

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 5536

Chapter 257, Laws of 1999

56th Legislature
1999 Regular Session

LAKE WHATCOM MUNICIPAL WATERSHED--PILOT PROJECT ON WATER QUALITY

EFFECTIVE DATE: 7/25/99

Passed by the Senate April 22, 1999
YEAS 45 NAYS 0

BRAD OWEN
President of the Senate

Passed by the House April 16, 1999
YEAS 95 NAYS 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

FRANK CHOPP
**Speaker of the
House of Representatives**

Approved May 10, 1999

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5536** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

FILED

May 10, 1999 - 4:47 p.m.

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5536

AS AMENDED BY THE HOUSE

Passed Legislature - 1999 Regular Session

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators
Spanel and Gardner)

Read first time 03/08/1999.

1 AN ACT Relating to state forest lands and municipal drinking water
2 protection; and amending RCW 79.01.128.

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

4 **Sec. 1.** RCW 79.01.128 and 1971 ex.s. c 234 s 11 are each amended
5 to read as follows:

6 (1) In the management of public lands lying within the limits of
7 any watershed over and through which is derived the water supply of any
8 city or town, the department may alter its land management practices to
9 provide water with qualities exceeding standards established for
10 intrastate and interstate waters by the department of ecology:
11 PROVIDED, That if such alterations of management by the department
12 reduce revenues from, increase costs of management of, or reduce the
13 market value of public lands the city or town requesting such
14 alterations shall fully compensate the department.

15 (2) The department shall initiate a pilot project for the municipal
16 watershed delineated by the Lake Whatcom hydrographic boundaries to
17 determine what factors need to be considered to achieve water quality
18 standards beyond those required under chapter 90.48 RCW and what
19 additional management actions can be taken on state trust lands that

1 can contribute to such higher water quality standards. The department
2 shall establish an advisory committee consisting of a representative
3 each of the city of Bellingham, Whatcom county, the Whatcom county
4 water district 10, the department of ecology, the department of fish
5 and wildlife, and the department of health, and three general citizen
6 members to assist in this pilot project. In the event of differences
7 of opinion among the members of the advisory committee, the committee
8 shall attempt to resolve these differences through various means,
9 including the retention of facilitation or mediation services.

10 (3) The pilot project in subsection (2) of this section shall be
11 completed by June 30, 2000. The department shall defer all timber
12 sales in the Lake Whatcom hydrographic boundaries until the pilot
13 project is complete.

14 (4) Upon completion of the study, the department shall provide a
15 report to the natural resources committee of the house of
16 representatives and to the natural resources, parks, and recreation
17 committee of the senate summarizing the results of the study.

18 (5) The exclusive manner, notwithstanding any provisions of the law
19 to the contrary, for any city or town to acquire by condemnation
20 ownership or rights in public lands for watershed purposes within the
21 limits of any watershed over or through which is derived the water
22 supply of any city or town shall be to petition the legislature for
23 such authority. Nothing in this section, RCW 79.44.003 and chapter
24 79.68 RCW shall be construed to affect any existing rights held by
25 third parties in the lands applied for.

Passed the Senate April 22, 1999.

Passed the House April 16, 1999.

Approved by the Governor May 10, 1999.

Filed in Office of Secretary of State May 10, 1999.