



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

## Application for Use of State-owned Aquatic Lands

**Applicant Name:** City of Sumas  
**County:** Whatcom County  
**Water Body:** Sumas River  
**Type of Authorization - Use:** Easement – Waste Outfall  
**Authorization Number:** 51-070838  
**Term:** 30 years

**Description:** This agreement will allow the use of State-owned aquatic lands for the sole purpose of operation and maintenance of a waste outfall. It is located on the Sumas River, in Whatcom County, Washington.

**Posted:** January 4, 2012

*Reviewed  
9/26/94*

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES  
JENNIFER M. BELCHER  
COMMISSIONER OF PUBLIC LANDS

APPLICATION TO LEASE STATE-OWNED AQUATIC LANDS

SUBMISSION OF APPLICATION

NO WORK CAN BE STARTED ON THE LEASE AREA UNTIL A LEASE HAS BEEN GRANTED BY THE DEPARTMENT OF NATURAL RESOURCES

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. At that time, Applicants will be billed for the application fee of \$25.00. Processing of the application will commence after receipt of the application fee. The application fee is not refundable.

Please send the completed application form to:

Department of Natural Resources  
Aquatic Resources Division  
1111 Washington St SE  
PO Box 47027  
Olympia WA 98504-7027

II. APPLICANT INFORMATION

Date of Application: Sept 26, 1994  
Lease to be Issued To (How name is to appear in the lease document):  
City of Sumas  
Address: 433 Cherry  
P.O. Box 9  
City: Sumas State: Wa Zip Code: 98295  
Telephone Number: 206-988-5711 FAX Number: 206-988-8855  
Applicant's Representative: ~~Sumas~~ Steve Rod Fadden  
Relationship to Applicant: Public Works Supt.  
Address: Box 9  
City: Sumas State: Wa Zip Code: 98295  
Telephone Number: 206-988-5711 FAX Number: 206-988-8855

If Property will be used for business purposes, Applicants' Washington Department of Revenue Tax Registration Number (Unified Business Identifier) is Required: 37700000

Which of the following applies to Applicant (Check One):

- Corporation  (State of Registration: )
- General Partnership  Limited Partnership  (State of Registration: )
- Government Agency
- Sole Proprietorship  Marital Community  (Spouse: )
- Other  (Please Explain: )

Is or will the Property be subleased to another party? Yes  No

If yes, submit a copy of the sublease agreement.

III. LOCATION

What Body of Water is the state property located on: \_\_\_\_\_  
Name of County the state property is located: Whatcom  
Government Lot 3 Section 36 Township H North Range NE E,

Physical description of Area to be Leased (For example, Marsn. Tidelat adjacent to the  
Chehalis River, etc.):

Shorelands adjacent to Sumas River

A LEGAL PROPERTY SURVEY INCLUDING THE LEGAL DESCRIPTION AND OTHER INFORMATION ABOUT THE PROPERTY IS REQUIRED TO OBTAIN A LEASE. THE SURVEY REQUIREMENTS ARE DESCRIBED IN SECTION VII. A 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.

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

Address: \_\_\_\_\_  
City: \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone Number: \_\_\_\_\_  
County Parcel No(s). for adjacent properties, upland, and/or adjacent tideland properties NOT KNOWN

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  
Operation & maintenance of waste outfall

2. Has the site been leased before or is it currently under lease?  
Yes  No  Don't Know \_\_\_\_\_

3. If the site has been leased before, under what Lease Number? 20-012119

4. What are the current and past uses of the site? \_\_\_\_\_

Waste outfall since 1971

5. 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

6. Do you know if any fill material has been placed on the property in question? If yes, please explain: None

\_\_\_\_\_

A PLAN OF DEVELOPMENT, OPERATIONS AND/OR MAINTENANCE WILL BE REQUIRED... THE LAND MANAGER WILL CONTACT YOU AFTER YOUR APPLICATION IS REVIEWED TO DISCUSS THE REQUIRED CONTENT OF THE PLAN. THIS PLAN MUST BE ATTACHED TO THE APPLICATION AS EXHIBIT "B"...

V. IMPROVEMENTS

\_\_\_\_\_

PHYSICAL IMPROVEMENTS ARE STRUCTURES PLACED ON THE LAND THAT CANNOT BE REMOVED WITHOUT DAMAGE TO THE LAND. EXAMPLES OF SUCH STRUCTURES INCLUDE PILING, DOCKPINS, 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) \_\_\_\_\_

NA

2. If there are physical improvements currently on the site, who owns them?

NA

3. If there are physical improvements currently on the site, describe their condition

NA

4. Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed? NA

5. Describe any physical improvements that the applicant is proposing to construct on the site: \_\_\_\_\_

None

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 LOCAL, STATE, AND FEDERAL GOVERNMENT REGULATORY PERMITS APPLICATIONS OR FINAL PERMITS ARE REQUIRED IN ORDER TO REVIEW AND ANALYZE YOUR PROPOSED USE OF THE PROPERTY. PLEASE PROVIDE THESE WITHIN 60 DAYS OF THE RECEIPT OF OUR ACKNOWLEDGEMENT OF THIS APPLICATION. IF YOU CANNOT MEET THIS TIME FRAME, CONTACT THE LAND MANAGER IDENTIFIED IN OUR ACKNOWLEDGEMENT.

The following are the regulatory permits most frequently required for projects on aquatic lands. Attach copies of the permits or an explanation of why the permit is not required.

1. U.S. Army Corps of Engineers Public Notice Number NA  
Date Applied: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

REQUIRED FOR ANY STRUCTURE CONSTRUCTED BELOW THE MEAN HIGH OR ORDINARY HIGH WATER LINE IN NAVIGABLE WATERS. YOU CAN APPLY FOR THIS PERMIT AT THE SEATTLE OFFICE OF THE CORPS OF ENGINEERS. ISSUANCE OF THIS PERMIT REQUIRES THE APPROVAL OF SEVERAL AGENCIES, INCLUDING THIS DEPARTMENT. WE WILL GIVE OUR APPROVAL TO THE CORPS OF ENGINEERS UPON SATISFACTION OF OUR PRE-LEASE REQUIREMENTS.

2. Shoreline Substantial Development Permit Number NA  
Date Issued: \_\_\_\_\_

REQUIRED FOR ANY DEVELOPMENT OR CONSTRUCTION ACTIVITY LOCATED ON THE WATER OR SHORELINES VALUED AT \$2,500 OR MORE. THIS REQUIREMENT APPLIES TO ANY USE OR ACTIVITY THAT MATERIALLY INTERFERES WITH THE NORMAL PUBLIC USE OF THE WATER OR SHORELINES OF THE STATE. FOR ANY ACTIVITY LISTED AS A CONDITIONAL USE IN THE LOCAL MASTER PROGRAM, AND FOR ANY ACTIVITY THAT REQUIRES A VARIANCE FROM THE PROVISIONS OF THE LOCAL MASTER PROGRAM.

3. Hydraulics Project Approval Permit Number NA  
Date Issued: \_\_\_\_\_

ANY FORM OF WORK THAT USES, DIVERTS, OBSTRUCTS, OR CHANGES THE NATURAL FLOW OR BED OF ANY FRESHWATER OR SALTWATER OF THE STATE REQUIRES APPROVAL FROM EITHER THE DEPARTMENT OF WILDLIFE OR THE DEPARTMENT OF FISHERIES.

4. National Pollutant Discharge Elimination System (NPDES) Permit WA 00224194  
Date Issued: 1-28-85

UNDER THE DELEGATED AUTHORITY FROM THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY, THE DEPARTMENT OF ECOLOGY REGULATES THE POINT SOURCE DISCHARGE OF POLLUTANTS INTO THE STATE'S SURFACE WATERS THROUGH THESE PERMITS. AN NPDES PERMIT WILL BE REQUIRED FOR PROJECTS THAT INCLUDE THE DISCHARGE OF FLUIDS ON OR INTO SURFACE WATER.

5. State Environmental Policy Act (SEPA)

THE ACT ENSURES THAT ENVIRONMENTAL VALUES ARE CONSIDERED BY THE STATE AND LOCAL GOVERNMENT OFFICIALS WHEN MAKING DECISIONS ABOUT PROJECTS. THE SEPA PROCESS BEGINS WHEN YOU SUBMIT A PERMIT APPLICATION TO AN 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. ENCLOSE A COPY OF THE ENVIRONMENTAL CHECKLIST AND ENVIRONMENTAL ASSESSMENT (DETERMINATIONS OF NONSIGNIFICANCE, DETERMINATIONS OF SIGNIFICANCE, SCOPING DOCUMENTS, DRAFT OR FINAL ENVIRONMENTAL IMPACT STATEMENTS, OR ANY OTHER PREPARED FOR THE PURPOSE OF COMPLIANCE WITH SEPA) REQUIRED FOR THE PROJECT.

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 to lease. 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 first 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 LEASE OF 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 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 1a
2. 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.
3. Distances and directions to the lease area from two or more controlling corners of recorded subdivision or government survey (GLO) corners must be provided.
4. The survey shall be related by meridian and coordinate to the Washington Coordinate System by closed ties to NGS Control monuments, or the extension thereof. The designation of the control stations used shall appear on the plat.

**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 ENGINEERING DIVISION, STATE LAND SURVEY UNIT. THE REQUEST SHALL CLEARLY STATE THE REASONS FOR THE VARIANCE, PROPOSE AN ALTERNATE MERIDIAN, AND BE SIGNED BY A LAND SURVEYOR LICENSED IN WASHINGTON.**

5. 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 be mark(s) used for tide datum);
- 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), line of ordinary low water (include source data), and line of navigability if established.
- c. Rivers - Line of ordinary high water, line of ordinary low water (include source of data), and line of navigability if established.

6. Where existing, plat must show location of lots and blocks of platted tide and strand lands, inner and outer harbor lines, waterway lines, street boundaries, and any local construction limit lines.

7. Proposed lease area boundaries must be clearly shown with distances and direction of all boundary lines. The area of the lease shall be shown to an accuracy of (+/-) 0.5% of the total 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 attached as an exhibit map.

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, breakwater, dolphins, pilings, buoys, or other structures.

WHERE PERTINENT TO PARTICULAR STRUCTURES, PROFILE VIEW MAY BE REQUIRED SHOWING HEIGHT ABOVE WATER AND DETAILS OF SUPERSTRUCTURES, LOCATION OF ANCHORS AND CABLES, AND DEPTH OF WATER.

10. No facility shall be constructed such that any portion of it falls outside the granted lease site.

11. A photo-reduced 8.5 inch by 14 inch copy of the plat marked as Exhibit A shall be submitted with the final plat.

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

Applicant Lawrence Silvus  
(Please Print)

Signed Lawrence Silvus  
(Applicant or Authorized Signature)

Title Utility Supt

Company City of Sumas

Date Sept 26, 1994

FOR OFFICIAL USE ONLY

Approved by: \_\_\_\_\_  
Date Approved \_\_\_\_\_  
Application No. \_\_\_\_\_  
Trust \_\_\_\_\_ County \_\_\_\_\_  
Aquatic Res. Plate No. \_\_\_\_\_



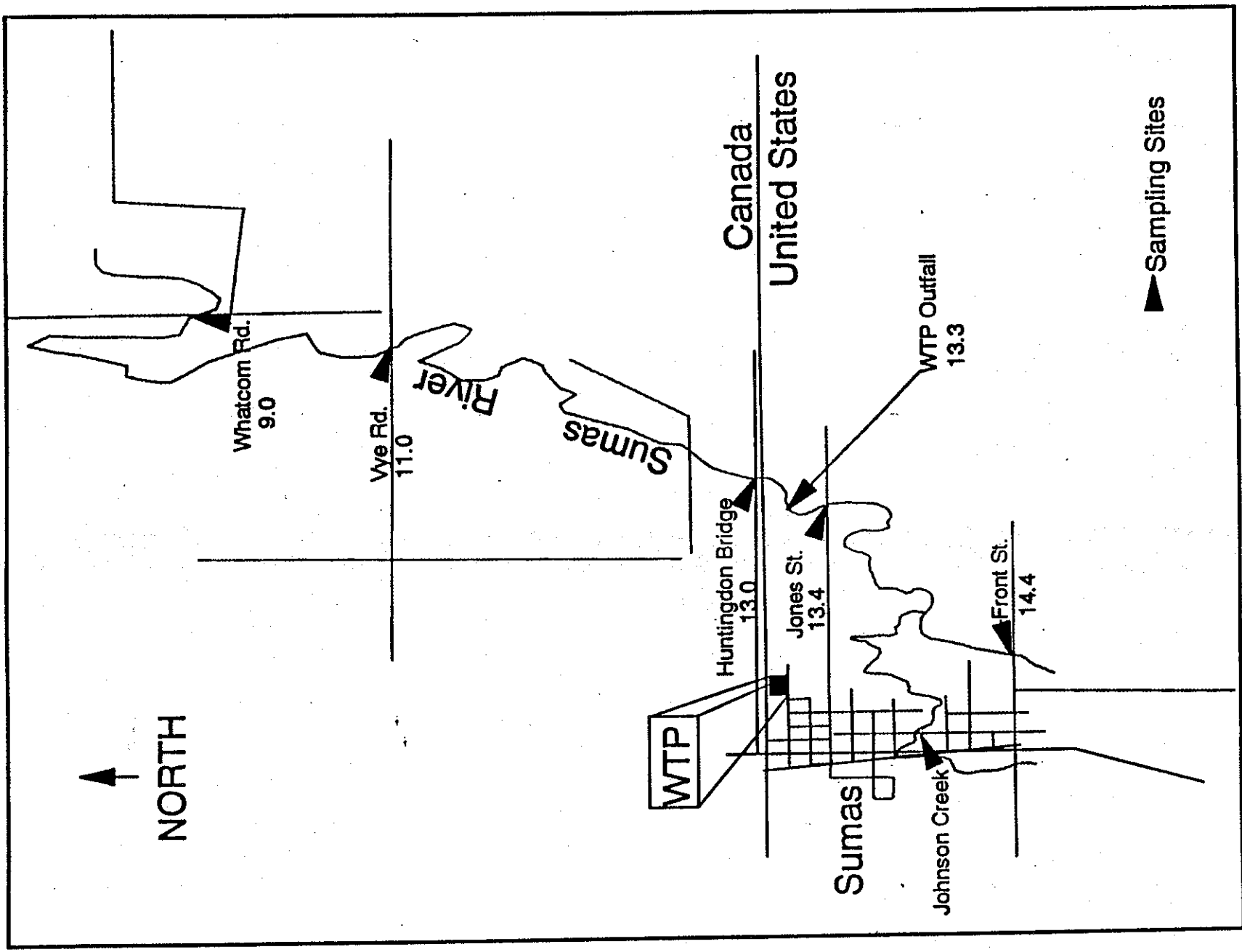


Figure 1. Map of study area with sampling locations annotated (map is not to scale).