



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

## Application for Use of State-owned Aquatic Lands

**Applicant Name:** Wave Division Holdings I, LLC  
**County:** Snohomish County  
**Water Body:** Hat Slough and Stillaguamish River  
**Type of Authorization - Use:** Easement – Fiber Optic Cable Crossing  
**Authorization Number:** 51-080515  
**Term:** 30 years

**Description:** This agreement will allow the use of State-owned aquatic lands for the sole purpose of installing and maintaining a fiber optic cable crossing. It is located over Hat Slough and Stillaguamish River, in Snohomish County, Washington.

Posted 3/22/2011

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES  
DOUG SUTHERLAND, 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  
Northwest Region  
919 N. Township St.  
Sedro Woolley, WA 98284

**II. APPLICANT INFORMATION**

Date of Application: 8/7/06

Authorization to be Issued To (how name is to appear in the lease document): **Wave Division Holdings I, LLC**

Applicant's Representative: Dave Dein, VP Broadband Deployment

Relationship to Applicant: **Employee**

Address: **401 Kirkland Parkplace, STE 410**

City: Kirkland

State: WA

Zip Code: 98033

Telephone: 425-896-1856

Fax: 425-576-8221

E-Mail: dave@wavebroadband.com

**FOR OFFICIAL USE ONLY**

Support: Application Fee Received

Date: 8/15/06

Land Manager:  New Application;  Renewal Application;

Land Manager Initials: *CDW*

Land Records: New Application Number **51-020515**

Trust **15121**

County **31**

AQR Plate No. **Note 3**

**TS31-036**

*39XAQUA 05 OL RD 30*

*\* chad will be LU30 - but I dont know if the change has been made to Div.*

*\* 51 # requested*  
*EN*  
*10/24/2006*

**II. APPLICANT INFORMATION cont'**

Department of Revenue Tax \*Registration Number (Unified Business Identifier) is Required: 602-274-233

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 checked="" type="checkbox"/> State of Registration: WA	General Partnership <input type="checkbox"/> State of Registration:
Sole Proprietorship <input type="checkbox"/>	Marital Community Spouse: <input type="checkbox"/>	Government Agency

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:  Hat Slough Stillaguamish River	County in which the state property is located: Snohomish County	Government Lot: N/A 6 & 11 (Sec 30)
	Section: 31 - Hat Slough 30 - Stillaguamish River	Township: 32N
	Range: 4	E <input checked="" 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.): **Aerial powerline crossing of Hat Slough and the Stillaguamish River. Power poles are adjacent to the waterways in upland areas.**

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

See attachment.

Address:	City:	State:	Zip Code:
Phone Number:	Fax Number	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: See attachment.

#### IV. USE OF PROPERTY

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

Snohomish County Public Utility District No. 1 (District) is proposing to construct a new 7.5 mile-long 115 kilovolt (kV) transmission line from Lake Goodwin to North Stanwood to improve reliability. This new line will provide a back-up to an existing 115 kV transmission line that currently serves the area. Additionally, the new line will allow the District to perform maintenance on the existing 115 kV line while maintaining service to its customers in the Stanwood/Camano Island area via the alternate transmission line. The new line will be built along an existing 12 kV distribution line corridor. The existing 12 kV line will be rebuilt and become a part of the new line. See Project Narrative for additional information.

The transmission line will cross the Stillaguamish River and Hat Slough (see Sheet 1 of 5) which are subject to the Washington State Department of Natural Resources jurisdiction. No work will occur within or below the ordinary high water (OHW) of either waterway.

The plan view and cross section for the Stillaguamish River crossing are shown in Sheets 2 of 5 and 3 of 5. As noted in those plans, the closest pole is located 125 feet from OHW. The telephone/cable TV lines are 26 feet above the river (OHW). The District is requesting a 30-foot-wide Aquatic Lease at this crossing location.

The plan view and cross section for the Hat Slough crossing are shown in Sheets 4 of 5 and 5 of 5. As noted in those plans, the closest pole is located a minimum of 40 feet from OHW. The telephone/cable TV lines are 35 feet above Hat Slough (OHW). The District is requesting a 30-foot-wide Aquatic Lease at this crossing location.

Stringing the transmission line wire across the waterways will be accomplished by using a pull line and a system of pulleys. A rope is pulled in the air above the waterway with tension so the rope never contacts the ground or water. The wire is attached to the rope using the same procedure.

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?

Existing aerial 12.5 kV electrical distribution line crossing. And fiber optic crossing on same existing aerial crossing.

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.)

There are 45-foot tall poles that are located on both sides of each waterway crossing outside of ordinary high water and aerial overhead distribution lines that span the Stillaguamish River and Hat Slough between the poles.

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

Snohomish County Public Utility District No. 1

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

The existing poles and 12 kV distribution line are still in serviceable condition. They are being replaced to accommodate the addition of the 115 kV transmission line.

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

The existing distribution poles will be removed and replaced with taller transmission poles.

Describe any physical improvements that the applicant is proposing to construct on the site:

No physical improvements will be constructed on the state-owned aquatic lands. The new transmission poles will be located outside of OHW of the Stillaguamish River and Hat Slough, 125 feet and 40 feet, respectively, from the river bank. The aerial distribution and transmission lines will span the Stillaguamish River and Hat Slough.

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: **SEE ATTACHMENT**

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, filing, 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:

No work will occur below OHW at the Stillaguamish River and Hat Slough. Tree trimming and construction impacts in the riparian corridors shall be minimal due to locating the new poles in proximity to existing poles. Erosion control measures will be placed around the edge of disturbance for pole replacement. Disturbed areas shall be hydroseeded and planted with appropriate vegetation.

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

Applicant Name (please print): Dave R. Dein	Title: VP Broadband Deployment
Applicant or Authorized Signature: 	Date: 8/14/06

**Snohomish County Public Utility District No. 1  
 Lake Goodwin to North Stanwood 115 kV Transmission Line  
 Application for Authorization to Use State-Owned Aquatic Lands**

**III. LOCATION**

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

Name	Address	Parcel Number
<b>Hat Slough</b>		
WA Dept. of Fish and Wildlife	7714 Boe Road, Stanwood, WA	32043100401000
Ellingsen Farms	23506 Marine Drive, Stanwood, WA	31040600100300
Ted Oien	Stanwood, WA	32043100401100
<b>Stillaguamish River</b>		
Timothy Kenney	25421 Marine Drive, Stanwood, WA	32043000400400
Ted & Jean Oien	Marine Drive, Stanwood, WA	32043000401900

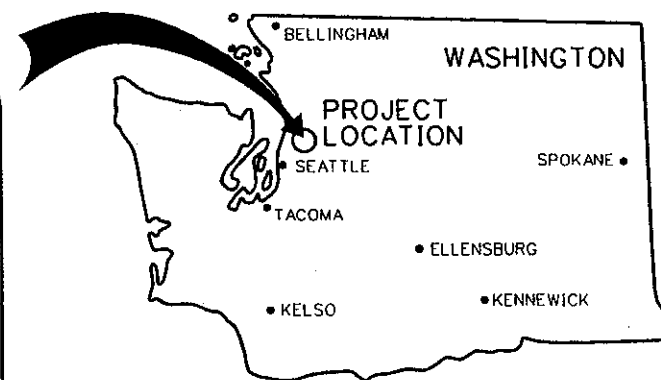
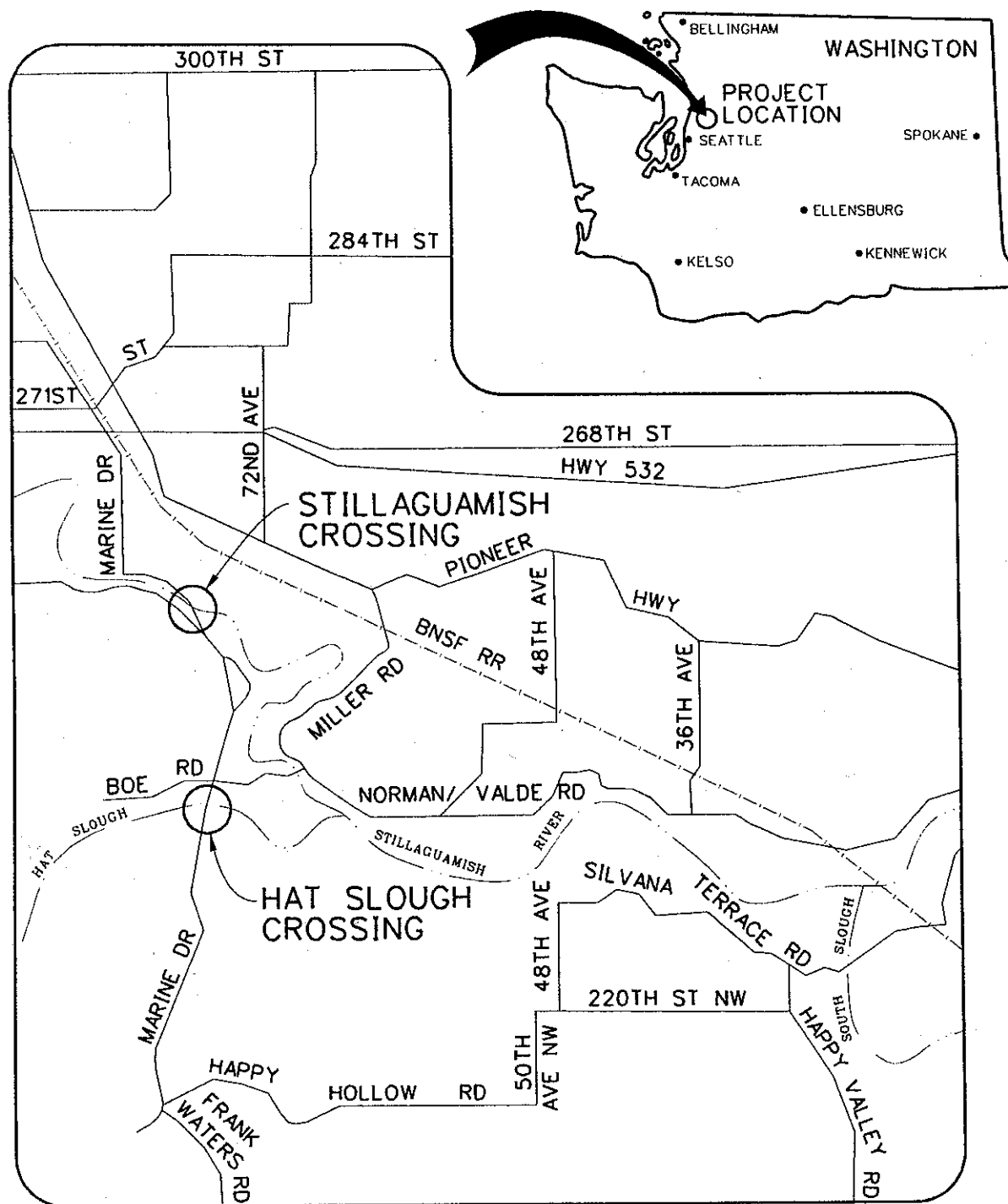
**VI. LOCAL, STATE, AND FEDERAL REGULATORY PERMITS**

**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.**

Permit	Status*
Section 10 Permit	Issued on April 3, 2006; copy enclosed.
Shoreline Substantial Development Permit	Anticipate issuance in June/July 2006.
Hydraulic Project Approval	Issued on March 8, 2006; copy enclosed.
Section 404 Permit	Not applicable.
Section 401 Water Quality Certificate	Not applicable.
NPDES Permit	Not applicable.
SEPA Checklist	Determination of Nonsignificance issued by the District on December 22, 2005; copy enclosed.

\*Permits that are still under review by their respective agencies will be provided when issued.

# VICINITY MAP



SCALE: 1" = 1.6 MILES

**PURPOSE:** OVERHEAD POWERLINE CROSSING OF THE STILLAGUAMISH RIVER AND HAT SLOUGH

**DATUM:** NAVD88

## VICINITY MAP AND RIVER CROSSING LOCATIONS

**APPLICANT:** SNOHOMISH COUNTY PUBLIC UTILITY DISTRICT No. 1

**REFERENCE #:**

**PROPOSED:** RIVER CROSSING

**IN:** STILLAGUAMISH RIVER AND HAT SLOUGH

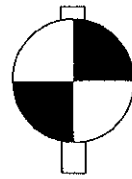
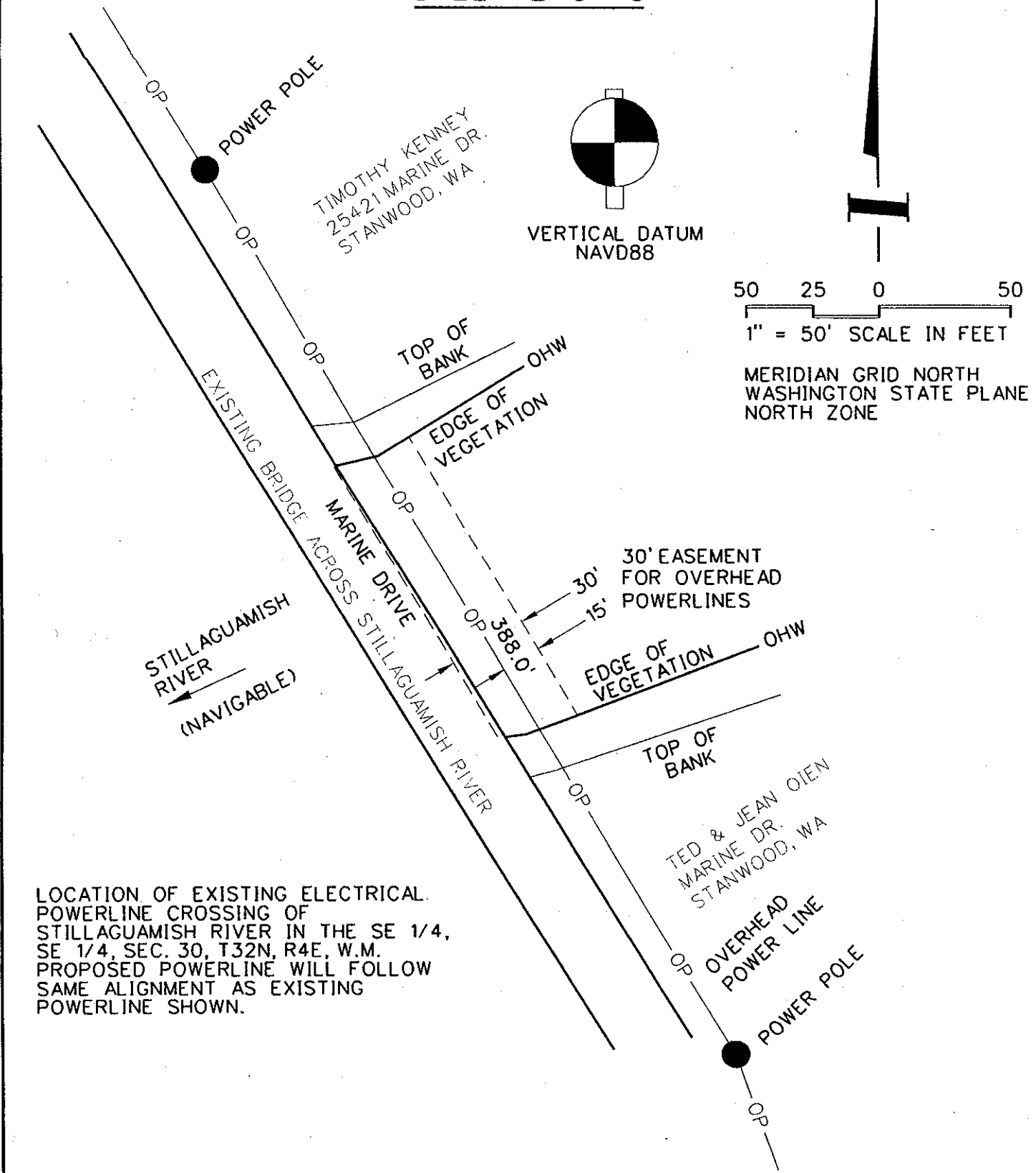
**COUNTY:** SNOHOMISH **STATE:** WA

**SHEET:** SHEET 1 OF 5

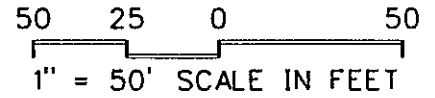
**DATE:** OCTOBER 27, 2005



SHEET 2 OF 5



VERTICAL DATUM  
NAVD88



MERIDIAN GRID NORTH  
WASHINGTON STATE PLANE  
NORTH ZONE

LOCATION OF EXISTING ELECTRICAL  
POWERLINE CROSSING OF  
STILLAGUAMISH RIVER IN THE SE 1/4,  
SE 1/4, SEC. 30, T32N, R4E, W.M.  
PROPOSED POWERLINE WILL FOLLOW  
SAME ALIGNMENT AS EXISTING  
POWERLINE SHOWN.

PURPOSE: OVERHEAD POWERLINE CROSSING  
DATUM: NAVD88

LAT: 48° 13' 32" N  
LONG: 122° 20' 16" W

ADJACENT PROPERTY OWNERS:  
1. TIMOTHY KENNEY  
2. TED & JEAN OIEN

STILLAGUAMISH RIVER CROSSING  
PLAN VIEW

APPLICANT: SNOHOMISH COUNTY PUBLIC  
UTILITY DISTRICT No. 1

REFERENCE #:

PROPOSED: RIVER CROSSING

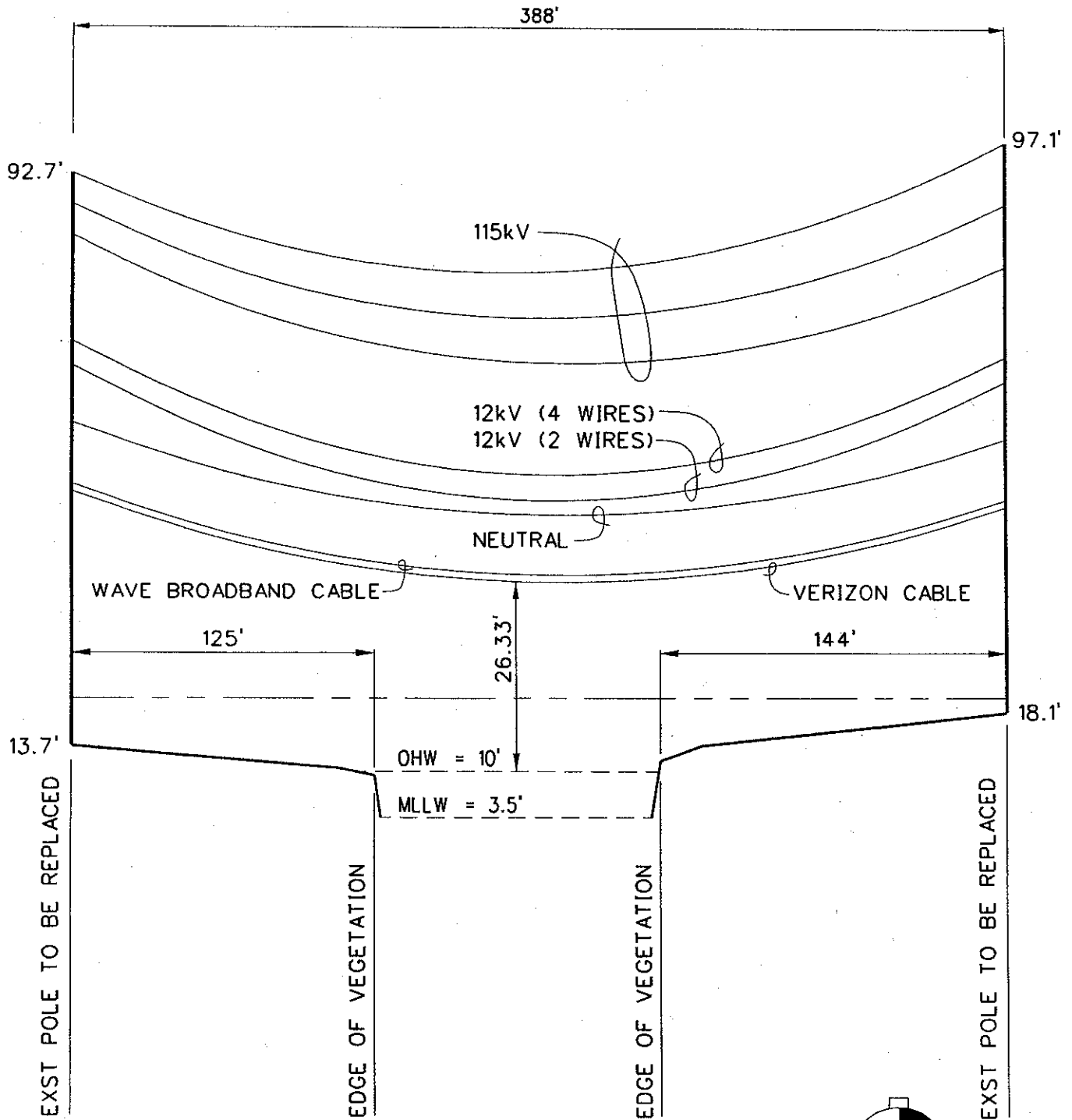
IN: STILLAGUAMISH RIVER

COUNTY: SNOHOMISH STATE: WA

SHEET: SHEET 2 OF 5

DATE: OCTOBER 27, 2005

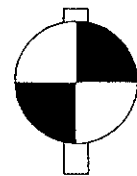
**SHEET 3 OF 5**



PROFILE OF PROPOSED ELECTRICAL OVERHEAD POWERLINE CROSSING OF STILLAGUAMISH RIVER IN THE SE 1/4, SE 1/4, SEC. 30, T32N, R4E, W.M. PROPOSED POWERLINE WILL FOLLOW SAME ALIGNMENT AS EXISTING POWERLINE SHOWN.

**PROFILE**

HORIZONTAL SCALE: 1" = 60'  
 VERTICAL SCALE: 1" = 20'



VERTICAL DATUM  
 NAVD88

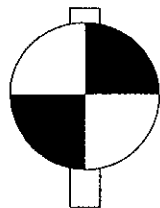
**PURPOSE:** OVERHEAD POWERLINE CROSSING  
**DATUM:** NAVD88  
**LAT:** 48° 13' 32" N  
**LONG:** 122° 20' 16" W  
**ADJACENT PROPERTY OWNERS:**  
 1. TIMOTHY KENNY  
 2. TED & JEAN OIEN

**STILLAGUAMISH RIVER CROSSING CROSS SECTION**  
**APPLICANT:** SNOHOMISH COUNTY PUBLIC UTILITY DISTRICT No. 1  
**REFERENCE #:**

**PROPOSED:** RIVER CROSSING  
**IN:** STILLAGUAMISH RIVER  
**COUNTY:** SNOHOMISH **STATE:** WA  
**SHEET:** SHEET 3 OF 5  
**DATE:** OCTOBER 27, 2005

FILE: W:\Trans\T3H\Sheet 3.DGN  
 DATE: 03-Nov-05 06:32

LOCATION OF EXISTING ELECTRICAL POWERLINE CROSSING OF HAT SLOUGH IN THE SE 1/4, SE 1/4, SEC. 31, T32N, R4E, W.M. PROPOSED POWERLINE WILL FOLLOW SAME ALIGNMENT AS EXISTING POWERLINE SHOWN.



VERTICAL DATUM  
NAVD88

HAT SLOUGH  
NAVIGABLE

POWER POLE

TOP OF BANK

EDGE OF VEGETATION  
OHW

30'

15'

30' EASEMENT  
FOR OVERHEAD  
POWERLINES

50 25 0 50  
1" = 50' SCALE IN FEET

MERIDIAN GRID NORTH  
WASHINGTON STATE PLANE NORTH  
ZONE

EDGE OF VEGETATION

TOP OF BANK

POWER POLE

ELLINGSEN FARMS  
23506 MARINE DR.  
ST ANWOOD WA

TED OIEN  
ST ANWOOD WA

MARINE DRIVE  
EXISTING BRIDGE ACROSS HAT SLOUGH

PURPOSE: OVERHEAD POWERLINE CROSSING

DATUM: NAVD88

LAT: 48° 12' 35" N

LONG: 122° 20' 13" W

ADJACENT PROPERTY OWNERS:

1. WA STATE DEPT. OF FISH AND WILDLIFE
2. TED OIEN
3. ELLINGSEN FARMS

HAT SLOUGH CROSSING  
PLAN VIEW

APPLICANT: SNOHOMISH COUNTY PUBLIC  
UTILITY DISTRICT No. 1

REFERENCE #:

PROPOSED: RIVER CROSSING

IN: HAT SLOUGH

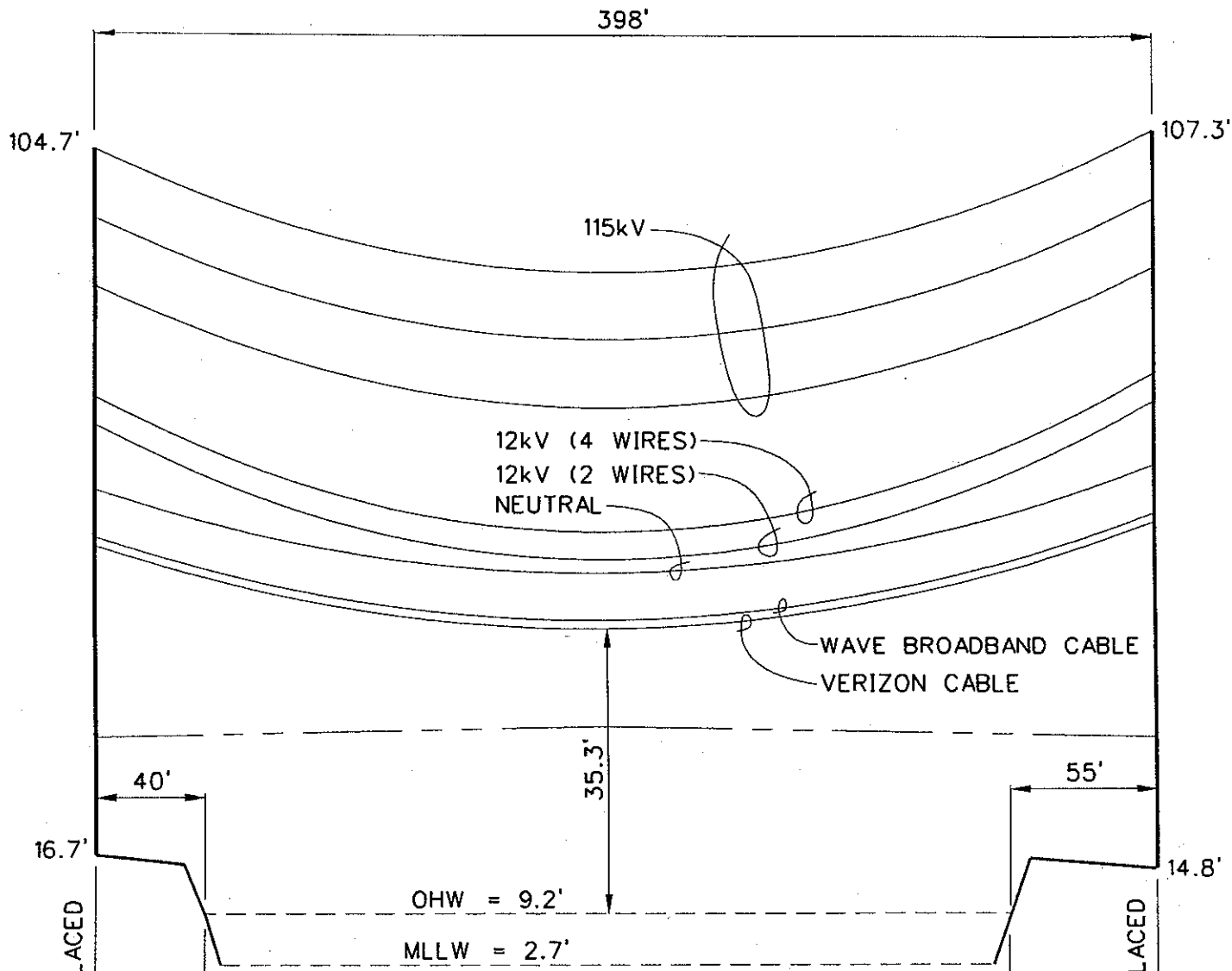
COUNTY: SNOHOMISH

STATE: WA

SHEET: SHEET 4 OF 5

DATE: OCTOBER 27, 2005

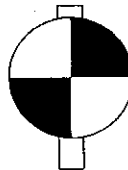
**SHEET 5 OF 5**



**PROFILE**

HORIZONTAL SCALE: 1" = 60'  
 VERTICAL SCALE: 1" = 20'

PROFILE OF PROPOSED ELECTRICAL OVERHEAD POWERLINE CROSSING OF HAT SLOUGH IN THE SE 1/4, SE 1/4, SEC. 31, T32N, R4E, W.M. PROPOSED POWERLINE WILL FOLLOW SAME ALIGNMENT AS EXISTING POWERLINE SHOWN.



VERTICAL DATUM  
NAVD88

**PURPOSE:** OVERHEAD POWERLINE CROSSING  
**DATUM:** NAVD88  
**LAT:** 48° 12' 35" N  
**LONG:** 122° 20' 13" W  
**ADJACENT PROPERTY OWNERS:**  
 1. WA STATE DEPT. OF FISH AND WILDLIFE  
 2. TED OJEN  
 3. ELLINGSEN FARMS

**HAT SLOUGH CROSSING  
 CROSS SECTION**

**APPLICANT:** SNOHOMISH COUNTY PUBLIC UTILITY DISTRICT No. 1  
**REFERENCE #:**

**PROPOSED:** RIVER CROSSING  
**IN:** HAT SLOUGH  
**COUNTY:** SNOHOMISH **STATE:** WA  
**SHEET:** SHEET 5 OF 5  
**DATE:** OCTOBER 27, 2005