

COMMISSIONER'S ORDER

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

201035
NUMBER

WITHDRAWAL AND DESIGNATION ORDER FOR THE PROTECTION ISLAND AQUATIC RESERVE

The State of Washington is owner of aquatic lands known as the Protection Island site, consisting of tidelands and bedlands surrounding Protection Island, including the shores of Miller and Quimper Peninsulas. Under statutory mandates, the Washington State Department of Natural Resources manages state-owned aquatic lands, and has found the following attributes that make the Protection Island site unique and critical for conservation:

A rich and complex community of submerged vegetation persists along the shores of Miller and Quimper Peninsulas and in areas around Protection Island. The extensive aquatic vegetation, eelgrass and seagrass beds, and voluminous macroalgal beds are essential contributors to the reproductive, foraging, and rearing success of many bird and marine mammal species found at the site

Extensive aquatic vegetation, diverse substrates, and unperturbed physical and ecological processes within the upland-marine interface provide for productive habitat areas that support spawning, rearing, and foraging habitat for numerous fish, migratory and resident birds and marine mammals and marine invertebrate species.

Approximately 72 percent of the nesting seabird population of Puget Sound and the Strait of Juan de Fuca nest on Protection Island, which includes one of the largest nesting colonies of Rhinoceros Auklets in North America. The nearshore and deepwater habitats surrounding Protection Island are important to the survival of seabirds in Puget Sound.

The current ecological condition of the site reflects an extremely low degree of alteration from its natural state and is in overall excellent condition.

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 Protection 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 the Strait of Juan De Fuca in Clallam County and in Jefferson County, Washington. Said tidelands are fronting and abutting government lots 1 and 2 of Section 33, and government lot 1 of Section 34, all in Township 31 North, Range 2 West, Willamette Meridian; government lot 1 of Section 31, and government lots 1 and 2 along with a portion of government lot 3 of Section 32, all in Township 31 North, Range 1 West, Willamette Meridian; government lots 1 to 4 of Section 6, Township 30 North, Range 1 West, Willamette Meridian; government lots 1 to 3 of Section 3, government lots 1 to 4 of Section 4, government lot 1 of Section 1, government lots 1 and 2 along with a portion of government lot 3 of Section 12, government lots 1 and 2 of Section 15, government lots 1 to 4 of Section 16, government lots 1 to 4 of Section 17, and government lots 1 to 4 of Section 18, all in Township 30 North, Range 2 West, Willamette Meridian; government lots 1 to 3 of Section 13, government lot 1 of Section 24, government lots 1 to 4 of Section 23, and government lot 6 of Section 22, all in Township 30 North, Range 3 West, Willamette meridian.

The reserve parcel is further described as follows:

Per the description of Tract 2 of those Oyster Tracts sold to A. A. Bugge by that deed dated September 21, 1932 and filed in Volume 17 at Page 339 in State Records of Tideland and Shoreland Deeds at the Office of the Commissioner of Public Lands, **Commence** at the South Meander Corner common to Sections 22 and 23, Township 30 North, Range 3 West, Willamette Meridian, in Clallam County, Washington; thence run along the balanced Government Meander Line in front of said Section 22, at S65°11'07"W for 15.96 chains and N14°51'36"W for 3.77 chains, to a corner of said Tract 2, lying at the head of Sequim Bay and Westerly of Travis Spit, said corner being the **Point of Beginning** of this description; thence West for 1.69 chains along tract 2; thence Northwesterly for 100 feet, more or less, to a geographic position with a Latitude of 48°04'47.352" North and a Longitude of 123°02'32.110 West; thence Northeasterly for 300 feet, more or less, to a geographic position with a Latitude of 48°04'50.121" North and a Longitude of 123°02'30.461" West; thence Northeasterly for 2,200 feet, more or less, to a geographic position with a Latitude of 48°07'48.747" North and a Longitude of 122°59'24.539" West; thence Northerly for 13,200 feet, more or less, to a geographic position with a Latitude of 48°09'58.473" North and a Longitude of 122°59'10.022" West; thence N40°46'36"E for 7,100 feet, more or less, to a position vertically at a bathymetric contour of minus 200 feet below the Line of Mean Lower Low Water along the Westerly slopes of Dallas Bank; thence Northerly for 13,000 feet, more or less, Northeasterly for 6,000 feet, more or less, Southeasterly for 3,000 feet more or less, and Southerly for 14,000 feet, more or less, along said bathymetric contour along the Westerly, Northwesterly, Northeasterly and Easterly slopes of Dallas Bank to an intersection with a Latitude of 48°10'55" North; thence departing from said bathymetric contour on the Easterly slopes of said Dallas Bank, Southeasterly for 2,300 feet, more or less, to a geographic position with a Latitude of 48°10'37.593" North and a Longitude of 122°54'51.905" West; thence Southerly for 1,500 feet, more or less, to a geographic position with a Latitude of 48°10'22.786" North and a Longitude of 122°55'47.229" West; thence Southeasterly for 22,800 feet, more or less, to a geographic position with a Latitude of 48°08'25.848" North and a Longitude of 122°49'59.547" West; thence South for 2,200 feet, more or less, to the Line of Mean High Tide fronting said government lot 3, of Section 32, Township 31 North, Range 1 West, Willamette Meridian; thence Northwesterly along said Line of Mean High Tide for 1,400 feet, more or less, fronting a portion of said government lot 3; thence Southwesterly along said Line of Mean High Tide for 3,600 feet, more or less, fronting government lots 1 and 2 of said Section 32, and government lot 1 of Section 31 of said Township 31 North, Range 1 West; thence continuing Southwesterly along said Line of Mean High Tide for 6,300 feet, more or less, fronting government lots 1 to 4 of Section 6, of said Township 30 North, Range 1 West; thence continuing Southwesterly along said Line of Mean High Tide for 6,000 feet, more or less, fronting government lot 1 of Section 1, government lots 1 and 2, along with a portion of government lot 3 of Section 12, all in said Township 30 North, Range 2 West to the intersection of said Line of Mean High Tide and the North Line of the Southwest Quarter of said Section 12; thence Westerly along the prolongation of the North Line of the Southwest Quarter of said Section 12, to the Line of Extreme Low Tide; thence Southwesterly for 9,400 feet, more or less, to the Northwest Corner of the Second Class Tidelands sold to James B. Huckins by that deed dated July 11, 1950 and filed in Volume 21 at Page 394 in State Records of Tideland and Shoreland Deeds at the Office of the Commissioner of Public Lands; thence Southerly along a lateral side line of said Second Class Tidelands for 150 feet, more or less, to a point on the Line of Mean High Tide, described in said deed sold to James B. Huckins as bearing East for 14.22 chains from the west line of government lot 2 of said Section 15, Township 30 North, Range 2 West; thence Westerly along said Line of Mean High Tide for 19,000 feet, more or less, fronting

government lot 1 and a portion of government lot 2 of Section 15, government lots 1 to 4 of Section 16, government lots 1 to 4 of Section 17, and government lots 1 to 4 of Section 18, all in said Township 30 North, Range 2 West; thence continuing Westerly along said Line of Mean High Tide for 8,000 feet, more or less, fronting government lots 1 to 4 of Section 13, government lot 1 of Section 24, and government lot 1 of Section 23, all in said Township 30 North, Range 3 West; thence continuing Westerly along said Line of Mean High Tide for 5,300 feet, more or less, fronting government lots 2 to 4 of Section 23, and government lot 6 of Section 22, being along the North side of Travis Spit, all in said Township 30 North, Range 3 West, to a point on the Line of Mean High Tide and bears N66°49'E for 50 feet, more or less, from the **Point of Beginning**; thence S66°49'W for 50 feet, more or less, to the **Point of Beginning**.

EXCEPTING THEREFROM:

The uplands known as Protection Island lying above the Line of Mean High Tide.
Those tidelands extending from Mean High Tide to Extreme Low Tide sold to J. Frederick Palmer by that deed dated July 3, 1950 and filed in Volume 21 at Page 369 in State Records of Tideland and Shoreland Deeds at the Office of the Commissioner of Public Lands.
Those tidelands extending from Mean High Tide to Extreme Low Tide sold to Bernard S. Douglas by that deed dated October 19, 1960 and filed in Volume 23 at Page 112 in State Records of Tideland and Shoreland Deeds at the Office of the Commissioner of Public Lands.

SUBJECT TO:

The Protection Island National Wildlife Refuge.

The interagency agreement between WADNR and the U.S. Fish and Wildlife Service under authorization 20-013245.

Withdrawal order No. 88-107 approved on November 22, 1988 for bedlands and tidelands extending 600 feet from the Line of Extreme Low Tide surrounding Protection Island for the benefit of the Zella Schultz Seabird Sanctuary and Protection Island National Wildlife Refuge.

An easement for Right of Way for a submarine cable crossing over the Tidelands of the second class and the Bed of Sequim Bay granted to Pacific Northwest Bell Telephone Company under authorization 51-034103.

A lease of Tidelands for a concrete launch ramp for launching private recreational boats granted to Diamond Point Beach Club, 1st Addition Inc. under lease authorization 20-A009519.


A lease of Tidelands for a private boat ramp to launch private small boats, kayaks, and car top boats, granted to Sunshine Acres Property Owners Association under lease authorization 20-A011819.

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 Protection Island Aquatic Reserve Management Plan for 90-years from the date of signature of this Commissioner's Order.

Dated this 3rd day of November, 2010.

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES


Peter Goldmark
Commissioner of Public Lands
Olympia, Washington

