



WASHINGTON STATE DEPARTMENT OF
Natural Resources
Peter Goldmark - Commissioner of Public Lands

Application for Use of State-owned Aquatic Lands

Applicant Name: Nisqually Indian Tribe
County: Pierce County
Water Body: Amsterdam Bay
Type of Authorization - Use: Lease – Aquaculture
Authorization Number: 20-070874
Term: 10 years

Description: This agreement will allow the use of State-owned aquatic lands for the sole purpose of Aquaculture – Culture Manila clams with predator netting. It is located in Amsterdam Bay, in Pierce County, Washington.

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
JENNIFER M. BELCHER
COMMISSIONER OF PUBLIC LANDS

APPLICATION FOR AUTHORIZATION TO USE STATE-OWNED AQUATIC LANDS

I. SUBMISSION OF APPLICATION

NO WORK CAN BE STARTED ON THE PROJECT AREA UNTIL A USE AUTHORIZATION HAS BEEN GRANTED BY THE DEPARTMENT OF NATURAL RESOURCES.

Enclose a \$25.00 non-refundable application processing fee with the application. This application form will be reviewed by the Department of Natural Resources upon receipt at the address given below. 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.

As provided in WAC 332-10-190, governmental entities are exempt form paying the \$25.00 application fee.

Please send the completed application form to your region land manager at:

Department of Natural Resources
South Puget Sound Region
PO Box 68
Enumclaw, WA 98022

II. APPLICANT INFORMATION

Date of Application: 6-12-98

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

Address: 12501 YELM HWY SE

City: CITYMPIA State: WA

Zip Code: 98513

Telephone Number: 360 438 8687

FAX Number: 360 438 8742

Applicant's Representative: DAVID TROUT

Relationship to Applicant: DIRECTOR NISQUALUM NATURAL RESOURCES DEPT

Address: SAME AS ABOVE

City: _____ State: _____

Zip Code: _____
FAX Number: _____

Telephone Number: _____

If Property will be used for business purposes, Applicants' Washington Department of Revenue Tax *Registration Number (Unified Business Identifier) is Required: _____

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

Corporation _____ (State of Registration: _____) Government Agency _____
General Partnership _____ Limited Partnership _____ (State of Registration: _____)
Sole Proprietorship _____ Marital Community _____ (Spouse: _____)
Other _____ (Please Explain: _____)

Has the site use been authorized before or is it currently under lease? Yes _____ (#) _____ No _____ Don't Know X

FOR OFFICIAL USE ONLY

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

Land Manager: New Application Renewal Application

Land Manager: Initials: JTB Aquatic Program Manager Initials: B

Support: Application Fee Received: \$ 2500 DA Date: 6-24-98

Land Records: New Application Number: 20-010874

Land Records: Trust _____ County _____ AQR Plate No. _____

III. **LOCATION**

The Body of Water on which the state property is located: PUGET SOUND
County in which the state property is located: PIERCE
Government Lot 3, Section 6, Township 19, Range 1 E/W E

A LEGAL PROPERTY SURVEY INCLUDING THE LEGAL DESCRIPTION AND OTHER INFORMATION ABOUT THE PROPERTY IS REQUIRED TO OBTAIN A USE AUTHORIZATION. THE SURVEY REQUIREMENTS ARE DESCRIBED IN SECTION VII, PROPERTY SURVEY OF THIS FORM. THE SURVEY PLAT WILL BE ATTACHED TO THE LEASE 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, Tidelat adjacent to the Chehalis River, etc.): INTERTIDAL BEACH ADJACENT TO SPIT

Name of Owner(s) of _____

Uplands, Shorelands, and/or Tidelands shoreward and adjacent to the Property:

Name: JERRY JOHANNES

Address: _____

City: ANDERSON ISLAND State: WA Zip Code: _____ Phone Number: 253 884 2151

County Parcel No(s) for adjacent properties, upland, and/or adjacent tideland properties: _____

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 OR CONTRACT OF SALE.

IV. **USE OF PROPERTY**

1. Describe, in detail, the proposed use of the Property: CULTURE MARIKA CLAMS WITH PLED A TOE NETTING

2. Is or will the Property be subleased to another party? Yes No (If yes, submit a copy of the sublease agreement.)

3. What are the current and past uses of the site? NETTING

4. 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? If so, please explain: NO

5. Do you know if any fill material has been placed on the property in question? If yes, please explain: NO

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.

1. What physical improvements currently exist on the site? (Photos may be required.) NONE

2. If there are physical improvements currently on the site, who owns them? N/A

3. If there are physical improvements currently on the site, describe their condition: N/A

4. Which, if any, of the existing physical improvements will be removed, remodeled, or reconstructed? N/A

5. Describe any physical improvements that the applicant is proposing to construct on the site: N/A

6. Has any fill material been placed on the site? If Yes, please describe: NO

VI. LOCAL, STATE, AND FEDERAL REGULATORY PERMITS

COPIES OF ALL GOVERNMENT REGULATORY PERMITS ARE REQUIRED BEFORE ISSUANCE OF A DNR USE AUTHORIZATION. YOUR PROJECT MAY REQUIRE SOME OR ALL OF THESE PERMITS.

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 floodplain, or within 200 feet of the Ordinary High Water mark of certain waters; and which included any one of the following: dumping, drilling, dredging, filing, 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 Nonsignificance, 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:

VII. PROPERTY SURVEY

A survey of the area to be leased is required for each application (except material removal and mooring buoys). A third order survey is required and a Record of Survey plat shall be submitted showing the results of the survey and the location of the lease site applied for. A copy of the final proposed plat must be submitted directly to the land manager who will pass onto the department's Engineering Division, State Land Survey Unit, for preliminary review prior to submission of the final plat. The final plat shall be filed with the county auditor and a copy that includes the auditor's recording information shall be submitted to the department's Aquatic Resources Division.

THE AUTHORIZATION TO USE AQUATIC LANDS IS OFTEN SUBJECT TO PREFERENCE RIGHTS. APPLICANTS AND SURVEYORS SHOULD CAREFULLY DETERMINE THE DIRECTION, AND SHOW DETAIL OF, THE PROXIMATION OF COVES AND IRREGULAR SHORELINES

Specific requirements are:

1. The location of the proposed project area should be surveyed and become a part of the application. This survey should comply with the standards set forth in WAC 332-130-090 as required and a Record of Survey plat shall be submitted showing the results of the survey and the location of the aquatic lease site applied for. A copy of the final proposed plat must be submitted directly to the land manager who will pass it on to the department's Engineering Division, State Land Survey unit, for preliminary review prior to submission of the final plat. The final plat shall be filed with the county auditor and a copy that includes the auditor's recording information shall be submitted to the department's Aquatic Resources Division.

2. The plat must be certified to be accurate, signed and sealed by a Washington State registered land surveyor (RCW 18.43.070), or a public official as prescribed by law.
3. All field boundary surveys and plat preparation (actual map) shall be performed according to the standards prescribed in WAC 332-130 and Title 58 RCW.
4. Distances and directions to the lease area from two or more controlling corners of a recorded subdivision or government survey (GLO) corners must be provided.
5. The survey shall be related by meridian and coordinate to the Washington Coordinate System by closed ties to NGS Control monuments, or the extension thereof. The designation of the control stations used shall appear on the plat.
6. The plat must show the location of the following lines for:
 - (a) Tidal Areas - Government meander line, line of mean high tide, line of mean low tide, and line of extreme low tide (include name of tidal bench mark(s) used for tidal datum);
 - (b) Lakes - Government meander line, line of ordinary high water (original ordinary high water if area has experienced artificial raising or lowering of 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.
7. Where existing, the plat must show location of lots and blocks of platted tide or shore lands, inner and outer harbor lines, waterway lines, street boundaries, and any local construction limit lines.
8. Proposed lease area boundaries must be clearly shown with distances and directions of all boundary lines. The area of the lease shall be shown to an accuracy of (+/-) 0.5% of the total area or (+/-) 10 square feet, whichever is greater.
9. A narrative legal description must describe the actual area being proposed to lease. It must be prepared, signed, and stamped by a licensed land surveyor, and attached to Exhibit A.
10. The exhibit map must show a detailed plan of improvements to be constructed or already existing on the lease area, such as piers, wharves, bulkheads, breakwaters, dolphins, buoys, or other structures.
11. No facility shall be constructed such that any portion of it falls outside the granted lease site.
12. A photo-reduced 11 inch by 17 inch copy of the plat marked as Exhibit "A" shall be submitted with the final plat.

Note:

1. The lease of aquatic lands is often subject to preference rights. Applicants and surveyors should carefully determine the direction, and show detail of, the proration of coves and irregular shorelines.
2. VARIANCE - When connection to the Washington Coordinate System would require an extensive control survey, the applicant may submit a request for a variance from that requirement to the division's land manager. The request shall clearly state the reasons for the variance, propose an alternate meridian, and be signed by a land surveyor licensed in Washington.

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

Applicant David Troutt

(Please Print)

Signed

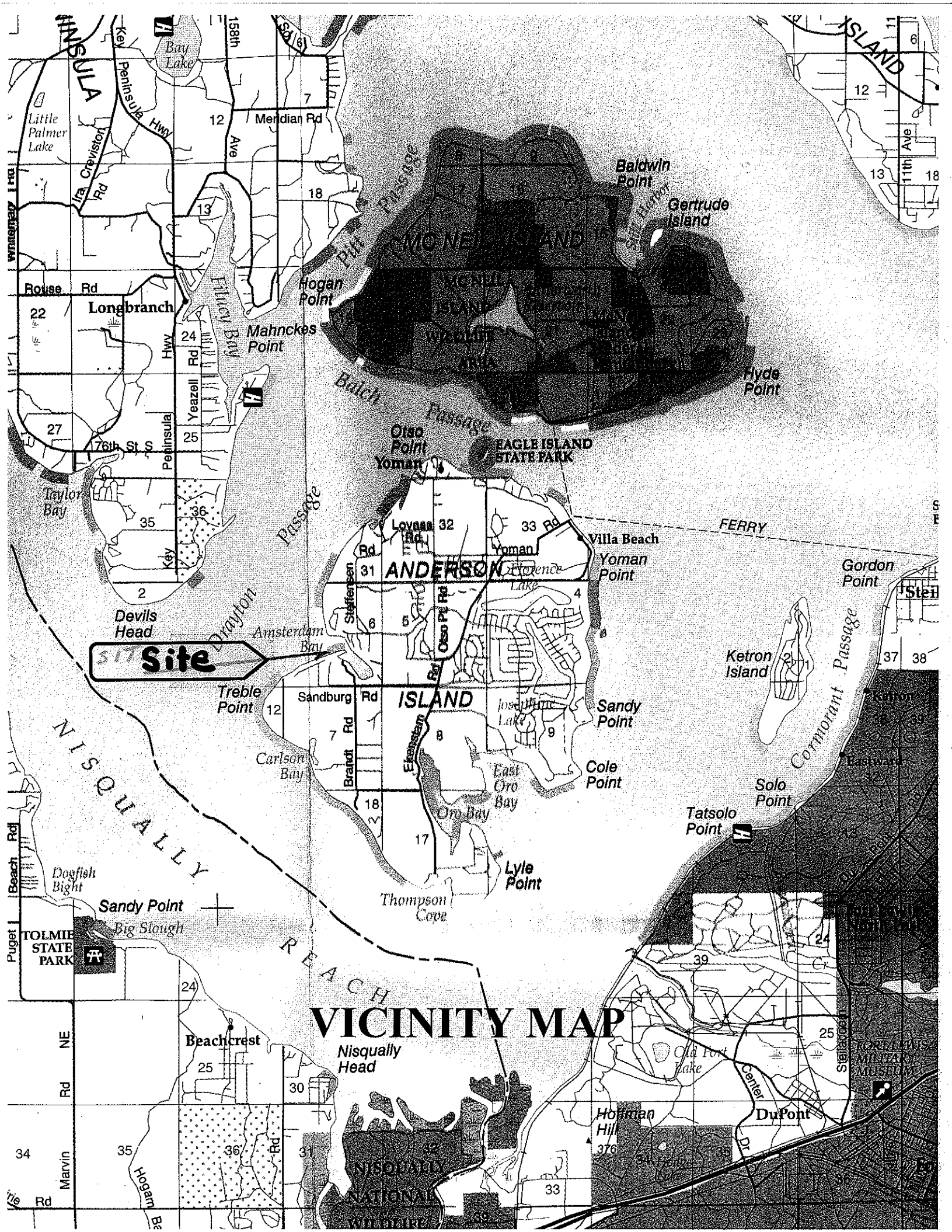


(Applicant or Authorized Signature)

Title Nisqually Natural Resources Director

Company Nisqually Indian Tribe

Date 6-12-98



VICINITY MAP

Site

Nisqually Head

NISQUALLY NATIONAL WILDLIFE REFUGE

EAGLE ISLAND STATE PARK

TOLMIE STATE PARK

FOREMAN'S MILITARY MUSEUM

DRAYTON PASSAGE

LINE TABLE

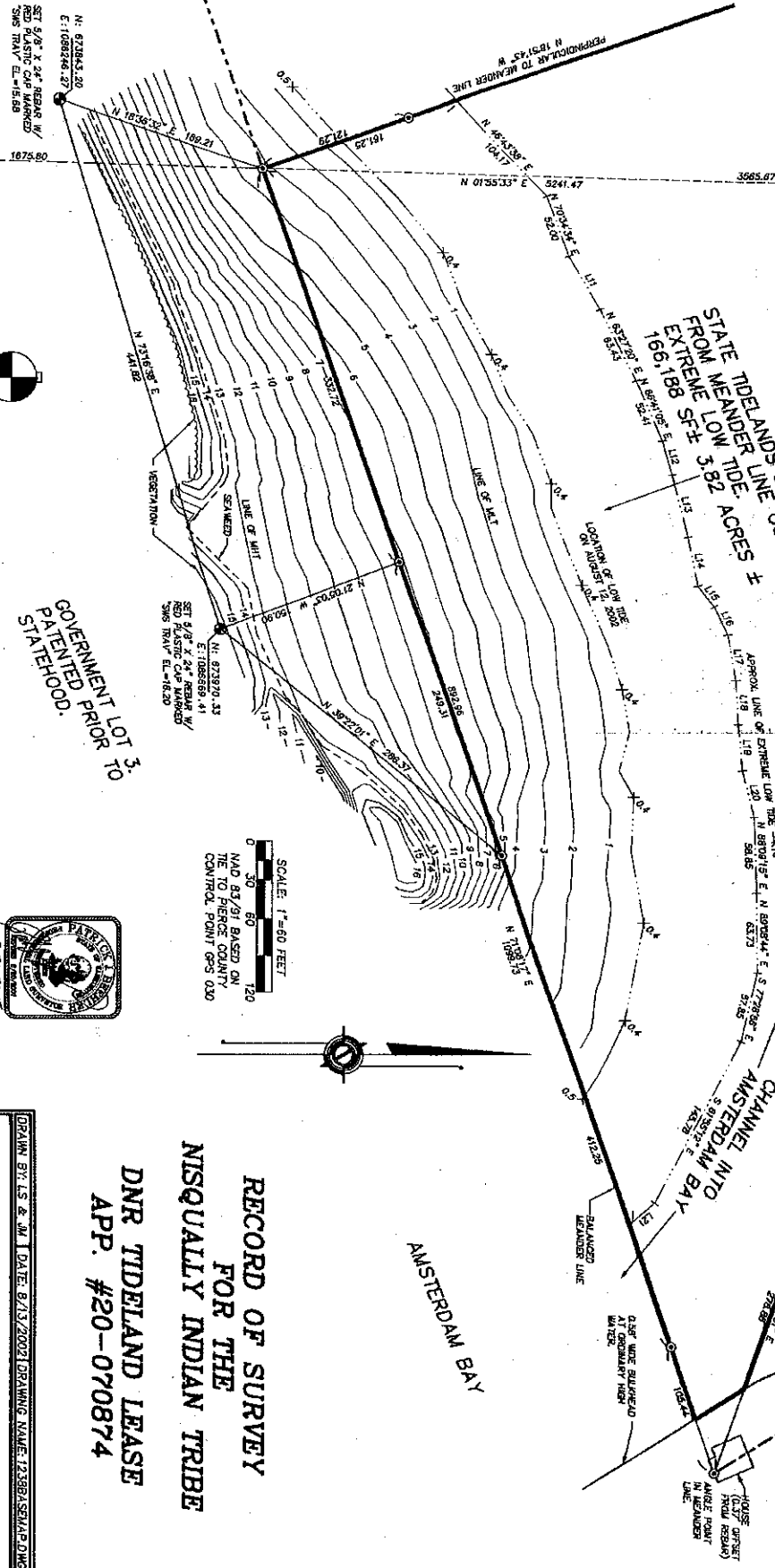
LINE NO.	BEARING	DISTANCE
L11	N 89°34'11" E	48.88
L12	N 74°04'08" E	28.39
L13	N 75°12'58" E	50.07
L14	N 53°17'27" E	40.13
L15	N 52°12'22" E	20.55
L16	N 68°43'24" E	20.55
L17	N 80°00'03" E	35.88
L18	N 80°52'25" E	35.72
L19	N 78°18'19" E	39.24
L20	N 78°18'19" E	39.24
L21	S 39°59'01" E	25.51

LEGEND

- SET AS DESCRIBED
- SET 9/8" X 24" REBAR WITH CAP MARKED BESELER 17589
- ⊕ SPOT ELEVATION

STATE TIDELANDS LEASED OUT TO
 FROM MEASUREMENT ACRES ±
 EXTREME S.F.E.
 169,188

TIDELANDS DEEDED TO HELDA
 LANDS FROM STATE IN
 1911. VOLUME 10, PAGE 93
 RECORDS OF PIERCE COUNTY.



MEAN LOWER LOW WATER (MLLW)
 VERTICAL DATUM

HIGHEST OBSERVED WATER LEVEL (COA/1/1978) 14.88
 MEAN HIGHER HIGH WATER (MHHW) 14.18
 MEAN HIGH WATER (MHW) 13.08
 MEAN TIDE WATER (MTW) 12.08
 MEAN LOW WATER (MLW) 11.08
 MEAN LOWER LOW WATER (MLLW) 10.08
 EXTREME LOW TIDE 9.08
 TIDAL DATUM BASED ON OBSERVED LOW TIDE PREDICTED FOR
 DRAYTON PASSAGE AUGUST 12, 2002.

THE SURVEY CONTROLS SHOWN FOR THIS SECTION SUBMISSION WAS ACCOMPLISHED BY GPS AND FIELD TRAVERSE UTILIZING TRIMBLE 4600 RECEIVERS AND A LEICA TOTAL STATION. LINEAR AND ANGULAR CLOSURE OF THE TRAVERSE MET THE STANDARDS OF WAC 330-130-050. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT AND DOES NOT CONSTITUTE A GUARANTEE OF ACCURACY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR ANY ENCUMBRANCES OTHER THAN THOSE SHOWN.



SCALE: 1"=60 FEET
 MADE BY JET BASED ON THE TO PIERCE COUNTY CONTROL POINT GRS 030

GOVERNMENT LOT 3, 20
 PATENTED PRIOR TO
 STATEHOOD.

RECORD OF SURVEY
 FOR THE
 NISQUALLY INDIAN TRIBE

DNR TIDELEND LEASE
 APP. #20-070874

SOUTHWEST SURVEYING, INC.
 REGISTERED LAND SURVEYOR
 10000 1st Avenue, Seattle, WA 98148-3200
 (206) 768-0880

AUDITOR'S INDEXING DATA

SECTION	6	TOWNSHIP	19 NORTH	RANGE	1 EAST
NW 1/4, SE 1/4 (COUL LOT #3)					

2005 033500/