Application for Use of State-owned Aquatic Lands

Applicant Name: Robert Lewis and Linda Diehl-Lewis
County: King County
Water Body: Waterway 1 – Lake Washington
Type of Authorization - Use: Waterway Use Agreement
Authorization Number: 20-A084724
Term: 1 year

Description:

This agreement will allow the use of State-owned aquatic lands for nonwater dependent purposes. It is located in Waterway 1 on Lake Washington, in King County, Washington.

This agreement covers only the use in the filled portion of the waterway. The recreational use dock is covered under a separate waterway agreement.
Robert Lewis and Linda Diehl-Lewis
Authorization No. 20-A84724
Authorized Use: Nonwater dependent uses
Location: King 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.

Proposed Lease Location

Legal Description
Section 15, Township 25N, Range 4E.
This re-authorizes an existing agreement for the same use. This agreement covers the filled portion of Waterway 1 in the Laurelhurst community of Seattle, King County.

Prepared By: Derrick Toba  Date: 4/21/10
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: Oct. 28, 2010

Authorization to be Issued To (how name is to appear in the lease document):

Robert A. Lewis
Linda Diehl-Lewis

Applicant's Representative: Robert A. Lewis

Relationship to Applicant: Self

Address: 3335 43rd Ave NE
City: Seattle
State: WA
Zip Code: 98105

Telephone: 206-922-3848
Fax: None
E-Mail: ral_robert_lewis@yahoo.com

FOR OFFICIAL USE ONLY
Support staff: Application Fee Received □ JARPA Received □ Date: 10/29/10
Land Manager: □ New Application: □ Renewal Application
Land Manager Type: (20, 21, 22, 23, 31, 51)

II. APPLICANT INFORMATION cont'

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

Robert A. Lewis

Which of the following applies to Applicant (Check One and Attach written authority to sign - bylaws, power of attorney, etc):

Corporation ☐
State of Registration:

Limited Partnership ☐
State of Registration:

General Partnership ☐
State of Registration:

Sole Proprietorship ☐

Marital Community ☑
Spouse: Linda Diehl-Lewis

Government Agency ☐

Other ☐ (Please Explain:)

Has the site use been authorized before or is it currently under lease? Yes ☑ Lease Number: 20-084724
No ☐ Don’t Know ☐

III. LOCATION

The Body of Water on which the state property is located: Union Bay, Lake Washington

County in which the state property is located: King County

Government Lot:

Section: 15

Township: Seattle

Range: NE 1/4 of the SW 1/4

25 North, Range 05 East, W.M.

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.):

Waterway #1 off 43rd Ave NE, adjacent to Union Bay, Lake Washington

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

Robert A. Lewis and Linda Diehl-Lewis

Address: 3335 43rd Ave NE, Seattle, WA, Zip Code: 98105

Phone Number: 206-922-3848, Fax Number: None, E-mail: ral_robert_lewis@yahoo.com

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: landscaping, gravel drive, Cyprus hedge, wooden fence, flagstone walkway, concrete retaining wall, stone steps, concrete pad, and a 6" concrete bulkhead wall.

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 as in proposed use**

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:

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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.

What physical improvements currently exist on the site? (Photos may be required.) landscaping, gravel drive, Cyprus hedge, wooden fence, flagstone walkway, concrete retaining wall, stone steps, concrete pad, 6' concrete bulkhead wall.

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

**Applicants / Current Grantees:** Robert A. Lewis and Linda Dietz-Lew

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

All adequate to good condition

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

None

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

None

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 Ordinately 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:

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: Present Grantees and Owners of Adjacent Property</th>
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<tbody>
<tr>
<td>Robert A. Lewis / Linda Diehl-Lewis</td>
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<th>Applicant or Authorized Signature:</th>
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<tr>
<td>Robert A. Lewis / Linda Diehl-Lewis</td>
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| Date: |
| Oct. 28, 2010 |

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EXHIBIT B

PLAN OF DEVELOPMENT, OPERATION, AND MAINTENANCE

Robert A. Lewis and Linda Diehl-Lewis
Lake Washington Waterway No. 1

Waterway Permit No. 20-084724

Site Description and Present Use
Waterway Number One is located in the Laurelhurst Neighborhood just north of the Evergreen Point Bridge on Lake Washington. The permitted use is located in the NW ¼ Section of Section 15, Township 25 North, and Range 4 East, near the intersection of 43rd Avenue NE and NE 35th Street in Seattle, Washington.

The waters of Lake Washington are used for recreational purposes such as boating, swimming, and fishing. The following fish are found in Lake Washington; sockeye salmon (Oncorhyncus nerka), coho salmon (O. kisutch), steelhead salmon (O. mykiss), chinook salmon (O. tshawytscha), and trout.

Use Authorization Revocable
Permission to use waterways is subject to cancellation in order to satisfy the needs of higher priority waterway uses. Waterway permits are cancellable upon ninety days' notice when the sites are needed for higher priority uses that are in the public interest.

Below is the permit priority order for waterways:

(1) Facilities which provide public access to adjacent properties for loading and unloading of watercraft;

(2) Water-dependent commerce, as defined in WAC 332-30-115(1), related to use of the adjacent properties;

(3) Other water-dependent uses;

(4) Facilities for non-navigational public access;

(5) Other activities consistent with the requirements in WAC 332-30-131(4) for public use facilities.

Permitted Use
Grantee is authorized to maintain landscaping, gravel drive, Cypruss hedge, wooden fence, flagstone walkway, concrete retaining wall, stone steps, concrete pad, and a 6” concrete bulkhead wall. This is a nonwater-dependent use and described within Attachment A as Parcel B.

Restrictions on Use
Grantee will not use fertilizers on the Property.
Taxes and Assessments
A leasehold tax of 12.84% (or such other rate as specified by law) of the annual fee will be collected by DNR at the time in which the annual fee is due.

Insurance
State waives the requirement that it be named as an additional insured.

Maintenance
Grantee is responsible for maintaining the Cyprus hedge located on the property below a maximum height of 8 feet as well as preventing the western side of the hedge from growing out past the area defined in Exhibit A.