Application for Use of State-owned Aquatic Lands

Applicant Name: Stillaguamish Tribe of Indians
County: Snohomish County
Water Body: Port Susan
Type of Authorization - Use: Right of Entry – research monitoring buoy
Authorization Number: 23-086379
Term: 5 years
Description: This agreement will allow the use of State-owned aquatic lands for the sole purpose of placing a research monitoring buoy that will record and monitor conditions, thus providing information that will help in improving survival rates for adult Chinook salmon. It is located in Port Susan, in Snohomish County, Washington.

September 22, 2010
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: 7/20/10

Authorization to be Issued To (how name is to appear in the lease document): Stillaguamish Tribe of Indians - Department of Natural Resources

Applicant’s Representative: Jody Pope

Relationship to Applicant: Project Assistant

Address: P.O. Box 277
City: Arlington
State: WA
Zip Code: 98223
Telephone: 425-239-9563
Fax: 360-435-3605
E-Mail: j pope@stillaguamish.com

FOR OFFICIAL USE ONLY

Land Manager: NEW Application 8/19/10
Land Manager Initials NA
Land Records: New Application Number: 23-266379
Trust: 15 County: 31 AQR Plate #: 23-266379
II. APPLICANT INFORMATION cont

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

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

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<th>Corporation</th>
<th>Limited Partnership</th>
<th>General Partnership</th>
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<th>Sole Proprietorship</th>
<th>Marital Community Spouse</th>
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Other ☒ (Please Explain:) Tribal Government

Has the site use been authorized before or is it currently under lease? Yes ☐ No ☐ Don’t Know ☒

 Lease Number:

III. LOCATION

The Body of Water on which the state property is located:
Port Susan- 1.8 miles west of Warm Beach
Lat/Long: 48.10.222N, -122.24.682W

County in which the state property is located: Snohomish County

Government Lot: ☒

Section: ☒ 13

Township: T31N

Range: R3E ☒ 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.): Mudflat with no Eelgrass and/or critical habitat within 36ft radius or 72ft diameter of intended anchor/buoy drop site. Survey completed 7/19/2010 (completed by certified scuba divers)

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

Address:

City:

State:

Zip Code:

Phone Number:

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: NA
IV. USE OF PROPERTY

Describe, in detail, the proposed use of the Property:
The intended use of this property is to place a research monitoring buoy that will record and continuously monitor for salinity, dissolved oxygen, turbidity, and temperature as well as primary productivity levels of chlorophyll and blue green algae. This project will improve the information we have on estuary conditions impacting Chinook survival and provide site-specific data for use in a new stochastic environmental model to predict adult returns (EMPAR) of Chinook Salmon. This model is currently being used as an alternative forecasting tool for preseason estimates of anticipated escapements of ESA listed Stillaguamish Chinook Populations.
The buoy will be placed 1.8 miles west of Warm Beach (in Snohomish County) and in about 25-35 ft of water at mean low water conditions. We will anchor the buoy using a ecology block that has been specially made with 2 inch PVC angled tube running through it in the center area while using nylon or polypropylene hawser to attach to the Hydro-lab float assembly. The characteristic research buoy system from top to bottom is: buoy, pick-up line for servicing, anchor line with weight and float and anchor base. This typical buoy system is designed to protect the seabed in saltwater habitats of special concern (the buoy is also coast guard approved).
Ultimately, this system works in conjunction with both the Snohomish County Inter agency marine resources council and the Washington State legislature who's common goals are to have "healthy and sustaining populations of native species in Puget Sound including a robust food web..."
This data will allow us to understand and monitor changes in Port Susan as they relate to the Port Gardner buoy as well as other oceanographic data within Puget Sound and the North West Pacific Ocean. Our hope is to share our data with other agencies to gain a better understanding of estuary science and the concerns surrounding habitat and species population needs.
An underwater eelgrass survey was conducted (7/19/2010) with certified divers that allowed us to select a site 36ft in radius/ 72ft in diameter free of eelgrass, macro algae and free from any critical habitat areas. (report available upon request)

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? NA

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:
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.) NA

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

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

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

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

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:

NA--

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>Jody M Pope</td>
<td>Fisheries Technician/Buoy Project Assistant</td>
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<th>Applicant or Authorized Signature:</th>
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**WASHINGTON STATE 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
- 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