



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

## Application for Use of State-owned Aquatic Lands

**Applicant Name:** Department of Ecology  
**County:** Whatcom County  
**Water Body:** Bellingham Bay  
**Type of Authorization - Use:** Right of Entry – Sediment Sampling  
**Authorization Number:** Pending  
**Term:** Five (5) years

**Description:** This agreement will allow the use of State-owned aquatic lands for the sole purpose of sediment sampling as part of the Department of Ecology Urban Waters Initiative/Puget Sound Ambient Monitoring Program. It is located in Bellingham Bay, in Whatcom County, Washington.

Date of Public Notice: May 7, 2010

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES  
PETER GOLDMARK, 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  
Shoreline District Aquatics  
950 Farman Avenue North  
Enumclaw, WA 98022-9282

II. APPLICANT INFORMATION

Date of Application: April 30, 2010

Authorization to be Issued To (how name is to appear in the lease document: Washington State Department of Ecology

Address: 300 Desmond Drive SE  
P.O. Box 47710

City: Lacey State: WA Zip Code: 98504-7710  
Telephone Number: 360-407-6000 FAX Number: ( )

Applicant's Representative: Margaret Dutch  
Relationship to Applicant: employee

Address: same  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Telephone Number: (360)407-6021 FAX Number: (360)407-6884

If Property will be used for business purposes, Applicants' Washington Department of Revenue Tax \*Registration Number (Unified Business Identifier) is Required: 600-021-881

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  \_\_\_\_\_  
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

**III. LOCATION**

The Body of Water on which the state property is located: Bellingham Bay  
County in which the state property is located: Whatcom  
Government Lot \_\_\_\_\_, Section \_\_\_\_\_, Township \_\_\_\_\_, Range \_\_\_\_\_ 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.): Subtidal lands in Bellingham Bay

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

Name: see attached 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:

**IV. USE OF PROPERTY**

- Describe, in detail, the proposed use of the Property. Environmental monitoring, as described in the attached Quality Assurance Project Plan.
- 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? Bellingham Bay has been used historically for industrial activity, municipal waste disposal, commercial and recreational boating, and parks.
- 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: Bellingham Bay has a history of toxic substance contamination in the sediments; see 303d lists, attached; and Ecology sediment monitoring summary report (Long et al, 2003 (<http://www.ecy.wa.gov/biblio/0303049.html>)).
- Do you know if any fill material has been placed on the property in question? If yes, please explain: Don't know.

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.) None
2. If there are physical improvements currently on the site, who owns them? Not Applicable
3. If there are physical improvements currently on the site, describe their condition: Not Applicable
4. Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed? Not Applicable
5. Describe any physical improvements that the applicant is proposing to construct on the site: Not Applicable
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: Not Applicable

**VII. PROPERTY SURVEY**

**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 1/2 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 (±) 0.5% of the total area or (±) 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 Margaret Dutch  
(Please Print)

Signed Margaret E. Dutch  
(Applicant or Authorized Signature)

Title Natural Resource Scientist 3

Company Washington State Department of Ecology

Date 5/5/2010

22 137N RIE & R2E  
130N RIE & R2E

4100 W

JOHN'S MAP 14

8300 W SLATER

2500 W

1700 W

JOHN'S MAP 15

EXIT 260

900 W

FOR MORE DETAIL SEE MAP # 20

1000 W

22

JOHN'S MAP 21

EXIT 258

EXIT 257

EXIT 256

EXIT 255

EXIT 254

EXIT 253

EXIT 252

EXIT 251

EXIT 250

EXIT 249

EXIT 248

EXIT 247

EXIT 246

EXIT 245

EXIT 244

EXIT 243

EXIT 242

EXIT 241

EXIT 240

EXIT 239

EXIT 238

EXIT 237

EXIT 236

EXIT 235

EXIT 234

EXIT 233

EXIT 232

EXIT 231

EXIT 230

EXIT 229

EXIT 228

EXIT 227

EXIT 226

EXIT 225

EXIT 224

EXIT 223

EXIT 222

EXIT 221

EXIT 220

EXIT 219

EXIT 218

EXIT 217

EXIT 216

EXIT 215

EXIT 214

EXIT 213

EXIT 212

EXIT 211

EXIT 210

EXIT 209

EXIT 208

EXIT 207

EXIT 206

EXIT 205

EXIT 204

EXIT 203

EXIT 202

EXIT 201

EXIT 200

EXIT 199

EXIT 198

EXIT 197

EXIT 196

EXIT 195

EXIT 194

EXIT 193

EXIT 192

EXIT 191

EXIT 190

EXIT 189

EXIT 188

EXIT 187

EXIT 186

EXIT 185

EXIT 184

EXIT 183

EXIT 182

EXIT 181

EXIT 180

EXIT 179

EXIT 178

EXIT 177

EXIT 176

EXIT 175

EXIT 174

EXIT 173

EXIT 172

EXIT 171

EXIT 170

EXIT 169

EXIT 168

EXIT 167

EXIT 166

EXIT 165

EXIT 164

EXIT 163

EXIT 162

EXIT 161

EXIT 160

EXIT 159

EXIT 158

EXIT 157

EXIT 156

EXIT 155

EXIT 154

EXIT 153

EXIT 152

EXIT 151

EXIT 150

EXIT 149

EXIT 148

EXIT 147

EXIT 146

EXIT 145

EXIT 144

EXIT 143

EXIT 142

EXIT 141

EXIT 140

EXIT 139

EXIT 138

EXIT 137

EXIT 136

EXIT 135

EXIT 134

EXIT 133

EXIT 132

EXIT 131

EXIT 130

EXIT 129

EXIT 128

EXIT 127

EXIT 126

EXIT 125

EXIT 124

EXIT 123

EXIT 122

EXIT 121

EXIT 120

EXIT 119

EXIT 118

EXIT 117

EXIT 116

EXIT 115

EXIT 114

EXIT 113

EXIT 112

EXIT 111

EXIT 110

EXIT 109

EXIT 108

EXIT 107

EXIT 106

EXIT 105

EXIT 104

EXIT 103

EXIT 102

EXIT 101

EXIT 100

EXIT 99

EXIT 98

EXIT 97

EXIT 96

EXIT 95

EXIT 94

EXIT 93

EXIT 92

EXIT 91

EXIT 90

EXIT 89

EXIT 88

EXIT 87

EXIT 86

EXIT 85

EXIT 84

EXIT 83

EXIT 82

EXIT 81

EXIT 80

EXIT 79

EXIT 78

EXIT 77

EXIT 76

EXIT 75

EXIT 74

EXIT 73

EXIT 72

EXIT 71

EXIT 70

EXIT 69

EXIT 68

EXIT 67

EXIT 66

EXIT 65

EXIT 64

EXIT 63

EXIT 62

EXIT 61

EXIT 60

EXIT 59

EXIT 58

EXIT 57

EXIT 56

EXIT 55

EXIT 54

EXIT 53

EXIT 52

EXIT 51

EXIT 50

EXIT 49

EXIT 48

EXIT 47

EXIT 46

EXIT 45

EXIT 44

EXIT 43

EXIT 42

EXIT 41

EXIT 40

EXIT 39

EXIT 38

EXIT 37

EXIT 36

EXIT 35

EXIT 34

EXIT 33

EXIT 32

EXIT 31

EXIT 30

EXIT 29

EXIT 28

EXIT 27

EXIT 26

EXIT 25

EXIT 24

EXIT 23

EXIT 22

EXIT 21

EXIT 20

EXIT 19

EXIT 18

EXIT 17

EXIT 16

EXIT 15

EXIT 14

EXIT 13

EXIT 12

EXIT 11

EXIT 10

EXIT 9

EXIT 8

EXIT 7

EXIT 6

EXIT 5

EXIT 4

EXIT 3

EXIT 2

EXIT 1

EXIT 0

EXIT -1

EXIT -2

EXIT -3

EXIT -4

EXIT -5

EXIT -6

EXIT -7

EXIT -8

EXIT -9

EXIT -10

EXIT -11

EXIT -12

EXIT -13

EXIT -14

EXIT -15

EXIT -16

EXIT -17

EXIT -18

EXIT -19

EXIT -20

EXIT -21

EXIT -22

EXIT -23

EXIT -24

EXIT -25

EXIT -26

EXIT -27

EXIT -28

EXIT -29

EXIT -30

EXIT -31

EXIT -32

EXIT -33</



Figure 2. Ecology's 2010 Urban Waters Initiative - 30 Sediment Monitoring Stations in Bellingham Bay.