



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

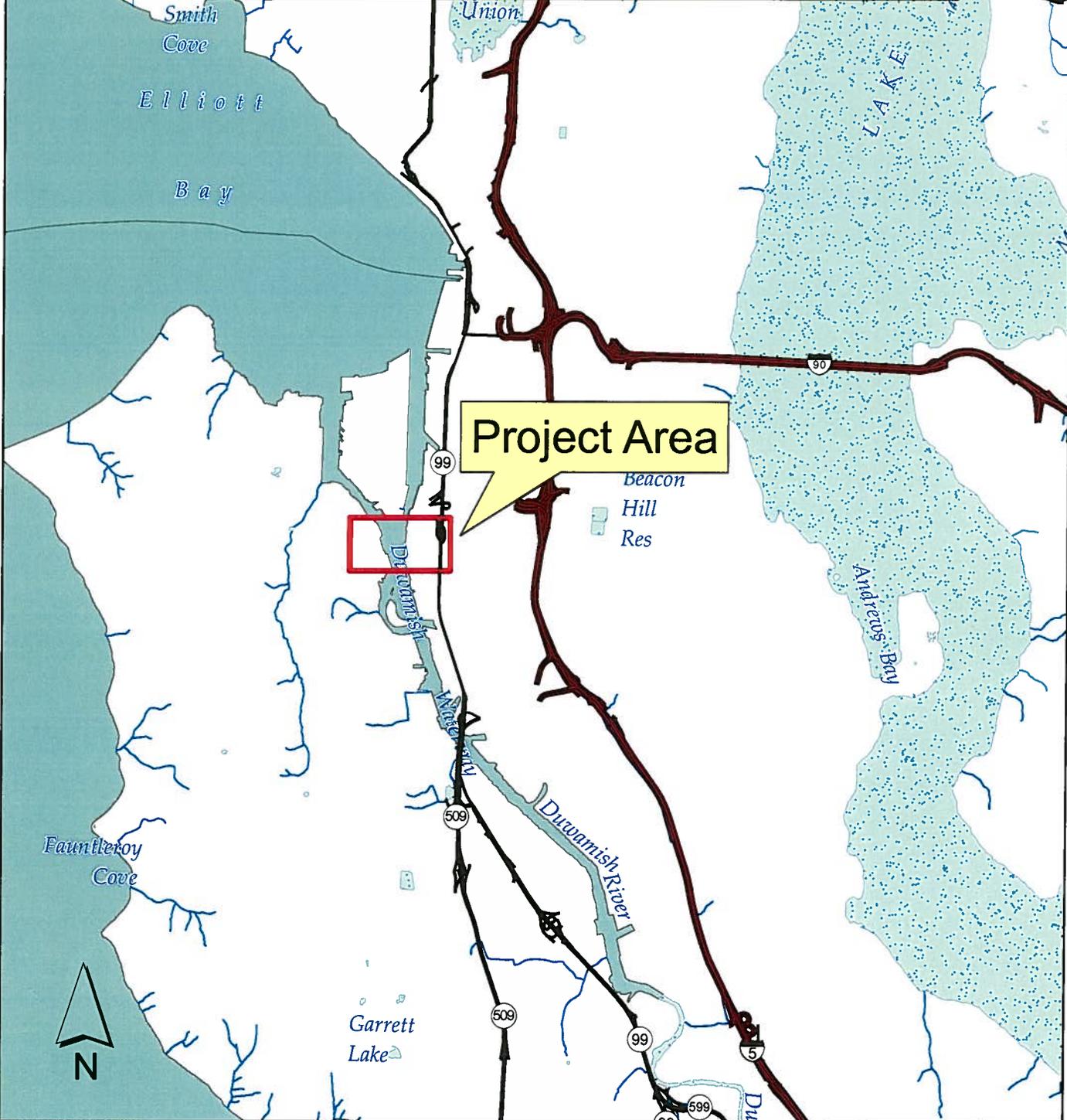
## Application for Use of State-owned Aquatic Lands

**Applicant Name:** Seattle Public Utilities  
**County:** King County  
**Water Body:** West Waterway of the Duwamish River  
**Type of Authorization - Use:** Easement – Sewer Force Main Replacement  
**Authorization Number:** 51-085681  
**Term:** 30 years

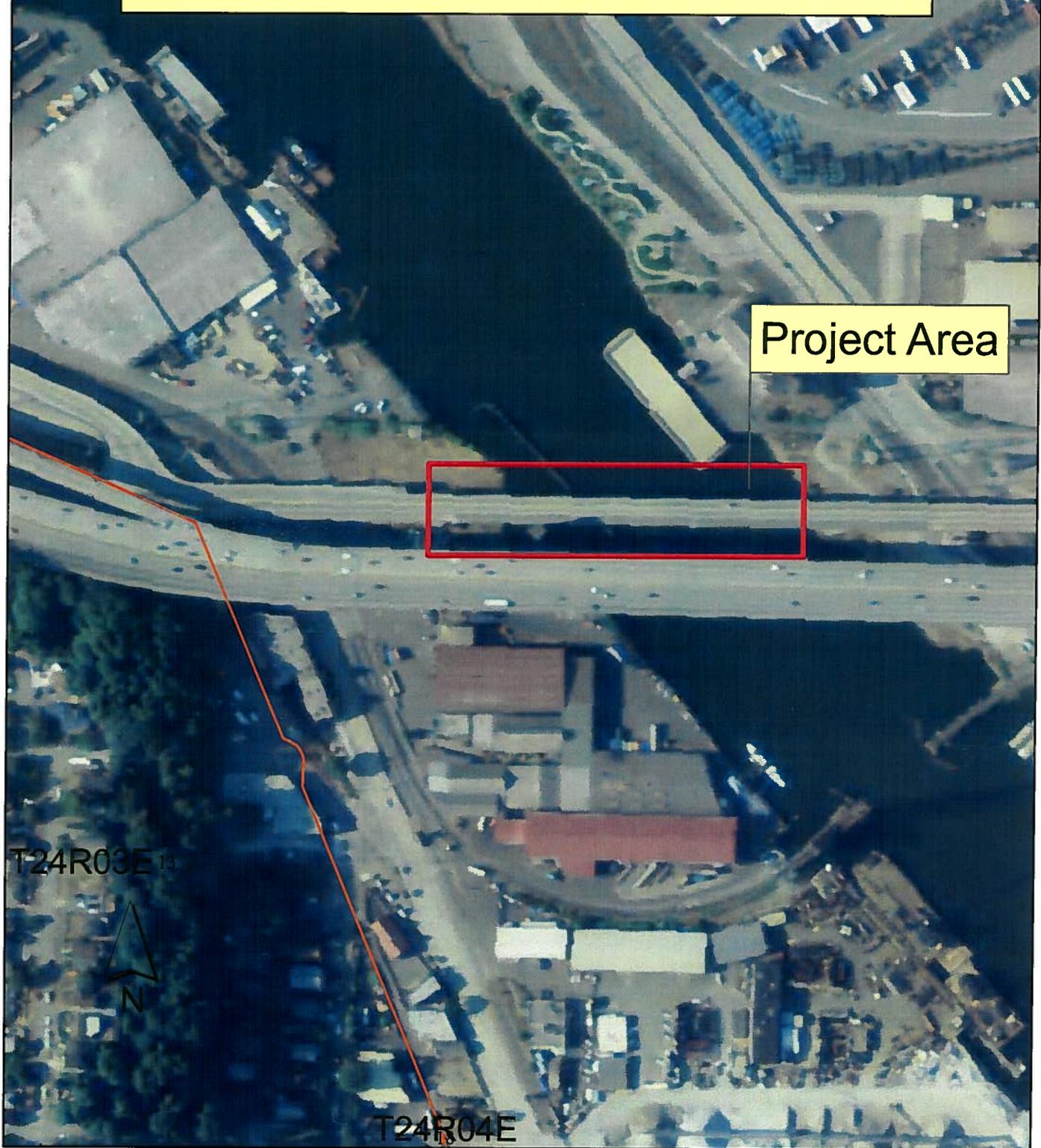
**Description:** This agreement will allow the use of State-owned aquatic lands for the sole purpose of Sewer Force Main Crossing. It is located under the West Waterway on the Duwamish River, in King County, Washington.

This sewer force main replaces a section of sewer line that was damaged in 2009. In September of 2009, the Department of Natural Resources granted an emergency letter of permission allowing Seattle Public Utilities to fix the main, with the requirement that a long term easement be obtained.

# Seattle Public Utilities Sewer Force Main Duwamish River Crossing 51-085681 Vicinity Map



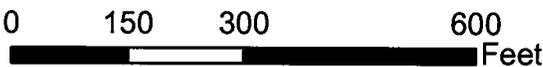
# Seattle Public Utilities Sewer Force Main Duwamish River Crossing 51-085681



Project Area

T24R03E

T24R04E



23-084982

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

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

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  
Shoreline District Aquatics Region  
950 Farman Avenue North  
Enumclaw, WA 98022-9282

**II. APPLICANT INFORMATION**

Date of Application: 9-4-2009

Authorization to be Issued To (how name is to appear in the lease document): City of Seattle, Seattle Public Utilities

Applicant's Representative: Effie K. Moody

(Young Kim, project Mgr.)

Relationship to Applicant: SPU Engineer & Sr. Real Property Agent; employees, Real Property Claims & Facilities Services

Address: PO Box 34018

City: Seattle

State: WA

Zip Code: 98124-4018

Telephone: 206-684-5918

Fax: 206-615-1215

E-Mail: [Effie.moody@seattle.gov](mailto:Effie.moody@seattle.gov)

**FOR OFFICIAL USE ONLY**

Support staff: Application Fee Received  JARPA Received  Date: 1/22/10

Land Manager:  New Application;  Renewal Application

Land Manager Initials: *EM* 2/24/10

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

Land Records: New Application Number: 51-085681; Trust: 15; County: 17; AQR Plate No. see w.c.s.

RECEIVED

EN  
3-3-2010

**II. APPLICANT INFORMATION cont'**

Department of Revenue Tax \*Registration Number (Unified Business Identifier) is **Required**: 91-6001275  
24-4 NW 18

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 checked="" type="checkbox"/>

Other  (Please Explain:)

Has the site use been authorized before or is it currently under lease? Yes  Lease Number: 51-032157 DNR R/W #  
No  Don't Know

**III. LOCATION**

The Body of Water on which the state property is located: Duwamish River Waterway	County in which the state property is located: King	Government Lot:
	Section: NW 18	Township: 24 North
	Range: 04 East	E <input type="checkbox"/> or W <input 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.): Lehigh Northwest Cement,

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

Address: 3423 SW Klickitat Ave City: Seattle State: WA Zip Code:

Phone Number: 253-682-0279 Fax Number 253-682-1604 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: 7666709095

**IV. USE OF PROPERTY**

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

The proposed work is considered a maintenance repair and is required by the city's NPDES permit. SPU will abandon this existing failed section of 12 inch cast iron force main by cutting and plugging both ends of the pipe section, as per City of Seattle. Approximately 800 feet of new SDR11 high-density polyethylene (HDPE) sewer force main (12 inch inside diameter, 16 inch outside diameter) will be installed under the Duwamish River using a hydraulic directions drilling (HDD) method. That method requires excavating an entrance pit on the east side of the Duwamish River approximately 6 ft above and 75 ft east of the Mean Higher High Water Line (MHHWL). This pit will be approximately 8 ft by 10 ft and 9 ft deep. A receiving pit will be constructed on the west bank of the Duwamish River approximately 4 ft above and 180 ft west of MHHWL. This pit will be approximately 8 ft by 20 ft and 9 ft deep. Depth of the pipe under the Duwamish River will vary with the deepest depth being approximately 30 ft from the bottom of the river channel. The HDPE pipe section will be connected to the existing force main at the entrance and receiving pits. A new bypass vault (buried) will be installed next to existing Pump Station 73. Dredge materials will be temporarily contained, stored, and decanted on-site- probably using Baler Tanks. Applicable regulations and best management practices would be used to manage and dispose of dredge spoils, decant water, hazardous material contamination (if found), and construction-generated sediment.

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?  
DNR grant of Right of Way to Seattle Public Utilities for Sanitary Sewer Crossing of Duwamish River Waterway.

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.) Approximately 640' of 12" cast iron force main along the west waterway of Duwamish River.

If there are physical improvements currently on the site, who owns them? Seattle Public Utilities

If there are physical improvements currently on the site, describe their condition: Existing 12" cast iron pipe is ruptured under Duwamish River and in need of repair.

Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed? Existing 12" cast iron

force main will be abandoned in place and plugged per City of Seattle standard

Describe any physical improvements that the applicant is proposing to construct on the site: Approximately 800 feet of new SDR11 high-density polyethylene (HDPE) sewer force main (12 inch inside diameter, 16 inch outside diameter) installed under the Duwamish River using a hydraulic directions drilling (HDD) method. New bypass vault installed on the east side of the West Duwamish waterway next to SPU owned existing waste water pump station #73.

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 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:

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

Applicant Name (please print): Effie K. Moody	Title: SR. Real Property Agent
Applicant or Authorized Signature: 	Date: 01-13-2010

**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 (±) 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.

**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**

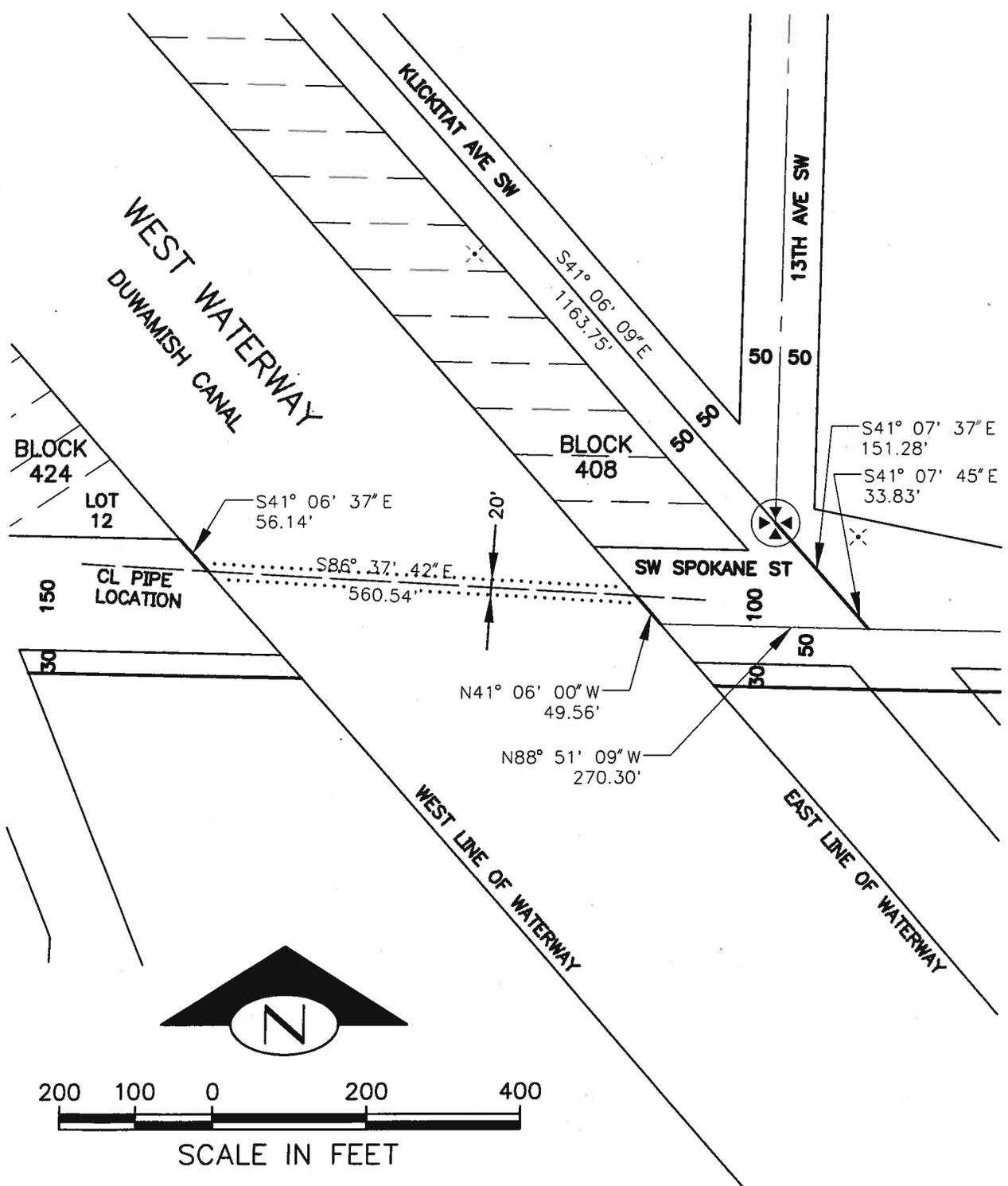
P.O. Box 280  
601 Bond Rd  
Castle Rock, WA 98611-0280  
360-577-2025  
TTY: 360-577-2025

**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



SCALE IN FEET

## Duwamish Canal West Waterway Easement

A 20 foot wide strip of land, situate in a portion of the West Waterway as show in the 1991 Supplement Map of Seattle Harbor, according to the official map on file in the office of the Commissioner of Public Lands, Olympia, Washington; situate in the west half of the SW  $\frac{1}{4}$  of Section 18, Township 24 north, Range 4 East, W.M. and the east half of the NE  $\frac{1}{4}$  of Section 13, Township 24 N, Range 3 East, W.M., being 10 feet on each side of the following described centerline;

Commencing at the southeast corner of Lot 12, Block 424, Plat of Seattle Tidelands, according to the official map on file in the office of the Commissioner of Public Lands, Olympia, Washington; Thence S  $41^{\circ} 06' 37''$  E along the west line of said West Waterway a distance of 56.14 to the Point of Beginning of said centerline;

Thence S  $86^{\circ} 37' 42''$  E a distance of 560.54 feet to the east line of said West Waterway and the terminus of said centerline.

The sidelines of said strip to be lengthened or shortened to terminate at the east and west lines of said West Waterway.

Containing 11,211 square feet or 0.26 acres, more or less

Gary M Gervelis, P.L.S. 33128



OLYMPIA COPY