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

Application for Use of State-owned Aquatic Lands

Applicant Name:	Chelan County Natural Resources Department
County:	Chelan County
Water Body:	Wenatchee River
Type of Authorization - Use:	Right of Entry – Restoration: Side Channel Enhancement
Authorization Number:	23-084490
Term:	5 years
Description:	This agreement will allow the use of State-owned aquatic lands for the sole purpose of Restoration: Side Channel Enhancement. It is located in the Wenatchee River, in Chelan County, Washington.

Department of Natural Resources

Chelan County Natural Resources Department
Right of Entry-Cashmere Pond
Wenatchee River-Chelan County

WASHINGTON STATE DEPARTMENT OF
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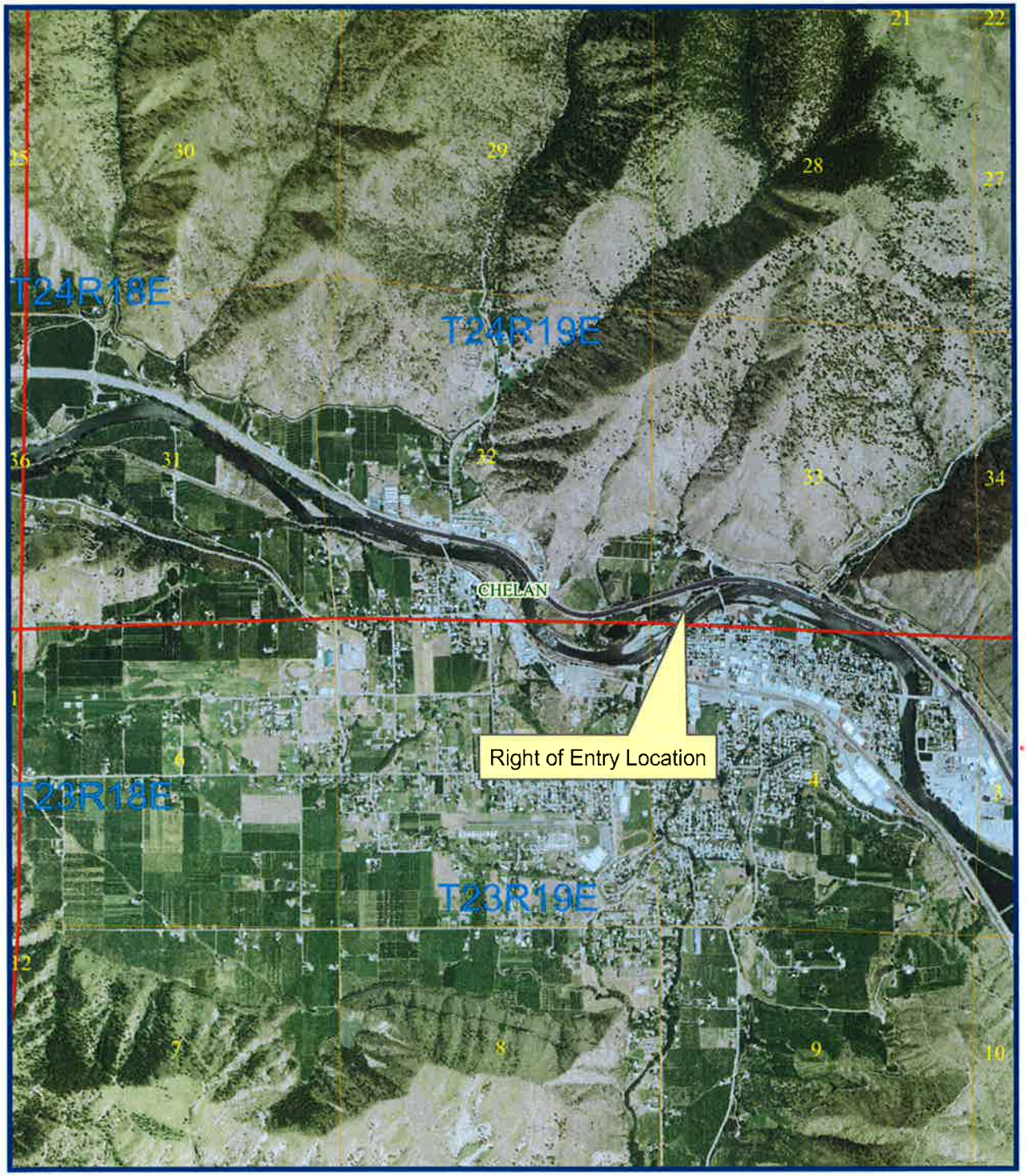

Vicinity Map

Coordinate System: Washington State Plane South
Projection: Lambert Conformal Conic
Datum: NAD83 HARN

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

N W E S

0 0.125 0.25 0.5
Miles

Lease No. 23-084490

47.52521N
120.47271W

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 FILLED OUT IN BLUE OR BLACK PEN

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

Department of Natural Resources

Pacific Cascade Region
P.O. Box 280
601 Bond Rd
Castle Rock, WA 98611-0280

II. APPLICANT INFORMATION

Date of Application: February 15, 2009

Authorization to be Issued To (how name is to appear in the lease document: Chelan County Natural Resource Department

Address: 316 Washington Street, Suite 401

City: Wenatchee State: WA Zip Code: 98801
Telephone Number: (509) 667-6567 FAX Number: (509)667-6527
Applicant's Representative: John Soden
Relationship to Applicant: Authorized Agent
Address: 1108 11th street
City: Bellingham State: WA Zip Code: 98225
Telephone Number: (360) 255-2921 FAX Number:

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

FOR OFFICIAL USE ONLY
Land Manager: Type: (20, 21, 22, 23, 31, 51)
Land Manager: ☑ New Application ☐ Renewal Application
Land Manager: Initials MB/JPK Aquatic Program Manager Initials

Support: Application Fee Received N/A Date

Land Records: New Application Number 23-084490
Land Records: Trust 15/20 County 04 AQR Plate No. SS04-056
Note 14

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

Corporation_____ (State of Registration): _____ Government Agency: ___X___

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** __X__ **Don't Know** _____

III. LOCATION

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

County in which the state property is located: Chelan

Government Lot SE4 N/A, Section 32 ~~and 33~~, Township 24N, Range 19E

& G.L. 1 & 2 5 23N 19E

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, Tideflat adjacent to the Chehalis River, etc.): Active floodplain adjacent to the Wenatchee River at River Mile 10.5.

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

Name: Washington State Department of Transportation (WSDOT) Contact: Bill Gould

Address: PO Box 98

City: Wenatchee State: WA Zip Code: 98807 Phone Number: (509) 667-2909

County Parcel No(s). for adjacent properties, upland, and/or adjacent tideland properties: 231905110450 and 231904220550

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.

   This is a salmonid habitat restoration project funded by grants received by the Chelan County Natural Resource Department (CNRD) from the Salmon Recovery Fund Board, HCP Habitat Tributary Fund, and Grant County Priest Rapids Fund. The project is located on River Mile 10.5 on the Wenatchee River, immediately above the Division Street Bridge in the City of Cashmere on the north side of the river. The Cashmere Pond Project purpose is twofold: 1) Enhance the 1.8-acre pond habitat to provide off-channel cool-water refuge and prevent fish stranding, and 2) Create a 1,200 linear foot outlet channel to provide year-round off-channel habitat for fish access and refuge during high and low flows. Land surrounding the site is owned by WSDOT. The site is located within the lower floodplain of the Wenatchee River and has not been used for agricultural purposes. The land is currently in an active floodplain during the 2-year flood.

2. Is or will the Property be subleased to another party? _____ No ____ (If yes, submit a copy of the sublease agreement.)

3. What are the current and past uses of the site? See above.

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: Fill from the US Highway 2(US 2) road prism forms the northern boundary of the site.

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.) None. The 1.8-acre pond is a relict from past gravel mining for the construction of the highway.

2. If there are physical improvements currently on the site, who owns them? US 2 road prism/WSDOT.

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? None.

5. Describe any physical improvements that the applicant is proposing to construct on the site: We will construct a side channel from the pond to the Wenatchee River to allow off-channel salmonid use.

6. Has any fill material been placed on the site? If yes, please describe: The US 2 road prism.

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: The JARPA was prepared and submitted to the permit agencies in February 2009 by Chelan County Natural Resource Department.

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 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, 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.

The CCNRD is working with Washington State Department of Ecology (Ecology) for 401 and NPDES (if required).

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.

The CCNRD is applying for a State Environmental Policy Act (SEPA) exemption for this project.

Describe any habitat mitigation required by any of the permitting agencies identified above and identify where such mitigation is proposed to occur: None. The Cashmere Pond Project will provide biological lift and will not require mitigation per conversations with the U.S. Army Corps of Engineers (Corps), Ecology, and WDFW.

VII. PROPERTY SURVEY – No lease or easement is required for this project. The property will remain in private ownership.

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
- 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 (±) 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 John M. Soden
(Please Print)

Signed
(Applicant or Authorized Signature)

Title Project Manager

Company ICF Jones & Stokes

Date 4/9/2009

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

Olympic Region
411 Tillicum Ln
Forks, WA 98331-9797
360-374-6131
TTY: 360-374-2819

Northwest Region
919 N Township St
Sedro-Woolley, WA 98284-9333
360-856-3500
TTY: 360-856-1371

Northeast Region
P.O. Box 190
225 S Silke Rd
Colville, WA 99114-0190
360-684-7474
TTY: 509-684-7474

Pacific Cascade Region
P.O. Box 280
601 Bond Rd
Castle Rock, WA 98611-0280
360-577-2025
TTY: 360-577-2025

South Puget Sound Region
950 Farman Ave N
Enumclaw, WA 98022
360-825-1631
TTY: 360-825-6381