Application for Use of State-owned Aquatic Lands

Applicant Name: Island Maritime dba Mariner’s Haven
County: Island County
Water Body: Oak Harbor Bay
Type of Authorization - Use: Lease– Watercraft Repair and Maintenance
Authorization Number: 20-083924
Term: 12 years

Description: This agreement will allow the use of State-owned aquatic lands for the sole purpose of Watercraft Repair and Maintenance. It is located on Oak Harbor Bay, in Island County, Washington.
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
[Region/District Address]

II. APPLICANT INFORMATION

Date of Application: 8/1/08

Authorization to be Issued To (how name is to appear in the lease document): ISLAND MARITIME

Address: 1701 SE CATALINA DR. MARENA G. STROFFER

City: OAK HARBOR State: WA Zip Code: 98277

Telephone Number: 360-675-8528 FAX Number: ( ) 360-675-8528

Applicant's Representative:

Relationship to Applicant:

Address:

City: _______________________ State: ________ Zip Code: _______

Telephone Number: ( ) __________ FAX Number: __________

If Property will be used for business purposes, Applicants' Washington Department of Revenue Tax Registration Number (Unified Business Identifier) is Required: 602779448

FOR OFFICIAL USE ONLY

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

Land Manager: ☑ New Application ☐ Renewal Application

Land Manager: Initials: Aquatic Program Manager Initials

Support: Application Fee Received 8-28-08 Date

Land Records: New Application Number: 20-083924

Land Records: Trust: 20 County: 15 AQR Plate No. TSI5-01Z

Note: 9

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Which of the following applies to Applicant: Corporation  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( )  Don't Know  

III. LOCATION  
The Body of Water on which the state property is located: OAK HARBOR BAY  
County in which the state property is located: ISLAND  
Government Lot: Section: Township: Range:  

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, Tidelands adjacent to the Chehalis River, etc.): FILLED TIDE- 
LANDS ON EAST EDGE OF OAK HARBOR BAY ADJACENT TO CITY OF OAK HARBOR MARINA  

Name of Owner(s) of Uplands, Shorelands, and/or Tidelands shoreward and adjacent to the Property:  
Name: USA DEPT OF DEFENSE, US NAVY / DNR  
Address:  
City:  State:  Zip Code:  Phone Number:  

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:  

IV. USE OF PROPERTY  
1. Describe, in detail, the proposed use of the Property: BOAT REPAIR  
2. Is or will the Property be subleased to another party? Yes( )  No( ) (If yes, submit a copy of the sublease agreement.)  
3. What are the current and past uses of the site? BOAT REPAIR SINCE 1976  
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 - COMPLETELY COVERED WITH CONCRETE 1945  
5. Do you know if any fill material has been placed on the property in question? If yes, please explain: NO  

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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.)

   STEEL BUILDING - CONSTRUCTED 1976

   7,000 SQ. FT

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

   ISLAND MARITIME

   (APPLICANT)

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

   30 YEAR OLD

   STEEL BUILDING - GOOD 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:

   NONE

6. Has any fill material been placed on the site? If Yes, please describe:

   NO

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:

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.

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**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: N/A

**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

**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.

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8. Be related by meridian and coordinate to the Washington Coordinate System NAD 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 linear 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. NAD83 datum must be used to determine global location coordinates and must be in decimal degrees. Coordinates must have at least five decimal places to the right of the decimal point and include a negative longitude.

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.
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  

MAREN G. STAUER

(Please Print)

Signed  

Mare G. Staufer

(Applicant or Authorized Signature)

Title  

OWNER

Company  

ISLAND MARITIME

Date  

8/1/08

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EXHIBIT B
(ORIGINAL LEASE AREA)

A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO THE CITY OF OAK HARBOR THROUGH THE SECRETARY OF THE INTERIOR OF THE UNITED STATES OF AMERICA AND RECORDED IN THE OFFICE OF THE ISLAND COUNTY AUDITOR, STATE OF WASHINGTON, IN VOLUME 275 OF DEEDS, PAGE 251 THROUGH 256 UNDER AUDITOR FILE # 263761 DESCRIBED AS FOLLOWS:

BEGINNING AT THE S.E. CORNER OF THE ABOVE REFERRED TRACT, THENCE NORTHERLY ALONG THE EASTERLY BOUNDARY OF SAID TRACT, A DISTANCE OF 168 FT; THENCE WESTERLY PARALLEL WITH THE SOUTH BOUNDARY OF SAID TRACT, A DISTANCE OF 82.50 FEET; THENCE SOUTHERLY, PARALLEL WITH THE EASTERLY BOUNDARY OF THE SAID TRACT, A DISTANCE OF 168 FT. TO THE SOUTHERLY LINE OF SAID TRACT; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID TRACT, A DISTANCE OF 82.50 FT. TO THE POINT OF BEGINNING: COPRISING AN AREA OF 13,860 SQ. FT.
EXHIBIT C

A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO THE CITY OF OAK HARBOR THROUGH THE SECRETARY OF THE INTERIOR OF THE UNITED STATES OF AMERICA, AND RECORDED IN THE OFFICE OF THE ISLAND COUNTY AUDITOR, STATE OF WASHINGTON, IN VOL. 275 OF DEEDS, PAGES 251 THROUGH 256, UNDER AUDITOR FILE # 263761 DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF THE ABOVE REFERENCED TRACT, THENCE WESTERLY ALONG THE SOUTHERLY BOUNDARY OF SAID TRACT A DISTANCE OF 82.50 FEET TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING WEST ALONG THE SOUTHERLY BOUNDARY A DISTANCE OF 32 FEET, THENCE NORTHERLY PARALLEL TO THE EASTERLY BOUNDARY OF SAID TRACT A DISTANCE OF 83 FEET, THENCE EASTERLY PARALLEL TO THE SOUTHERLY BOUNDARY OF SAID TRACT A DISTANCE OF 32 FEET, THENCE SOUTHERLY PARALLEL TO THE EASTERLY BOUNDARY OF SAID TRACT A DISTANCE OF 83 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 2,656 SQUARE FEET
EXHIBIT D
(AREA BETWEEN FUEL TANKS AND FENCE)

A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO THE CITY OF OAK HARBOR THROUGH THE SECRETARY OF THE INTERIOR OF THE UNITED STATES OF AMERICA, AND RECORDED IN THE OFFICE OF THE ISLAND COUNTY AUDITOR, STATE OF WASHINGTON, IN VOL. 275 OF DEEDS, PAGES 251 THROUGH 256, UNDER AUDITOR FILE # 263761 DESCRIED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF THE ABOVE REFERENCED TRACT, THENCE WESTERLY ALONG THE SOUTHERLY BOUNDARY OF SAID TRACT A DISTANCE OF 114.5 TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING ALONG SAID SOUTHERLY BOUNDARY A DISTANCE OF 74 FEET, THENCE NORTHERLY PARALLEL TO THE EASTERNLY BOUNDARY OF SAID TRACT A DISTANCE OF 28 FEET, THENCE EASTERNLY PARALLEL TO THE SOUTHERLY BOUNDARY OF SAID TRACT A DISTANCE OF 74 FEET, THENCE SOUTHERLY PARALLEL TO THE EASTERNLY BOUNDARY OF SAID TRACT A DISTANCE OF 28 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 2072 SQUARE FEET
LEGAL DESCRIPTION

MARINERS HAVEN LEASE

PARCEL A- ENCUMBERED PARCEL

A parcel owned by the state of Washington referred to as the filled tidelands located in Section 1, Township 32 North, Range 1 East, Willamette Meridian, Island County, Washington, described as follows:

Commencing at Naval Station monument "X"=0+00 being a point on the east line of the Z. M. Tafiezon D. L. C. from which, Naval Station monument X=6+76.24 bears North 01°41'41" East 676.24 feet and said east D.L.C. line bears North 01°37'19" East as shown on that map recorded in Book 6 of Surveys, page 261, records of Island County, Washington; thence North 13°04'50" East 35.92 feet to Naval Station monument X=0+36.34; thence South 68°24'41" East 150.38 feet; thence South 84°00'00" East 134.10 feet; thence South 77°30'42" East 243.11 feet; thence South 80°44'10" East 217.79 feet; thence South 09°11'01" West 246.97 feet; thence South 51°32'59" East 115.93 feet; thence North 78°40'14" East 204.74 feet; thence South 11°25'53" East 446.72 feet; thence South 78°04'54" West 69.77 feet; thence South 11°31'42" East 247.83 feet, more or less, to the balanced government meander line as determined by that Record of Survey recorded on April 15, 1998 at Book 10 of surveys at pages 152 to 154, and being the TRUE POINT OF BEGINNING; thence continuing South 11°31'42" East along the easterly boundary of said Parcel 7, 524.87 feet more or less, to the south line of said Parcel 7; thence South 78°30'54" West along the south line of said Parcel 7, 191.76 feet, more or less, to the line of extreme high tide; thence Northwesterly along the said line of extreme high tide 1130 feet, more or less, to intersect the aforesaid balanced Government Meander Line; thence South 56°15'25" East along said Meander Line, a distance of 175 feet, more or less, to an angle point in said Meander Line; thence continuing along said Meander Line South 22°06'09" East 497.16 feet, more or less, to the said TRUE POINT OF BEGINNING.

PARCEL B- LEASE

Beginning at the southeast corner of said Parcel A as previously described; thence northerly along the easterly boundary of said Parcel A, a distance of 168.00 feet; thence westerly and parallel with the southerly boundary of said Parcel A, a distance of 82.50 feet; thence southerly and parallel with said easterly boundary of Parcel A, a distance of 168.00 feet, more or less, to the southerly boundary of said Parcel A; thence easterly along said southerly boundary of Parcel A, a distance of 82.50 feet to the POINT OF BEGINNING.

Containing 13,860 square feet.

PARCEL C- EASEMENT

Commencing at the southeast corner of said Parcel A as previously described; thence westerly along the southerly boundary of said Parcel A, a distance of 82.50 feet to the TRUE POINT OF BEGINNING; thence northerly and parallel with the easterly boundary of said parcel A, a
distance of 83.00 feet; thence westerly and parallel with the said southerly boundary of Parcel A, a distance of 32.00 feet; thence southerly and parallel with said easterly boundary of Parcel A, a distance of 83.00 feet, more or less, to the southerly boundary of said Parcel A; thence easterly along said southerly boundary of Parcel A, a distance of 32.00 feet to the TRUE POINT OF BEGINNING.
Containing 2,656 square feet.

PARCEL D- LEASE
Commencing at the southeast corner of said Parcel A as previously described; thence westerly along the southerly boundary of said Parcel A, a distance of 114.50 feet to the TRUE POINT OF BEGINNING; thence northerly and parallel with the easterly boundary of said parcel A, a distance of 30.00 feet; thence westerly and parallel with the said southerly boundary of Parcel A, a distance of 74.00 feet; thence southerly and parallel with said easterly boundary of Parcel A, a distance of 30.00 feet, more or less, to the southerly boundary of said Parcel A; thence easterly along said southerly boundary of Parcel A, a distance of 74.00 feet to the TRUE POINT OF BEGINNING.
Containing 2,220 square feet.