

TABLE 6-2.
OVERVIEW OF MAJOR FEDERAL, STATE, AND LOCAL SURFACE WATER MANAGEMENT REGULATIONS

Regulation	Implementing Agency	Purpose	Jurisdiction	Required Approval, Permit, or Plan	Applicability to Flood Hazard Management
FEDERAL					
Clean Water Act, Section 401	State agencies empowered by EPA (i.e., Ecology)	Ensures that federally permitted activities comply with the Clean Water Act, state water quality laws, discharge limitations, and other state regulations	Waters of the U.S.	Water Quality Certification or Modification	Structural measures affecting surface water will require Water Quality Certification or Modification
Clean Water Act, Section 402	State agencies empowered by EPA (i.e., Ecology)	Establishes permit application requirements for stormwater discharges under National Pollution Discharge Elimination System Program (NPDES)	All stormwater discharge associated with industrial activity and from municipal storm sewer systems	Stormwater Discharge Permits	NPDES stormwater permit is required for jurisdictions with over 100,000 population
Clean Water Act, Section 404	COE	Regulates the discharge of dredged or fill material in rivers, streams, and wetlands	Waters of the U.S., including wetlands	Individual or Nationwide Permits	Dredging or filling in wetlands or the Yakima River will require permit
National Flood Insurance Act	FEMA	Offers affordable flood insurance to communities that adopt approved floodplain management regulations	Floodplains of the U.S.	Flood Insurance Study and approval letter from FEMA	Participation in NFIP requires minimum floodplain management regulations
Flood Disaster Protection Act	FEMA	Provides incentive to communities to join the NFIP by increasing amounts of flood insurance available and providing penalties for communities and individuals that do not join the NFIP and are subsequently flooded	Floodplains of the U.S.	Approval by FEMA	Requires purchase of flood insurance for funding by federally backed lending institutions for purchase of property in floodplains
National Environmental Policy Act	Varies (usually the federal agency issuing the permit)	Requires full disclosure of potential impacts associated with proposed actions and mitigative measures	All federal actions	Environmental Assessment and EIS	Regulates actions that may result in significant adverse environmental impacts
River and Harbor Act, Section 10	COE	Preserves the navigability of the nation's waterways	U.S. navigable waters.	Section 10 permit	Regulates activities within the Ordinary High Water Mark (OHWM) on navigable waters.
Executive Order 11988	Federal Agencies	Protects floodplain from development by federal agencies	Federal projects	None	Enhances existing floodplain management regulations.

TABLE 6-2 (continued).
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FEDERAL (continued)					
Executive Order 11990	Federal Agencies	Protects wetlands and evaluates impacts of proposed actions on wetlands	Federal projects, federally funded activities, or other activities licensed or regulated by federal agencies	None	Enhances existing wetland protection regulations
STATE					
SEPA	Varies (usually the local agency issuing the permit); circulation to state and federal agencies for review	Requires full disclosure of the likely significant adverse impacts associated with a proposed action and identification of mitigative measures	All proposed actions that require permits	Environmental Checklist or EIS	Requires environmental review of any project with potential adverse environmental impacts
Shoreline Management Act	Ecology; local jurisdictions when state approved	Manages uses of the shorelines of the state for protection of public interests and natural environment	All shorelines of the state (including all marine waters, lakes > 20 acres reservoirs, streams and rivers >20 cfs mean annual flow, and associated wetlands)	State or state-approved local shoreline permit	Applies to activities within the Yakima and Naches Rivers, adjacent lands within 200 ft. of the floodway or within the 100-year floodplain, (whichever is less) and all associated wetlands
Senate Bill 5411 (ESSB 5411); Flood Control by Counties (RCW 86.12)	Counties	RCW 86.12 gives county governments the power to levy taxes, exercise eminent domain and take action to control and prevent flood damage. ESSB 5411 provides a greatly expanded role for counties in formulating and adopting drainage basin plans to address flooding and land use regulations	All drainage basins located wholly or partially within the County	Comprehensive Flood Hazard Management Plan	Allows for development of CFHMPs
Floodplain Management Program (RCW 86.16)	Ecology	Reduces flood damages and protects human health and safety. Department oversees local implementation of floodplain regulations required for participation in the NFIP.	All floodplains within the state	State approval of floodplain management programs and regulations	Provides eligibility for national flood insurance and for state matching funds to construct flood control facilities

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Name	Implementing Agency	Purpose	Jurisdiction	Required Approval, Permit, or Plan	Applicability to Flood Hazard Management
STATE (continued)					
State Participation in Flood Control Maintenance	Ecology	Assists local jurisdictions in comprehensive planning and flood control maintenance efforts	All flood hazard management activities of local jurisdictions as approved by Ecology	FCAAP grant application, approved CFHMP for maintenance grants	FCAAP funds available for preparation of CFHMPs, flood control maintenance projects, and emergency flood control projects
Water Pollution Control Act	Ecology	Empowers the state to develop, maintain, and administer the federal statutes and programs required by the federal Clean Water Act	All receiving waters of the state	Water Quality Certification/Modification	Regulates activities that violate state water quality standards per the Clean Water Act
Hydraulic Code	WFDW	Protects fish, fish habitat, and wildlife habitat from damage by construction and other activities	All marine and fresh waters of the state and drainage corridors	Hydraulic Project Approval (HPA)	HPA is required for all activities within the OHWM of streams and along natural drainage corridors
GMA (RCW 36.70A)	CTED	Requires comprehensive plans to include surface water considerations and facilities (quantity and quality)	Selected high-growth counties (including Yakima County) and their cities.	Comprehensive Plan	Requires adoption of development regulations and comprehensive plans
		Requires designation and regulation of critical areas, including wetlands and frequently flooded areas.	All Washington counties and cities.	Critical areas and resource lands designation.	Requires adoption of critical areas and resource lands ordinances regulating development in designated areas.
Executive Order 90-04, Protection of Wetlands/ Model Wetlands Protection Ordinance	Ecology	Provides guidance to local governments to achieve no net loss of wetland functions and values	State wetlands buffers	None	Provides voluntary technical assistance to the local jurisdiction to regulate activities that affect wetlands

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Name	Implementing Agency	Purpose	Jurisdiction	Required Approval, Permit, or Plan	Applicability to Flood Hazard Management
YAKIMA COUNTY					
Comprehensive Plan; 1995 Comprehensive Plan (Pending 1997)	Yakima County Planning Commission	Guides orderly future growth and development of county land use, circulation, and other elements of interest to the community	Yakima County unincorporated areas	None	Promotes preservation of natural drainage corridors, cost-effective measures to control flooding, and limits floodway developments
Zoning Ordinance (Title 15, County Code)	Yakima County Planning Department	Implements the growth management policies of the Comprehensive Plan by prescribing use and density requirements for land development	Yakima County unincorporated areas	Building permit Conditional use permit	County currently has no zoning district for areas of special flood hazard.
Shoreline Master Program	Yakima County Planning and Building Department	Restricts development along shorelines	Shorelines of the State within Yakima County unincorporated areas	County approval	Flood control facilities along Yakima and Naches Rivers must comply with shoreline management regulations
Flood Hazard Ordinance (County Ordinance 3-1985)	Yakima County Planning Department	Restricts development and requires special standards for development in Areas of Special Flood Hazard identified in Flood Insurance Study	Yakima County areas identified in Flood Insurance Rate Maps	County approval	Restricts inappropriate land use in flood hazard areas Prohibits channel alterations that increase flood hazard in other areas
SEPA Implementation (Title 16, County Code)	Yakima County Planning Department	Enacts provisions of SEPA at local level	Yakima County unincorporated areas	Environmental Checklist, EIS	SEPA review may be required for significant flood control projects
Open Space Tax Program	Yakima County Planning Department and Yakima County Assessor	Preserves open space (including floodplains) through land use reclassification and property tax reductions.	Yakima County unincorporated areas.	Tax Program Application ..Planning Commission and County Commission approval .	Defines floodplains as high-priority open space resources and encourages protection through property tax reduction.
Critical Areas Ordinance (County Ordinance 3-1994)	Yakima County Planning Department	Enacts provisions of GMA for preserving critical areas at local level, integrating Shoreline Master Program and Flood Hazard Ordinance.	Designated critical areas and shorelines of the state within unincorporated Yakima County.	Critical Area development authorization	Supersedes provisions of Flood Hazard Ordinance if development lies within an identified critical area.
Yakima Urban Area Zoning Ordinance (Title is a County and Title 15 City)	Yakima County City of Yakima	Implements the growth management policies of the Comprehensive Plan by prescribing use and density requirements for land development	Yakima Urban area	Building permits Class 1, 2, 3 zoning review	No zoning district for special flood hazard area