



WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**

Peter Goldmark - Commissioner of Public Lands

## **Application for Use of State-owned Aquatic Lands**

**Applicant Name:** Whatcom County Public Works Department  
**County:** Whatcom  
**Water Body:** South Fork Nooksack River  
**Type of Authorization:** Right of Entry  
**Authorization Number:** In process  
**Term:** 5 years

**Description:** DNR is planning to approve a five year Right of Entry authorization to Whatcom County Public Works Department to install engineered log jams along a currently eroding bankline of the South Fork Nooksack River near Acme, WA. The project will stabilize the bank and increase salmon habitat functions.

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES  
DOUG SUTHERLAND, Commissioner of Public Lands

APPLICATION FOR AUTHORIZATION TO USE STATE-OWNED AQUATIC LANDS

I. SUBMISSION OF APPLICATION

**NO WORK CAN BE STARTED ON THE PROJECT AREA UNTIL A USE AUTHORIZATION HAS BEEN GRANTED BY THE DEPARTMENT OF NATURAL RESOURCES**

Enclose a \$25.00 non-refundable application processing fee with the application (**this fee is not required for local, state, and other government agencies**). This application form will be reviewed by the Department of Natural Resources upon receipt at the address given below. Applicants will be notified in writing if the application will be accepted for further review. However, this application may be rejected at any time before signed execution of a use authorization.

**APPLICATION MUST BE FILLED OUT IN BLUE OR BLACK PEN**

Please send the completed application form to your region land manager at:

Department of Natural Resources  
Attn - Terry Carten  
919 N. Township St.  
Sedro-Woolley, WA 98284

II. APPLICANT INFORMATION

Date of Application: April 6, 2009

Authorization to be Issued To (how name is to appear in the lease document): Whatcom County Flood Control Zone District  
care of Whatcom County Public Works

Address: 322 North Commercial Street, Suite 120

City: Bellingham State: WA Zip Code: 98225-4042  
Telephone Number: (360)676-6876 FAX Number: (360)738-2468

Applicant's Representative: Paula J. Cooper, P.E.

Relationship to Applicant: Flood Engineer, Whatcom County Flood Control Zone District

Address: 322 N. Commercial St Suite 120

City: Bellingham State: WA Zip Code: 98225-4042  
Telephone Number: (360)676-6876 FAX Number: (360) 738-2468

If Property will be used for business purposes, Applicants' Washington Department of Revenue Tax \*Registration Number (Unified Business Identifier) is Required: \_\_\_\_\_

FOR OFFICIAL USE ONLY

Land Manager: Type: (20, 21, 22, 23, 31, 51)

Land Manager:  New Application  Renewal Application

Land Manager: Initials \_\_\_\_\_ Aquatic Program Manager Initials \_\_\_\_\_

Support: Application Fee Received \_\_\_\_\_ Date \_\_\_\_\_

Land Records: New Application Number \_\_\_\_\_

Land Records: Trust \_\_\_\_\_ County \_\_\_\_\_ AQR Plate No. \_\_\_\_\_

Which of the following applies to Applicant (Check One and Attach written authority to sign - bylaws, power of attorney, etc):

Corporation \_\_\_\_\_ (State of Registration): \_\_\_\_\_ Government Agency X  
General Partnership \_\_\_\_\_ Limited Partnership \_\_\_\_\_ (State of Registration): \_\_\_\_\_  
Sole Proprietorship \_\_\_\_\_ Marital Community \_\_\_\_\_ (Spouse): \_\_\_\_\_  
Other \_\_\_\_\_ (Please Explain): \_\_\_\_\_

Has the site use been authorized before or is it currently under lease: Yes(##) \_\_\_\_\_ No \_\_\_\_\_ Don't Know X

**III. LOCATION**

The Body of Water on which the state property is located: South Fork Nooksack River  
County in which the state property is located: Whatcom  
Government Lot 3, Section 8, Township 37, Range 5 E/W

A LEGAL PROPERTY SURVEY INCLUDING THE LEGAL DESCRIPTION AND OTHER INFORMATION ABOUT THE PROPERTY IS REQUIRED TO OBTAIN A USE AUTHORIZATION. THE SURVEY REQUIREMENTS ARE DESCRIBED IN SECTION VII, PROPERTY SURVEY OF THIS FORM. THE SURVEY PLAT WILL BE ATTACHED TO THE LEASE AS EXHIBIT A. (DO NOT HAVE THIS SURVEY CONDUCTED UNTIL YOU HAVE BEEN NOTIFIED IN WRITING THAT THE APPLICATION HAS BEEN ACCEPTED FOR PROCESSING.)

Physical description of Project Area (For example, Marsh, Tideflat adjacent to the Chehalis River, etc.): Adjacent to the South Fork Nooksack River approximately 1500' upstream of the Highway 9 Bridge in Acme, WA. Also adjacent to an unnamed tributary to the South Fork Nooksack locally known as Landingstrip Creek (see attached Vicinity Map)

Name of Owner(s) of Uplands, Shorelands, and/or Tidelands shoreward and adjacent to the Property:

Name: Please see attached property owner list  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Phone Number: ( ) \_\_\_\_\_

EXCEPT FOR PROPERTY LOCATED WITHIN ESTABLISHED HARBOR AREAS, PROOF OF OWNERSHIP, OR AUTHORIZATION TO USE THE ADJACENT TIDELAND, SHORELAND, OR UPLAND PROPERTY MAY BE REQUIRED. IF THE APPLICANT IS THE OWNER OF THE ADJACENT LAND, ATTACH A COPY OF THE DEED OR CONTRACT OF SALE.

County Parcel No(s). for adjacent properties, upland, and/or adjacent tideland properties: please see attached property owner list

**IV. USE OF PROPERTY**

1. Describe, in detail, the proposed use of the Property.

This project generally consists of installing two or three large woody debris (LWD) structures on the left bank, the possible addition of LWD to an existing debris jam at the confluence of Landingstrip Creek, the removal of remnant riprap along the project site, and revegetation of all disturbed areas. The riprap rock removal will consist of a 'spyder' excavator plucking exposed rock from the bed of the river to eliminate the vane of rock that is splitting flow into bank. Please see the attached plans for a more detailed project description.

The intent of the project is so slow the lateral migration of the river and to provide fish habitat.

In-stream construction is scheduled to commence this summer during the fish window (July 1-September 1). Materials will be stockpiled and temporary erosion and sediment control measures will be installed prior to construction. Bare soils will be mulched or matted at the conclusion of construction, prior to fall rains. All disturbed areas will be planted during the winter 2009 to spring 2010

2. Is or will the Property be subleased to another party? Yes No (If yes, submit a copy of the sublease agreement.)
3. What are the current and past uses of the site? The project site spans four parcels, the northerly parcel is owned by the Whatcom County Flood Control Zone District (WCFCZD) and the southern three parcels are in private ownership (the project will be within a Whatcom County 200-foot easement area on the eastern boundary of these properties). The current use of northerly parcel owned by the WCFCZD is for passive recreation (e.g. bird watching, walking) and to accommodate flood waters. 4.8 acres of the property was planted in CREP and is being maintained to provide future shading and large woody debris recruitment to both the South Fork Nooksack and to Landingstrip Creek. The properties to the south have residences situated along the westerly edge of the parcels adjacent to SR9 (see landownership map). The primary use of these properties is residential with pastures to the east, these pastures are periodically mowed for hay.
4. Do you have any knowledge of contamination of the site by toxic or hazardous substances, or of past uses or practices that might have lead to contamination by such substances? If so, please explain: No
5. Do you know if any fill material has been placed on the property in question? If yes, please explain: No

PHYSICAL IMPROVEMENTS ARE STRUCTURES PLACED ON THE LAND THAT CANNOT BE REMOVED WITHOUT DAMAGE TO THE LAND. EXAMPLES OF SUCH STRUCTURES INCLUDE PILINGS, DOLPHINS, PIERS, WHARVES, PILING-SUPPORTED BUILDINGS, STRUCTURES BUILT ON FILL OR CONCRETE FOUNDATIONS, BURIED PIPELINES AND CABLES, AND SUPPORT STRUCTURES FOR BRIDGES.

**V. IMPROVEMENTS**

1. What physical improvements currently exist on the site? (Photos may be required.)  
There are no physical improvements currently within the project footprint
2. If there are physical improvements currently on the site, who owns them? \_\_\_\_\_
3. If there are physical improvements currently on the site, describe their condition: \_\_\_\_\_
4. Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed? \_\_\_\_\_
5. Describe any physical improvements that the applicant is proposing to construct on the site: The jams will be constructed of large woody debris "short cabled" to drilled rock ballast and placed in the river and extending up the eroding bank. Hydraulic excavator-driven wooden pilings will be used to provide additional structural integrity to the ballasted habitat structures along the bank. The structures are designed to create zero flood rise and to a 100-year flood standard.
6. Has any fill material been placed on the site? If Yes, please describe: No

**VI. LOCAL, STATE, AND FEDERAL REGULATORY PERMITS**

COPIES OF ALL GOVERNMENT REGULATORY PERMITS ARE REQUIRED BEFORE ISSUANCE OF A DNR USE AUTHORIZATION. YOUR PROJECT MAY REQUIRE SOME OR ALL OF THESE PERMITS.

Please include the following permit applications, permits, or waivers with the application:

**JARPA (Joint Aquatic Resource Permit Application)**

This one form is used to apply for all of the following individual permits:

1. Section 10 Permit (Required by the US Army Corps of Engineers for any work in or affecting navigable waters, e.g., floats, docks, piers, dredging, pilings, bridges, overhead power lines.)
2. Shoreline Substantial Development, Conditional Use, Variance Permit or Exemption (Issued by Local Government, and is required for work or activity in the 100 year floodplain, or within 200 feet of the Ordinary High Water mark of certain waters; and which included any one of the following: dumping, drilling, dredging, filling, placement or alteration of structures or any activity which substantially interferes with normal public use of the waters.)
3. Hydraulic Project Approval (Required by the Department of Fish and Wildlife if the project includes work that will use, divert, obstruct, or change the natural flow or bed of any fresh or salt water of the state.)
4. Section 404 Permit (Required by the US Army Corps of Engineers if your project will discharge or excavate any dredged or fill material waterward of the Ordinary High Water mark or the Mean Higher High Tide Line in tidal areas.)
5. Section 401 Water Quality Certification (Required by the Department of Ecology if a Section 404 permit is required.)

**NPDES (National Pollutant Discharge Elimination System Permit)**

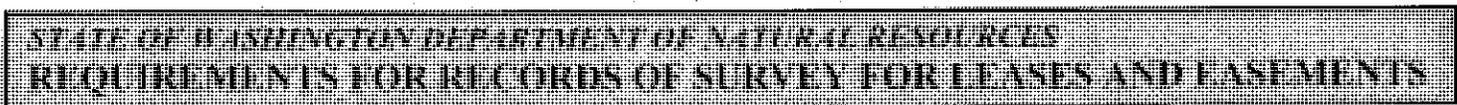
Required by the Department of Ecology under delegated authority from the Federal Environmental Protection Agency for projects that include the discharge of fluid on or into surface water.

**SEPA (State Environmental Policy Act) Checklist and Environmental Assessments**

When you submit a permit application to any agency, if the project is not exempt, the lead agency will ask you to fill out an environmental checklist. Based on checklist answers and the reviewers knowledge of the project site, agency personnel will determine the types of impacts the project may have on the environment. The agency assessments may be the following forms: Determination of Nonsignificance, Determination of Significance, scoping documents, draft or final Environmental Impact Statements (EIS) or others prepared for the purpose of compliance.

Describe any habitat mitigation required by any of the permitting agencies identified above and identify where such mitigation is proposed to occur: The permitting process is not yet finalized, however no habitat mitigation is anticipated for this project.

**VII. PROPERTY SURVEY**



**Records of Survey are required for easements and leases granted by the department for:**

- County roads
- Highways
- Easements across high value lands
- Easements across transition lands
- Utilities
- Upland leases
- Communication sites
- Other grants as determined by the department based upon site specific considerations
- Drainage or irrigation easements
- Railroads
- Aquatic land uses: exemptions are provided for recreational docks and mooring buoys per RCW 79.105.430 and for those permits issued as a Right of Entry

**The applicant is responsible for:**

- All costs and work associated with creating, submitting, revising and recording the Record of Survey
- Submitting a preliminary Record of Survey for review and approval by the department prior to approval of the agreement.
- Recording the final Record of Survey with the county auditor's office.

- Submitting a digital copy in AutoCAD.DWG or DXF (drawing exchange format) of the final survey.
- Submitting two full size copies and one 8 ½ X 11" copy and of the recorded survey including the auditor's recording information to the department.

**A Record of Survey must:**

1. **Be produced by a licensed surveyor.**
2. **Meet the requirements of Title 58 RCW and Chapter 332-130 WAC.**
3. Include the name of the applicant, the purpose of the easement or lease and the DNR easement or lease number.
4. Clearly show easement or lease boundaries with distances and directions of all boundary lines.
5. Show the easement or lease area to an accuracy of ( $\pm$ ) 0.5% of the total area or ( $\pm$ ) 10 square feet, whichever is greater.
6. **(Not required for aquatic lands lease across the bed of Puget Sound or the Pacific Ocean)** Indicate the acreage encompassed by the lease or easement within each quarter-quarter section or government lot.
7. Show distances and directions from two or more controlling corners of a recorded subdivision, recorded survey or government survey (GLO) corners.
8. Be related by meridian and coordinate to the Washington Coordinate System NAD'83(1991) by closed ties to NGS Control monuments, or the extension thereof. The designation of the control stations used shall appear on the plat.
9. Include a narrative legal description describing the servient estate (grantor's parcel) on the Record of Survey.
10. Show a detailed plan of improvements to be constructed or already existing on the easement or lease area. All improvements must be shown in sufficient detail to determine what they are used for and to ensure they are entirely within the easement area.
11. Show the location of any proposed utility.
12. **(linear lease or easement)** Show the lineal footage along the centerline.
13. **(linear lease or easement)** Show the complete alignment information and width including any necessary curve data.
14. **(Easements or leases crossing a section line or state ownership boundary, not required for aquatic lands lease across the bed of Puget Sound or the Pacific Ocean)** Provide ties to the centerline of an easement along the section or subdivision line from the nearest appropriate Public Land Survey System (PLSS) section corner, quarter section or subdivision corner, where the easement enters and leaves the section or state ownership.
15. **(Easements or leases falling entirely within one section and not crossing a section line or state ownership boundary)** Provide ties from both end points of the linear easement to PLSS corners or other subdivision corners shall be provided.
16. **(A lease which encroaches on a previously leased site)** Show the boundary for the senior lease in the vicinity of the proposed lease shall also be shown, together with ties between the two leases sufficient to determine the full extent of the encroachments.

**Additional Requirements for Communication Site Leases**

17. Show ties to the corners of previously monumented communication sites adjacent to, or in the immediate vicinity of the proposed communication site.
18. Show access to the site.
19. Mark the corners of the communication site, as described and granted, with substantial permanent magnetically locatable monuments. The monuments shall be in place and obviously marked on the ground after the construction of installations and

improvements.

20. Show the center of any communication site tower by Washington Plane Coordinates, NAD83 (1991), or latitude and longitude. NAD83 datum must be used to determine global location coordinates and must be in **decimal degrees**. Coordinates must have at least **five** decimal places to the right of the decimal point and include a negative longitude.
21. On all communication sites where towers or beam paths are shown, an elevation is required at the base of the tower.
22. Show the tower height, and the height of the antenna or microwave dish and any beam path used shall have the diameter and tilt thereof shown.
23. The elevation shall be derived from an established benchmark in the vicinity of the site, or an elevation designated by the Department of Natural Resources.

### **Additional Requirements for Aquatic Land Uses**

24. The lease of aquatic lands is often subject to preference rights. Applicants and surveyors should carefully determine the direction, and show details of the proration of coves and irregular shoreline.
25. **(lease sites which contain existing or proposed structures and improvements that are classified as a non water-dependent or a water oriented use as described within RCW 79.105.060 and WAC 332-30-106)** Provide the square footage of each structure and improvement.

### **Additional Requirements for Aquatic Land Uses (cont.):**

26. Where applicable, the survey of aquatic lands must show the location of the following lines for:
  - a. Tidal areas –Government meander line, the original and current locations of line of mean high tide, line of mean low tide, and line of extreme low tide. The survey must include the name of tidal bench mark(s) used or describe the alternate method employed for determining a Tidal Datum. **Lease areas which contain tidelands and bedlands** at a minimum must show the location of the line of extreme low tide crossing the lease area. **Lease areas containing bedlands exclusively** may be required to show the relationship to the line of extreme low tide and the -18 foot contour line only.
  - b. Lakes –Government meander line, line of ordinary high water (original ordinary high water if the lake has experienced artificial raising or lowering of the water level), and line of ordinary low water (include source of data) and line of navigability if established.
  - c. Rivers - Line of ordinary high water and line of ordinary low water (include source of data) and line of navigability if established.
  - d. Lots and blocks of platted tide lands or shore lands, inner and outer harbor lines, waterway lines, street boundaries, any local construction limit lines, any dredge or fill areas, and easements of record within the lease site.
  - e. All lines must be shown in sufficient detail to compute and show the area of each area of State-owned bedlands, tidelands, shore lands, harbor area, or waterways included within the proposed lease site.

**Include any other data necessary for the complete understanding of the information shown on the survey. If, in the opinion of the department, such information is lacking, the survey may be rejected.**

### **Record of Survey Revisions:**

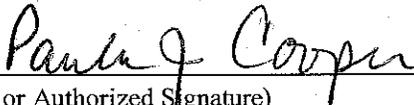
27. Any differences between the as-built road and the regulation plat must be reflected in a revised Record of Survey and recorded with the county by the applicant.
28. When any portion of the completed improvements are located outside of the granted lease site, the as-built locations must be reflected in a revised Record of Survey and legal description. In this instance, a new application for an amended lease site may be required if the as-built location creates adverse impacts. In the case of linear leases across the bed lands of the sound or the ocean,

an as-built Record of Survey and a revised legal description of the linear lease must be provided.

**Survey Requirements updated July 2002.**

**All answers and statements are true and correct to the best of my knowledge.**

Applicant Paula J. Cooper, P.E.  
(Please Print)

Signed   
(Applicant or Authorized Signature)

Title Flood Engineer, Whatcom County Flood Control Zone District

Agency Whatcom County Flood Control Zone District

Date 4-6-09

**For additional information contact one of the following region offices:**

- |   |   |   |
|---|---|---|
| <b>Southeast Region</b><br>713 Bowers Rd<br>Ellensburg, WA 98926-9341<br>509-925-8510<br>TTY: 509-925-8527                | <b>Olympic Region</b><br>411 Tillicum Ln<br>Forks, WA 98331-9797<br>360-374-6131<br>TTY: 360-374-2819                           | <b>Northwest Region</b><br>919 N Township St<br>Sedro-Woolley, WA 98284-9333<br>360-856-3500<br>TTY: 360-856-1371 |
| <b>Northeast Region</b><br>P.O. Box 190<br>225 S Silke Rd<br>Colville, WA 99114-0190<br>360-684-7474<br>TTY: 509-684-7474 | <b>Pacific Cascade Region</b><br>P.O. Box 280<br>601 Bond Rd<br>Castle Rock, WA 98611-0280<br>360-577-2025<br>TTY: 360-577-2025 | <b>South Puget Sound Region</b><br>950 Farman Ave N<br>Enumclaw, WA 98022<br>360-825-1631<br>TTY: 360-825-6381    |
-

Joins map 23

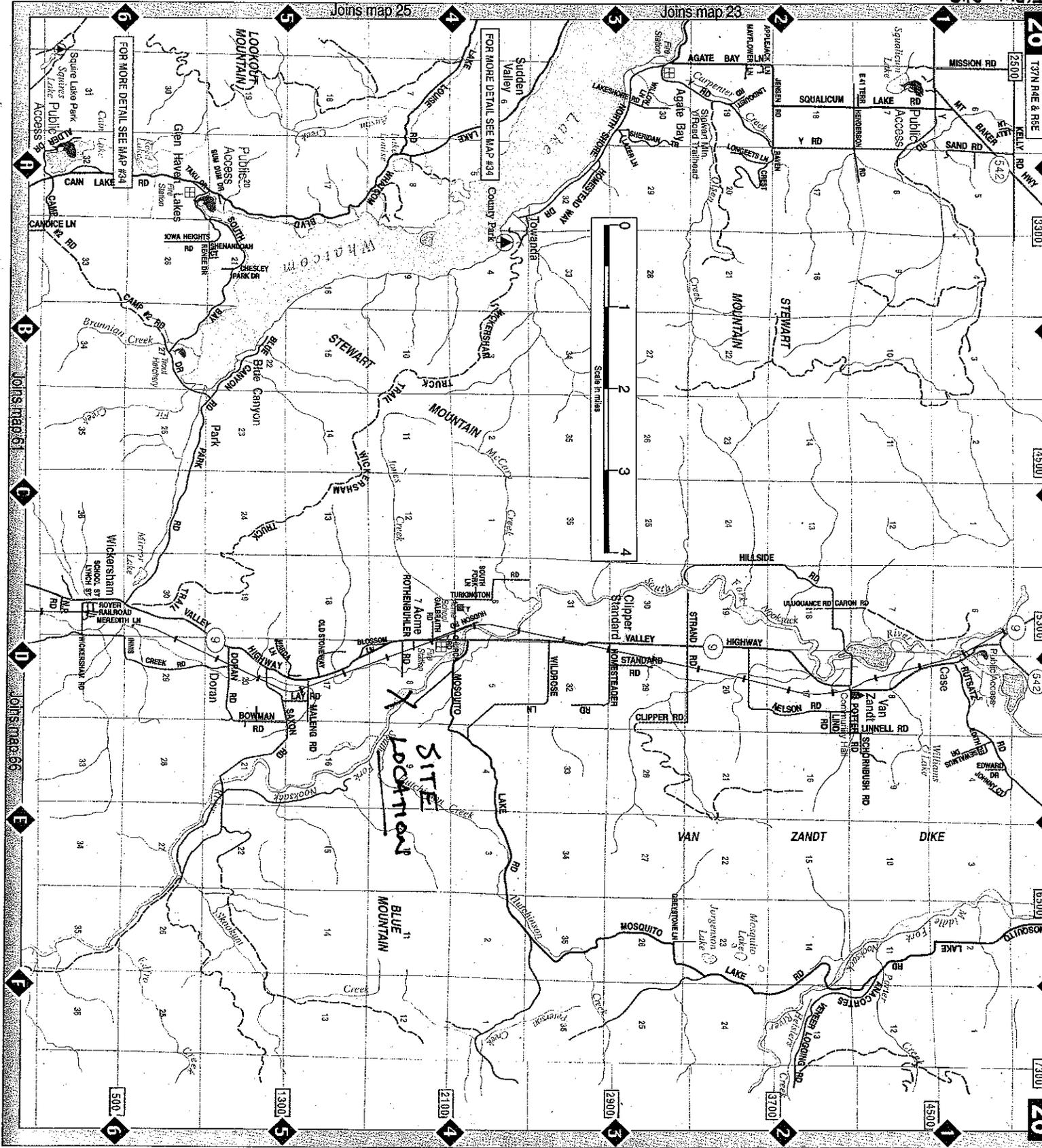
Joins map 25

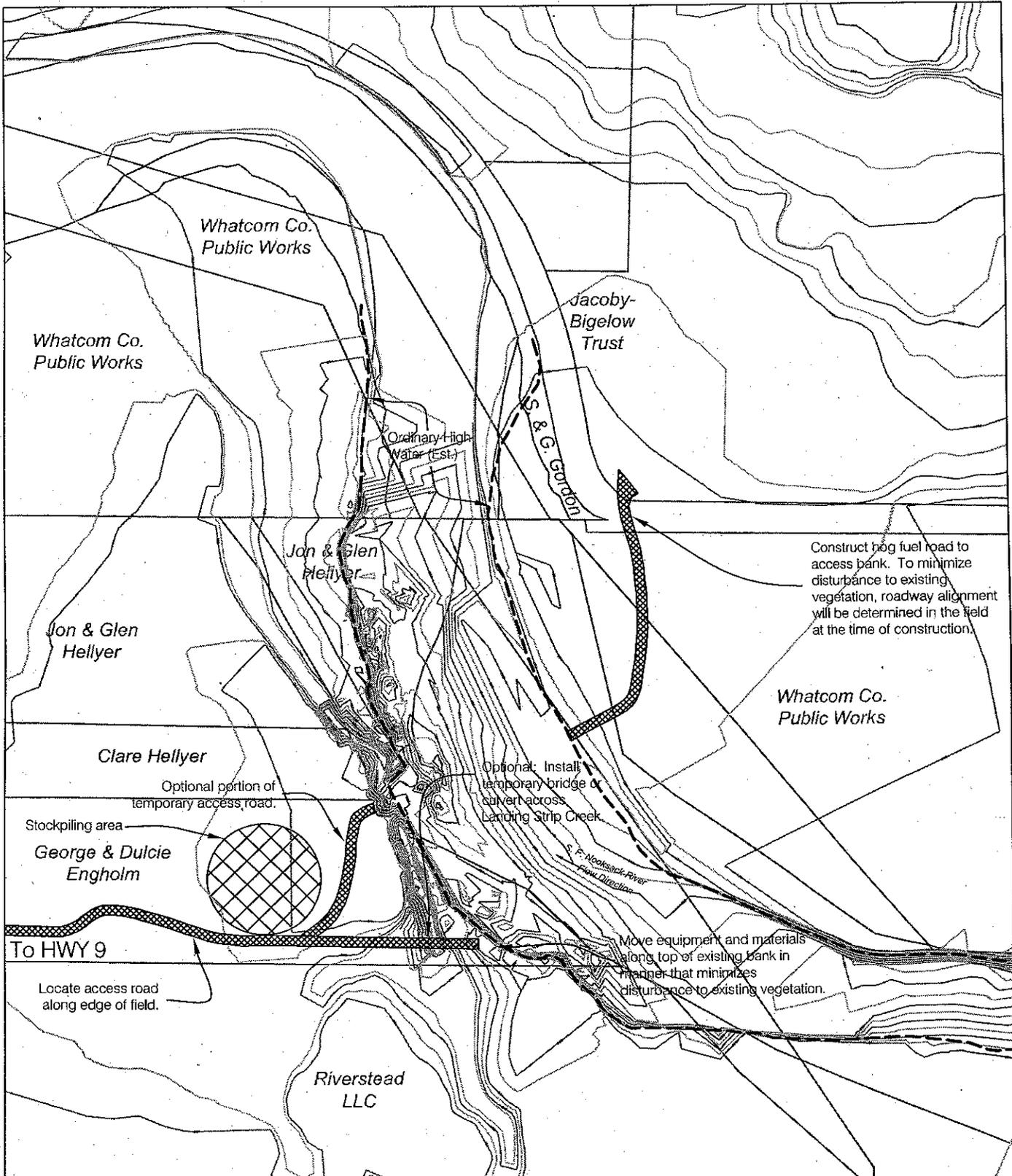
FOR MORE DETAIL SEE MAP #34

FOR MORE DETAIL SEE MAP #34



Copyright © 2003, A. W. Tanner





Vertical Datum: NAVD 88  
 Scale: 1"=200'

SCALE: 1"=200'	PROJECT # 21527
DESIGNED: ERR	CHECKED:
DRAWN: ERR	DATE: 3/13/2009

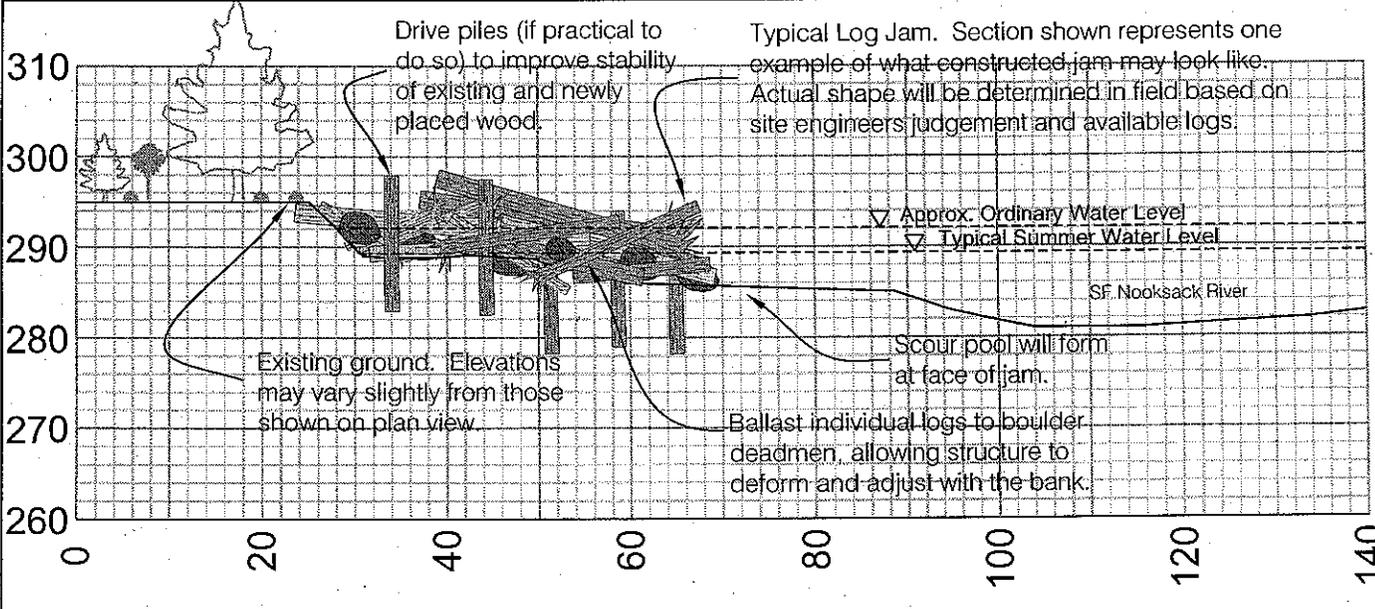
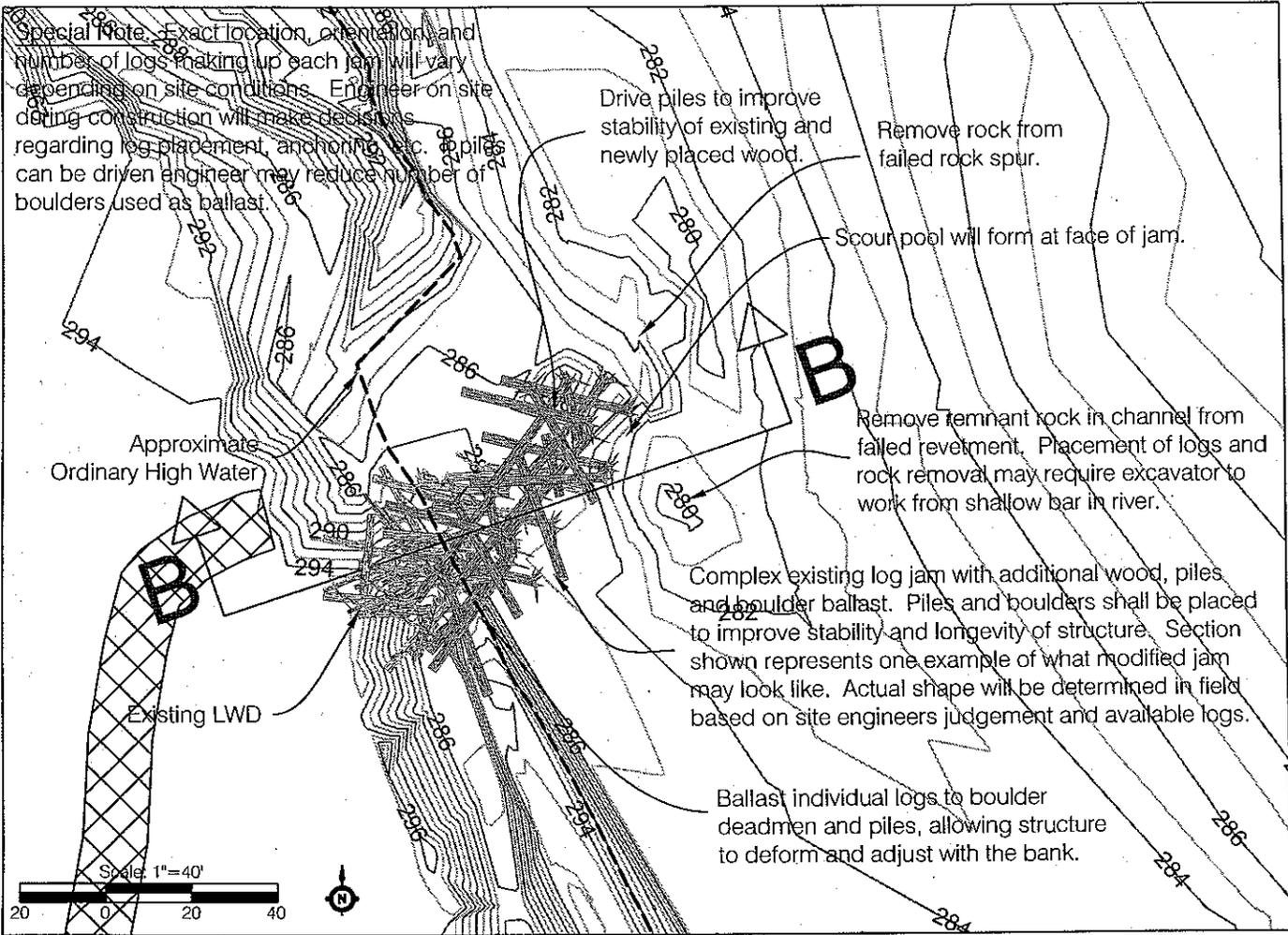
Department of Public Works  
 322 N. Commercial Street, Suite 210  
 Bellingham, Washington 98225  
 Telephone: (360) 676-6892

**Wilson**  
 SURVEY ENGINEERING  
 805 Dupont Street, Suite #7  
 Bellingham, WA 98225  
 phone: (360) 733-6100 fax: (360) 647-9061

South Fork Nooksack at Acme, Washinton  
 Habitat Restoration and Bank Protection  
 Access and Stockpiling Plan

northwest hydraulic consultants  
 16300 Christensen Rd Suite 350  
 Seattle, WA 98188-3418  
 phone: (206) 241-6000  
 fax: (206) 439-2420  
 www.nhwc.com

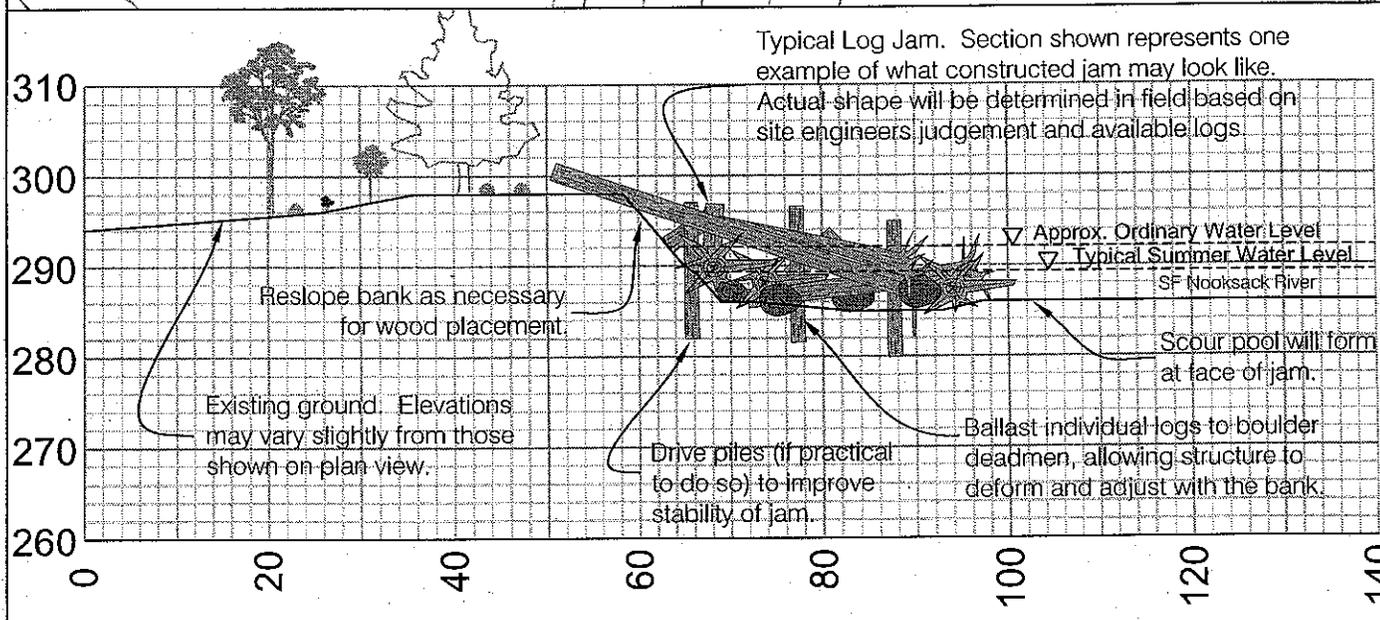
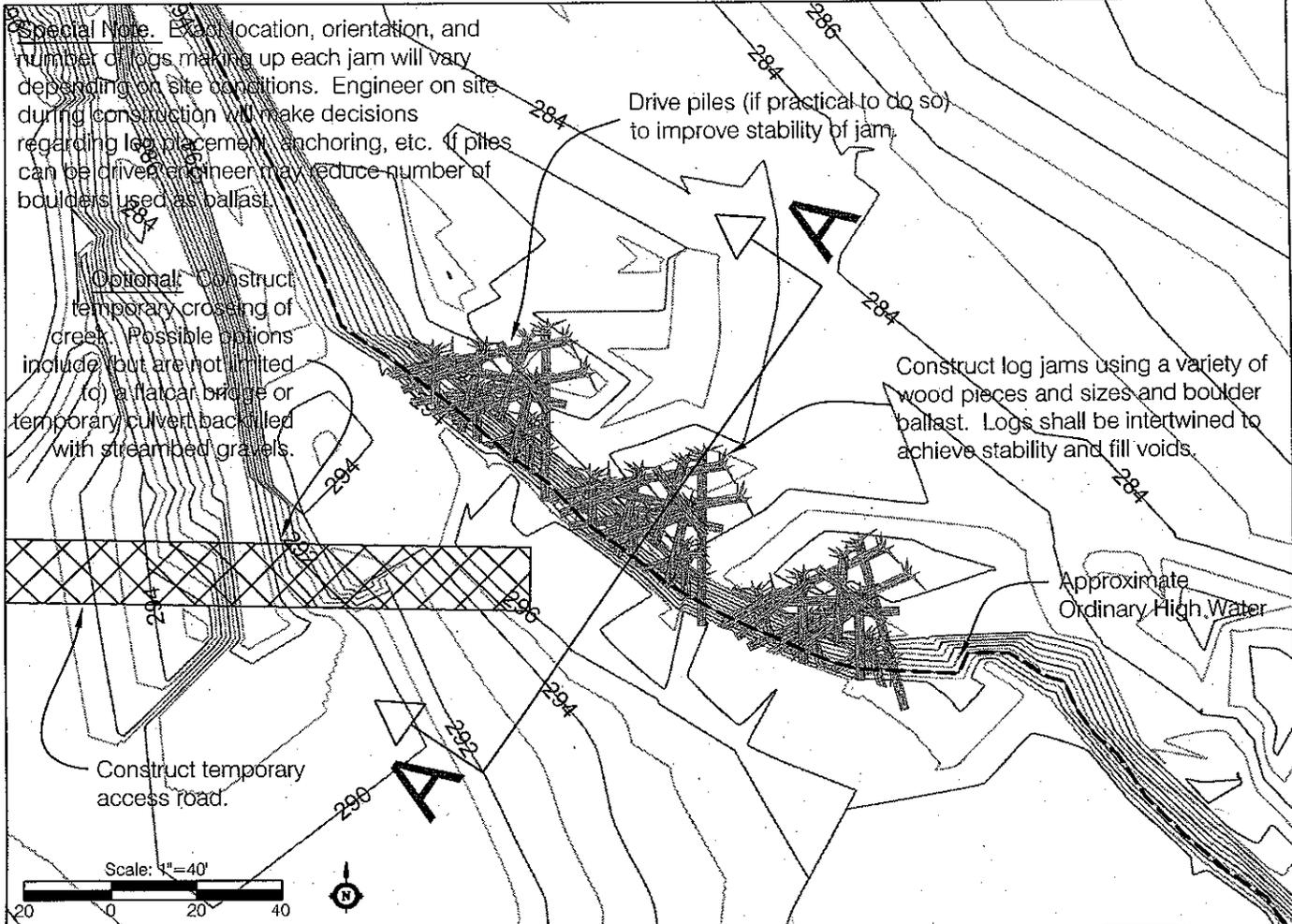
FIGURE:  
**nhc**  
 4



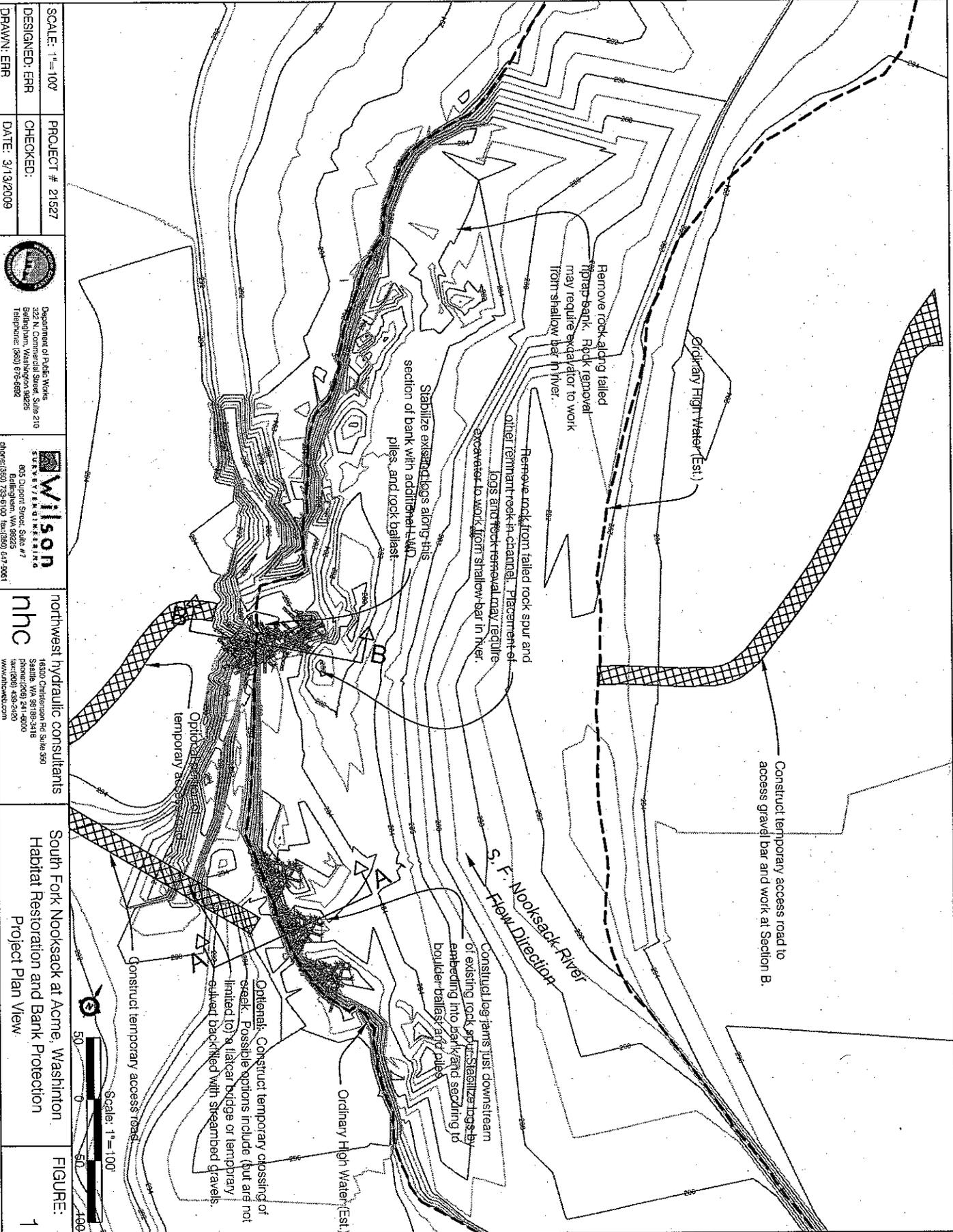
Vertical Datum: NGVD29  
Scale: 1"=20'

South Fork Nooksack at Acme, Washinton  
Habitat Restoration and Bank Protection  
Section B - Reinforce Existing Log Jam

SCALE: As Shown	PROJECT # 21527	Department of Public Works 322 N. Commercial Street, Suite 210 Bellingham, Washington 98225 Telephone: (360) 676-5082	<b>Wilson</b> SURVEY ENGINEERING 605 Dupont Street, Suite 47 Bellingham, WA 98225 phone: (360) 733-6100 fax: (360) 647-9061	northwest hydraulic consultants	FIGURE:	
DESIGNED: ERR	CHECKED:			nhc	16300 Christensen Rd Suite 350 Seattle, WA 98188-3418 phone: (206) 241-6000 fax: (206) 439-2420 www.nhweb.com	3
DRAWN: ERR	DATE: 3/13/2009					



SCALE: As Shown		PROJECT # 21527		<p>Department of Public Works 322 N. Commercial Street, Suite 210 Bellingham, Washington 98225 Telephone: (360) 676-6692</p>	<p><b>Wilson</b> ENGINEERING 805 Dupont Street, Suite #7 Bellingham, WA 98225 phone: (360) 793-6100 fax: (360) 647-9061</p>	South Fork Nooksack at Acme, Washinton Habitat Restoration and Bank Protection: Section A - Log Jam Construction		northwest hydraulic consultants 16300 Christensen Rd Suite 350 Seattle, WA 98188-3418 phone: (206) 241-8000 fax: (206) 438-2420 www.nhcweb.com	FIGURE:  2
DESIGNED: ERR		CHECKED:							
DRAWN: ERR		DATE: 3/13/2009							



Department of Public Works  
 522 N. Commercial Street, Suite 210  
 Bellingham, WA 98225  
 Telephone: (360) 675-9222

**Wilson**  
 SURVEYING & ENGINEERING  
 605 Dupont Street, Suite #7  
 Edinburg, VA 22824  
 phone: (803) 735-9100 fax: (803) 647-2004

northwest hydraulic consultants  
**nhc**  
 16400 Chilesman Rd Suite 300  
 Seattle, WA 98188-3418  
 phone: (206) 241-4000  
 fax: (206) 485-2420  
 www.nwc.com

South Fork Nooksack at Acme, Washington  
 Habitat Restoration and Bank Protection  
 Project Plan View



FIGURE: 1