STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
JENNIFER M. BELCHER
COMMISSIONER OF PUBLIC LANDS

APPLICATION FOR AUTHORIZATION TO USE STATE-OWNED AQUATIC LANDS

I. SUBMISSION OF APPLICATION

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 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.

Please send the completed application form to your region land manager at:

Department of Natural Resources
919 North Township
Sedro Woolley, WA 98284
360-856-3500

II. APPLICANT INFORMATION

Date of Application: 1/22/01
Authorization to be Issued To (how name is to appear in the lease document): LaConner Associates LLC
Address: PO Box 1155
City: LaConner State: WA Zip Code: 98257
Telephone Number: 360-466-2672 FAX Number: 360-466-1258
Applicant's Representative: Vaughn W. Talley
Relationship to Applicant: Manager
Address: SAME
City: State: Zip Code:
Telephone Number: FAX Number:

If Property will be used for business purposes, Applicants' Washington 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):

LLC Corporation ✓ (State of Registration: Yes) Government Agency ____
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** ✓ (#) 22-002724 **No** ____ **Don't Know** ____

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 Recieved ____ Date ____
Land Records: New Application Number ____
Land Records: Trust ____ County ____ AQR Plate No. ____

REGION FILE
22002724
OLYMPIA FILE

FIELD FILE

* Please refer to attached application [illegible] substantial development permit is [illegible] by the Town of LaConner

III. **LOCATION**

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

County in which the state property is located: Skagit

Government Lot_____, Section_____, Township_____, Range_____ 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, Tideflat adjacent to the Chehalis River, etc.): _____

*

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

Name: LaConner Associates LLC

Address: PO Box 1155

LaConner, WA 98257

City: _____ State: _____ Zip Code: _____ Phone Number: _____

County Parcel No(s). for adjacent properties, upland, and/or adjacent tideland properties: _____

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 OR CONTRACT OF SALE.

IV. **USE OF PROPERTY**

1. Describe, in detail, the proposed use of the Property: *

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? Harbor Area Commercial/Industrial

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: No

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

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.

1. What physical improvements currently exist on the site? (Photos may be required.) Pilings & Decking recently removed as hazardous

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

3. If there are physical improvements currently on the site, describe their condition: Along the shoreline

4. Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed? decking & piling.

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

6. Has any fill material been placed on the site? If Yes, please describe: _____

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 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 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, filing, 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: _____

VII. PROPERTY SURVEY

A survey of the area to be leased is required for each application (except material removal and mooring buoys). A third order survey is required and a Record of Survey plat shall be submitted showing the results of the survey and the location of the lease site applied for: A copy of the final proposed plat must be submitted directly to the land manager who will pass onto the department's Engineering Division, State Land Survey Unit, for preliminary review prior to submission of the final plat. The final plat shall be filed with the county auditor and a copy that includes the auditor's recording information shall be submitted to the department's Aquatic Resources Division.

THE AUTHORIZATION TO USE AQUATIC LANDS IS OFTEN SUBJECT TO PREFERENCE RIGHTS. APPLICANTS AND SURVEYORS SHOULD CAREFULLY DETERMINE THE DIRECTION, AND SHOW DETAIL OF, THE PRORATION OF COVES AND IRREGULAR SHORELINES.

Specific requirements are:

1. The location of the proposed project area should be surveyed and become a part of the application. This survey should comply with the standards set forth in WAC 332-130-090 as required and a Record of Survey plat shall be submitted showing the results of the survey and the location of the aquatic lease site applied for. A copy of the final proposed plat must be submitted directly to the land manager who will pass it on to the department's Engineering Division, State Land Survey unit, for preliminary review

prior to submission of the final plat. The final plat shall be filed with the county auditor and a copy that includes the auditor's recording information shall be submitted to the department's Aquatic Resources Division.

2. The plat must be certified to be accurate, signed and sealed by a Washington State registered land surveyor (RCW 18.43.070), or a public official as prescribed by law.

3. All field boundary surveys and plat preparation (actual map) shall be performed according to the standards prescribed in WAC 332-130 and Title 58 RCW.

4. Distances and directions to the lease area from two or more controlling corners of a recorded subdivision or government survey (GLO) corners must be provided.

5. The survey shall be related by meridian and coordinate to the Washington Coordinate System by closed ties to NGS Control monuments, or the extension thereof. The designation of the control stations used shall appear on the plat.

6. The plat must show the location of the following lines for:

   (a) Tidal Areas - Government meander line, line of mean high tide, line of mean low tide, and line of extreme low tide (include name of tidal bench mark(s) used for tidal datum);
   (b) Lakes - Government meander line, line of ordinary high water (original ordinary high water if area has experienced artificial raising or lowering of 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.

7. Where existing, the plat must show location of lots and blocks of platted tide or shore lands, inner and outer harbor lines, waterway lines, street boundaries, and any local construction limit lines.

8. Proposed lease area boundaries must be clearly shown with distances and directions of all boundary lines. The area of the lease shall be shown to an accuracy of (+/-) 0.5% of the total area or (+/-) 10 square feet, whichever is greater.

9. A narrative legal description must describe the actual area being proposed to lease. It must be prepared, signed, and stamped by a licensed land surveyor, and attached to Exhibit A.

10. The exhibit map must show a detailed plan of improvements to be constructed or already existing on the lease area, such as piers, wharves, bulkheads, breakwaters, dolphins, buoys, or other structures.

11. No facility shall be constructed such that any portion of it falls outside the granted lease site.

12. A photo-reduced 11 inch by 17 inch copy of the plat marked as **Exhibit "A"** shall be submitted with the final plat.

Note:

1. The lease of aquatic lands is often subject to preference rights. Applicants and surveyors should carefully determine the direction, and show detail of, the proration of coves and irregular shorelines.

2. VARIANCE - When connection to the Washington Coordinate System would require an extensive control survey, the applicant may submit a request for a variance from that requirement to the division's land manager. The request shall clearly state the reasons for the variance, propose an alternate meridian, and be signed by a land surveyor licensed in Washington.

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

Applicant BACOMMER ASSOCIATES LLC
(Please Print)

Signed [signature]
(Applicant or Authorized Signature)

Title MANAGER

Company BACOMMER ASSOCIATES LLC

Date 1/22/02

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