Application for Use of State-owned Aquatic Lands

Applicant Name: Washington Dept. of Transportation
County: Skagit County
Water Body: Sauk River
Type of Authorization - Use: Right of Entry – Rip rap removal
Authorization Number: 23-086380
Term: 5 years

Description: This agreement will allow the use of State-owned aquatic lands for the sole purpose of removing rip rap and relocating a portion of SR 530 to prevent any further erosion of the former road bed. It is located on the Sauk River, in Skagit County, Washington.

September 22, 2010
STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES  
PETER GOLDMARK, Commissioner of Public Lands  

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 DEPARTMENT OF NATURAL RESOURCES  

I. SUBMISSION OF APPLICATION  
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  
Shoreline District Aquatics Region  
950 Farmar Avenue North  
Ennico, WA 98022-9282  

II. APPLICANT INFORMATION  
Date of Application: 8/17/2010  
Authorization to be Issued To (how name is to appear in the lease document): State of Washington, Dept. of Transportation  
Applicant's Representative: Jim Zabel  
Relationship to Applicant: Employee  

<table>
<thead>
<tr>
<th>Address: P.O. Box 47338</th>
<th>City: Olympia</th>
<th>State: WA</th>
<th>Zip Code: 98504-7338</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone: (360) 705-7309</td>
<td>Fax: (360) 705-6854</td>
<td>E-Mail: <a href="mailto:zabelj@wsdot.wa.gov">zabelj@wsdot.wa.gov</a></td>
<td></td>
</tr>
</tbody>
</table>

FOR OFFICIAL USE ONLY  
Support staff: Application Fee Received  □ JARPA Received  □ Date:  
Land Manager:  
New Application:  □ Renewal Application:  
Land Manager Initials:  

Land Records: New Application Number: 23-086380  
Trust: 21  
County: 29  
AQR Plate No:  

Form Date: August 2007  
Application for Authorization to Use SOAI.
II. APPLICANT INFORMATION cont'

Department of Revenue Tax *Registration Number (Unified Business Identifier) is Required: 91-600-1060

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>
</tr>
</thead>
<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 X</td>
</tr>
</tbody>
</table>

Other □ (Please Explain:)

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

III. LOCATION

<table>
<thead>
<tr>
<th>The Body of Water on which the state property is located: Sauk River</th>
<th>County in which the state property is located: Skagit County</th>
<th>Government Lot: 1</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Section: 6</td>
<td>Township: 33</td>
</tr>
<tr>
<td></td>
<td>Range: 10</td>
<td>E/W EAST</td>
</tr>
</tbody>
</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/issuement 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, Tidelot adjacent to the Chehalis River, etc.): Sauk River

Name of Owner(s) of Uplands, Shorelands, and/or Tidelands shoreward and adjacent to the Property: U.S Forest Service

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone Number: (360) 854-2630</td>
<td>Fax Number:</td>
<td>E-mail: <a href="mailto:gmovassaghi@fs.fed.us">gmovassaghi@fs.fed.us</a> Greta Movassaghi</td>
<td></td>
</tr>
</tbody>
</table>

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: Unknown
IV. USE OF PROPERTY

Describe, in detail, the proposed use of the Property: A Right of Entry is needed to remove rip rap from the Sauk River below Ordinary High Water. This work is mitigation required by the Department of Fish and Wildlife at the request of the Skagit System Cooperative. SR 530 is planned to be relocated to a location farther away from the Sauk River so that no more erosion of the road bed will happen. Please see the attached Vicinity Map, Aerial Photo (shows in red the rip rap removal area on Forest Service and DNR properties) and "Rip Rap Removal Plan", which shows highlighted in Yellow, the DNR property below Ordinary High Water where the rip rap will be removed.

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? Rip Rap was placed to protect the highway from erosion.

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 X No □
If yes, please explain: As mentioned above, rip rap was deposited to protect the highway.

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, pile-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.)
Rip Rap

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

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

Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed? The Rip Rap will be removed as discussed above.

Describe any physical improvements that the applicant is proposing to construct on the site: none

Has any fill material been placed on the site? Yes X No □ If Yes, please describe: As mentioned above; Rip Rap has been deposited there.
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 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:

The Rip Rap is being removed as required by the Department of Fish and Wildlife as mitigation for the SR 530 realignment project.

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

<table>
<thead>
<tr>
<th>Applicant Name (please print):</th>
<th>Title:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jim Zabel</td>
<td>Acquisition Agent</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant or Authorized Signature:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jim Zabel</td>
<td>8/17/2010</td>
</tr>
</tbody>
</table>

Form Date: August 2007