



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

Application for Use of State-owned Aquatic Lands

Applicant Name: Puget Sound Energy
County: Skagit and Whatcom County
Water Body: Baker River and Baker Lake
Type of Authorization - Use: Easement – Baker Dam
Authorization Number: 51-077313
Term: 12 years

Description: This agreement will allow the use of State-owned aquatic lands for the sole purpose of the Baker Dam as exists. It is located on Baker River and Baker Lake, in Skagit and Whatcom Counties, Washington.

Posted 4/14/2011

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
DOUG SUTHERLAND
COMMISSIONER OF PUBLIC LANDS

APPLICATION FOR AUTHORIZATION TO USE STATE-OWNED AQUATIC LANDS

1. 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 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.

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

Department of Natural Resources
Northwest Region Office
919 N. Township Street
Sedro-Woolley, WA 98284

II. APPLICANT INFORMATION

Date of Application:

Authorization to be Issued To (how name is to appear in the lease document): Puget Sound Energy, Inc.

Address: 10885 NE 4th Street, PO Box 97034

City: Bellevue State: WA. Zip Code: 98009-9734

Telephone Number: ()

FAX Number: ()

Applicant's Representative: TERRY ALBRIGHT, REAL ESTATE REPRESENTATIVE

Relationship to Applicant:

Address:

City:

State:

Zip Code:

Telephone Number: () 425 462-3018

FAX Number: () 425 462 3519

If Property will be used for business purposes, Applicants' Washington Department of Revenue Tax *Registration Number (Unified Business Identifier) is Required: 179010055

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

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

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

III. LOCATION

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

County in which the state property is located: Skagit and Whatcom

Government Lot _____, Section _____, Township _____, Range _____ E/W _____

SEE ATTACHED LEGAL DESCRIPTION

FOR OFFICIAL USE ONLY

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

Land Manager: New Application Renewal Application

Land Manager: Initials SJ Aquatic Program Manager Initials _____

Support: Application Fee Received 12/6/04 Date

Land Records: New Application Number 51-077313

Land Records: Trust 15, 20, 21 County 29, 38 AQR Plate No. SS29-053 (2)

39X AQUA
05 NW 025

SS29-054 (6)
TS29-125 (14)

EN
3/14/2005

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.): SEE ATTACHED LEGAL DESCRIPTION.

Name of Owner(s) of Uplands, Shorelands, and/or Tidelands shoreward and adjacent to the Property:
Name: Puget Sound Energy, Inc.
Address: PO Box 97034
City: Bellevue State: WA Zip Code: 98009-9734 Phone Number: () _____

County Parcel No(s). for adjacent properties, upland, and/or adjacent tideland properties: SEE ATTACHED LEGAL DESCRIPTION

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: Inundation of Property described in Section III in connection with operation of the Baker River Hydroelectric Project, FERC No. 2150.
2. Is or will the Property be subleased to another party? Yes _____ No XX (If yes, submit a copy of the sublease agreement.)
3. What are the current and past uses of the site? With respect to the Lower Baker area, the Property has been inundated since 1929. With respect to the Upper Baker area, the Property has been inundated since 1959. Uses of the site prior to 1929 and 1956 are unknown.
4. 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.
5. Do you know if any fill material has been placed on the property in question? If yes, please explain: Unknown.

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.

1. What physical improvements currently exist on the site? (Photos may be required). None.
2. If there are physical improvements currently on the site, who owns them?
3. If there are physical improvements currently on the site, describe their condition: _____
4. Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed? _____
5. Describe any physical improvements that the applicant is proposing to construct on the site: _____
6. Has any fill material been placed on the site? If Yes, please describe: Unknown.

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.

Regulatory permits required include the existing FERC License, attached as Exhibit A, and the renewal thereof for future operations pursuant to the proposed Baker River Hydroelectric Project Relicensing Comprehensive Settlement Agreement, attached as Exhibit B.

Please include the following permit applications, permits, or waivers with the application: Not applicable.

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: See FERC License and Comprehensive Settlement Agreement, attached as Exhibits A and B.

VII. PROPERTY SURVEY

Guidelines for all Surveys of Easements or Lease Sites:

1. The location of the easement areas or lease sites shall be surveyed by a Washington State Professional Land Surveyor and the survey is a part of the application. This survey must comply with the standards set forth in Title 58 RCW and WAC 332-130; and a Record of Survey shall be submitted showing the results of the survey and the location of the easement or lease site applied for. A copy of the preliminary survey must be submitted for review and approval prior to approval of the agreement. The final Record of Survey shall be filed with the proper county auditor. An additional two full size copies and one 8-1/2"x11" copy that include the auditor's recording information shall be submitted to the Department's Manager of the specific project.
2. The survey shall provide the name of the applicant, the purpose of the easement or lease site, and the application number assigned by the Department of Natural Resources.
3. Distances and directions to any lease site from two or more controlling corners of a recorded subdivision, recorded survey, or government survey (GLO) corners must be provided.

See the following page for additional guidelines as appropriate for a specific agreement.

SURVEY GUIDELINES (CON'T)

4. The survey shall 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.
5. Proposed easement or lease site boundaries must be clearly shown with distances and directions of all boundary lines. The area shall be shown to an accuracy of $(\pm)0.5\%$ of the total area or $(\pm) 10$ square feet, whichever is greater, and the plat shall provide the lineal footage along the center line of a linear easement.
6. The complete alignment information and width of a linear lease shall be shown, including any necessary curve data. For a lease which encroaches on a previously leased site, 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.
7. A narrative legal description which describes the actual area proposed for an easement or lease site must be prepared, and shown upon the Record of Survey.
8. The survey must show a detailed plan of improvements to be constructed or already existing on the proposed area. All structures and improvements must be shown in sufficient detail to determine what they are used for and to ensure they are entirely within the lease area. The location of any proposed utility shall be shown. Upon completion of the proposed improvements, if any portion of the improvements are located outside of the granted lease site, a revised survey and legal description shall be prepared and submitted for the as-built locations. 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.
9. Any other data necessary for the complete and intelligent understanding of the information shown on the survey should be provided. If, in the opinion of the department, such information is lacking, the survey may be rejected.
Notes for Surveys of all Lease Sites:
If questions arise regarding the items identified in these guidelines, or variance of the requirement of State Plane Coordinates is needed, please contact the Land Survey Section of DNR, at phone number (360)902-1182.

10. Additional Guidelines for Surveys of Upland Leases or Easements:

- (A) For a lease or easement crossing a section line or state ownership boundary, ties shall be provided to the centerline of a linear lease or 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 linear lease enters and leaves the section or state ownership. For a lease site falling entirely within one section and does not cross a section line or state ownership boundary, ties from both end points of the linear easement to PLSS corners or other subdivision corners shall be provided.

11. Additional Guidelines for Surveys of Communication Sites:

- (A) Ties shall be made to the corners of previously monumented communication sites adjacent to, or in the immediate vicinity of the communication site being applied for, and access to the site shall be shown.
- (B) The corners of the communication site, as described and granted, shall be marked by substantial permanent magnetically locateable monuments. The monuments shall be in place and obviously marked on the ground after the construction of installations and improvements.
- (C) The center of any communication site tower shall be identified on the plat by Washington Plane Coordinates, NAD83(1991), or latitude and longitude having an accuracy of and showing 3 decimals of a second. On all communication sites where towers or beam paths are shown, an elevation is required at the base of the tower. The tower height, and the height of the antenna or microwave dish shall be shown, and any beam path used shall have the diameter and tilt thereof shown. The elevation shall be derived from an established bench mark in the vicinity of the site, or an elevation designated by the Department of Natural Resources.

12. Additional Guidelines for Surveys of Leases for Aquatic Land uses:

- (A) Where applicable, the survey of aquatic lands must show the location of the following lines for:
 - (1) Tidal areas - Government meander line, 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. For lease areas which contain tidelands and bedlands, at a minimum the location of the line of extreme low tide crossing the lease area must be shown. For 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.
 - (2) 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.
 - (3) Rivers - Line of ordinary high water and line of ordinary low water (include source of data) and line of navigability if established.

See the following page for additional guidelines as appropriate for a specific agreement.

SURVEY GUIDELINES (CON'T)

(4) Where they exist, the survey must show the location of lots and blocks of platted tide lands or shore lands, inner and outer harbor lines, waterway lines, street boundaries, any local construction limit lines, and easements of record within the lease site.

These 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.

(B) For lease sites which contain existing or proposed structures and improvements that are classified as "non water-dependent" or "water oriented" uses as described within RCW 79.90.465 and WAC 332-30-106, the square footage of each structure and improvement shall be provided.

Notes for Surveys of Leases for Aquatic Land uses:

1. 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 shorelines.

Applicant Response to Section VII: Applicant has been advised by DNR that no survey is required for this application. See maps of Property vicinity attached as Exhibit C.

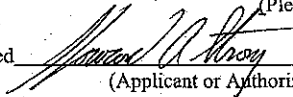
Effective date:

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

Applicant PUGET SOUND ENERGY, INC.

(Please Print)

Signed



(Applicant or Authorized Signature) HOWARD A. STRONG

Title

MANAGER REAL ESTATE

Company

PUGET SOUND ENERGY

Date

DEC. 1, 2004

Baker River Project, FERC No. 2150

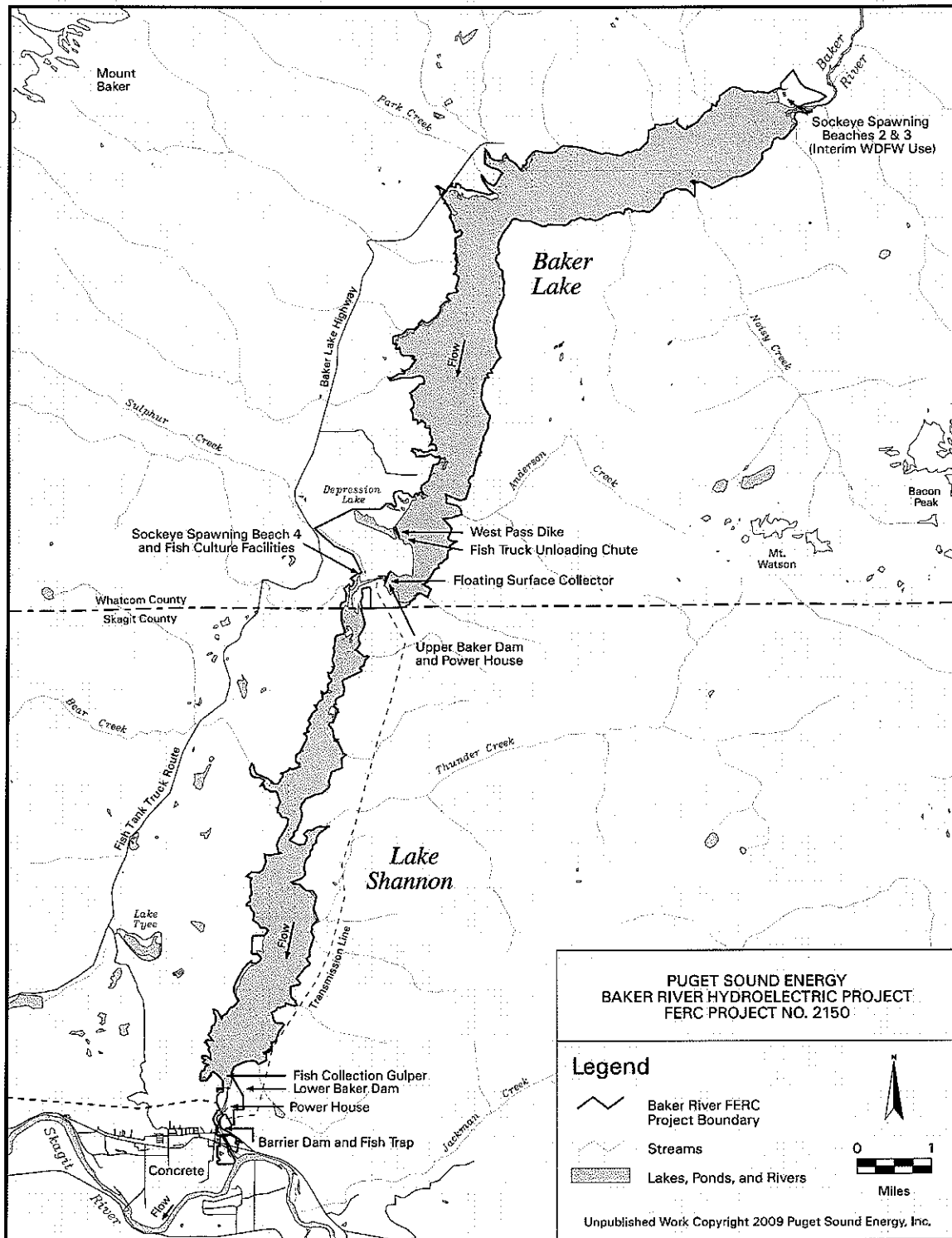


Figure 1. Baker River Hydroelectric Project, Concrete, Washington.