Application for Use of State-owned Aquatic Lands

Applicant Name: City of Everett
County: Snohomish County
Water Body: Pilchuck River
Type of Authorization - Use: Easement – Water Transmission Pipeline
Authorization Number: Pending
Term: 12 years

Description: This agreement will allow the use of State-owned aquatic lands for the sole purpose of replacing a 51-inch inside diameter, steel water transmission pipeline that was originally installed in 1966. It is located in Pilchuck River, in Snohomish County, Washington.

Posted 01/18/2011
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
Attn: Brenda Werden
Northwest Region
919 North Township Street
Sedro Woolley, WA 98284

II. APPLICANT INFORMATION

Date of Application: December 2, 2010

Authorization to be Issued To (how name is to appear in the lease document): City of Everett, a Municipal Corp. of Washington State

Applicant's Representative: Michael Palacios

Relationship to Applicant: Real Property Manager

<table>
<thead>
<tr>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>3200 Cedar Street</td>
<td>Everett</td>
<td>WA</td>
<td>98201</td>
</tr>
</tbody>
</table>

Telephone: 425-257-8938
Fax: 425-257-8857
E-Mail: mpalacios@ci.everett.wa.us

[Application form details and signatures]

FOR OFFICIAL USE ONLY
Support staff: Application Fee Received ☐ ARPA Received ☐ Date: __________
Land Manager: X New Application; ☐ Renewal Application
Land Manager: Type: (20, 21, 22, 23, 31, 33) NarurB Use Code: [208 Ag. Easement H20]
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: #916001248

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

<table>
<thead>
<tr>
<th>Corporation</th>
<th>Limited Partnership</th>
<th>General Partnership</th>
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<tbody>
<tr>
<td>State of Registration:</td>
<td>State of Registration:</td>
<td>State of Registration:</td>
</tr>
<tr>
<td>Sole Proprietorship</td>
<td>Marital Community Spouse:</td>
<td>Government Agency XX</td>
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</table>

Other ☐ (Please Explain:)

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

III. LOCATION

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

County in which the state property is located: Snohomish

<table>
<thead>
<tr>
<th>Government Lot:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Township: 28</td>
</tr>
<tr>
<td>Range: 6</td>
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</table>

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.): Pilchuck River

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

Address: 3200 Cedar Street  
City: Everett  
State: WA  
Zip Code: 98201

Phone Number: 425-257-8938  
Fax Number: 425-257-8857  
E-mail: mpalacios@ci.everett.wa.us

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: 28060500300600
IV. USE OF PROPERTY

Describe, in detail, the proposed use of the Property:
Proposed easement is for the replacement of a 51-inch inside diameter, steel water transmission pipe line that was originally installed in 1966.

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 is a river channel.

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 X
If so, please explain:

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.) City of Everett's Pipeline No. 5 which is a 51-inch inside diameter, steel water transmission pipe that carries potable water from Lake Chaplain reservoir to the City of Everett.

If there are physical improvements currently on the site, who owns them? City of Everett (pipeline)

If there are physical improvements currently on the site, describe their condition: Existing 51-inch steel pipeline is exposed due to river scour.

Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed? Existing 51-inch steel pipe would be capped and abandoned in place.

Describe any physical improvements that the applicant is proposing to construct on the site: Install new 51-inch steel water transmission pipe.
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: No final decisions have been obtained yet.

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

Applicant Name (please print): Michael Palacios
Title: Real Property Manager

Applicant or Authorized Signature: [Signature]

Date: 12/2/2010
Pipeline 5 is a 51-inch inside diameter, steel water transmission pipe that carries potable water from Lake Chaplain reservoir to the City of Everett. Installed in 1966 using open cut methods, it crosses the Pilchuck River, just northeast of the City of Snohomish in the southwest quarter of Section 5. Flood events in the late 1970's and late 1990's exposed the pipeline in the eastern half of the river. The City repaired the pipeline using a riprap revetment in 1978 and a partial boulder sill in 1998.

In 2004, Pipeline 5 is being exposed by river scour for a distance of about 35-feet on the eastern side of the river channel. The exposed pipeline is visible from the bank during low flow. In 2004, URS Corporation (URS) completed a pre-design report for the City of Everett that evaluated the condition of this and four other water transmission pipeline crossings (URS 2004).

At the City's direction, URS prepared feasibility and cost estimates for six alternatives to repair or replace Pipeline 5 at the Pilchuck River. The alternatives included replacing the pipeline by Horizontal Directional Drilling (HDD), microtunneling, open-cut, overhead structure, and pipe ramming; and repair using an in-stream grade control structure (URS 2006a, 2006b, 2006c, 2007).

In August, 2006, URS completed a pipeline condition assessment (URS, 2006d) that included nondestructive testing of the exposed pipeline within the river. The results of the testing and analyses indicated that Pipeline 5 had significantly less than its predicted 40-year lifespan remaining. A rupture in this line would result in the discharge of hundreds of thousands of gallons of chlorinated water into the Pilchuck River. Therefore, repairing the pipeline was ruled out with the City deciding to replace the pipeline at the crossing. The new steel pipeline will have cathodic protection along with corrosion resistant coating and buried below the estimated scour depth to provide an 80 to 100 year design life.

The subsurface data obtained from site-specific geotechnical investigations ruled out HDD and pipe ramming due to the cobbly, gravelly materials and the large diameter of the pipeline. Replacement by microtunneling was ruled out due to cost, which is significantly more than an open-cut installation. An overhead structure is feasible, but not preferred by the City due to the potential liability and vulnerability of the public having access to the bridge and the potable water pipeline. Besides Pipeline 5 being a vital regional utility serving approximately 350,000 water users with limited redundancy, any spillage of chlorinated water from the pipeline could negatively impact the river. That leaves an open trench installation for a new pipeline as the most feasible and reasonable long term alternative.

The open trench construction will occur during the late summer window when salmon out migration has ended and in migration has yet to occur. This time of low water flows and low water elevation is a time when fish and not typically present. WDFW construction window designates the month of August for any in-water work for this reason. It is proposed that the project construction work extended hours to assure all work can be completed with the time window allotted by WDFW.

The open trench construction method would include constructing a temporary diversion to maintain partial flow within the river to allow some fish movement. This requires installing the pipeline in two segments across the river, first one half, then the other half. In this way disruption will be minimal. Restoration will include returning the river bottom and banks as close to their pre-construction condition as physically possible. This project will incorporate the latest and best management practices to minimize erosion and sediment resulting from the construction.

During the project design City staff has been in contact with neighbors. The SEPA process requires the City notify adjacent residents regarding this project. With the exception of the Pilchuck River, the City of Everett owns the property or has an easement over the property on which the construction will take place.
5 Line Replacement at Pilchuck River
City of Everett Public Works

The anticipated project timeline is to obtain all necessary agency permits by October 2011, open bids January 2012 and with construction of the river crossing done in August 2012.
PROJECT # UP-2351
PROJECT
CONSTRUCTION PROJECT
OPEN TRENCH INSTALLATION
5 LINE REPLACEMENT AT PILCHUCK RIVER

UTILITIES DEPARTMENT
PUBLIC WORKS
CITY OF EVERETT