



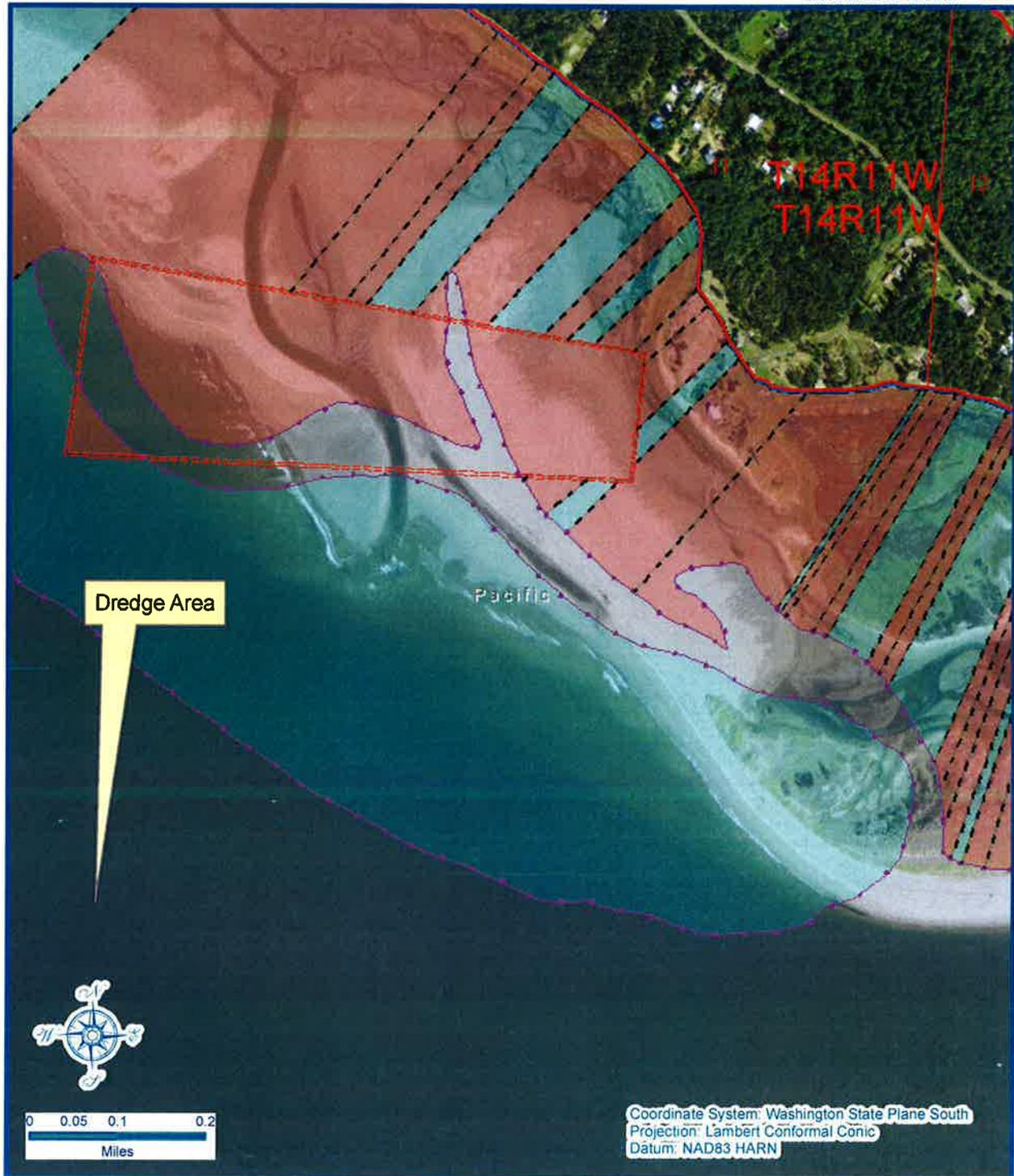
WASHINGTON STATE DEPARTMENT OF
Natural Resources
Peter Goldmark - Commissioner of Public Lands

Application for Use of State-owned Aquatic Lands

Applicant Name: Shoalwater Bay Indian Tribe
County: Pacific County
Water Body: Willapa Bay
Type of Authorization - Use: Material Sales – Dredge
Authorization Number: 31-085507
Term: 12 years

Description: This agreement will allow the use of State-owned aquatic lands for the sole purpose of sand borrowing for beach nourishment. It is located in Willapa Bay, in Pacific County, Washington.

**Shoalwater Bay Indian Tribe
Authorization No. 31-085507
Authorized Use: Material Sales- Dredge
Location: Pacific County, Willapa Bay**



Vicinity Map

Every attempt was made to use the most accurate and current geographic data available. However, due to multiple sources, scales, and the currency of the data used to develop this map Washington Department of Natural Resources cannot accept responsibility for errors and omissions in the data. Furthermore, this data is not survey grade information and cannot be substituted for an official survey. Therefore, there are no warranties that accompany this material

Legal Description

Lat: 46.70083N, Long: 124.0181W; 11-14N-11W

Prepared By: BHL Date:3-3-2010

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
PETER GOLDMARK, Commissioner of Public Lands

**APPLICATION FOR AUTHORIZATION TO USE STATE-OWNED AQUATIC LANDS
v.1**

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

I. SUBMISSION OF APPLICATION

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
[Region/District Address]

II. APPLICANT INFORMATION

Date of Application: January 22, 2010

Authorization to be Issued To (how name is to appear in the lease document): Shoalwater Bay Indian Tribe

Applicant's Representative: James J. May

Relationship to Applicant: Tribe's Project Manager & Consultant

Address: 17911 SE 13 th Cir	P.O. Box 130	City: Vancouver Tokeland	State: WA	Zip Code: 98683 98590
Telephone: 360.721.5501	Fax: 360.256.7045		E-Mail: jmayvision@cs.com	

FOR OFFICIAL USE ONLY Support staff: Application Fee Received JARPA Received Date: 1/25/10

Land Manager: New Application; Renewal Application Land Manager Initials _____

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

Land Records: New Application Number 31-085507 Trust 15 ; County 25 ; AQR Plate No. TS25-012
Note 14

II. APPLICANT INFORMATION cont'		
Department of Revenue Tax *Registration Number (Unified Business Identifier) is Required: Not Applicable, applicant is Federally recognized Native American Tribe.		
Which of the following applies to Applicant (Check One and Attach written authority to sign - bylaws, power of attorney, etc):		
Corporation <input type="checkbox"/> State of Registration:	Limited Partnership <input type="checkbox"/> State of Registration:	General Partnership <input type="checkbox"/> State of Registration:
Sole Proprietorship <input type="checkbox"/>	Marital Community Spouse: <input type="checkbox"/>	Government Agency <input type="checkbox"/>
Other <input checked="" type="checkbox"/> (Please Explain:) Federally and State recognized Native American Tribe		
Has the site use been authorized before or is it currently under lease? Yes <input type="checkbox"/> Lease Number: No <input type="checkbox"/> Don't Know <input checked="" type="checkbox"/>		

III. LOCATION			
The Body of Water on which the state property is located: Willapa Bay/Shoalwater Bay, off coastline of Tokeland, WA	County in which the state property is located: Pacific County	Government Lot: 1 and 2	
	Section: 11 and 12	Township: 14 North	
	Range: 11W, W.M.	E <input type="checkbox"/> or W <input checked="" type="checkbox"/>	
Note: A legal property survey including the legal description and other information about the property is <u>required</u> to obtain a use authorization. WA DNR survey requirements are attached to this form. The survey plat will be attached to the lease/easement 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.): Tract of aquatic land described as Tidelands and Marine bed lands. See attached "Legal Description" documents.			
Name of Owner(s) of Uplands, Shorelands, and/or Tidelands shoreward and adjacent to the Property: Shoalwater Bay Indian Tribe, the State of Washington, and multiple private owners.			
Address:	City:	State:	Zip Code:
Phone Number:	Fax Number:	E-mail:	
Note: 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.			

County Parcel No(s). for adjacent properties, upland, and/or adjacent tideland properties: Provided as attached spread sheets identified as " Inside Project Area 'X' and Outside Project Area 'X' "

IV. USE OF PROPERTY

Describe, in detail, the proposed use of the Property:

Aquatic land properties to be used for "borrow" of sand materials for use in construction off-shore barrier protection to ameliorate storm surge and destructive waves. This Federal Government Project, authorized by Congress, is further intended to provide near-shore environmental habitat restoration.

Is or will the Property be subleased to another party? Yes No
If yes, submit a copy of the sublease agreement.

What are the current and past uses of the site?

Previously a barrier dune and off-shore protection existed. Original use destroyed over time; protection to be restored.

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? Yes No
If so, please explain:

Extensive tests have been conducted by both local laboratories and U.S. Army Corps of Engineers. Site contains no known toxic or hazardous materials.

Do you know if any fill material has been placed on the property in question? Yes No
If yes, please explain:

Authorized U.S. Army Corps of Engineers fill was placed on site of barrier dunes six to seven years ago.

V. IMPROVEMENTS

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.

What physical improvements currently exist on the site? (Photos may be required.) None

If there are physical improvements currently on the site, who owns them? N/A

If there are physical improvements currently on the site, describe their condition: N/A

Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed? N/A
Describe any physical improvements that the applicant is proposing to construct on the site: None
Has any fill material been placed on the site? Yes X No <input type="checkbox"/> If Yes, please describe: Authorized U.S. Army Corps of Engineers fill was placed on site of barrier dunes six to seven years ago.

VI. LOCAL, STATE, AND FEDERAL REGULATORY PERMITS Copies of all Government Regulatory Permits, or Permit Waivers Are Required <u>Before</u> Issuance of a DNR Use Authorization. Your project may require all or some of the following.
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: <ol style="list-style-type: none"> 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.) Shoreline Substantial Development, Conditional Use, Variance Permit or Exemption (Issued by Local Government, and is required for work or activity in the 100 year flood plain, 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.) 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.) 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.) 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: No known mitigation required.

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

Applicant Name (please print): Shoalwater Bay Indian Tribe	Title: Project Manger & Consultant to the Applicant
Applicant or Authorized Signature: <i>James J. May</i>	Date: <i>1/22/10</i>

The following are attached:

- DRAFT copy of the Legal Warranty Deed, including, ~~as Appendix "A"~~; Legal Description of borrow site
- Legal description of Parcel "X"

**STATE OF WASHINGTON DEPARTMENT OF NATURAL RESOURCES
REQUIREMENTS FOR RECORDS OF SURVEY FOR LEASES AND
EASEMENTS**

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.

A Record of Survey must (cont.):

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.
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.

Additional Requirements for Aquatic Land Uses (cont.):

- 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 Information updated July 2002.

For additional information contact one of the following region offices:

Southeast Region
713 Bowers Rd
Ellensburg, WA 98926-9341
509-925-8510
TTY: 509-925-8527

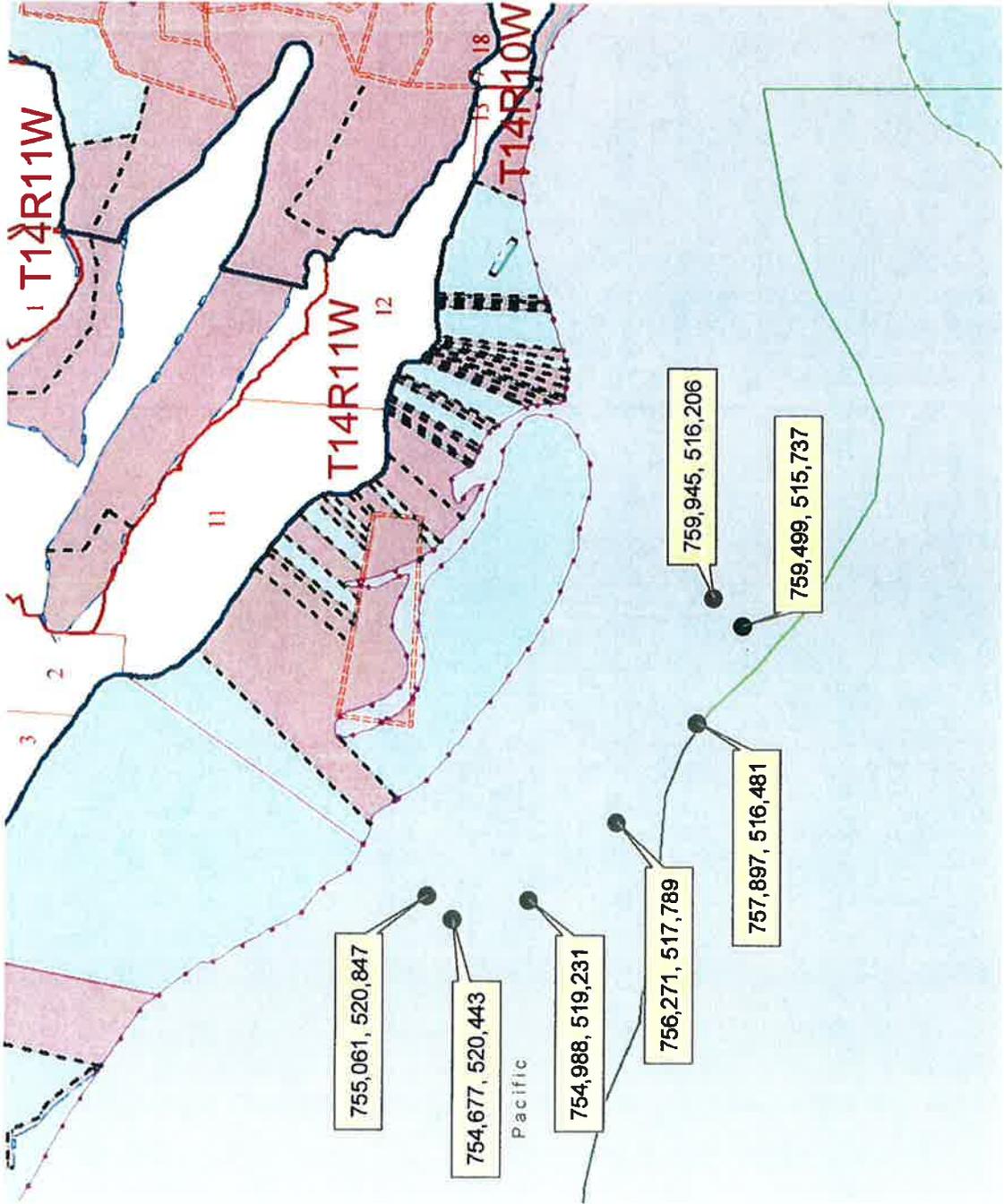
Northeast Region
P.O. Box 190
225 S Silke Rd
Colville, WA 99114-0190
360-684-7474
TTY: 509-684-7474

Olympic Region
411 Tillicum Ln
Forks, WA 98331-9797
360-374-6131
TTY: 360-374-2819

Pacific Cascade Region
P.O. Box 280
601 Bond Rd
Castle Rock, WA 98611-0280
360-577-2025
TTY: 360-577-2025

Northwest Region
919 N Township St
Sedro-Woolley, WA 98284-9333
360-856-3500
TTY: 360-856-1371

South Puget Sound Region
950 Farman Ave N
Enumclaw, WA 98022-9282
360-825-1631
TTY: 360-825-6381



When recorded return to
Shoalwater Bay Indian Tribe
C/O James J. May
17911 SE 13th Circle
Vancouver, WA 98683

Grantor: State of Washington - Department of Natural Resources

Grantee: Shoalwater Bay Indian Tribe

Abbreviated Legal Description: Tract of aquatic land located southwesterly of Sections 11 and 12 in Township 14 north, range 11 west, W.M., Pacific County

Tax Identification #:

WARRANTY EASEMENT DEED

The Grantor, Washington State Department of Natural Resources, for and in consideration of Zero DOLLARS (\$ 0.00) in hand paid, the receipt of sufficiency of which is hereby acknowledged, for his/her/their successors and assigns, does hereby grant and convey to Shoalwater Bay Indian Tribe and its assigns, an assignable easement for the uses and purposes set forth hereinafter in connection with the Shoalwater Bay Erosion, Flood And Coastal Storm Damage Reduction Project, in, upon, over and across the following described parcel of land situate, lying and being in the County of Pacific, State of Washington:

LEGAL DESCRIPTION: Tract of aquatic land located southwesterly of Sections 11 and 12 in Township 14 north, range 11 west, W.M., Pacific County. Note attached Figures 1 and 2.

Coordinates of primary borrow site are listed below:

	Easting, WA State Plane South NAD83, feet	Northing, WA State Plane South NAD83, feet
1	755061	520847
2	754677	520443
3	754988	519231
4	756271	517789
5	757897	516481
6	759499	515737
7	759945	516206

The easement and rights hereby granted include the right, power, privilege and easement in, on, over and across the above described property for the following purposes:

A perpetual and assignable easement and right-of-way in, on, over and across the land described in Schedule A to construct, operate, maintain, patrol, repair, renourish, and replace an off-shore berm or dune and appurtenances thereto, including the right to borrow and/or deposit fill, together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and other vegetation, structures, or obstacles within the limits of the easement, and the right to plant and maintain vegetation; reserving however, to the grantor, the State of Washington, all such rights and privileges as may be used without interfering with or abridging the rights and easements hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal this ____ day of _____, 20__.

Grantor(s):

STATE OF WASHINGTON)
County of _____) Ss

On this ____ day of _____, 20__, before me the undersigned, a Notary Public for the State of Washington, personally appeared _____, known to me to be the person(s) whose names are subscribed to the within and foregoing instrument and being first duly sworn, acknowledged to me that they executed the same as their free and voluntary act for the uses and purposes mentioned in this instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public in and for the State of Washington
Residing at _____
My Commission expires: _____

