



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

Application for Use of State-owned Aquatic Lands

Applicant Name: Long Island Oyster Co.
County: Pacific County
Water Body: Willapa Bay
Type of Authorization - Use: Lease- Renewal – Clam Cultivation
Authorization Number: 20-013594
Term: 5 years

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

**Long Island Oyster
uthorization No. 20-013594
Authorized Use: Clam Cultivation
Location: Pacific County**



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: 46.44188N, Long: 124.0216W

Prepared By: BL Date: 10/12/09

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
JENNIFER M. BELCHER
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; Any agency, political subdivision or municipal corporation of this state, or any agency of the United States is exempt from this \$25.00 application fee (WAC 332-10-190). 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.

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

Department of Natural Resources
Central Region
1405 Rush Road
Chehalis, WA 98532

II APPLICANT INFORMATION

Date of Application: 3/1/97

Authorization to be Issued To (how name is to appear in the lease document): JAMES L KEMMER

Address: Box 1054

City: Long Beach State: WASH Zip Code: 98631

Telephone Number: 360-642-2692 FAX Number: _____

Applicant's Representative: _____

Relationship to Applicant: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ FAX Number: _____

If Property will be used for business purposes, Applicants' Washington Department of Revenue Tax *Registration Number (Unified Business Identifier) is Required: 600-607-201

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

Corporation (State of Registration: WASH) 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 _____

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

Land Manager: New Application Renewal Application

Land Manager: Initials AK Aquatic Program Manager Initials _____

Support: Application Fee Received \$25.00 ^{Receipt} # 1161950 Date 3/13/97

Land Records: New Application Number 20-013594

Land Records: Trust 2T County Pacific AQR Plate No. 18 (T525-057)

NOTE 2

III. LOCATION

The Body of Water on which the state property is located: Willapa Bay
County in which the state property is located: Pacific
Government Lot 7, Section 15, Township 11N, Range 11W E/W WM

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, Tidelat adjacent to the Chehalis River, etc.): Tidelands on west side of Willapa Bay

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

Name: James Kemmer

Address: same

City: " State: " Zip Code: " Phone Number: "

County Parcel No(s). for adjacent properties, upland, and/or adjacent tideland properties: _____

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.

IV. USE OF PROPERTY

1. Describe, in detail, the proposed use of the Property: PROPAGATE MANILA CLAMS

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? NO USE

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

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.

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? NONE

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: IF FEASIBLE
MIGHT PLACE THIN LAYER OF GRAVEL & CRUSHED SHELL IN
EXPERIMENTAL PLOTS TO ENCOURAGE SLAM SURVIVAL
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: _____

VII. PROPERTY SURVEY

A survey of the area to be leased is required for each application (except material removal and mooring buoys). A third order survey is required and a Record of Survey plat shall be submitted showing the results of the survey and the location of the lease site applied for. A copy of the final proposed plat must be submitted directly to the land manager who will pass onto the department's Engineering Division, State Land Survey Unit, for preliminary review prior to submission of the final plat. The final plat shall be filed with the county auditor and a copy that includes the auditor's recording information shall be submitted to the department's Aquatic Resources Division.

THE AUTHORIZATION TO USE AQUATIC LANDS IS OFTEN SUBJECT TO PREFERENCE RIGHTS. APPLICANTS AND SURVEYORS SHOULD CAREFULLY DETERMINE THE DIRECTION, AND SHOW DETAIL OF, THE PRORATION OF COVES AND IRREGULAR SHORELINES.

Specific requirements are:

1. The location of the area to be leased shall be surveyed and become a part of the application. This survey must comply with the standards set forth in WAC 332-130-090 as required and a Record of Survey plat shall be submitted showing the results of the survey and the location of the aquatic lease site applied for. A copy of the final proposed plat must be submitted for preliminary review prior to submission of the final plat. The final plat shall be filed with the county auditor and two copies that include the auditor's recording information shall be submitted to the Department's Land Manager. One of these copies shall be 8 1/2" X 11" in size. (RCW 79.90.120, 96.020, 96.040)
2. The plat must be certified to be accurate, signed and sealed by a Washington State registered land surveyor (RCW 18.43.070), or a public official as prescribed by law.
3. All field boundary surveys and plat preparation (actual map) shall be performed according to the standards prescribed in WAC 332-130 and Title 58 RCW.
4. Distances and directions to the lease area from two or more controlling corners of a recorded subdivision, survey, or government survey (GLO) corners must be provided.
5. The survey shall 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.
6. The plat must show the location of the following lines for:
 - (a) Tidal Areas - Government meander line, line of mean high tide, line of mean low tide, and line of extreme low tide (include name of tidal bench mark(s) used or describe the alternate method employed for determining Tidal Datum). Lease tracts 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 area has experienced artificial raising or lowering of 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) Where they exist, the location of lots and blocks of platted tide or shore lands, inner and outer harbor lines, waterway lines, street boundaries, any local construction limit lines, and easements of record, with areas of encroachments.

These lines must be shown in sufficient detail to compute each area of state-owned bed, tide, shore lands, harbor area, or waterways included within the proposed lease site.
7. Proposed lease area boundaries must be clearly shown with distances and directions of all boundary lines. The area of the lease shall be shown to an accuracy of (+/-) 0.5% of the total area or (+/-) 10 square feet, whichever is greater.
8. A narrative legal description must describe the actual area being proposed to lease. It must be prepared, signed, and stamped by a licensed land surveyor, and shown upon, or attached to Exhibit A.
9. The exhibit map must show a detailed plan of improvements to be constructed or already existing on the lease area, such as piers, wharves, bulkheads, breakwaters, dolphins, buoys, or other structures. Any structures and improvements need to be shown in sufficient detail to determine, what they are used for, and to ensure they are entirely within the lease area. Square footage shall be calculated and shown for structures and improvements that are classified as "nonwater-dependent" or "water oriented" uses per RCW 79.90.465 and WAC 332-30-106.
10. No facility shall be constructed such that any portion of it falls outside the granted lease site.

Notes:

1. The lease of aquatic lands is often subject to preference rights. Applicants and surveyors should carefully determine the direction, and show detail, of the projection of coves and irregular shorelines.
2. VARIANCE - When connection to the Washington Coordinate System would require an extensive control survey, the applicant may submit a request for a variance from that requirement to the land manager. The request shall clearly state the reasons for the variance, propose an alternate meridian, and be signed by a land surveyor licensed in Washington.
3. If questions arise regarding the items identified in these lease exhibit specifications, please contact the Department's Land Manager.

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

Applicant JAMES L. KEMMER

Signed James L. Kemmer (Please Print)
(Applicant or Authorized Signature)

Title OWNER
Long Island Oyster Co

Company _____

Date 3/1/97

