



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

## Application for Use of State-owned Aquatic Lands

**Applicant Name:** Pacific Northwest National Laboratory, Battelle Memorial Institute, Pacific Northwest Division

**County:** San Juan County

**Water Body:** Haro Strait

**Type of Authorization - Use:** ROE – Scientific Buoy

**Authorization Number:** Pending

**Term:** 1 year

**Description:** This agreement will allow the use of State-owned aquatic lands for the sole purpose of conducting a trial for developing a Marine Animal Alert System to help prevent harmful interactions between underwater turbines generating power from tidal currents and marine animals of concern. It is located in Haro Strait, in San Juan County, Washington.

Date of Public Notice: July 14, 2011



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

Project:  
 Marine Animal Alert  
 System (MAAS)  
 Phase 2 of 2  
 Hara Strait

## APPLICATION FOR AUTHORITY TO USE STATE-OWNED AQUACULTURE

**No work can be started on the project area until authorization has been granted by the state Department of Natural Resources**

### I. SUBMISSION OF APPLICATION

This application form will be reviewed by the state Department of Natural Resources upon receipt at the address given below, and also posted on the DNR website as public information. 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:

Washington State Department of Natural Resources  
 Attn: Brady Scott  
 5310 Eaglemount Road  
 Chimacum, WA 98325

Enclose a \$25.00 non-refundable application processing fee with the application. (This fee is not required for local, state, and other government agencies).

### II. APPLICANT INFORMATION

Date of Application: 6/10/11

Authorization to be Issued To (how name is to appear in the lease document): Pacific Northwest National Laboratory, operated by Battelle Memorial Institute, Pacific Northwest Division

Applicant's Representative: Jan H. Slater

Relationship to Applicant: Contracting Officer

Address: 1529 West Sequim Bay Rd

City: Sequim

State: WA

Zip Code: 98382

Telephone: (360) 681-3642

Fax: (360) 681-3600

E-Mail: Jan.Slater@pnnl.gov

#### FOR OFFICIAL USE ONLY

Support staff: Application Fee Received  JARPA Received  Date: 6/10/11

Land Manager:  New Application;  Renewal Application

Land Manager Initials: BS

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

Nature Use Code: BSCO490

Land Records: New Application Number \_\_\_\_\_; Trust \_\_\_\_\_; County \_\_\_\_\_; AQR Plate No. \_\_\_\_\_

**II. APPLICANT INFORMATION cont'**

Department of Revenue Tax \*Registration Number (Unified Business Identifier) is Required: 036 002642

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 <input type="checkbox"/> Spouse:	Government Agency <input type="checkbox"/>

Other  (Please Explain:) Tax Exempt, 501(c)(3), State of Ohio Corporation

Has the site use been authorized before or is it currently under lease? Yes  Lease Number:  
No  Don't Know

**III. LOCATION**

The Body of Water on which the state property is located: Haro Strait	County in which the state property is located: San Juan	Government Lot:
	Section: 23	Township: 35North
	Range: 4 West of Willamette Meridian	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 **required** 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.): The project site includes rocky intertidal and kelp habitat.

Name of Owner(s) of Uplands, Shorelands, and/or Tidelands shoreward and adjacent to the Property:  
San Juan County Land Bank

Address: 350 Court St., #6	City: Friday Harbor	State: WA	Zip Code: 98250
Phone Number: (360) 378-4402	Fax Number (360) 378-4402	E-mail: sjclandbank@rockisland.com	

**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: 452311001000 and 452431006000

**IV. USE OF PROPERTY**

Describe, in detail, the proposed use of the Property: Scientific research.

Pacific Northwest National Laboratories (PNNL) is developing a Marine Animal Alert System (MAAS) that will be used to prevent harmful interactions between underwater turbines generating power from tidal currents and marine animals of concern, especially the endangered Southern Resident Killer Whale (SRKW). Prototype testing will occur in two (2) phases. This description is for Phase 2.

The proposed use of the property is to conduct a "blind" test of the passive acoustic monitoring components of the preferred prototype design (based on the Sequim Bay Phase 1 tests) in the presence of SRKS's to evaluate the ability of the MAAS prototype to detect the presence of approaching killer whales and to satisfy the MAAS performance expectations. Test results will be verified by land-based observers. The deployment will include up to four (4) submerged hydrophones. The devices will be anchored in a diamond-shaped array with approximately 100 m between devices. Cables running ashore from each device will be bundled before transiting the intertidal. A temporary shelter will also be needed on or near the shore for data receiving and processing. It is anticipated that testing will take 5 days within a 3-week work window in early-mid September, 2011.

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? The site is currently used as Lime Kiln State Park. Lime Kiln State Park was formerly a site of a lime producing operation. Lime production started in 1860 at quarries on the site. The U.S. Coast Guard also operated a lighthouse starting in 1919 on the site. The site became a state park in 1984.

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:

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

**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.) There are several structures on the site, including a lighthouse, visitor center and facilities, and a parking lot.

If there are physical improvements currently on the site, who owns them? Washington State Parks and Recreation

If there are physical improvements currently on the site, describe their condition: Good

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: N/A

Has any fill material been placed on the site? Yes  No

If Yes, please describe:

**VI. LOCAL, STATE, AND FEDERAL REGULATORY PERMITS** Copies of all Government Regulatory Permits, or Permit Waivers Are Required Before 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:

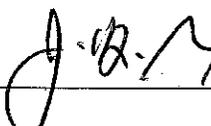
1. **Section 10 Permit** (Required by the US Army Corps of Engineers for any work in or affecting navigable waters, e.g., floats, docks, piers, dredging, pilings, bridges, overhead power lines.)
2. **Shoreline Substantial Development, Conditional Use, Variance Permit or Exemption** (Issued by Local Government, and is required for work or activity in the 100 year 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.)
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 Non-significance, 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:

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

Applicant Name (please print): Pacific Northwest National Laboratory By: Jan H. Slater	Title: Contracting Officer
Applicant or Authorized Signature: 	Date: 6-10-11

**WASHINGTON STATE 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
- 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
- Other grants as determined by the department based upon site specific considerations

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  
360-374-2800  
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

3/18/11

**BATTELLE MEMORIAL INSTITUTE  
DELEGATION OF AUTHORITY**

**To Jan H. Slater**

**TO ENTER INTO ENGAGEMENTS  
(Signing Authority)**

Pursuant to authority vested in Leonard K. Peters, Director, Pacific Northwest Division, effective April 1, 2003, by the President and Chief Executive Officer under resolutions of the Board adopted at its meeting on June 19, 1970, as amended on March 9, 1990, and as delegated to me effective September 27, 2004, authority is conferred upon Jan H. Slater, effective March 25, 2011, to enter into sales engagements in the name of and on behalf of Battelle Memorial Institute (the Corporation) committing funds, property, or services of the Corporation as may be necessary in the normal course of business, limited to the affairs of the Pacific Northwest Division, including its organizational components.

For this purpose, the term "engagements" shall mean contracts, agreements, bids, orders, assignments, conveyances of personal property, guarantees, affidavits, and other instruments, documents, and engagements of every nature entered into for or in the name and on behalf of the Corporation, which obligate funds, property, or services of the Corporation, as may be necessary in the normal course of the affairs of the Pacific Northwest Division; provided, however, that except as specifically granted by separate authorization, the term "engagements" shall not include and no power is granted herein to:

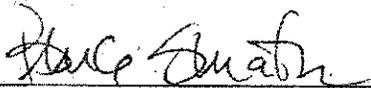
1. Enter into sales engagements involving in each instance more than \$20,000,000.
2. Commit other Battelle market sectors in proposals and contracts.
3. Dispose (by license, sale, or option) of rights to intellectual property (defined as patent applications, patents, copyrights, trademarks, and trade secrets), owned or controlled by Battelle and separately identified.
4. Borrow money or mortgage or pledge any property as collateral in connection with any loan or other financial obligation.
5. Establish bank accounts or other agreements with banking institutions or trust companies in order to write checks, drafts, or other orders on funds of the Corporation.
6. Acquire, dispose of, or encumber real property or any interest in real property of the Corporation (including leases, deeds, purchase and sale agreements, easements, and instruments of a similar nature).
7. Dispose of tangible personal property.

Delegation of Authority  
Jan H. Slater

Effective March 25, 2011

8. Enter into an agreement for the purchase of building or facility construction services.
9. Grant Power of Attorney or otherwise create an agency to persons not in the employ of the Corporation to represent the Corporation.
10. Initiate adversary proceedings.
11. Execute bonds.
12. Execute releases of a claim or potential claim by the Corporation against another party.
13. Engage in Corporation investment portfolio transactions.
14. Execute confidential disclosure agreements.
15. Release Battelle-owned intellectual property to staff members.
16. Redelegate the authority granted in this delegation.

This delegation shall be exercised in accordance with applicable Battelle regulations, budgets, procedures, directives, and policies, taking into consideration risk management, impact on total Battelle business, capital, client relations, and other pertinent factors. All previous delegations of sales authority granted to Jan H. Slater for the operation of business of the Pacific Northwest Division are hereby revoked. This delegation shall continue until revoked or until you are no longer in a position that requires such authority or are no longer employed by the Corporation.



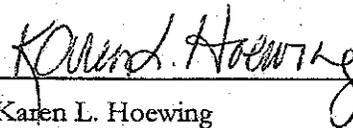
Bruce K. Simanton, Manager  
1831/WFO Sales Management  
Pacific Northwest Division

3-22-11

Date

copy: Corporate Secretary

CONCUR:



Karen L. Hoewing  
General Counsel  
Pacific Northwest Division

3-23-11

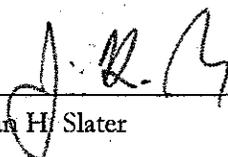
Date

## ACCEPTANCE OF DELEGATION OF AUTHORITY

I hereby accept the Delegation of Authority to enter into sales engagements on behalf of Battelle Memorial Institute. I understand the authority granted and the attendant responsibilities involved. I will exercise this delegation in accordance with applicable policies, regulations, procedures, directives, and budgets, including the following:

1. The funded activity or other obligation is within Battelle's policies and the Will criteria, and is not a prohibited activity, all as described in the Battelle Policies Manual and other related documents.
2. Funding for the obligation is provided by a client or a Battelle account.
3. The action is within the scope of my delegated authority.

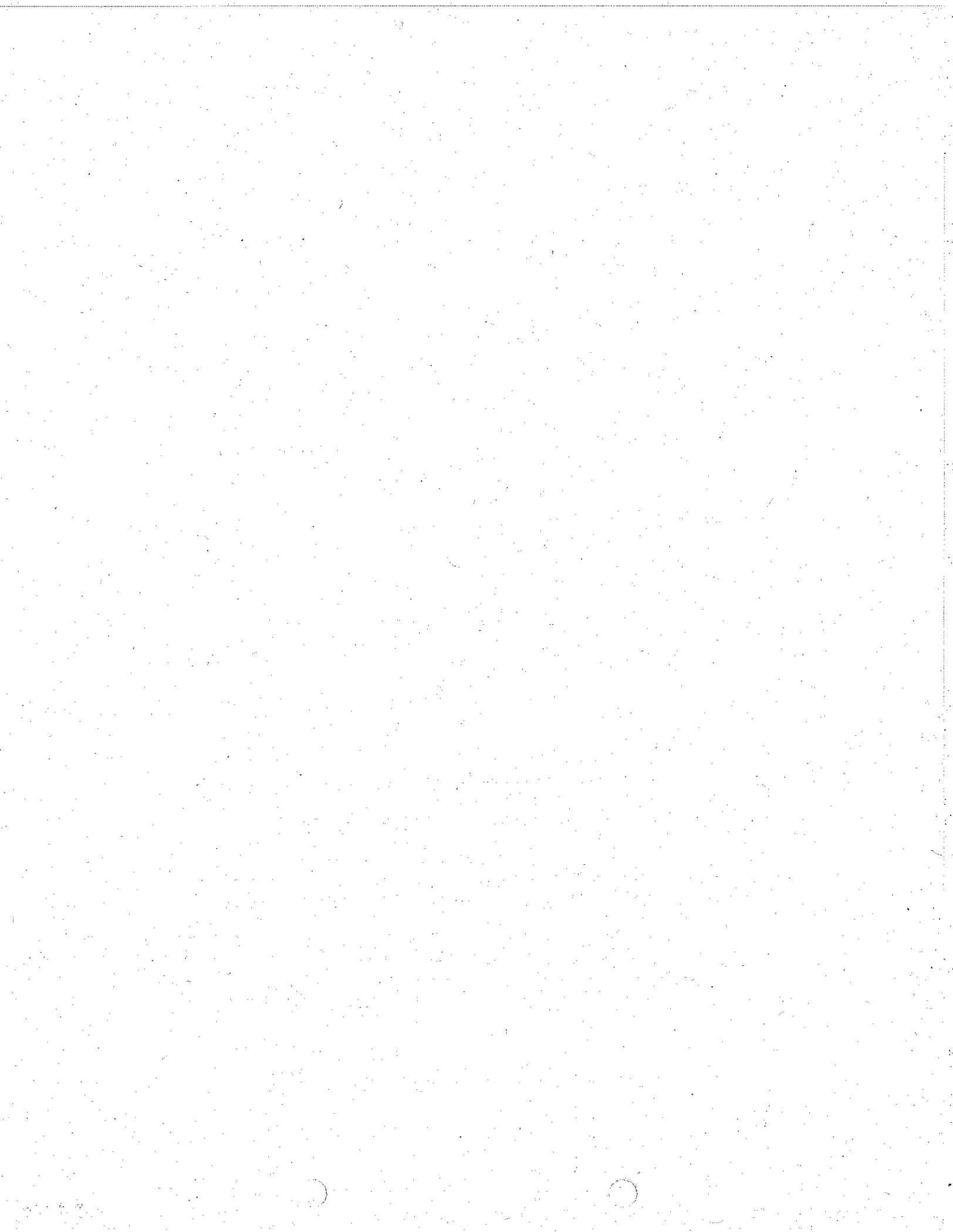
BY: \_\_\_\_\_

  
Jan H Slater

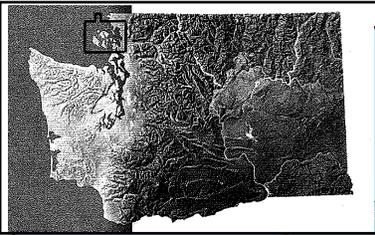
DATE: \_\_\_\_\_

3-29-11

cc: Corporate Secretary

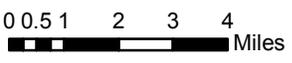
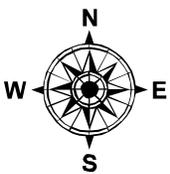


# Vicinity Map



**SITE**

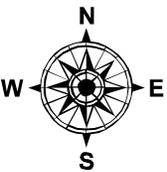
Vicinity Map  
Pacific Northwest National Laboratory,  
Battelle Memorial Institute, Pacific Northwest Division  
Haro Strait, San Juan County  
Sec 23, Township 35, Range 4W WM



# Survey Map



Survey Map  
Pacific Northwest National Laboratory,  
Battelle Memorial Institute, Pacific Northwest Division  
Haro Strait, San Juan County  
Sec 23, Township 35, Range 4W WM



00.00 0.04 0.08 0.12 0.16  
Miles