

RESOLUTION NO. 586

A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF BIRCH BAY WATER AND SEWER DISTRICT,  
WHATCOM COUNTY, WASHINGTON,  
DESIGNATING BIRCH BAY WATER & SEWER DISTRICT AS LEAD AGENCY  
UNDER SEPA FOR ALL PROCEDURES AND DECISIONS RELATING  
TO CONSTRUCTION OF A PROPOSED WATER SUPPLY INTERTIE PROJECT  
BETWEEN P.U.D. NO. 1 AND BIRCH BAY WATER & SEWER DISTRICT.

The Board of Commissioners of the Birch Bay Water & Sewer District hereby adopt the following findings:

1. The Birch Bay Water & Sewer District ("District") together with P.U.D. No. 1 ("P.U.D.") have initiated a water supply intertie project proposal whereby the P.U.D. will supply nonpotable water to the District. The District will review a proposed amendment to its Comprehensive Water System Plan as part of its review of the project proposal.
2. A component of said intertie project proposal is the construction of a water treatment plant by the District.
3. The District and the P.U.D. agree that the District shall be lead agency under Chapter 43.21C RCW and Chapter 197-11 WAC, ("SEPA"), for all procedures and decisions relating to construction of said intertie project proposal.

NOW THEREFORE, IT IS HEREBY RESOLVED by the Board of Commissioners of Birch Bay Water and Sewer District as follows:

Section 1: The Birch Bay Water & Sewer District shall act as lead agency responsible for ensuring compliance with SEPA as it pertains to the proposed water supply intertie between the District and the P.U.D., including without limitation, construction of pipeline infrastructure and treatment plant and amendment of the District's Comprehensive Plan.

Section 2: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

Section 3: If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this Resolution should be declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

Section 4: This Resolution shall be effective on December 11, 1997.

PASSED by the Board of Commissioners of Birch Bay Water and Sewer District,  
Whatcom County, Washington, at a regular meeting held the 11th day of December, 1997.

Carl Hempelst  
COMMISSIONER

Don Mays  
COMMISSIONER

Robert M. Allen  
COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 586 of Birch  
Bay Water and Sewer District, Whatcom County, Washington, adopted at the regular meeting of  
the Board of Commissioners on December \_\_\_\_\_, 1997.

Don Mays  
SECRETARY