

COMMISSIONER'S ORDER

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

AMENDED WITHDRAWAL AND DESIGNATION ORDER FOR THE CHERRY POINT AQUATIC RESERVE

The State of Washington is owner of aquatic lands known as the Cherry Point Aquatic Reserve, consisting of tidelands and bedlands at Cherry Point in Whatcom County. Under statutory mandates, the Washington 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)).

In accordance with such powers and obligations, certain state-owned aquatic lands possessing significant natural values near the Cherry Point Reach were withdrawn from general leasing on August 1, 2000 and identified as the Cherry Point State Aquatic Reserve.

Following creation of the Reserve, the Department worked with others to develop a plan to manage the Reserve in a manner that protects its unique resources. In November 2010, this effort resulted in completion of the Cherry Point Environmental 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. Consistent with the objectives of the Plan, on November 18, 2010, the Commissioner of Public Lands rededicated the Cherry Point State Aquatic Reserve as the Cherry Point Environmental Reserve.

In 2016, the Department evaluated a request to change the Reserve boundary to add lands previously excluded under the August 1, 2000 and November 18, 2010 Orders. As supported by the November 2, 2016 Determination of Nonsignificance, and the November 20, 2016 recommendations of the technical advisory committee, as well as public comments received by the Department, the amendment of the Reserve boundary will further accomplish the purposes of the Reserve, is compatible with existing and projected uses of the area, and best serves the public interest.

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 amendment of the Cherry Point Environmental Aquatic Reserve to include additional lands. Henceforth the Washington State tidelands and bedlands described below are withdrawn from the general leasing program and shall be managed according to the Final Cherry Point Aquatic Reserve Management Plan for 90 years from November 18, 2010.

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 Meridan 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; lying north of the south line of Township 39, 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 and 20-010521;

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

Situated in Whatcom County, Washington

Dated this 3rd day of January, 2017.

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES



Peter Goldmark
Commissioner of Public Lands
Olympia, Washington