



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

Application for Use of State-owned Aquatic Lands

Applicant Name: Westport Fisheries, Inc.

County: Grays Harbor County

Water Body: Grays Harbor/Johns River

Type of Authorization - Use: Right of Entry – Pier Repair

Authorization Number: Pending

Term: 2 years

Description: This agreement will allow the use of State-owned aquatic lands for the sole purpose of pier repair. It is located in Grays Harbor on Johns River, in Grays Harbor County, Washington.

Westport Fisheries, Inc.
Authorization No. Pending
Authorized Use: ROE Pier Repair
Location: Grays Harbor/Johns River, Grays Harbor Co.



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: 46.90155N, Long: 124.00172W
Section 2, Township 16 North, Range 11 West W.M.

Prepared By: dh Date: 7-12-2010



WASHINGTON STATE 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 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
 [Region/District Address]

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: 7/01/10

Authorization to be Issued To (how name is to appear in the lease document): Westport Fisheries, Inc.

Applicant's Representative: Ho Kim

Relationship to Applicant: Company President, Project Manager

Address: 33024 20 Pl. SW	City: Federal Way	State: WA	Zip Code: 98023
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Telephone: 253-205-4315	Fax: 253-661-9438	E-Mail: ho.j.kim@comcast.net
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FOR OFFICIAL USE ONLY Support staff: Application Fee Received JARPA Received Date: 7-12-10

Land Manager: New Application; Renewal Application

Land Manager Initials mbldh

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

NaturE Use Code 204 (ROE)

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**: 602-917-461Which of the following applies to Applicant (**Check One** and **Attach written authority to sign** - bylaws, power of attorney, etc):

Corporation <input checked="" type="checkbox"/> State of Registration: Washington	Limited Partnership <input type="checkbox"/> State of Registration:	General Partnership <input type="checkbox"/> State of Registration:
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Sole Proprietorship <input type="checkbox"/>	Marital Community Spouse: <input type="checkbox"/>	Government Agency <input type="checkbox"/>
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Other (Please Explain:)

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: Johns River	County in which the state property is located: Grays Harbor	Government Lot:
	Section: 2	Township: 16
	Range: 11	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.):

Tideflat adjacent to Johns River

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

Address: 33024 20 Pl. SW	City: Federal Way	State: WA	Zip Code: 98023
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Phone Number: 253-205-4315	Fax Number 253-661-9438	E-mail: ho.j.kim@comcast.net
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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: 161102140020

IV. USE OF PROPERTY

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

An existing dock currently is located on the property, the dock has deteriorated and requires repair/modification for reuse. A Structural Engineering Report has been prepared articulating the work required to make the dock usable for the applicant's purpose (importation of live hag fish for processing and shipping live to market) A copy of the structural engineering report is attached as well as a project description for use of the site. The Engineers report is broken down into two segments of work; the first segment and the subject of this right of entry request is to make minor repairs to the dock deck and support structure and installation of a guard rail to bar access to the northerly 30 feet of dock that will not be repaired for use. Once this initial work is done the site operations can proceed while the applicant obtains all required permits that will allow in water work to remove the northerly 30 feet of dock, some remnant piling and an old float dock and pile supports just north of the existing dock being repaired in phase 1 of the work.

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 was formally used by Associated Seafood Company who offloaded oysters and other seafood products for processing and sale to local and regional markets

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: A substantial amount of oyster shell has been used as fill on large portions of the site. Some oyster shell stockpiles remain on the upland of the site.

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.) A number of buildings, bulkhead, dock and float have been constructed on the site over a period of years. These structures and improvements are shown on both the Aquatics Lease area survey map and site aerial map; other site photos are available on request if required

If there are physical improvements currently on the site, who owns them? Westport Fisheries, Inc now owns all the improvements

If there are physical improvements currently on the site, describe their condition: Existing structures on the site vary in age and condition, some, such as the main (newest) ware house building are being repaired/remodeled for reuse, other structures on the site are currently being evaluated for reuse potential, some will be removed and some will be modified. The dock connecting the warehouse building to the shoreline will be modified with the southerly section being repaired and retained, the northerly 30 feet of said dock will be barred for access initially and eventual removed when permitted. The float dock and support piling immediately north of the ware house building will also be removed when permitted.

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

Describe any physical improvements that the applicant is proposing to construct on the site: No new structures are currently planned on the site as noted above modification of some or all of the structures are anticipated however any remodel or modification to existing structures will be completed well with in the current occupied foot print. Over all the facility structures will become smaller over time rather than larger.

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

If Yes, please describe: As noted under IV "Use of Property" the site has historically been filled over time with an abundance of oyster shells placed by previous owners of the site.

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): Ho Kim	Title: WFI Company President and Project Manager
Applicant or Authorized Signature: 	Date: 7/6/2010

**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