

# COMMISSIONER'S ORDER

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES  
Peter Goldmark  
Commissioner of Public Lands

NUMBER **20103** 4

## WITHDRAWAL AND DESIGNATION ORDER FOR THE SMITH AND MINOR ISLANDS AQUATIC RESERVE

The State of Washington is owner of aquatic lands known as the Smith and Minor Island site, consisting of tidelands and bedlands from Whidbey Island west, and surrounding Smith and Minor Islands. Under statutory mandates, the Washington State Department of Natural Resources manages state-owned aquatic lands, and has found the following attributes that make the Smith and Minor Islands site unique and critical for conservation:

The location of the site at the confluence of the Puget Sound, Georgia Basin and Strait of Juan de Fuca provides oceanographic conditions that create extremely productive habitats supporting unique and diverse marine communities.

The site includes one of the most diverse and unique algal habitats in the state, with some exclusive species in this area that are currently not well-represented in biodiversity efforts. The site also includes the largest *Nereocystis* (bull kelp) beds in Washington State, bordering the western side of Smith Island.

Intact feeder bluffs and intact nearshore drift cells along west Whidbey Island are important for shoreline sediment patterns that support spawning marine fish and vegetation.

The benthic and pelagic habitats along the west shoreline of Whidbey Island are important foraging areas for birds nesting in Whidbey bluffs (Pigeon Guillemots) and on Smith Island (Tufted Puffins and Rhinoceros Auklets) because of the proximity of abundant fish to nesting colonies. This habitat also supports molting and overwintering Harlequin Ducks, sea ducks, and winter populations of Marbled Murrelets.

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)).

The goals of establishing a reserve at the Smith and Minor Island site are to protect the natural conditions of the area and ensure strong protection of the state-owned aquatic lands to prevent further habitat degradation. Emphasis will be placed on restoration to reduce current habitat degradation and restore natural processes that support a healthy nearshore environment. Restoration efforts will lead to improved spawning and rearing habitat for important fish species such as salmon, herring, surf smelt and sand lance. Improved ecological conditions also should increase foraging opportunities for resident and migratory birds and waterfowl.

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 tidelands and bedlands described below are withdrawn from the general leasing program and established as an Aquatic Reserve.

## LEGAL DESCRIPTION

A portion of the tidelands and bedlands owned by the State of Washington within Admiralty Inlet and the Strait of Juan De Fuca in Island County and in Jefferson County, Washington. Said tidelands are fronting and abutting the Jacob Ebey Donation Land Claim No. 47 and government lots 1 to 4 of Section 6, all in Township 31 North, Range 1 East, W.M.; and government lot 4 of Section 31, government lot 1 of Section 18, government lots 1 to 4 of Section 7, and government lots 1 to 4 of Section 6, all in Township 32 North, Range 1 East, W.M.; and government lots 1 to 6 of Section 36, government lot 1 of Section 35, government lots 1 and 2 of Section 26, government lots 1 to 3 of Section 25, government lots 1 to 4 of Section 24, and government lots 1 to 3 of Section 13, all in Township 32 North, Range 1 West, W.M.; and government lot 1 of Section 31, government lots 1 to 3 of Section 32, government lot 3 of Section 29, all in Township 33 North, Range 1 East, W.M.

The reserve parcel is further described as follows:

Commencing at the northeast corner of said Section 32, Township 33 North, Range 1 East, from which, the east line of said Section 32 bears South 01°24'44" West as shown on that map titled Whidbey N.A.S. Boundary Map prepared by Washington State Parks and Recreation Commission dated January 31, 1974 and filed under application no. 20-10594 in the records of the Commissioner of Public Lands; thence North 51°32'42" West along the northeasterly boundary of said boundary map to the line of mean high tide fronting upon said government lot 3 of Section 29; thence northwesterly perpendicular to the said line of mean high tide to the line of extreme low tide; thence west-northwesterly 22,000 feet, more or less, to a geographic position with a latitude of 48°19'38.87" North and longitude of 122°47'44.29" West; thence northwesterly 11,000 feet, more or less, to a geographic position with a latitude of 48°20'16.29" North and longitude of 122°50'12.78" West; thence west-northwesterly 6,000 feet more or less, to a geographic position with a latitude of 48°20'24.61" North and longitude of 122°51'40.14" West; thence westerly along a line of said latitude of 48°20'24.61" North, 14,000 feet, more or less, to a position vertically at a bathymetric contour of minus 200 feet below mean lower low water along the westerly slopes of Partridge Bank; thence southerly, southeasterly, and southwesterly along said bathymetric contour of minus 200 feet below mean lower low water along the westerly slopes of Partridge Bank to an intersection with a latitude of 48°13'18" North; thence departing from said bathymetric contour on the westerly slopes of Partridge Bank, east-southeasterly 26,000 feet, more or less, to an intersection with a latitude of 48°12'30" North and a position vertically at said bathymetric contour of minus 200 feet below mean lower low water lying offshore of Fort Ebey State Park ; thence southeasterly along said bathymetric contour of minus 200 feet below mean lower low water to a point lying southwesterly and perpendicular to the line of mean high tide at the southwesterly meander corner between the said Jacob Ebey DLC No. 47 and the Isaac N. Ebey DLC No. 38 in said Township 31 North, Range 1 East, W.M. on the shores of Admiralty Inlet; thence departing from said bathymetric contour, northeasterly perpendicular to said line of mean high tide at the southwesterly meander corner between the said Jacob Ebey DLC No. 47 and the Isaac N. Ebey DLC No. 38 to the said meander corner; thence northwesterly, northerly, and northeasterly along said line of mean high tide 10 miles, more or less, to the Point of Beginning;

EXCEPTING THEREFROM, the uplands known as Smith Island and Minor Island lying above the line of mean high tide.

EXCEPTING THEREFROM, the following described second class tidelands sold by the State of Washington:

Those tidelands extending from mean high tide to extreme low tide sold to Frank J. Pratt, Jr. and Lena Kohne Pratt, Trustees for Robert Yenny Pratt, by that deed dated December 19, 1934 and filed at Volume 17, page 587 in State Records of Tideland and Shoreland Deeds at the Office of the Commissioner of Public Lands;

ALSO, those tidelands extending from mean high tide to extreme low tide sold to Lena K. Pratt by that deed dated December 19, 1934 and filed at Volume 17, page 586 in State Records of Tideland and Shoreland Deeds at the Office of the Commissioner of Public Lands;

ALSO, those tidelands extending from mean high tide to extreme low tide sold to the Foss Company by that deed dated April 16, 1937 and filed at Volume 18, page 133 in State Records of Tideland and Shoreland Deeds at the Office of the Commissioner of Public Lands;

ALSO, those tidelands extending from mean high tide to mean low tide sold to Mary L. Hendrickson by that deed dated August 15, 1906 and filed at Volume 8, page 17 in State



Records of Tideland and Shoreland Deeds at the Office of the Commissioner of Public Lands;

ALSO, those tidelands extending from mean high tide to extreme low tide sold to James and Bertha Walkup by that deed dated November 18, 1957 and filed at Volume 22, page 582 in State Records of Tideland and Shoreland Deeds at the Office of the Commissioner of Public Lands;

ALSO, those tidelands extending from mean high tide to extreme low tide sold to Theodore E. Ostrom by that deed dated September 6, 1956 and filed at Volume 22, page 430 in State Records of Tideland and Shoreland Deeds at the Office of the Commissioner of Public Lands;

ALSO, those tidelands extending from mean high tide to extreme low tide sold to Peter and Emma Chaussee by that deed dated July 10, 1944 and filed at Volume 19, page 450 in State Records of Tideland and Shoreland at the Office of the Commissioner of Public Lands;

ALSO, those tidelands extending from mean high tide to extreme low tide sold to Karl Koehler by that deed dated April 26, 1923 and filed at Volume 15, page 75 in State Records of Tideland and Shoreland Deeds at the Office of the Commissioner of Public Lands;

Said Smith & Minor Islands Aquatic Reserve subject to the following described authorizations:

SUBJECT TO an easement for submarine cables granted to Pirelli Jacobson, Inc. under authorization 51-070463.

SUBJECT TO an easement for submarine cables granted to PC Landing Corporation under authorization 51-070810.

SUBJECT TO an interagency agreement between the Washington State Department of Natural Resources and Washington State Parks and Recreation under authorization 20-11334.

SUBJECT TO an interagency agreement between the Washington State Department of Natural Resources and Washington State Parks and Recreation under authorization 20-10594.

SUBJECT TO a withdrawal from sale, lease, exchange, or private use by Chapter 76, Laws of 1953 for those second class tidelands fronting and abutting government lot 4 of Section 7, Township 32 North, Range 1 East, W.M., government lot 1 of Section 32, Township 33 North, Range 1 East, W.M., and government lot 1 of Section 13, Township 32 North, Range 1 West, W.M.

SUBJECT TO the Puget Sound Vessel Traffic services area as shown on NOAA nautical charts.

And further, it is

ORDERED AND DIRECTED that the records of the Washington State Department of Natural Resources shall note that the property hereafter described possesses unique and significant natural values and shall be managed according to the Final Smith and Minor Islands Aquatic Reserve Management Plan (August 1, 2007) for 90-years from the date of signature of this Commissioner's Order.

Dated this 14<sup>th</sup> day of October, 2010.



STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES

Peter Goldmark  
Commissioner of Public Lands  
Olympia, Washington

SCANNED  
NOV 01 2010

