Application for Use of State-owned Aquatic Lands

Applicant Name: Lummi Rock, LLC
County: Whatcom County
Water Body: Hale Passage
Type of Authorization - Use: Right of Entry – Removing sunken barge
Authorization Number: 23-087409
Term: One year

Description: This agreement will allow the use of State-owned aquatic lands for the sole purpose of removing a sunken barge adjacent to dock pilings at the Lummi Island Quarry. It is located in Hale Passage, in Whatcom County, Washington.

Posted: June 29, 2011
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 state Department of Natural Resources

I. SUBMISSION OF APPLICATION

This application form will be reviewed by the state Department of Natural Resources upon receipt at the address given below, and also posted on the DNR website as public information. 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:

Washington State Department of Natural Resources
[Region/District Address]

Enclose a $25.00 non-refundable application processing fee with the application. (This fee is not required for local, state, and other government agencies).

II. APPLICANT INFORMATION

Date of Application: Lamm Rock LLC

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

Applicant’s Representative: Matthew O. Vaxho

Relationship to Applicant: General Manager

Address: PO Box 577
City: Sumas
State: WA Zip Code: 98295

Telephone: 360-966-3841 Fax: 360-966-3841

E-Mail: mvaxho@acmeinc.com

FOR OFFICIAL USE ONLY
Support state: Application Fee Received: Y JARPA Received: Y Date: 5-11-11
Land Manager: New Application: Y Renewal Application: 
Land Manager Initials: TO
Natural Use Code: Z

Land Records: New Application Number: 23-087409 Trust: 15 County: 37 AGR Plate No: TS3T-01B

Note: 9
II. APPLICANT INFORMATION cont.

Department of Revenue Tax *Registration Number (Unified Business Identifier) is Required:

601093801

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

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Other ☐ (Please Explain:)

Has the site use been authorized before or is it currently under lease? Yes ☑ Lease Number: 80-A125161

No ☐ Don’t Know ☐

III. LOCATION

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

Puget Sound/HALES PASSAGE

County in which the state property is located: WHATCOM

Government Lot: 3

Section: 24

Township: 37 N

Range: 16 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/casement 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.):

SHORELINE & SHORELANDS CASE/HALES PASSAGE COMM. ISLAND

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

Lynn Rock 66

Address: PO BOX 577

City: SOMAS

State: WA

Zip Code: 98285

Phone Number: 360-966-3641

Fax Number: 360-966-3541

E-mail: mja0040@cable.net

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:
### IV. USE OF PROPERTY

Describe, in detail, the proposed use of the Property:

- **Barge Loading / Sunk Barge Removal**

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?

- **Rock Exanny Shipping Products via Barge**

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 ☐ No ☒
If so, please explain:

Do you know if any fill material has been placed on the property in question? Yes ☐ No ☒
If yes, please explain:

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### 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, docks, piers, wharves, drilling-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.)

- **Barge Loading Ramp Including Aligned Sills**
- **Barge Loading Conveyor Structure Including Aligned Sills**

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

- **Lynn Rock LLC**

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

- **Good**
  - Barge Loading Ramp Currently Needs Painting Due to Wear

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

- **Barge Loading Ramp Will Be Improved by Replacing Support Beams Under Loading Ramp.**

Describe any physical improvements that the applicant is proposing to construct on the site:

- **Barge Loading Conveyor System Will be Installed and Alums upgraded to Steel**

Has any fill material been placed on the site? Yes ☐ No ☒
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, 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.

**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 Non-significance, 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.

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<th>Applicant Name (please print):</th>
<th>Title:</th>
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<tr>
<td>MATTHEW VAUGHN</td>
<td>GENERAL MANAGER</td>
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