



# **State of Washington**

## **Case Study**

### **Washington Permitting Process for Undersea Cables**

**March 2023**

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## 1. Introduction

This document aims to provide information to the Department of State Lands (DSL), Department of Land Conservation and Development (DLCD), other state agencies, and relevant local governments about the State of Washington's Pacific Coast Management experience, permits' application, review, and authorization process for undersea cables.

House Bill 2603 (2021) requires reviewing and developing recommendations for amendments to Part Four of the Territorial Sea Plan that addresses the placement of telecommunication cables, pipelines, and other utilities in the territorial sea.

In developing recommendations, DLCD, DSL, and the Ocean Policy Advisory Council (OPAC) shall evaluate the permitting application process in the State of Washington.

This information is intended to assist DSL, DLCD, and OPAC in a coordinated permitting process for the placement of undersea cables on state-owned submerged or submersible lands within the Oregon Territorial Sea between appropriate state agencies and local and tribal governments.

The information in this document is based on the analysis of Washington state policy under the jurisdiction of the Washington Department of Natural Resources (WDNR) and the Washington Department of Ecology (WDE). Also, the information in this document is grounded on the interview with Brenda Werden, Easement Land Manager at the Aquatic Resources Division of the Washington State Department of Natural Resources.

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## 2. Washington's Pacific Coast Management

The State of Washington manages its coastal zone through a partnership with the federal government established under the federal Coastal Zone Management Act (CZMA). Passed in 1972, the Act calls for the “effective management, beneficial use, protection, and development of the coastal zone” and encourages state involvement in achieving those goals. In 1976, Washington became the first state to receive federal approval for a Coastal Zone Management Program (CZMP).

The enforceable policies of Washington's CZMP include provisions from:

- Shoreline Management Act – [RCW 90.58](#)
- Water Pollution Control Act – [RCW 90.48](#)
- Clean Air Act – [RCW 70.94](#)
- Ocean Resources Management Act - [RCW 43.143](#) and Ocean Management Guidelines at [WAC 173-26-360](#).

Under the Shoreline Management Act (SMA), cities and counties with shorelines develop local shoreline master programs (SMPs) in partnership with the local community and the Department of Ecology. They must comply with the SMA and its regulations. The Ocean Management Guidelines are state regulations that provide specific guidance on how to address ocean uses within a local SMP.

Primarily driven by concern over proposals for offshore renewable energy, Washington adopted the Marine Waters Planning and Management Act in 2010 ([RCW 43.372](#)). This state law employs [Marine Spatial Planning](#) (MSP) to develop non-regulatory plans for addressing uses in marine waters.

Washington established the interagency team, [the State Ocean Caucus](#), to develop and implement MSP. The interagency team is chaired by the Governor's office and coordinated by the Department of Ecology. Other State Ocean Caucus agencies involved in developing and implementing the MSP include Washington Department of Natural Resources, Department of Fish and Wildlife, Washington Sea Grant, and State Parks and Recreation Commission. Based on jurisdictions, these agencies issue different types of permits. The planning and permitting processes involve and engage coastal stakeholders, the public, local, tribal, and federal governments.

[Washington Department of Ecology](#) is the lead agency for coordinating the MSP process. In May 2013, the Washington Coastal Marine Advisory Council was established in the Office of the Governor. The Council advises on the MSP's development, and WDE provides the primary staff support of the Council.

[Washington Department of Natural Resources](#) partners with citizens and governments to provide innovative leadership and expertise to ensure environmental protection, public safety, perpetual funding for schools and communities, and a rich quality of life. WDNR manages more than 2.6 million acres of state-owned aquatic lands and issues easement authorization for undersea cables, pipelines, and other utilities.

## 3. Permitting Process

### 3.1 Terminology

Terms used in this document have the same meaning outlined in federal and state laws, Washington agencies rules, guides, and programs.

**“Aquatic lands”** are part of the public lands of the state of Washington. These lands include tidelands, shorelands of navigable rivers and lakes, beds of marine and freshwaters, lands in harbor areas and waterways, and even some filled aquatic lands, which now look like uplands. The state’s ownership of aquatic (or submerged) lands is based on whether a specific water body is or was navigable or is influenced by tides.

**“Right-of-Way”** is an authorization issued by the WDNR.

**“Public Utility Lines”** means pipes, conduits, and similar facilities for the distribution of water, electricity, natural gas, telephone, other electronic communication, and sewers, including sewer outfall lines.

**“Substantial development”** means any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold must be adjusted for inflation by the Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period.

**“Conditional use”** means a use, development, or substantial development which is classified as a conditional use or is not classified within the applicable master program.

**“Master program”** means the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in [RCW 90.58.020](#).

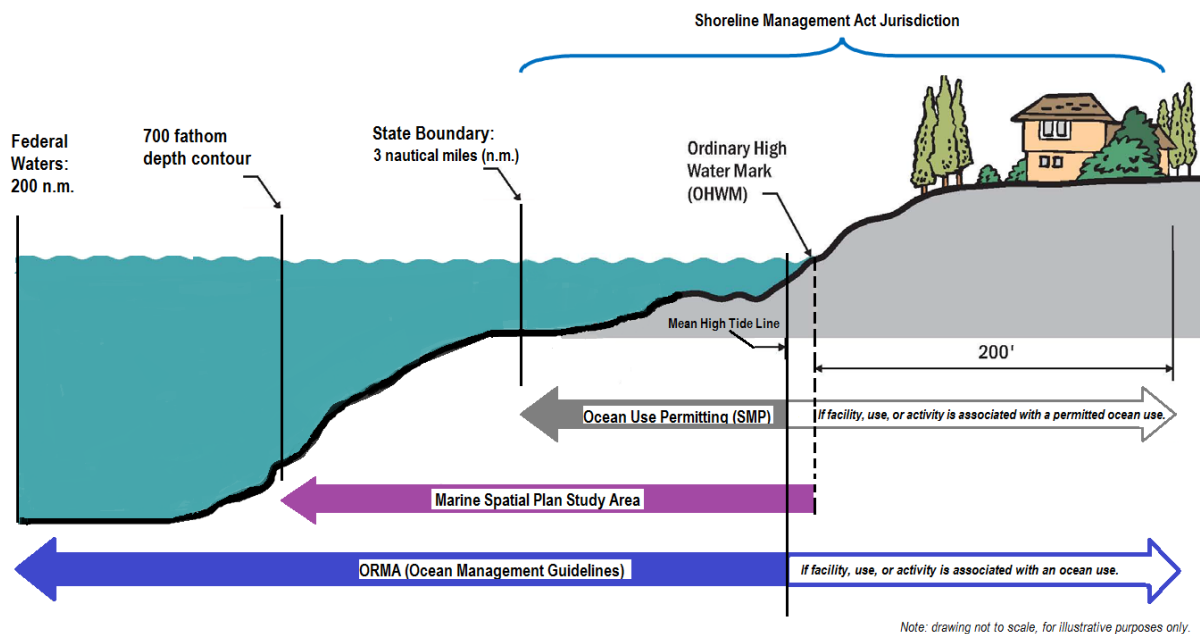
**“Fair market value”** of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

### 3.2 What type of permits are required?

Washington Department of Natural Resources (WDNR) manages 2.6 million acres of state-owned aquatic lands and has a proprietary authority, meaning WDNR acts on behalf of the landowner.

The Aquatic Resources Program at WDNR is charged with achieving a balance between uses of state-owned aquatic lands and environmental protection. WDNR's responsibility for state-owned aquatic lands falls under the Aquatic Lands Act ([RCW 79.105](#)).

Any project taking place on or over state-owned aquatic lands requires authorization from WDNR, as well as necessary permits from other agencies such as Washington Department of Fish and Wildlife, the Department of Ecology, the U.S. Army Corp of Engineers, the U.S. Coast Guard and local jurisdictions, depending on the type of use and the location. Figure 1 shows federal, state, and local jurisdictions for the ocean use permit.



**Figure 1.** The geographic coverage of the Shoreline Management Act, Ocean Resources Management Act and Ocean Management Guidelines, and Marine Spatial Plan varies based on their associated laws and regulations. Local governments may regulate ocean use activities that meet the guidelines and shoreline master program from mean high tide out to 3 nautical miles  
(Source: Washington Department of Ecology)

A WDNR authorization is a legal contract, different from regulatory permits obtained from other agencies. WDNR contracts outline the terms and conditions of the use and convey certain property rights to the user in exchange for rent.

For utility lines, including fiber optic cables, the applicant needs to obtain a **right-of-way** from WDNR.

**A right-of-way** through, over, and across any state lands may be granted to any municipal or private corporation, company, association, individual, or the United States of America, constructing or proposing to construct, or which has heretofore constructed, any telephone line, ditch, flume, or pipeline for the domestic water supply of any municipal corporation or transmission line for the purpose of generating or transmitting electricity for light, heat, or power ([RCW79.36.510](#)).

Some projects may involve the removal of valuable materials (e.g., sand, gravel, or other materials). In this case, the applicant should receive **an easement for the removal of valuable materials** from WDNR ([RCW 79.36.350](#)).

Under the Shoreline Management Act (SMA), Washington Department of Ecology (WDE) and local governments have the authority to approve two types of shoreline permits: **substantial development permit** and **conditional use permit**.

**A substantial development permit** is required for most development that meets a specific dollar threshold. Effective July 1, 2022, the dollar threshold for substantial development is \$8,504 ([WSR-22-11-036](#)). The dollar amount is adjusted for inflation by the Office of Financial Management every five years. The next adjustment is due July 1, 2027.

Washington Department of Fish and Wildlife may require **hydraulic project approval** or an **aquatic plant removal permit**.

The applicant may obtain permits, and use authorization through a streamlined application process called the “Joint Aquatic Resources Permit Application” (JARPA)<sup>1</sup>.

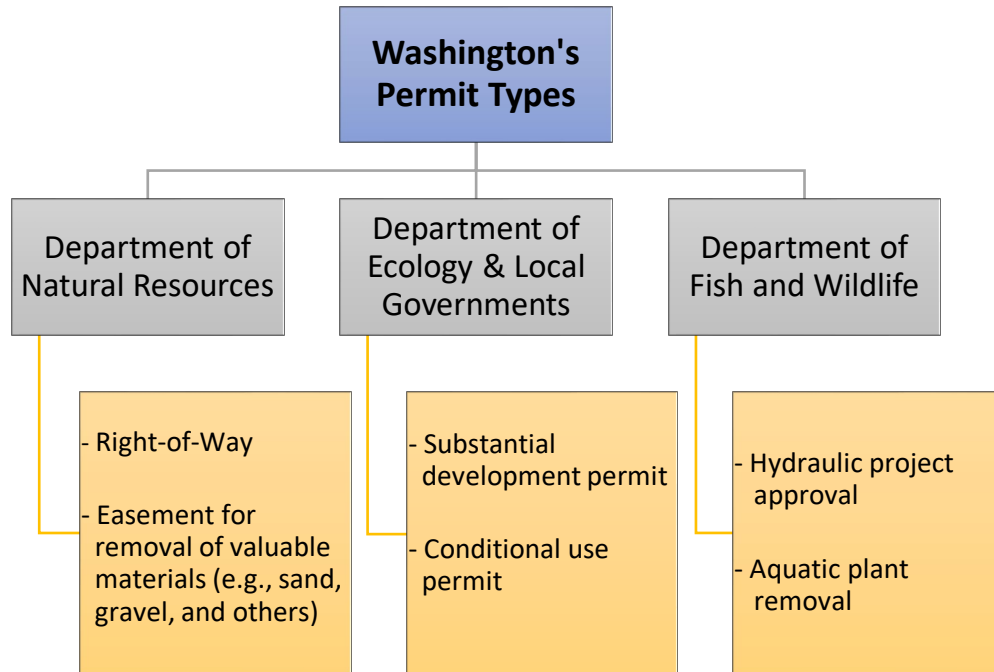
JARPA is used to apply for permits from all agencies except the Department of Fish and Wildlife, which accepts applications for Hydraulic Project Approvals (HPAs) through its new online Aquatic Protection Permitting System (APPS)<sup>2</sup>.

Figure 2 summarizes the types of permits in the State of Washington.

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<sup>1</sup> Washington Joint Aquatic Resources Permit Application (JAPRA)  
[https://www.epermitting.wa.gov/site/alias\\_resourcecenter/jarpa\\_jarpa\\_form/9984/jarpa\\_form.aspx](https://www.epermitting.wa.gov/site/alias_resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx)

<sup>2</sup> Washington Department of Fish and Wildlife APPS <https://wdfw.wa.gov/licenses/environmental/hpa>



**Figure 2.** Types of Permits in the State of Washington



### 3.3 What does it cost to apply for permits?

Each application for a **cable and other utility easement** crossing the state waters shall be accompanied by (i) an application fee, (ii) a charge for the term of easement (recovery costs), (iii) a use rental fee, and (iv) administrative and (v) natural resources damage fee where it is appropriate.

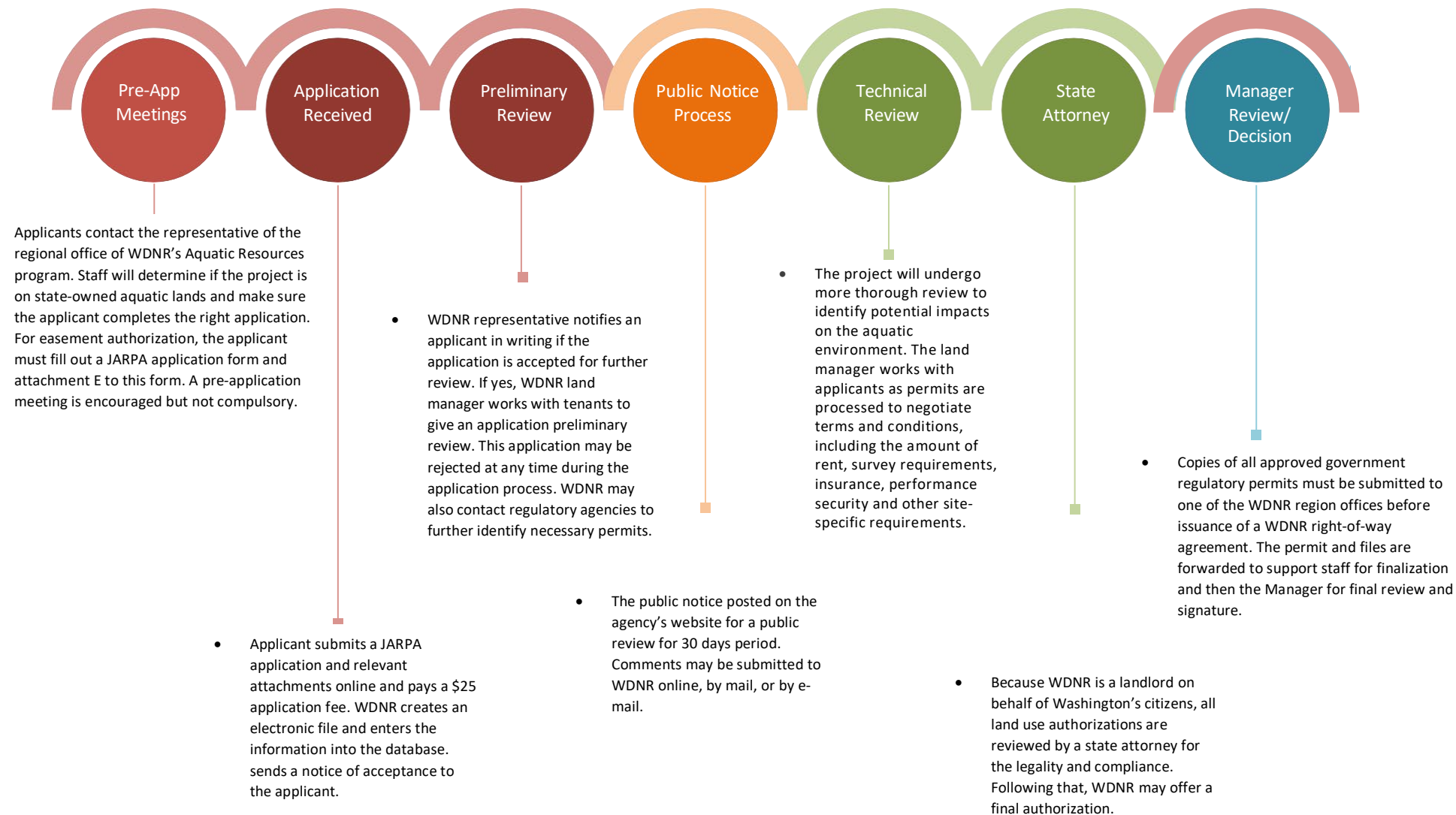
Type of Fee:	Costs/Explanation:	
Application Fee	JAPRA	<b>\$25</b>
Charge for Term of Easement (Recovery Costs) *	For individual easement crossings that are no longer than 1 mile in length	<b>\$5000</b>
	For individual easement crossings that are more than 1 but less than 5 miles in length	<b>\$12500</b>
	For individual easement crossings that are 5 miles or more in length	<b>\$20000</b>
Administrative Fee**	20% of the fee for the easement (recovery costs)	
Use Rental Fee***	Extension method	
Natural Resources Damage Fee	Negotiable	
Insurance, Bonds, and Other Security	Negotiable	

\* Until July 1, 2030, the charge for the term of an easement granted under RCW 79.110.230(2) will be determined as follows and will be paid in advance upon grant of the easement. The charge for easements must be adjusted annually by the rate of yearly change in the most recently published Seattle-Tacoma-Bremerton consumer price index, all urban consumers (CPI-U), over the consumer price index for the same period of the preceding year, as compiled by the bureau of labor statistics, United States department of labor for the state of Washington rounded up to the nearest fifty dollars. Applicants providing a residence with an individual service connection for electrical, natural gas, cable television, or telecommunications service are not required to pay the charge for the easement but shall pay administrative costs.

\*\* In addition to the charge for the easement, the department may recover its administrative costs incurred in receiving an application for the easement, approving the easement, and reviewing plans for and construction of the public utility lines. For public utility lines owned by a governmental entity, the administrative costs will be calculated based on the length of the easement and the fee that it would be charged if it were subject to easement charges. When multiple public utility lines are owned by the same entity and are authorized under the same easement, the administrative fee for the easement shall be equal to 20% of the easement fee for the single longest public utility line. Administrative costs recovered by the department must be deposited into the resource management cost account.

\*\*\* Utilizing adjacent upland value necessary for total use as the value of aquatic lands needed for use on a unit-for-unit basis. Generally, best for aquatic land uses which are integrated with and inseparable from adjacent upland use (WAC 332-30-125).

## 4. Washington Cable Easement Application Review Process



## 5. Duration, Timeframe, and Cable Removal

### Duration

An easement authorization issued by WDNR is valid for 25-30 years, depending on the project. It may be renewed at the holder's option for an additional thirty-year term upon application to the Department. However, an applicant should submit a new application and pay all necessary fees (application fee, charge for the term of easement, use rental fee, administrative and natural resources damage fee where it is appropriate).

### Timeframe

Once WDNR receives the application, it could take 120 days (4 months) up to 365 days (1 year) to issue an easement authorization. The application process depends on project complexity, documents and permits in place, survey results, and needs to coordinate the project with other agencies.

### Cable Removal Requirements

[WAC 332-30-122](#) requires to keep cable infrastructure in good condition and repair by the authorized user of the aquatic lands. The cable must be removed by the authorized user as stipulated in the authorization instrument (terms and conditions).

This requirement is necessary for a responsible party. For instance, Washington had a situation when a cable was broken on Salmon Island. Part of the authorization was that the user needed to remove those broken cables, but it was going over the power cable, and that's how cable crossing became a challenging issue. Removing the cable is part of the authorization process, and users cannot just leave it in the seabed. The only time the users can leave a cable if it is going through a protected habitat in Washington. In this case, WDNR allows a cable to remain in place, but users need to keep authorization for this cable.



**WASHINGTON STATE**  
**Joint Aquatic Resources Permit**  
**Application (JARPA) Form<sup>3,4</sup>** [\[help\]](#)

USE BLACK OR BLUE INK TO ENTER ANSWERS IN THE WHITE SPACES BELOW.



US Army Corps  
of Engineers  
Seattle District

AGENCY USE ONLY

Date received:

Agency reference #:

Tax Parcel #(s):

**Part 1–Project Identification**

1. Project Name (A name for your project that you create. Examples: Smith’s Dock or Seabrook Lane Development) [\[help\]](#)

**Part 2–Applicant**

The person and/or organization responsible for the project. [\[help\]](#)

2a. Name (Last, First, Middle)

2b. Organization (If applicable)

2c. Mailing Address (Street or PO Box)

2d. City, State, Zip

2e. Phone (1)	2f. Phone (2)	2g. Fax	2h. E-mail

<sup>3</sup>Additional forms may be required for the following permits:

- If your project may qualify for Department of the Army authorization through a Regional General Permit (RGP), contact the U.S. Army Corps of Engineers for application information (206) 764-3495.
- Not all cities and counties accept the JARPA for their local Shoreline permits. If you need a Shoreline permit, contact the appropriate city or county government to make sure they accept the JARPA.

<sup>2</sup>To access an online JARPA form with [\[help\]](#) screens, go to [http://www.epermitting.wa.gov/site/alias\\_resourcecenter/jarpa\\_jarpa\\_form/9984/jarpa\\_form.aspx](http://www.epermitting.wa.gov/site/alias_resourcecenter/jarpa_jarpa_form/9984/jarpa_form.aspx).

### Part 3—Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b of this application.) [\[help\]](#)

<b>3a.</b> Name (Last, First, Middle)			
<b>3b.</b> Organization (If applicable)			
<b>3c.</b> Mailing Address (Street or PO Box)			
<b>3d.</b> City, State, Zip			
<b>3e.</b> Phone (1)	<b>3f.</b> Phone (2)	<b>3g.</b> Fax	<b>3h.</b> E-mail

### Part 4—Property Owner(s)

Contact information for people or organizations owning the property(ies) where the project will occur. Consider both **upland and aquatic** ownership because the upland owners may not own the adjacent aquatic land. [\[help\]](#)

- ☐ Same as applicant. (Skip to Part 5.)
- ☐ Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)
- ☐ There are multiple upland property owners. Complete the section below and fill out [JARPA Attachment A](#) for each additional property owner.
- ☐ Your project is on Department of Natural Resources (DNR)-managed aquatic lands. If you don't know, contact the DNR at (360) 902-1100 to determine aquatic land ownership. If yes, complete [JARPA Attachment E](#) to apply for the Aquatic Use Authorization.

<b>4a.</b> Name (Last, First, Middle)			
<b>4b.</b> Organization (If applicable)			
<b>4c.</b> Mailing Address (Street or PO Box)			
<b>4d.</b> City, State, Zip			
<b>4e.</b> Phone (1)	<b>4f.</b> Phone (2)	<b>4g.</b> Fax	<b>4h.</b> E-mail

## Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [\[help\]](#)

- ☐ There are multiple project locations (e.g. linear projects). Complete the section below and use [JARPA Attachment B](#) for each additional project location.

<b>5a.</b> Indicate the type of ownership of the property. (Check all that apply.) <a href="#">[help]</a>			
<input type="checkbox"/> Private <input type="checkbox"/> Federal <input type="checkbox"/> Publicly owned (state, county, city, special districts like schools, ports, etc.) <input type="checkbox"/> Tribal <input type="checkbox"/> Department of Natural Resources (DNR) – managed aquatic lands (Complete <a href="#">JARPA Attachment E</a> )			
<b>5b.</b> Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5p.) <a href="#">[help]</a>			
<b>5c.</b> City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) <a href="#">[help]</a>			
<b>5d.</b> County <a href="#">[help]</a>			
<b>5e.</b> Provide the section, township, and range for the project location. <a href="#">[help]</a>			
<b>¼ Section</b>	<b>Section</b>	<b>Township</b>	<b>Range</b>
<b>5f.</b> Provide the latitude and longitude of the project location. <a href="#">[help]</a> <ul style="list-style-type: none"><li>Example: 47.03922 N lat. / -122.89142 W long. (Use decimal degrees - NAD 83)</li></ul>			
<b>5g.</b> List the tax parcel number(s) for the project location. <a href="#">[help]</a> <ul style="list-style-type: none"><li>The local county assessor's office can provide this information.</li></ul>			
<b>5h.</b> Contact information for all adjoining property owners. (If you need more space, use <a href="#">JARPA Attachment C.</a> ) <a href="#">[help]</a>			
<b>Name</b>	<b>Mailing Address</b>	<b>Tax Parcel # (if known)</b>	
<b>5i.</b> List all wetlands on or adjacent to the project location. <a href="#">[help]</a>			
<b>5j.</b> List all waterbodies (other than wetlands) on or adjacent to the project location. <a href="#">[help]</a>			
<b>5k.</b> Is any part of the project area within a 100-year floodplain? <a href="#">[help]</a>			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know			
<b>5l.</b> Briefly describe the vegetation and habitat conditions on the property. <a href="#">[help]</a>			

<b>5m.</b> Describe how the property is currently used. <a href="#">[help]</a>
<b>5n.</b> Describe how the adjacent properties are currently used. <a href="#">[help]</a>
<b>5o.</b> Describe the structures (above and below ground) on the property, including their purpose(s) and current condition. <a href="#">[help]</a>
<b>5p.</b> Provide driving directions from the closest highway to the project location, and attach a map. <a href="#">[help]</a>

## Part 6–Project Description

<b>6a.</b> Briefly summarize the overall project. You can provide more detail in 6b. <a href="#">[help]</a>
<b>6b.</b> Describe the purpose of the project and why you want or need to perform it. <a href="#">[help]</a>
<b>6c.</b> Indicate the project category. (Check all that apply) <a href="#">[help]</a>
<input type="checkbox"/> Commercial <input type="checkbox"/> Residential <input type="checkbox"/> Institutional <input type="checkbox"/> Transportation <input type="checkbox"/> Recreational <input type="checkbox"/> Maintenance <input type="checkbox"/> Environmental Enhancement
<b>6d.</b> Indicate the major elements of your project. (Check all that apply) <a href="#">[help]</a>

<input type="checkbox"/> Aquaculture <input type="checkbox"/> Bank Stabilization <input type="checkbox"/> Boat House <input type="checkbox"/> Boat Launch <input type="checkbox"/> Boat Lift <input type="checkbox"/> Bridge <input type="checkbox"/> Bulkhead <input type="checkbox"/> Buoy <input type="checkbox"/> Channel Modification	<input type="checkbox"/> Culvert <input type="checkbox"/> Dam / Weir <input type="checkbox"/> Dike / Levee / Jetty <input type="checkbox"/> Ditch <input type="checkbox"/> Dock / Pier <input type="checkbox"/> Dredging <input type="checkbox"/> Fence <input type="checkbox"/> Ferry Terminal <input type="checkbox"/> Fishway	<input type="checkbox"/> Float <input type="checkbox"/> Floating Home <input type="checkbox"/> Geotechnical Survey <input type="checkbox"/> Land Clearing <input type="checkbox"/> Marina / Moorage <input type="checkbox"/> Mining <input type="checkbox"/> Outfall Structure <input type="checkbox"/> Piling/Dolphin <input type="checkbox"/> Raft	<input type="checkbox"/> Retaining Wall (upland) <input type="checkbox"/> Road <input type="checkbox"/> Scientific Measurement Device <input type="checkbox"/> Stairs <input type="checkbox"/> Stormwater facility <input type="checkbox"/> Swimming Pool <input type="checkbox"/> Utility Line
<input type="checkbox"/> Other:			



<b>6e.</b> Describe how you plan to construct each project element checked in 6d. Include specific construction methods and equipment to be used. <a href="#">[help]</a> <ul style="list-style-type: none"> <li>Identify where each element will occur in relation to the nearest waterbody.</li> <li>Indicate which activities are within the 100-year floodplain.</li> </ul>
<b>6f.</b> What are the anticipated start and end dates for project construction? (Month/Year) <a href="#">[help]</a> <ul style="list-style-type: none"> <li>If the project will be constructed in phases or stages, use <a href="#">JARPA Attachment D</a> to list the start and end dates of each phase or stage.</li> </ul>
Start Date: _____ End Date: _____ <input type="checkbox"/> See JARPA Attachment D
<b>6g.</b> Fair market value of the project, including materials, labor, machine rentals, etc. <a href="#">[help]</a>
<b>6h.</b> Will any portion of the project receive federal funding? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>If <b>yes</b>, list each agency providing funds.</li> </ul>
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know

## Part 7–Wetlands: Impacts and Mitigation

- ☐ Check here if there are wetlands or wetland buffers on or adjacent to the project area.  
 (If there are none, skip to Part 8.) [\[help\]](#)

<b>7a.</b> Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. <a href="#">[help]</a>
<input type="checkbox"/> Not applicable
<b>7b.</b> Will the project impact wetlands? <a href="#">[help]</a>
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know
<b>7c.</b> Will the project impact wetland buffers? <a href="#">[help]</a>
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know
<b>7d.</b> Has a wetland delineation report been prepared? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>If <b>Yes</b>, submit the report, including data sheets, with the JARPA package.</li> </ul>
<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>7e.</b> Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>If <b>Yes</b>, submit the wetland rating forms and figures with the JARPA package.</li> </ul>
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know
<b>7f.</b> Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>If <b>Yes</b>, submit the plan with the JARPA package and answer 7g.</li> <li>If <b>No</b>, or <b>Not applicable</b>, explain below why a mitigation plan should not be required.</li> </ul>
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know

<b>7g.</b> Summarize what the mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. <a href="#">[help]</a>						
<b>7h.</b> Use the table below to list the type and rating of each wetland impacted, the extent and duration of the impact, and the type and amount of mitigation proposed. Or if you are submitting a mitigation plan with a similar table, you can state (below) where we can find this information in the plan. <a href="#">[help]</a>						
Activity (fill, drain, excavate, flood, etc.)	Wetland Name <sup>1</sup>	Wetland type and rating category <sup>2</sup>	Impact area (sq. ft. or Acres)	Duration of impact <sup>3</sup>	Proposed mitigation type <sup>4</sup>	Wetland mitigation area (sq. ft. or acres)
<sup>1</sup> If no official name for the wetland exists, create a unique name (such as "Wetland 1"). The name should be consistent with other project documents, such as a wetland delineation report. <sup>2</sup> Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package. <sup>3</sup> Indicate the days, months or years the wetland will be measurably impacted by the activity. Enter "permanent" if applicable. <sup>4</sup> Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)						
Page number(s) for similar information in the mitigation plan, if available: _____						
<b>7i.</b> For all filling activities identified in 7h, describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. <a href="#">[help]</a>						
<b>7j.</b> For all excavating activities identified in 7h, describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. <a href="#">[help]</a>						

## Part 8–Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, “waterbodies” refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [\[help\]](#)

☐ Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

**8a.** Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [\[help\]](#)

<input type="checkbox"/> Not applicable
<b>8b.</b> Will your project impact a waterbody or the area around a waterbody? <a href="#">[help]</a>
<input type="checkbox"/> Yes <input type="checkbox"/> No

**8c.** Have you prepared a mitigation plan to compensate for the project's adverse impacts to non-wetland waterbodies?  
[help]

- **If Yes**, submit the plan with the JARPA package and answer 8d.
- **If No, or Not applicable**, explain below why a mitigation plan should not be required.

☐ Yes    ☐ No    ☐ Don't know

**8d.** Summarize what the mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

- If you already completed 7g you do not need to restate your answer here. [[help](#)]

**8e.** Summarize impact(s) to each waterbody in the table below. [\[help\]](#)

Activity (clear, dredge, fill, pile drive, etc.)	Waterbody name <sup>1</sup>	Impact location <sup>2</sup>	Duration of impact <sup>3</sup>	Amount of material (cubic yards) to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected

<sup>1</sup> If no official name for the waterbody exists, create a unique name (such as "Stream 1") The name should be consistent with other documents provided.

<sup>2</sup> Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.

<sup>3</sup> Indicate the days, months or years the waterbody will be measurably impacted by the work. Enter "permanent" if applicable.

**8f.** For all activities identified in 8e, describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [\[help\]](#)

**8g.** For all excavating or dredging activities identified in 8e, describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [\[help\]](#)

## Part 9—Additional Information

Any additional information you can provide helps the reviewer(s) understand your project. Complete as much of this section as you can. It is ok if you cannot answer a question.

<b>9a.</b> If you have already worked with any government agencies on this project, list them below. <a href="#">[help]</a>			
Agency Name	Contact Name	Phone	Most Recent Date of Contact
<b>9b.</b> Are any of the wetlands or waterbodies identified in Part 7 or Part 8 of this JARPA on the Washington Department of Ecology's 303(d) List? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>If <b>Yes</b>, list the parameter(s) below.</li> <li>If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: <a href="https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d">https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d</a>.</li> </ul>			
<input type="checkbox"/> Yes <input type="checkbox"/> No			
<b>9c.</b> What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>Go to <a href="http://cfpub.epa.gov/surf/locate/index.cfm">http://cfpub.epa.gov/surf/locate/index.cfm</a> to help identify the HUC.</li> </ul>			
<b>9d.</b> What Water Resource Inventory Area Number (WRIA #) is the project in? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>Go to <a href="https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Watershed-look-up">https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-availability/Watershed-look-up</a> to find the WRIA #.</li> </ul>			
<b>9e.</b> Will the in-water construction work comply with the State of Washington water quality standards for turbidity? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>Go to <a href="https://ecology.wa.gov/Water-Shorelines/Water-quality/Freshwater/Surface-water-quality-standards/Criteria">https://ecology.wa.gov/Water-Shorelines/Water-quality/Freshwater/Surface-water-quality-standards/Criteria</a> for the standards.</li> </ul>			
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable			
<b>9f.</b> If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>If you don't know, contact the local planning department.</li> <li>For more information, go to: <a href="https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-laws-rules-and-cases">https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-laws-rules-and-cases</a>.</li> </ul>			
<input type="checkbox"/> Urban <input type="checkbox"/> Natural <input type="checkbox"/> Aquatic <input type="checkbox"/> Conservancy <input type="checkbox"/> Other: _____			
<b>9g.</b> What is the Washington Department of Natural Resources Water Type? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>Go to <a href="http://www.dnr.wa.gov/forest-practices-water-typing">http://www.dnr.wa.gov/forest-practices-water-typing</a> for the Forest Practices Water Typing System.</li> </ul>			
<input type="checkbox"/> Shoreline <input type="checkbox"/> Fish <input type="checkbox"/> Non-Fish Perennial <input type="checkbox"/> Non-Fish Seasonal			
<b>9h.</b> Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>If <b>No</b>, provide the name of the manual your project is designed to meet.</li> </ul>			
<input type="checkbox"/> Yes <input type="checkbox"/> No			
Name of manual: _____			
<b>9i.</b> Does the project site have known contaminated sediment? <a href="#">[help]</a> <ul style="list-style-type: none"> <li>If <b>Yes</b>, please describe below.</li> </ul>			
<input type="checkbox"/> Yes <input type="checkbox"/> No			

<b>9j.</b> If you know what the property was used for in the past, describe below. <a href="#">[help]</a>
<b>9k.</b> Has a cultural resource (archaeological) survey been performed on the project area? <a href="#">[help]</a> <ul style="list-style-type: none"><li>• If <b>Yes</b>, attach it to your JARPA package.</li></ul>
<input type="checkbox"/> Yes <input type="checkbox"/> No

**9l.** Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [\[help\]](#)

**9m.** Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [\[help\]](#)

## Part 10–SEPA Compliance and Permits

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at <http://apps.oria.wa.gov/opas/>.
- Governor's Office for Regulatory Innovation and Assistance at (800) 917-0043 or [help@oria.wa.gov](mailto:help@oria.wa.gov).
- For a list of addresses to send your JARPA to, click on [agency addresses for completed JARPA](#).

**10a.** Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [\[help\]](#)

- For more information about SEPA, go to <https://ecology.wa.gov/regulations-permits/SEPA-environmental-review>.

☐ A copy of the SEPA determination or letter of exemption is included with this application.

☐ A SEPA determination is pending with \_\_\_\_\_ (lead agency). The expected decision date is \_\_\_\_\_.

☐ I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) [\[help\]](#)

☐ This project is exempt (choose type of exemption below).

☐ Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt?

\_\_\_\_\_

☐ Other: \_\_\_\_\_

☐ SEPA is pre-empted by federal law.

**10b.** Indicate the permits you are applying for. (Check all that apply.) [\[help\]](#)

### LOCAL GOVERNMENT

#### Local Government Shoreline permits:

☐ Substantial Development   ☐ Conditional Use   ☐ Variance

☐ Shoreline Exemption Type (explain): \_\_\_\_\_

#### Other City/County permits:

☐ Floodplain Development Permit   ☐ Critical Areas Ordinance

### STATE GOVERNMENT

<b>Washington Department of Fish and Wildlife:</b> <input type="checkbox"/> Hydraulic Project Approval (HPA) <input type="checkbox"/> Fish Habitat Enhancement Exemption – <a href="#">Attach Exemption Form</a>
<b>Washington Department of Natural Resources:</b> <input type="checkbox"/> Aquatic Use Authorization Complete <a href="#">JARPA Attachment E</a> and submit a check for \$25 payable to the Washington Department of Natural Resources. <u><b>Do not send cash.</b></u>
<b>Washington Department of Ecology:</b> <input type="checkbox"/> Section 401 Water Quality Certification <input type="checkbox"/> Authorization to impact waters of the state, including wetlands (Check this box if the proposed impacts are to waters not subject to the federal Clean Water Act)
<b>FEDERAL AND TRIBAL GOVERNMENT</b>
<b>United States Department of the Army (U.S. Army Corps of Engineers):</b> <input type="checkbox"/> Section 404 (discharges into waters of the U.S.) <input type="checkbox"/> Section 10 (work in navigable waters)
<b>United States Coast Guard:</b> For projects or bridges over waters of the United States, contact the U.S. Coast Guard at: <input type="checkbox"/> Bridge Permit: <a href="mailto:D13-SMB-D13-BRIDGES@uscg.mil">D13-SMB-D13-BRIDGES@uscg.mil</a> <input type="checkbox"/> Private Aids to Navigation (or other non-bridge permits): <a href="mailto:D13-SMB-D13-PATON@uscg.mil">D13-SMB-D13-PATON@uscg.mil</a>
<b>United States Environmental Protection Agency:</b> <input type="checkbox"/> Section 401 Water Quality Certification (discharges into waters of the U.S.) on tribal lands where tribes do not have treatment as a state (TAS)
<b>Tribal Permits:</b> (Check with the tribe to see if there are other tribal permits, e.g., Tribal Environmental Protection Act, Shoreline Permits, Hydraulic Project Permits, or other in addition to CWA Section 401 WQC) <input type="checkbox"/> Section 401 Water Quality Certification (discharges into waters of the U.S.) where the tribe has treatment as a state (TAS).

## Part 11—Authorizing Signatures

Signatures are required before submitting the JARPA package. The JARPA package includes the JARPA form, project plans, photos, etc. [\[help\]](#)

### 11a. Applicant Signature (required) [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application.  
 \_\_\_\_\_ (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project.  
 \_\_\_\_\_ (initial)

Applicant Printed Name	Applicant Signature	Date

### 11b. Authorized Agent Signature [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

Authorized Agent Printed Name	Authorized Agent Signature	Date

### 11c. Property Owner Signature (if not applicant) [\[help\]](#)



Not required if project is on existing rights-of-way or easements (provide copy of easement with JARPA).

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

\_\_\_\_\_  
Property Owner Printed Name

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341.  
ORIA publication number: ORIA-16-011 rev. 09/2018



**WASHINGTON STATE**  
**Joint Aquatic Resources Permit**  
**Application (JARPA)** [\[help\]](#)



**Attachment E:**  
**Aquatic Use Authorization on**  
**Department of Natural Resources**  
**(DNR)-managed aquatic lands** [\[help\]](#)

AGENCY USE ONLY	
Date received: _____	<input type="checkbox"/> Town
<input type="checkbox"/> Application Fee Received; <input type="checkbox"/> Fee N/A	
<input type="checkbox"/> New Application; <input type="checkbox"/> Renewal Application	
Type/Prefix #: _____	NaturE Use Code: _____
LM Initials & BP#: _____	
RE Assets Finance BP#: _____	
New Application Number: _____	
Trust(s): _____	County: _____
AQR Plate #(s): _____	
Gov Lot #(s): _____	

Complete this attachment and submit it with the completed JARPA form only if you are applying for an Aquatic Use Authorization with DNR. Call (360) 902-1100 or visit <http://www.dnr.wa.gov/programs-and-services/aquatics/leasing-and-land-transactions> for more information.

- DNR recommends you discuss your proposal with a DNR land manager before applying for regulatory permits. Contact your regional land manager for more information on potential permit and survey requirements. You can find your regional land manager by calling (360) 902-1100 or going to <http://www.dnr.wa.gov/programs-and-services/aquatics/aquatic-districts-and-land-managers-map>. [\[help\]](#)
- The applicant may not begin work on DNR-managed aquatic lands until DNR grants an Aquatic Use Authorization.
- Include a \$25 non-refundable application processing fee, payable to the "Washington Department of Natural Resources." (Contact your Land Manager to determine if and when you are required to pay this fee.) [\[help\]](#)

DNR may reject the application at any time prior to issuing the applicant an Aquatic Use Authorization. [\[help\]](#)

Use black or blue ink to enter answers in white spaces below.

<b>1. Applicant Name</b> (Last, First, Middle)	
<b>2. Project Name</b> (A name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) <a href="#">[help]</a>	
<b>3. Phone Number and Email</b>	
<b>4. Which of the following applies to Applicant?</b> Check one and, if applicable, attach the written authority – bylaws, power of attorney, etc. <a href="#">[help]</a>	
<input type="checkbox"/> Corporation <input type="checkbox"/> Limited Partnership <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Liability Company  Home State of Registration: _____	<input type="checkbox"/> Individual <input type="checkbox"/> Marital Community (Identify spouse): _____  <input type="checkbox"/> Government Agency <input type="checkbox"/> Other (Please Explain): _____

<b>5. Washington UBI (Unified Business Identifier) number, if applicable:</b> <a href="#">[help]</a>
<b>6. Are you aware of any existing or previously expired Aquatic Use Authorizations at the project location?</b>
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't know If Yes, Authorization number(s): _____
<b>7. Do you intend to sublease the property to someone else?</b>
<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, contact your Land Manager to discuss subleasing.

8. If fill material was used previously on DNR-managed aquatic lands, describe below the type of fill material and the purpose for using it. [\[help\]](#)

**To be completed by DNR and a copy returned to the applicant.**

Signature for projects on DNR-managed aquatic lands:

Applicant must obtain the signature of DNR Aquatics District Manager OR Assistant Division Manager if the project is located on DNR-managed aquatic lands.

I, a designated representative of the Dept. of Natural Resources, am aware that the project is being proposed on Dept. of Natural Resources-managed aquatic lands and agree that the applicant or his/her representative may pursue the necessary regulatory permits. My signature does not authorize the use of DNR-managed aquatic lands for this project.

**Printed Name**

Dept. of Natural Resources  
District Manager or Assistant Division Manager

**Signature**

Dept. of Natural Resources  
District Manager or Assistant Division Manager

**Date**

If you require this document in another format, contact the Governor's Office for Regulatory Innovation and Assistance (ORIA) at (800) 917-0043. People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORIA Publication ORIA-16-016 rev. 10/2016