COMMISSIONER’S ORDER

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

Peter Goldmark
Commissioner of Public Lands

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

The reserve parcel is further described as follows:

"W" Section 3, Township 33, Range 1 East,戢塞, 3.60 acres.

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"W" Section 3, Township 33, Range 1 East,戢塞, 3.60 acres.
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 Kochler 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 14th day of October, 2010.

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

Peter Goldmark
Commissioner of Public Lands
Olympia, Washington