



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

## Application for Use of State-owned Aquatic Lands

Applicant Name:	Port of Bellingham
County:	Whatcom County
Water Body:	Bellingham Bay
Type of Authorization- Use:	Easement- Material Storage
Authorization Number:	51-087624
Term:	Five (5) years
Description:	This agreement will allow the use of State-owned aquatic lands for the sole purpose of storing dredged material from Squalicum harbor for likely beneficial reuse as remedial cap material in the future. It is located in Bellingham Bay, in Whatcom County, Washington.

Date of Public Notice: July 15, 2011



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**APPLICATION FOR AUTHORIZATION TO  
 USE STATE-OWNED AQUATIC LANDS**

The application will not begin work on the project area until the state is notified of the completion of the application. The application is a Use Authorization.

**I. SUBMISSION OF APPLICATION**

DNR will review your application and post it on the DNR Leasing and Land Transactions website as public information. Instructions:

- Fill out the application by computer or by hand in blue or black ink.
- Send the completed form to the appropriate district office in the table below.
- Enclose a \$25.00 non-refundable application processing fee with the application. This fee is not required for local, state, and other government agencies.
- DNR will notify applicants in writing if the application is accepted for further review, and may reject the application at any time prior to the signed execution of a use authorization.
- Your project may require regulatory permits. Please do not apply for regulatory permits until you have discussed your proposal with your designated land manager.

**For additional information, contact the office that serves your county:**

Aquatic Lands Offices	Counties Served
Rivers District 601 Bond Road PO Box 280 Castle Rock, WA 98611-0280 (360) 577-2025	All of Eastern Washington, Grays Harbor, and Pacific counties Thurston (fresh water only), Lewis, Wahkiakum, Cowlitz, Clark, and Skamania counties
Orca Straits District 919 N Township Street Sedro Woolley, WA 98284-9384 (360) 856-3500	Island, Skagit, Snohomish, San Juan, and Whatcom counties
Orca Straits District 5310 Eaglemount Rd Chimacum, WA 98325-9720 (360) 732-05	Jefferson and Clallam counties
Shoreline District 950 Farman Avenue N Enumclaw, WA 98022-9282 825-1631	King, Pierce, Kitsap, Thurston (marine waters), and Mason counties

FOR OFFICIAL USE ONLY Support staff: Application Fee Received  *waived gov't agency* Date: 7/13/11  
 Land Manager Initials TMC  
 Nature Use Code Z936  
 Land Records: New Application Number \_\_\_\_\_, Trust \_\_\_\_\_, County \_\_\_\_\_, AQR Plate No. \_\_\_\_\_

**IV. LOCATION**

On what body of water is the state property? Bellingham Bay	County: Whatcom	Government Lot:
	Section: 36	Township: 38N
	Range: 02E	East [2] or West <input checked="" type="radio"/>

Note: DNR requires a legal property survey before they approve a use authorization. You do not need to furnish a survey now. The DNR survey requirements are included on this form.

Physical description of Project Area (For example, marsh, tideflat adjacent to the Chehalis River, etc.):  
Filled aquatic land adjacent to Bellingham Bay.

Name of owner(s) of uplands, shorelands, and/or tidelands shoreward and adjacent to the Property: Port of Bellingham & City of Bellingham

Address: P.O. Box 1677	City: Bellingham State: WA	Zip Code: 98227
Phone Number: (360) 676-2500	Fax Number (360) 671-6411	E-mail:

Note: DNR may require proof of ownership, or authorization to use the adjacent tideland, shoreland, or upland property, except for established Harbor Areas.

Attach a copy of the deed if you own the adjacent upland property.  
County parcel numbers for adjacent upland, and/or tideland properties: 3802363863080000

**V. USE OF PROPERTY**

Describe the proposed use of the Property in detail:  
Environmental Cleanup as an Interim Action under the Washington State Model Toxics Control Act (MTCA). Interim Action will provide fill material that provides environmental cap to limit surface water infiltration and contaminant transport. Use is anticipated to be continued vacant industrial land until completion of final cleanup action under MTCA. Following final cleanup, use is anticipated to transition into public park and shoreline access.

Do you plan to sublease the Property? Yes  No [2] If yes, submit a copy of the sublease.

Do you know the current and past uses of the site? Please describe them here.  
The site is currently vacant, industrial zoned land. Historical use includes tide flats and subtidal areas and sawmilling from the late 1800's to 1946. The site was used as a municipal waste landfill from the 1950's to the late 1960's. From 1965 to the 2005 the site was utilized for various timber related industrial uses, log storage, and warehousing.

Do you know of any toxic or hazardous substances on the site or past situations that could have caused

**VI. IMPROVEMENTS**

Additions within, on, or attached to the land, or anything considered a fixture (RCW 79.105.060(6)). Examples include: pilings, dolphins, piers, wharves, buildings, pipelines and cables, and structures for bridges

What improvements currently exist on the site? DNR may require photos.  
None

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

Will you remove or remodel any of the existing improvements? Yes  No  [8J

Do you plan to construct any improvements? Yes. If yes, please describe:  
The Interim Action will place up to 41,000 cubic yards of fill material on the property. The fill is intended to act as a component of a larger, final environmental cap that will reduce surface water infiltration and contaminant transport. Because the physical properties of the fill material are low-permeability, landfill gas that may be generated at the site will need to be safely collected and vented. A passive landfill gas collection system will be installed prior to the placement of the low-permeability fill.

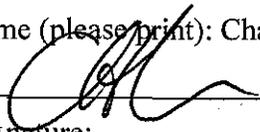
Is there any fill material on the site? Yes  No  If yes, please describe:  
The entire site is currently composed of approximately 400,000 cubic yards of municipal waste landfill covered with approximately 2 feet non-engineered soil cover.

Describe any habitat mitigation any permitting agency requires of you and where on this project it will occur: N/A

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

Applicant name (please print): Charles Sheldon

Title: Executive Director, Port of Bellingham

Applicant Signature: 

Date: ) ( // { (

Authorized Agent name (please print):

Title:

Authorized Agent signature:

Date:

*For the Applicant's convenience, the following pages 5 through 8 contain some information on potential permit and survey requirements.*



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## 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
- Drainage or irrigation easements
- 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
- Other grants as determined by the department based upon site specific considerations
- Upland leases
- Utilities
- Communication sites
- Railroads

### 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 1/2 X 11" copy and of the recorded survey including the auditor's recording information to the department.

### A Record of Survey must:

- I. 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 ( $\pm$ D) 0.5% of the total area or ( $\pm$ D) 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.
- II 0. 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.
- II. Show the location of any proposed utility.
12. (linear lease or easement) Show the lineal footage along the centerline.

- 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.

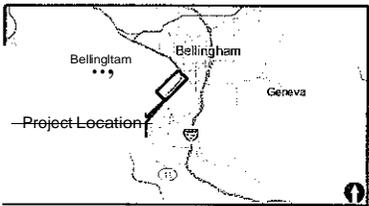
*Survey Information updated July 2002*



**Planned Action:** Place and temporarily cap beneficial reuse material. Install landfill gas control system.

**Planned Action:** Offload, dewater, and moisture condition beneficial reuse material.

**Transportation Route**



-  Sediment Moisture Conditioning Area
-  Interim Action Area
-  Upland Site Boundary



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Cornwall Avenue Landfill Interim Action  
Project Features Map  
Figure 2

10x8.4/26/2011 NAD, 1983 State Plane Washington North FIPS 4601 Feet