

COMMISSIONER'S ORDER

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
Doug Sutherland
Commissioner of Public Lands
Olympia, Washington 98504

200423

WITHDRAWAL AND DESIGNATION ORDER FOR THE MAURY ISLAND ENVIRONMENTAL AQUATIC RESERVE

The State of Washington being the owner of certain aquatic lands consisting of tidelands and bedlands, surrounding Maury Island and including Quartermaster Harbor in King County hereafter described, has found the following attributes that make the Maury Island site unique and critical for conservation:

- The site includes a significant spawning area for a major stock of herring. Quartermaster Harbor represents one of only 18 distinct Pacific herring spawning areas in Puget Sound. Herring are a critical food source for higher predators in the food chain, including salmon. Herring spawn in Quartermaster Harbor and along the southeastern shore of Maury Island. The site also includes a portion of the stock's pre-spawning holding area.
- Quartermaster Harbor is identified by the Washington Audubon Society as an Important Bird Area and in particular an important area for wintering marine birds.
- The eastern shore of Maury Island is included in a unique continuous drift cell (area of mud, sand, or gravel material moved in the nearshore zone by waves and currents) that converges with another drift cell at Point Robinson.
- The habitat diversity of the site is high for the bioregion and includes eelgrass beds, kelp beds, salt marsh, herring spawning grounds, surf smelt spawning grounds, sand lance spawning grounds, Chinook salmon migratory corridors, bull trout migratory corridors, bottom fish rearing habitat, and an important wintering ground for western grebe populations. There are few comparable locations in the bioregion.

And

The Washington State Department of Natural Resources is responsible for managing state-owned aquatic lands in a manner that includes:

- Ensuring environmental protection as a management objective for state-owned aquatic lands (RCW 79.90.455(3)), and
- Consideration of natural values of state-owned aquatic lands as wildlife habitat, natural area preserves, representative ecosystems or spawning areas prior to the WDNR issuing any lease or authorizing any changes in use (RCW 79.90.460(3)), and
- Withholding from leasing lands which WDNR finds to have significant natural values (RCW 79.90.460(3)).

Therefore, according to the powers vested in the office of Commissioner of Public Lands (RCW 79.90.455(3), RCW 79.10.210, and WAC 332-30-151), I, Doug Sutherland, hereby order and direct that Washington State tidelands and bedlands described below are withdrawn from general leasing and established as an Environmental Aquatic Reserve.

LEGAL DESCRIPTION

The tidelands and bedlands of navigable waters, owned by the State of Washington, described as follows:

Those tidelands and bedlands surrounding Maury Island, which are fronting and abutting Government Lot 4, excepting there from the west five acres, of Section 14, Sections 20-23, inclusively, and Sections 28-32, inclusively, Township 22 North, Range 3 East, W.M.;

Together with, those tidelands and bed lands lying westerly of said Maury Island which are fronting and abutting only those portions of Sections 9 and 16, which are fronting on Quartermaster Harbor, Township 22 North, Range 3 East, W.M.;

Together with, those tidelands and bedlands lying southerly of said Maury Island, which are fronting and abutting Sections 5 and 6, Township 21 North, Range 3 East, W.M.; and said reserve extends waterward to a water depth of 70 feet below mean lower low water OR one-half mile from the line of extreme low tide, whichever line is further waterward.

Those tidelands and bedlands lying southerly and easterly of Vashon Island, which are fronting and abutting Section 1, Township 21 North, Range 2 East, W.M.;

Together with, those tidelands and bedlands lying easterly of said Vashon Island, which are fronting and abutting Sections 24, 25, and 36 Township 22 North, Range 2 East, W.M.;

Together with, those tidelands and bedlands lying easterly of said Vashon Island, which are fronting and abutting Sections 17-20, inclusively, Township 22 North, Range 3 East, W.M.;

Together with, those tidelands and bed lands lying southerly and westerly of said Vashon Island, which are fronting and abutting only those portions of Section 8, which is fronting on Quartermaster Harbor, Township 22 North, Range 3 East, W.M.; and said reserve extends waterward to a water depth of 70 feet below mean lower low water OR one-half mile from the line of extreme low tide, whichever line is further waterward.

And further, it is

ORDERED AND DIRECTED that the records of the Department of Natural Resources shall note that the property hereafter described possesses unique and significant natural values and shall be managed according to the Maury Island Environmental Aquatic Reserve Final Management Plan (October 29, 2004) for 90-years from the date of signature of this Commissioner's Order.

Management of the site should consider:

- Maintaining pre-existing activities in Quartermaster Harbor and along Maury Island including recreational use, public use, and those activities described in Section 5.2.3 of the management plan. These include Use Authorizations 20-011434; 20-010075; 20-009814; 20-a012778 (application pending); 51-021507, 51-027510, and 51-033836; and 51-075015.
- The evaluation of the proposed mine barging operations along the east-shore of Maury Island in support of the existing King County upland zoning designation for mineral extraction activities, to determine how and if this activity can be conditioned to ensure the conservation of the habitat and features of the site, while primarily serving the objectives of the reserve designation.
- The concerns and interests of adjacent property owners including other public entities, businesses, the Puyallup Tribe, and private property owners.

The Commissioner based this order on the analysis contained in the Final Supplemental Environmental Impact Statement Maury Island Aquatic Reserve issued on October 29, 2004.

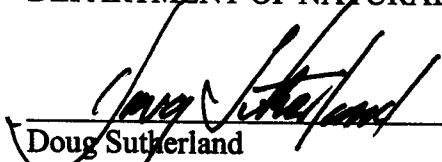
The Commissioner has evaluated any potential conflicts between the aquatic reserve and other current or projected uses of the area, and determined that the aquatic reserve best serves the public benefits of the citizens of the State of Washington.

The Commissioner has elected to further evaluate potential economic considerations of aquatic reserve designation at this location. This order is contingent upon this evaluation. The Commissioner expects to complete the economic review within a year of signing this Order. If the Commissioner determines that the aquatic reserve designation should remain in effect after reviewing the economic considerations, or if the economic review is not completed within a year of signature (below), no further action is necessary and this Order remains in full force and effect. If the Commissioner determines the aquatic reserve designation should not remain in effect after reviewing the economic considerations, this Order remains in full force and effect until the Commissioner issues an order to repeal reserve status in accordance with statutes, rules, and guidance applicable to the Aquatic Reserve Program.

This order hereby rescinds the Commissioner's Order concerning the tidelands and bedlands surrounding Maury Island, dated November 17, 2000.

Dated this 8th day of NOVEMBER, 2004.

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES



Doug Sutherland
Commissioner of Public Lands