

# SENATE BILL REPORT

## SHB 1597

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As Reported By Senate Committee On:  
Natural Resources, March 31, 1995

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

**Brief Description:** Concerning the reduction of flood damage.

**Sponsors:** House Committee on Agriculture & Ecology (originally sponsored by Representatives Johnson, Koster, Chandler, Boldt, Sheldon, Mastin, Basich, McMorris, Thompson, Beekma, Kremen, Hatfield, McMahan, Hymes, Honeyford, D. Schmidt, Skinner, Clements, Buck, Stevens, Mielke and Kessler).

**Brief History:**

**Committee Activity:** Natural Resources: 3/24/95, 3/31/95 [DPA].

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### SENATE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** Do pass as amended.

Signed by Senators Drew, Chair; Spanel, Vice Chair; A. Anderson, Hargrove, Haugen, Morton, Oke, Owen, Snyder, Strannigan and Swecker.

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

**Background:** Nearly every county in the state has had one or more federally declared disasters in the past 20 years. The three flood events of 1990 caused damage to public and private structures in excess of \$160 million.

Responsibility for flood hazard prevention and management is divided between a number of federal, state, and local agencies.

The federal government provides low cost flood insurance for communities that meet minimum requirements through the Federal Emergency Management Agency (FEMA). To qualify for federal flood insurance, local governments must adopt, implement, and enforce ordinances that meet federal flood plain requirements. Approximately 250 cities and counties qualify under the federal insurance program; 10 percent of eligible cities and counties do not qualify. Federal law allows development to cause up to a one-foot rise in the flood plain. FEMA pays 75 percent of eligible costs for damages incurred during a federally declared flood disaster if the state and locals contribute 25 percent.

The Department of Ecology is required to adopt standards that equal the federal standards and to review local ordinances to ensure consistency with these standards. The Department of Ecology issues \$4 million in grants each biennium to help local governments repair and maintain existing flood control structures and to develop comprehensive flood plans. The state also pays 12.5 to 25 percent of eligible costs for damages incurred during a federally declared flood disaster.

To qualify for federal flood insurance, local governments must develop flood plain ordinances that meet federal flood plain requirements. Local governments are generally responsible for the repair and maintenance of dikes, levees, and other flood control structures. Local governments, at their option, may prepare comprehensive flood plans. Local governments are required, under the Growth Management Act, to develop ordinances to protect frequently flooded areas. Local governments may pay 12.5 percent of eligible costs for damages incurred during a federally declared flood disaster.

The Department of Fisheries issues hydraulic project permits 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 is directed to give immediate oral approval to conduct in-stream work during emergencies. The Department of Fisheries has also established rules regulating gravel removal within the waters of the state.

The Department of Natural Resources has authority over aquatic lands. The department has established rules that govern the use or modification of any river system, including gravel removal projects.

**Summary of Amended Bill:** Reducing flood damage to the use of structural and nonstructural projects is in the public interest. It is the state's duty to assist in funding flood control projects.

Counties planning under growth management must make all regulations consistent with the county flood management plan. Counties planning under growth management must also make county land designations, such as agriculture, forest, mineral or critical areas, be consistent with the county flood management plan.

Flood prevention and minimization is specifically added to the list of responsibilities of SEPA. The Department of Fish and Wildlife gravel removal WACs are clarified with changes. This includes establishment of an excavation line parallel to the water's edge, establishment of a minimum gradient upward from the excavation line at 1/2 percent and allows excavated minerals to be stored within the high water mark from June 15 to August 15.

Hydraulic permit decisions may not affect the amount, timing or delivery method of water diverted under surface water diversions after the water leaves the stream and before it returns.

Individuals who win hydraulic permit appeal may be awarded legal and engineering costs. The Department of Natural Resources River Management WACs are codified with changes allowing sand and gravel removal if it will continue to increase flood protection. Gravel removal is allowed for areas that have accumulations of gravel if consistent with the county flood plan.

No gravel royalty may be charged to counties who remove gravel from a stream for flood control purposes. Counties must complete flood hazard management plans by December 31, 1999 or earlier for counties with two or more presidentially declared flood disasters in the last ten years.

Individuals who win Shoreline Management Act permit appeals may be awarded legal and engineering costs. State agencies are required to actively seek and encourage removal of accumulated materials in rivers and streams through permit requirements. Policy should be based on designed open channel hydraulic engineering criteria.

The focus for county flood plans must include practices which avoid long-term accretion of sediments in streams, and methods must be established to stop river channel migration. Dredging of sand and gravel for navigation is not exempt from royalty payments. The Department of Transportation is required to participate in flood reduction projects based on benefits received. Flood protection projects are defined as work necessary to preserve, restore or improve natural or human-made stream banks or flood control facilities. The Departments of Fish and Wildlife, Natural Resources and Ecology are required to jointly develop memorandums of understanding to better coordinate the agencies' actions and permit the requirements. The goal of the memorandums is to minimize duplicate information and to develop a comprehensive permit process which is streamlined and easily understandable to permit applicants.

The bill contains a null and void clause.

**Amended Bill Compared to Substitute Bill:** The House bill and the Senate striking amendment are very similar. The House bill had greater exemptions relating to the Hydraulics Act and the Shorelines Management Act. Flood protection projects are more specific in the House bill.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** Floods are costly and gravel removal and river control is necessary.

**Testimony Against:** The bill is too broad and might hurt fish. The Senate bill is better.

**Testified:** PRO: Representative Peggy Johnson, prime sponsor; Chris Cheny, Lewis County Farm Bureau; Dan Coyne, Simpson Timber Company; CON: Mitch Friedman, Greater Erosystem Alliance.