



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

Application for Use of State-owned Aquatic Lands

Applicant Name: Lake Stevens Sewer District
County: Snohomish County
Water Body: Ebey Slough
Type of Authorization - Use: Easement – Outfall
Authorization Number: 51-079458
Term: 30 years

Description: This agreement will allow the use of State-owned aquatic lands for the sole purpose of installing and maintaining a 30" HDPE outfall pipeline. It is located on Ebey Slough, in Snohomish County, Washington.

Posted on 3/22/2011



WASHINGTON STATE DEPARTMENT OF **Natural Resources**

Doug Sutherland - Commissioner of Public Lands

**Application for Authorization
to use State Owned Lands
for Easements, Rights of Way and Rights of Entry**

APPLICATION MUST BE FILLED OUT IN BLUE OR BLACK PEN

This application is to be used for the following Department of Natural Resources (DNR) uses on state-owned land. Please check the use you are applying for below: *Multi-Region projects complete both Upland and Aquatic sections and survey specifications for Multi-Region projects.*

Upland Uses: *Please complete sections I, III, and IV, below for the following uses.*

- Temporary Road Use Permit - Used for hauling valuable materials across DNR managed land (Upland use only, timber, crops, rock, etc).
- Urban/Rural Easement - For crossings in an urban or rural upland area (Homesite and non-forestry uses).
- Resource Management Easement - For crossings in areas where resources are managed (Removal of timber, crops, rock, etc.)
- Utility Line Easement - For utility line crossing uplands (Power, water, sewer, telephone, etc.)
- Public Highway - For local government and state agencies crossing state lands.

Aquatic Land Uses: *Please complete sections I, II, and IV, below for the following uses.*

- Aquatic Easement - For crossing state-owned aquatic land (Pacific Ocean, Puget Sound, navigable rivers and lakes, waterways, harbor areas).
- Aquatic Right-of-Entry - For uses on aquatic land which will be for a term of less than a year.

I SUBMISSION OF APPLICATION

PLEASE NOTE: NO WORK CAN BE STARTED WITHIN THE PROJECT AREA UNTIL A USE AUTHORIZATION AGREEMENT HAS BEEN GRANTED BY THE DEPARTMENT OF NATURAL RESOURCES.

This application will be reviewed by the Department of Natural Resources upon receipt at one of the DNR offices shown 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 execution of a use authorization granted by DNR.

For Aquatic Land applications, please include a \$25.00 non-refundable application processing fee (**this fee is not required for local, state, and other government agencies**).

see sheet 13 for official use only block EN

Completion of this application form and notice of acceptance of the application should not be considered approval of your project. A use authorization agreement allows the applicant to use state-owned land. It is a legal real estate agreement which will be signed by both parties and in most cases recorded with the appropriate county.

DNR REGION OFFICES AND COUNTIES SERVED

Northeast Region -	225 South Silke Road P.O. Box 190 Colville, WA 99114	Counties - Lincoln**, Spokane, Stevens, Pend Oreille, Ferry Okanogan
Northwest Region -	919 North Township Street Sedro Woolley, WA 98284	Counties - Whatcom, Island, San Juan, Skagit, Snohomish
Olympic Region -	411 Tillicum Lane Forks, WA 98331	Counties - Clallam, Jefferson, north half of Grays Harbor
South Puget Sound Region -	950 Farman Ave North Enumclaw, WA 98022-9282	Counties - Pierce, King, Kitsap Mason; parts of Lewis, Thurston* and Snohomish
Southeast Region -	713 Bowers Road Ellensburg WA 98926	Counties - Adams, Benton, Douglas, Chelan, Franklin, Grant, Kittitas, Yakima, Klickitat, Walla Walla, Columbia, Whitman, Garfield, Asotin, parts of Lincoln**
Pacific Cascade Region -	601 Bond Road P.O. Box 280 Castle Rock, WA 98611	Counties - Wahkiakum, Cowlitz, Clark, Skamania, Thurston*, Lewis, Pacific, south half of Grays Harbor

* Jurisdiction in these counties is shared by two regions

** Jurisdiction in these counties is shared by two regions

GENERAL APPLICATION INFORMATION

Date of Application:		4-15-06+	
(NOTE: This application will expire two (2) years from this date.)			
Easement to be Issued To (how name will appear on contract)		Lake Stevens Sewer District, Darwin Smith, Manager	
Address including City, State and Zip Code		1106 Vernon Road, Suite A Lake Stevens, WA 98258	
Telephone Number	425 334-8588	Fax Number	425 335-5947
Applicant's Representative	Mike Jauhola PE, Gray & Osborne, Inc.	Relationship to Applicant	Consulting Engineer
Address including City, State and Zip Code		Gray & Osborne, Inc. 701 Dexter Avenue North, Suite 200 Seattle, WA 98109	
Telephone Number	206 284-0860	Fax Number	206 283-3206
If Property will be used for business purposes, Applicants' Washington Department of Revenue Tax *Registration Number (Unified Business Identifier) is REQUIRED:		91-6001368	
Which of the following applies to Applicant (Check One and Attach written authority to sign - by laws, power of attorney, etc):			
Corporation: <input type="checkbox"/>	(State of Registration): <input type="checkbox"/>	Governmental Agency: <input checked="" type="checkbox"/>	
General Partnership: <input type="checkbox"/>	Limited Partnership: <input type="checkbox"/>	(State of Registration): <input type="checkbox"/>	
Sole Proprietorship: <input type="checkbox"/>	Marital Community: <input type="checkbox"/>	(Spouse): <input type="checkbox"/>	
Other: <input type="checkbox"/>	(Please Explain):	The Lake Stevens Sewer District provides wastewater treatment and conveyance services for the City of Lake Stevens and the surrounding service area.	

Has the site use been authorized before or is it currently under an easement? Check One	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Don't Know <input type="checkbox"/>	If yes	Agreement #
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USE OF STATE PROPERTY

Describe the proposed use of the property and identify any additional proposed use:	The Lake Stevens Sewer District proposes to remove approximately 40 cubic yards of muddy bottom sediments, replace them with 40 cubic yards of quarry spalls for outfall diffuser bedding. Approximately 380 cubic yards of crushed base course material will be used to cover and protect the proposed outfall/diffuser structure and approximately 1,350 square feet of the benthic surface. This outfall structure will serve the Lake Stevens Sewer District's service area through at least 2028.		
Estimate volume of timber and/or rock to be hauled.	Mbf 420 Cu.Yds.		
Who will the project ultimately serve? How many people will benefit from this project?	The Lake Stevens Sewer District Service area, current population approximately 20,005; estimated 2028 population 40,010; estimated buildout population 68,222.		
What is the legal description of the <u>benefiting</u> property?	Section 23, Township 29 North, Range 5 East: Parcel Number 232905-2-018-0001		
	The South 429 feet of Government Lot 6, Section 22, and the South 429 feet of Government Lot 3, Section 23, Township 29 North, Range 5 East, W.M., in Snohomish County, Washington, as measured along the Section line between said Sections; EXCEPT that portion thereof which lies Easterly of the Westerly Margin of the Pacific Highway, also known as the Marysville Highway.		
	SITUATE in the County of Snohomish, State of Washington.		
Length of time requested for the easement?	From July , 2007	To July, 2028	
Proposed construction starting date and completion date	Start construction July 2007 End construction 2010	Estimated cost of construction	\$200,000
Length of the project in feet or miles	Approximately 100 feet		
Width of the proposed R/W in feet	13.5 feet		

If the project is for utilities (telephone, sewer lines, outfall, power, water, natural gas, etc.), what are the dimensions of the material to be used? (e.g., six inch doubled walled pipe, or six fiber optic conduits)	14-inch HDPE pipe, quarry spalls and crushed base coarse material							
What is the use capacity of the utility?	The proposed Sunnyside WWTF will have an initial capacity of 4.7 MGD, a 2028 capacity of 7.04 MGD and a buildout capacity of 9.67 MGD. These figures are likely to increase as the area develops.							
If the project is a bridge, what is the anticipated life span of the bridge?								
Will utilities be a part of the bridge?	<table style="border: none;"> <tr> <td style="border: 1px solid black; padding: 2px;">YES</td> <td style="border: none; padding: 0 5px;"> </td> <td style="border: 1px solid black; padding: 2px;"><input type="checkbox"/></td> <td style="border: none; padding: 0 5px;"> </td> <td style="border: 1px solid black; padding: 2px;">NO</td> <td style="border: none; padding: 0 5px;"> </td> <td style="border: 1px solid black; padding: 2px;"><input type="checkbox"/></td> </tr> </table>	YES		<input type="checkbox"/>		NO		<input type="checkbox"/>
YES		<input type="checkbox"/>		NO		<input type="checkbox"/>		
If utilities are a part of the bridge, please list which utilities (include company name and address if known)								
Will the easement, or any portion thereof, be assigned to another party?	<table style="border: none;"> <tr> <td style="border: 1px solid black; padding: 2px;">YES</td> <td style="border: none; padding: 0 5px;"> </td> <td style="border: 1px solid black; padding: 2px;"><input type="checkbox"/></td> <td style="border: none; padding: 0 5px;"> </td> <td style="border: 1px solid black; padding: 2px;">NO</td> <td style="border: none; padding: 0 5px;"> </td> <td style="border: 1px solid black; padding: 2px;"><input type="checkbox"/></td> </tr> </table> (If yes, submit a copy of the conveyance agreement.)	YES		<input type="checkbox"/>		NO		<input type="checkbox"/>
YES		<input type="checkbox"/>		NO		<input type="checkbox"/>		
What are the current and past uses of the site?								
Do you have any knowledge of contamination of the site by toxic or hazardous substances? Any past uses or practices that might have led to contamination by such substances? If so, please explain:								
no								

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. NEW CONSTRUCTION WILL REQUIRE SUBMISSION OF SURVEY.

What physical improvements currently exist on the site? (Photos may be required.)	The right (east) bank Ebey Slough Levee is located just landward of the proposed outfall.
If there are physical improvements currently on the site, who holds ownership to them?	Diking District #2, Reid Carleton

<p>If there are physical improvements currently on the site, describe their condition:</p>	<p>The left bank Ebey Slough Levee is eroded and oversteepened. The portion of the levee affected by the outfall installation project will be pulled back approximately 20 feet to the east to remedy this situation. Diking District will likely complete this levee pull-back operation in the next few years.</p>
<p>Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed?</p>	<p>The Diking District will likely complete the levee pull-back project in the next few years.</p>
<p>Describe any physical improvements that the applicant is proposing to construct on the site:</p>	<p>The District proposes to install a 30-inch HDPE Effluent Pipeline through the left bank levee on Ebey Slough, which will extend offshore approximately 90 feet. A reducing wye will be attached to the 30-inch pipe and two 14-inch diffusers will be installed. 40 cubic yards (cy) of benthic sediments will be removed from Ebey Slough and 40 cy of quarry spalls will be installed to bed the outfall and diffuser. 380 cy of crushed base coarse material will be installed over the 1,350 square foot outfall corridor.</p>
<p>Has any fill material been placed on the site? If Yes, please describe:</p>	<p>Rocks logs and native floodplain soils were piled on the left bank of Ebey Slough to form the existing levee.</p>

II AQUATIC LOCATION

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.

<p>The Body of Water on which the state property is located:</p>	<p>Ebey Slough in Snohomish County</p>
<p>County in which the state property is located:</p>	

<p>Government Lot, 286 ⁶</p>	<p>Section, 23 ²²</p>	<p>Township,</p>	<p>29 N</p>	<p>Range, 5</p>	<p>East/West</p>	<p>East</p>
<p>Government Lot,</p>	<p>Section,</p>	<p>Township,</p>	<p>Range,</p>	<p>East/West</p>		

Government Lot,	Section,	Township,	Range,	East/West
Government Lot,	Section,	Township,	Range,	East/West
Government Lot,	Section,	Township,	Range,	East/West
Government Lot,	Section,	Township,	Range,	East/West

A LEGAL PROPERTY SURVEY INCLUDING THE LEGAL DESCRIPTION AND OTHER INFORMATION ABOUT THE PROPERTY IS REQUIRED TO OBTAIN AN EASEMENT. THE SURVEY REQUIREMENTS ARE DESCRIBED BELOW IN PROPERTY SURVEY (AQUATIC EASEMENT), PROPERTY SURVEY OF THIS FORM. THE SURVEY PLAT WILL BE ATTACHED TO THE EASEMENT DOCUMENT AS EXHIBIT A. **ENGINEERING DRAWINGS ARE NOT ACCEPTABLE. (THE SURVEY CAN BE COMPLETED AFTER YOU HAVE BEEN NOTIFIED IN WRITING THAT THE APPLICATION HAS BEEN ACCEPTED. HOWEVER, THE EASEMENT AGREEMENT CANNOT BE COMPLETED UNTIL A SURVEY IS APPROVED BY OUR DEPARTMENT.)**

Physical description of Project Area (For example, Marsh, Tideflat adjacent to the Chehalis River, etc.): Muddy benthic surface of the left bank of Ebey Slough

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

Name	Reid & Mary Carleton	Address	830 Sunnyside Boulevard	
City	Everett	State	WA	Zip Code 98205
				Phone Number

County Parcel No(s). for adjacent properties, upland, and /or adjacent tideland properties (NOTE: You may attach copies of county assessors information relating to parcel numbers. Please verify that the section, township and range is identified in the assessors information.)

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.

LOCAL, STATE, AND FEDERAL REGULATORY PERMITS (AQUATIC EASEMENTS ONLY)

COPIES OF ALL GOVERNMENT REGULATORY PERMITS ARE REQUIRED BEFORE ISSUANCE OF A DNR EASEMENT. YOUR PROJECT MAY REQUIRE SOME OR ALL OF THESE PERMITS. (WAC 332.30.122 (1)(c))

PLEASE INCLUDE THE FOLLOWING PERMIT APPLICATIONS, PERMITS, LETTERS OF CONCURRENCE OR WAIVERS WITH THE APPLICATION:

JARPA (Joint Aquatic Resources Permit Application) This one form is used to apply for all of the following permits:

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.

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.

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.

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.

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 Review - When you submit a permit application to any agency, you will be asked to fill out an environmental checklist (unless your project is categorically exempt per WAC 197-11-800 through 890). Based on checklist answers and the reviewers knowledge of the project site, the "lead agency's" SEPA responsible official will determine the types of impacts the project may have on the environment. ("lead agency" is defined in WAC 197-11-050).

The lead agency will make a determination as to the environmental impact of this proposal and will issue one of the following:

- Determination of Non-significance (DNS)
- Mitigated Determination of Non-significance (MDNS), which will require mitigation measures to reduce the environmental impact.
- Determination of Significance (DS), which will trigger a requirement to produce an environmental impact statement (EIS)
- The lead agency's determination of non-significance will not automatically cause DNR's approval of this proposal for right of way on the lands it manages.

Describe any habitat mitigation required by any of the permitting agencies identified above and identify in detail where such mitigation is proposed to occur:

Snohomish County and the Corps of Engineers will likely require revegetation of disturbed riparian and wetland areas associated with construction of the proposed Sunnyside WWTF, Sunnyside Lift Station, and the Effluent Pipeline and outfall to Ebey Slough. As mitigation, reed canary grass will be removed from approximately 1.4 acres of the District's holdings south of the existing WWTF Access Roadway. This area will be replanted with native grasses, forbs, shrubs and trees.

PROPERTY SURVEY (AQUATIC EASEMENT)

Form Date: June, 2005

A survey of the easement area is required for each application. A third order survey is required and a Record of Survey shall be submitted showing the results of the survey and the location of the easement site applied for. A copy of the final proposed survey must be submitted directly to the land manager who will pass on to the department's State Land Survey Unit, for preliminary review prior to submission of the final survey. The final survey shall be filed with the county auditor and a copy that includes the auditor's recording information shall be submitted to the department's land manager. The final recorded copy should include the departments easement number which will be given at the time of application acceptance.

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.

AQUATIC EASEMENT LEGAL DESCRIPTION

The Body of Water on which the state property is located:	Ebey Slough
County in which the state property is located:	Snohomish

Government Lot,	3 & 6 ⁶	Section,	23 ²²	Township,	29 N	Range,	5	East/West	<input checked="" type="checkbox"/> <input type="checkbox"/>
Government Lot,		Section,		Township,		Range,		East/West	<input type="checkbox"/> <input type="checkbox"/>
Government Lot,		Section,		Township,		Range,		East/West	<input type="checkbox"/> <input type="checkbox"/>
Government Lot,		Section,		Township,		Range,		East/West	<input type="checkbox"/> <input type="checkbox"/>
Government Lot,		Section,		Township,		Range,		East/West	<input type="checkbox"/> <input type="checkbox"/>
Government Lot,		Section,		Township,		Range,		East/West	<input type="checkbox"/> <input type="checkbox"/>
Government Lot,		Section,		Township,		Range,		East/West	<input type="checkbox"/> <input type="checkbox"/>
Government Lot,		Section,		Township,		Range,		East/West	<input type="checkbox"/> <input type="checkbox"/>

III UPLAND EASEMENTS

COPIES OF ALL GOVERNMENT REGULATORY PERMITS ARE REQUIRED BEFORE ISSUANCE OF A DNR AGREEMENT. YOUR PROJECT MAY REQUIRE THE FOLLOWING PERMITS OR OTHER PERMITS.

For all new construction, consultation with a DNR field representative is required prior to submitting an application. In addition, a site visit may also be required prior to submitting an application.

Note: A survey plat will be required to accompany the application. Contact the Region representative for the appropriate plat specifications.

For non-exempt projects, applicant must complete a SEPA checklist and include any additional information requires by SEPA before DNR will offer an agreement

SEPA (State Environmental Policy Act) Checklist and Environmental Review - When you submit a permit application to any agency, you will be asked to fill out an environmental checklist (unless your project is categorically exempt per WAC 197-11-800 through 890). Based on checklist answers and the reviewers knowledge of the project site, the "lead agency's" SEPA responsible official will determine the types of impacts the project may have on the environment. ("lead agency" is defined in WAC 197-11-050). The lead agency will make a determination as to the environmental impact of this proposal and will issue one of the following:

- Determination of Nonsignificance (DNS)
- Mitigated Determination of Non-significance (MDNS), which will require mitigation measures to reduce the environmental impact.
- Determination of Significance (DS), which will trigger a requirement to produce an environmental impact statement (EIS)
- The lead agency's determination of non-significance will not automatically cause DNR's approval of this proposal for right of way on the lands it manages.

Must be in place before work can be started:

FPA (Forest Practices Application): Required for activities conducted on forest lands related to growing, harvesting or processing timber and are regulated by the Forest Practices Act. Activities include road construction and maintenance, thinning and salvage of trees, harvesting, reforestation, brush control, and using fertilizers or pesticides.

HPA (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.

UPLAND LOCATION INFORMATION

For longer location information descriptions, please use the attached supplemental page.

County (s)

1) Legal description of new construction (road, utility)

Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
and will be feet wide, miles/feet long and consists of acres of land.							

2) Legal description of Existing Road

Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
and will be feet wide, miles/feet long and consists of acres of land.							

3) Legal description of land from which materials (products) will be removed

Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	
Subdivision		Section		Township		Range	

Subdivision		Section		Township		Range	
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Tax Parcel Numbers, tract numbers, lot names and physical address numbers: 232905-2-018-0001

IV APPLICATION VERIFICATION AND AUTHORIZATION

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

Applicant Lake Stevens Sewer District, Darwin Smith,
(Please Print)

Signed *Darwin Smith*
(Applicant or Authorized Signature)

Title Manager *General Mgr*

Company Lake Stevens Sewer District

Date 4-11-06

NOTE: If you have any questions concerning surveys, please call Department of Natural Resources, State Land Survey Unit at (360) 902-1182.

FOR OFFICIAL USE ONLY

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

Land Manager: New Application Renewal Application

Land Manager: Initials CWJ Aquatic Program Manager Initials

Support: Application Fee Received N/A ^{Public} _{entry} Date EN 6/5/2006

Land Records: New Application Number ~~77~~ 51-079458

Land Records: Trust 15421 County 31 AQR Plate No. TS31-017
39X AQUA OS NW R030 Note 26

