



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

Application for Use of State-owned Aquatic Lands

Applicant Name: City of Anacortes
County: Skagit County
Water Body: Skagit River
Type of Authorization - Use: Easement – Waterline
Authorization Number: 51-080849
Term: 12 years

Description: This agreement will allow the use of State-owned aquatic lands for the sole purpose of installing and maintaining a 36" diameter steel waterline. It is located beneath the bed of the Skagit River, in Skagit County, Washington.

Posted on 2/17/2011

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
DOUG SUTHERLAND, Commissioner of Public Lands

APPLICATION FOR AUTHORIZATION TO USE STATE-OWNED AQUATIC LANDS

I. SUBMISSION OF APPLICATION

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

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 SIGNED IN BLUE OR BLACK PEN

Please send the completed application form to your region land manager at:

Department of Natural Resources
[Region/District Address]
Northwest Region
919 N. Township Street
Sedro-Woolley, WA 98284

II. APPLICANT INFORMATION

Date of Application: January 22, 2007

Authorization to be Issued To (how name is to appear in the lease document: City of Anacortes)

Address: 904 6th Street

City: Anacortes State: WA Zip Code: 98221

Telephone Number: 360 293-1920 FAX Number: 360 293-1938

Applicant's Representative: Brian D. Bartle, P.E.

Relationship to Applicant: Engineer

Address: 2353 - 130th Avenue NE, Suite 200

City: Bellevue State: WA Zip Code: 98005

Telephone Number: 425 881-1100 FAX Number: 425 881-8937

If Property will be used for business purposes, Applicants' Washington Department of Revenue Tax *Registration Number (Unified Business Identifier) is Required: 91-6001227

FOR OFFICIAL USE ONLY

Land Manager: Type: (20, 21, 22, 23, 30, 51)

Land Manager: New Application Renewal Application

Land Manager: Initials CW Aquatic Program Manager Initials CW

Support: Application Fee Received N/A Public use Date

Land Records: New Application Number 51-080849

Land Records: Trust 15420 County 29 AQR Plate No. TS29-097 Note 5

05NW/R030

Form Date: June, 2005

EN
2/12/2007
of 7

Application for Authorization to Use SOAL

OLYMPIA FILE

FIELD FILE

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

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

Has the site use been authorized before or is it currently under lease: Yes(##) _____ No Don't Know

*** There is an existing power line in the same vicinity as this HDD crossing. Also, the City has two existing water crossings further north from this proposed crossing.

III. LOCATION

The Body of Water on which the state property is located: Skagit River

County in which the state property is located: Skagit County

Government Lot 3/4, Section 13, Township 34N, Range 3E E/W

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

Physical description of Project Area (For example, Marsh, Tidelat adjacent to the Chehalis River, etc.): West: Agricultural lands, actively farmed. East: City of Anacortes Water Treatment Plant.

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

West:	East:
Dike District 12	City of Anacortes
1317 S. Anacortes Street	904 6th Street
Burlington, WA 98233	Anacortes, WA 98221
360-757-3484	

** City of Anacortes has easement on this land for project

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.

County Parcel No(s), for adjacent properties, upland, and/or adjacent tideland properties: P21667 (west); P21670 (east)

IV. USE OF PROPERTY

- Describe, in detail, the proposed use of the Property: 36" steel waterline installed by HDD to serve the City of Anacortes system, which includes providing potable water to Oak Harbor, Skagit County PUD, Swinomish Indian Tribe, two refineries, and Whidbey Island Naval Air Station.
- 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 west side is currently owned by Skagit Dike District #12, who leases the land for agricultural use. The east side is owned by the City of Anacortes and used as the water treatment plant site.
- 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
- Do you know if any fill material has been placed on the property in question? If yes, please explain: Fill has been placed on both sides of the Skagit River for flood protection dikes.

Form Date: June, 2005

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Application for Authorization to Use SOAL

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.

V. IMPROVEMENTS

1. What physical improvements currently exist on the site? (Photos may be required.) A flood protection dike exists on each side of the Skagit River. On the east side, there is a fully functioning 20 MGD water treatment plant.
2. If there are physical improvements currently on the site, who owns them? The west river dike is owned by Skagit Dike District #12. On the east side, the water treatment plant is owned by the City of Anacortes. Skagit Dike District #17 has an easement on the City of Anacortes land for the east river dike.
3. If there are physical improvements currently on the site, describe their condition: Both dikes appear to be in working condition; the City Water Treatment Plant is in working condition.
4. Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed? None
5. Describe any physical improvements that the applicant is proposing to construct on the site: The pipeline will be constructed entirely below ground. The only above ground objects will be air release valve vault lids and air vents.
6. Has any fill material been placed on the site? If Yes, please describe: Fill has been placed on both sides of the Skagit River for flood protection dikes.

VI. LOCAL, STATE, AND FEDERAL REGULATORY PERMITS

COPIES OF ALL GOVERNMENT REGULATORY PERMITS ARE REQUIRED BEFORE ISSUANCE OF A DNR USE AUTHORIZATION. YOUR PROJECT MAY REQUIRE SOME OR ALL OF THESE PERMITS.

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, please check appropriate box(s):

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 floodplain, 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: Agricultural fields must be restored with native grasses.

VII. PROPERTY SURVEY

**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 1/2 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.
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 having an accuracy of and showing 3 decimals of a second.
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.

Additional Requirements for Aquatic Land Uses (cont.):

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.
- 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.

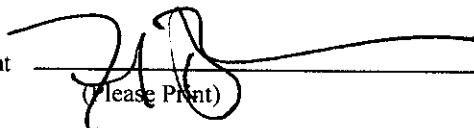
Include any other data necessary for the complete understanding of the information shown on the survey. If, in the opinion of the department, such information is lacking, the survey may be rejected.

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 Requirements updated July 2002.

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

Applicant 
(Please Print)

Signed FRED BUCKENMEYER
(Applicant or Authorized Signature)

Title PUBLIC WORKS DIRECTOR

Company CITY OF ANACOSTES

Date 1-23-07

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
360-374-6131
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

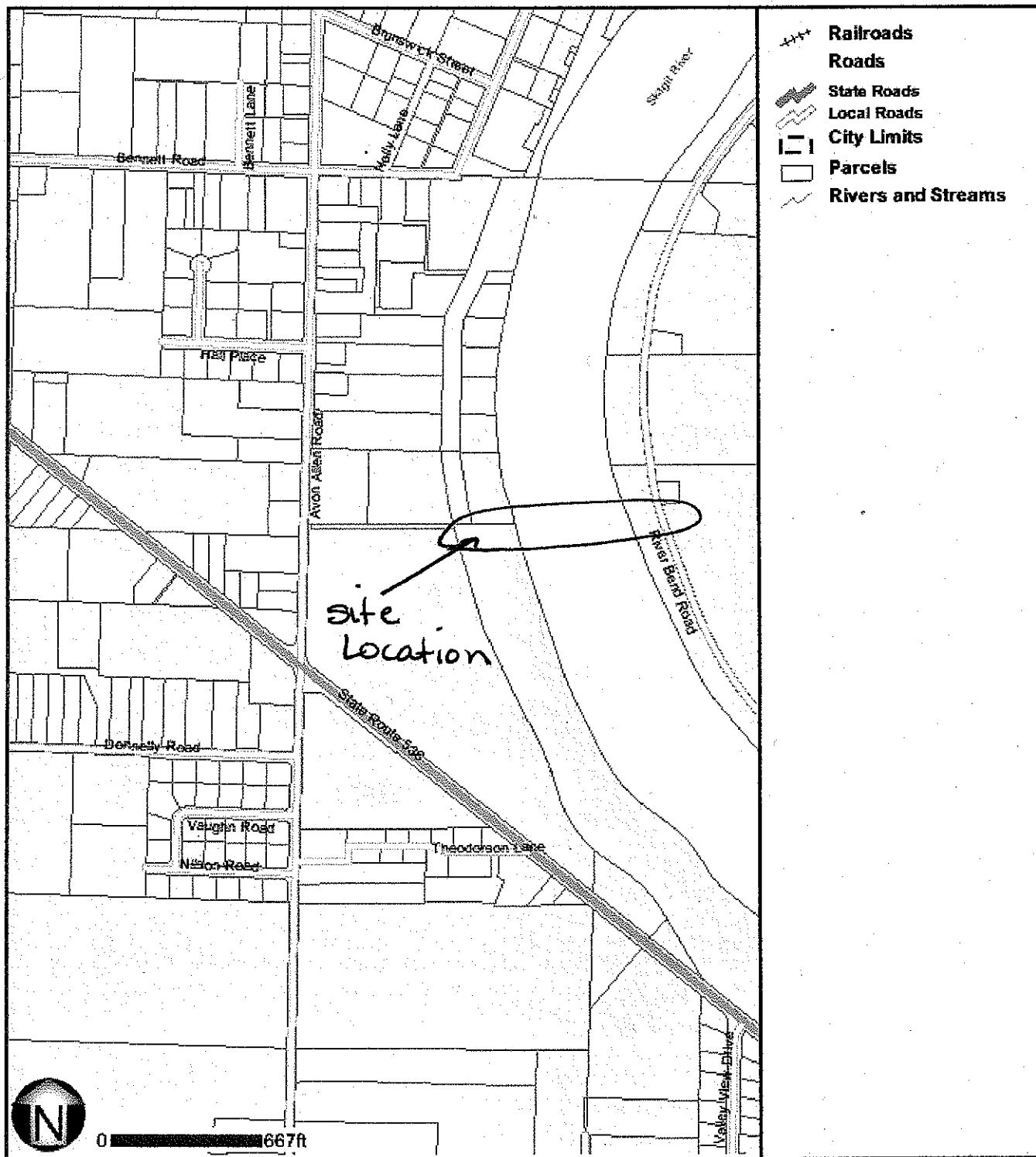
Northwest Region

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
360-825-1631
TTY: 360-825-6381

City of Anacortes Easement



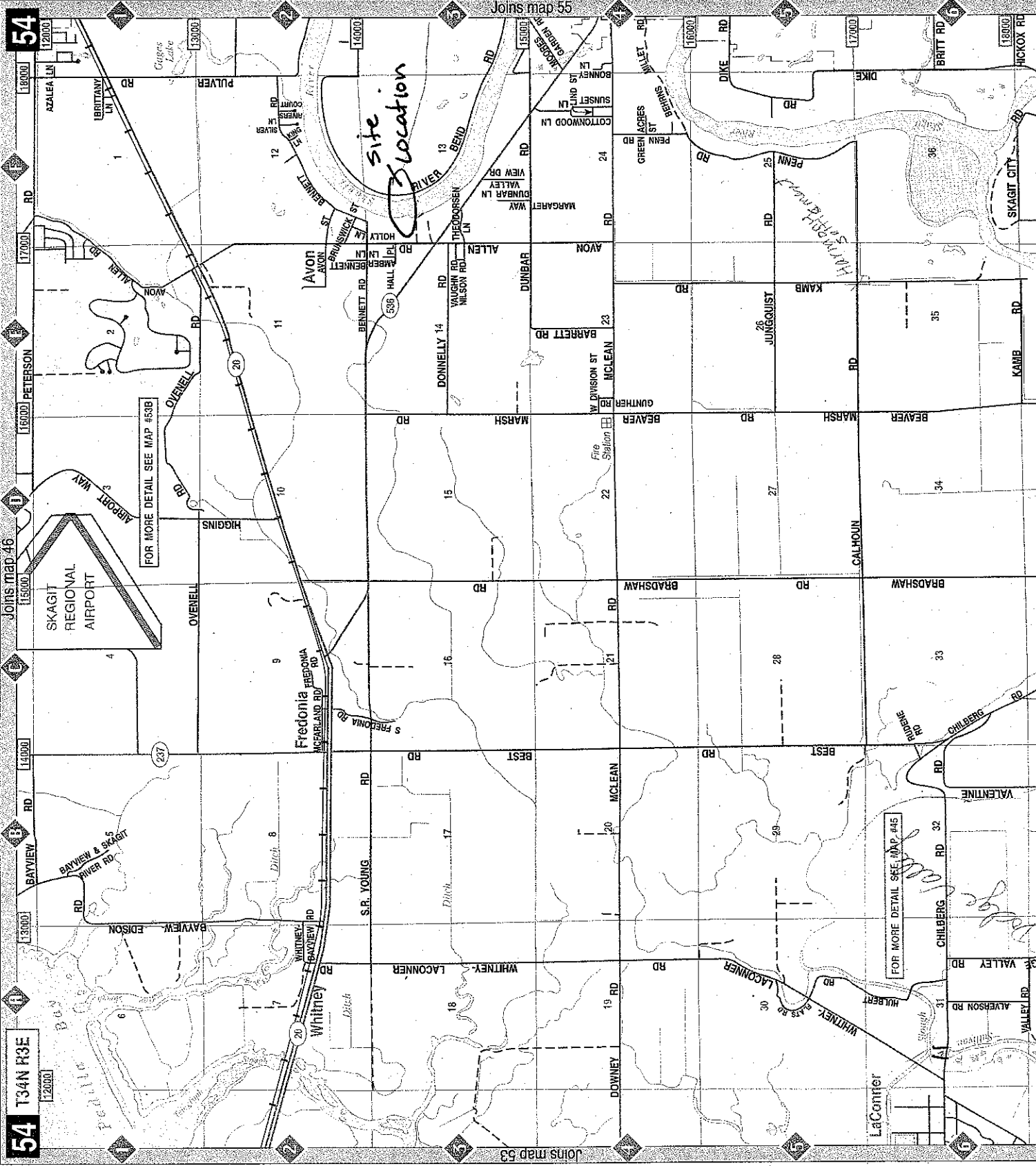
Skagit County iMap

SKAGIT COUNTY does not attest to the accuracy to the data contained herein and makes no warranty with respect to the correctness or validity of this map. Data contained in this map is limited by the method and accuracy of its collection.

Map Scale:

1 inch = 667 Feet
(1 inch = 0.1 Miles)

Joins map 55



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54 T34N R3E

FOR MORE DETAIL SEE MAP #45

FOR MORE DETAIL SEE MAP #53B

site location

Joins map 46

Joins map 53

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AUDITOR'S CERTIFICATE

SKAGIT COUNTY AUDITOR

SECTION 13, T34N, R3E, W.M.

RIVER BEND ROAD

SKAGIT RIVER

W.S.D.O.T. MONUMENT GP29536-74,
I.D. NO. 2292
ELEV. = 27.27 FT.,
N. 527,743.48, E. 1,265,255.64

AVON ALLEN

SR 536

SECTION 14, T34N, R3E, W.M.

11,060.62 (MEASURED)
BASIS OF BEARING
N 76°43'23" W

DONNELLY RD

BEAVER MARSH RD

XX-YEAR PERMANENT EASEMENT
D.N.R. EASEMENT NO. XX-XXXXXX

SKAGIT RIVER

RIVER BEND ROAD

P21797

GOV

P21669

P21670

SURVEY, VC

114403

P21667

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DIKE DISTRICT 1

WATER PIPELINE CENTERLINE

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