

2000 014

# COMMISSIONER'S ORDER

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES

Jennifer M. Belcher  
Commissioner of Public Lands  
Olympia, Washington 98504

WITHDRAWAL ORDER  
FOR CHERRY POINT  
STATE AQUATIC RESERVE

The State of Washington, being the owner of certain aquatic lands consisting of tidelands and bedlands adjacent to Cherry Point in Whatcom County hereafter described, has found the following:

Cherry Point historically provided spawning habitat for more than 50 percent of the entire herring population of Puget Sound and the Strait of Juan de Fuca; provides a nearshore migratory corridor for Chinook salmon, an endangered species; and provides significant habitat and feeding area of migratory waterfowl populations, and

The herring population at Cherry Point has declined from historical levels of 15,000 tons down to 1,300 tons (less than 9 percent of its historical level) in 1999, and

Scientists have determined that survivability of the species depends on approximately 5,000 tons of spawning adults, and

Preventing further habitat degradation and maintaining Cherry Point's unique habitat is critical to Chinook salmon, already listed under the Endangered Species Act, and critical to preventing further decline and possible listing of Puget Sound herring, and

Cherry Point tidelands and bedlands are a significant environmental resource supporting a unique combination of highly productive habitat for forage fish and substantial diversity and numbers of species, and

Whatcom County recognizes through recent amendments to their Shoreline Master Program and Whatcom County Comprehensive Plan the need to protect this valuable habitat, with amendments limiting the number of piers and establishing a development moratorium along the Cherry Point shoreline, and

Ensuring environmental protection is a management objective for state-owned aquatic lands (RCW 79.90.455(3)), and

Natural values of state-owned aquatic lands as wildlife habitat, natural area preserves, representative ecosystems, or spawning areas are to be considered prior to the Department of Natural Resources issuing any lease or authorizing any changes in use (RCW 79.90.460(3)), and

The Department of Natural Resources may designate reserves on state-owned aquatic lands (RCW 79.68.060 and WAC 332-30-151).

JENNIFER M. BELCHER ♦ Commissioner of Public Lands

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Therefore, the Commissioner of Public Lands being fully advised and believing that the hereafter described tidelands and bedlands are a natural resource of great natural value that should be set aside as an "Environmental Reserve" (WAC 332-30-106(16)) and that this stewardship commitment is a significant initial contribution to the cleanup and recovery of Puget Sound, it is

**ORDERED AND DIRECTED** that the records of the Department of Natural Resources shall note in accordance with provisions of RCW 79.90.460(3) and RCW 79.68.060 that the property hereafter described possesses unique and significant natural values and shall be reserved and withdrawn from conflicting uses for an indefinite term from May 23, 2000, until recovery of Nooksack River salmonid populations and Cherry Point herring populations, and

That public access and other uses of the area described in this Order may be permitted under such conditions and at such times as determined by the Department of Natural Resources.

## LEGAL DESCRIPTION

That portion of the tidelands and bedlands of navigable waters owned by the state of Washington, fronting and abutting Sections 2, 11, 13, 14, and 24, Township 39 North, Range 1 West, Willamette Meridian and fronting and abutting Sections 19, 20, 29 and 32, Township 39 North, Range 1 East, Willamette Meridian described as follows:

Lying south of the south line of government lot 1, of said Section 2, Township 39 North, Range 1 West, W.M. being the south line of Birch Bay State Park; and lying north of the south line of Township 39 North, Range 1 East; and extending waterward to a line which is 70 feet below mean lower low water OR 0.5 mile beyond extreme low tide, whichever line is further waterward;

**EXCEPTING THEREFROM**, the following Use Authorizations issued by the Department of Natural Resources: lease application numbers 20-A09122, 20-A11714, 20-A08488, 20-013265 and 20-010521;

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

Situated in Whatcom County, Washington.

Dated this 1st day of August, 2000.

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES



**JENNIFER M. BELCHER**  
Commissioner of Public Lands

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