
SENATE BILL 6773

State of Washington 57th Legislature

2002 Regular Session

By Senators Poulsen, Jacobsen, Spanel, Regala, Fraser and Brown

Read first time 02/04/2002. Referred to Committee on Natural Resources, Parks & Shorelines.

1 AN ACT Relating to state-owned aquatic lands; adding new sections
2 to chapter 79.01 RCW; and adding a new section to chapter 36.70A RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature directs that the lands
5 identified in section 4 of this act must be preserved and protected for
6 future generations of residents of the state.

7 (2) The board of natural resources and the commissioner of public
8 lands are directly responsible for the preservation and protection of
9 the land identified in section 4 of this act.

10 (3) The provisions of any local planning laws, or the state growth
11 management act under chapter 36.70A RCW, are superseded by the terms of
12 this section and section 2 of this act.

13 (4) By January 1st of each odd-numbered year, the board of natural
14 resources and the commissioner of public lands must submit a report to
15 the appropriate committees of the legislature that details the land
16 management activities for the land identified in section 4 of this act.

1 NEW SECTION. **Sec. 2.** (1) No valuable materials or other assets,
2 as those terms are used in Title 78 or 79 RCW, may be sold from the
3 land identified in section 4 of this act.

4 (2) Any form of resource extraction on lands that abut the land
5 identified in section 4 of this act may not use the aquatic areas
6 surrounding the property for access or transportation.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A RCW
8 to read as follows:

9 The lands identified in section 4 of this act are exempt from the
10 provisions of this chapter and must be managed solely as provided in
11 sections 1 and 2 of this act.

12 NEW SECTION. **Sec. 4.** Certain state-owned aquatic lands are
13 identified as follows:

14 (1) Certain aquatic lands consisting of tidelands, bedlands, harbor
15 areas, and waterways adjacent to the Puyallup River delta and
16 Commencement Bay in Pierce County (that area of the bay between the
17 Thea Foss and Sitcum Waterways, including the Puyallup River below the
18 I-5 bridge) described in this subsection:

19 That portion of Middle Waterway abutting Blocks 33, 34a, 38, 38a
20 and 38b of the Amended Supplemental Plat of Tacoma Tide Lands, Sheet 5,
21 approved by the Board of State Land Commissioners October 7, 1902,
22 described as follows:

23 The southerly 1595 feet of said Middle Waterway measured
24 perpendicular to the south line of said Middle Waterway and the north
25 line of said southerly 1595 feet being parallel to said south line of
26 Middle Waterway.

27 Excepting therefrom, any first class tidelands previously sold by
28 the state of Washington.

29 Situated in the City of Tacoma, Pierce County, Washington.

30 (2) Certain aquatic lands consisting of tidelands and bedlands
31 adjacent to Cherry Point in Whatcom County described in this
32 subsection:

33 That portion of the tidelands and bedlands of navigable waters
34 owned by the state of Washington, fronting and abutting Sections 2, 11,
35 13, 14, and 24, Township 39 North, Range 1 West, Willamette Meridian
36 and fronting and abutting Sections 19, 20, 29 and 32, Township 39
37 North, Range 1 East, Willamette Meridian described as follows:

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

7 Excepting therefrom, the following use authorizations issued by the
8 department of natural resources: lease application numbers 20-A09122,
9 20-A11714, 20-A08488, 20-013265 and 20-010521;

10 Also excepting therefrom, any second class tidelands previously
11 sold by the state of Washington.

12 Situated in Whatcom County, Washington.

13 (3) Certain aquatic lands, consisting of tidelands and bedlands
14 surrounding Cypress Island in Skagit County described in this
15 subsection:

16 The tidelands and bedlands of navigable waters, owned by the state
17 of Washington, department of natural resources, lying in front of and
18 surrounding Cypress Island, Strawberry Island (a.k.a. Loon Island), and
19 Cone Islands No.1, No.2 & No.3 (according to the official U.S.
20 government survey approved 1933) and said islands are located within
21 Sections 4, 5, 6, and 8, Township 35 North, Range 1 East, W.M. and
22 Sections 17-22, inclusively, and Sections 27-34, inclusively, Township
23 36 North, Range 1 East; W.M., and extending waterward to a water depth
24 of 70 feet below mean lower low water or one-half mile from the line of
25 extreme low tide, whichever line is further waterward;

26 Subject to department of natural resources use authorizations 20-
27 11458, 20-10667, 20-10827, 20-A12517, and 51-33711.

28 Situated in Skagit County, Washington.

29 (4) Certain aquatic lands consisting of tidelands and bedlands
30 within Fidalgo Bay in Skagit County, described in this subsection:

31 That portion of the harbor area, waterways, and beds of navigable
32 water in Fidalgo Bay owned by the state of Washington located within
33 Section 5, Township 34 North, Range 2 East, W.M. and within Sections
34 29, 30, and 32, Township 35 North, Range 2 East, W.M. and further
35 described as follows:

36 That portion of Fidalgo Bay lying southerly of a line beginning at
37 the northeast corner of Tract No. 10 as shown on Plate 11 of the Tide
38 and Shore Lands of Anacortes Harbor as filed by the Tideland Appraisers
39 dated May 1, 1893, and said line extended easterly to terminate at the

1 meander corner between government lots 2 and 3 of Section 29, Township
2 35 North, Range 2 East, W.M.;

3 Excepting therefrom, that portion of the southerly end of the West
4 Arm of Fidalgo Waterway which was vacated by Waterway Vacation No. 101
5 according to the Commissioner's Order dated April 29, 1959, for Primary
6 State Highway No. 1 (State Route 20);

7 Also excepting therefrom, that portion of the southerly end of the
8 East Arm of Fidalgo Waterway granted to the Department of Highways as
9 shown on State Road Plat No. 941 dated January 18, 1961, for Primary
10 State Highway No. 1 (State Route 20);

11 Also excepting therefrom, that 100 foot right of way for railroad
12 purposes across said Fidalgo Waterway granted to the Seattle and
13 Montana Railroad Company by decree filed March 2, 1904, according to
14 Condemnation file No. A26;

15 Together with, those first class tidelands conveyed to the state of
16 Washington according to the Statutory Warranty deed recorded on
17 December 20, 1999, recorded under Auditor's File No. 199912200133,
18 Skagit County Auditor's records and further described as follows:

19 Tracts 4, 5, 6, 7, 8, 9, and 10 of Plate 13; Tracts 8, 9, 10, 11,
20 12, 13, 14, and 15 of Plate 12; that portion of Tracts 16 and 17 of
21 said Plate 12 and lying southerly of the Seattle and Montana Railroad
22 Company by decree filed March 2, 1904, according to Condemnation file
23 No. A26; said tracts and plates are according to of the Tide and Shore
24 Lands of Anacortes Harbor as filed by the Tideland Appraisers dated May
25 1, 1893;

26 Excepting therefrom, that portion of said first class tidelands, if
27 any, conveyed to the state of Washington for Primary State Highway No.
28 1, Jct. S.S.H. No. 1-D (State Route 20) by deed recorded October 15,
29 1956, under Skagit County Auditor's file No. 542873; by deed recorded
30 January 3, 1958, under Skagit County Auditor's file No. 560284; and by
31 deed recorded February 7, 1961, under Skagit County Auditor's file No.
32 603915;

33 Also excepting therefrom, that 100 foot right of way for railroad
34 purposes across said first class tidelands granted to the Seattle and
35 Montana Railroad Company by decree filed March 2, 1904, according to
36 Condemnation file No. A26;

37 Together with, those second class tidelands conveyed to the state
38 of Washington according to the Statutory Warranty deed recorded on

1 December 20, 1999, recorded under Auditor's File No. 199912200133,
2 Skagit County Auditor's records and further described as follows:

3 All tidelands of the second class lying between the line of mean
4 high tide and the line of extreme low tide, situated in front of and
5 adjacent to, or abutting government lots 5 and 6, Section 32, Township
6 35 North, Range 2 East, W.M. and government lot 4, Section 4, Township
7 34 North, Range 2 East, W.M.;

8 Together with, those bedlands, if any, lying westerly of the line
9 of extreme low tide fronting and abutting the said second class
10 tidelands situated in front of and adjacent to, or abutting government
11 lots 5 and 6, Section 32, Township 35 North, Range 2 East, W.M. and
12 government lot 4, Section 4, Township 34 North, Range 2 East, W.M.; and
13 lying easterly of said east line of the East Arm of the Fidalgo
14 Waterway;

15 Together with, those bedlands, if any, lying westerly of the line
16 of extreme low tide fronting and abutting the second class tidelands
17 situated in front of and adjacent to, or abutting government lot 7,
18 Section 32, Township 35 North, Range 2 East, W.M. and lying easterly of
19 the east line of said Fidalgo Waterway and the said east line of the
20 East Arm of Fidalgo Waterway;

21 Excepting therefrom, that 100 foot right of way for railroad
22 purposes across said bedlands, if any, granted to the Seattle and
23 Montana Railroad Company by decree filed March 2, 1904, according to
24 Condemnation file No. A26;

25 Together with, second class tidelands and bedlands, if any, lying
26 northerly of the north lateral sideline of said second class tidelands
27 in front of and adjacent to, or abutting government lot 7, Township 35
28 North, Range 2 East, W.M. and lying southerly of the south line of
29 Tract No. 2 as shown on Plate 12 of the Tide and Shore Lands of
30 Anacortes Harbor as filed by the Tideland Appraisers dated May 1, 1893;

31 Together with, those bedlands, if any, lying westerly of the line
32 of extreme low tide fronting and abutting the second class tidelands
33 situated in front of and adjacent to, or abutting government lots 2, 3
34 and 4, Section 29, Township 35 North, Range 2 East, W.M. and the north
35 10.19 lineal chains along the meander line of government lot 8, Section
36 32, Township 35 North, Range 2 East, W.M. and lying easterly of the
37 inner harbor line of the easterly most harbor area within Fidalgo Bay
38 as shown on the Map of Anacortes Harbor as filed by the Harbor Line
39 Commission dated 1892;

1 Excepting therefrom, those bedlands, if any, of said Tract 2 as
2 shown on Plate 12 of the Tide and Shore Lands of Anacortes Harbor as
3 filed by the Tideland Appraisers dated May 1, 1893, as conveyed by the
4 state of Washington according to the deed dated April 17, 1908, within
5 Volume 8 of Tide Land Deeds, page 370 on file in the office of the
6 commissioner of public lands;

7 Also excepting therefrom, those bedlands, if any, of Fidalgo Bay
8 lying southerly of said line beginning at the northeast corner of Tract
9 No. 10 as shown on Plate 11 of the Tide and Shore Lands of Anacortes
10 Harbor as filed by the Tideland Appraisers dated May 1, 1893, and said
11 line extended easterly to terminate at the meander corner between
12 government lots 2 and 3 of Section 29, Township 35 North, Range 2 East,
13 W.M.;

14 Also excepting therefrom, tidelands of the first class of said
15 Tract 2 as shown on Plate 12 of the Tide and Shore Lands of Anacortes
16 Harbor as filed by the Tideland Appraisers dated May 1, 1893, as
17 conveyed by the state of Washington according to the deed dated April
18 17, 1908 within Volume 8 of Tide Land Deeds, page 370 on file in the
19 office of the commissioner of public lands;

20 Also excepting therefrom, tidelands of the second class, if any,
21 extending from mean high tide to extreme low tide as conveyed by the
22 state of Washington in deeds recorded in Volume 88 of Deeds, page 513
23 on May 21, 1912, and in Volume 102 of Deeds, page 550 on April 25,
24 1916, of Skagit County Auditor records, situate in front of and
25 adjacent to or abutting upon that portion of the government meander
26 line described as follows:

27 Beginning at the northeast corner of Government Lot 1, Section 5,
28 Township 34 North, Range 2 East, W.M.; thence South 28 $\frac{1}{2}$ West, 7.50
29 chains (495.00 feet); thence South 47 $\frac{1}{2}$ West, 17.50 chains (1155.00
30 feet) to the terminal point of this description.

31 Except that portion, if any, lying outside of the bounds of Tract
32 3, Plate No. 13, Tide and Shore Lands in Section 5, Township 34 North,
33 Range 2 East, W.M., Anacortes Harbor as per the recorded plat thereof
34 on file in the office of the commissioner of public lands, Olympia, WA.

35 Also excepting that portion conveyed to the state of Washington for
36 Primary State Highway No. 1, Jct. S.S.H. No. 1-D (State Route 20) by
37 deed recorded January 10, 1961, under Skagit County Auditor's file No.
38 602917.

39 Situated in Skagit County, Washington.

1 (5) Certain aquatic lands consisting of tidelands, bedlands, harbor
2 areas, and waterways adjacent to the Puyallup River delta and
3 Commencement Bay in Pierce County (that area of the bay between the
4 Thea Foss and Sitcum Waterways, including the Puyallup River below the
5 I-5 bridge) hereafter described:

6 That portion of the harbor area fronting and abutting Blocks 29, 30
7 and 31 of the Amended Supplemental Plat of Tacoma Tide Lands, Sheet 4,
8 approved by the Board of State Land Commissioners October 7, 1902,
9 described as follows:

10 That portion of the harbor area bounded by the inner and outer
11 harbor lines, the easterly line of City (Thea Foss) Waterway and the
12 westerly line of Middle Waterway;

13 Excepting therefrom, the following use authorizations issued by the
14 department of natural resources: lease application numbers 22-A002621
15 and 22-002572;

16 Also excepting therefrom, any first class tidelands previously sold
17 by the state of Washington.

18 Situated in the City of Tacoma, Pierce County, Washington.

19 (6) Certain aquatic lands, consisting of tidelands and bedlands
20 surrounding Maury Island in King County, as described in this
21 subsection:

22 The tidelands and bedlands of navigable waters, owned by the state
23 of Washington, described as follows:

24 Those tidelands and bedlands surrounding Maury Island, which are
25 fronting and abutting Section 14, Sections 20-23, inclusively, and
26 Sections 28-32, inclusively, Township 22 North, Range 3 East, W.M.;

27 Together with, those tidelands and bedlands lying westerly of said
28 Maury Island which are fronting and abutting only those portions of
29 Sections 9 and 16, which are fronting on Quartermaster Harbor, Township
30 22 North, Range 3 East, W.M.;

31 Together with, those tidelands and bedlands lying southerly of said
32 Maury Island, which are fronting and abutting Sections 5 and 6,
33 Township 21 North, Range 3 East, W.M.; and said reserve extends
34 waterward to a water depth of 70 feet below mean lower low water or
35 one-half mile from the line of extreme low tide, whichever line is
36 further waterward;

37 Those tidelands and bedlands lying southerly and easterly of Vashon
38 Island, which are fronting and abutting Section 1, Township 21 North,
39 Range 2 East, W.M.;

1 Together with, those tidelands and bedlands lying easterly of said
2 Vashon Island, which are fronting and abutting Sections 24, 25, and 36,
3 Township 22 North, Range 2 East, W.M.;

4 Together with, those tidelands and bedlands lying easterly of said
5 Vashon Island, which are fronting and abutting Sections 17-20,
6 inclusively, Township 22 North, Range 3 East, W.M.;

7 Together with, those tidelands and bedlands lying southerly
8 westerly of said Vashon Island, which are fronting and abutting only
9 those portions of Sections 8, which is fronting on Quartermaster
10 Harbor, Township 22 North, Range 3 East, W.M.; and said reserve extends
11 waterward to a water depth of 70 feet below mean lower low water or
12 one-half mile from the line of extreme low tide, whichever line is
13 further waterward;

14 Subject to, department of natural resources use authorizations
15 51-021507, 51-027510, 51-033836, 51-CR0207, 51-CR0706, 51-CR0707,
16 51-CR1771, 20-009814, 20-A11434, 20-012741, and 20-010075.

17 Situated in King County, Washington.

18 NEW SECTION. **Sec. 5.** Sections 1, 2, and 4 of this act are each
19 added to chapter 79.01 RCW.

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