

Speaking Points for Legislative Outreach

Background

Major Flooding Issues in the Basin

Flooding is a common, historical occurrence in the Chehalis River basin. Major flood events on the Chehalis River have affected Lewis, Thurston, and Grays Harbor Counties in the years 1972, 1975, 1986, 1990, 1996, 2007, and 2009. In the past 30 years Lewis County has experienced 16 federally declared disasters. Of these, 13 were either caused or exacerbated by flooding. These floods have caused millions of dollars of flood damage and the disruption of lives and commerce. The flooding closed Interstate 5 through Chehalis and Centralia for multiple days during the 1996, 2007, and 2009 floods.

Chehalis River Basin Flood Authority

The Flood Authority was formed in response to the 2007 flooding event throughout Lewis, Grays Harbor, and Thurston Counties and on the Chehalis Reservation. In April 2008, the Authority was formed by an Interlocal Agreement between eleven jurisdictions in the river basin to evaluate flooding issues throughout the basin. House Bills 3374 and 3375 appropriated \$2.5 million by the legislature for the Flood Authority to develop or participate in the development of flood hazard mitigation measures throughout the basin.

The eleven jurisdictions in the Chehalis River Basin Flood Authority are: Grays Harbor, Lewis, and Thurston Counties; the Confederated Tribes of the Chehalis Reservation; the cities of Aberdeen, Centralia, Chehalis, Montesano, and Oakville; and the towns of Bucoda and Pe Ell.

The Flood Authority was formed to develop and participate in the development of flood hazard mitigation measures throughout the basin in a formal and organized manner until such time as a Flood Control District or other governance and finance structure is formed and adopted by the stakeholders' legislative authorities. Since its formation, the Flood Authority has sponsored several studies of flood hazard mitigation measures, begun implementation of a basin-wide early warning system, developed a basin-wide Comprehensive Flood Hazard Management Plan, and explored options for an appropriate basin-wide governance and finance structure.

Multi-jurisdiction FCZD legislation speaking points.

The Chehalis River Basin Flood Authority was reappropriated funds during the 2009 legislative session to continue its operations and studies through June 30, 2010. One section of the legislation specifically directed the Flood Authority to "...develop governance agreements for development, operation, and maintenance of flood hazard mitigation measures throughout the basin." and have the agreements executed by July 1, 2011. (If requested have a copy of ESHB 2836, Sec. 1020. Catastrophic Flood Relief (20084850))

In short the Legislature directed the Flood Authority to form a flood district for the Chehalis River Basin by the end of this biennium.

The flood district will cover much of the Chehalis River basin including parts of Thurston, Grays Harbor and Lewis Counties that are in the watershed as well as the Chehalis Reservation.

To meet this legislative requirement the Flood Authority contracted with a consulting firm (FCS Group) to provide professional services specifically to help the Flood Authority form a multi-jurisdiction flood district by July 1, 2011. To date the Flood Authority is on schedule to have the agreements executed by the deadline.

However, under current laws, it is only possible to form a multi-jurisdiction flood district by having each county first form its own Flood Control Zone District and then have the participating jurisdictions enter into an Interlocal Agreement. This is the only way for the counties to work cooperatively with the Tribe and local towns and cities to address the flooding issues across the entire Basin.

This kind of Interlocal Agreement is cumbersome to negotiate and implement. And when completed, the Interlocal Agreement structure does not create a true governing body that can levy taxes or have public elections of its supervisor board. In an Interlocal Agreement, the elected officials of the participating jurisdictions (i.e., County Commissioners) have to serve as members of the supervisor board.

That is, in part, why this proposed legislation is good public policy.

The current Flood Control Zone District laws do not have a provision for multiple counties or multiple jurisdictions to form a single Flood Control Zone District. The proposed legislation would address this issue and allow for the formation of a true governing body rather than an interlocal body.

There are several advantages for having this legislation in place:

- This would be a straight forward way to form a district that recognizes river basins and the associated flooding issues that cross political boundaries.
- It would allow for the formation of one governmental entity to address the issues.
- It would allow a single jurisdictional to impose property taxes, rates or assessments to fund flood hazard mitigation measures.
- It would allow the supervisor board to be appointed by member governments or directly elected by the voters if desired.
- If the supervisor board was made up of individuals that were not county commissioners, they could become experts and concentrate on flood issues. This contrasts with county commissioners who have numerous issues they must spend their time addressing.
- The governance structure would be available for use in other areas in the State to address flooding issues that cross jurisdictional boundaries.

Given the time constraints that we are under, the Chehalis River Basin Flood Authority must form a basin wide flood district using an interlocal agreement. However, this legislation would provide an option for the Chehalis Flood District to organize differently in the future if they desired to do so.

Taking a broader perspective, this legislation creates good public policy for two reasons.

First, there is not one major river in Washington whose watershed is located solely within one county. This legislation would authorize a governance structure for other jurisdictions to use in the future.

Second, this legislation is compatible with Counties that currently have Flood Control Zone Districts:

- Counties have total control over whether they join one or not and, if they do, how it is formed.
- The Multi-County FCZD can overlap an existing FCZD so they can co-exist
- No additional taxing authority is created
- The member counties negotiate how much of the 50 cents the Multi-County FCZD gets, if any

The Chehalis River Basin Flood Authority supports passage of this legislation.