Application for Use of State-owned Aquatic Lands

 Applicant Name:        Seattle City Light
 County:              Pend Oreille County
 Water Body:          Pend Oreille River
 Type of Authorization - Use:  Right of Entry – mountain whitefish egg mats
 Authorization Number:    23-00000
 Term:                 5 years

 Description:        This agreement will allow the use of State-owned aquatic lands for the sole purpose of installing and maintaining egg collection mats for spawning mountain whitefish. It is located on the Pend Oreille River, in Pend Oreille County, Washington.
Seattle City Light
Authorization No. 23-000000
Authorized Use: Egg Collection Mats
Location: Pend Oreille River, Pend Oreille County

Vicinity Map

Legal Description
S18,19 T38N R43E
River Mile 32.5 - River Mile 34.2

Prepared By: BJM Date: 06/28/2012
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>
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</thead>
</table>
| Rivers District                    | All of Eastern Washington, Grays Harbor, and Pacific counties
| 601 Bond Road, PO Box 280, Castle Rock, WA 98611-028C, (360) 577-2025 | Thurston (fresh water only), Lewis, Wahkiakum, Cowlitz, Clark, and Skamania counties |
| Orca Straits District              | Island, Skagit, Snohomish, San Juan, and Whatcom counties |
| 910 N Township Street, Sedro Woolley, WA 98284-9384, (360) 856-3500 | Jefferson and Clallam counties |
| Orca Straits District              | King, Pierce, Kitsap, Thurston (marine waters), and Mason counties |
| 5310 Eaglemount Rd, Chimacum, WA 98325-9720, (360) 732-0934 |                                                         |
| Shoreline District                 |                                                      |
| 850 Farm Ave N, Enumclaw, WA 98022-9282, (360) 825-1831 |                                                         |

FOR OFFICIAL USE ONLY Support staff: Application Fee Received ☐ Date: __________

Land Manager: ☐ New Application ☐ Renewal Application Land Manager Initials ______

Land Manager: Type: (20, 21, 22, 23, 31, 51) Nature Use Code ______

Land Records: New Application Number: Trust ______; County ______; AQR Plate No. ______

Washington State Department of Natural Resources • Application for Use of State-owned Aquatic Lands • February 2011
II. APPLICANT INFORMATION
Person or entity responsible for the project

Date of Application: June 11, 2012

Name of the person or entity that the Use Authorization should be issued to:

Lloyd Dixon
Seattle City Light

<table>
<thead>
<tr>
<th>Applicant’s Address:</th>
<th>City: Seattle</th>
<th>State: WA</th>
<th>Zip Code: 98124-4023</th>
</tr>
</thead>
<tbody>
<tr>
<td>P.O. Box 4023 –</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>700 Fifth Ave. Suite 3300</td>
<td></td>
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</tr>
</tbody>
</table>

| Telephone: 206-386-9854 | Fax: 206-684-3824 | E-mail: Lloyd.Dixon@Seattle.gov |

Department of Revenue Tax Registration Number (Unified Business Identifier) Required:
91-6001275

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

- Corporation  
- State of Registration:
- Limited Partnership  
- State of Registration:
- General Partnership  

- Sole Proprietorship  
- Marital Community  
- Government Agency  
- Spouse:

Other  (Please Explain)

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

III. AGENT INFORMATION
Person authorized to represent the applicant about the project, if applicable Non/Applicable

Agent’s Name and Organization:

Agent’s Relationship to Applicant:

<table>
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<tr>
<th>Address:</th>
<th>City:</th>
<th>State:</th>
<th>Zip Code:</th>
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<table>
<thead>
<tr>
<th>Telephone:</th>
<th>Fax:</th>
<th>E-Mail:</th>
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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  
- Limited Partnership  
- General Partnership  

IV. LOCATION

On what body of water is the state property? Pend Oreille River

County: Pend Oreille County

Government Lot:

Section: 18 and 19

Government Lot:

Township: 38N

Range: 43E

East ☒ or West ☐

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.

This project does not involve the construction or placement of permanent structures. Please refer to GPS coordinates (latitude and longitude and river miles on the location map attached to the JARPA).

Physical description of Project Area (For example, marsh, tideflat adjacent to the Chehalis River, etc.):

Boundary Dam Reservoir - bedland of Pend Oreille River downstream of Box Canyon Dam, RM 32.5 – RM 34.2.

Name of owner(s) of uplands, shorelands, and/or tidelands shoreward and adjacent to the Property:

Uplands adjacent to the property are owned by Pend Oreille County Public Utility District; there are also some private parcels in the shorezone. The project will launch the boat which will deploy and retrieve egg mats from the dock owned by the Pend Oreille County PUD, near the tailrace of the Box Canyon Dam.

Address:
Pend Oreille Co. PUD
P.O. Box 190
130 North Washington Ave

Box Canyon Dam: WA SR 31

City: Newport

State: WA

Zip Code: 99156

Phone Number: 509-447-3137

Fax Number 509-447-5824

E-mail:

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:

Box Canyon Dam is located at 7492 Highway 31, Ione, WA 99139 No parcel number is assigned, per Pend Oreille County Dept. of Community Development

V. USE OF PROPERTY

Describe the proposed use of the Property in detail:

Purpose

Available information from relicensing studies suggests that mountain whitefish spawn in the Box Canyon Dam tailrace area. This project proposes the deployment of egg mats and egg collection activities in areas below the Box Canyon, (See Figure 1 – vicinity map, and Figure 2, attached, which displays the section of the river and approximate locations of egg collection mat placement). The exact locations of spawning are unknown, potentially covering a broad area, and the distance that eggs drift may vary; thus, egg collection mats will be deployed at various distances downstream of the suspected spawning areas, between RM 32.5 and RM 34.1. Resulting data will be used by members of the Boundary Fish and Aquatics Work Group (FAWG), established pursuant to the Boundary Dam Relicensing Settlement Agreement, to plan for gravel augmentation that is intended to increase potential mountain whitefish spawning habitat in the upper reservoir.

Timing and Project Elements

Egg Mat deployment and egg collection activities will be initiated in October 2012 and will be completed no later than the end of February 2013. Subsequent egg collection activities will be undertaken through 2017 in the same section of the Pend Oreille River in the same months, i.e., October through February.

Mountain whitefish are broadcast spawners and have eggs that are negatively buoyant and adhesive (i.e., they sink and stick to the substrate). Egg mats provide an artificial surface to which the adhesive mountain whitefish eggs could attach, the drifting eggs becoming lodged within the filter material of the mats. These mats have commonly been used in mountain whitefish and other broadcast spawner surveys (R.L. & L. Environmental Services Ltd. 2000; Golder Associates 2006).

The egg mats to be deployed by boat are made following the procedure outlined in McCabe and Beckman (1990) and BC Hydro (2007). The mats are constructed with filter fabric made of horse hair sandwiched between an angle-iron frame (inside dimensions are approximately 36 inches long by 30 inches wide by 1 inch deep with two cross supports (Figure 3, attached).

This project proposes to deploy about 30 sets of egg mats. Each set is composed of 3 mats in frames tied together with nylon cord. The sets will be placed along the bottom substrate at depths carrying from 1.5 ft to 20 ft. Each set will be placed and retrieved by boat. A buoy will be attached to each set of mats with an appropriate length of chain to enable researchers to retrieve the mats for cleaning and egg collection and removal. It is possible that some of the sets will require anchoring. To minimize substrate disturbance, such anchoring could be accomplished by installing a 10-40 pound anchor (mushroom or pyramid) to an appropriate length of stainless steel cable which will then be shackled to the first egg mat in the series.
The egg collection mats will be checked and cleaned at approximately weekly intervals. Collected eggs will be tallied, examined for indicators of development stage (clear versus eyed), and removed. Following egg removal, the mats will be redeployed.

Federally listed aquatic species that may occur in the vicinity of the project:
There are currently no bull trout spawning populations in the Boundary Dam Action Area (PRM 17.0 to PRM 34.5). Few full touts have been observed in the Boundary Reservoir, but there is a single observation from July 2009 from a radio tagged individual (Seattle City Light. September 2011. Boundary Hydroelectric Project (FERC No. 2144) Sullivan Creek Project (FERC No. 2225) Final Biological Assessment. Seattle, WA, 114-116).

Bill Baker, WDFW District 1 Fish Biologist, confirmed that egg collection will neither disrupt nor impact bull trout or redband trout spawning or redds. He further indicated that there is no evidence of spotted frogs (a candidate for listing as state threatened, endangered, or sensitive and a WDFW Priority Species) at the project location (Personal communication May 18, 2012 to Al Solonsky, Fish Biologist, Seattle City Light). Colleen McShane, Wildlife Ecologist and Manager, Natural Resources Environmental Program, SCL indicates that the project area does not provide habitat utilized by western toads:

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. Should we identify that it is the tailrace of the Box Canyon Dam and the reservoir for Boundary Dam and therefore is used for hydropower generation?

The reservoir for the Boundary Dam is used for hydropower generation. Activities available to the public include recreational and interpretive facilities, land development in the river corridor, scenic byway and other roadway traffic. The reach where egg collection activities will occur is close to the tailrace of the Box Canyon Dam. With the exception of Pend Oreille Co. PUD and the Boundary Dam working boats, little to no recreational boating occurs in this reach of the river from October through February due to weather conditions.

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 78.105.060(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.
None to our knowledge

If there are improvements currently on the site, describe their condition.
None to our knowledge

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

Do you plan to construct any improvements? No.
If yes, please describe:
N/A

Is there any fill material on the site? Yes. ☐ No ☒ If yes, please describe:

Describe any habitat mitigation any permitting agency requires of you and where on this project it will occur:

This is a baseline monitoring project. Resulting data will be used by members of the Boundary Fish and Aquatics Work Group (FAWG), established pursuant to the Boundary Dam Relicensing Settlement Agreement, to plan for gravel augmentation that is intended to increase potential mountain whitefish spawning habitat in the upper reservoir.

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: Sr. Environmental Analyst 206.733.9874</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seattle City Light</td>
<td>Project Manager (206) 386-9854</td>
</tr>
<tr>
<td>Attenu: Margaret Duncan</td>
<td></td>
</tr>
<tr>
<td>Lloyd Dixon</td>
<td></td>
</tr>
</tbody>
</table>

Applicant Signature: [Signature]          Date: June 15, 2012

Authorized Agent name (please print):     Title:
Not applicable                            

Authorized Agent signature:               Date:

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.

**OTHER REQUIRED DOCUMENTS:**

1. Applicant will be responsible for submitting an electronic document which includes a written metes and bounds legal description of the leasehold or easement area, DNR agreement number and County Auditor Recordation information of the required Record of Survey, formatted in Times New Roman, 12 point font. The applicant is responsible for the accuracy of the written metes and bounds legal description and is strongly encouraged to have their surveyor develop this document.

2. 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
   - Upland leases
   - Utilities
   - Communication sites
   - Railroads
- Drainage or Irrigation easements
- 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

REQUIREMENTS FOR RECORDS OF SURVEY FOR LEASES AND EASEMENTS

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.
- Submitting 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.
- For state-owned aquatic lands only -

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 NAD’83(1991) by closed ties 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 linear 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 end points 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 tilt thereof 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 79.105.060 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 rising 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