Application for Use of State-owned Aquatic Lands

Applicant Name: City of Lynnwood
County: Snohomish County
Water Body: Puget Sound
Type of Authorization - Use: Amendment of existing Easement – outfall
Authorization Number: 51-076083
Term: 30 years

Description: This agreement will allow the use of State-owned aquatic lands for the sole purpose of operating and maintaining a 36-inch diameter outfall pipe, and placing the outfall diffuser in a new alignment. It is located in Browns Bay on Puget Sound, in Snohomish County, Washington.
APPLICATION FOR AUTHORIZATION TO USE STATE-OWNED AQUATIC LANDS

I. SUBMISSION OF APPLICATION for Aquatic Use Authorization Amendment for the Lynnwood WWTF Outfall Diffuser Replacement Project

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
Aquatics: Orca Straits District
919 Township Street
Sedro Woolley, WA 98284-9333
Attn: Brenda Werden

II. APPLICANT INFORMATION

Date of Application: September 7, 2010

Authorization to be Issued To (how name is to appear in the lease document): Bill Franz, City of Lynnwood Public Works

Address: PO Box 5008

City: Lynnwood, State: WA Zip Code: 98046
Telephone Number: 425 670-5204 FAX Number: ( )

Applicant’s Representative: Chad Newton, PE, Gray & Osborne, Inc.

Relationship to Applicant: Consulting Engineer

Address: 701 Dexter Avenue North, Suite 200
City: Seattle, State: WA Zip Code: 98046
Telephone Number: (206) 284-0860 FAX Number: 206 283-3206

If Property will be used for business purposes, Applicants’ Washington Department of Revenue Tax *Registration Number (Unified Business Identifier) is Required: 51-9007899

osnwea30

Pass new #
See att. description

Form Date: August 2007

Application for Authorization to Use SOAL
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(#) X ______ No ______ Don't Know

III. LOCATION

The Body of Water on which the state property is located: Puget Sound/Browns Bay

County in which the state property is located: Snohomish

Government Lot ________, Section 7, Township 27 N, Range 4, E/W

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, Tidel flat adjacent to the Chehalis River, etc.): Benthic surface of Browns Bay/Puget Sound offshore of the Lynnwood WWTF at depths ranging from -100 feet to -135 feet MLLW.

Name of Owner(s) of Uplands, Shorelands, and/or Tidelands shoreward and adjacent to the Property:
Name: City of Lynnwood Public Works Department
Address: PO Box 5038
City: Lynnwood
State: WA
Zip Code: 98036
Phone Number: (425) 670-5204

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 ___________________________ Date

Land Records: New Application Number
Land Records: Trust ___________________________ County ___________________________ AQRI Plate No.
IV. USE OF PROPERTY
1. Describe, in detail, the proposed use of the Property. The benthic surface of Brown's Bay/Puget Sound is used for the existing Lynnwood WWTF Outfall, which is severely corroded corrugated metal pipe (CMP) that in use well beyond its anticipated useful life.

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? Prior to construction of the Lynnwood WWTF Outfall, the alignment of the benthic surface of Brown’s Bay was part of an undisturbed portion of the Washington State marine benthos, which are administered by the Washington Department of Natural Resources.

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: There have been no known applications or spills of toxic or hazardous substances associated with the operation of the Lynnwood WWTF Outfall Diffuser. The diffuser is, however, used for discharge of effluent from the Lynnwood WWTF that is treated to secondary standards.

5. Do you know if any fill material has been placed on the property in question? If yes, please explain: The only fill material that has been installed on the Lynnwood WWTF Outfall site consists of the 36-inch CMP outfall pipe.

V. IMPROVEMENTS
1. What physical improvements currently exist on the site? (Photos may be required.) The City of Lynnwood WWTF Outfall Pipe and diffuser are currently located on the site. The outfall diffuser extends approximately 240 feet west from the end of the existing outfall pipeline that was replaced in the 1990s. The outfall diffuser is at a depth of -100 feet MLLW to a final depth of -125 ft. MLLW.

2. If there are physical improvements currently on the site, who owns them? City of Lynnwood Public Works Department

3. If there are physical improvements currently on the site, describe their condition: The City of Lynnwood WWTF Outfall Diffuser is currently located within the DNR easement. This 36-inch CMP pipe is corroded and at the end of its useful life.

4. Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed? The existing outfall pipe and anchor system will be removed by divers supported by a barge-mounted marine crane.

5. Describe any physical improvements that the applicant is proposing to construct on the site: The existing outfall pipeline
will be removed and a new 36-in. IDPE outfall diffuser that matches the inland end of the outfall pipeline (replaced in 1996) will be installed in an alignment approximately 10 degrees to the northeast of the existing outfall pipeline to take advantage of a portion of the benthic surface with a gentler slope than the existing diffuser alignment.

6. Has any fill material been placed on the site? If Yes, please describe: _____________________________. The existing CMP outfall and associated anchor system are the only fill material on the site.

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 work in or affecting navigable waters, e.g., floats, docks, piers, dredging, piling, bridges, overhead power lines.) Nationwide Permit #12, NWS-2009-1443 issued on February 17, 2010 (see attached permit)

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.) Shoreline Exemption issued by the City of Edmonds on January 26, 2010 (see attached Shoreline Exemption).

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.) Hydraulic Project Approval (Control No. 11997-1) was issued by WDFW on June 23, 2010 (see attached permit).

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.) Not applicable, see above for Rivers & Harbors Act, Section 10 Permit.

5. Section 401 Water Quality Certification (Required by the Department of Ecology if a Section 404 permit is required.) Not applicable to Nationwide Permit 12.

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 HPA Provisions 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15 & 16 of HPA Control No. 119097-1 issued June 23, 2010. ACOE Permit in-water work window extends from July 16th through February 15th; Construction vessels and equipment will be equipped with spill cleanup kits and operators will be trained in their use. The existing diffuser and anchor system will be removed from the benthic surface prior to installation of the new diffuser structure. Construction equipment shall be stored in upland areas away from the beach when not in use. This equipment shall be removed from the project area on the barge, once construction is complete.

Form Date: August 2007
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 1/2 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.

Form Date: August 2007
13. (linear lease or easement) Show complete alignment information and width during 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 79.105.050 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.

c. 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  

[Signature]

(Please Print)

Signed  

[Signature]

(Applicant or Authorized Signature)

Title  

Special Projects Manager

Company  

City of Lynwood

Date  

10/7/10

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
360-374-2800
TTY: 360-374-2819

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

Form Date: August 2007
CITY OF LYNNWOOD
DETERMINATION OF NONSIGNIFICANCE
City of Lynnwood Waste Water Treatment Plant (WWTP) Facility
10ERC0001

DESCRIPTION OF PROPOSAL
Proposal is to install a replacement approximately 300 lineal feet of diffuser pipe located approximately 1,000 offshore in Puget Sound from the Lynnwood Waste Water Treatment Plant (WWTP) Facility. The new replacement diffuser pipe (36" diameter) will extend approximately 300 feet northwest of the existing outfall diffuser pipe. The existing diffuser pipe will be removed. In addition, a new 420 square foot generator building, involving the excavation of approximately 500 total (combined) CY of excavation and structural fill, is proposed to accommodate an auxiliary generator for secondary treatment components of the plant. The need for the generator project is independent of the diffuser pipe replacement. The property is zoned Public and Semi-Public (P-1).

PROPOSENENT
Property Owner: City of Lynnwood Public Works
Contact(s): Chad Newton, PE, Project Manager
P. O. Box 5008
City, WA 98036
Jim Dougherty, Biologist/Planner
Gray & Osborne, Inc. (206) 284-0860

LOCATION OF PROPOSAL
17000 76th Ave West
Edmonds, WA 98026

(Note: Diffuser replacement is approximately 1,000 feet offshore from the treatment plant.)

LEAD AGENCY
City of Lynnwood Environmental Review Committee
Contact: Debra Stevens, Plans Examiner
P. O. Box 5008, Lynnwood, WA 98046
Email: dstevens@ci.lynnwood.wa.us
Phone: 425-670-5410

SEPA ACTIVITY NUMBERS
File No. 2010ERC0001 (Environmental Review)

BACKGROUND
The initial plant was constructed in 1962 as a primary treatment facility. The plant was upgraded to secondary treatment in 1993. The outfall line from the plant to the diffuser pipe was replaced in 1996. A major retaining wall was constructed in 1998 west of the secondary clarifiers and aeration blower building. The outfall diffuser was repaired in 2007 and needs to be replaced. In addition, the Wastewater Treatment Plant proposes to construct a building to house an 800-kW standby generator to serve the secondary treatment components of the Lynnwood WWTF.