Application for Use of State-owned Aquatic Lands

Applicant Name: Zittel’s Marina Inc
County: Thurston County
Water Body: Nisqually Reach
Type of Authorization - Use: Right-of-Entry – for maintenance dredging
Authorization Number: 23-087094
Term: 3 years

Description: This agreement will allow the use of State-owned aquatic lands for the sole purpose of maintenance dredging. It is located in Nisqually Reach, in Thurston County, Washington.

The majority of the 4.87 acre project will be within the existing Zittel’s marina foot print, which are private tidelands only a small portion will be on State-Owned Aquatic Lands. Sediment accumulation within the marina since the last maintenance dredging in 1990 has decreased water depth in the marina to the point some areas in the marina are unusable during extreme low tides. The proposed dredge will be to -10 feet below mean lower low water (MLLW = 0 feet) with one foot of over dredge allowed removing approximately 22,000 cubic yards. The maintenance dredging has been approved by the CORPs for open water disposal in an open water disposal site.
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 state Department of Natural Resources

I. SUBMISSION OF APPLICATION
This application form will be reviewed by the state Department of Natural Resources upon receipt at the address given below, and also posted on the DNR website as public information. 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:

Washington State Department of Natural Resources
[Region/District Address]

Enclose a $25.00 non-refundable application processing fee with the application.
(This fee is not required for local, state, and other government agencies).

II. APPLICANT INFORMATION
Date of Application:
Authorization to be Issued To (how name is to appear in the lease document):

Zittels Marina Inc.

Applicant’s Representative: Michael Zittel
Relationship to Applicant: President
Address: 9144 Water St NE City: Olympia State: WA Zip Code: 98516
Telephone: 360 459 1950 Fax: 360 459 8784 E-Mail: MDzittel@GMAK.COM

FOR OFFICIAL USE ONLY Support staff: Application Fee Received ☑ JARPA Received ☑
Date: ________________
Land Manager: ☑ New Application; ☑ Renewal Application
Land Manager: Type: (20, 21, 22, 23, 31, 51)

Land Manager Initials: ____________________
NatuRE Use Code: ____________________

Washington State Department of Natural Resources August 2007 1 of 7 Application for Use of State-owned Aquatic Land
II. APPLICANT INFORMATION continued

Department of Revenue Tax *Registration Number (Unified Business Identifier) is Required: 600 016 964

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>
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<tbody>
<tr>
<td>State of Registration: WA</td>
<td>State of Registration:</td>
<td>State of Registration:</td>
</tr>
<tr>
<td>Sole Proprietorship</td>
<td>Marital Community</td>
<td>Government Agency</td>
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<tr>
<td>Spouse:</td>
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Other (Please Explain:)

Has the site use been authorized before or is it currently under lease? Yes Lease Number: (No) Don’t Know

III. LOCATION

The Body of Water on which the state property is located: Puget Sound
Misquoll Reach

County in which the state property is located: Thurston

Government Lot: 2

Section: 04
Range: 1

Township: 19 N

E or W

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/easement 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.):

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

Address: See Attached

City: State: Zip Code:

Phone Number: Fax Number: E-mail:

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:

IV. USE OF PROPERTY

Describe, in detail, the proposed use of the Property:

Marina access - Floats - Attenuation

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? Same

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 No
If yes, please explain:
V. IMPROVEMENTS

Physical improvements are structures placed on the land that cannot be removed without damage to the land. Examples of such structures include: piling, dolphins, piers, wharves, piling-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.)

- Floats - attenuation - dredging

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

- Zettels Marina

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

- Good eventually - Dredging now

Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed?

- All

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

- Dredging

Has any fill material been placed on the site? Yes No

If Yes, please describe:

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 Non-significance, 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. Remove some concrete piles & debris - not on this property.

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

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<thead>
<tr>
<th>Applicant Name (please print):</th>
<th>Title:</th>
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<tbody>
<tr>
<td>Michael Zettel</td>
<td>President</td>
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<thead>
<tr>
<th>Applicant or Authorized Signature:</th>
<th>Date:</th>
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<tr>
<td>Michael Zettel</td>
<td>2-11-2011</td>
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WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES
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
- Utilities
- Upland leases
- Communication sites
- Drainage or irrigation easements
- 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 1/2 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.