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

Application for Use of State-owned Aquatic Lands

Applicant Name:	Avista Development, Inc.
County:	Spokane County
Water Body:	Spokane River
Type of Authorization - Use:	Easement – Sediment Remediation Cap
Authorization Number:	51-079687
Term:	30 years
Description:	This agreement will allow the use of State-owned aquatic lands for the sole purpose of sediment remediation cap. It is located on the Spokane River, in Spokane County, Washington.

Avista Development Inc.
Authorization No. 51-079687
Authorized Use: Sediment Cap
Location: Spokane County

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Vicinity Map

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

Legal Description

Lat: 117.32722N, Long: 47.68674E
Section 11, Township 25N Range 43E W.M.

Prepared By: nl Date11-24-2009

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
David Harsh
Aquatic Land Manager
Aquatics Region/Rivers District
dave.harsh@wadnr.gov

II. APPLICANT INFORMATION

Date of Application: August 4, 2006

Authorization to be Issued To (how name is to appear in the lease document): Avista Development, Inc., Attn: Doug Pottratz

Applicant's Representative: Clay Patmont, Anchor Environmental, LLC

Relationship to Applicant: Consulting Engineer

Address: 1423 Third Ave., Suite 300	City: Seattle	State: WA	Zip Code: 98101
Telephone: (206) 903-3324	Fax: (206) 287-9131	E-Mail: cpatmont@anchorenv.com	

FOR OFFICIAL USE ONLY *Support*: Application Fee Received ☐ Date:_____
Land Manager: ☐ New Application; ☐ Renewal Application; Land Manager Initials_____
Land Records: New Application Number_____; Trust _____ ; County _____ ; AQR Plate No.

II. APPLICANT INFORMATION cont'

Department of Revenue Tax *Registration Number (Unified Business Identifier) is **Required**: Federal Tax ID: 910462470; Unified Business Identifier: 328000223

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

Corporation X State of Registration: WA	Limited Partnership ☐ State of Registration:	General Partnership ☐ State of Registration:
Sole Proprietorship ☐	Marital Community ☐ Spouse:	Government Agency ☐

Other ☐ (Please Explain:)

Has the site use been authorized before or is it currently under lease? **Yes** ☐ Lease Number:
No X **Don't Know** ☐

III. LOCATION

The Body of Water on which the state property is located: Upriver Dam Reservoir, Spokane River See attached figure for location and legal description.	County in which the state property is located: Spokane	Government Lot:
	Section: 12	Township: 25N
	Range: 45E	**E** ☒ or **W** ☐

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.): Submerged fine-grained sediment deposit located within a portion of the Upriver Dam impoundment of the Spokane River.

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

Address: 808 W. Spokane Falls Blvd	City: Spokane	State: WA	Zip Code: 99201
Phone Number: (509) 625-6250	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 attached figure.

IV. USE OF PROPERTY

Describe, in detail, the proposed use of the Property:
The Ecology-approved cleanup remedy for sediments within the lease area includes placement of a clean cap system over relatively fine-grained surface sediments containing polychlorinated biphenyl (PCB) concentrations exceeding Ecology's cleanup level. A three layer cap has been designed that provides a lower absorptive base layer of 4 to 10 inches of bituminous coal placed on top of the contaminated sediments. The second layer is a 6 to 12-inch sand layer designed to cover the coal and provide a buffer between layers. The final layer is a 3 to 9-inch gravel armor layer designed to withstand reasonable worst-case erosive forces expected in this section of the river. Cap placement methods have been designed to minimize mixing. The cap has been designed to provide a protective cleanup remedy in perpetuity.

Is or will the Property be subleased to another party? **Yes** ☐ **No X**
If yes, submit a copy of the sublease agreement.

What are the current and past uses of the site? The site has been used by the City of Spokane to provide hydropower generation at the adjacent Upriver Dam. The site is also used by local groups for various boating activities.

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 X** **No** ☐
If so, please explain: The area is subject to Ecology's site cleanup process under the Model Toxics Control Act (MTCA), Revised Code of Washington (RCW) Chapter 70.105D, and the MTCA Cleanup Regulation, Washington Administrative Code (WAC) Chapter 173-340. Cleanup documents are maintained in the administrative record for the site, and available at Ecology's Eastern Regional Office at 4601 North Monroe Street, Spokane, Washington; contact Mr. John Roland at (509) 329-3581. The site, as an area of concern, was created by the deposition of contaminated sediments that the Spokane River transported from upstream sources to the Upriver Dam impoundment. The Spokane River flows through an urbanized and industrialized basin and is downstream of the City of Coeur d'Alene. Mining operations, industries and municipal wastewater treatment plants located along the river have discharged PCBs, heavy metals and wood waste into the river system. The river transported these contaminants and sediment contaminated with these materials downstream, where they settled in impoundments, including the impoundment behind Upriver Dam. Heavy metals, PCBs, and wood waste degradation products have been found in sediment in the site area; PCBs have also been documented in fish in the Spokane River.

PCBs were produced between 1929 and 1977 in the United States. They were used in a wide variety of products, including capacitors, transformers, hydraulic fluids, plasticizers, adhesives, cutting oils, sealants, caulks and inks. Known sources of PCBs to the Upriver Dam area of the Spokane River include the Spokane Industrial Park, formerly owned and operated by Pentzer Development Corporation, a corporation of which Avista is a successor; Trentwood Works (Trentwood), owned and operated by Kaiser; Liberty Lake Sewage Treatment Plant; Post Falls Sewage Treatment Plant; and the Inland Empire Paper Company. Additional sources of PCBs to the Spokane River have been documented downstream of the Upriver Dam impoundment.

Heavy metals are widely distributed in Spokane River sediments and predominantly originated from historic mining sources in Idaho. Wood waste sources are not as well documented as PCB and heavy metal sources. Industries previously or currently located along the Spokane River that could reasonably be expected to produce wood waste material include pulp and paper product companies, log yards and lumber mills.

In accordance with WAC 173-340-360(2)(a), Ecology's selected cleanup actions for the site, as outlined above and more completely described in Ecology's Cleanup Action Plan for the site, meet the threshold requirements; are protective of human health and the environment; comply with applicable state and federal laws; and provide for compliance monitoring. Furthermore, the selected remedies are consistent with the preference of the State of Washington as stated in RCW 70.105D.030(1)(b) for permanent cleanup solutions.

Do you know if any fill material has been placed on the property in question? **Yes** ☐ **No X**
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.) None

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

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

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

Describe any physical improvements that the applicant is proposing to construct on the site: As discussed above, the Ecology-approved cleanup remedy for sediments within the lease area includes placement of a clean cap system over relatively fine-grained surface sediments containing PCB concentrations exceeding Ecology's cleanup level. A three layer cap has been designed that provides a lower absorptive base layer of 4 to 10 inches of bituminous coal placed on top of the contaminated sediments. The second layer is a 6 to 12-inch sand layer designed to cover the coal and provide a buffer between layers. The final layer is a 3 to 9-inch gravel armor layer designed to withstand reasonable worst-case erosive forces expected in this section of the river. Cap placement methods have been designed to minimize mixing. The cap has been designed to provide a protective cleanup remedy in perpetuity.

Has any fill material been placed on the site? **Yes** ☐ **No X**
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.

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:

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

Applicant Name (please print):	Title:
Applicant or Authorized Signature:	Date:

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