
SENATE BILL 5386

State of Washington

59th Legislature

2005 Regular Session

By Senators Fraser, Rockefeller, Regala, Pridemore, Kohl-Welles, Keiser and Kline

Read first time 01/24/2005. Referred to Committee on Water, Energy & Environment.

1 AN ACT Relating to recognizing interests based upon federal laws in
2 the management of state waters; and amending RCW 90.54.020.

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

4 **Sec. 1.** RCW 90.54.020 and 1997 c 442 s 201 are each amended to
5 read as follows:

6 Utilization and management of the waters of the state shall be
7 guided by the following general declaration of fundamentals:

8 (1) Uses of water for domestic, stock watering, industrial,
9 commercial, agricultural, irrigation, hydroelectric power production,
10 mining, fish and wildlife maintenance and enhancement, recreational,
11 and thermal power production purposes, and preservation of
12 environmental and aesthetic values, and all other uses compatible with
13 the enjoyment of the public waters of the state, are declared to be
14 beneficial.

15 (2) Allocation of waters among potential uses and users shall be
16 based generally on the securing of the maximum net benefits for the
17 people of the state. Maximum net benefits shall constitute total
18 benefits less costs including opportunities lost.

1 (3) The state recognizes and seeks to integrate the interests
2 encompassed by federal reserved rights, rights secured to Indian tribes
3 under federal treaties, and applicable requirements of federal law.

4 (4) The quality of the natural environment shall be protected and,
5 where possible, enhanced as follows:

6 (a) Perennial rivers and streams of the state shall be retained
7 with base flows necessary to provide for preservation of wildlife,
8 fish, scenic, aesthetic and other environmental values, and
9 navigational values. Lakes and ponds shall be retained substantially
10 in their natural condition. Withdrawals of water which would conflict
11 therewith shall be authorized only in those situations where it is
12 clear that overriding considerations of the public interest will be
13 served.

14 (b) Waters of the state shall be of high quality. Regardless of
15 the quality of the waters of the state, all wastes and other materials
16 and substances proposed for entry into said waters shall be provided
17 with all known, available, and reasonable methods of treatment prior to
18 entry. Notwithstanding that standards of quality established for the
19 waters of the state would not be violated, wastes and other materials
20 and substances shall not be allowed to enter such waters which will
21 reduce the existing quality thereof, except in those situations where
22 it is clear that overriding considerations of the public interest will
23 be served. Technology-based effluent limitations or standards for
24 discharges for municipal water treatment plants located on the
25 Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted
26 to reflect credit for substances removed from the plant intake water
27 if:

28 (i) The municipality demonstrates that the intake water is drawn
29 from the same body of water into which the discharge is made; and

30 (ii) The municipality demonstrates that no violation of receiving
31 water quality standards or appreciable environmental degradation will
32 result.

33 (~~(4)~~) (5) The development of multipurpose water storage
34 facilities shall be a high priority for programs of water allocation,
35 planning, management, and efficiency. The department, other state
36 agencies, local governments, and planning units formed under section
37 107 or 108 (~~of this act~~), chapter 442, Laws of 1997 shall evaluate
38 the potential for the development of new storage projects and the

1 benefits and effects of storage in reducing damage to stream banks and
2 property, increasing the use of land, providing water for municipal,
3 industrial, agricultural, power generation, and other beneficial uses,
4 and improving stream flow regimes for fisheries and other instream
5 uses.

6 ~~((+5))~~ (6) Adequate and safe supplies of water shall be preserved
7 and protected in potable condition to satisfy human domestic needs.

8 ~~((+6))~~ (7) Multiple-purpose impoundment structures are to be
9 preferred over single-purpose structures. Due regard shall be given to
10 means and methods for protection of fishery resources in the planning
11 for and construction of water impoundment structures and other
12 artificial obstructions.

13 ~~((+7))~~ (8) Federal, state, and local governments, individuals,
14 corporations, groups and other entities shall be encouraged to carry
15 out practices of conservation as they relate to the use of the waters
16 of the state. In addition to traditional development approaches,
17 improved water use efficiency and conservation shall be emphasized in
18 the management of the state's water resources and in some cases will be
19 a potential new source of water with which to meet future needs
20 throughout the state.

21 ~~((+8))~~ (9) Development of water supply systems, whether publicly
22 or privately owned, which provide water to the public generally in
23 regional areas within the state shall be encouraged. Development of
24 water supply systems for multiple domestic use which will not serve the
25 public generally shall be discouraged where water supplies are
26 available from water systems serving the public.

27 ~~((+9))~~ (10) Full recognition shall be given in the administration
28 of water allocation and use programs to the natural interrelationships
29 of surface and ground waters.

30 ~~((+10))~~ (11) Expressions of the public interest will be sought at
31 all stages of water planning and allocation discussions.

32 ~~((+11))~~ (12) Water management programs, including but not limited
33 to, water quality, flood control, drainage, erosion control and storm
34 runoff are deemed to be in the public interest.

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