Chapter 86.26 RCW
STATE PARTICIPATION IN FLOOD CONTROL MAINTENANCE

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RCW 86.26.005 Declaration of purpose. It is the purpose of the state in the exercise of its sovereign and police powers and in the interest of public welfare, to establish a state and local participating flood control maintenance policy. [1951 c 240 s 2.]

RCW 86.26.007 Flood control assistance account—Use. The flood control assistance account is hereby established in the state treasury. At the beginning of the 2005-2007 fiscal biennium, the state treasurer shall transfer three million dollars from the general fund to the flood control assistance account. Each biennium thereafter the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account, except for the 2025-2027 fiscal biennium, when the treasurer shall transfer $3,700,000 to the flood control assistance account. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may appropriate moneys from the account for the purposes specified under chapter 90.94 RCW. [2025 c 424 s 992; 2019 c 415 s 991; 2018 c 299 s 917; 2015 3rd sp.s. c 4 s 978; 2013 2nd sp.s. c 4 s 1005; 2012 2nd sp.s. c 7 s 932; 2011 1st sp.s. c 50 s 976; 2009 c 564 s 961; 2005 c 518 s 947; 2003 1st sp.s. c 25 s 943; 1997 c 149 s 914; 1996 c 283 s 903; 1995 2nd sp.s. c 18 s 915; 1993 sp.s. c 24 s 928; 1991 sp.s. c 13 s 24; 1986 c 46 s 1; 1985 c 57 s 88; 1984 c 212 s 1.]

Effective date—2025 c 424: See note following RCW 9.46.100.

Effective date—2019 c 415: See note following RCW 28B.20.476.

Effective date—2018 c 299: See note following RCW 43.41.433.

Effective dates—2015 3rd sp.s. c 4: See note following RCW 28B.15.069.

Effective dates—2013 2nd sp.s. c 4: See note following RCW 2.68.020.

Effective date—2012 2nd sp.s. c 7: See note following RCW 2.68.020.

Effective dates—2011 1st sp.s. c 50: See note following RCW 15.76.115.

Effective date—2009 c 564: See note following RCW 2.68.020.

Effective date—2005 c 518: See note following RCW 28A.600.110.

Severability—Effective date—2003 1st sp.s. c 25: See notes following RCW 19.28.351.

Severability—Effective date—1997 c 149: See notes following RCW 43.08.250.

Severability—Effective date—1996 c 283: See notes following RCW 43.08.250.

Severability—Effective date—1995 2nd sp.s. c 18: See notes following RCW 19.118.110.

Severability—Effective dates—1993 sp.s. c 24: See notes following RCW 28A.310.020.

Effective dates—1991 sp.s. c 13: See note following RCW 18.04.105.

Effective date—1985 c 57: See note following RCW 18.04.105.

RCW 86.26.010 Administration and enforcement. The department of ecology shall have charge for the state of the administration and enforcement of all laws relating to flood control. [1984 c 212 s 2; 1951 c 240 s 3.]

RCW 86.26.040 Duties of local engineer—Approval of plans, etc., by department of ecology—Grants to prepare comprehensive flood control management plan. Whenever state grants under this chapter are used in a flood control maintenance project, the engineer of the county within which the project is located shall approve all plans for the specific project and shall supervise the work. The approval of such plans, construction and expenditures by the department of ecology, in consultation with the department of fish and wildlife, shall be a condition precedent to state participation in the cost of any project beyond planning and designing the specific project.

Additionally, state grants may be made to counties for preparation of a comprehensive flood control management plan required

to be prepared under RCW 86.26.050. [1994 c 264 s 77; 1988 c 36 s 63; 1986 c 46 s 2; 1984 c 212 s 3; 1951 c 240 s 6.]

RCW 86.26.050 Projects in which state will participate—Allocation of funds. (1) State participation shall be in such preparation of comprehensive flood control management plans under this chapter and chapter 86.12 RCW, cost sharing feasibility studies for new flood control projects, projects pursuant to section 33, chapter 322, Laws of 1991, and flood control maintenance projects as are affected with a general public and state interest, as differentiated from a private interest, and as are likely to bring about public benefits commensurate with the amount of state funds allocated thereto.

(2) No participation for flood control maintenance projects may occur with a county or other municipal corporation unless the director of ecology has approved the floodplain management activities of the county, city, or town having planning jurisdiction over the area where the flood control maintenance project will be, on the one hundred year floodplain surrounding such area.

The department of ecology shall adopt rules concerning the floodplain management activities of a county, city, or town that are adequate to protect or preclude flood damage to structures, works, and improvements, including the restriction of land uses within a river's meander belt or floodway to only flood-compatible uses. Whenever the department has approved county, city, and town floodplain management activities, as a condition of receiving an allocation of funds under this chapter, each revision to the floodplain management activities must be approved by the department of ecology, in consultation with the department of fish and wildlife.

No participation with a county or other municipal corporation for flood control maintenance projects may occur unless the county engineer of the county within which the flood control maintenance project is located certifies that a comprehensive flood control management plan has been completed and adopted by the appropriate local authority, or is being prepared for all portions of the river basin or other area, within which the project is located in that county, that are subject to flooding with a frequency of one hundred years or less.

(3) Participation for flood control maintenance projects and preparation of comprehensive flood control management plans shall be made from grants made by the department of ecology from the flood control assistance account. Comprehensive flood control management plans, and any revisions to the plans, must be approved by the department of ecology, in consultation with the department of fish and wildlife. The department may only grant financial assistance to local governments that, in the opinion of the department, are making good faith efforts to take advantage of, or comply with, federal and state flood control programs. [1994 c 264 s 78; 1991 c 322 s 6; 1988 c 36 s 64; 1986 c 46 s 3; 1985 c 454 s 1; 1984 c 212 s 4; 1951 c 240 s 7.]

Findings—Intent—Purpose—1991 c 322: See notes following RCW 86.12.200.

RCW 86.26.060 Allocation of funds. Grants for flood control maintenance shall be so employed that as far as possible, funds will be on hand to meet unusual, unforeseeable and emergent flood conditions. Allocations by the department of ecology, for emergency purposes, shall in each instance be in amounts which together with funds provided by local authority, if any, under reasonable exercise of its emergency powers, shall be adequate for the preservation of life and property, and with due regard to similar needs elsewhere in the state. [1984 c 212 s 5; 1951 c 240 s 8.]

RCW 86.26.070 Flood control maintenance fund of municipal corporation—Composition—Use. Any municipal corporation subject to flood conditions, may establish in its treasury a flood control maintenance fund. Such fund may be maintained by transfer thereto of moneys derived from regular or special lawful levies for flood control purposes, moneys which may be lawfully transferred to it from any other municipal fund; and gifts and contributions received for flood control purposes. All costs and expenses for flood control maintenance purposes shall be paid out of said flood control maintenance fund, which fund shall not be used for any other purpose. [1951 c 240 s 9.]

RCW 86.26.080 Annual budget reports of municipal corporations—Allocation of funds. Any municipal corporation intending to seek state participating funds shall, within thirty days after final adoption of its annual budget for flood control purposes, report the amount thereof, to the engineer of the county within whose boundaries the municipal corporation lies. The county engineer shall submit such reports, together with reports from the county itself, to the department of ecology. On the basis of all such budget reports received, the department may thereupon prepare a tentative and preliminary plan for the orderly and most beneficial allocation of funds from the flood control assistance account for the ensuing calendar year. Soil conservation districts shall be exempted from the provisions of this section. [1984 c 212 s 6; 1951 c 240 s 10.]

RCW 86.26.090 Scope of maintenance in which state will participate. The state shall participate with eligible local authorities in maintaining and restoring the normal and reasonably stable river and stream channel alignment and the normal and reasonably stable river and stream channel capacity for carrying off flood waters with a minimum of damage from bank erosion or overflow of adjacent lands and property; and in restoring, maintaining and repairing natural conditions, works and structures for the maintenance of such conditions. State participation in the repair of flood control facilities may include the enhancement of such facilities. The state shall likewise participate in the restoration and maintenance of natural conditions, works or structures for the protection of lands and other property from inundation or other damage by the sea or other bodies of water. Funds from the flood control assistance account shall not be available for maintenance of works or structures maintained solely for the detention or storage of flood waters. [1991 c 322 s 7; 1984 c 212 s 7; 1951 c 240 s 11.]

Findings—Intent—Purpose—1991 c 322: See notes following RCW 86.12.200.

RCW 86.26.100 Agreement as to participation—Limit on amount. State participation in the cost of any flood control maintenance project shall be provided for by a written memorandum agreement between the director of ecology and the legislative authority of the county submitting the request, which agreement, among other things, shall state the estimated cost and the percentage thereof to be borne by the state. In no instance, except on emergency projects, shall the state's share exceed seventy-five percent of the total cost of the project, to include project planning and design. Grants for cost sharing feasibility studies for new flood control projects shall not exceed fifty percent of the matching funds that are required by the federal government, and shall not exceed twenty-five percent of the total costs of the feasibility study. However, grants to prepare a comprehensive flood control management plan required under RCW 86.26.050 shall not exceed seventy-five percent of the full planning costs, but not to exceed amounts for either purpose specified in rule and regulation by the department of ecology. [2000 c 20 s 1; 1991 c 322 s 8; 1986 c 46 s 4; 1984 c 212 s 8; 1951 c 240 s 12.]

Findings—Intent—Purpose—1991 c 322: See notes following RCW 86.12.200.

RCW 86.26.105 Comprehensive flood control management plan—Requirements—Time for completion. A comprehensive flood control management plan shall determine the need for flood control work, consider alternatives to in-stream flood control work, identify and consider potential impacts of in-stream flood control work on the state's in-stream resources, and identify the river's meander belt or floodway. A comprehensive flood control management plan shall be completed and adopted within at least three years of the certification that it is being prepared, as provided in RCW 86.26.050.

If after this three-year period has elapsed such a comprehensive flood control plan has not been completed and adopted, grants for flood control maintenance projects shall not be made to the county or municipal corporations in the county until a comprehensive flood control plan is completed and adopted by the appropriate local authority. These limitations on grants shall not preclude allocations for emergency purposes made pursuant to RCW 86.26.060. [1986 c 46 s 5; 1984 c 212 s 9.]