



## *2013 Washington State Enhanced State Hazard Mitigation Plan*

### **Integration with Other Planning Initiatives**

The following details other planning initiatives available statewide which compliment various mitigation initiatives and strategies currently underway.

#### **Aquatic Lands Law** – (RCW 79.105-140 and RCW 79.105.500-520)

The purpose of the Aquatic Lands Law is to exercise the state's ownership interest over submerged lands for the benefit of the public trust. The Department of Natural Resources' (DNR) primary jurisdiction derives from its exercise of state ownership of the tidelands, shorelands, harbor areas, and the bed of navigable rivers. State ownership includes ownership of all valuable materials on or under such lands, including sand and gravel. State ownership also includes proprietary jurisdiction over the use of placement of structures on such lands. DNR jurisdiction comes to bear in the case of any proposal for removal of sand or rock from state-owned lands for use in a coastal erosion-related project, or for any proposal to place materials on state-owned lands for such purpose. DNR jurisdiction does not extend to the actual placement of materials on coastal intertidal areas managed by State Parks, or on land above high tide. The Aquatic Lands Strategic Plan, December 2008, sets out the ten-year goals, strategies, and intended outcomes for DNR's Aquatic Resources Program. The plan is available at: [http://www.dnr.wa.gov/ResearchScience/Topics/AquaticHCP/Pages/aqr\\_aquatics\\_hcp.aspx](http://www.dnr.wa.gov/ResearchScience/Topics/AquaticHCP/Pages/aqr_aquatics_hcp.aspx)

#### **Clean Water Act** – Section 404 and 401 (Public Law 92-212, 33 U.S.C. Section 1251, et seq.)

The primary goal of the Clean Water Act (CWA) is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." The Washington State Department of Ecology manages the state program. Section 401 requirements pertain to any activity that requires a federal permit and that may result in a discharge to state water. Section 401 is implemented through a certification process and ensures that federally permitted activities comply with the federal CWA, state water quality laws, and any other appropriate state laws. Section 404 is specifically directed towards regulating discharge of dredged or fill material into waters of the United States. It provides for government and public review and comment on projects that alter or destroy waters of the United States by filling or disposal of dredge spoil. A permit program is used to administer the provisions of Section 404. The U.S. Army Corps of Engineers issues or denies permits.

<http://www.ecy.wa.gov/programs/wq/wqhome.html>

#### **Coastal Zone Management Act (CZMA)** of 1972 as amended – (16 U.S.C. 1455 et seq.)

The CZMA, first passed in 1972, is the single overarching federal law dealing with planning for the nation's coastal regions. The State of Washington became the first state to achieve a federally-approved state CZM Program in 1976. Its basic aim is to encourage federal/state collaboration using federal incentives in the form of matching grants. Sections 305 and 306 provide funds for the preparation and implementation of state coastal zone management plans. The act also provides for consistency between state and federal coastal plans, and federal actions must comply with approved state plans. The National Oceanic and Atmospheric Administration (NOAA), an agency of the U.S. Department of Commerce, administers the act. The primary purpose of the CZMA is to: "preserve, protect, develop, and where possible, to restore or enhance, the resources of the nation's coastal zone for this and



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succeeding generations.” The 1980 amendment to the act added hazard management as one of nine new elements in state coastal zone management plans. The 1990 reauthorization specified the mitigation of natural hazards including sea-level rise.

<http://www.ecy.wa.gov/programs/sea/czm/prgm.html>

Washington State’s coastal zone generally includes all the shorelines of the state under the Shoreline Management Act in the fifteen coastal counties which either border on the Pacific Ocean (including Wahkiakum) or on the Puget Sound. This federal law is implemented through the state’s Coastal Zone Management Program. That program includes the Shoreline Management Act, the state Environmental Policy Act, the Ocean Resources Management Act, the Clean Water Act and the Clean Air Act.

Lead Agency: Washington State Department of Ecology.

**Community Wildfire Protection Plans (CWPP)** – In order to access federal funding authorized by the Federal Healthy Forests Restoration Act of 2003, communities must prepare a CWPP. The CWPP may address issues such as wildfire response, hazard mitigation, community preparedness, and structure protection.

[http://www.dnr.wa.gov/RecreationEducation/Topics/PreventionInformation/Pages/rp\\_burn\\_countymitigation\\_plans.aspx](http://www.dnr.wa.gov/RecreationEducation/Topics/PreventionInformation/Pages/rp_burn_countymitigation_plans.aspx)

**Critical Areas Ordinances** – (RCW 36.70A)

The Growth Management Act (GMA) requires that all jurisdictions review, evaluate, and, if necessary, revise their critical areas ordinances to protect the five designated “critical areas”. It defines “critical areas” as (1) wetlands, (2) areas with a critical recharging effect on aquifers used for potable water, (3) fish and wildlife habitat conservation areas, (4) frequently flooded areas, and (5) geologically hazardous areas. For jurisdictions that are not in compliance with the Act, the State may deem them ineligible for Hazard Mitigation Assistance Grants. See GMA section below for additional info as well as the Shoreline Management Act section for integration of the two Acts. Lead Agencies: Department of Commerce for overall GMA program, Department of Ecology for frequently flooded areas, and Department of Natural Resources for geologically hazardous areas.

<http://www.commerce.wa.gov/Services/localgovernment/GrowthManagement/Growth-Management-Planning-Topics/Critical-Areas-and-Best-Available-Science/Pages/default.aspx>

**Earthquake Hazards Reduction Act** of 1977 – (Public Law 95-124) Established the National Earthquake Hazards Reduction Program (NEHRP) which is managed as a collaborative effort among FEMA, the National Institute of Standards and Technology (NIST), the National Science Foundation (NSF), and the U.S. Geological Survey (USGS). <http://www.nehrp.gov/>

**Earthquake Standards for Construction** – (RCW 70.86) State law requires hospitals, schools (except one story, portable, frame school buildings), buildings designed or constructed as places of assembly accommodating more than three hundred persons, and all structures owned by the state, county, special districts, or any municipal corporation within the state be designed and constructed to resist probable earthquake intensities.

**Emergency Work in Watercourses** – (RCW 77.04.012, 36.32.280, 36.32.290, 36.32.300, 38.52, 35.32A.060, 35.33.081, 35.33.091)



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Counties and cities have authority under various sections of the RCW to work in watercourses for the purpose of preventing floods that may threaten life and property or cause damage to public or private property. The RCW also charges the Department of Fish and Wildlife to preserve, protect, perpetuate, and manage the fish and wildlife resources of the state.

### **Flood Control Assistance Account Program** – (RCW 86.26.050, WAC173-145-010)

Provides that county and other municipal corporations responsible for flood control maintenance may apply to the Department of Ecology for financial assistance for the preparation of comprehensive flood control management plans and for flood control maintenance projects as described in RCW 86.26.105. The department determines priorities and allocates available funds from the Flood Control Assistance Account Program (FCAAP) among those counties applying for assistance, and adopts regulations establishing the criteria by which such allocations shall be made. Criteria are based upon proposals that are likely to bring about public benefits commensurate with the amount of state funds allocated.

<http://www.ecy.wa.gov/programs/sea/grants/fcaap/index.html>

### **Floodplain Management Act** (RCW 86.16.041)

Purpose is to avoid direct or indirect support of floodplain development and to minimize harm to floodplains and wetlands. Federal decision makers are obligated to comply with these orders, accomplished through an eight-step decision-making process. The Flood Plain Management Act prohibits any new residential developments (or substantial improvements to existing residences) in designated floodways. Floodways are considered the most dangerous areas of a floodplain, and the goal of the prohibition is to save lives and prevent repetitive damage to buildings.

The 1999 legislature changed the code to allow repairs or replacement of existing farmhouses located on commercial farm sites within a designated floodway under certain conditions. Lead agency:

Department of Ecology

<http://www.ecy.wa.gov/programs/sea/floods/index.html>

**Floodplain Management**, (42 F.R. 26951, et seq.) Executive Order 11988. Compels Federal Agencies to evaluate Federally-funded actions in floodplains and find alternative actions outside of the floodplain if possible.

### **Forest Practices Act** – (RCW 76.09, WAC Title 222)

The act was revised in 2010 to declare that it is in the public interest of the state to encourage forest landowners to undertake corrective and remedial action to reduce the impact of mass earth movements and fluvial processes. Additionally, the 2010 revision directs that the forest practices board establish a program for the acquisition of riparian open space, including forest lands within unconfined channel migration zones. Consequently, the Forest Services Act works to mitigate the economic losses caused by channel migration, control the erosion of streams, and aids in the prevention of landslides. Lead agency:

Department of Natural Resources

<http://www.dnr.wa.gov/BusinessPermits/ForestPractices/Pages/Home.aspx>

### **Growth Management Act** – (RCW 36.70A)

The legislature found that uncoordinated and unplanned growth posed a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents



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of the state. The legislature concluded "it is in the public interest that citizens, communities, local government, and the private sector cooperate and coordinate with one another in comprehensive land use planning." The Act requires that jurisdictions of a certain size (based on population and population increases) define their urban growth areas and that expansion of an urban growth area is prohibited into the one hundred year floodplain of any river or river segment (with some exceptions). The Act requires that all jurisdictions review, evaluate, and, if necessary, revise their critical areas ordinances to protect the five designated "critical areas". It defines "critical areas" as (1) wetlands, (2) areas with a critical recharging effect on aquifers used for potable water, (3) fish and wildlife habitat conservation areas, (4) frequently flooded areas, and (5) geologically hazardous areas. For jurisdictions that are not in compliance with the Act, the State may deem them ineligible for Hazard Mitigation Assistance and other grants. See the Shoreline Management Act section below for info on how the two Acts are integrated. During the 2009-2010 Legislative Session, modifications were made to this Act which further prohibit expansion of the UGA into the one hundred year floodplain. Lead Agencies: Department of Commerce for overall GMA program, Department of Ecology for frequently flooded areas, and Department of Natural Resources for geologically hazardous areas.

<http://www.commerce.wa.gov/Services/localgovernment/GrowthManagement/Pages/default.aspx>

**The Hydraulic Code** of 1943 – (RCW 77.55.021, 77.55.081, 77.55.131, 77.55.191, 77.55.261, 77.55.291, WAC 220-110)

The state Hydraulic Code, administered by the Washington Department of Fish and Wildlife (WDFW), is intended to protect fish life and habitat. The code applies to activities in and near the ordinary high water line of all marine and fresh waters of the state. Approval of the WDFW is required before construction or other work that will use, divert, obstruct, or change the natural flow or bed of any state waters. The permit must be in compliance with the State Environmental Policy Act.

[wdfw.wa.gov/hab/hpape.htm](http://wdfw.wa.gov/hab/hpape.htm)

**Improving Earthquake Safety in Washington**, Policy Plan, December 1, 1991 and Policy Recommendations 2004

The 1991 Policy Plan listed several strategies for the State to implement to mitigate earthquake damage. Although many of the strategies were implemented over the ensuing years, the 2001 Nisqually earthquake demonstrated the need for more action. Therefore, the State's Seismic Safety Committee developed a Policy Recommendations report in 2004 to update the 2001 Policy Plan as well as outline additional strategies. The Committee meets regularly to review the current progress on implementation of the strategies and any developments in the seismic safety field.

[www.emd.wa.gov/about/SeismicSafetyCommittee.shtml](http://www.emd.wa.gov/about/SeismicSafetyCommittee.shtml)

**Integrated Fixed Facility Radiological and Chemical Protection Plan**, March 2008

The plan provides a one-source document for the various fixed facilities, six Washington counties, and multiple state and federal agencies that are directly involved in emergency planning for these facilities.

Lead Agency: Military Department – Emergency Management Division

[www.emd.wa.gov/plans/documents/IFFRCPPMarch2008.pdf](http://www.emd.wa.gov/plans/documents/IFFRCPPMarch2008.pdf)

**National Environment Policy Act** of 1969 – (NEPA) (42 U.S.C. 4321-4347)

"NEPA is the basic national charter for protection of the environment. It establishes policy, sets goals, and provides means for carrying out the policy. The purposes of this Act are: To declare a national



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policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.”

**National Fire Plan (NFP)** – Developed in response to the wildland fires of 2000, the plan and associated Congressional funding helped communities develop Community Wildfire Protection Plans (see description above) and accomplish Hazardous Fuels Reduction projects. The State has taken full advantage of this program and local communities have completed numerous CWPPs and projects.

Lead State Agency: Department of Natural Resources

[www.dnr.wa.gov/RecreationEducation/FirePreventionAssistance/Pages/Home.aspx](http://www.dnr.wa.gov/RecreationEducation/FirePreventionAssistance/Pages/Home.aspx)

### **National Flood Insurance Program (NFIP)**

The NFIP is a FEMA program based on several pieces of legislation that originated with the National Flood Insurance Act of 1968. The program deals with both riverine and coastal floodplains. The NFIP is a voluntary program, but flood insurance is available only in communities with an approved floodplain management program in effect. The State Department of Ecology serves as the state coordinating agency for the NFIP and works with FEMA and local communities to address state concerns.

Lead State Agency: Department of Ecology

[www.fema.gov/business/nfip/](http://www.fema.gov/business/nfip/)

<http://www.ecy.wa.gov/programs/sea/floods/>

### **Ocean Resources Management Act** – (RCW 43.143.005 – 43.143.902)

Enacted in 1989 and amended in 1997, this chapter of the RCW articulates policies and establishes guidelines for the exercise of state and local management authority over Washington’s coastal waters, seabed, and shorelines. This statute addresses the coastal and ocean natural resources within three miles of the state’s coastline, defined here as from mean high tide seaward three miles along the Washington coast from Cape Flattery south to Cape Disappointment. The statute enumerates eight criteria to be met or exceeded in the decision-making processes by which the State of Washington and local governments must develop plans for the management, conservation, use, or development of natural resources in Washington’s coastal waters (RCW 43.143.030).

<http://www.ecy.wa.gov/programs/sea/ocean/index.html>

### **Protection of Wetlands** (42 F.R. 26961 et. seq.) -- Executive Order 11990

Purpose is to avoid direct or indirect support of floodplain development and to minimize harm to floodplains and wetlands. Federal agencies are obligated to comply with these orders, accomplished through an eight-step decision-making process.

### **Puget Sound Action Agenda** - (RCW 90.71.260)

The Puget Sound Action Agenda is a road map that lays out the work needed to achieve an ambitious goal: restoring the health of Puget Sound by 2020. The [2012/2013 Action Agenda](#) identifies key ongoing programs, local priorities for different areas of the Sound, and more than 200 specific actions that must be implemented over the next two years to stay on track toward our recovery targets. The Action Agenda sets a two-part 2020 recovery target for floodplains in the Puget Sound: 1) 15 percent of degraded floodplain areas are restored or floodplain projects to achieve that outcome are underway



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across Puget Sound; and 2) there is no additional loss of floodplain function in any Puget Sound watershed relative to a 2011 baseline. Consequently, Ecology has joined with EPA, FEMA, NOAA, Puget Sound Partnership, The Nature Conservancy, USACE, and USGS in the Floodplains by Design project, a multi agency effort aimed at achieving the floodplain recovery target through improved coordination and alignment of programs focused on various aspects of floodplain management.

### **Seashore Conservation Act – (RCW 79A.05.600-625)**

Enacted in 1967 and substantially amended in 1969, the Seashore Conservation Act (SCA) declares the necessity of dedicating the uses of the Pacific Ocean Beaches of Washington "...to public recreation and to provide certain recreational and sanitary facilities." The SCA also established "for the recreational use and enjoyment of the public" the Washington State Seashore Conservation Area and placed its administration under the jurisdiction of Washington State Parks and Recreation Commission. The SCA applies to "the beaches bounding the Pacific Ocean from the Straits of Juan de Fuca to Cape Disappointment at the mouth of the Columbia River.

<http://www.ecy.wa.gov/programs/sea/ocean/laws.html>

### **Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction (Resistant Buildings) Executive Order 12699**

Requires that new construction of federal buildings must comply with appropriate seismic design and construction standards.

### **Shoreline Management Act of 1971 – (RCW 90.58) (WAC 173-145)**

The citizens of Washington State passed the Shoreline Management Act (SMA) in 1971 in recognition of the state's shorelines as "among the most valuable and fragile of its natural resources" and the great concern throughout the state relating to their utilization, protection, restoration, and preservation. The SMA includes all shorelines (streams greater than 20 cfs and associated wetlands and lakes larger than 20 acres), shorelands (lands extending 200 feet from the Ordinary High Water Mark of the shoreline), and some or all of the 100-year floodplain when associated with the first two areas. The overarching goal of the Act is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."

The SMA calls for cooperative program between local governments and the Department of Ecology (Ecology). It provides local governments with special guidelines for creating their policies and regulations for shorelines of statewide significance. The Act required that all cities and counties with shorelines prepare and adopt a Shoreline Master Program (SMP), which is essentially a shoreline-specific combined comprehensive plan, zoning ordinance, and development permit system. Ecology provides grants to fund the development of comprehensive SMP updates. Cities or counties that are not in compliance can be restricted from receiving project grants from Ecology and other agencies.

Additionally, the Legislature enacted a bill in early 2010 that clarifies the integration of the SMA policies with the GMA. Among other resolutions, it requires that SMP regulations must provide a level of protection of critical areas at least equal to that provided by the county or city's adopted or thereafter amended critical areas ordinances. [www.ecy.wa.gov/programs/sea/sma/st\\_guide/intro.html](http://www.ecy.wa.gov/programs/sea/sma/st_guide/intro.html)

### **State Building Code Act – (RCW 19.27)**



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The purpose of the building code is to promote the health, safety and welfare of the occupants or users of buildings and structures and the general public by the provision of building codes throughout the state. The code requires minimum performance standards and requirements for construction and construction materials, consistent with accepted standards of engineering, fire and life safety. The State Building Code Act created a State Building Code Council (SBCC) to develop, monitor, and adopt building codes adapted for the unique building situations encountered in Washington State.

**International Codes (I-Codes):** The three regional model code groups established the International Code Council (ICC) in 1994 to develop one standard set of model building and fire codes to protect occupants of new and existing residential and commercial buildings, including homes and schools. The code development and approval is a consensus-based private-sector code development process. The ICC has developed thirteen separate codes, including the International Building Code (IBC), the International Existing Building Code (IEBC), the International Residential Code (IRC), the International Mechanical Code (IMC), the International Fire Code (IFC), and the International Wildland-Urban Interface Code (IWUIC). In November 2009, the SBCC adopted some of the ICC's 2009 editions of the I-Codes, as well as various other Residential, Mechanical, Fire, Plumbing, and Energy codes such as the ICC's IBC, IEBC, IRC, IMC, and IFC with certain amendments. The council did not formally adopt the IWUIC, but there is a Wildland-Urban Interface Code appendix to the State Building Code (WAC 51-54-4800). The 2009 Uniform Plumbing Code as published by the International Assoc of Plumbing and Mechanical Officials (IAPMO) with certain amendments. In July 2013, the 2012 I-Codes go into effect.

**The 2009 Washington State Energy Code (WAC 51-11)**

Additionally, in an effort to increase floodplain mitigation, FEMA, the Structural Engineering Institute (SEI) of the American Society of Civil Engineers (ASCE) and other organizations, developed minimum requirements for flood-resistant design and construction of buildings. These were integrated into previous editions of the I-Codes and meet the minimum regulations for design and construction necessary for NFIP compliance.

In 2009, an amendment in the IRC was adopted requiring freeboard above base flood elevation in single family homes as follows: WAC 51-51-0322-Flood resistant construction. R322.2.1 Elevation Requirements. 1. Buildings or structures in flood hazard areas not designated as Coastal A Zones, shall have the lowest floor elevated to or above the design flood elevation, or a greater elevation as designated by local ordinance. 2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot, or to the design flood elevation, whichever is higher. 3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM, or at least 2 feet if a depth number is not specified. 4. Basement floors that are below grade on all sides shall be elevated to or above the design flood elevation.

<https://fortress.wa.gov/ga/apps/sbcc/default.aspx>

**State Environmental Policy Act (SEPA) – (RCW 43.21A)**

SEPA is intended to ensure the environmental values are considered during decision-making by state and local agencies. SEPA provides policies, goals, and procedures intended to ensure that agencies consider the environmental impacts related to their decision on proposals that may have a significant



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impact on the environment. The current RCW states that “the legislature recognizes and declares it to be the policy of this state that it is a fundamental and inalienable right of the people of the state of Washington to live in a healthful and pleasant environment and to benefit from the proper development and use of its natural resources. The legislature further recognizes that as the population of our state grows, the need to provide for our increasing industrial, agricultural, residential, social, recreational, economic and other needs will place an increasing responsibility on all segments of our society to plan, coordinate, restore and regulate the utilization of our natural resources in a manner that will protect and conserve our clean air, our pure and abundant waters, and the natural beauty of the state.”  
<http://www.commerce.wa.gov/Services/localgovernment/GrowthManagement/Pages/default.aspx>

### **Tsunami Warning and Education Act** – (Public Law 109-424)

Enacted in 2006, the Tsunami Warning and Education Act develops improved tsunami mapping and modeling to assist research to increase detection coverage, develop accurate forecasting and warning systems, and improve mitigation efforts and educational outreach programs to ensure the safety of life and property. The Act also expands the existing Pacific Tsunami Warning System to enhance the coverage and forecasting abilities of other vulnerable areas in the United States, including the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico regions. The State Emergency Management Division has a robust Tsunami Warning and Education program that takes full advantage of the benefits of the Act.  
[www.emd.wa.gov/hazards/haz\\_tsunami.shtml](http://www.emd.wa.gov/hazards/haz_tsunami.shtml)

**Washington State Climate Adaptation Plans** – Washington State Department of Ecology *Preparing for a Changing Climate: Washington State’s Integrated Climate Response Strategy* ([www.ecy.wa.gov/climatechange/ipa\\_responsestrategy.htm](http://www.ecy.wa.gov/climatechange/ipa_responsestrategy.htm)) and Washington State Department of Transportation *Adapting to a Changing Climate* (<http://www.wsdot.wa.gov/NR/rdonlyres/2F436F57-CFA9-420B-AE31-807197DD5356/0/AdaptationFolioNov8.pdf>). The state mandates LEED Silver Standard certified buildings as part of the state’s climate adaptation strategy. See *Implementation of RCW 39.35D High Performance Green Buildings*.

### **Washington State Comprehensive Emergency Management Plan (CEMP)**

The CEMP is a comprehensive framework for statewide mitigation, preparedness, response, and recovery activities, and provides for interoperability between local, state and federal levels of government during emergencies or disasters.  
[www.emd.wa.gov/plans/documents/CompleteCEMP.pdf](http://www.emd.wa.gov/plans/documents/CompleteCEMP.pdf)

### **Washington State Fire Services Resources Mobilization Plan**, April 2009 – (RCW 43.43.960-975)

The “Mobilization Plan” is an appendix to ESF4 (firefighting) of the *Comprehensive Emergency Management Plan*. The plan is used for state mobilization of fire resources in Washington State in response to a wildland fire or other emergency that exceeds the firefighting capacity of the affected local jurisdiction(s). Lead Agency: Washington State Patrol.  
[www.wsp.wa.gov/fire/docs/mobilization/mobepan/cover\\_and\\_all\\_sections.pdf](http://www.wsp.wa.gov/fire/docs/mobilization/mobepan/cover_and_all_sections.pdf)

### **Water Resources Development Act** of 2007 – (Public Law 110-114)

The Act “provides for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.” Lead Agency: Department of Ecology.



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<http://www.ecy.wa.gov/water.html>