

# SENATE BILL REPORT

## 2SSB 5442

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As Passed Senate, March 18, 1997

**Title:** An act relating to flood damage reduction.

**Brief Description:** Permitting expedited flood repairs during flooding emergencies.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Swecker, Loveland, Anderson, Stevens, Haugen, Prince, Hale, Franklin, Sheldon, Benton, Rasmussen and Zarelli).

**Brief History:**

**Committee Activity:** Natural Resources & Parks: 2/13/97, 2/27/97 [DPS-WM].

Ways & Means: 3/10/97 [DP2S].

Passed Senate, 3/18/97, 48-1.

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### SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

**Majority Report:** That Substitute Senate Bill No. 5442 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Oke, Chair; Rossi, Vice Chair; Hargrove, Jacobsen, Morton, Prentice, Roach, Spanel, Stevens and Swecker.

**Staff:** Vic Moon (786-7469)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Second Substitute Senate Bill No. 5442 be substituted therefor, and the second substitute bill do pass.

Signed by Senators West, Chair; Deccio, Vice Chair; Strannigan, Vice Chair; Bauer, Brown, Fraser, Hochstatter, Kohl, Long, Loveland, McDonald, Roach, Rossi, Schow, Sheldon, Snyder, Spanel, Swecker, Thibaudeau, Winsley and Zarelli.

**Staff:** Cathy Baker (786-7708)

**Background:** There has been significant flooding in recent years and counties have the primary authority in developing flood reduction plans. This is done in cooperation with the Department of Ecology and the Department of Natural Resources and other state and federal agencies.

**Summary of Bill:** The Department of Fish and Wildlife must develop five-year maintenance approval agreements consistent with comprehensive flood control management plans adopted by the county. This must be done at the request of any county. The agreement relates to the hydraulic authority of the Department of Fish and Wildlife and allows for work on public and private property for bank stabilization, bridge repair, removal of sand bars and debris,

channel maintenance and other flood damage repair and reduction activity under conditions agreed upon. Procedures are established to deal with potential problems before a flood occurs and the emergency procedures during a flood are clarified. The county is given authority to declare an emergency arising from flooding conditions.

**Appropriation:** \$1 million from the public works assistance account to the flood control assistance account.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For (Natural Resources & Parks):** Procedures are needed to expedite flood control and pre-flood construction to protect land and people.

**Testimony Against (Natural Resources & Parks):** The bill needs to be more specific and needs to address protection of habitat.

**Testified (Natural Resources & Parks):** PRO: Judy Wilson, Thurston County; Dick Dorsett, Pierce County; CON: Ed Manary, Department of Fish and Wildlife; Ric Abbett, Trout Unlimited.

**Testimony For (Ways & Means):** The bill will help counties work with the state to develop a five-year strategy for flood control projects. There are some short term costs, but over the long run this will help save money for both the state and local governments. It will streamline the permit process.

**Testimony Against (Ways & Means):** None.

**Testified (Ways & Means):** Senator Dan Swecker, prime sponsor; Commissioner Bob Hart, Skagit County Board of Commissioners (pro).

**House Amendment(s):** The three types of HPA permits issued by the department are established in statute. The standard and expedited permits are written permits. The department must issue expedited permits within 15 days of receiving a complete application. Expedited permits are issued when there is an imminent threat of damage from a flood. Imminent threat is defined as a flood or weather-related threat that is likely to occur within 60 days. The department may not require an environmental analysis under SEPA as a condition of issuing an expedited permit. Expedited permits are valid for up to 60 days. A definition of emergency is established for the purpose of defining when immediate oral approval must be granted for an emergency permit. A county legislative authority or the department can declare an emergency or an imminent threat. A county legislative authority is required to notify the department when declaring an emergency or imminent threat.

At the request of a county, the department must develop five-year maintenance agreements. Maintenance agreements will allow specified work in the state's waters without the need to obtain project specific permits. These five-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.

