Application for Use of State-owned Aquatic Lands

Applicant Name:  U.S. Bureau of Reclamation
County:  Yakima County
Water Body:  Yakima River
Type of Authorization - Use:  Right of Entry - PIT-tag array installment
Authorization Number:  23-088905
Term:  5 years

Description:  This agreement will allow the use of State-owned aquatic lands for the sole purpose of placing fish monitoring equipment. It is located on the Yakima River, in Yakima County, Washington.
Bureau of Reclamation
Authorization No. 23-088905
Authorized Use: PIT-tag array installment
Location: Yakima River, Yakima County

Vicinity Map

Every attempt was made to use the most accurate and current geographic data available. However, due to multiple sources, scales, and the currency of the data used to develop this map Washington Department of Natural Resources cannot accept responsibility for errors and omissions in the data. Furthermore, this data is not survey grade information and cannot be substituted for an official survey. Therefore, there are no warranties that accompany this material.

Location Description
Lat: 46.64946 N, Long: 120.50804 W
Section 06, Township 13 N, Range 19 E

Prepared By: SGE Date: 07/03/2012
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 601 Bond Road</td>
<td>All of Eastern Washington, Grays Harbor, and Pacific counties</td>
</tr>
<tr>
<td>PO Box 280</td>
<td>Thurston (fresh water only), Lewis, Wahkiakum, Cowlitz, Clark, and Skamania counties</td>
</tr>
<tr>
<td>Castle Rock, WA 98611-0260</td>
<td></td>
</tr>
<tr>
<td>(360) 577-2025</td>
<td></td>
</tr>
<tr>
<td>Orca Straits District 919 N</td>
<td>Island, Skagit, Snohomish, San Juan, and Whatcom counties</td>
</tr>
<tr>
<td>Township Street</td>
<td></td>
</tr>
<tr>
<td>Sedro Woolley, WA 98284-9364</td>
<td></td>
</tr>
<tr>
<td>(360) 866-3500</td>
<td></td>
</tr>
<tr>
<td>Orca Straits District 5310</td>
<td>Jefferson and Clallam counties</td>
</tr>
<tr>
<td>Eaglemount Rd</td>
<td></td>
</tr>
<tr>
<td>Chimacum, WA 98225-9720</td>
<td></td>
</tr>
<tr>
<td>(360) 732-2934</td>
<td></td>
</tr>
<tr>
<td>Shoreline District 950</td>
<td>King, Pierce, Kitsap, Thurston (marine waters), and Mason counties</td>
</tr>
<tr>
<td>Farmen Avenue N</td>
<td></td>
</tr>
<tr>
<td>Enumclaw, WA 98022-9282</td>
<td></td>
</tr>
<tr>
<td>(360) 625-1631</td>
<td></td>
</tr>
</tbody>
</table>

FOR OFFICIAL USE ONLY
Support staff: Application Fee Received ☐ Date: 7/9/2019
Land Manager: ☑ New Application ☐ Renewal Application Land Manager Initials: SE(B) 105 1944
Land Manager: Type: (20, 21, 22, 23, 31, 51) Nature Use Code: Z/124
Land Records: New Application Number ; Trust ; County ; AQR Plate No.

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## II. APPLICANT INFORMATION

Person or entity responsible for the project

<table>
<thead>
<tr>
<th>Date of Application:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Applicant’s Address</th>
<th>City:</th>
<th>State:</th>
<th>Zip Code:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1711 Marsh Rd</td>
<td>Yakima</td>
<td>WA</td>
<td>98901</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Telephone:</th>
<th>Fax:</th>
<th>E mail:</th>
</tr>
</thead>
<tbody>
<tr>
<td>509-575-5848</td>
<td>509-454-5611</td>
<td><a href="mailto:cmckinley@usbr.gov">cmckinley@usbr.gov</a></td>
</tr>
</tbody>
</table>

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

N/A

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

- **Corporation** □
- **Limited Partnership** □
- **General Partnership** □
- **Sole Proprietorship** □
- **Marital Community** □
- **Government Agency** X

Other □ (Please Explain)

Has DNR previously authorized this site or is it currently under an agreement with DNR?

- **Yes** □ Agreement Number: No X Don’t Know □

## III. AGENT INFORMATION

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

Agent’s Name and Organization: **Cathy Karp**

Agent’s Relationship to Applicant: same agency

<table>
<thead>
<tr>
<th>Address:</th>
<th>City:</th>
<th>State:</th>
<th>Zip Code:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denver Federal Center</td>
<td>Denver</td>
<td>CO</td>
<td>80225</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Telephone:</th>
<th>Fax:</th>
<th>E-Mail:</th>
</tr>
</thead>
<tbody>
<tr>
<td>303-445-2226</td>
<td>303-445-6328</td>
<td><a href="mailto:ckarp@usbr.gov">ckarp@usbr.gov</a></td>
</tr>
</tbody>
</table>

Department of Revenue Tax Registration Number (Unified Business Identifier) **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** □
- **Sole Proprietorship** □
- **Marital Community** □
- **Government Agency** X

Other □ (Please Explain)
## IV. LOCATION

<table>
<thead>
<tr>
<th>On what body of water is the state property?</th>
<th>County: Yakima</th>
<th>Government Lot:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yakima River</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section: NW</td>
<td></td>
<td>Township: 13N</td>
</tr>
<tr>
<td>Range: 19E</td>
<td></td>
<td>East ☐ or West ☐</td>
</tr>
</tbody>
</table>

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.): 
Yakima River; riparian area and substrate

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

<table>
<thead>
<tr>
<th>Address: 80 Pond Rd</th>
<th>City: Yakima</th>
<th>State: WA</th>
<th>Zip Code: 98901</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone Number: 509-575-3047</td>
<td>Fax Number</td>
<td>E-mail:</td>
<td></td>
</tr>
</tbody>
</table>

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:
To develop and test a full-duplex PIT-tag antenna (from the left bank to the right bank) in the Yakima River to help assess outmigrating smolt survival in the 11 mile reach below Roza Dam.

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

Do you know the current and past uses of the site? Please describe them here.
No use

Do you know of any toxic or hazardous substances on the site or past situations that could have caused contamination? Yes ☐ No X 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.

<table>
<thead>
<tr>
<th>What improvements currently exist on the site? DNR may require photos.</th>
<th>No improvements</th>
</tr>
</thead>
</table>

If there are improvements currently on the site, describe their condition.

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

Do you plan to construct any improvements? If yes, please describe:
No

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

Describe any habitat mitigation any permitting agency requires of you and where on this project it will occur: None required

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>Applicant Signature:</td>
<td>Date:</td>
</tr>
</tbody>
</table>

Authorized Agent name (please print): Cathy Karp  Title: Fish Biologist

Authorized Agent signature: [Signature]
Date: May 10, 2012

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 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 casement 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
- 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.
- 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.
- 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 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 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 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 beds ands 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