



City of Tacoma  
Public Works Department

June 1, 2004

Jennifer Steger  
NOAA DARC-NW  
7600 Sand Point Way NE  
Seattle, WA 98115-0070

Re: Withdrawal Orders for Olympic View and Middle Waterway Restoration Sites

Dear Ms. Steger:

As you know, portions of both the Olympic View and Middle Waterway Natural Resource Damage Assessment (NRDA) restoration sites are owned and managed by the Washington State Department of Natural Resources (DNR). In accordance with NRDA Consent Decree, Section VII, Paragraph 14, the City worked with DNR to restrict the use of DNR-owned portions. In May 2000, Jennifer Belcher, as Commissioner of Public Lands, set these areas aside as aquatic reserves. As DNR further examined these properties under the newly established Aquatic Reserve Program Guidance (September 2002), they determined that the aquatic land in question at both restoration sites did not meet their criteria. DNR then proposed that the area be restricted through the mechanism of a "Withdrawal from Leasing Order". Subsequently, DNR issued the withdrawal orders, which are attached.

As the NRDA Trustees accepted the 2000 aquatic reserve designation as fulfillment of the above NRDA land acquisition and dedication requirements, we anticipate that the enclosed Withdrawal from Leasing Commissioner's Orders #200409 and #200410 will continue to satisfy that requirement.

If you have any questions about this or the enclosed information, please contact me at 253-502-2126.

Sincerely,

Desiree K. Pooley  
Senior Environmental Specialist  
Environmental Services, Science & Engineering Division

DKP:crt (Withdrawal Order letter for OVRA and MWW to Trustees.doc)

Enclosure

Cc:

Chief, Environmental Enforce. Sect., DoJ  
Robert Taylor, NOAA GC NR-NW  
Dr. Robert Clark, NOAA NMFS DARC-NW  
John Carlton, WA Dept. of Fish & Wildlife  
Judy Lantor, USFWS  
Bill Sullivan, Puyallup Tribe of Indians  
Glenn St. Amant, Muckleshoot Indian Tribe

Craig Thompson, WA Dept. of Ecology  
Tom Gibbons, WA Dept. of Natural Resources  
Karen Larkin, Tacoma Public Works Dept.  
James Parvey, Tacoma Public Works Dept.  
Doug Mosich, Tacoma Legal Dept.  
G. S. Karavitas, Tacoma Public Utilities

# COMMISSIONER'S ORDER

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES  
Doug Sutherland  
Commissioner of Public Lands  
Olympia, Washington 98504

## WITHDRAWAL ORDER FOR OLYMPIC VIEW SITE

The State of Washington being the owner of certain aquatic lands consisting of tidelands and bedlands, Harbor Areas and Waterways adjacent to the Puyallup River delta and Commencement Bay in Pierce County (that area of the bay between the Thea Foss and Sitcum Waterways, including the Puyallup River below the I-5 bridge) hereafter described, has found the following:

The Olympic View site establishes a permanent site for the restoration and remediation of habitat patches in the Puyallup River estuary and corridors that link to the Puyallup River "neodelta," and

The greatest diversity of fish (29 species) was found at Olympic View of all the restoration sites that were monitored in Commencement Bay, and

The site contains the only known eelgrass (*Zostera marina*) bed occurring along the face of the Puyallup delta. Estimates suggest that only 12 acres of eelgrass exist within Commencement Bay. Eelgrass is listed as a priority habitat by the Washington Department of Fish & Wildlife (WDFW) and the scarcity of eelgrass within the bay likely enhances its value. Eelgrass beds provide habitat and feeding grounds for important wildlife species including juvenile salmonids, forage fish, and great blue heron, and

Federal laws obligate the City of Tacoma, Washington State Department of Natural Resources (WDNR), and other parties to conduct clean up and restoration of aquatic habitat to help repair damage to the natural resources in Commencement Bay, 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 WDNR issuing any lease or authorizing any changes in use (RCW 79.90.460(3)), and

The WDNR may withhold from leasing lands which it finds to have significant natural values (RCW 79.90.460(3)), and

Therefore, the Commissioner of Public Lands being fully advised, and believing that the hereafter described aquatic lands between Thea Foss and Middle Waterway are a natural resource of great natural value that should be set aside for conservation purposes and that this stewardship commitment is a significant initial contribution to the recovery of Puget Sound, it is therefore,

ORDERED AND DIRECTED that the records of the WDNR shall note in accordance with provisions of RCW 79.90.460(3) that the property hereafter described possesses unique and significant natural values and shall be withdrawn from leasing, except for habitat restoration or conservation projects, for an indefinite term from the date of signature of this withdrawal order, and

That portion of the harbor area fronting and abutting Blocks 27, 28 and 29 of the Supplemental Plat of Tacoma Tide Lands, Sheet 4, approved by the Board of State Land Commissioners October 7, 1902, described as follows:

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

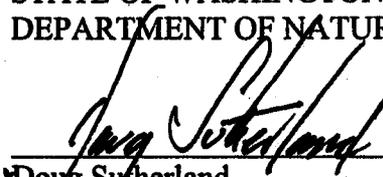
EXCEPTING THEREFROM, the following Use Authorizations issued by the Department of Natural Resources: lease application numbers 22-A002621, 22-A02787 and 22-002572,

ALSO EXCEPTING THEREFROM, any first class tide lands previously sold by the State of Washington.

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

Dated this 10<sup>th</sup> day of May, 2004.

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES

  
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Doug Sutherland  
Commissioner of Public Lands



# COMMISSIONER'S ORDER

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES  
Doug Sutherland  
Commissioner of Public Lands  
Olympia, Washington 98504

## WITHDRAWAL ORDER FOR MIDDLE WATERWAY SITE

The State of Washington being the owner of certain aquatic lands consisting of tidelands and bedlands, Harbor Areas and Waterways adjacent to the Puyallup River delta and Commencement Bay in Pierce County (that area of the bay between the Thea Foss and Sitcum Waterways, including the Puyallup River below the I-5 bridge) hereafter described, has found the following:

The Middle Waterway site establishes a permanent site for the restoration and remediation of habitat patches in the Puyallup River estuary and corridors that link to the Puyallup River "neodelta," and

The Middle Waterway site contributes to the restoration of the functions and values of the Puyallup River estuary will be rehabilitated to the fullest extent possible in this highly urbanized and developed bay, and

This area could provide critical habitat for out-migrating juvenile salmonid, including the ESA listed White River Spring-run Chinook, which is the only native Spring-run Chinook stock in South Puget Sound. Additionally this area provides refuge and feeding for a variety of other aquatic species, including fish, migratory waterfowl and mammals, and

Federal laws obligate the City of Tacoma, Washington State Department of Natural Resources (WDNR), and other parties to conduct clean up and restoration of aquatic habitat to help repair damage to the natural resources in Commencement Bay, 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 WDNR issuing any lease or authorizing any changes in use (RCW 79.90.460(3)), and

The WDNR may withhold from leasing lands which it finds to have significant natural values (RCW 79.90.460(3)), and

Therefore, the Commissioner of Public Lands being fully advised, and believing that the hereafter described aquatic lands in Middle Waterway are a natural resource of great natural value that should be set aside for conservation purposes and that this stewardship commitment is a significant initial contribution to the recovery of Puget Sound, it is therefore,

ORDERED AND DIRECTED that the records of the Department of Natural Resources shall note in accordance with provisions of RCW 79.90.460(3) that the property hereafter described possesses unique and significant natural values and shall be withdrawn from leasing, except for habitat restoration or conservation projects, for an indefinite term from the date of signature of this withdrawal order, and

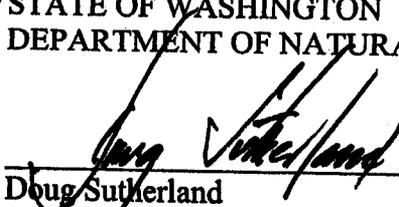
That portion of Middle Waterway abutting Blocks 33, 34a, 38, 38a and 38b of the Amended Supplemental Plat of Tacoma Tide Lands, Sheet 5, approved by the Board of State Land Commissioners October 7, 1902, described as follows:

The southerly 1595 feet of said Middle Waterway measured perpendicular to the south line of said Middle Waterway and the north line of said southerly 1595 feet being parallel to said south line of Middle Waterway. EXCEPTING THEREFROM, any first class tide lands previously sold by the State of Washington.

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

Dated this 10<sup>th</sup> day of May, 2004.

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES

  
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Doug Sutherland  
Commissioner of Public Lands

