Application for Use of State-owned Aquatic Lands

Applicant Name: Public Utility District No. 1 of Cowlitz County
County: Cowlitz County
Water Body: Silver Lake
Type of Authorization - Use: Easement – Submarine power cable
Authorization Number: 51-088321
Term: Thirty (30) years

Description: This agreement would allow the use of State-owned aquatic lands for the sole purpose of a submarine power cable. It is located on Silver Lake, in Cowlitz County, Washington.
PUD No. 1 of Cowlitz County
Authorization No. 51-088321
Authorized use: Submarine power cable
Location: Silver Lake, Cowlitz County

Vicinity Map

Legal Description
Latitude: 46.2970N, Longitude: 122.7942W
Section 3, Township 9 North, Range 1 West W.M.

Prepared By: CAZ Date: 2/13/2012
APPLICATION FOR AUTHORIZATION TO USE STATE-OWNED AQUATIC LANDS

The Applicant may not begin work on the project area until the State Department of Natural Resources (DNR) grants a Use Authorization.

I. SUBMISSION OF APPLICATION

DNR will review your application and post it on the DNR Leasing and Land Transactions website as public information. Instructions:

- Fill out the application by computer or by hand in blue or black ink.
- Send the completed form to the appropriate district office in the table below.
- Enclose a $25.00 non-refundable application processing fee with the application. This fee is not required for local, state, and other government agencies.
- DNR will notify applicants in writing if the application is accepted for further review, and may reject the application at any time prior to the signed execution of a use authorization.
- Your project may require regulatory permits. Please do not apply for regulatory permits until you have discussed your proposal with your designated land manager.

For additional Information, contact the office that serves your county:

<table>
<thead>
<tr>
<th>Aquatic Lands Offices</th>
<th>Counties Served</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rivers District</td>
<td>All of Eastern Washington, Grays Harbor, and Pacific counties</td>
</tr>
<tr>
<td>601 Bond Road, PO Box 280,</td>
<td>Thurston (fresh water only), Lewis, Wahkiakum, Cowlitz, Clark, and</td>
</tr>
<tr>
<td>Castle Rock, WA 98611-0280</td>
<td>Skamania counties</td>
</tr>
<tr>
<td>(360) 677-2025</td>
<td></td>
</tr>
<tr>
<td>Orca Straits District</td>
<td>Island, Skagit, Snohomish, San Juan, and Whatcom counties</td>
</tr>
<tr>
<td>919 N Township Street, Sedro</td>
<td></td>
</tr>
<tr>
<td>Woolley, WA 98284-8334</td>
<td></td>
</tr>
<tr>
<td>(360) 656-3500</td>
<td></td>
</tr>
<tr>
<td>Orca Straits District</td>
<td>Jefferson and Clallam counties</td>
</tr>
<tr>
<td>5310 Eaglemount Rd, Chilnualna</td>
<td></td>
</tr>
<tr>
<td>WA 98325-9720</td>
<td></td>
</tr>
<tr>
<td>(360) 732-0934</td>
<td></td>
</tr>
<tr>
<td>Shoreline District</td>
<td>King, Pierce, Kitsap, Thurston (marine waters), and Mason counties</td>
</tr>
<tr>
<td>950 Farman Avenue N, Enumclaw,</td>
<td></td>
</tr>
<tr>
<td>WA 98022-9232</td>
<td></td>
</tr>
<tr>
<td>(360) 825-1631</td>
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</tr>
</tbody>
</table>

FOR OFFICIAL USE ONLY

Support staff: Application Fee Received □ Date: __________

Land Manager: □ New Application □ Renewal Application

Land Manager Initials: ____________________________

Land Type: (20, 21, 22, 23, 31, 51)

Natural Use Code: ____________________________

Land Records: New Application Number: _________; Trust: _______; County: _______; AQR Plate No: _________
## II. APPLICANT INFORMATION

Person or entity responsible for the project

Date of Application: 11/30/2011

Name of the person or entity that the Use Authorization should be issued to:
Public Utility District No. 1 of Cowlitz County, Washington

<table>
<thead>
<tr>
<th>Applicant’s Address: 961 12th Avenue</th>
<th>City: Longview</th>
<th>State: WA</th>
<th>Zip Code: 98632</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone: (360) 423-2210</td>
<td>Fax:</td>
<td>E-mail: <a href="mailto:JCox@cowlitzpud.org">JCox@cowlitzpud.org</a></td>
<td></td>
</tr>
</tbody>
</table>

Department of Revenue Tax Registration Number (Unified Business Identifier) Required:
084 000 944

Which of the following applies to Applicant? Check one and attach the written authority - bylaws, power of attorney, etc.

- [ ] Corporation
- [x] Limited Partnership
- [ ] General Partnership

State of Registration:
- [ ] Corporation
- [x] Limited Partnership
- [ ] General Partnership

State of Registration:
- [ ] Corporation
- [x] Limited Partnership
- [ ] General Partnership

Sole Proprietorship
- [ ] Corporation
- [x] Limited Partnership
- [ ] General Partnership

Marital Community
- [ ] Corporation
- [x] Limited Partnership
- [ ] General Partnership

Spouse:
- [ ] Corporation
- [x] Limited Partnership
- [ ] General Partnership

Government Agency
- [ ] Corporation
- [x] Limited Partnership
- [ ] General Partnership

Other [x] (Please Explain) Washington Municipal Corporation

Has DNR previously authorized this site or is it currently under an agreement with DNR?
- [x] Yes 
- [ ] Agreement Number: 33329
- [ ] No
- [ ] Don’t Know

## III. AGENT INFORMATION

Person authorized to represent the applicant about the project, if applicable

Agent’s Name and Organization:

Agent’s Relationship to Applicant:

<table>
<thead>
<tr>
<th>Address:</th>
<th>City:</th>
<th>State:</th>
<th>Zip Code:</th>
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</table>

Telephone:

Fax:

E-Mail:

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

Which of the following applies to Agent?
Check one and attach written authority to sign - bylaws, power of attorney, etc.

- [ ] Corporation
- [x] Limited Partnership
- [ ] General Partnership

State of Registration:

- [ ] Corporation
- [x] Limited Partnership
- [ ] General Partnership

Sole Proprietorship

- [ ] Corporation
- [x] Limited Partnership
- [ ] General Partnership

Marital Community

- [ ] Corporation
- [x] Limited Partnership
- [ ] General Partnership

Spouse:

- [ ] Corporation
- [x] Limited Partnership
- [ ] General Partnership

Government Agency

- [ ] Corporation
- [x] Limited Partnership
- [ ] General Partnership

Other [x] (Please Explain)

## IV. LOCATION
<table>
<thead>
<tr>
<th>On what body of water is the state property?</th>
<th>County</th>
<th>Cowlitz</th>
<th>Government Lot:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Silver Lake</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>Section: 3</td>
<td>Township: 9N</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Range: 1</td>
<td>East [ ] or West [x]</td>
<td></td>
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**Note:** DNR requires a legal property survey before they approve a use authorization. You do not need to furnish a survey now. The DNR survey requirements are included on this form.

Physical description of Project Area (For example, marsh, tideflat adjacent to the Chehalis River, etc.): Silver Lake is a shallow 3,000-acre lake containing lake-fringe wetlands, aquatic-bed vegetation, and islands. The mainland side of Silver Lake, where the electrical cable terminates, is a lake-fringe wetland with aquatic bed vegetation. The Walden Island terminus of the electrical cable is shoreline and upland forest.

Name of owner(s) of uplands, shorelands, and/or tidelands shoreward and adjacent to the Property:
Mainland Cable Termination: Parcel WF0308318
Ronald Twitchell
312 Lakeview Dr.
Silver Lake, WA 98645

Walden Island Cable Termination: Parcel WF0320017
Keith Peterson
17 Walden Island
Silver Lake, WA 98645

Owner's mailing address:
313 NW Webb St.
Pullman, WA 99163

<table>
<thead>
<tr>
<th>Address:</th>
<th>City:</th>
<th>State:</th>
<th>Zip Code:</th>
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</tbody>
</table>

Phone Number: N/A        Fax Number: N/A        E-mail: N/A

**Note:** DNR may require proof of ownership, or authorization to use the adjacent tideland, shoreland, or upland property, except for established Harbor Areas.

Attach a copy of the deed if you own the adjacent upland property.
County parcel numbers for adjacent upland, and/or tideland properties:

**V. USE OF PROPERTY**

Describe the proposed use of the Property in detail:
This project consists of repair and maintenance of existing electrical devices. Cowlitz PUD will install approximately 1,400 feet of new armored submarine electrical power cable from the Silver Lake mainland to Walden Island, in close proximity to the existing power cable. The new cable will be submerged and lay on the bed of Silver Lake, as does the existing cable. The cable reel will be placed on a barge and the cable will be pulled off the reel and laid on the bed of the lake. Depending on installation conditions (length of the cable), standard single-phase primary pedestals may be installed in upland areas on the mainland and on Walden Island, one at each end of the cable. Each pedestal
will be no closer than approximately 40 feet from the ordinary high water level of the lake. A boring machine, mounted on the mainland, will burrow a 3" diameter hole out into the lake approximately 20-30 feet. Cowlitz PUD will attach the end of the electrical power cable to the end of the auger. The auger will be slowly pulled back into the machine, thereby pulling the electrical cable through the bore hole onto the mainland. The cable will be terminated at a single-phase primary pedestal. The boring process will emerge from the bed of the lake about 20 feet out from the shore to protect the shoreline from disturbance caused by cable installation and to protect the exposed cable from vandalism and non-authorized human activity. Silver Lake is approximately 3-4 feet deep at 20 feet from the shoreline. This same process will be repeated on Walden Island.

The cable is armored 4/0 copper, insulated for 15,000 volts, and is designed to be installed in the water. Once the remainder of the cable is installed on the bed of the lake, aquatic plants and silt will eventually cover the cable.

In addition, an existing electrical connection well on the mainland will be replaced with a pedestal.

See Attached Figures:
- Figure 1. Silver Lake, Cowlitz County, Washington
- Figure 2. Silver Lake Mainland Existing Electrical Service
- Figure 3. Silver Lake and Walden Island
- Figure 4. Site Plan/Vicinity Plan
- Figure 5. Aquatic Lease Survey
- Figure 6. Line Crew Map

Do you plan to sublease the Property? ☐ Yes ☒ No  If yes, submit a copy of the sublease.

Do you know the current and past uses of the site? Please describe them here.
An obsolete electrical cable, in close proximity to the new cable, currently provides electrical service to residents on Walden Island.

Do you know of any toxic or hazardous substances on the site or past situations that could have caused contamination? Yes ☐ No ☒  If yes, please explain:

VI. IMPROVEMENTS
Additions within, on, or attached to the land, or anything considered a fixture (RCW 79.105.060(6)).
Examples include: pilings, dolphins, piers, wharves, buildings, pipelines and cables, and structures for bridges.

What improvements currently exist on the site? DNR may require photos.
Both the mainland and Walden Island cable termination points are located on residential property that includes houses and outbuildings.

If there are improvements currently on the site, describe their condition.
Residences appear to be in good condition.

Will you remove or remodel any of the existing improvements? Yes ☐ No ☒

Do you plan to construct any improvements? If yes, please describe:
The purpose of the project is to replace an obsolete electrical cable and to provide reliable electrical service to Walden Island. The cable installation includes two pedestals, one at each end of the cable.

<table>
<thead>
<tr>
<th>Is there any fill material on the site? Yes ☐ No ☒ If yes, please describe:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Describe any habitat mitigation any permitting agency requires of you and where on this project it will occur:</td>
</tr>
<tr>
<td>This project is designed specifically to avoid and minimize habitat disturbance. There are no known habitat mitigation requirements.</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Applicant name (please print): Cowlitz Public Utility District No. 1. (Jon Cox)</th>
<th>Title: Right of Way Agent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant Signature: [Signature]</td>
<td>Date: 1/30/11</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Authorized Agent name (please print):</th>
<th>Title:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorized Agent signature:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

For the Applicant's convenience, the following pages 5 through 8 contain some information on potential permit and survey requirements.
LOCAL, STATE, AND FEDERAL REGULATORY PERMITS

- Do not apply for regulatory permits until you discuss your proposal with your DNR land manager. DNR may require terms or conditions that could affect your project and the permits.
- DNR must have copies of all government regulatory permits or waivers before they issue a Use Authorization.
- For permit assistance, contact the Office of Regulatory Assistance (ORA) at 1-800-917-0043 or via e-mail at help@ora.wa.gov.

DNR may require all or some of the following:

Joint Aquatic Resource Permit Application (JARPA) - This one form is used to apply for all of the following individual permits. It is on the website of the Office of Regulatory Assistance at www.ora.wa.gov:

1. **Section 10 Permit** - The US Army Corps of Engineers requires this 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** - Local governments issue these, and they are required for work or activity in the 100-year flood plain, or within 200 feet of the Ordinary High Water mark (OHW) of certain waters.

3. **Hydraulic Project Approval - Required by the Department of Fish and Wildlife** for projects that include work to use, divert, obstruct, or change the natural flow or bed of any fresh or salt water.

4. **Section 404 Permit** - The US Army Corps of Engineers requires this if your project discharges or excavates 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 they require a Section 404 permit.

NPDES (National Pollutant Discharge Elimination System Permit) - Required by the Department of Ecology by 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 requires you to fill out an environmental checklist to determine the environmental impacts of the project.
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
- Drainage or irrigation easements
- Upland leases
- Utilities
- Communication sites
- 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 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 NAD83(1991) by closed tics 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.
13. (linear lease or easement) Show the complete alignment information and width including any necessary curve data.
A Record of Survey must (continued):

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 ends 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 tiltcof shown.

23. The elevation shall be derived from an established benchmark in the vicinity of the site, or an elevation designated by the state 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 79.105.069 and WAC 332-30-106) Provide the square footage of each structure and improvement.

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.

e. 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 Information updated July 2002*