
HOUSE BILL 2864

State of Washington

53rd Legislature

1994 Regular Session

By Representative R. Johnson

Read first time 01/26/94. Referred to Committee on Environmental Affairs.

1 AN ACT Relating to making technical changes to flood hazard
2 management nomenclature; amending RCW 35A.56.010, 36.34.220, 36.64.080,
3 36.67.520, 43.01.200, 43.01.210, 43.01.215, 43.21A.069, 43.21A.350,
4 43.21A.500, 43.21J.040, 43.27A.090, 43.52.300, 43.63A.700, 43.155.050,
5 45.24.010, 70.95.090, 75.20.1001, 75.20.300, 79.90.150, 79.90.160,
6 82.46.010, 85.38.005, 85.38.180, 85.38.220, 86.09.004, 86.09.010,
7 86.09.163, 86.09.196, 86.09.226, 86.09.235, 86.09.700, 86.12.010,
8 86.12.030, 86.12.210, 86.12.220, 86.13.040, 86.15.010, 86.15.020,
9 86.15.100, 86.15.110, 86.15.120, 86.15.130, 86.15.140, 86.15.150,
10 86.15.165, 86.15.170, 86.15.176, 86.15.178, 86.15.210, 86.15.220,
11 86.16.160, 86.18.010, 86.24.020, 86.24.030, 86.24.040, 86.24.050,
12 86.26.005, 86.26.007, 86.26.010, 86.26.040, 86.26.060, 86.26.070,
13 86.26.080, 86.26.090, 86.26.100, 89.08.220, 90.54.020, 90.54.170,
14 90.54.800, and 90.58.030; and providing an effective date.

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

16 **Sec. 1.** RCW 35A.56.010 and 1987 c 331 s 79 are each amended to
17 read as follows:

18 Except as otherwise provided in this title, state laws relating to
19 special service or taxing districts shall apply to, grant powers, and

1 impose duties upon code cities and their officers to the same extent as
2 such laws apply to and affect other classes of cities and towns and
3 their employees, including, without limitation, the following: (1)
4 Chapter 70.94 RCW, relating to air pollution control; (2) chapter 68.52
5 RCW, relating to cemetery districts; (3) chapter 29.68 RCW, relating to
6 congressional districts; (4) chapters 14.07 and 14.08 RCW, relating to
7 municipal airport districts; (5) chapter 36.88 RCW, relating to county
8 road improvement districts; (6) Title 85 RCW, relating to diking
9 districts, drainage districts, and drainage improvement districts; (7)
10 chapter 36.54 RCW, relating to ferry districts; (8) Title 52 RCW,
11 relating to fire protection districts; (9) Title 86 RCW, relating to
12 flood control districts and flood (~~control~~) hazard management; (10)
13 chapter 70.46 RCW, relating to health districts; (11) chapters 87.03
14 through 87.84 and 89.12 RCW, relating to irrigation districts; (12)
15 chapter 35.61 RCW, relating to metropolitan park districts; (13)
16 chapter 35.58 RCW, relating to metropolitan municipalities; (14)
17 chapter 17.28 RCW, relating to mosquito control districts; (15) chapter
18 17.12 RCW, relating to agricultural pest districts; (16) chapter 13.12
19 RCW, relating to parental or truant schools; (17) Title 53 RCW,
20 relating to port districts; (18) chapter 70.44 RCW, relating to public
21 hospital districts; (19) Title 54 RCW, relating to public utility
22 districts; (20) chapter 91.08 RCW, relating to public waterway
23 districts; (21) Title 56 RCW for sewer districts; (22) chapter 89.12
24 RCW, relating to reclamation districts; (23) chapters 57.02 through
25 57.36 RCW, relating to water districts; and (24) chapter 17.04 RCW,
26 relating to weed districts.

27 **Sec. 2.** RCW 36.34.220 and 1963 c 4 s 36.34.220 are each amended to
28 read as follows:

29 If the board of county commissioners of any county adjudges that it
30 is desirable and for the general welfare and benefit of the people of
31 the county and for the interest of the county to lease or convey
32 property, real or personal, belonging to the county, however acquired,
33 whether by tax foreclosure or in any other manner, to the United States
34 for the purpose of flood (~~control~~) hazard management, navigation,
35 power development, or for use in connection with federal projects
36 within the scope of the federal reclamation act of June 17, 1902, and
37 the act of congress of August 30, 1935, entitled "An Act authorizing
38 the construction, repair, and preservation of certain public works on

1 rivers and harbors, and for other purposes," and federal acts
2 amendatory thereof and supplemental thereto, for the reclamation and
3 irrigation of arid lands, the board, by majority vote, may lease or
4 convey such property to the United States for flood (~~control~~) hazard
5 management, navigation, and power development purposes, or for use in
6 connection with federal projects for the reclamation and irrigation of
7 arid lands. This property may be conveyed or leased by deed or other
8 instrument of conveyance or lease without notice and upon such
9 consideration, if any, as shall be determined by the board and the deed
10 or lease may be signed by the county treasurer when authorized to do so
11 by resolution of the board. Any deed issued heretofore by any county
12 to the United States under authority of section 1, chapter 46, Laws of
13 1937 and the amendments thereto, is ratified and approved and declared
14 to be valid.

15 **Sec. 3.** RCW 36.64.080 and 1965 ex.s. c 84 s 1 are each amended to
16 read as follows:

17 The boards of county commissioners of any county and any counties
18 contiguous thereto and the governing body of any cities and/or towns
19 within said counties may establish and organize a regional agency
20 hereinafter referred to as a conference, for the purpose of studying
21 regional and governmental problems of mutual interest and concern,
22 including but not limited to, facility studies on highways, transit,
23 airports, ports or harbor development, water supply and distribution,
24 codes and ordinances, governmental finances, flood (~~control~~) hazard
25 management, air and water pollution, recommendations of sites for
26 schools and educational institutions, hospitals and health facilities,
27 parks and recreation, public buildings, land use and drainage; and to
28 formulate recommendations for review and action by the member counties
29 and/or cities legislative body.

30 **Sec. 4.** RCW 36.67.520 and 1981 c 313 s 12 are each amended to read
31 as follows:

32 All such revenue bonds authorized under the terms of this chapter
33 may be issued and sold by the counties from time to time and in such
34 amounts as is deemed necessary by the legislative authority of each
35 county to provide sufficient funds for the carrying out of all county
36 powers, without limiting the generality thereof, including the
37 following: Acquisition; construction; reconstruction; maintenance;

1 repair; additions; operations of parks and recreations; flood
2 (~~control~~) hazard management facilities; pollution facilities; parking
3 facilities as a part of a courthouse or combined county-city building
4 facility; and any other county purpose from which revenues can be
5 derived. Included in the costs thereof shall be any necessary
6 engineering, inspection, accounting, fiscal, and legal expenses, the
7 cost of issuance of bonds, including printing, engraving, and
8 advertising and other similar expenses, payment of interest on such
9 bonds during the construction of such facilities and a period no
10 greater than one year after such construction is completed, and the
11 proceeds of such bond issue are hereby made available for all such
12 purposes. Revenue bonds may also be issued to refund revenue bonds or
13 general obligation bonds which are issued for any of the purposes
14 specified in this section.

15 **Sec. 5.** RCW 43.01.200 and 1985 c 307 s 1 are each amended to read
16 as follows:

17 (1) The legislature finds that:

18 (a) The May 1980 eruption of Mount St. Helens has caused serious
19 economic and physical damage to the land surrounding the mountain;

20 (b) There are continuing siltation problems which could severely
21 affect the Toutle, Cowlitz, Coweeman, and Columbia rivers areas;

22 (c) There is an immediate need for sites for dredging, dredge
23 spoils, flood control works, sediment retention, and bank protection
24 and funds for dredging, dredge sites, dredge spoils sites, flood
25 (~~control~~) hazard management works, sediment retention sites, and bank
26 protection and to continue the rehabilitation of the areas affected by
27 the natural disaster; and

28 (d) Failure to dredge and dike along the rivers and failure to
29 cooperate with the federal government in sediment retention would
30 directly affect the lives and property of the forty-five thousand
31 residents in the Cowlitz and Toutle River valleys with severe negative
32 impacts on local, state, and national transportation systems, public
33 utilities, public and private property, and the Columbia river which is
34 one of the major navigation channels for world-wide commerce.

35 (2) The intent of RCW 36.01.150, 43.01.210, 43.21A.500, 43.21C.500,
36 75.20.300, 89.16.500, and 90.58.500, their 1983 amendments, and RCW
37 43.01.215 is to authorize and direct maximum cooperative effort to meet
38 the problems noted in subsection (1) of this section.

1 **Sec. 6.** RCW 43.01.210 and 1985 c 307 s 2 are each amended to read
2 as follows:

3 State agencies shall take action as follows to facilitate recovery
4 from the devastation of the eruption of Mt. St. Helens:

5 (1) The department of transportation may secure any lands or
6 interest in lands by purchase, exchange, lease, eminent domain, or
7 donation for dredge sites, dredge spoils sites, flood (~~control~~)
8 hazard management works, sediment retention works, or bank protection;

9 (2) The commissioner of public lands may by rule declare any public
10 lands found to be damaged by the eruption of Mt. St. Helens, directly
11 or indirectly, as surplus to the needs of the state and may dispose of
12 such lands pursuant to Title 79 RCW to public or private entities for
13 development, park and recreation uses, open space, or fish and wildlife
14 habitat;

15 (3) All state agencies shall cooperate with local governments, the
16 United States army corps of engineers, and other agencies of the
17 federal government in planning for dredge site selection and dredge
18 spoils removal, and in all other phases of recovery operations;

19 (4) The department of transportation shall work with the counties
20 concerned on site selection and site disposition in cooperation with
21 the army corps of engineers; and

22 (5) State agencies may assist the army corps of engineers in the
23 dredging and dredge spoils deposit operations.

24 **Sec. 7.** RCW 43.01.215 and 1983 1st ex.s. c 1 s 8 are each amended
25 to read as follows:

26 (1) Court proceedings necessary to acquire property or property
27 rights for purposes of RCW 43.01.210 take precedence over all other
28 causes, including those expedited under the provisions of RCW
29 47.52.060, in all courts to the end that the provision of lands for
30 dredge sites, dredge spoils sites, flood (~~control~~) hazard management
31 works, or bank protection may be expedited.

32 (2) An order entered under RCW 8.04.070 relating to the acquisition
33 of land under RCW 43.01.210 is final unless review of the order is
34 taken to the supreme court within five days after entry of the order.
35 Such an appeal shall be certified by the trial court to the supreme
36 court. Upon certification, the supreme court shall assign the appeal
37 for hearing at the earliest possible date, and it shall expedite its
38 review and decision in every way possible.

1 **Sec. 8.** RCW 43.21A.069 and 1987 c 109 s 28 are each amended to
2 read as follows:

3 The department of ecology shall exercise all the powers and perform
4 all the duties prescribed by law with respect to flood (~~(control)~~)
5 hazard management.

6 **Sec. 9.** RCW 43.21A.350 and 1987 c 109 s 29 are each amended to
7 read as follows:

8 The department of ecology shall prepare and perfect from time to
9 time a state master plan for flood (~~(control)~~) hazard management, state
10 public reservations, financed in whole or in part from moneys collected
11 by the state, sites for state public buildings and for the orderly
12 development of the natural and agricultural resources of the state.
13 The plan shall be a guide in making recommendations to the officers,
14 boards, commissions, and departments of the state.

15 Whenever an improvement is proposed to be established by the state,
16 the state agency having charge of the establishment thereof shall
17 request of the director a report thereon, which shall be furnished
18 within a reasonable time thereafter. In case an improvement is not
19 established in conformity with the report, the state agency having
20 charge of the establishment thereof shall file in its office and with
21 the department a statement setting forth its reasons for rejecting or
22 varying from such report which shall be open to public inspection.

23 The department shall insofar as possible secure the cooperation of
24 adjacent states, and of counties and municipalities within the state in
25 the coordination of their proposed improvements with such master plan.

26 **Sec. 10.** RCW 43.21A.500 and 1989 c 213 s 1 are each amended to
27 read as follows:

28 Emergency recovery operations from the Mt. St. Helens eruption
29 authorized by RCW 36.01.150, 43.01.200, and 43.01.210, other than the
30 sediment retention structure to be built on the North Fork Toutle river
31 by the United States army corps of engineers, may be exempted by the
32 applicable county legislative authority from the requirements related
33 to water and flood (~~(control)~~) hazard management under the department
34 of ecology, for operations within such county: PROVIDED, That the
35 applicable legislative authority shall promptly notify the department
36 of ecology within five days of the emergency action taken and the
37 emergent nature of the problem. The notification shall be made to the

1 water resources district supervisor of the southwest region of the
2 department of ecology.

3 This section shall expire on June 30, 1995.

4 **Sec. 11.** RCW 43.21J.040 and 1993 c 516 s 4 are each amended to
5 read as follows:

6 (1) Subject to the limitations of RCW 43.21J.020, the task force
7 shall award funds from the environmental and forest restoration account
8 on a competitive basis. The task force shall evaluate and rate
9 environmental enhancement and restoration project proposals using the
10 following criteria:

11 (a) The ability of the project to produce measurable improvements
12 in water and habitat quality;

13 (b) The cost-effectiveness of the project based on: (i) Projected
14 costs and benefits of the project; (ii) past costs and environmental
15 benefits of similar projects; and (iii) the ability of the project to
16 achieve cost efficiencies through its design to meet multiple policy
17 objectives;

18 (c) The inclusion of the project as a high priority in a federal,
19 state, tribal, or local government plan relating to environmental or
20 forest restoration, including but not limited to a local watershed
21 action plan, storm water management plan, capital facility plan, growth
22 management plan, or a flood (~~control~~) hazard management plan; or the
23 ranking of the project by conservation districts as a high priority for
24 water quality and habitat improvements;

25 (d) The number of jobs to be created by the project for dislocated
26 forest products workers, high-risk youth, and residents of impact
27 areas;

28 (e) Participation in the project by environmental businesses to
29 provide training, cosponsor projects, and employ or jointly employ
30 project participants;

31 (f) The ease with which the project can be administered from the
32 community the project serves;

33 (g) The extent to which the project will either augment existing
34 efforts by organizations and governmental entities involved in
35 environmental and forest restoration in the community or receive
36 matching funds, resources, or in-kind contributions; and

1 (h) The capacity of the project to produce jobs and job-related
2 training that will pay market rate wages and impart marketable skills
3 to workers hired under this chapter.

4 (2) The following types of projects and programs shall be given top
5 priority in the first fiscal year after July 1, 1993:

6 (a) Projects that are highly ranked in and implement adopted or
7 approved watershed action plans, such as those developed pursuant to
8 Puget Sound water quality authority rules adopted for local planning
9 and management of nonpoint source pollution;

10 (b) Conservation district projects that provide water quality and
11 habitat improvements;

12 (c) Indian tribe projects that provide water quality and habitat
13 improvements; or

14 (d) Projects that implement actions approved by a shellfish
15 protection district under chapter 100, Laws of 1992.

16 (3) Funds shall not be awarded for the following activities:

17 (a) Administrative rule making;

18 (b) Planning; or

19 (c) Public education.

20 **Sec. 12.** RCW 43.27A.090 and 1988 c 127 s 25 are each amended to
21 read as follows:

22 The department shall be empowered as follows:

23 (1) To represent the state at, and fully participate in, the
24 activities of any basin or regional commission, interagency committee,
25 or any other joint interstate or federal-state agency, committee or
26 commission, or publicly financed entity engaged in the planning,
27 development, administration, management, conservation or preservation
28 of the water resources of the state.

29 (2) To prepare the views and recommendations of the state of
30 Washington on any project, plan or program relating to the planning,
31 development, administration, management, conservation and preservation
32 of any waters located in or affecting the state of Washington,
33 including any federal permit or license proposal, and appear on behalf
34 of, and present views and recommendations of the state at any
35 proceeding, negotiation or hearing conducted by the federal government,
36 interstate agency, state or other agency.

37 (3) To cooperate with, assist, advise and coordinate plans with the
38 federal government and its officers and agencies, and serve as a state

1 liaison agency with the federal government in matters relating to the
2 use, conservation, preservation, quality, disposal or control of water
3 and activities related thereto.

4 (4) To cooperate with appropriate agencies of the federal
5 government and/or agencies of other states, to enter into contracts,
6 and to make appropriate contributions to federal or interstate projects
7 and programs and governmental bodies to carry out the provisions of
8 this chapter.

9 (5) To apply for, accept, administer and expend grants, gifts and
10 loans from the federal government or any other entity to carry out the
11 purposes of this chapter and make contracts and do such other acts as
12 are necessary insofar as they are not inconsistent with other
13 provisions hereof.

14 (6) To develop and maintain a coordinated and comprehensive state
15 water and water resources related development plan, and adopt, with
16 regard to such plan, such policies as are necessary to insure that the
17 waters of the state are used, conserved and preserved for the best
18 interest of the state. There shall be included in the state plan a
19 description of developmental objectives and a statement of the
20 recommended means of accomplishing these objectives. To the extent the
21 director deems desirable, the plan shall integrate into the state plan,
22 the plans, programs, reports, research and studies of other state
23 agencies.

24 (7) To assemble and correlate information relating to water supply,
25 power development, irrigation, watersheds, water use, future
26 possibilities of water use and prospective demands for all purposes
27 served through or affected by water resources development.

28 (8) To assemble and correlate state, local and federal laws,
29 regulations, plans, programs and policies affecting the beneficial use,
30 disposal, pollution, control or conservation of water, river basin
31 development, flood (~~prevention~~) hazard reduction, parks,
32 reservations, forests, wildlife refuges, drainage and sanitary systems,
33 waste disposal, water works, watershed protection and development, soil
34 conservation, power facilities and area and municipal water supply
35 needs, and recommend suitable legislation or other action to the
36 legislature, the congress of the United States, or any city,
37 municipality, or to responsible state, local or federal executive
38 departments or agencies.

1 (9) To cooperate with federal, state, regional, interstate and
2 local public and private agencies in the making of plans for drainage,
3 flood (~~control~~) hazard management, use, conservation, allocation and
4 distribution of existing water supplies and the development of new
5 water resource projects.

6 (10) To encourage, assist and advise regional, and city and
7 municipal agencies, officials or bodies responsible for planning in
8 relation to water aspects of their programs, and coordinate local water
9 resources activities, programs, and plans.

10 (11) To promulgate such rules and regulations as are necessary to
11 carry out the purposes of this chapter.

12 (12) To hold public hearings, and make such investigations, studies
13 and surveys as are necessary to carry out the purposes of the chapter.

14 (13) To subpoena witnesses, compel their attendance, administer
15 oaths, take the testimony of any person under oath and require the
16 production of any books or papers when the department deems such
17 measures necessary in the exercise of its rule-making power or in
18 determining whether or not any license, certificate, or permit shall be
19 granted or extended.

20 **Sec. 13.** RCW 43.52.300 and 1977 ex.s. c 184 s 4 are each amended
21 to read as follows:

22 An operating agency formed under RCW 43.52.360 shall have
23 authority:

24 (1) To generate, produce, transmit, deliver, exchange, purchase or
25 sell electric energy and to enter into contracts for any or all such
26 purposes.

27 (2) To construct, condemn, purchase, lease, acquire, add to,
28 extend, maintain, improve, operate, develop and regulate plants, works
29 and facilities for the generation and/or transmission of electric
30 energy, either within or without the state of Washington, and to take,
31 condemn, purchase, lease and acquire any real or personal, public or
32 private property, franchise and property rights, including but not
33 limited to state, county and school lands and properties, for any of
34 the purposes herein set forth and for any facilities or works necessary
35 or convenient for use in the construction, maintenance or operation of
36 any such works, plants and facilities; provided that an operating
37 agency shall not be authorized to acquire by condemnation any plants,
38 works and facilities owned and operated by any city or district, or by

1 a privately owned public utility. An operating agency shall be
2 authorized to contract for and to acquire by lease or purchase from the
3 United States or any of its agencies, any plants, works or facilities
4 for the generation and transmission of electricity and any real or
5 personal property necessary or convenient for use in connection
6 therewith.

7 (3) To negotiate and enter into contracts with the United States or
8 any of its agencies, with any state or its agencies, with Canada or its
9 agencies or with any district or city of this state, for the lease,
10 purchase, construction, extension, betterment, acquisition, operation
11 and maintenance of all or any part of any electric generating and
12 transmission plants and reservoirs, works and facilities or rights
13 necessary thereto, either within or without the state of Washington,
14 and for the marketing of the energy produced therefrom. Such
15 negotiations or contracts shall be carried on and concluded with due
16 regard to the position and laws of the United States in respect to
17 international agreements.

18 (4) To negotiate and enter into contracts for the purchase, sale,
19 exchange, transmission or use of electric energy or falling water with
20 any person, firm or corporation, including political subdivisions and
21 agencies of any state of Canada, or of the United States, at fair and
22 nondiscriminating rates.

23 (5) To apply to the appropriate agencies of the state of
24 Washington, the United States or any thereof, and to Canada and/or to
25 any other proper agency for such permits, licenses or approvals as may
26 be necessary, and to construct, maintain and operate works, plants and
27 facilities in accordance with such licenses or permits, and to obtain,
28 hold and use such licenses and permits in the same manner as any other
29 person or operating unit.

30 (6) To establish rates for electric energy sold or transmitted by
31 the operating agency. When any revenue bonds or warrants are
32 outstanding the operating agency shall have the power and shall be
33 required to establish and maintain and collect rates or charges for
34 electric energy, falling water and other services sold, furnished or
35 supplied by the operating agency which shall be fair and
36 nondiscriminatory and adequate to provide revenues sufficient for the
37 payment of the principal and interest on such bonds or warrants and all
38 payments which the operating agency is obligated to set aside in any
39 special fund or funds created for such purposes, and for the proper

1 operation and maintenance of the public utility owned by the operating
2 agency and all necessary repairs, replacements and renewals thereof.

3 (7) To act as agent for the purchase and sale at wholesale of
4 electricity for any city or district whenever requested so to do by
5 such city or district.

6 (8) To contract for and to construct, operate and maintain
7 fishways, fish protective devices and facilities and hatcheries as
8 necessary to preserve or compensate for projects operated by the
9 operating agency.

10 (9) To construct, operate and maintain channels, locks, canals and
11 other navigational, reclamation, flood (~~control~~) hazard management
12 and fisheries facilities as may be necessary or incidental to the
13 construction of any electric generating project, and to enter into
14 agreements and contracts with any person, firm or corporation,
15 including political subdivisions of any state, of Canada or the United
16 States for such construction, operation and maintenance, and for the
17 distribution and payment of the costs thereof.

18 (10) To employ legal, engineering and other professional services
19 and fix the compensation of a managing director and such other
20 employees as the operating agency may deem necessary to carry on its
21 business, and to delegate to such manager or other employees such
22 authority as the operating agency shall determine. Such manager and
23 employees shall be appointed for an indefinite time and be removable at
24 the will of the operating agency.

25 (11) To study, analyze and make reports concerning the development,
26 utilization and integration of electric generating facilities and
27 requirements within the state and without the state in that region
28 which affects the electric resources of the state.

29 (12) To acquire any land bearing coal, uranium, geothermal, or
30 other energy resources, within or without the state, or any rights
31 therein, for the purpose of assuring a long-term, adequate supply of
32 coal, uranium, geothermal, or other energy resources to supply its
33 needs, both actual and prospective, for the generation of power and may
34 make such contracts with respect to the extraction, sale, or disposal
35 of such energy resources that it deems proper.

36 **Sec. 14.** RCW 43.63A.700 and 1993 sp.s. c 25 s 401 are each amended
37 to read as follows:

1 (1) The department, in cooperation with the department of revenue,
2 the employment security department, and the office of financial
3 management, shall approve applications submitted by local governments
4 for designation as a neighborhood reinvestment area under this section.
5 The application shall be in the form and manner and contain such
6 information as the department may prescribe, provided that the
7 application for designation shall:

8 (a) Contain information sufficient for the director to determine if
9 the criteria established in RCW 43.63A.710 have been met.

10 (b) Be submitted on behalf of the local government by its chief
11 elected official, or, if none, by the governing body of the local
12 government.

13 (c) Contain a five-year neighborhood reinvestment plan that
14 describes the proposed designated neighborhood reinvestment area's
15 community development needs and present a strategy for meeting those
16 needs. The plan shall address the following categories: Housing
17 needs; public infrastructure needs, such as transportation, water,
18 sanitation, energy, ~~((and))~~ drainage~~((+))~~, and flood ~~((control))~~ hazard
19 management; other public facilities needs, such as neighborhood
20 facilities or facilities for provision of health, education,
21 recreation, public safety, or other services; community economic
22 development needs, such as commercial/industrial revitalization, job
23 creation and retention considering the unemployment and underemployment
24 of area residents, accessibility to financial resources by area
25 residents and businesses, investment within the area, or other related
26 components of community economic development; and social service needs.

27 The local government is required to provide a description of its
28 strategy for meeting the needs identified in this subsection (1)(c).
29 As part of the strategy, the local government is required to identify
30 the needs for which specific plans are currently in place and the
31 source of funds expected to be used. For the balance of the area's
32 needs, the local government must identify the source of funds expected
33 to become available during the next two-year period and actions the
34 local government will take to acquire those funds.

35 (d) Certify that neighborhood residents were given the opportunity
36 to participate in the development of the five-year neighborhood
37 reinvestment strategy required under (c) of this subsection.

1 (2) No local government shall submit more than two neighborhoods to
2 the department for possible designation as a designated neighborhood
3 reinvestment area under this section.

4 (3)(a) Within ninety days after January 1, 1994, the director may
5 designate up to six designated neighborhood reinvestment areas from
6 among the applications eligible for designation as a designated
7 neighborhood reinvestment area under this section. The director shall
8 make determinations of designated neighborhood reinvestment areas on
9 the basis of the following factors:

10 (i) The strength and quality of the local government commitments to
11 meet the needs identified in the five-year neighborhood reinvestment
12 plan required under this section.

13 (ii) The level of private commitments by private entities of
14 additional resources and contribution to the designated neighborhood
15 reinvestment area.

16 (iii) The potential for reinvestment in the area as a result of
17 designation as a designated neighborhood reinvestment area.

18 (iv) Other factors the director of the department of community,
19 trade, and economic development deems necessary.

20 (b) The determination of the director as to the areas designated as
21 neighborhood reinvestment areas shall be final.

22 **Sec. 15.** RCW 43.155.050 and 1993 sp.s. c 24 s 921 are each amended
23 to read as follows:

24 The public works assistance account is hereby established in the
25 state treasury. Money may be placed in the public works assistance
26 account from the proceeds of bonds when authorized by the legislature
27 or from any other lawful source. Money in the public works assistance
28 account shall be used to make loans and to give financial guarantees to
29 local governments for public works projects. During the 1993-95 fiscal
30 biennium, moneys in the public works assistance account may be
31 appropriated for flood (~~control~~) hazard management assistance
32 including grants under chapter 86.26 RCW. To the extent that moneys
33 in the public works assistance account are not appropriated during the
34 1993-95 fiscal biennium for public works or flood (~~control~~) hazard
35 management assistance, the legislature may direct their transfer to the
36 state general fund. In awarding grants under chapter 86.26 RCW, the
37 department of ecology shall give strong preference to local governments
38 that have: (1) Implemented, or are in the process of implementing, an

1 ordinance that establishes a flood plain policy that is substantially
2 more stringent than minimum federal requirements; (2) completed a
3 comprehensive flood (~~control~~) hazard management plan meeting the
4 requirements of RCW 86.12.200; or (3) constructed, or are in the
5 process of constructing, a system of overtopping dikes or levees that
6 allow public access.

7 **Sec. 16.** RCW 45.24.010 and 1977 c 15 s 1 are each amended to read
8 as follows:

9 The supervisors shall have charge of such affairs of the town as
10 are not by law committed to other town officers. They shall have power
11 to draw orders on the town treasurer for the disbursement of such sums
12 as may be necessary for the purpose of defraying the incidental
13 expenses of the town, and for all moneys raised by the town to be
14 disbursed for any other purpose. The board of township supervisors
15 shall be authorized to cooperate with the board of county commissioners
16 of the county acting under the provisions of RCW 86.12.010 through
17 86.12.030 in making new flood (~~control~~) hazard management
18 improvements and to enter into contracts with the county to pay a
19 certain portion of the cost of such improvements made by the county.

20 **Sec. 17.** RCW 70.95.090 and 1991 c 298 s 3 are each amended to read
21 as follows:

22 Each county and city comprehensive solid waste management plan
23 shall include the following:

24 (1) A detailed inventory and description of all existing solid
25 waste handling facilities including an inventory of any deficiencies in
26 meeting current solid waste handling needs.

27 (2) The estimated long-range needs for solid waste handling
28 facilities projected twenty years into the future.

29 (3) A program for the orderly development of solid waste handling
30 facilities in a manner consistent with the plans for the entire county
31 which shall:

32 (a) Meet the minimum functional standards for solid waste handling
33 adopted by the department and all laws and regulations relating to air
34 and water pollution, fire prevention, flood (~~control~~) hazard
35 management, and protection of public health;

36 (b) Take into account the comprehensive land use plan of each
37 jurisdiction;

1 (c) Contain a six year construction and capital acquisition program
2 for solid waste handling facilities; and

3 (d) Contain a plan for financing both capital costs and operational
4 expenditures of the proposed solid waste management system.

5 (4) A program for surveillance and control.

6 (5) A current inventory and description of solid waste collection
7 needs and operations within each respective jurisdiction which shall
8 include:

9 (a) Any franchise for solid waste collection granted by the
10 utilities and transportation commission in the respective jurisdictions
11 including the name of the holder of the franchise and the address of
12 his or her place of business and the area covered by the franchise;

13 (b) Any city solid waste operation within the county and the
14 boundaries of such operation;

15 (c) The population density of each area serviced by a city
16 operation or by a franchised operation within the respective
17 jurisdictions;

18 (d) The projected solid waste collection needs for the respective
19 jurisdictions for the next six years.

20 (6) A comprehensive waste reduction and recycling element that, in
21 accordance with the priorities established in RCW 70.95.010, provides
22 programs that (a) reduce the amount of waste generated, (b) provide
23 incentives and mechanisms for source separation, and (c) establish
24 recycling opportunities for the source separated waste.

25 (7) The waste reduction and recycling element shall include the
26 following:

27 (a) Waste reduction strategies;

28 (b) Source separation strategies, including:

29 (i) Programs for the collection of source separated materials from
30 residences in urban and rural areas. In urban areas, these programs
31 shall include collection of source separated recyclable materials from
32 single and multiple family residences, unless the department approves
33 an alternative program, according to the criteria in the planning
34 guidelines. Such criteria shall include: Anticipated recovery rates
35 and levels of public participation, availability of environmentally
36 sound disposal capacity, access to markets for recyclable materials,
37 unreasonable cost impacts on the ratepayer over the six-year planning
38 period, utilization of environmentally sound waste reduction and
39 recycling technologies, and other factors as appropriate. In rural

1 areas, these programs shall include but not be limited to drop-off
2 boxes, buy-back centers, or a combination of both, at each solid waste
3 transfer, processing, or disposal site, or at locations convenient to
4 the residents of the county. The drop-off boxes and buy-back centers
5 may be owned or operated by public, nonprofit, or private persons;

6 (ii) Programs to monitor the collection of source separated waste
7 at nonresidential sites where there is sufficient density to sustain a
8 program;

9 (iii) Programs to collect yard waste, if the county or city
10 submitting the plan finds that there are adequate markets or capacity
11 for composted yard waste within or near the service area to consume the
12 majority of the material collected; and

13 (iv) Programs to educate and promote the concepts of waste
14 reduction and recycling;

15 (c) Recycling strategies, including a description of markets for
16 recyclables, a review of waste generation trends, a description of
17 waste composition, a discussion and description of existing programs
18 and any additional programs needed to assist public and private sector
19 recycling, and an implementation schedule for the designation of
20 specific materials to be collected for recycling, and for the provision
21 of recycling collection services;

22 (d) Other information the county or city submitting the plan
23 determines is necessary.

24 (8) An assessment of the plan's impact on the costs of solid waste
25 collection. The assessment shall be prepared in conformance with
26 guidelines established by the utilities and transportation commission.
27 The commission shall cooperate with the Washington state association of
28 counties and the association of Washington cities in establishing such
29 guidelines.

30 (9) A review of potential areas that meet the criteria as outlined
31 in RCW 70.95.165.

32 **Sec. 18.** RCW 75.20.1001 and 1993 sp.s. c 2 s 31 are each amended
33 to read as follows:

34 The department shall process hydraulic project applications
35 submitted under RCW 75.20.100 or 75.20.103 within thirty days of
36 receipt of the application. This requirement is only applicable for
37 the repair and reconstruction of legally constructed dikes, seawalls,
38 and other flood (~~control~~) hazard reduction structures damaged as a

1 result of flooding or windstorms that occurred in November and December
2 1990.

3 **Sec. 19.** RCW 75.20.300 and 1993 sp.s. c 2 s 38 are each amended to
4 read as follows:

5 (1) The legislature intends to expedite flood(~~(-control)~~) hazard
6 management, acquisition of sites for sediment retention, and dredging
7 operations in those rivers affected by the May 1980 eruption of Mt. St.
8 Helens, while continuing to protect the fish resources of these rivers.

9 (2) The director shall process hydraulic project applications
10 submitted under RCW 75.20.100 within fifteen working days of receipt of
11 the application. This requirement is only applicable to flood
12 (~~(control)~~) hazard management and dredging projects located in the
13 Cowlitz river from mile 22 to the confluence with the Columbia, and in
14 the Toutle river from the mouth to the North Fork Toutle sediment dam
15 site at North Fork mile 12, and to river mile 3 on the South Fork
16 Toutle river, and volcano-affected areas of the Columbia river.

17 (3) For the purposes of this section, the emergency provisions of
18 RCW 75.20.100 may be initiated by the county legislative authority if
19 the project is necessary to protect human life or property from flood
20 hazards, including:

21 (a) Flood fight measures necessary to provide protection during a
22 flood event; or

23 (b) Measures necessary to reduce or eliminate a potential flood
24 threat when other alternative measures are not available or cannot be
25 completed prior to the expected flood (~~(threat)~~) hazard season; or

26 (c) Measures which must be initiated and completed within an
27 immediate period of time and for which processing of the request
28 through normal methods would cause a delay to the project and such
29 delay would significantly increase the potential for damages from a
30 flood event.

31 (4) This section does not apply to the sediment retention structure
32 to be built on the North Fork Toutle river by the United States army
33 corps of engineers.

34 (5) This section expires on June 30, 1995.

35 **Sec. 20.** RCW 79.90.150 and 1991 c 337 s 1 are each amended to read
36 as follows:

1 When gravel, rock, sand, silt or other material from any aquatic
2 lands is removed by any public agency or under public contract for
3 channel or harbor improvement, or flood (~~control~~) hazard management,
4 use of such material may be authorized by the department of natural
5 resources for a public purpose on land owned or leased by the state or
6 any municipality, county, or public corporation: PROVIDED, That when
7 no public land site is available for deposit of such material, its
8 deposit on private land with the landowner's permission is authorized
9 and may be designated by the department of natural resources to be for
10 a public purpose. Prior to removal and use, the state agency,
11 municipality, county, or public corporation contemplating or arranging
12 such use shall first obtain written permission from the department of
13 natural resources. No payment of royalty shall be required for such
14 gravel, rock, sand, silt, or other material used for such public
15 purpose, but a charge will be made if such material is subsequently
16 sold or used for some other purpose: PROVIDED, That the department may
17 authorize such public agency or private landowner to dispose of such
18 material without charge when necessary to implement disposal of
19 material. No charge shall be required for any use of the material
20 obtained under the provisions of this chapter when used solely on an
21 authorized site. No charge shall be required for any use of the
22 material obtained under the provisions of this chapter if the material
23 is used for public purposes by local governments. Public purposes
24 include, but are not limited to, construction and maintenance of roads,
25 dikes, and levies. Nothing in this section shall repeal or modify the
26 provisions of RCW 75.20.100 or eliminate the necessity of obtaining a
27 permit for such removal from other state or federal agencies as
28 otherwise required by law.

29 **Sec. 21.** RCW 79.90.160 and 1989 c 213 s 4 are each amended to read
30 as follows:

31 The legislature finds and declares that, due to the extraordinary
32 volume of material washed down onto state-owned beds and shorelands in
33 the Toutle river, Coweeman river, and portions of the Cowlitz river,
34 the dredge spoils placed upon adjacent privately owned property in such
35 areas, if further disposed, will be of nominal value to the state and
36 that it is in the best interests of the state to allow further disposal
37 without charge.

1 All dredge spoil or materials removed from the state-owned beds and
2 shores of the Toutle river, Coweeman river and that portion of the
3 Cowlitz river from two miles above the confluence of the Toutle river
4 to its mouth deposited on adjacent private lands during the years 1980
5 through December 31, 1995, as a result of dredging of these rivers for
6 navigation and flood (~~control~~) hazard management purposes may be
7 sold, transferred, or otherwise disposed of by owners of such lands
8 without the necessity of any charge by the department of natural
9 resources and free and clear of any interest of the department of
10 natural resources of the state of Washington.

11 **Sec. 22.** RCW 82.46.010 and 1992 c 221 s 1 are each amended to read
12 as follows:

13 (1) The legislative authority of any county or city shall identify
14 in the adopted budget the capital projects funded in whole or in part
15 from the proceeds of the tax authorized in this section, and shall
16 indicate that such tax is intended to be in addition to other funds
17 that may be reasonably available for such capital projects.

18 (2) The legislative authority of any county or any city may impose
19 an excise tax on each sale of real property in the unincorporated areas
20 of the county for the county tax and in the corporate limits of the
21 city for the city tax at a rate not exceeding one-quarter of one
22 percent of the selling price. The revenues from this tax shall be used
23 by the respective jurisdictions for local capital improvements,
24 including those listed in RCW 35.43.040.

25 After April 30, 1992, revenues generated from the tax imposed under
26 this subsection in counties over five thousand population and cities
27 over five thousand population that are required or choose to plan under
28 RCW 36.70A.040 shall be used solely for financing capital projects
29 specified in a capital facilities plan element of a comprehensive plan
30 and housing relocation assistance under RCW 59.18.440 and 59.18.450.
31 However, revenues (a) pledged by such counties and cities to debt
32 retirement prior to April 30, 1992, may continue to be used for that
33 purpose until the original debt for which the revenues were pledged is
34 retired, or (b) committed prior to April 30, 1992, by such counties or
35 cities to a project may continue to be used for that purpose until the
36 project is completed.

37 (3) In lieu of imposing the tax authorized in RCW 82.14.030(2), the
38 legislative authority of any county or any city may impose an

1 additional excise tax on each sale of real property in the
2 unincorporated areas of the county for the county tax and in the
3 corporate limits of the city for the city tax at a rate not exceeding
4 one-half of one percent of the selling price.

5 (4) Taxes imposed under this section shall be collected from
6 persons who are taxable by the state under chapter 82.45 RCW upon the
7 occurrence of any taxable event within the unincorporated areas of the
8 county or within the corporate limits of the city, as the case may be.

9 (5) Taxes imposed under this section shall comply with all
10 applicable rules, regulations, laws, and court decisions regarding real
11 estate excise taxes as imposed by the state under chapter 82.45 RCW.

12 (6) As used in this section, "city" means any city or town and
13 "capital project" means those public works projects of a local
14 government for planning, acquisition, construction, reconstruction,
15 repair, replacement, rehabilitation, or improvement of streets; roads;
16 highways; sidewalks; street and road lighting systems; traffic signals;
17 bridges; domestic water systems; storm and sanitary sewer systems;
18 parks; recreational facilities; law enforcement facilities; fire
19 protection facilities; trails; libraries; administrative and/or
20 judicial facilities; river and/or waterway flood (~~control~~) hazard
21 management projects by those jurisdictions that, prior to June 11,
22 1992, have expended funds derived from the tax authorized by this
23 section for such purposes; and, until December 31, 1995, housing
24 projects for those jurisdictions that, prior to June 11, 1992, have
25 expended or committed to expend funds derived from the tax authorized
26 by this section or the tax authorized by RCW 82.46.035 for such
27 purposes.

28 **Sec. 23.** RCW 85.38.005 and 1985 c 396 s 1 are each amended to read
29 as follows:

30 The purpose of this chapter is to provide uniform and simplified
31 procedures for the creation, elections, and operations of various
32 special districts that provide diking, drainage, and flood (~~control~~)
33 hazard management facilities and services. The legislature finds that
34 it is in the public interest to clarify and standardize the laws
35 relating to these special districts.

36 **Sec. 24.** RCW 85.38.180 and 1991 c 349 s 17 are each amended to
37 read as follows:

1 A special district may:

2 (1) Engage in flood (~~control~~) hazard management activities, and
3 investigate, plan, construct, acquire, repair, maintain, and operate
4 improvements, works, projects, and facilities necessary to (~~prevent~~
5 ~~inundation~~—or) reduce damage from flooding (~~from~~) of rivers,
6 streams, tidal waters or other waters. Such facilities include dikes,
7 levees, dams, banks, revetments, channels, canals, and other works,
8 appliances, machinery, and equipment.

9 (2) Engage in drainage (~~control~~), storm water (~~control~~), and
10 surface water (~~control~~) management activities, and investigate, plan,
11 construct, acquire, repair, maintain, and operate improvements, works,
12 projects, and facilities necessary to (~~control~~) manage and treat
13 storm water, surface water, and flood water. Such facilities include
14 drains, ditches, canals, nonsanitary sewers, pumps, and other works,
15 appliances, machinery, and equipment.

16 (3) Engage in lake or river restoration, aquatic plant control, and
17 water quality enhancement activities.

18 (4) Take actions necessary to protect life and property from
19 damages caused by inundation or flow of flood waters, storm waters, or
20 surface waters.

21 (5) Acquire, purchase, condemn by power of eminent domain pursuant
22 to chapters 8.08 and 8.25 RCW, or lease, in its own name, necessary
23 property, property rights, facilities, and equipment.

24 (6) Sell or exchange surplus property, property rights, facilities,
25 and equipment.

26 (7) Accept funds and property by loan, grant, gift, or otherwise
27 from the United States, the state of Washington, or any other public or
28 private source.

29 (8) Hire staff, employees, or services, or use voluntary labor.

30 (9) Sue and be sued.

31 (10) Cooperate with or join the United States, the state of
32 Washington, or any other public or private entity or person for
33 district purposes.

34 (11) Enter into contracts.

35 (12) Exercise any of the usual powers of a corporation for public
36 purposes.

37 **Sec. 25.** RCW 85.38.220 and 1986 c 278 s 10 are each amended to
38 read as follows:

1 Any special district may have its operations suspended as provided
2 in this section. The process of suspending a special district's
3 operations may be initiated by: (1) The adoption of a resolution
4 proposing such action by the governing body of the special district;
5 (2) the filing of a petition proposing such action with the county
6 legislative authority of the county in which all or the largest portion
7 of the special district is located, which petition is signed by voters
8 of the special district who own at least ten percent of the acreage in
9 the special district or is signed by ten or more voters of the special
10 district; or (3) the adoption of a resolution proposing such action by
11 the county legislative authority of the county in which all or the
12 largest portion of the special district is located.

13 A public hearing on the proposed action shall be held by the county
14 legislative authority at which it shall inquire into whether such
15 action is in the public interest. Notice of the public hearing shall
16 be published in a newspaper of general circulation in the special
17 district, posted in at least four locations in the special district to
18 attract the attention of the public, and mailed to the members of the
19 governing body of the special district, if there are any. After the
20 public hearing, the county legislative authority may adopt a resolution
21 suspending the operations of the special district if it finds such
22 suspension to be in the public interest. When a special district is
23 located in more than one county, the legislative authority of each of
24 such counties must so act before the operations of the special district
25 are suspended.

26 After holding a public hearing on the proposed reactivation of a
27 special district that has had its operations suspended, the legislative
28 authority or authorities of the county or counties in which the special
29 district is located may reactivate the special district by adopting a
30 resolution finding such action to be in the public interest. Notice of
31 the public hearing shall be posted and published as provided for the
32 public hearing on a proposed suspension of a special district's
33 operations. The governing body of a reactivated special district shall
34 be appointed as in a newly created special district.

35 No special district that owns drainage or flood (~~control~~) hazard
36 management improvements may be dissolved unless the legislative
37 authority of a county accepts responsibility for operation and
38 maintenance of the improvements.

1 **Sec. 26.** RCW 86.09.004 and 1965 c 26 s 1 are each amended to read
2 as follows:

3 Such flood control districts shall be organized to provide for the
4 ((ultimate)) necessary ((control)) management of the entire part, or
5 all, of the stream system of any stream or tributary, or for the
6 protection against tidal or any bodies of water, within this state and
7 may include all or part of the territory of any county and may combine
8 the territory in two or more such counties, in which any of the lands
9 benefited from the organization and maintenance of a flood control
10 district are situated.

11 A district established wholly within the boundaries of any city or
12 town may also provide for the collection, ((control)) management, and
13 safe and suitable conveyance over and across the district, of
14 intermittent surface and drainage water, originating within or without
15 its boundaries, to suitable and adequate outlets.

16 **Sec. 27.** RCW 86.09.010 and 1937 c 72 s 4 are each amended to read
17 as follows:

18 Such flood control districts may be organized or maintained for
19 any, or all, the following general purposes:

20 (1) The investigation, planning, construction, improvement,
21 replacement, repair or acquisition of dams, dikes, levees, ditches,
22 channels, canals, banks, revetments and other works, appliances,
23 machinery and equipment and property and rights connected therewith or
24 incidental thereto, convenient and necessary to ((control)) manage
25 floods and lessen their danger and damages.

26 (2) The cooperation with any agency or agencies of the United
27 States and/or of the state of Washington in investigating and
28 ((controlling)) managing floods and in lessening flood dangers and
29 damages.

30 **Sec. 28.** RCW 86.09.163 and 1937 c 72 s 55 are each amended to read
31 as follows:

32 The district board shall have authority to enter into any
33 obligation or contract authorized by law with the United States or with
34 the state of Washington for the supervision of the construction, for
35 the construction, reconstruction, betterment, extension, purchase,
36 operation or maintenance of the works necessary ((works for the control
37 of)) to manage floods or for any other service furthering the objects

1 for which said flood control district is created under the provisions
2 of the law of the state of Washington or of the United States and all
3 amendments or extensions thereof and the rules and regulations
4 established thereunder.

5 **Sec. 29.** RCW 86.09.196 and 1937 c 72 s 66 are each amended to read
6 as follows:

7 The district shall have authority upon the adoption of a
8 comprehensive flood hazard management plan (~~((of flood control))~~) with
9 the approval of the state director to provide for the construction of
10 the same partially and in parts or units and all the benefited lands in
11 the district shall be liable for assessment to defray the costs of such
12 partial construction or such parts or units until the entire plan has
13 been completed and fully paid for.

14 **Sec. 30.** RCW 86.09.226 and 1937 c 72 s 76 are each amended to read
15 as follows:

16 The district board and its agents and employees shall have the
17 right to enter upon any land, to make surveys and may locate the
18 necessary flood (~~((control))~~) management works and the line for canal or
19 canals, dike or dikes and other instrumentalities and the necessary
20 branches and parts for the same on any lands which may be deemed
21 necessary for such location.

22 **Sec. 31.** RCW 86.09.235 and 1937 c 72 s 79 are each amended to read
23 as follows:

24 Flood control districts organized under the provisions of this
25 chapter shall have authority to construct, operate and maintain any and
26 all necessary flood (~~((control))~~) management works inside and outside the
27 boundaries of the district.

28 **Sec. 32.** RCW 86.09.700 and 1985 c 396 s 85 are each amended to
29 read as follows:

30 A board may amend the district comprehensive plan of flood
31 (~~((control))~~) hazard management, alter, reduce or enlarge the district
32 system of improvement, within or without the district, and change the
33 district boundaries so as to include land likely to be benefited by
34 said amendment, alteration, reduction or enlargement by filing a

1 petition to that effect with the county legislative authority of the
2 county within which the major portion of the district is situated.

3 **Sec. 33.** RCW 86.12.010 and 1973 1st ex.s. c 195 s 129 are each
4 amended to read as follows:

5 The county commissioners of any county may annually levy a tax,
6 beginning with the year 1907, in such amount as, in their judgment they
7 may deem necessary or advisable, but not to exceed twenty-five cents
8 per thousand dollars of assessed value upon all taxable property in
9 such county, for the purpose of creating a fund to be known as "river
10 improvement fund." There is hereby created in each such river
11 improvement fund an account to be known as the "flood (~~control~~
12 ~~maintenance~~) hazard management account."

13 **Sec. 34.** RCW 86.12.030 and 1941 c 204 s 10 are each amended to
14 read as follows:

15 The taking and damaging of land, property or rights therein or
16 thereto by any county, either inside or outside of such county, for
17 flood (~~control~~) hazard management purposes of the county is hereby
18 declared to be for a public use. Such eminent domain proceedings shall
19 be in the name of the county, shall be had in the county where the
20 property is situated, and may unite in a single action proceedings to
21 condemn for county use property held by separate owners, the jury to
22 return separate verdicts for the several lots, tracts or parcels of
23 land, or interest therein, so taken or damaged. The proceedings may
24 conform to the provisions of sections 921 to 926, inclusive, of
25 Remington's Revised Statutes, or to any general law now or hereafter
26 enacted governing eminent domain proceedings by counties. The title so
27 acquired by the county shall be the fee simple title or such lesser
28 estate as shall be designated in the decree of appropriation. The
29 awards in and costs of such proceedings shall be payable out of the
30 river improvement fund.

31 **Sec. 35.** RCW 86.12.210 and 1991 c 322 s 4 are each amended to read
32 as follows:

33 A comprehensive flood (~~control~~) hazard management plan that
34 includes an area within which a city or town, or a special district
35 subject to chapter 85.38 RCW, is located shall be developed by the
36 county with the full participation of officials from the city, town, or

1 special district, including conservation districts, and appropriate
2 state and federal agencies. Where a comprehensive flood ((~~control~~))
3 hazard management plan is being prepared for a river basin that is part
4 of the common boundary between two counties, the county legislative
5 authority of the county preparing the plan may allow participation by
6 officials of the adjacently located county.

7 Following adoption by the county, city, or town, a comprehensive
8 flood ((~~control~~)) hazard management plan shall be binding on each
9 jurisdiction and special district that is located within an area
10 included in the plan. If within one hundred twenty days of the
11 county's adoption, a city or town does not adopt the comprehensive
12 flood ((~~control~~)) hazard management plan, the city or county shall
13 request arbitration on the issue or issues in dispute. If parties
14 cannot agree to the selection of an arbitrator, the arbitrator shall be
15 selected according to the process described in RCW 7.04.050. The cost
16 of the arbitrator shall be shared equally by the participating parties
17 and the arbitrator's decision shall be binding. Any land use
18 regulations and restrictions on construction activities contained in a
19 comprehensive flood ((~~control~~)) hazard management plan applicable to a
20 city or town shall be minimum standards that the city or town may
21 exceed. A city or town undertaking flood or storm water ((~~control~~))
22 management activities consistent with the comprehensive flood
23 ((~~control~~)) hazard management plan shall retain authority over such
24 activities.

25 **Sec. 36.** RCW 86.12.220 and 1991 c 322 s 5 are each amended to read
26 as follows:

27 A county may create one or more advisory committees to assist in
28 the development of proposed comprehensive flood ((~~control~~)) hazard
29 management plans and to provide general advice on flood problems. The
30 advisory committees may include city and town officials, officials of
31 special districts subject to chapter 85.38 RCW, conservation districts,
32 appropriate state and federal officials, and officials of other
33 counties and other interested persons.

34 **Sec. 37.** RCW 86.13.040 and 1937 c 117 s 1 are each amended to read
35 as follows:

36 When such a contract shall have been entered into the power of
37 eminent domain is hereby vested in each of such counties, to acquire

1 any lands necessary to straighten, widen, deepen, dike or otherwise
2 ((improve)) change any such river, its tributaries or outlet or to
3 strengthen the banks thereof, or to acquire any land adjacent to such
4 river, or its tributaries, or the right to cut and remove timber upon
5 the same for the purpose of preventing or lessening the falling of
6 timber or brush into the waters of such river or tributaries, or to
7 acquire any rock quarry, gravel deposit or timber for material for the
8 prosecution of such improvement, together with the necessary rights of
9 way for the same, or to acquire any dam site or other property
10 necessary for flood ((control)) hazard management purposes. Any such
11 land, property or rights may be acquired by purchase instead of by
12 condemnation proceedings. Said right of eminent domain shall extend to
13 lands or other property owned by the state or any municipality thereof.
14 The title to any such lands, property or rights so acquired shall vest
15 in the county in which situate for the benefit of such enterprise and
16 said fund, but when said contract shall have terminated by lapse of
17 time or for any other reason, then such title shall be held by such
18 county independent of any claims whatsoever of the other county, but
19 any material, equipment or other chattel property on hand shall be
20 converted into money and the money divided between the two counties in
21 the ratio of their respective contributions to the fund. The exercise
22 of such rights of eminent domain or purchase shall rest in the joint
23 control of the two boards of county commissioners. Such eminent domain
24 proceedings shall be in the name of and had in the county where the
25 property to be acquired is situate: PROVIDED, If either county shall
26 fail or refuse to institute and prosecute any condemnation proceedings
27 when directed so to do by any legal meeting provided for in RCW
28 86.13.050, such proceeding may be instituted and prosecuted by and in
29 the name of the other county. The proceedings may conform to the
30 provisions of sections 921 to 926, inclusive, of Remington &
31 Ballinger's Annotated Codes and Statutes of Washington, or to any
32 general law now or hereafter enacted governing eminent domain
33 proceedings by counties. The awards in and costs of such proceedings
34 shall be payable out of such funds. The purposes in this act specified
35 are hereby declared to be county purposes of each and both of such
36 counties.

37 **Sec. 38.** RCW 86.15.010 and 1983 c 315 s 11 are each amended to
38 read as follows:

1 The definitions set forth in this section apply through this
2 chapter.

3 (1) "Board" means the county legislative authority.

4 (2) "Flood (~~control improvement~~) hazard management action" means
5 any work(~~s~~), project(~~s~~), or other (~~facilities~~) facility necessary
6 for the (~~control~~) management of flood waters within the county or any
7 zone or zones.

8 (3) "Flood waters" and "storm waters" means any storm waste or
9 surplus waters, including surface water, wherever located within the
10 county or a zone or zones where such waters endanger public highways,
11 streams and water courses, harbors, life, or property.

12 (4) "Participating zones" means two or more zones found to benefit
13 from a single flood (~~control improvement~~) hazard management action or
14 storm water control (~~improvement~~) action.

15 (5) "Storm water control (~~improvement~~) action" means any works,
16 projects, or other facilities necessary to (~~control~~) manage and treat
17 storm water within the county or any zone or zones.

18 (6) "Supervisors" means the board of supervisors, or governing
19 body, of a zone.

20 (7) "Zones" means flood control zone districts which are quasi
21 municipal corporations of the state of Washington created by this
22 chapter.

23 **Sec. 39.** RCW 86.15.020 and 1983 c 315 s 12 are each amended to
24 read as follows:

25 The board may initiate, by affirmative vote of a majority of the
26 board, the creation of a zone or additional zones within the county,
27 and without reference to an existing zone or zones, for the purpose of
28 undertaking, operating, or maintaining flood (~~control~~) hazard
29 reduction projects or storm water (~~control~~) reduction projects or
30 groups of projects that are of special benefit to specified areas of
31 the county. Formation of a zone may also be initiated by a petition
32 signed by twenty-five percent of the electors within a proposed zone
33 based on the vote cast in the last county general election. If the
34 formation of the zone is initiated by petition, the board shall
35 incorporate the terms of the petition in a resolution within forty days
36 after receiving the petition from the county auditor. Thereafter, the
37 procedures for establishing a zone shall be the same whether initiated
38 by motion of the board or by a petition of electors.

1 Petitions shall be in a form prescribed and approved by the county
2 auditor and shall include the necessary legal descriptions and other
3 information necessary for establishment of a zone by resolution. When
4 the sponsors of a petition have acquired the necessary signatures, they
5 shall present the petition to the county auditor who shall thereafter
6 certify the sufficiency of the petition within forty-five days. If the
7 petition is found to meet the requirements specified in this chapter,
8 the auditor shall transmit the petition to the board for their action;
9 if the petition fails to meet the requirements of this chapter, it
10 shall be returned to the sponsors.

11 **Sec. 40.** RCW 86.15.100 and 1983 c 315 s 14 are each amended to
12 read as follows:

13 The supervisors may authorize the construction, extension,
14 enlargement, or acquisition of necessary flood ~~((control))~~ hazard
15 management or storm water control ~~((improvements))~~ actions within the
16 zone or any participating zones. The ~~((improvements))~~ actions may
17 include, but shall not be limited to the extension, enlargement,
18 construction, or acquisition of dikes and levees, drain and drainage
19 systems, dams and reservoirs, or other flood ~~((control))~~ hazard
20 management or storm water control ~~((improvements))~~ actions; widening,
21 straightening, or relocating of stream or water courses; and the
22 acquisition, extension, enlargement, or construction of any works
23 necessary for the protection of stream and water courses, channels,
24 harbors, life, and property.

25 **Sec. 41.** RCW 86.15.110 and 1983 c 315 s 15 are each amended to
26 read as follows:

27 Flood ~~((control))~~ hazard or storm water ~~((control-improvements))~~
28 management actions may be extended, enlarged, acquired, or constructed
29 by a zone pursuant to a resolution adopted by the supervisors. The
30 resolution shall specify:

31 (1) Whether the improvement is to be extended, enlarged, acquired,
32 or constructed;

33 (2) That either:

34 (a) A comprehensive ~~((plan-of-development-for))~~ flood ~~((control))~~
35 hazard management plan has been prepared for the stream or water course
36 upon which the improvement will be enlarged, extended, acquired, or
37 constructed, and that the improvement generally contributes to the

1 objectives of the comprehensive plan of development: PROVIDED, That
2 the plan shall be first submitted to the state department of ecology at
3 least ninety days in advance of the beginning of any flood (~~control~~)
4 hazard management project or (~~improvement~~) action; and shall be
5 subject to all the regulatory control provisions by the department of
6 ecology as provided in chapter 86.16 RCW; or

7 (b) A comprehensive plan of development for storm water (~~control~~)
8 management has been prepared for the area that will be served by the
9 proposed storm water (~~control~~) management facilities;

10 (3) If the improvement is to be constructed, that preliminary
11 engineering studies and plans have been made, and that the plans and
12 studies are on file with the county engineer;

13 (4) The estimated cost of the acquisition or construction of the
14 improvement, together with such supporting data as will reasonably show
15 how the estimates were arrived at; and

16 (5) That the improvement will benefit:

17 (a) Two or more zones, hereinafter referred to as participating
18 zones; or

19 (b) A single zone; or

20 (c) The county as a whole, as well as a zone or participating
21 zones.

22 **Sec. 42.** RCW 86.15.120 and 1983 c 315 s 16 are each amended to
23 read as follows:

24 Before finally adopting a resolution to undertake any flood
25 (~~control-improvement~~) hazard management action or storm water
26 (~~control-improvement~~) management action, the supervisors shall hold
27 a hearing thereon. Notice and publication of the hearing shall be
28 given under RCW 36.32.120(7). The supervisors may conduct any such
29 hearing concurrently with a hearing on the establishment of a flood
30 control zone, and may in such case designate the proposed zone a
31 beneficiary of any improvement.

32 **Sec. 43.** RCW 86.15.130 and 1961 c 153 s 13 are each amended to
33 read as follows:

34 The treasurer of each zone shall be the county treasurer. He shall
35 establish within his office a zone flood (~~control~~) hazard management
36 fund for each zone into which shall be deposited the proceeds of all

1 tax levies, assessments, gifts, grants, loans, or other revenues which
2 may become available to a zone.

3 The treasurer shall also establish the following accounts within
4 the zone fund:

5 (1) For each flood (~~(control improvement)~~) hazard management action
6 financed by a bond issue, an account to which shall be deposited the
7 proceeds of any such bond issue; and

8 (2) An account for each outstanding bond issue to which will be
9 deposited any revenues collected for the retirement of such outstanding
10 bonds or for the payment of interest or charges thereon; and

11 (3) A general account to which all other receipts of the zone shall
12 be deposited.

13 **Sec. 44.** RCW 86.15.140 and 1983 c 315 s 17 are each amended to
14 read as follows:

15 The supervisors shall annually at the same time county budgets are
16 prepared adopt a budget for the zone, which budget shall be divided
17 into the following appropriation items: (1) Overhead and
18 administration; (2) maintenance and operation; (3) construction and
19 improvements; and (4) bond retirement and interest. In preparing the
20 budget, the supervisors shall show the total amount to be expended in
21 each appropriation item and the proportionate share of each
22 appropriation item to be paid from each account of the zone.

23 In preparing the annual budget, the supervisors shall under the
24 appropriation item of construction and improvement list each flood
25 (~~(control improvement)~~) hazard management action or storm water
26 (~~(control improvement)~~) management action and the estimated expenditure
27 to be made for each during the ensuing year. The supervisors may at
28 any time during the year, if additional funds become available to the
29 zone, adopt a supplemental budget covering additional authorized
30 improvements.

31 The zone budget or any supplemental budget shall be approved only
32 after a public hearing, notice of which shall be given as provided by
33 RCW 36.32.120(7).

34 **Sec. 45.** RCW 86.15.150 and 1983 c 315 s 18 are each amended to
35 read as follows:

36 Whenever the supervisors have found under the provisions of RCW
37 86.15.110 that a flood (~~(control improvement)~~) hazard management action

1 or storm water (~~(control improvement)~~) management action initiated by
2 any zone will be of benefit to the county as a whole, as well as to the
3 zone or participating zones; or whenever the supervisors have found
4 that the maintenance and operation of any flood (~~(control improvement)~~)
5 hazard management action or storm water (~~(control improvement)~~)
6 management action within any zone will be of benefit to the overall
7 flood (~~(control program)~~) hazard management plan or storm water
8 (~~(control program)~~) management plan of the county, the board may
9 authorize the transfer of any funds available to the county for flood
10 (~~(control)~~) hazard management or storm water (~~(control)~~) management
11 purposes to any zone or participating zones for flood (~~(control)~~)
12 hazard management or storm water (~~(control)~~) management purposes.

13 **Sec. 46.** RCW 86.15.165 and 1983 c 315 s 20 are each amended to
14 read as follows:

15 The supervisors may provide by resolution for levying voluntary
16 assessments, under a mode of annual installments extending over a
17 period not exceeding fifteen years, on property benefited from a flood
18 (~~(control improvement)~~) hazard management action or storm water
19 (~~(control improvement)~~) management action. The voluntary assessment
20 shall be imposed only after each owner of property benefited by the
21 flood (~~(control improvement)~~) hazard management action has agreed to
22 the assessment by written agreement with the supervisors. The
23 agreement shall be recorded with the county auditor and the obligations
24 under the agreement shall be binding upon all heirs and all successors
25 in interest of the property.

26 The voluntary assessments need not be uniform or directly related
27 to benefits to the property from the flood (~~(control improvement)~~)
28 hazard management action or storm water (~~(control improvement)~~)
29 management action.

30 The levying, collection, and enforcement authorized in this section
31 shall be in the manner now and hereafter provided by law for the
32 levying, collection, and enforcement of local improvement assessments
33 by cities and towns, insofar as those provisions are not inconsistent
34 with the provisions of this chapter.

35 The disposition of all proceeds from voluntary assessments shall be
36 in accordance with RCW 86.15.130.

37 The proceeds from voluntary assessments may be used for any flood
38 (~~(control improvement)~~) hazard management action or storm water

1 ((control improvement)) management action not inconsistent with the
2 provisions of this chapter, and in addition the proceeds may be used
3 for operation and maintenance of flood ((control improvements)) hazard
4 management action or storm water ((control improvements)) management
5 action constructed under the authority of this chapter.

6 **Sec. 47.** RCW 86.15.170 and 1984 c 186 s 62 are each amended to
7 read as follows:

8 The supervisors may authorize the issuance of general obligation
9 bonds to finance any flood ((control improvement)) hazard management
10 action or storm water ((control improvement)) management action and
11 provide for the retirement of the bonds with ad valorem property tax
12 levies. The general obligation bonds may be issued and the bond
13 retirement levies imposed only when the voters of the flood control
14 zone district approve a ballot proposition authorizing both the bond
15 issuance and imposition of the excess bond retirement levies pursuant
16 to Article VIII, section 6 and Article VII, section 2(b) of the state
17 Constitution and RCW 84.52.056. Elections shall be held as provided in
18 RCW 39.36.050. The bonds shall be issued on behalf of the zone or
19 participating zones and be approved by the voters of the zone or
20 participating zones when the improvement has by the resolution,
21 provided in RCW 86.15.110, been found to be of benefit to a zone or
22 participating zones. The bonds may not exceed an amount, together with
23 any outstanding general obligation indebtedness, equal to three-fourths
24 of one percent of the value of taxable property within the zone or
25 participating zones, as the term "value of the taxable property" is
26 defined in RCW 39.36.015. The bonds shall be issued and sold in
27 accordance with chapter 39.46 RCW.

28 **Sec. 48.** RCW 86.15.176 and 1986 c 278 s 61 are each amended to
29 read as follows:

30 The supervisors may provide by resolution for revenues by fixing
31 rates and charges for the furnishing of service to those served or
32 receiving benefits from a flood ((control improvement)) hazard
33 management action including public entities, except as otherwise
34 provided in RCW 90.03.525. The service charge shall be uniform for the
35 same class of benefits or service. In classifying services furnished
36 or benefits received the board may in its discretion consider the
37 character and use of land and its water runoff characteristics and any

1 other matters that present a reasonable difference as a ground for
2 distinction. Service charges shall be applicable to a zone or
3 participating zones. The disposition of all revenue from service
4 charges shall be in accordance with RCW 86.15.130.

5 **Sec. 49.** RCW 86.15.178 and 1991 c 322 s 10 are each amended to
6 read as follows:

7 (1) The supervisors may authorize the issuance of revenue bonds to
8 finance any flood (~~((control improvement))~~) hazard management action or
9 storm water (~~((control improvement))~~) management action. The bonds may
10 be issued by the supervisors in the same manner as prescribed in RCW
11 36.67.510 through 36.67.570 pertaining to counties. The bonds shall be
12 issued on behalf of the zone or participating zones when the
13 (~~((improvement))~~) action has by the resolution, provided in RCW
14 86.15.110, been found to be of benefit to a zone or participating
15 zones. The bonds may be in any form, including bearer bonds or
16 registered bonds.

17 Each revenue bond shall state on its face that it is payable from
18 a special fund, naming the fund and the resolution creating the fund.

19 Revenue bond principal, interest, and all other related necessary
20 expenses shall be payable only out of the appropriate special fund.

21 A zone or participating zones shall have a lien for delinquent
22 service charges, including interest thereon, against the premises
23 benefited by a flood (~~((control improvement))~~) hazard management action
24 or storm water (~~((control improvement))~~) management action, which lien
25 shall be superior to all other liens and encumbrances except general
26 taxes and local and special assessments. The lien shall be effective
27 and shall be enforced and foreclosed in the same manner as provided for
28 sewerage liens of cities and towns by RCW 35.67.200 through 35.67.290.

29 (2) Notwithstanding subsection (1) of this section, such bonds may
30 be issued and sold in accordance with chapter 39.46 RCW.

31 **Sec. 50.** RCW 86.15.210 and 1983 c 315 s 25 are each amended to
32 read as follows:

33 A diking, drainage, or sewerage improvement district, flood control
34 district, diking district, drainage district, intercounty diking and
35 drainage district, or zone may convey title to any property
36 improvements or assets of the districts or zone to the county or a zone
37 for flood (~~((control))~~) hazard management purposes. If the property

1 improvements or assets are surplus to the needs of the district or zone
2 the transfer may be made by private negotiations, but in all other
3 cases the transfers are subject to the approval of a majority of the
4 registered voters within the district or zone. Nothing in this section
5 permits any district or zone to impair the obligations of any debt or
6 contract of the district or zone.

7 **Sec. 51.** RCW 86.15.220 and 1961 c 153 s 22 are each amended to
8 read as follows:

9 Nothing in this chapter shall be construed as limiting the right of
10 counties under the provisions of chapters 86.12 and 86.13 RCW to
11 undertake the planning or engineering studies necessary for flood
12 (~~control improvements~~) hazard management actions or financing the
13 same from any funds available for such purposes.

14 **Sec. 52.** RCW 86.16.160 and 1973 c 75 s 2 are each amended to read
15 as follows:

16 Nothing in this chapter shall prevent any county, city or town from
17 establishing, pursuant to any authority otherwise available to them,
18 flood (~~control~~) hazard management regulation programs and related
19 land use (~~control~~) management measures in areas which are subject to
20 flooding or flood damages.

21 **Sec. 53.** RCW 86.18.010 and 1967 ex.s. c 136 s 1 are each amended
22 to read as follows:

23 Economic development and growth of the state is dependent on the
24 (~~control~~) management of flood waters. The legislature declares, in
25 the exercise of its sovereign and police powers, that the purpose of
26 this chapter is to provide for contributions of funds for assisting
27 political subdivisions of the state in the protection of lands from
28 inundation; the protection of public highways; the (~~control~~)
29 management of storm drainage; the maintenance of stream channels and
30 water courses; and the protection of life and property.

31 It is the intent of the legislature that funds be provided to
32 political subdivisions of the state to assist in the development of
33 those flood (~~control improvements~~) hazard management actions and
34 projects, which cannot be reasonably and practicably financed through
35 the normal methods of financing available to such political
36 subdivisions.

1 **Sec. 54.** RCW 86.24.020 and 1987 c 109 s 64 are each amended to
2 read as follows:

3 The department of ecology, in cooperation with the corps of
4 engineers of the United States army, and any other agencies of the
5 United States, and in cooperation with any official, agency or
6 institution of the state and any flood control district created under
7 the laws of the state, and any county, or any counties acting jointly
8 pursuant to RCW 86.13.010 through 86.13.090, shall act for the state in
9 the formulation of plans for the ~~((control))~~ management of floods in
10 the several flood areas of the state, and shall consider the extent to
11 which the state should participate therein with the United States
12 and/or any flood control district, or county, or counties so acting
13 jointly. In case of federal participation, the plan of development and
14 the surveys, plans and specifications for such flood ~~((control))~~
15 management projects shall be in accordance with the federal
16 requirements therefor.

17 **Sec. 55.** RCW 86.24.030 and 1988 c 127 s 39 are each amended to
18 read as follows:

19 The state director of ecology, when state funds shall be available
20 therefor, shall have authority on behalf of the state to enter into
21 contracts with the United States or any agency thereof and/or with any
22 such flood control district, county, or counties so acting jointly, for
23 flood ~~((control))~~ hazard management purposes for any such flood control
24 district, county or counties so acting jointly, the amount of the
25 state's participation in any such contract to be such sum as may be
26 appropriated therefor, or, in event of unallocated state appropriations
27 for flood ~~((control))~~ hazard management purposes, in such necessary sum
28 as to any such contract as he shall determine.

29 **Sec. 56.** RCW 86.24.040 and 1979 ex.s. c 30 s 19 are each amended
30 to read as follows:

31 In any case where the boundaries of any flood control district
32 shall embrace all or any part of any county, city, town, diking, or
33 drainage district, subject to flood conditions, the governing
34 authorities thereof may contract with the directors of such flood
35 control district, with the written approval of the state director, for
36 the maintenance, repair, renewal and extension of any existing flood
37 ~~((control))~~ hazard management works of such county, city, town, diking,

1 or drainage district, situated within the flood control district, and
2 for the construction and maintenance of specific flood ~~((control))~~
3 hazard management projects, for such term of years and for the payment
4 to such flood control district therefor of such annual sums as in said
5 contract specified.

6 **Sec. 57.** RCW 86.24.050 and 1935 c 163 s 3 are each amended to read
7 as follows:

8 State participation in flood ~~((control))~~ hazard management projects
9 shall be in such as are affected with a state interest and to such
10 extent as the legislature may determine.

11 **Sec. 58.** RCW 86.26.005 and 1951 c 240 s 2 are each amended to read
12 as follows:

13 It is the purpose of the state in the exercise of its sovereign and
14 police powers and in the interest of public welfare, to establish a
15 policy to guide the state and ~~((local))~~ participating local governments
16 in maintaining existing flood ~~((control maintenance policy))~~ hazard
17 management structures.

18 **Sec. 59.** RCW 86.26.007 and 1993 sp.s. c 24 s 928 are each amended
19 to read as follows:

20 The flood ~~((control))~~ hazard management assistance account is
21 hereby established in the state treasury. At the beginning of the
22 1995-97 fiscal biennium and each biennium thereafter the state
23 treasurer shall transfer from the general fund to the flood ~~((control))~~
24 hazard management assistance account an amount of money which, when
25 combined with money remaining in the account from the previous
26 biennium, will equal four million dollars. Moneys in the flood
27 ~~((control))~~ hazard management assistance account may be spent only
28 after appropriation for purposes specified under this chapter. To the
29 extent that moneys in the flood ~~((control))~~ hazard management
30 assistance account are not appropriated during the 1993-95 fiscal
31 biennium for flood control or management assistance, the legislature
32 may direct their transfer to the state general fund.

33 **Sec. 60.** RCW 86.26.010 and 1984 c 212 s 2 are each amended to read
34 as follows:

1 The department of ecology shall have charge for the state of the
2 administration and enforcement of all laws relating to flood
3 (~~control~~) hazard management.

4 **Sec. 61.** RCW 86.26.040 and 1988 c 36 s 63 are each amended to read
5 as follows:

6 Whenever state grants under this chapter are used in a flood
7 (~~control~~) hazard management maintenance project, the engineer of the
8 county within which the project is located shall approve all plans for
9 the specific project and shall supervise the work. The approval of
10 such plans, construction and expenditures by the department of ecology,
11 in consultation with the department of (~~fisheries and the department~~
12 ~~of~~) fish and wildlife, shall be a condition precedent to state
13 participation in the cost of any project beyond planning and designing
14 the specific project.

15 Additionally, state grants may be made to counties for preparation
16 of a comprehensive flood (~~control~~) hazard management plan required to
17 be prepared under RCW 86.26.050.

18 **Sec. 62.** RCW 86.26.060 and 1984 c 212 s 5 are each amended to read
19 as follows:

20 Grants for flood (~~control maintenance~~) hazard management projects
21 shall be so employed that as far as possible, funds will be on hand to
22 meet unusual, unforeseeable and emergent flood conditions. Allocations
23 by the department of ecology, for emergency purposes, shall in each
24 instance be in amounts which together with funds provided by local
25 authority, if any, under reasonable exercise of its emergency powers,
26 shall be adequate for the preservation of life and property, and with
27 due regard to similar needs elsewhere in the state.

28 **Sec. 63.** RCW 86.26.070 and 1951 c 240 s 9 are each amended to read
29 as follows:

30 Any municipal corporation subject to flood conditions, may
31 establish in its treasury a flood (~~control maintenance~~) hazard
32 management fund. Such fund may be maintained by transfer thereto of
33 moneys derived from regular or special lawful levies for flood
34 (~~control~~) hazard management purposes, moneys which may be lawfully
35 transferred to it from any other municipal fund; and gifts and
36 contributions received for flood (~~control~~) hazard management

1 purposes. All costs and expenses for flood (~~control maintenance~~)
2 hazard management purposes shall be paid out of said flood (~~control~~
3 ~~maintenance~~) hazard management fund, which fund shall not be used for
4 any other purpose.

5 **Sec. 64.** RCW 86.26.080 and 1984 c 212 s 6 are each amended to read
6 as follows:

7 Any municipal corporation intending to seek state participating
8 funds shall, within thirty days after final adoption of its annual
9 budget for flood (~~control~~) hazard management purposes, report the
10 amount thereof, to the engineer of the county within whose boundaries
11 the municipal corporation lies. The county engineer shall submit such
12 reports, together with reports from the county itself, to the
13 department of ecology. On the basis of all such budget reports
14 received, the department may thereupon prepare a tentative and
15 preliminary plan for the orderly and most beneficial allocation of
16 funds from the flood (~~control~~) hazard management assistance account
17 for the ensuing calendar year. Soil conservation districts shall be
18 exempted from the provisions of this section.

19 **Sec. 65.** RCW 86.26.090 and 1991 c 322 s 7 are each amended to read
20 as follows:

21 The state shall participate with eligible local authorities in
22 maintaining and restoring the normal and reasonably stable river and
23 stream channel alignment and the normal and reasonably stable river and
24 stream channel capacity for carrying off flood waters with a minimum of
25 damage from bank erosion or overflow of adjacent lands and property;
26 and in restoring, maintaining and repairing natural conditions, works
27 and structures for the maintenance of such conditions. State
28 participation in the repair of flood (~~control facilities~~) hazard
29 reduction structures may include the enhancement of such (~~facilities~~)
30 structures. The state shall likewise participate in the restoration
31 and maintenance of natural conditions, works or structures for the
32 protection of lands and other property from inundation or other damage
33 by the sea or other bodies of water. Funds from the flood (~~control~~)
34 hazard management assistance account shall not be available for
35 maintenance of works or structures maintained solely for the detention
36 or storage of flood waters.

1 **Sec. 66.** RCW 86.26.100 and 1991 c 322 s 8 are each amended to read
2 as follows:

3 State participation in the cost of any flood (~~control~~
4 ~~maintenance~~) hazard reduction project shall be provided for by a
5 written memorandum agreement between the director of ecology and the
6 legislative authority of the county submitting the request, which
7 agreement, among other things, shall state the estimated cost and the
8 percentage thereof to be borne by the state. In no instance, except on
9 emergency projects, shall the state's share exceed one-half the cost of
10 the project, to include project planning and design. Grants for cost
11 sharing feasibility studies for new flood (~~control~~) hazard management
12 projects shall not exceed fifty percent of the matching funds that are
13 required by the federal government, and shall not exceed twenty-five
14 percent of the total costs of the feasibility study. However, grants
15 to prepare a comprehensive flood (~~control~~) hazard management plan
16 required under RCW 86.26.050 shall not exceed seventy-five percent of
17 the full planning costs, but not to exceed amounts for either purpose
18 specified in rule and regulation by the department of ecology.

19 **Sec. 67.** RCW 89.08.220 and 1973 1st ex.s. c 184 s 23 are each
20 amended to read as follows:

21 A conservation district organized under the provisions of this 1973
22 amendatory act shall constitute a governmental subdivision of this
23 state, and a public body corporate and politic exercising public
24 powers, but shall not levy taxes or issue bonds and such district, and
25 the supervisors thereof, shall have the following powers, in addition
26 to others granted in other sections of this 1973 amendatory act:

27 (1) To conduct surveys, investigations, and research relating to
28 the conservation of renewable natural resources and the preventive and
29 control measures and works of improvement needed, to publish the
30 results of such surveys, investigations, or research, and to
31 disseminate information concerning such preventive and control measures
32 and works of improvement: PROVIDED, That in order to avoid duplication
33 of research activities, no district shall initiate any research program
34 except in cooperation with the government of this state or any of its
35 agencies, or with the United States or any of its agencies;

36 (2) To conduct educational and demonstrational projects on any
37 lands within the district upon obtaining the consent of the occupier of
38 such lands and such necessary rights or interests in such lands as may

1 be required in order to demonstrate by example the means, methods,
2 measures, and works of improvement by which the conservation of
3 renewable natural resources may be carried out;

4 (3) To carry out preventative and control measures and works of
5 improvement for the conservation of renewable natural resources, within
6 the district including, but not limited to, engineering operations,
7 methods of cultivation, the growing of vegetation, changes in use of
8 lands, and the measures listed in RCW 89.08.010, on any lands within
9 the district upon obtaining the consent of the occupier of such lands
10 and such necessary rights or interests in such lands as may be
11 required;

12 (4) To cooperate or enter into agreements with, and within the
13 limits of appropriations duly made available to it by law, to furnish
14 financial or other aid to any agency, governmental or otherwise, or any
15 occupier of lands within the district in the carrying on of preventive
16 and control measures and works of improvement for the conservation of
17 renewable natural resources within the district, subject to such
18 conditions as the supervisors may deem necessary to advance the
19 purposes of this 1973 amendatory act;

20 (5) To obtain options upon and to acquire in any manner, except by
21 condemnation, by purchase, exchange, lease, gift, bequest, devise, or
22 otherwise, any property, real or personal, or rights or interests
23 therein; to maintain, administer, and improve any properties acquired,
24 to receive income from such properties and to expend such income in
25 carrying out the purposes and provisions of this 1973 amendatory act;
26 and to sell, lease, or otherwise dispose of any of its property or
27 interests therein in furtherance of the purposes and the provisions of
28 this act;

29 (6) To make available, on such terms, as it shall prescribe, to
30 land occupiers within the district, agricultural and engineering
31 machinery and equipment, fertilizer, seeds, seedlings, and such other
32 equipment and material as will assist them to carry on operations upon
33 their lands for the conservation of renewable natural resources;

34 (7) To prepare and keep current a comprehensive long-range program
35 recommending the conservation of all the renewable natural resources of
36 the district. Such programs shall be directed toward the best use of
37 renewable natural resources and in a manner that will best meet the
38 needs of the district and the state, taking into consideration, where
39 appropriate, such uses as farming, grazing, timber supply, forest,

1 parks, outdoor recreation, potable water supplies for urban and rural
2 areas, water for agriculture, minimal flow, and industrial uses,
3 watershed stabilization, control of soil erosion, retardation of water
4 run-off, flood (~~(prevention and control)~~) hazard management, reservoirs
5 and other water storage, restriction of developments of flood plains,
6 protection of open space and scenery, preservation of natural beauty,
7 protection of fish and wildlife, preservation of wilderness areas and
8 wild rivers, the prevention or reduction of sedimentation and other
9 pollution in rivers and other waters, and such location of highways,
10 schools, housing developments, industries, airports and other
11 facilities and structures as will fit the needs of the state and be
12 consistent with the best uses of the renewable natural resources of the
13 state. The program shall include an inventory of all renewable natural
14 resources in the district, a compilation of current resource needs,
15 projections of future resource requirements, priorities for various
16 resource activities, projected timetables, descriptions of available
17 alternatives, and provisions for coordination with other resource
18 programs.

19 The district shall also prepare an annual work plan, which shall
20 describe the action programs, services, facilities, materials, working
21 arrangements and estimated funds needed to carry out the parts of the
22 long-range programs that are of the highest priorities.

23 The districts shall hold public hearings at appropriate times in
24 connection with the preparation of programs and plans, shall give
25 careful consideration to the views expressed and problems revealed in
26 hearings, and shall keep the public informed concerning their programs,
27 plans, and activities. Occupiers of land shall be invited to submit
28 proposals for consideration to such hearings. The districts may
29 supplement such hearings with meetings, referenda and other suitable
30 means to determine the wishes of interested parties and the general
31 public in regard to current and proposed plans and programs of a
32 district. They shall confer with public and private agencies,
33 individually and in groups, to give and obtain information and
34 understanding of the impact of district operations upon agriculture,
35 forestry, water supply and quality, flood (~~(control)~~) hazard
36 management, particular industries, commercial concerns and other public
37 and private interests, both rural and urban.

38 Each district shall submit to the commission its proposed long-
39 range program and annual work plans for review and comment.

1 The long-range renewable natural resource program, together with
2 the supplemental annual work plans, developed by each district under
3 the foregoing procedures shall have official status as the authorized
4 program of the district, and it shall be published by the districts as
5 its "renewable resources program". Copies shall be made available by
6 the districts to the appropriate counties, municipalities, special
7 purpose districts and state agencies, and shall be made available in
8 convenient places for examination by public land occupier or private
9 interest concerned. Summaries of the program and selected material
10 therefrom shall be distributed as widely as feasible for public
11 information;

12 (8) To administer any project or program concerned with the
13 conservation of renewable natural resources located within its
14 boundaries undertaken by any federal, state, or other public agency by
15 entering into a contract or other appropriate administrative
16 arrangement with any agency administering such project or program;

17 (9) Cooperate with other districts organized under this 1973
18 amendatory act in the exercise of any of its powers;

19 (10) To accept donations, gifts, and contributions in money,
20 services, materials, or otherwise, from the United States or any of its
21 agencies, from this state or any of its agencies, or from any other
22 source, and to use or expend such moneys, services, materials, or any
23 contributions in carrying out the purposes of this act;

24 (11) To sue and be sued in the name of the district; to have a seal
25 which shall be judicially noticed; have perpetual succession unless
26 terminated as hereinafter provided; to make and execute contracts and
27 other instruments, necessary or convenient to the exercise of its
28 powers; to borrow money and to pledge, mortgage and assign the income
29 of the district and its real or personal property therefor; and to
30 make, amend rules and regulations not inconsistent with this 1973
31 amendatory act and to carry into effect its purposes;

32 (12) Any two or more districts may engage in joint activities by
33 agreement between or among them in planning, financing, constructing,
34 operating, maintaining, and administering any program or project
35 concerned with the conservation of renewable natural resources. The
36 districts concerned may make available for purposes of the agreement
37 any funds, property, personnel, equipment, or services available to
38 them under this 1973 amendatory act;

1 Any district may enter into such agreements with a district or
2 districts in adjoining states to carry out such purposes if the law in
3 such other states permits the districts in such states to enter into
4 such agreements.

5 The commission shall have authority to propose, guide, and
6 facilitate the establishment and carrying out of any such agreement;

7 (13) Every district shall, through public hearings, annual
8 meetings, publications, or other means, keep the general public,
9 agencies and occupiers of land within the district, informed of the
10 works and activities planned and administered by the district, of the
11 purposes these will serve, of the income and expenditures of the
12 district, of the funds borrowed by the district and the purposes for
13 which such funds are expended, and of the results achieved annually by
14 the district; and

15 (14) The supervisors of conservation districts may designate an
16 area, state, and national association of conservation districts as a
17 coordinating agency in the execution of the duties imposed by this
18 chapter, and to make gifts in the form of dues, quotas, or otherwise to
19 such associations for costs of services rendered, and may support and
20 attend such meetings as may be required to promote and perfect the
21 organization and to effect its purposes.

22 **Sec. 68.** RCW 90.54.020 and 1989 c 348 s 1 are each amended to read
23 as follows:

24 Utilization and management of the waters of the state shall be
25 guided by the following general declaration of fundamentals:

26 (1) Uses of water for domestic, stock watering, industrial,
27 commercial, agricultural, irrigation, hydroelectric power production,
28 mining, fish and wildlife maintenance and enhancement, recreational,
29 and thermal power production purposes, and preservation of
30 environmental and aesthetic values, and all other uses compatible with
31 the enjoyment of the public waters of the state, are declared to be
32 beneficial.

33 (2) Allocation of waters among potential uses and users shall be
34 based generally on the securing of the maximum net benefits for the
35 people of the state. Maximum net benefits shall constitute total
36 benefits less costs including opportunities lost.

37 (3) The quality of the natural environment shall be protected and,
38 where possible, enhanced as follows:

1 (a) Perennial rivers and streams of the state shall be retained
2 with base flows necessary to provide for preservation of wildlife,
3 fish, scenic, aesthetic and other environmental values, and
4 navigational values. Lakes and ponds shall be retained substantially
5 in their natural condition. Withdrawals of water which would conflict
6 therewith shall be authorized only in those situations where it is
7 clear that overriding considerations of the public interest will be
8 served.

9 (b) Waters of the state shall be of high quality. Regardless of
10 the quality of the waters of the state, all wastes and other materials
11 and substances proposed for entry into said waters shall be provided
12 with all known, available, and reasonable methods of treatment prior to
13 entry. Notwithstanding that standards of quality established for the
14 waters of the state would not be violated, wastes and other materials
15 and substances shall not be allowed to enter such waters which will
16 reduce the existing quality thereof, except in those situations where
17 it is clear that overriding considerations of the public interest will
18 be served. Technology-based effluent limitations or standards for
19 discharges for municipal water treatment plants located on the
20 Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted
21 to reflect credit for substances removed from the plant intake water
22 if:

23 (i) The municipality demonstrates that the intake water is drawn
24 from the same body of water into which the discharge is made; and

25 (ii) The municipality demonstrates that no violation of receiving
26 water quality standards or appreciable environmental degradation will
27 result.

28 (4) Adequate and safe supplies of water shall be preserved and
29 protected in potable condition to satisfy human domestic needs.

30 (5) Multiple-purpose impoundment structures are to be preferred
31 over single-purpose structures. Due regard shall be given to means and
32 methods for protection of fishery resources in the planning for and
33 construction of water impoundment structures and other artificial
34 obstructions.

35 (6) Federal, state, and local governments, individuals,
36 corporations, groups and other entities shall be encouraged to carry
37 out practices of conservation as they relate to the use of the waters
38 of the state. In addition to traditional development approaches,
39 improved water use efficiency and conservation shall be emphasized in

1 the management of the state's water resources and in some cases will be
2 a potential new source of water with which to meet future needs
3 throughout the state.

4 (7) Development of water supply systems, whether publicly or
5 privately owned, which provide water to the public generally in
6 regional areas within the state shall be encouraged. Development of
7 water supply systems for multiple domestic use which will not serve the
8 public generally shall be discouraged where water supplies are
9 available from water systems serving the public.

10 (8) Full recognition shall be given in the administration of water
11 allocation and use programs to the natural interrelationships of
12 surface and ground waters.

13 (9) Expressions of the public interest will be sought at all stages
14 of water planning and allocation discussions.

15 (10) Water management programs, including but not limited to, water
16 quality, flood (~~control~~) hazard management, drainage, erosion control
17 and storm runoff are deemed to be in the public interest.

18 **Sec. 69.** RCW 90.54.170 and 1985 c 444 s 6 are each amended to read
19 as follows:

20 In addition to other requirements of this chapter, when the
21 proposed water resource development project involves a new water supply
22 combined with an electric generation facility where such electricity
23 generated may be sold to an entity authorized by law to distribute
24 electricity, the department shall evaluate and utilize, in connection
25 with any application to appropriate water pursuant to the water code,
26 chapter 90.03 RCW, sufficient information furnished by the project
27 applicant regarding the need for the project, alternative means of
28 serving the purposes of the project, the cumulative effects of the
29 project and similar projects that are built, under construction or
30 permitted in the relevant river basin or basins, the impact, if any, on
31 flood (~~control~~) hazard management plans and an estimate of the
32 impact, if any, of the sale of the project's electricity on the rates
33 of utility customers of the Bonneville power administration. Such
34 information shall be furnished at the project applicant's own cost and
35 expense.

36 **Sec. 70.** RCW 90.54.800 and 1989 c 159 s 3 are each amended to read
37 as follows:

1 Future development of hydropower and protection of river-related
2 resources shall be guided by policies and programs which:

3 (1) Create opportunities for balanced development of cost-effective
4 and environmentally sound hydropower projects by a range of development
5 interests;

6 (2) Protect significant values associated with the state's rivers,
7 including fish and wildlife populations and habitats, water quality and
8 quantity, unique physical and botanical features, archeological sites,
9 and scenic and recreational resources;

10 (3) Protect the interests of the citizens of the state regarding
11 river-related economic development, municipal water supply, supply of
12 electric energy, flood (~~control~~) hazard management, recreational
13 opportunity, and environmental integrity;

14 (4) Fully utilize the state's authority in the federal hydropower
15 licensing process.

16 **Sec. 71.** RCW 90.58.030 and 1987 c 474 s 1 are each amended to read
17 as follows:

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

20 (1) Administration:

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

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

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

26 (d) "Person" means an individual, partnership, corporation,
27 association, organization, cooperative, public or municipal
28 corporation, or agency of the state or local governmental unit however
29 designated;

30 (e) "Hearing board" means the shoreline hearings board established
31 by this chapter.

32 (2) Geographical:

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

35 (b) "Ordinary high water mark" on all lakes, streams, and tidal
36 water is that mark that will be found by examining the bed and banks
37 and ascertaining where the presence and action of waters are so common
38 and usual, and so long continued in all ordinary years, as to mark upon

1 the soil a character distinct from that of the abutting upland, in
2 respect to vegetation as that condition exists on June 1, 1971, as it
3 may naturally change thereafter, or as it may change thereafter in
4 accordance with permits issued by a local government or the department:
5 PROVIDED, That in any area where the ordinary high water mark cannot be
6 found, the ordinary high water mark adjoining salt water shall be the
7 line of mean higher high tide and the ordinary high water mark
8 adjoining fresh water shall be the line of mean high water;

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

11 (d) "Shorelines" means all of the water areas of the state,
12 including reservoirs, and their associated wetlands, together with the
13 lands underlying them; except (i) shorelines of state-wide
14 significance; (ii) shorelines on segments of streams upstream of a
15 point where the mean annual flow is twenty cubic feet per second or
16 less and the wetlands associated with such upstream segments; and (iii)
17 shorelines on lakes less than twenty acres in size and wetlands
18 associated with such small lakes;

19 (e) "Shorelines of state-wide significance" means the following
20 shorelines of the state:

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

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

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

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

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

30 (D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point,
31 and

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

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

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

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

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

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

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

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

23 (g) "Floodway" means those portions of the area of a river valley
24 lying streamward from the outer limits of a watercourse upon which
25 flood waters are carried during periods of flooding that occur with
26 reasonable regularity, although not necessarily annually, said floodway
27 being identified, under normal condition, by changes in surface soil
28 conditions or changes in types or quality of vegetative ground cover
29 condition. The floodway shall not include those lands that can
30 reasonably be expected to be protected from flood waters by flood
31 (~~control devices~~) hazard reduction projects maintained by or
32 maintained under license from the federal government, the state, or a
33 political subdivision of the state.

34 (3) Procedural terms:

35 (a) "Guidelines" means those standards adopted to implement the
36 policy of this chapter for regulation of use of the shorelines of the
37 state prior to adoption of master programs. Such standards shall also
38 provide criteria to local governments and the department in developing
39 master programs;

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

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

8 (d) "Development" means a use consisting of the construction or
9 exterior alteration of structures; dredging; drilling; dumping;
10 filling; removal of any sand, gravel, or minerals; bulkheading; driving
11 of piling; placing of obstructions; or any project of a permanent or
12 temporary nature which interferes with the normal public use of the
13 surface of the waters overlying lands subject to this chapter at any
14 state of water level;

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

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

23 (ii) Construction of the normal protective bulkhead common to
24 single family residences;

25 (iii) Emergency construction necessary to protect property from
26 damage by the elements;

27 (iv) Construction and practices normal or necessary for farming,
28 irrigation, and ranching activities, including agricultural service
29 roads and utilities on wetlands, and the construction and maintenance
30 of irrigation structures including but not limited to head gates,
31 pumping facilities, and irrigation channels: PROVIDED, That a feedlot
32 of any size, all processing plants, other activities of a commercial
33 nature, alteration of the contour of the wetlands by leveling or
34 filling other than that which results from normal cultivation, shall
35 not be considered normal or necessary farming or ranching activities.
36 A feedlot shall be an enclosure or facility used or capable of being
37 used for feeding livestock hay, grain, silage, or other livestock feed,
38 but shall not include land for growing crops or vegetation for

1 livestock feeding and/or grazing, nor shall it include normal livestock
2 wintering operations;

3 (v) Construction or modification of navigational aids such as
4 channel markers and anchor buoys;

5 (vi) Construction on wetlands by an owner, lessee, or contract
6 purchaser of a single family residence for his own use or for the use
7 of his family, which residence does not exceed a height of thirty-five
8 feet above average grade level and which meets all requirements of the
9 state agency or local government having jurisdiction thereof, other
10 than requirements imposed pursuant to this chapter;

11 (vii) Construction of a dock, including a community dock, designed
12 for pleasure craft only, for the private noncommercial use of the
13 owner, lessee, or contract purchaser of single and multiple family
14 residences, the cost of which does not exceed two thousand five hundred
15 dollars;

16 (viii) Operation, maintenance, or construction of canals,
17 waterways, drains, reservoirs, or other facilities that now exist or
18 are hereafter created or developed as a part of an irrigation system
19 for the primary purpose of making use of system waters, including
20 return flow and artificially stored ground water for the irrigation of
21 lands;

22 (ix) The marking of property lines or corners on state owned lands,
23 when such marking does not significantly interfere with normal public
24 use of the surface of the water;

25 (x) Operation and maintenance of any system of dikes, ditches,
26 drains, or other facilities existing on September 8, 1975, which were
27 created, developed, or utilized primarily as a part of an agricultural
28 drainage or diking system;

29 (xi) Any action commenced prior to December 31, 1982, pertaining to
30 (A) the restoration of interim transportation services as may be
31 necessary as a consequence of the destruction of the Hood Canal bridge,
32 including, but not limited to, improvements to highways, development of
33 park and ride facilities, and development of ferry terminal facilities
34 until a new or reconstructed Hood Canal bridge is open to traffic; and
35 (B) the reconstruction of a permanent bridge at the site of the
36 original Hood Canal bridge.

1 NEW SECTION. **Sec. 72.** Sections 14, 18, 19, and 61 of this act
2 shall take effect July 1, 1994.

--- **END** ---