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HOUSE BILL 2840

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State of Washington                      60th Legislature                      2008 Regular Session

By Representatives Upthegrove, Cody, Williams, Lantz, Nelson,  
Pedersen, Schual-Berke, Simpson, and Goodman

Read first time 01/16/08. Referred to Committee on Ecology & Parks.

1            AN ACT Relating to protecting Puget Sound water quality by creating  
2 an aquatic reserve near Maury Island; amending RCW 79.105.210; adding  
3 a new section to chapter 79.105 RCW; and declaring an emergency.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 79.105 RCW  
6 under the subchapter heading "other management provisions" to read as  
7 follows:

8            (1) There is created the Maury Island aquatic reserve. The reserve  
9 encompasses only state-owned tidelands and bedlands, except that the  
10 department may include tidelands or shorelands contiguous to state  
11 aquatic lands where the owner provides written permission for inclusion  
12 of such lands in the reserve and states in writing an intent to sell or  
13 donate the lands to the state in the future. The commissioner may  
14 expand the reserve by administrative order designating additional  
15 contiguous state-owned tidelands and bedlands, or by accepting written  
16 permission by the owner of contiguous aquatic lands, where the  
17 commissioner determines the lands in the designation or private owner  
18 permission meet one or more of the following characteristics:

1 (a) The lands have been identified as having high priority for  
2 conservation, natural systems, wildlife, and low-impact public use  
3 values;

4 (b) The lands have flora, fauna, geological, recreational,  
5 archaeological, cultural, scenic, or similar features of critical  
6 importance and have retained to some degree or reestablished its  
7 natural character;

8 (c) The lands provide significant examples of native ecological  
9 communities; and

10 (d) The lands have significant sites or features threatened with  
11 conversion to incompatible uses.

12 (2) The Maury Island aquatic reserve shall include the lands  
13 designated by administrative order under subsection (1) of this  
14 section, and the tidelands and bedlands surrounding Maury Island and  
15 including Quartermaster Harbor in King county, as described in this  
16 subsection:

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

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

22 Together with, those tidelands and bedlands lying westerly of said  
23 Maury Island which are fronting and abutting only those portions of  
24 Sections 9 and 16, which are fronting on Quartermaster Harbor, Township  
25 22 North, Range 3 East, W.M.;

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

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

35 Together with, those tidelands and bedlands lying easterly of said  
36 Vashon Island, which are fronting and abutting Sections 24, 25, and 36,  
37 Township 22 North, 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 17-20,  
3 inclusively, Township 22 North, Range 3 East, W.M.;

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

11 (3) The department shall manage the Maury Island aquatic reserve  
12 primarily for the achievement of the following goals:

13 (a) To conserve native habitats and associated plant and wildlife  
14 species, with a special emphasis upon forage fish, salmonids, and  
15 migratory birds;

16 (b) To protect and restore the functions and natural processes of  
17 nearshore ecosystems in support of the natural resources of the  
18 reserve;

19 (c) To promote stewardship of riparian and aquatic habitats and  
20 species by providing education and outreach opportunities and promoting  
21 coordination with other resource managers; and

22 (d) To provide for low-impact public uses including recreation uses  
23 and improvements that do not adversely affect the resource values, are  
24 appropriate to the maintenance of the lands in a relatively unmodified  
25 natural setting, and do not detract from long-term ecological  
26 processes.

27 (4) The department shall develop a management plan for the aquatic  
28 reserve, and may incorporate an existing management plan and policies  
29 previously adopted for the lands where consistent with the management  
30 guidance of this section. The plan must identify the significant  
31 resources to be conserved consistent with the purposes of this chapter  
32 and identify the areas with potential for low-impact public uses. The  
33 plan must specify what types of management activities and public uses  
34 are permitted, consistent with the conservation purposes of this  
35 chapter. The department shall make the plan available for review and  
36 comment by the public and other state, tribal, and local agencies,  
37 prior to final approval by the commissioner.

1 (5) The department shall not authorize any portion of the Maury  
2 Island aquatic reserve for industrial uses or for transportation of  
3 materials from mining or other industrial activities, and may not  
4 authorize the construction of docks or other improvements associated  
5 with these uses.

6 **Sec. 2.** RCW 79.105.210 and 2005 c 155 s 143 are each amended to  
7 read as follows:

8 (1) The management of state-owned aquatic lands shall preserve and  
9 enhance water-dependent uses. Water-dependent uses shall be favored  
10 over other uses in state-owned aquatic land planning and in resolving  
11 conflicts between competing lease applications. In cases of conflict  
12 between water-dependent uses, priority shall be given to uses which  
13 enhance renewable resources, water-borne commerce, and the navigational  
14 and biological capacity of the waters, and to statewide interests as  
15 distinguished from local interests.

16 (2) Nonwater-dependent use of state-owned aquatic lands is a low-  
17 priority use providing minimal public benefits and shall not be  
18 permitted to expand or be established in new areas except in  
19 exceptional circumstances where it is compatible with water-dependent  
20 uses occurring in or planned for the area.

21 (3) The department shall consider the natural values of state-owned  
22 aquatic lands as wildlife habitat, natural area preserve,  
23 representative ecosystem, or spawning area prior to issuing any initial  
24 lease or authorizing any change in use. The department may withhold  
25 from leasing lands which it finds to have significant natural values,  
26 or may provide within any lease for the protection of such values.

27 (4) The power to lease state-owned aquatic lands is vested in the  
28 department, which has the authority to make leases upon terms,  
29 conditions, and length of time in conformance with the state  
30 Constitution and chapters 79.105 through 79.140 RCW. Leases of state-  
31 owned aquatic lands designated as an aquatic reserve under section 1 of  
32 this act must conform with the management criteria expressed in  
33 chapters 79.105 through 79.140 RCW and with section 1 of this act.

34 (5) State-owned aquatic lands shall not be leased to persons or  
35 organizations which discriminate on the basis of race, color, creed,  
36 religion, sex, age, or physical or mental handicap.

1        NEW SECTION.   **Sec. 3.**   This act is necessary for the immediate  
2   preservation of the public peace, health, or safety, or support of the  
3   state government and its existing public institutions, and takes effect  
4   immediately.

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