

COMMISSIONER'S ORDER

NUMBER 201631

STATE OF WASHINGTON

DEPARTMENT OF NATURAL RESOURCES

Peter Goldmark, Commissioner of Public Lands

COMMISSIONER'S ORDER

WITHDRAWAL AND DESIGNATION ORDER FOR THE LAKE KAPOWSIN AQUATIC RESERVE

The State of Washington is owner of aquatic lands known as Lake Kapowsin, consisting of shorelands and bedlands at Lake Kapowsin in Pierce County. Under statutory mandates, the Washington State Department of Natural Resources manages state-owned aquatic lands, and has found the following attributes that make the Lake Kapowsin site unique and critical for conservation:

Lake Kapowsin is one of the largest undeveloped low-elevation lakes in Western Washington, with forested shorelines and abundant wildlife habitat, popular with fishermen, hunters, and other recreationists.

Lake Kapowsin was formed by the Electron mudflow approximately 500 years ago, drowning an old growth forest. The lake conserves a unique geologic history and link to the landscape-forming legacy of Mount Rainier. The preserved "sub-fossil" trees present excellent opportunities for education and research.

The lake contains large, undisturbed wetlands at the lake inlet and outlet, intact fringing shoreline wetlands, and floating log habitat. Bog plants are abundant in micro habitats on logs. Shoreline habitat is intact, and about 50% of the shoreline is state-owned aquatic land.

The lake provides salmonid habitat that supports species including Coho Salmon and Cutthroat Trout, and abundant amphibians including Northwestern salamander, Northern red-legged frog, Pacific tree frog, and rough-skinned newt.

The lake supports a migratory waterfowl concentration area and raptors, including nesting bald eagles, osprey, and purple martins.

The 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 79.105.030(3)), and

Considering natural values of state-owned aquatic lands as wildlife habitat, natural area preserves, representative ecosystems or spawning areas prior to the Department issuing any lease or authorizing any changes in use (RCW 79.105.210(3)), and

Withholding from leasing lands which the Department finds to have significant natural values (RCW 79.105.210(3)).

Through the public process to develop the reserve proposal, the Department has worked with others to develop a plan to manage the Reserve in a manner that protects its unique resources. In September 2016, this effort resulted in completion of the Lake Kapowsin Aquatic Reserve Management Plan. The Plan identifies the natural resources and addresses the proposed uses, future threats, and management actions that will be employed by DNR to protect the resources.

The goals of establishing a reserve at Lake Kapowsin are to preserve the natural conditions of the area, ensure strong protection of the state-owned aquatic lands, and continue to provide public access for recreation, hunting and fishing. Emphasis will be placed on restoration to improve current habitat conditions and restore natural processes that support a healthy lake environment. Protection and restoration efforts will lead to improved habitat for fish, amphibians, resident and migratory birds and waterfowl. Public access and recreational use are also important features of the plan and are strongly supported by the surrounding community.

Therefore, according to the powers vested in the office of Commissioner of Public Lands (RCW 79.105.030(3), RCW 79.10.210, and WAC 332-30-151), I, Peter Goldmark, hereby ORDER AND DIRECT that Washington State shorelands and bedlands described below are withdrawn from the general leasing program and established as an Aquatic Reserve.

That portion of the shorelands and bedlands of navigable waters owned by the state of Washington, included in the following legal description:

Those second class shorelands and bedlands, which are fronting and abutting Government Lots 5 through 9 of Section 5, Government Lots 9 through 12 and the SW1/4 of the SW1/4 of Section 6, Government Lots 3 through 12 of Section 7, Government Lot 1 of Section 8, and Government Lots 1, 2, 4, and 5 of Section 18, all in Township 17 North, Range 5 East, W. M., Pierce County, Washington.

Together with those shorelands and bedlands, which are fronting and abutting Government Lots 1 through 3 of Section 13, Township 17 North, Range 4 East, W. M., Pierce County, Washington.

Excepting therefrom the second class shorelands sold under application no. 6041 to St. Paul and Tacoma Lumber Co. in that deed issued by the State on January 27, 1913 according to that deed filed in Book 12 at page 46 of the Tidelands and Shorelands deed books on file at the office of the Commissioner of Public Lands.

Excepting therefrom the second class shorelands sold under application no. 7550 to St. Paul and Tacoma Lumber Co. in that deed issued by the State on July 6, 1916 according to that deed filed in Book 13 at page 153 of the Tidelands and Shorelands deed books on file at the office of the Commissioner of Public Lands.

Excepting therefrom the second class shorelands sold under application no. 7549 to Young and Johnson Lumber Co. in that deed issued by the State on June 12, 1916 according to that deed filed in Book 13 at page 146 of the Tidelands and Shorelands deed books on file at the office of the Commissioner of Public Lands.

Excepting therefrom the second class shorelands sold under application no. 6041 to Far West Lumber Co. in that deed issued by the State on December 3, 1912 according to that deed filed in Book 12 at page 1 of the Tidelands and Shorelands deed books on file at the office of the Commissioner of Public Lands.

Subject To a sixty-six feet wide right of way granted to St. Paul and Tacoma Lumber Co. for a power transmission line according to that Commissioner Order dated July 13, 1948 under application 51-020341.

EXCEPTING THEREFROM, the following Use Authorizations issued by the Department of Natural Resources; right-of-way agreement 51-020341.

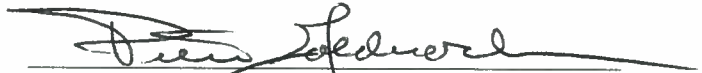
ALSO EXCEPTING THEREFROM, any second class shorelands previously sold by the State of Washington.

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And further, it is ORDERED AND DIRECTED that the records of the Washington State Department of Natural Resources shall note that the property withdrawn and established as an Aquatic Reserve herein possesses unique and significant natural values and shall be managed according to the Final Lake Kapowsin Aquatic Reserve Management Plan (September, 2016) for 90-years from the date of signature of this Commissioner's Order

Dated this 22nd day of September, 2016.

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES



Peter Goldmark
Commissioner of Public Lands
Olympia, Washington