

# ***ANALYSIS OF HB 1443***

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***House Agriculture & Ecology Committee***

***February 5, 1997***

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## **BACKGROUND:**

### Comprehensive flood plans

Local flood plans are optional but a local government that prepares a plan must address specified planning elements. The plan can apply to all or part of a watershed. County plans can apply to cities or towns but arbitration process is established if a plan is not adopted by a city or town. The state's flood control assistance account (FCAAP) will fund up to 75% the preparation of a comprehensive flood plan. The plan must be approved by the legislative authority of the local government preparing the plan and by the Department of Ecology in consultation with the Department of Fish and Wildlife. Each biennium the Flood Control Assistance Account receives a total of \$4 million dollars from the general fund.

### Hydraulic Project Approval (HPA) Permits

HPA permits are administered by the Department of Fish and Wildlife. HPA permits are required for work that will use, change, or obstruct the flow or bed of fresh or salt waters. Protection of fish life is the only basis on which a permit can be conditioned or denied. An HPA permit is valid for up to five years.

In its rules regulating the issuance of HPA permits, the Department defines emergency" as an immediate threat to life, public or private property, or an immediate threat of serious environmental degradation, arising from weather or stream flow conditions, other natural conditions, or fire. During emergency conditions, the Department is required to grant immediate oral approval to conduct certain work within the state's waters. The Department's HPA rule also allows expedited permits in the event of an imminent threat. This permit must be in writing and may be issued only after the appropriate environmental analysis under the state's Environmental Policy Act (SEPA). The Department issues expedited permits within 10 days of a completed application.

Neither state law nor the Department's rules on HPA permits specify who designates emergencies for the purpose of issuing immediate oral approval of HPA permit requests. In practice, the Department designates emergencies.

## **SUMMARY:**

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Legislative findings are made that the regulatory process governing flood control needs to be streamlined. Emergency— is defined to include both immediate and imminent threats to life and property. The county is authorized to declare an emergency for the purpose of receiving immediate oral approval for HPA permits.

At the request of a county, the Department must develop 5-year maintenance agreements. The maintenance agreement will allow specified work in the state's waters without the need to obtain project specific permits. These 5-year agreements must be consistent with the local comprehensive flood plan. The Department may specify the conditions and times under which project work may occur.

The biennial appropriation to the Flood Control Assistance Account is increased to 10 million dollars. Dated language relating to appropriations for the 1995-97 biennium are deleted.