

FOIA

From:
Sent: Friday, September 14, 2012 8:30 AM
To: FOIA
Subject: FOIA Request

The following is a New FOIA request:

Name: Robert Zornes
Organization: none
Address:
Phone: .
No FAX number provided
Email:

RECEIVED BY BPA FOIA OFFICE THIS DATE: 9/17/12
DUE DATE: 10/16/12
LOG # BPA-2012-01979-F

Description of Request:

1. A copy of the BPA survey utilized for Washington State Department of Natural Resources Application for Use of State-owned Aquatic Lands Authorization #51-087560 (see attached).
2. A copy of all documents that support BPA's submission on Washington State Department of Natural Resources Application for Use of State-owned Aquatic Lands Authorization #51-087560, that improvements made under Authorization #51-087560 would legally fall within existing rights-of-way. This includes emails and legal analysis, but does not include property records.

Preferred format:

Type of Requester: Personal

I request a fee **Waiver**

I request a waiver or reduction of fees because my request concerns "the operations or activities of the government" as explained below:

I am the adjoining land owner to the WA state aquatic lands in question and entitled to legal notice by law. The findings of this request most likely will be made public.

I request a waiver or reduction of fees because the disclosure is "likely to contribute" to an understanding of government operations or activities as explained below:

I am the adjoining land owner to the WA state aquatic lands in question and entitled to legal notice by law. The findings of this request most likely will be made public.

I request a waiver or reduction of fees because an understanding by the general public of the

subject is likely to result from disclosure, taking into account my ability and intent to disseminate the information to the public in a form that can further understanding of the subject matter as explained below:

I am the adjoining land owner to the WA state aquatic lands in question and entitled to legal notice by law. The findings of this request most likely will be made public.

I request a waiver or reduction of fees because the disclosure is likely to contribute "significantly" to public understanding of government operations or activities as explained below:

I am the adjoining land owner to the WA state aquatic lands in question and entitled to legal notice by law. The findings of this request most likely will be made public.

If denied a waiver or reduction, I Agree to pay up to 50.00



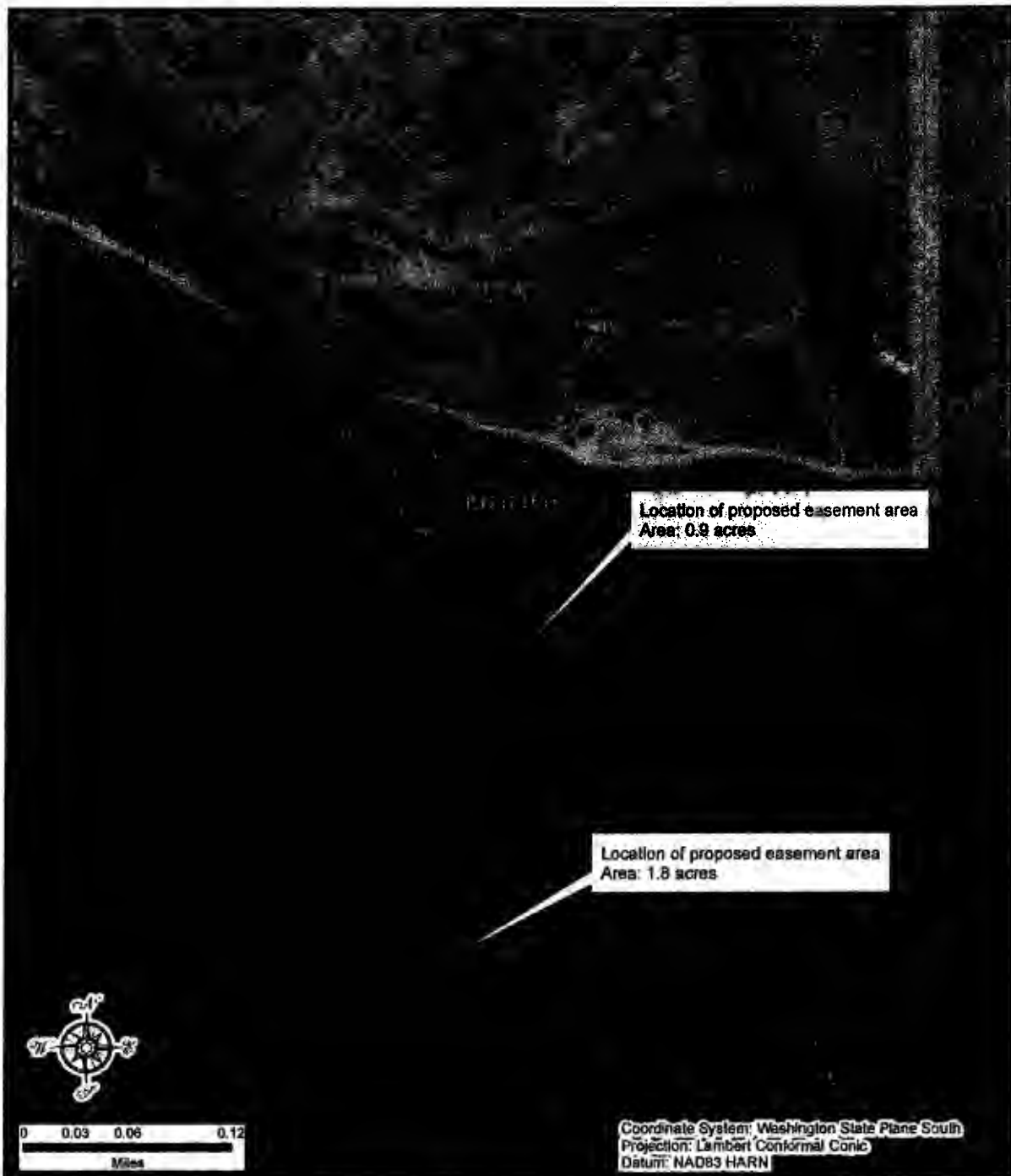
WASHINGTON STATE DEPARTMENT OF
Natural Resources
Peter Goldmark - Commissioner of Public Lands

Application for Use of State-owned Aquatic Lands

Applicant Name: Bonneville Power Administration
County: Klickitat County
Water Body: Columbia River
Type of Authorization - Use: Easement – Power transmission line crossing
Authorization Number: 51-087560
Term: Conditional based on use

Description: This agreement would allow the use of State-owned aquatic lands for the sole purpose of a power transmission line. It is located on the Columbia River, in Klickitat County, Washington.

Boneville Power Administration
Authorization No. 51-087560
Authorized Use: Overhead transmission line
Location: Columbia River, Klickitat 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

Legal Description

Latitude: 45.65121N, Longitude: 120.98582W
Section 18 & 19, Township 2 North, Range 15 East W.M.

Prepared By: CAZ Date: 12/06/2011

AZE-8-A-3
(slightly west)

BPA



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

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:

Aquatic Lands Offices	Counties Served
Rivers District 601 Bond Road PO Box 280 Castle Rock, WA 98611-0280 (360) 577-2025	All of Eastern Washington, Grays Harbor, and Pacific counties Thurston (fresh water only), Lewis, Wahkiakum, Cowlitz, Clark, and Skamania counties
Orca Straits District 919 N Township Street Sedro Woolley, WA 98284-9384 (360) 856-3500	Island, Skagit, Snohomish, San Juan, and Whatcom counties
Orca Straits District 5310 Eaglemount Rd Chimacum, WA 98325-9720 (360) 732-0934	Jefferson and Clallam counties
Shoreline District 950 Farman Avenue N Enumclaw, WA 98022-9282 (360) 825-1631	King, Pierce, Kitsap, Thurston (marine waters), and Mason counties

FOR OFFICIAL USE ONLY Support staff: - Application Fee Received		Date: <u>6-14-11</u>
Land Manager: <input checked="" type="checkbox"/> New Application	<input type="checkbox"/> Renewal Application	Land Manager Initials <u>CLORA</u>
Land Manager: Type: (20, 21, 22, 23, 31) <u>(51)</u>		NaturE Use Code <u>2210</u>
Land Records: New Application Number <u>51-087569</u>	Trust <u>15/21</u> ; County <u>20</u>	AQR Plate No. <u>SS20-008</u> <u>Note 2</u>

EN 7-22-2011

II. APPLICANT INFORMATION - person or entity responsible for the project.

Date of Application: 6/7/2011 AZE-8-A-3

Name of the person or entity that the Use Authorization should be issued to:
United States of America, Dept. of Energy, Bonneville Power Administration.

(BP 1039873)

Applicant's Address: P.O. Box 3621; TERS-3 City: Portland State: OR Zip Code: 97208

Telephone: 503-230-5572 Fax: 503-230-5513 E-mail: aecamp@bpa.gov

Department of Revenue Tax Registration Number (Unified Business Identifier) **Required:**
93-0334712

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

Corporation Limited Partnership General Partnership
State of Registration: State of Registration: State of Registration:Sole Proprietorship Marital Community Spouse Government Agency Other (Please Explain)Has DNR previously authorized this site or is it currently under an agreement with DNR?
Yes Agreement Number: Application No. 22411, dated 8/16/1954. No Don't Know **III. AGENT INFORMATION** - Person authorized to represent the applicant about the project, if applicable

Agent's Name and Organization:

Agent's Relationship to Applicant:

Address: City: State: Zip Code:

Telephone: Fax: E-Mail:

Department of Revenue Tax Registration Number (Unified Business Identifier) is **Required:**
93-0334712Which of the following applies to Agent?
Check one and attach written authority to sign - bylaws, power of attorney, etc.

Corporation <input type="checkbox"/> State of Registration:	Limited Partnership <input type="checkbox"/> State of Registration:	General Partnership <input type="checkbox"/> State of Registration:
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Sole Proprietorship <input type="checkbox"/>	Marital Community <input type="checkbox"/> Spouse:	Government Agency <input type="checkbox"/>
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Other (Please Explain)

IV. LOCATION

On what body of water is the state property? Columbia River	County Klickitat	Government Lot:
	Sections: 18 and 19	Township: 2 North
	Range: 15	East <input checked="" type="checkbox"/> or West <input type="checkbox"/>

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.):
Two portions of the bed and shoreland of the Columbia River owned by Washington State and lying between the State boundary line in the Columbia River and the high water mark on the Washington side.

Name of owner(s) of uplands, shorelands, and/or tidelands shoreward and adjacent to the Property:
U.S. Army Corps of Engineers

Address: 3502 Highway 30	City: LeGrande	State: OR	Zip Code: 97850
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Phone Number: 541-962-0401	Fax Number	E-mail: mary.j.hoffman@usace.army.mil
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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:
See attached.

V. USE OF PROPERTY

Describe the proposed use of the Property in detail:
BPA tract AZE-8-A-3 covers a 0.5 acre area and a 2.5 acre area, within a 325 feet wide right-of-way, for the existing McNary-Big Eddy 230 kV aerial electrical transmission line and the new Big Eddy-Knight 500 kV aerial electrical transmission line. The alignment of this original existing 325' ROW will be unchanged, but the electric lines and the survey line will move slightly to the west.

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.
BPA overhead electrical transmission line within this area.

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 79.105.060(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.
BPA's 230 kV overhead McNary-Big Eddy electrical transmission line.

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

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

Do you plan to construct any improvements? If yes, please describe:
The existing McNary-Big Eddy line will be removed and replaced. The new Big Eddy-Knight line will be placed on the same row of towers. Both lines will lie slightly west of the current McNary-Big Eddy line, but within the existing 325' right-of-way.

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:

No habitat mitigation is required by a permitting agency for the proposed Big Eddy-Knight transmission line project.

BPA is currently in the process of obtaining a Section 10 overhead crossing permit from the US Army Corps, Portland District.

DNR is lead agency for SEPA review of the Bid Eddy-Knight transmission line project. DNR has commented on BPAs Big Eddy Knight Draft EIS in order to facilitate SEPA adoption of BPAs Big Eddy-Knight Final EIS.

The project will be working under an EPA NDES Construction General Permit, which requires the implementation of a Storm Water Pollution Prevention (SWPP) Plan. A SWPP Plan addresses project requirements to minimize the release of sediment to surface waters by utilizing low impact

construction methods, Mitigation Implementation Table, and location specific erosion and sediment control measures (design, installation, inspection and maintenance of BMP's). The need for BMP's is addressed on a site specific basis by the erosion and sediment control lead and is dependant on soil, type of construction, slope, wind, weather and potential for sediment to enter surface water. As part of the SWPP Plan, a Spill Prevention and Response Plan is created to address petroleum and hazardous materials handling and management procedures for the project.

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

Applicant name (please print): <i>Margaret Wolecott</i>	Title: <i>Manager, Real Property Services</i>
Applicant Signature: <i>Margaret Wolecott</i>	Date: <i>6-10-2011</i>
Authorized Agent name (please print):	Title:
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.



WASHINGTON STATE DEPARTMENT OF
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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
- 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
- Upland leases
- Utilities
- Communication sites
- Railroads

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.
5. Show the easement or lease area to an accuracy of (\pm) 0.5% of the total area or (\pm) 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 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