete application for an approval shall:

33 (a) Contain general plans for the overall project, complete plans
34 and specifications of the proposed construction or work within ordinary
35 high water line, and complete plans and specifications for the proper
36 protection of fish life; and

37 (b) Not be required to include notice of compliance with any
38 applicable requirements of the state environmental policy act. Final

1 approval of a project may not be granted until any applicable
2 requirements of the state environmental policy act have been satisfied.

3 (3) The forty-five day requirement shall be suspended if ~~((+1))~~:

4 (a) After ten working days of receipt of the application, the
5 applicant remains unavailable or unable to arrange for a timely field
6 evaluation of the proposed project;

7 ~~((+2))~~ (b) The site is physically inaccessible for inspection;
8 ~~((or-3))~~

9 (c) After forty-four days of receipt of a complete application, a
10 notice of compliance with the state environmental policy act has not
11 been issued; or

12 (d) The applicant requests delay.

13 (4) Immediately upon determination that the forty-five day period
14 is suspended, the department of fisheries or the department of wildlife
15 shall notify the applicant in writing of the reasons for the delay.

16 (5) In making a decision as to whether fish life is protected, the
17 department of fisheries or the department of wildlife shall determine
18 if a project as proposed or modified improves fish life or habitat over
19 the long term to compensate for any potential short-term losses.

20 (6) An approval shall remain in effect without need for periodic
21 renewal for projects that divert water for agricultural irrigation or
22 stock watering purposes and that involve seasonal construction or other
23 work. Approval for streambank stabilization projects shall remain in
24 effect without need for periodic renewal if the problem causing the
25 need for the streambank stabilization occurs on an annual or more
26 frequent basis. The permittee must notify the appropriate agency
27 before commencing the construction or other work within the area
28 covered by the approval.

29 (7) The permittee must demonstrate substantial progress on
30 construction of that portion of the project relating to the approval
31 within two years of the date of issuance. If either the department of
32 fisheries or the department of wildlife denies approval, that
33 department shall provide the applicant, in writing, a statement of the
34 specific reasons why and how the proposed project would adversely
35 affect fish life. Protection of fish life shall be the only ground
36 upon which approval may be denied or conditioned. Issuance, denial,
37 conditioning, or modification shall be appealable to the hydraulic
38 appeals board established in RCW 43.21B.005 within thirty days of the
39 notice of decision. The burden shall be upon the department of

1 fisheries or the department of wildlife to show that the denial or
2 conditioning of an approval is solely aimed at the protection of fish
3 life.

4 (8) The department granting approval may, after consultation with
5 the permittee, modify an approval due to changed conditions. The
6 modifications shall become effective unless appealed to the hydraulic
7 appeals board within thirty days from the notice of the proposed
8 modification. The burden is on the department issuing the approval to
9 show that changed conditions warrant the modification in order to
10 protect fish life.

11 (9) A permittee may request modification of an approval due to
12 changed conditions. The request shall be processed within forty-five
13 calendar days of receipt of the written request. A decision by the
14 department that issued the approval may be appealed to the hydraulic
15 appeals board within thirty days of the notice of the decision. The
16 burden is on the permittee to show that changed conditions warrant the
17 requested modification and that such modification will not impair fish
18 life.

19 (10) If any person or government agency commences construction on
20 any hydraulic works or projects subject to this section without first
21 having obtained written approval of the department of fisheries or the
22 department of wildlife as to the adequacy of the means proposed for the
23 protection of fish life, or if any person or government agency fails to
24 follow or carry out any of the requirements or conditions as are made
25 a part of such approval, the person or director of the agency is guilty
26 of a gross misdemeanor. If any such person or government agency is
27 convicted of violating any of the provisions of this section and
28 continues construction on any such works or projects without fully
29 complying with the provisions hereof, such works or projects are hereby
30 declared a public nuisance and shall be subject to abatement as such.

31 (11) For each application, the department of fisheries and the
32 department of wildlife shall mutually agree on whether the department
33 of fisheries or the department of wildlife shall administer the
34 provisions of this section, in order to avoid duplication of effort.
35 The department designated to act shall cooperate with the other
36 department in order to protect all species of fish life found at the
37 project site. If the department of fisheries or the department of
38 wildlife receives an application concerning a site not in its

1 jurisdiction, it shall transmit the application to the other department
2 within three days and notify the applicant.

3 (12) In case of an emergency arising from weather or stream flow
4 conditions or other natural conditions, the department of fisheries or
5 department of wildlife, through their authorized representatives, shall
6 issue immediately upon request oral approval for removing any
7 obstructions, repairing existing structures, restoring stream banks, or
8 to protect property threatened by the stream or a change in the stream
9 flow without the necessity of obtaining a written approval prior to
10 commencing work. Conditions of an oral approval shall be reduced to
11 writing within thirty days and complied with as provided for in this
12 section. Oral approval shall be granted immediately upon request, for
13 a stream crossing during an emergency.

14 ~~((For purposes of this chapter, "streambank stabilization" shall~~
15 ~~include but not be limited to log and debris removal, bank protection~~
16 ~~(including riprap, jetties, and groins), gravel removal and erosion~~
17 ~~control.))~~

18 (13) This section shall not apply to a project involving the repair
19 of an existing flood hazard facility if the project is determined by
20 the county to be:

21 (a) Consistent with a previously approved comprehensive flood
22 hazard management plan; and

23 (b) Necessary to avoid flood damage during the next flood season.

24 **Sec. 204.** RCW 90.58.030 and 1987 c 474 s 1 are each amended to
25 read as follows:

26 As used in this chapter, unless the context otherwise requires, the
27 following definitions and concepts apply:

28 (1) Administration:

29 (a) "Department" means the department of ecology;

30 (b) "Director" means the director of the department of ecology;

31 (c) "Local government" means any county, incorporated city, or town
32 which contains within its boundaries any lands or waters subject to
33 this chapter;

34 (d) "Person" means an individual, partnership, corporation,
35 association, organization, cooperative, public or municipal
36 corporation, or agency of the state or local governmental unit however
37 designated;

1 (e) "Hearing board" means the shoreline hearings board established
2 by this chapter.

3 (2) Geographical:

4 (a) "Extreme low tide" means the lowest line on the land reached by
5 a receding tide;

6 (b) "Ordinary high water mark" on all lakes, streams, and tidal
7 water is that mark that will be found by examining the bed and banks
8 and ascertaining where the presence and action of waters are so common
9 and usual, and so long continued in all ordinary years, as to mark upon
10 the soil a character distinct from that of the abutting upland, in
11 respect to vegetation as that condition exists on June 1, 1971, as it
12 may naturally change thereafter, or as it may change thereafter in
13 accordance with permits issued by a local government or the department:
14 PROVIDED, That in any area where the ordinary high water mark cannot be
15 found, the ordinary high water mark adjoining salt water shall be the
16 line of mean higher high tide and the ordinary high water mark
17 adjoining fresh water shall be the line of mean high water;

18 (c) "Shorelines of the state" are the total of all "shorelines" and
19 "shorelines of state-wide significance" within the state;

20 (d) "Shorelines" means all of the water areas of the state,
21 including reservoirs, and their associated wetlands, together with the
22 lands underlying them; except (i) shorelines of state-wide
23 significance; (ii) shorelines on segments of streams upstream of a
24 point where the mean annual flow is twenty cubic feet per second or
25 less and the wetlands associated with such upstream segments; and (iii)
26 shorelines on lakes less than twenty acres in size and wetlands
27 associated with such small lakes;

28 (e) "Shorelines of state-wide significance" means the following
29 shorelines of the state:

30 (i) The area between the ordinary high water mark and the western
31 boundary of the state from Cape Disappointment on the south to Cape
32 Flattery on the north, including harbors, bays, estuaries, and inlets;

33 (ii) Those areas of Puget Sound and adjacent salt waters and the
34 Strait of Juan de Fuca between the ordinary high water mark and the
35 line of extreme low tide as follows:

36 (A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,

37 (B) Birch Bay--from Point Whitehorn to Birch Point,

38 (C) Hood Canal--from Tala Point to Foulweather Bluff,

1 (D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point,
2 and

3 (E) Padilla Bay--from March Point to William Point;

4 (iii) Those areas of Puget Sound and the Strait of Juan de Fuca and
5 adjacent salt waters north to the Canadian line and lying seaward from
6 the line of extreme low tide;

7 (iv) Those lakes, whether natural, artificial, or a combination
8 thereof, with a surface acreage of one thousand acres or more measured
9 at the ordinary high water mark;

10 (v) Those natural rivers or segments thereof as follows:

11 (A) Any west of the crest of the Cascade range downstream of a
12 point where the mean annual flow is measured at one thousand cubic feet
13 per second or more,

14 (B) Any east of the crest of the Cascade range downstream of a
15 point where the annual flow is measured at two hundred cubic feet per
16 second or more, or those portions of rivers east of the crest of the
17 Cascade range downstream from the first three hundred square miles of
18 drainage area, whichever is longer;

19 (vi) Those wetlands associated with (i), (ii), (iv), and (v) of
20 this subsection (2)(e);

21 (f) "Wetlands" or "wetland areas" means those lands extending
22 landward for two hundred feet in all directions as measured on a
23 horizontal plane from the ordinary high water mark; floodways and
24 contiguous floodplain areas landward two hundred feet from such
25 floodways; and all marshes, bogs, swamps, and river deltas associated
26 with the streams, lakes, and tidal waters which are subject to the
27 provisions of this chapter; the same to be designated as to location by
28 the department of ecology: PROVIDED, That any county or city may
29 determine that portion of a one-hundred-year-flood plain to be included
30 in its master program as long as such portion includes, as a minimum,
31 the floodway and the adjacent land extending landward two hundred feet
32 therefrom;

33 (g) "Floodway" means those portions of the area of a river valley
34 lying streamward from the outer limits of a watercourse upon which
35 flood waters are carried during periods of flooding that occur with
36 reasonable regularity, although not necessarily annually, said floodway
37 being identified, under normal condition, by changes in surface soil
38 conditions or changes in types or quality of vegetative ground cover
39 condition. The floodway shall not include those lands that can

1 reasonably be expected to be protected from flood waters by flood
2 control devices maintained by or maintained under license from the
3 federal government, the state, or a political subdivision of the state.

4 (3) Procedural terms:

5 (a) "Guidelines" means those standards adopted to implement the
6 policy of this chapter for regulation of use of the shorelines of the
7 state prior to adoption of master programs. Such standards shall also
8 provide criteria to local governments and the department in developing
9 master programs;

10 (b) "Master program" shall mean the comprehensive use plan for a
11 described area, and the use regulations together with maps, diagrams,
12 charts, or other descriptive material and text, a statement of desired
13 goals, and standards developed in accordance with the policies
14 enunciated in RCW 90.58.020;

15 (c) "State master program" is the cumulative total of all master
16 programs approved or adopted by the department of ecology;

17 (d) "Development" means a use consisting of the construction or
18 exterior alteration of structures; dredging; drilling; dumping;
19 filling; removal of any sand, gravel, or minerals; bulkheading; driving
20 of piling; placing of obstructions; or any project of a permanent or
21 temporary nature which interferes with the normal public use of the
22 surface of the waters overlying lands subject to this chapter at any
23 state of water level;

24 (e) "Substantial development" shall mean any development of which
25 the total cost or fair market value exceeds two thousand five hundred
26 dollars, or any development which materially interferes with the normal
27 public use of the water or shorelines of the state; except that the
28 following shall not be considered substantial developments for the
29 purpose of this chapter:

30 (i) Normal maintenance or repair of existing structures or
31 developments, including damage by accident, fire, or elements;

32 (ii) Reconstruction or improvements to dikes and levees if the
33 reconstruction or improvement is determined by a county to be
34 consistent with a flood hazard management plan developed under chapter
35 86.26 RCW;

36 (iii) Construction of the normal protective bulkhead common to
37 single family residences;

38 (~~(iii)~~) (iv) Emergency construction necessary to protect property
39 from damage by the elements;

1 (~~(iv)~~) (v) Construction and practices normal or necessary for
2 farming, irrigation, and ranching activities, including agricultural
3 service roads and utilities on wetlands, and the construction and
4 maintenance of irrigation structures including but not limited to head
5 gates, pumping facilities, and irrigation channels: PROVIDED, That a
6 feedlot of any size, all processing plants, other activities of a
7 commercial nature, alteration of the contour of the wetlands by
8 leveling or filling other than that which results from normal
9 cultivation, shall not be considered normal or necessary farming or
10 ranching activities. A feedlot shall be an enclosure or facility used
11 or capable of being used for feeding livestock hay, grain, silage, or
12 other livestock feed, but shall not include land for growing crops or
13 vegetation for livestock feeding and/or grazing, nor shall it include
14 normal livestock wintering operations;

15 (~~(v)~~) (vi) Construction or modification of navigational aids such
16 as channel markers and anchor buoys;

17 (~~(vi)~~) (vii) Construction on wetlands by an owner, lessee, or
18 contract purchaser of a single family residence for his own use or for
19 the use of his family, which residence does not exceed a height of
20 thirty-five feet above average grade level and which meets all
21 requirements of the state agency or local government having
22 jurisdiction thereof, other than requirements imposed pursuant to this
23 chapter;

24 (~~(vii)~~) (viii) Construction of a dock, including a community
25 dock, designed for pleasure craft only, for the private noncommercial
26 use of the owner, lessee, or contract purchaser of single and multiple
27 family residences, the cost of which does not exceed two thousand five
28 hundred dollars;

29 (~~(viii)~~) (ix) Operation, maintenance, or construction of canals,
30 waterways, drains, reservoirs, or other facilities that now exist or
31 are hereafter created or developed as a part of an irrigation system
32 for the primary purpose of making use of system waters, including
33 return flow and artificially stored ground water for the irrigation of
34 lands;

35 (~~(ix)~~) (x) The marking of property lines or corners on state
36 owned lands, when such marking does not significantly interfere with
37 normal public use of the surface of the water;

38 (~~(x)~~) (xi) Operation and maintenance of any system of dikes,
39 ditches, drains, or other facilities existing on September 8, 1975,

1 which were created, developed, or utilized primarily as a part of an
2 agricultural drainage or diking system;

3 (~~(xi)~~) (xii) Any action commenced prior to December 31, 1982,
4 pertaining to (A) the restoration of interim transportation services as
5 may be necessary as a consequence of the destruction of the Hood Canal
6 bridge, including, but not limited to, improvements to highways,
7 development of park and ride facilities, and development of ferry
8 terminal facilities until a new or reconstructed Hood Canal bridge is
9 open to traffic; and (B) the reconstruction of a permanent bridge at
10 the site of the original Hood Canal bridge.

11 **PART III**

12 **FUNDING**

13 **Sec. 301.** RCW 86.26.050 and 1991 c 322 s 6 are each amended to
14 read as follows:

15 (1) State participation shall be in such preparation of
16 comprehensive flood (~~control~~) hazard management plans under this
17 chapter and chapter 86.12 RCW, cost sharing feasibility studies for new
18 flood (~~control~~) hazard reduction projects, (~~projects pursuant to~~
19 ~~section 33, chapter 322, Laws of 1991,~~) and flood (~~control~~
20 ~~maintenance~~) hazard reduction projects as are affected with a general
21 public and state interest, as differentiated from a private interest,
22 and as are likely to bring about public benefits commensurate with the
23 amount of state funds allocated thereto.

24 (2) No participation for flood (~~control maintenance~~) hazard
25 reduction projects may occur with a county or other municipal
26 corporation unless the director of ecology has approved the flood plain
27 management activities of the county, city, or town having planning
28 jurisdiction over the area where the flood (~~control maintenance~~)
29 hazard reduction project will be, on the one hundred year flood plain
30 surrounding such area.

31 The department of ecology shall adopt rules concerning the flood
32 plain management activities of a county, city, or town that are
33 adequate to protect or preclude flood damage to structures, works, and
34 improvements, including the restriction of land uses within a river's
35 meander belt or floodway to only flood-compatible uses. Whenever the
36 department has approved county, city, and town flood plain management
37 activities, as a condition of receiving an allocation of funds under

1 this chapter, each revision to the flood plain management activities
2 must be approved by the department of ecology, in consultation with the
3 department of fisheries and the department of wildlife.

4 No participation with a county or other municipal corporation for
5 flood ~~((control maintenance))~~ hazard reduction projects may occur
6 unless the county engineer of the county within which the flood
7 ~~((control maintenance))~~ hazard reduction project is located certifies
8 that a comprehensive flood ~~((control))~~ hazard management plan has been
9 completed and adopted by the appropriate local authority, or is being
10 prepared for all portions of the river basin or other area, within
11 which the project is located in that county, that are subject to
12 flooding with a frequency of one hundred years or less.

13 (3) Participation for flood ~~((control maintenance))~~ hazard
14 reduction projects and preparation of comprehensive flood ~~((control))~~
15 hazard management plans shall be made from grants made by the
16 department of ecology from the flood ~~((control))~~ hazard reduction
17 assistance account. Comprehensive flood ~~((control))~~ hazard management
18 plans, and any revisions to the plans, must be approved by the
19 department of ecology, in consultation with the department of fisheries
20 and the department of wildlife. The department may only grant
21 financial assistance to local governments that, in the opinion of the
22 department, are making good faith efforts to take advantage of, or
23 comply with, federal and state flood ~~((control))~~ hazard reduction
24 programs.

25 No participation with a county or other municipal corporation may
26 occur for the construction or reparation of a dike or levee unless the
27 design of the dike or levee is approved by the department of ecology.
28 In approving dike and levee designs, the department of ecology shall
29 give strong preference to dikes and levees that allow flood waters to
30 safely overtop the crown of the dike or levee.

31 No participation with a county or other municipal corporation may
32 occur for dredging projects unless the county or municipal corporation
33 agrees to monitor sediment accumulation for a period of not less than
34 five years after completion of the dredging project.

35 (4) For purposes of this section, "dredging" means the removal of
36 accumulated sediments from a river or stream channel from below the
37 water surface.

1 (5) For purposes of this section, "flood hazard reduction project"
2 means any structural or nonstructural project consistent with a county
3 comprehensive flood hazard management plan.

4 **Sec. 302.** RCW 86.26.007 and 1991 sp.s. c 13 s 24 are each amended
5 to read as follows:

6 The flood (~~(control)~~) hazard reduction assistance account is hereby
7 established in the state treasury. At the beginning of each biennium
8 the state treasurer shall transfer ten million dollars from the general
9 fund to the flood (~~(control)~~) hazard reduction assistance account (~~(an~~
10 ~~amount of money which, when combined with money remaining in the~~
11 ~~account from the previous biennium, will equal four million dollars)~~).
12 Moneys in the flood (~~(control)~~) hazard assistance account may be spent
13 only after appropriation for purposes specified under this chapter.

14 **Sec. 303.** RCW 86.15.030 and 1969 ex.s. c 195 s 2 are each amended
15 to read as follows:

16 Upon receipt of a petition asking that a zone be created, or upon
17 motion of the board, the board shall adopt a resolution which shall
18 describe the boundaries of such proposed zone; describe in general
19 terms the flood control needs or requirements within the zone; set a
20 date for public hearing upon the creation of such zone, which shall be
21 not more than thirty days after the adoption of such resolution.
22 Notice of such hearing and publication shall be had in the manner
23 provided in RCW 36.32.120(7).

24 At the hearing scheduled upon the resolution, the board shall
25 permit all interested parties to be heard. Thereafter, the board may
26 reject the resolution or it may modify the boundaries of such zone and
27 make such other corrections or additions to the resolutions as they
28 deem necessary to the accomplishment of the purpose of this chapter:
29 PROVIDED, That if the boundaries of such zone are enlarged, the board
30 shall hold an additional hearing following publication and notice of
31 such new boundaries: PROVIDED FURTHER, That the boundaries of any zone
32 shall generally follow the boundaries of the watershed area affected:
33 PROVIDED FURTHER, That the immediately preceding proviso shall in no
34 way limit or be construed to prohibit the formation of a county-wide
35 flood control zone district authorized to be created by RCW 86.15.025.

1 Within (~~ten~~) thirty days after final hearing on a resolution, the
2 board shall issue its (~~order~~) ordinance creating the flood control
3 zone district.

4 **Sec. 304.** RCW 86.15.050 and 1961 c 153 s 5 are each amended to
5 read as follows:

6 The board (~~of county commissioners of each county~~) shall be ex
7 officio, by virtue of their office, supervisors of the zones created in
8 each county. The supervisors of the district shall conduct the
9 business of the flood control zone district according to the regular
10 rules and procedures that it adopts.

11 **Sec. 305.** RCW 86.15.160 and 1986 c 278 s 60 are each amended to
12 read as follows:

13 For the purposes of this chapter the supervisors may authorize:

14 (1) An annual excess ad valorem tax levy within any zone or
15 participating zones when authorized by the voters of the zone or
16 participating zones under RCW 84.52.052 and 84.52.054;

17 (2) An assessment upon property, including state property,
18 specially benefited by flood control improvements or storm water
19 control improvements imposed under chapter 86.09 RCW;

20 (3) Within any zone or participating zones an annual ad valorem
21 property tax levy of not to exceed fifty cents per thousand dollars of
22 assessed value when the levy will not take dollar rates that other
23 taxing districts may lawfully claim and that will not cause the
24 combined levies to exceed the constitutional and/or statutory
25 limitations, and the additional levy, or any portion thereof, may also
26 be made when dollar rates of other taxing units is released therefor by
27 agreement with the other taxing units from their authorized levies
28 under chapter 39.67 RCW;

29 (4) A charge, under RCW 36.89.080 through 36.89.100, for the
30 furnishing of service to those who are receiving or will receive
31 benefits from storm water control facilities (~~and~~) or who are
32 contributing to an increase in surface water runoff. Except as
33 otherwise provided in RCW 90.03.525, any public entity and public
34 property, including the state and state property, shall be liable for
35 the charges to the same extent a private person and privately owned
36 property is liable for the charges, and in setting these rates and

1 charges, consideration may be made of in-kind services, such as stream
2 improvements or donation of property;

3 (5) The creation of local improvement districts and utility local
4 improvement districts, the issuance of improvement district bonds and
5 warrants, and the imposition, collection, and enforcement of special
6 assessments on all property, including any state-owned or other
7 publicly-owned property, specially benefited from improvements in the
8 same manner as provided for counties by chapter 36.94 RCW.

9 **PART IV**

10 **FLOOD HAZARD INFORMATION**

11 **Sec. 401.** RCW 58.19.055 and 1992 c 191 s 5 are each amended to
12 read as follows:

13 (1) A public offering statement shall contain the following
14 information:

15 (a) The name, and the address or approximate location, of the
16 development;

17 (b) The name and address of the developer;

18 (c) The name and address of the management company, if any, for the
19 development;

20 (d) The relationship of the management company to the developer, if
21 any;

22 (e) The nature of the interest being offered for sale;

23 (f) A brief description of the permitted uses and use restrictions
24 pertaining to the development and the purchaser's interest therein;

25 (g) The number of existing lots, parcels, units, or interests in
26 the development and either the maximum number that may be added to the
27 development or the fact that such maximum number has not yet been
28 determined;

29 (h) A list of the principal common amenities in the development
30 which materially affect the value of the development and those that
31 will or may be added to the development;

32 (i) The identification of any real property not in the development,
33 the owner of which has access to any of the development, and a
34 description of the terms of such access;

35 (j) The identification of any real property not in the development
36 to which owners in the development have access and a description of the
37 terms of such access;

- 1 (k) The status of construction of improvements in the development,
2 including either the estimated dates of completion if not completed or
3 the fact that such estimated completion dates have not yet been
4 determined; and the estimated costs, if any, to be paid by the
5 purchaser;
- 6 (l) The estimated current owners' association expense, if any, for
7 which a purchaser would be liable;
- 8 (m) An estimate of any payment with respect to any owners'
9 association expense for which the purchaser would be liable at closing;
- 10 (n) The estimated current amount and purpose of any fees not
11 included in any owners' association assessments and charged by the
12 developer or any owners' association for the use of any of the
13 development or improvements thereto;
- 14 (o) Any assessments which have been agreed to or are known to the
15 developer and which, if not paid, may constitute a lien against any
16 portion of the development in favor of any governmental agency;
- 17 (p) The identification of any parts of the development which any
18 purchaser will have the responsibility for maintaining;
- 19 (q) A brief description of any blanket encumbrance which is subject
20 to the provisions of RCW 58.19.180;
- 21 (r) A list of any physical hazards known to the developer which
22 particularly affect the development or the immediate vicinity in which
23 the development is located and which are not readily ascertainable by
24 the purchaser;
- 25 (s) A brief description of any construction warranties to be
26 provided to the purchaser;
- 27 (t) Any building code violation citations received by the developer
28 in connection with the development which have not been corrected;
- 29 (u) A statement of any unsatisfied judgments or pending suits
30 against any owners' association involved in the development and a
31 statement of the status of any pending suits material to the
32 development of which the developer has actual knowledge;
- 33 (v) A notice which describes a purchaser's right to cancel the
34 purchase agreement or extend the closing under RCW 58.19.045(3),
35 including applicable time frames and procedures;
- 36 (w) A list of the documents which the prospective purchaser is
37 entitled to receive from the developer before the rescission period
38 commences;
- 39 (x) A notice which states:

1 "A purchaser may not rely on any representation or express warranty
2 unless it is contained in the public offering statement or made in
3 writing signed by the developer or by any person identified in the
4 public offering statement as the declarant's agent";

5 (y) A notice which states:

6 "This public offering statement is only a summary of some of the
7 significant aspects of purchasing an interest in this development and
8 any documents which may govern or affect the development may be
9 complex, may contain other important information, and create binding
10 legal obligations. You should consider seeking assistance of legal
11 counsel"; and

12 (z) Any other information and cross-references which the developer
13 believes will be helpful in describing the development to the
14 recipients of the public offering statement, all of which may be
15 included or not included at the option of the developer.

16 (2) The public offering statement shall include copies of each of
17 the following documents: Any declaration of covenants, conditions,
18 restrictions, and reservations affecting the development; any survey,
19 plat, or subdivision map; the articles of incorporation of any owners'
20 association; the bylaws of any owners' association; the rules and
21 regulations, if any, of any owners' association; current or proposed
22 budget for any owners' association; and the balance sheet of any
23 owners' association current within ninety days if assessments have been
24 collected for ninety days or more.

25 If any of the foregoing documents listed in this subsection are not
26 available because they have not yet been executed, adopted, or
27 recorded, drafts of such documents shall be provided with the public
28 offering statement, and, before closing the sale of an interest in the
29 development, the purchaser shall be given copies of any material
30 changes between the draft of the proposed documents and the final
31 documents.

32 (3) The disclosures required by subsection (1)(v), (x), and (y) of
33 this section shall be located at the top of the first page of the
34 public offering statement and be typed or printed in ten-point bold
35 face type size.

36 (4) The disclosures required by subsection (1)(r) of this section
37 shall be listed on a separate page from the other disclosures required
38 by this section and shall be printed or typed in ten-point bold face

1 type. If the development or any portion of the development described
2 in the public offering statement is located within the area mapped as
3 the one hundred year flood plain as shown on flood insurance rate maps
4 provided by the federal emergency management agency for the national
5 flood insurance program, this shall be listed as a physical hazard
6 under subsection (1)(r) of this section.

7 NEW SECTION. Sec. 402. A new section is added to chapter 64.04
8 RCW to read as follows:

9 Each earnest money agreement offering real property for sale, and
10 each document conveying real property or an ownership interest in real
11 property, that is located in the area mapped as the one hundred year
12 flood plain, as shown on flood insurance rate maps provided by the
13 federal emergency management agency for the national flood insurance
14 program, shall include in substance the following statement:

15 "WARNING: This real property is located in a one hundred year
16 flood plain. Restrictions may exist as to the uses allowed on the real
17 property and the standards of construction applicable to any
18 construction that may be permitted on the real property."

19 This statement shall be printed, engraved, written, or otherwise
20 reproduced in a legible manner on the earnest money agreement or
21 document of conveyance.

22 NEW SECTION. Sec. 403. A new section is added to chapter 64.04
23 RCW to read as follows:

24 The location of real property within the area mapped as the one
25 hundred year flood plain, as shown on flood insurance rate maps
26 provided by the federal emergency management authority for the national
27 flood insurance program, is declared to be a hidden defect in the real
28 property that shall be disclosed by the seller of the real property or
29 an ownership interest in the real property.

30 **Sec. 404.** RCW 86.16.031 and 1989 c 64 s 3 are each amended to read
31 as follows:

32 The department of ecology shall:

33 (1) Review and approve county, city, or town flood plain management
34 ordinances pursuant to RCW 86.16.041;

1 (2) When requested, provide guidance and assistance to local
2 governments in development and amendment of their flood plain
3 management ordinances;

4 (3) Provide technical assistance to local governments in the
5 administration of their flood plain management ordinances;

6 (4) Provide local governments and the general public with
7 information related to the national flood insurance program;

8 (5) When requested, provide assistance to local governments in
9 enforcement actions against any individual or individuals performing
10 activities within the flood plain that are not in compliance with
11 local, state, or federal flood plain management requirements;

12 (6) Establish state ((minimum)) requirements that ((equal minimum))
13 include federal requirements for the national flood insurance program;

14 (7) Assist counties, cities, and towns in identifying the location
15 of the one hundred year flood plain, and petitioning the federal
16 government to alter its designations of where the one hundred year
17 flood plain is located if the federally recognized location of the one
18 hundred year flood plain is found to be inaccurate; and

19 ~~(8) ((Establish minimum state requirements for specific flood
20 plains that exceed the minimum federal requirements for the national
21 flood insurance program, but only if:~~

22 ~~(a) The location of the one hundred year flood plain has been
23 reexamined and is certified by the department as being accurate;~~

24 ~~(b) negotiations have been held with the affected county, city, or
25 town over these regulations;~~

26 ~~(c) public input from the affected community has been obtained; and~~

27 ~~(d) the department makes a finding that these increased
28 requirements are necessary due to local circumstances and general
29 public safety)) File copies of the flood insurance rate maps, provided
30 by the federal emergency management authority for the national flood
31 insurance program, with the county auditor in each county in which
32 property shown on the maps is located. The department shall, on an
33 annual basis, file revised maps with each county auditor in counties
34 for which the maps are revised.~~

35 **PART V**

36 **MISCELLANEOUS**

1 NEW SECTION. **Sec. 501.** Part headings as used in this act
2 constitute no part of the law.

--- **END** ---