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July 28, 2009

Subj: Phase I Environmental Site Assessments for Tribal Trust Properties on the Swinomish Reservation, La Conner (Skagit County) WA

- 1) Phase I ESA Swinomish North Tribal Economic Zone Area 1
- 2) Phase I ESA Swinomish North Tribal Economic Zone Area 2
- 3) Phase I ESA McGlenn Island and Causeway
- 4) Phase I ESA Front Street Site

To whom it may concern,

In 2007, the Swinomish Indian Tribal Community received EPA funding to conduct a community-wide brownfields assessment. The purpose of the assessment funding was to inventory, characterize, and prioritize brownfields sites on the Swinomish Reservation for clean-up or other actions.

Several general areas were chosen where environmental assessments were appropriate. In 2008 and 2009 the Environmental Management Program of the Swinomish Office of Planning and Community Development conducted four detailed Phase I Environmental Site assessments on tribal trust lands on the Reservation that met criteria as potential brownfields sites. The primary objective of the assessments was to evaluate the subject properties for recognized environmental conditions and, if appropriate, recommend additional testing. For all four areas evaluated, additional testing was recommended and a Phase II assessment, encompassing portions of all four areas, is in progress.

The Environmental Management Program within the Swinomish Planning Office contains several environmental professionals with graduate degrees in the environmental or biological sciences and with experience in evaluating environmental contamination. Because of this resident expertise, the subject Phase I assessments were conducted in-house, both to facilitate a detailed assessment and to conserve grant funding for expected Phase II testing. Additionally, an environmental consulting firm, Environment International Ltd., reviewed the assessments and conducted their own site reconnaissance. This firm prepared the Phase II Sampling Quality Assurance Plan and is currently preparing the Phase II report.

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Swinomish Indian Tribal Community
Brownfields Phase I Environmental Assessment
McGlenn Island and Causeway

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November 2008

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EXECUTIVE SUMMARY

In 2007, the Swinomish Indian Tribal Community (SITC), a federally recognized sovereign Indian nation in Northern Puget Sound, Washington State, received EPA funding to conduct a community-wide brownfields assessment. The purpose of this grant was to inventory, characterize, and prioritize brownfields sites on the Swinomish Reservation for clean-up or other actions. Potential sites (all located on tribal trust land) included open dumps, former industrial sites, areas designated for economic development projects, and areas designated for open space. After site reconnaissance and a review of available information, several general areas were chosen where environmental assessments were appropriate. This report addresses one of these areas, referred to as McGlenn Island and Causeway. This area is located directly south of LaConner, Washington, on the east side of the Swinomish Channel.

To meet the brownfields Phase I investigation requirement for the subject property, the SITC Brownfields Tribal Response Program staff prepared a Phase I environmental site assessment (ESA) for the site. This assessment was performed in accordance with CFR Title 40, Part 312 - Innocent Landowners, Standards for Conducting All Appropriate Inquiries. The report was reviewed by Environment International, Ltd., an environmental consulting firm.

The Phase I ESA revealed several potential sources of contamination on McGlenn Island and Causeway which may complicate economic development, use of the area as open space, and restoration of endangered species habitat (salmonids). Contamination sources that may exist at this site, due to its previous uses, may be contributing to pollution in the adjacent marine environment. Contamination may also present a health hazard to users of the area (tribal members and other visitors). The investigation did not include the area of the causeway leased by Latitude Marine, a commercial boat yard.

Several areas require further investigation to determine if sources of significant contamination are present. These areas of potential contamination include 1) areas of the reservation adjacent to the site of the Skagit Plastics factory, 2) an area of uncontrolled boat and vehicle dumping, and 3) several unoccupied, deteriorated dwellings.

A Phase II Environmental Assessment, which includes an environmental sampling and analysis component, is recommended to determine if these potential sources have resulted in contamination that is significant to the planned uses of the area, specifically whether they have, or are likely to, result in contamination that requires remediation or institutional controls.

Brownfields Phase I Environmental Site Assessment for McGlinn Island and Causeway, Swinomish Indian Reservation, La Conner, Washington

1.0 Introduction

This report presents the results of the Swinomish Indian Tribal Community (SITC) Brownfields Tribal Response Program Phase I Environmental Site Assessment (ESA) conducted on McGlinn Island and Causeway, an approximately 108 acre section of uplands in the extreme southeast portion of the Swinomish Indian Reservation. This report was prepared by the SITC Brownfields Tribal Response Program staff, with the assistance of an environmental contractor, Environmental International Ltd., contracted by the Tribe to support its Brownfields Programs.

1.1 Qualifications of Authors and Reviewers as Environmental Professionals

The Swinomish Brownfields Tribal Response Program falls under the Environmental Management Department in the SITC Office of Planning and Community Development. The Environmental Management staff is composed of the Environmental Management Coordinator, the Air Quality Specialist, and the Brownfields Environmental Specialist:

Scott Andrews, Environmental Management Coordinator - J.D. University of Nebraska (1997), M.S. Watershed Management and Forestry, University of Arizona (1988)

Felix Basabe III, Air Quality Specialist – PhD Applied Forestry/Pollution Effects, University of Washington (1992), M.S. Applied Biology, Western Washington University (1984).

Jon Boe, Brownfields Specialist – M.S. Environmental Science, Western Washington University (2007).

Environmental International Ltd. (EI) is a multidisciplinary environmental consulting firm. Assisting in the preparation of this report and its review were:

Valerie Anne Lee, President – J.D. Yale Law School (1984), M.S. Civil Engineering M.I.T. (1976)

Aron Borok, EI Portland Office manager – M.A. Environmental Policy and Natural Resource Management, Northwestern University. B.S. Environmental Engineering Indiana University

1.2 Purpose

The primary objective of this Phase I ESA was to evaluate the subject property for “recognized environmental conditions” (RECs). This term refers to the presence or likely presence of any hazardous substances or petroleum products under conditions that indicate an existing release, a past release, or material threat of a release of any such hazardous substance into structures on the property or into the ground, ground water, or surface water of the property (40 CFR Part 312, 2005). The assessment is intended to determine whether contamination levels at the site are likely to be *de minimus* conditions that do not present a threat to human health or the environment, and that generally would not be the subject of an enforcement action if brought to the attention of appropriate government agencies, or conditions that require further assessment to make such a determination. In the context of the SITC Brownfields Tribal Response Program, the intended result of the Phase I ESA will be either a “No Further Action Required” letter from EPA Region 10 that will facilitate economic development of the site, or a determination that a Phase II environmental assessment, which includes sampling and analysis, will be required to evaluate the site.

1.3 Scope of Work

In order to accomplish the above objective of the Phase I Environmental Site Assessment, the following scope of work was performed, in accordance with CFR Title 40, Part 312 – Standards and Practices for All appropriate Inquiries; Final Rule , November 1, 2005:

- Conduct Environmental Data Review
- Perform On-site Examination
- Interview owners/operators
- Write Phase I ESA to include conclusions and recommendations for future actions.

1.4 Limitations and Exceptions of Assessment

The conclusions in this report are based solely on materials referenced, observations and interviews made in the course of the investigation. No sampling or specific chemical or toxicity testing was done as part of this assessment. The assessment specifically investigated lands on McGlinn Island and its associated causeway that are not currently leased to Latitude Marine, a commercial boat yard at the south end of McGlinn Island Lane. The several acres leased by Latitude Marine were not addressed in this assessment, other than as a potential source of contaminants released to the remainder of the island and causeway.

2.0 Site Background and Description

2.1 Location

The subject property is located at the southeast corner of the Swinomish Indian Reservation, La Conner, WA, within the boundaries of Skagit County.

Property Address: (approx center) N 48.38000 W122.50589 (NAD27 CONUS)

Legal Description: Township: 33N ; Range: 2 E; and Section: 1

Elevation: Site elevation varies from sea level to as high as 150 ft. on the rocky outcrop portions of McGlinn Island.

2.2 Swinomish Indian Reservation

The Swinomish Indian Reservation (Fig. 1) encompasses approximately 7,400 acres of uplands, almost 2,900 acres of tidelands, and 420 acres of freshwater wetlands. The reservation is a peninsula located on the southeast side of Fidalgo Island, Skagit County, Washington. It is 95 % bounded by water - by the Swinomish Channel to the east, Padilla Bay to the north, and Skagit, Kiket and Similk Bays to the south and west.

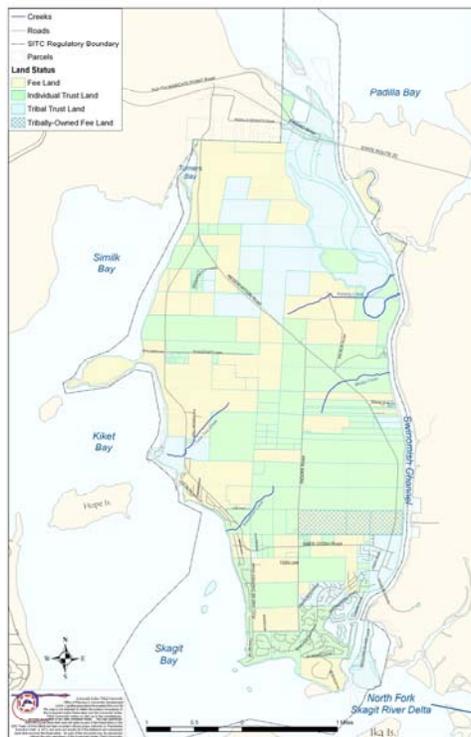


Figure 1. Swinomish Indian Reservation.

The Tribe or individual tribal members own approximately 58% of the non-tidal lands of the reservation, as well as 2900 acres of the intertidal lands surrounding it. The remaining 42% of the non-tidal lands have passed out of Indian hands into non-Indian private ownership.

Approximately 3,000 residents are estimated to live on the Reservation including approximately 800 members of the SITC or other federally recognized Indian Tribes. Members of the SITC are descendents of the Swinomish, Kikiallus, Samish, and Lower Skagit Tribes. The culture and economy of these peoples were centered on natural resources, including salmon, shellfish, and other marine resources, as well as resources from the uplands. Salmon and shellfish are still a principal resource base. Two hundred fishermen participate in the harvest of salmon and crab, and many others harvest shellfish for subsistence. Shellfish harvest consumption rates by tribal members are estimated to be 20 to 40 times that of the general population, and fish consumption 10 times that of the general population. Because of these consumption rates, contamination of fish and shellfish stocks by toxic materials is a particular concern to the Tribe.

2.3 Physical Setting

McGlinn Island is an approximately 50 acre natural island on the east side of the Swinomish Channel. This channel is a periodically dredged, continuously navigable waterway that connects Padilla Bay in the north to Skagit Bay in the south. The original island is now connected by a man-made causeway to the mainland south of the town of LaConner (Fig. 2). The area of this causeway on the reservation is approximately 58 acres.



Figure 2. McGlinn Island Vicinity.

McGlinn Island was originally a rock outcrop with a sandy, arrowhead-shaped area on its north side. The delta of the N. Fork of the Skagit River is immediately south of the island. Geologically, the island is a sea stack almost entirely buried by alluvial material deposited by the Skagit River. Fig. 3 is a historical map showing the extent of the original island prior to Swinomish Channel dredging operations in the early 20th century (Swinomish Archives, 2008). The causeway consists primarily of fine to medium sands dredged from the Swinomish Channel and deposited east of a wattled pile dike into previously intertidal area. McGlinn Island Lane is a gravel road that provides access to the island from LaConner (Fig 4). East of the island and causeway is a tidal marsh. Prior to the construction of the pile dike and causeway, and the construction of a jetty at the south end of McGlinn Island, this marsh had significant salt water input. However, those hydrologic modifications have resulted in wetland area that, while highly tidal, is almost completely fresh.

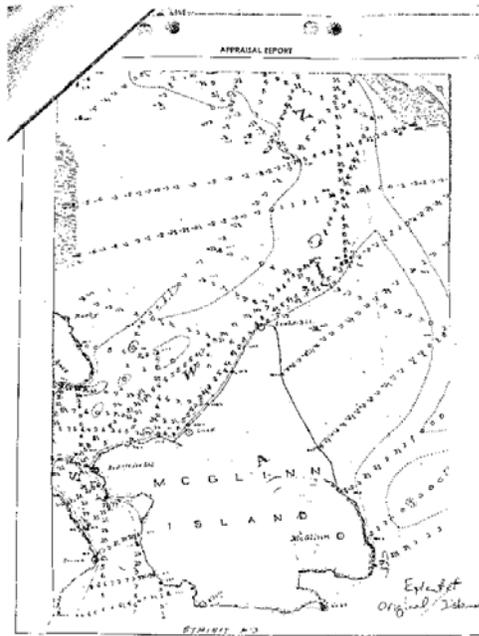


Figure 3. McGlinn Island vicinity prior to Swinomish Channel dredging and the construction of the causeway and jetties.

Alders, willows, cottonwoods, salmonberries, invasive blackberry and other native and non-native trees and shrubs have pioneered in the wettest areas on the east side of the causeway, creating a substantial riparian area with improved soils. The sandy, excessively drained dredge spoils on the west side of the causeway, where not dominated by invasives like scotch broom, knapweed and blackberries, have developed a northern Puget Sound dune type plant community similar to that on the original sand portion of McGlinn Island. In the lowest areas along the channel a fringe of salt marsh has developed, and the riprap armoring the channel has accumulated a large mussel and barnacle population.



Figure 4. McGlenn Island and Causeway.

McGlenn Island and most of the filled causeway are tribal trust lands, zoned open space. Latitude Marine, a non-tribal commercial boatyard that operates on land leased from the Tribe, is located on the south end of the causeway, with a lease area of approximately 3 acres.

Directly adjacent to the northern end of the tribal trust land on the causeway are several large concrete slabs (Fig. 5). These are remnants of a large fiberglass boat building facility present from approximately 1954 to not later than 1975, when the complex reportedly burned (Swinomish Archives, 2008). This factory was built on filled 2nd class tidelands leased to Skagit Plastics by the owner (Sigrid Dunlap). One hundred-fifty yards south of the fiberglass boat factory foundation, along the west side of McGlenn Island Lane, there is a partially buried pile of rusted cans and other debris, much of which appears to have been in a fire (Fig. 6). Buried within the pile are remnants of charred fiberglass cloth, hardened resin, and fiberglass composite material.



Figure 5. Boat factory foundation



Figure 6. Partially buried debris pile

An unoccupied one-story residence (last used by a caretaker in the late 1990s) as well as a deteriorated older cabin and a mobile home are located south of the boat yard lease area. Real estate sales records indicate the unoccupied residence was constructed in 1942. No sales or tax records exist for the older cabin or the mobile home. Swinomish archive material suggests the older cabin was occupied until approximately 1990, at which time the mobile home had already been abandoned. Near and in these structures there is a considerable amount of refuse, including some portable fuel tanks, vehicle batteries, and barrels.

At the south end of McGlenn Island Lane a well pump house is maintained by SITC Public Works. South of this pump house is an old rock quarry that is mostly overgrown. On the northeast side of the island, on the marshy shoreline, remnants of a floating building remain. This was last used as a “clubhouse” for a duck hunting club known as the “Skagit Skybusters”. Several floating buildings and a dock, owned by non-Indians, are located in the intertidal portion of a small cove on the southeast side of the island (known as Smuggler’s Cove). Other than the buildings associated with Latitude Marine, no other structures are located on the island or causeway.

The water table on the causeway is high and tidally influenced. Since the island has been occupied since 1884, there are most likely abandoned wells on McGlenn Island along with the current SITC well. This well has low flow rates, and, at least periodically, the boat yard has had to bring in water from off island. The causeway does not have any operating wells and is unlikely to have any abandoned wells. Old septic systems may exist associated with the boat yard and the previous and current structures on the island, especially the former fiberglass boat factory at the north end of the causeway. A known 1000 gallon septic tank is associated with the unoccupied residence noted previously, located approximately 40 ft from the northeast corner of the dwelling, along the edge of the boat basin. County records indicate that tank was pumped in 2002. The extent of the drain field is not known. The boatyard reports that it manages its sewage by frequent pumping of a septic tank.

The existence of any underground fuel storage tanks on the island and causeway is not known. The previously mentioned residence has a fireplace with an insert and

electric baseboard heating installed, with no physical evidence of a prior fuel oil heating system, and the trailer has wood stove. The Skagit Plastics factory was a large complex that may have utilized underground tanks, although site inspection failed to discover any evidence of them. The shallow water table in this location would likely make the installation and maintenance of underground fuel tanks problematic.

Near Latitude Marine, but outside of its leased area, a considerable amount of uncontrolled dumping has occurred, including vehicles, scrap metal and boats (Figs. 7 – 9 and 12 – 18). Some tribal members use the area just south of the lease area to work on boats and other vehicles.

Along the causeway, other than in the boat dump area, most debris consists of weathered creosote pilings and timbers, both in the water and ashore along the causeway (Fig. 10, 11). The tops of some of the pilings forming the wattled pile dike are visible along the west side of the causeway.



Figure 7. Boat dump.



Figure 8. Dumped vehicles and electrical equipment.



Figure 9. Uncontrolled dumping.



Figure 10. Creosote-treated pilings on the causeway.



Figure 11. Creosoted timber bulkhead and debris along channel (wattle pile dike) .



Fig 12. Condemned and abandoned mobile home south of the boatyard.



Figure 13. Unoccupied home south of boatyard.



Figure 14. Deteriorated building adjacent to unoccupied home.



Figure 15. Shed w/fuel tanks and batteries.



Figure 16. Debris near mobile home.



Figure 17. Boats and vehicles south of boat yard lease.



Figure 18. Boats and trailers south of boat yard lease .

2.4 Current Use of the Site

McGlenn Island and the causeway are zoned as open space area by the SITC, although Latitude Marine has a lease with the Tribe to operate its commercial facility. Latitude Marine is the successor to a previous boat yard that negotiated a lease arrangement with the Tribe after the Swinomish acquired the island and causeway in 1992. In June 2008 the Swinomish Tribal Senate expanded Latitude Marine's lease to encompass a portion of the area on the east side of McGlenn Island Lane. Previously the leased area was only to the west of the road.

After 5:30 P.M. on weekdays and during the weekend, as required by the lease agreement with the Tribe, vehicle access to the area is blocked by a locked gate located off reservation land at the north end of the causeway. Latitude Marine regulates access through this gate. Some SITC members use Latitude Marine or areas adjacent to the boatyard for boat maintenance or storage. To the south of the boat yard lease area a collection of older boats of various sizes are on blocks or trailers; most of these are not being actively worked on. Some of these boats probably do not belong to tribal members. The Tribe uses the area around the boatyard to store some sections of a floating dock removed from the Swinomish Village.

La Conner residents have been noted making use of trails on the island for hiking. Few tribal members appear to use the area for anything other than boat yard related uses, including boat and vehicle disposal or storage.

2.5 Planned Future Use of the Site

Potential development plans for McGlenn Island and Causeway include some or all of the following: natural area restoration, an expansion of Latitude Marine facilities, construction of a non-commercial tribal boat maintenance facility, and a salmonid

habitat restoration project that will create a “pocket” estuary on the causeway. When the McGlenn Island property was initially purchased by the federal government for the Swinomish in 1992, siting a tribal cultural center on the island or causeway was discussed (Swinomish Archives, 2008); however, this is not currently an anticipated use of the area. Several covenants exist which restrict certain types of land use or development in specific portions of the island and causeway (Appendix D).

Although McGlenn Island has not yet been developed as a natural area, it has the potential to provide significant recreational and cultural resources to the Swinomish Tribe, as well as the local non-Indian population. In 1991, in association with the purchase of the island and causeway by the Department of the Interior, a Washington State DNR National Heritage Program ecologist conducted an assessment of the area (Appendix C). He noted the rock outcrop portion of the island contained a unique Douglas fir/Pacific madrone forest association, while the lower sandy dune terrain on the north side of the original island contained a high quality example of a Roemer’s fescue/field chickweed/prairie June grass native grassland that is now rare in western Washington. Many plants of cultural significance to the Swinomish such as evergreen huckleberry, salal, red cedar, and serviceberry, are in abundance. Common camas, historically a highly significant Swinomish food that is now nearly absent from the reservation, is found on the island. Unmaintained trails currently provide fair access to exceptional scenic views from high bluffs, two small beach areas, and the plant and animal resources of the island’s interior. Larry Campbell, a Tribal elder and former commercial fisherman, related that when the Skagit River had larger salmon runs, tribal fisherman made use of the heights of the island to locate the deeper channels to fish in the continuously shifting sediments of the river delta. The small beach areas provide access to saltwater intertidal areas, including some shellfish resources, and also allow access to the jetty that reaches southwest to connect with Goat Island. The island provides unimproved small boat access to the large adjacent freshwater marsh and the expansive Skagit River delta. These areas are rich in waterfowl and other wildlife, and are a significant resource for hunting and other types of recreation.

The man-made causeway area also has significant potential as a natural resource area for the Tribe. The intertidal riprap along the channel has a large mussel population, and may as well support other marine food resources of significance to the Swinomish. Initially a dry, dusty area, after several decades, alders, willows and cottonwoods have pioneered in the wettest areas of the dredge spoils on the east side of the causeway, creating a riparian area, greatly improving the initially infertile dredge spoils, and providing a canopy that helps shade out invasives. The continuum of hydrology, soil type and canopy over such a short physical distance on the causeway has superb potential for the rehabilitation of diverse plant and animal habitat.

2.6 Current Use of Properties Adjoining McGlenn Island/Causeway

North: Access to LaConner, Pioneer Park, and diked agricultural land with farm residences.

West: The Swinomish Channel. Shelter Bay, a non-Tribal residential community, is across the channel on land under long term lease from the SITC.

East: To the east is a tidally influenced freshwater marsh that is fed by Sullivan Slough, tide gates discharge and the North Fork of the Skagit River. Because of the causeway and the breakwater on the south side of the entrance to the Swinomish Channel, this former salt marsh now receives effectively no saltwater input.

South: Skagit Bay and the Skagit River delta (north fork).

2.7 Ownership History

2.71 Overview of Land Ownership History

The ownership of McGlinn Island and the causeway is somewhat complex. The two large government lots that constituted the original island in 1884 were divided into several smaller parcels over the last 100 years. Additionally, new uplands were created by filling 2nd class tidelands adjacent to these lots, and these filled areas were then sold by the state to private individuals. Underlying all of these transactions was the Swinomish Tribe's claim (which was eventually supported by a U.S. Government appropriation and quiet title action) that the island and filled tidelands belonged to the Swinomish, due to the original treaty that established the Reservation's boundaries.

The Swinomish Tribe contends McGlinn Island and the causeway were part of the Swinomish Reservation as described by the Treaty of Point Elliot in 1855. After McGlinn Island was deeded to a non-Indian by the federal government in the last part of the 19th century, a long series of title transfers occurred over the next century for property that the Swinomish came to argue was never legally sold.

When the Swinomish Slough was straightened and dredged by the Army Corps of Engineers to create the Swinomish Channel in the first part of the 20th century, 2nd class tidelands contiguous to the reservation were filled by dredge spoils and effectively became new uplands. These man-made upland areas east of the new channel were sold by the State of Washington to non-Indians in the 1940s. Since the Swinomish had ownership of the original tidelands, they argued the State could have never legally sold the filled tidelands.

The original ownership of McGlinn Island itself is even more complex. A narrow channel exists through the "hole in the wall" passage west of McGlinn Island, where the rocky outcrop portions of the island and the main part of the Reservation nearly come together. Prior to channel dredging, at low water, a shallow channel to the "hole in the wall" from the Swinomish Slough may or may not have been considered navigable. In light of maps and evidence that came to light during discussions about causeway ownership in the 1980s, the Tribe began to make the case that the island itself was part of the reservation as described by the treaty.

In 1855 the Treaty of Point Elliot established the Swinomish Reservation as the “southeast end of Fidalgo Island”. At this time only a small channel existed through the “hole in the wall” passage west of McGlinn Island through which the current Swinomish Channel passes. When the treaty was signed, however, the main portion of the Swinomish Slough actually curved east through what is now the northern part of the causeway before turning south through Dunlap Bay, to the east of McGlinn Island, and then into the delta of the north fork of the Skagit River and Skagit Bay. Governor Isaac Stevens, the first governor of the territory, negotiated the treaty and subsequently created a map of the reservation that he understood to represent the reservation description conveyed at the treaty council. On this map, McGlinn Island is shown as part of the reservation and the hole in the wall passage is not depicted.

In 1992, Congress appropriated funds to clear title to most of the contested areas of McGlinn Island and the man-made causeway that leads to it and put the land into trust for the Swinomish Tribe.

2.72 Summary of Recorded Chain of Title to McGlinn Island and Causeway

The chain of title to properties on McGlinn Island and the causeway was researched by Land Title Company in Burlington, WA, and is summarized below (Refer to Diagram 1 for subsequent graphic area depictions, and Appendix D for legal descriptions):

1884 (Patent) This transaction preceded statehood for Washington (1889). In 1884 the causeway to McGlinn Island did not exist, and the island was surrounded by mostly intertidal area. The US Government issued a patent (the first transfer deed from the federal government) to Thomas Benn for all of McGlinn Island (described as Government Lots 9 and 10). During this same year the property was sold to John McGlinn (warranty deed), who was the Indian agent for the area. Ownership of the island (Govt lots 9 and 10) stayed within the McGlinn family until 1924.

1924 (Warranty deed) Govt lots 9 and 10 were sold by the estate of John P. McGlinn to Matthew Jarboe.

1934 (Warranty deed) Matthew Jarboe deeded Govt lots 9 and 10 back to Thaddeus McGlinn, and the property returned to the McGlinn family.

1940 (Bargain and sale deed) Filled causeway areas (Parcels B and G on Diagram 1) were sold to Sigrid Dunlap by the State of Washington. The Dunlap family already owned land directly north and contiguous to the causeway.

1941 (Contract), 1943 (warranty deed) Govt lots 9 and 10 were sold to Frank Allen by the John P. McGlinn family heirs. The description of the property sold also included 2nd class tidelands abutting on lots 9 and 10 without specifically delineating them.

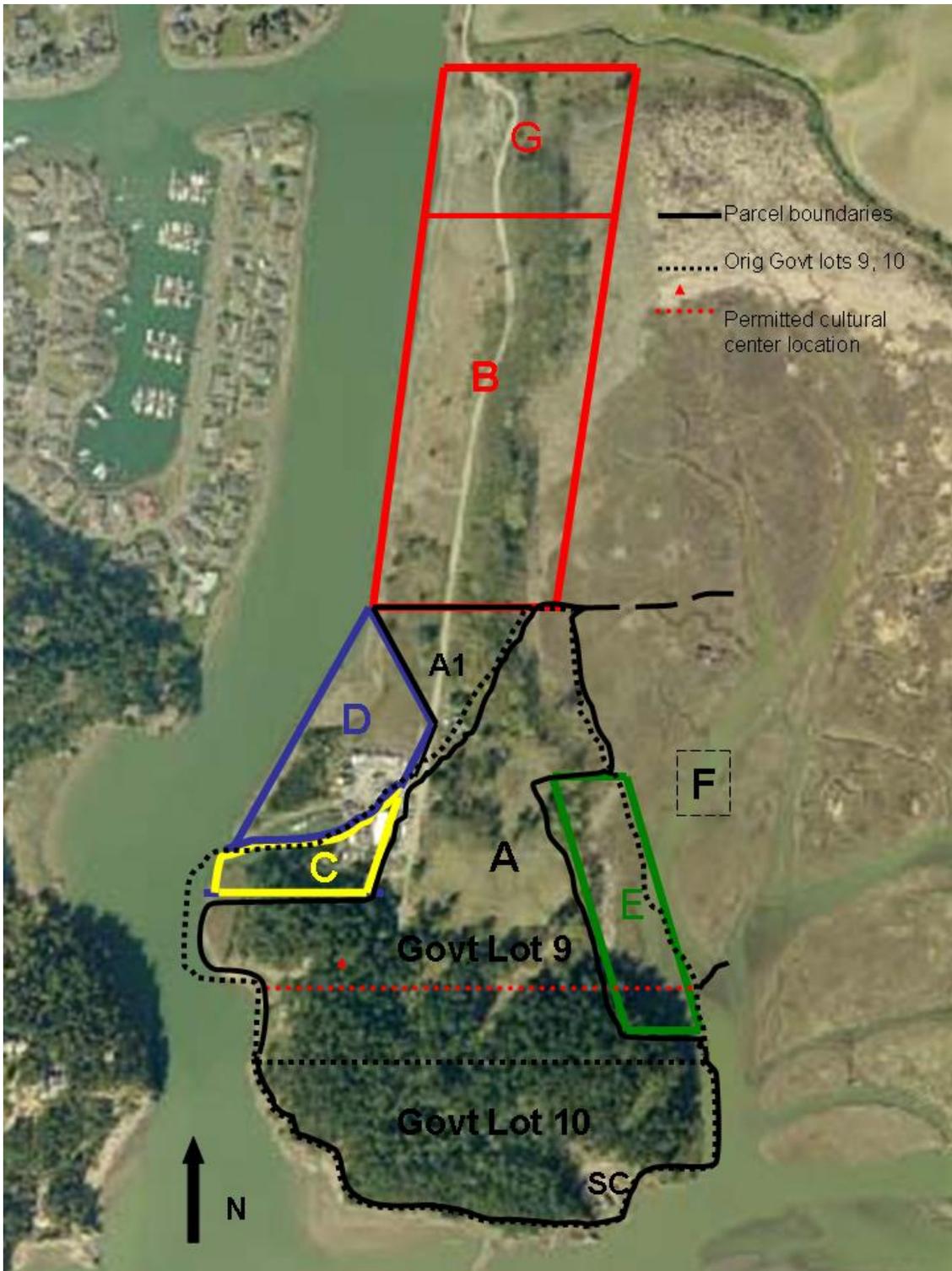


Diagram 1. McGlinn Island and causeway parcels

1945 (Bargain and sale deed) The State of Washington sold abutting 2nd class tidelands east of Lot 9 to Sigrid Dunlap (Parcel F on Diagram 1). This parcel consisted of unfilled tidelands.

1947 (Bargain and sale deed) The State of Washington sold 2nd class tidelands (mostly filled) west of Lot 9 (Parcels D and A1 on Diagram 1) to Frank and Ruth Allen (husband and wife).

1949,1950 (several quit claim deeds, easement) Apparently as a result of divorce proceedings between Frank and Ruth Allen, in a series of quit claim deeds between them, Govt lots 9 and 10, plus Parcel A1 and Parcel D and minus Parcel E, were quit claimed to Ruth Allen. Parcel E was quit claimed to Frank Allen. In these documents, an easement was specified for Frank Allen to moor his boats and other equipment in Smuggler's Cove (SC on Diagram 1).

*Because of the tideland sales, tideland filling, and the partitioning of the original Govt lots 9 and 10 that constituted McGlinn Island, using lots 9 and 10 in subsequent property descriptions becomes cumbersome. In subsequent transfers, the parcel letters depicted in diagram 1 are used without reference to Govt Lots 9 and 10. Parcel A1 is within Parcel A and is included to clarify a transaction.

As a result of the series of the quit claims between Frank and Ruth Allen in 1949 and 1950, Frank Allen owned parcel E and retained an easement to Smugglers Cove. Ruth Allen owned Parcels A, A1, C, and D.

ca. 1954 (lease) Sigrid Dunlap leased land on the north end of the causeway (within Parcel G in Diagram 1) to Skagit Plastics, a fiberglass composite boat building company, who constructed a factory on the site.

1957 (Real estate contract), 1957 (Modification to contract) 1958 (Statutory warranty deed) Ruth Meyer (former wife of Frank Allen) sold Parcel A (which in subsequent transfers includes A1) to Eugene Dunlap (representing Dunlap Towing Company of La Conner.

1959 (3 Statutory warranty deeds) Frank Allen deeded several portions of Parcel E to three of his children while retaining the largest southern portion of the property.

1959 (Quit claim deed) Apparently associated with divorce proceedings, Margaret Dunlap, wife of Eugene Dunlap, quit claimed her interest in Parcel A to Eugene Dunlap.

1961 (Purchaser's Assignment of Contract/Deed) Eugene Dunlap conveyed and quit claimed an undivided 1/3 interest each to Parcel A to Axel and Susan Jenson, and James and Phyllis Dunlap. These parties are also apparently related by blood or marriage to Sigrid Dunlap, the purchaser of Parcels B, G, and F.

* ca. 1961 Skagit Plastics went out of business. The factory buildings remained until approximately 1975, when they were consumed in a fire.

1973 (Real estate contract) Recorded the Dunlap and Jensen sale of Parcel A to Charles and Barbara Anderson.

1975 (Quit claim deed) Terminated sale of Parcel A to Charles and Barbara Anderson. The property returned to the Dunlaps and Jensens listed earlier as 1/3 undivided interest to the three parties.

1976 (2 Statutory Warranty deeds) Portions of Parcel E redistributed within Frank Allen and Ruther Meyer's children.

1977 (Trust agreement) Eugene Dunlap's 1/3 interest in Parcel A went into trust upon his death. Trustees – Elva Dunlap (his wife) 50%, Geraldine Henrio 22.22 %, Margery Zimmerman 22.22%, Quintin McMillan 2.78%, Alison Harrell 2.78%.

1978 (Statutory warranty deed) Ruth Meyer Rice (remarried former wife of Frank Allen) sold Parcels C and D to a partnership of James and Dorothy Fellman, Nathaniel and Ruth Scott, James and Mary Scott, and Elliot and Eileen Johnson. Parties each had ¼ undivided interest.

1985 (Quit claim deed) In lieu of foreclosure, James and Dorothy Fellman quit claimed 60% of their 1/3 undivided interest in Parcels C and D to Nathaniel and Ruth Scott.

1986 (5 quit claim deeds) Via a series of quit claim deeds from his family members, John Allen became the sole owner of Parcel E.

1987 (Shoreline substantial development permit) James Fellman issued a shoreline development permit to dredge and develop Parcel D as a boat basin and commercial boatyard.

1988 (Quit claim deed) John and Rosemary Allen deeded Parcel E to James and Lynn Nelson.

1989 (Quit claim deed) Nathaniel and Ruth Scott quit claimed 37.5 % of their 40% undivided interest in Parcels C and D. Each of the 4 owners of parcel C and D now have 25% undivided interest in the property.

1989 (Memorandum of lease) Lease agreement signed between the Scott, Fellman and Johnson partnership to lease Parcel D to Robert Coe and Janet Bauman for the purpose of operating a commercial boatyard (Skagit Bay Boatyard).

1989 (Quit claim deed) James and Lynn Nelson deeded Parcel E to the “Skagit Skybusters”, a not-for-profit waterfowl hunting club.

1992 (Special warranty deed) Conveyed to A. Elliot Johnson the interest of Eileen Johnson's (his deceased wife) estate in Parcel's C and D.

1992 (Quit claim deed) Skagit Skybusters dissolved corporation and deeded title to Parcel E (without consideration) to its members.

1992 (Warranty deeds) McGlinn Island and most of the causeway lands were purchased by the U.S. Government from the various owners and put into Trust for the Swinomish Tribe in the following transactions:

2.73 1992 Purchase of McGlinn Island and Causeway for the Swinomish Tribe

In 1992 the U.S. government, with a federal appropriation, purchased the lands on McGlinn Island and causeway in order to quiet title and put the lands into trust for the Swinomish Tribe. This was accomplished by one "Disclaimer of Interest in Property and Agreement" document and four separate warranty deeds from the grantors to the U.S. Government in Trust for the Swinomish Indian Tribal Community. Each warranty deed included a property specific list of covenants. These documents refer to the Parcels A,B,C,D,E, and F as depicted on Diagram 1. Parcel A1 on the diagram is included in Parcel A. The transfer documents are included in appendix D and are summarized below:

Disclaimer of Interest in Property and Agreement

In this agreement, the Swinomish Tribe disclaimed interest in Parcel G. The owners of that property, James Dunlap and Susan Jensen (heirs of Sigrid Dunlap) granted the Swinomish an easement across parcel G, and other parcels to the north of Parcel G, for access to the southern portions of the causeway and the island. The Swinomish additionally agreed to responsibility for road maintenance across the easement and to pay half of any repairs required on the dike section located within the easement.

Warranty deed for Parcel A (including Parcel A1)

Grantors James and Phyllis Dunlap (1/3 interest), Susan Jensen Trust (1/3 interest), and trustees of the Eugene Dunlap (deceased) Trust (1/3 interest). This warranty deed also transferred parcel F, although the details of that title transfer are not completely clear. Parcel F (unfilled tidelands) was sold to Sigrid Dunlap by the State in 1945. The grantors of this deed were apparently all heirs to Sigrid Dunlap, which may provide the explanation.

Warranty deed for Parcel B

Grantors James Dunlap (1/2 undivided interest) and the Susan Jensen Trust (1/2 undivided interest). These parties were heirs to Sigrid Dunlap, who purchased the largest portion of the causeway lands from the State of Washington in 1940.

Warranty deed for Parcels C and D

Grantors Dorothy Fellman and the Estate of James Fellman, Nathaniel and Ruth Scott, James and Mary Scott, and Elliot Johnson and the Estate of Eileen Johnson (deceased). Parcel D contains the commercial boatyard, then called Skagit Bay Boatyard. The existing lease to the boatyard was continued, with the Tribe now as the Lessor.

Warranty deed for Parcel E

Grantors were numerous members of the former Skagit Skybusters waterfowl hunting club. The grantors reserved the right to occupy a portion of the property pursuant to a lease arrangement included in the deed (\$2,500/yr through 1998) to maintain a floating dock and “club house”. The agreement also specified that if the Tribe chose to develop the property on McGlinn Island or the causeway, the Tribe would provide the lessees access to moor their dock and clubhouse in Smuggler’s Cove on the southeast corner of McGlinn Island. The lease to this club was apparently not renewed. Much debris from the floating dock and clubhouse still remain at the southern end of parcel E.

Covenants specific to each parcel are included in the respective warranty deed, with the U.S. Government and one of the property’s grantors listed as the benefactor of the covenants. All the covenants all specify the right of the Swinomish Tribe to construct a cultural center on McGlinn Island north of the red dotted line in Diagram 1. Additionally, the covenants for Parcel A specified an easement (apparently to the general public) to moor vessels in Smuggler’s Cove.

3.0 Previous Reports

3.1 2001 Phase I Assessment.

In January 2001, a Phase I environmental assessment was conducted on a 1.3 acre site on and adjacent to the leased location of the Skagit Bay Boatyard (David Evans and Associates, 2001). This assessment was required to identify environmental conditions connected with the termination of the previous lease and the arrangement for a new lease of the facilities to Latitude Marine, the current (2008) lessee of the property. Previously, inspection by Swinomish environmental management personnel had revealed apparent hazardous waste management violations, leaking petroleum products, paint chips and other debris of concern on and slightly off the lease site. Additionally, testing by Tribal water quality personnel indicated the moorage area was an area of concern due to levels of organotins and mercury that exceeded ambient levels at other locations, as well as the presence of low levels of certain naphthalene compounds. This testing did not establish any source for the potential environmental contaminants. Although many of the discrepancies noted by tribal personnel had been cleaned up by the time the Phase I ESA occurred, the investigation found evidence of stained soils and a burn pile on the southeast portion of the property, and recommended Phase II testing be conducted to determine the extent of contamination.

3.2 2001 Phase II Cleanup and Assessment.

A Phase II ESA and cleanup was conducted on areas of concern within the boatyard identified in the Phase I ESA (Reference). This investigation determined that the stained soil causing concern had been removed and that remaining contamination was below cleanup levels. The burn pile was excavated and removed from the site. Soil testing beneath the pile showed no indications of metals leaching into the soil. The report concluded that the risk of significant soil or water contamination on the property was low, and that further investigation was not warranted.

3.3 Environmental Site Assessment Requirements associated with Tribal Trust lands.

No Environmental Site Assessments for the subject area were located. The acquisition of the property in 1992 may have preceded the current requirement for an Environmental Site assessment to be conducted on lands going into tribal trust.

4.0 Reported Known, Suspected, or Previous Environmental Conditions

4.1 Skagit Plastics Fiberglass Boat Factory (Operations and Fire). In the mid-1950s a boat manufacturing company, Skagit Plastics, built fiberglass composite pleasure boats on a leased location at the north end of the causeway. More than a thousand molded fiberglass boats were built in this plant in less than a decade. Along with pleasure boats, for a short time the company also produced molded fiberglass milk truck bodies. Because of financial difficulties the factory shut down operations approximately 1961. Other fiberglass molding operations at the plant likely continued at least into the 1960s. According to Swinomish archives, the plant was destroyed by a fire ca. 1975, which is consistent with the aerial photo record. McGlinn Island and most of the causeway were purchased by the government and became tribal trust lands in 1992. As part of the transfer negotiations for the various parcels on the island and causeway, the Swinomish disclaimed interest in the area that contained the Skagit Plastics factory. Essentially, all areas of the causeway south of the plant foundation became part of the Reservation at that time.

No records of an environmental investigation or cleanup associated with the Skagit plastics fire were located. Other than the slab foundation itself, there is little debris on the site. During the course of this ESA, however, a partially buried and overgrown area of debris was discovered approximately 150 yards south of the plant foundation on the causeway. This debris, which included charred fiberglass cloth, hardened resin and burned metal containers, may contain material cleared from the Skagit Plastics Fire site. Aerial photos suggest this dumping area was being used prior to the fire at Skagit Plastics, therefore it is possible additional waste material from plant operations or from other sources could be located there.

4.2 Skagit Boatyard Petroleum Spills and Fire. This issue was the subject of the Phase I and Phase II ESA in 2001. See sections 3.1 and 3.2. Given the Phase II investigation results, no recognized environmental conditions related to these issues likely remains.

5.0 Site History

(Aerial Photos referenced in this section are located in Appendix A)

1937. The earliest aerial photography located of the area is from 1937. This photo shows dredge spoils accumulating to the east of a wattled pile dike along what eventually became the causeway. No structures are evident on the dredge spoil areas but they likely exist on the island. One structure still standing likely predates this timeframe (Figure 14). The north and south breakwaters along the southern entrance to the Swinomish Channel have not yet been constructed. There appears to be some hydrologic connection remaining between the salt marsh on the east side of the island and the channel. The location of the current Shelter Bay Marina, west of the channel, is salt marsh and mudflat.

1953. This photo from the north looking down the length of the causeway to the island indicates there is land access to the island from La Conner, although McGlinn Island Lane isn't yet present. The jetty between McGlinn and Goat Island is visible. Reportedly, in 1954 the Skagit Plastics plant was constructed on the northern section of the causeway.

ca. 1960. The total causeway area is substantially as it is today. A boat basin and a few associated facilities are evident at the south end of the causeway. A small breakwater is seen north of the boat basin on the east side of the channel, and a small pier just to the north of this. Very little vegetation is seen on the causeway. The location of a quarry where riprap material was produced is visible as an area devoid of trees at the end of McGlinn Island Lane. Several floating structures are present in an area known as Smuggler's Cove at the southeast end of McGlinn Island. The Skagit Plastics boat factory can be seen as three buildings along the channel at the north end of the causeway, along with some associated pier facilities.

5.3 1969. McGlinn Island/south causeway. This photo shows several buildings south of the boat basin area. An aircraft hulk (reportedly a Boeing 707) is visible north of the boat basin. This aircraft hulk remained on the causeway into the 1980s before being removed. Dredge spoils are being deposited both in previously intertidal areas and on the original lower elevation uplands of the island. A small building can be seen on the shoreline on the northeast side of the island. No evidence of this building remains today other than some non-native iris and Japanese knotweed that may have been planted there by the residents. Adjacent to this area in the tidelands there appears to be several docks and other floating structures. Remnants and debris from these structures, as well as a wooden walkway from the shore through the marsh, are still present. Floating structures are also present in Smuggler's Cove on the southeast portion of the island, as they are currently.

5.3 1969. North causeway (Skagit Plastics factory). In 1969 the Skagit Plastics operation had been out of business for at least several years. In this photo only a few vehicles are present in the parking areas. No record exists of what the building was being used for at this time. The property was owned by the Dunlap family, who had extensive farming and business interests in the La Conner area, and who owned both the causeway and the diked farmland directly to the north. 150 yds south of the factory, along the west side of McGlinn Island Lane, a dumping area is visible. This dumping area, which now has a layer of soil over it, was discovered during the site survey for this report.

5.3 1975. In this photo a dredged but only partially completed Shelter Bay Marina is visible west of the channel. Some additional filling or deposition has occurred behind the breakwater north of the current boat yard. The Skagit Plastics buildings are still present. The aircraft hulk is still visible. The marsh east of the causeway is being used for log storage. The causeway is still almost completely un-vegetated.

5.4 1983. In this lower resolution photo, only the foundation slabs remain of the fiberglass boat factory facilities. The aircraft hulk appears to still be present north of the boat basin. The causeway has a substantial amount of vegetation on it, including trees and shrubs along the freshwater marsh to the east.

5.5 1994. By 1994, two years after the property became part of the Swinomish Reservation, an extensive riparian area was present east of McGlinn Island Lane. Old pilings and other wood debris are visible on the causeway. The aircraft hulk is gone. Boat yard facilities have been constructed in the boat basin area (which was dredged approximately 1987). Approximately a dozen boats are stored ashore on the causeway to the north of the boat yard, west of McGlinn Island Lane. No boats or uncontrolled dumping is visible east of McGlinn Island Lane. A structure is visible on the shoreline in the northeast corner of the island. This is probably the floating clubhouse associated with the Skagit Skybusters duck hunting club, and possibly one of the structures visible in the 1969 photos. Floating structures in Smuggler's Cove on the island's southeast side are still present.

5.6 1998. Some additional boats or other vehicles are visible south of the boat yard, otherwise there are no significant changes from 1994.

5.7 2001. Debris is accumulating south of the boat yard as well as to the northeast, on the east side of McGlinn Island Lane. Ground photos taken by Swinomish environmental personnel in 2000, included in the Phase I investigation previously referenced, showed several abandoned vehicles east of McGlinn Island Lane, as well as several abandoned boats south of the lease site. The Phase I investigation photographs from 2001, prior to the lease of the site to Latitude Marine, do not appear to show, and the report does not document, any boats located in the current boat dump area east of McGlinn Island Lane.

5.8 2004. Additional dumping has occurred east and south of the boat yard lease site at the previous locations.

5.8 2006. Dumping areas previously noted continue to expand near the marina.

5.9 2007. A small building has been removed south of the boatyard basin, along with some other debris. The Tribe accomplished this in 2006 with a solid waste grant. These funds were insufficient to complete the removal of debris and structures in the area, however.

Since the last aerial photo, more debris has accumulated at the previous locations, as well as in the area south of Latitude Marine that had been partially cleaned up in 2006. The floating structure noted on the northeast shore of the island has largely deteriorated. A substantial amount of Styrofoam float material and other debris litters the edge of the marsh. The floating structure in the cove on the southeast side of the island is deteriorating, but occupants are occasionally observed there.

6.0 Regulatory Agency Database Review

The purpose of this section is to obtain and review records that may help identify recognized environmental conditions in connection with the subject property. The Swinomish Tribe contracted with Environmental Data Resources, Inc. (EDR) to conduct a review of regulatory databases. Appendix B contains the EDR report. Because of the size of the property, which included another area for which an assessment was being prepared, all searches utilized the largest radius permitted by EDR for each search. Report details for sites within the search area obviously not relevant to the McGlenn Island and causeway Phase I ESA were not included. Although the search was centered on a point slightly north of the causeway, the search radii met or exceeded the required “All Appropriate Inquiries” requirements for the entire subject area.

A review of data available from regulatory agencies will provide useful information regarding the potential for contamination at or near a site. However, the databases are known to be incomplete and to contain numerous inaccuracies, with the result that positive or negative findings are subject to confirmation.

Only one listing in the EDR report appeared to be of relevance to the subject property. This listing appeared in the FINDS and FTTS INSP database searches as a Section 6 PCB Federally Conducted Inspection at Skagit Bay Boat Yard. Prior to 2001, this facility operated at the location of the current Latitude Marine boat yard at the south end of McGlenn Island Lane. The inspection number indicates a 1998 inspection. No violations were reported.

7.0 Environmental Consultant Site Reconnaissance

7.1 Environmental Consultant Site Reconnaissance (Environment Intl Ltd.)

The report in this section supports Environment International, Ltd.'s (EI) work under its contract with the Swinomish Indian Tribal Community (the Tribe) to provide assistance under the Tribe's Brownfields Assessment Grant with the U.S. Environmental Protection Agency. On May 15, 2008 EI conducted a site visit of the Swinomish Indian Tribal Community. The site visit was to conduct a visual site inspection of a site previously identified by the Tribe for further possible sampling and follow-up to support the Tribe's evaluations. Recommendations contained in this reconnaissance report are informed only by the site visit and do not benefit from historical research which informs site review.

In project discussions, the Tribe has indicated that it will undertake its own historical research for areas of interest on-reservation. Historical research is important to ensure that the Tribe identifies issues that may not be obvious from a site visit. In addition, EI has suggested follow-up interviews with residents of the area to augment historical research; this suggestion was made in the context of one building, but it would be a useful exercise for each area visited as a part of the site visit. Interviews and historical research provide a better basis for Tribal decisions on future courses of action.

EI was represented by Aron Borok and Peter Graziani. The Swinomish Tribe was represented by Jon Boe and Scott Andrews who escorted Aron and Peter to various locations throughout the reservation that may possess environmental hazards. The areas of concern included sites within four areas being investigated under the Tribe's Brownfields Grant: McGlinn Island, the Front Street Site, and Tribal Economic Zone (TEZ) Areas 1 and 2. This document describes sites visited on McGlinn Island and causeway, the area's possible future uses, an evaluation of potential environmental contamination, and the recommended future actions.

7.2 Former Fiberglass Boat Plant

The Former Fiberglass Boat Plant (Plant) was in existence on the reservation until it was destroyed by a fire in the 1970's. A small amount of wood and fiberglass debris and the concrete foundation are the only remnants of the plant at its former location. A large pile of wood and rusty metal debris was discovered partially buried approximately 150 yards to the south of the former plant location. It is likely that this debris originated from the Plant, but this has not been confirmed. There is also a fresh water marsh to the east, but the site topography and distance from the Plant would likely have prevented contamination from migrating to the marsh. The Tribe is concerned about this site due to the future plans of the area, which includes salmonid habitat restoration, and because the Plant is adjacent to a substantial mussel population on the channel riprap. The Tribe plans

to excavate approximately 3,000 cubic yards of soil to the south of the Plant to create a pocket estuary for juvenile salmon habitat. The pocket estuary is to be approximately 200 - 300 hundred yards south of the Plant location, and may potentially include the area with the partially buried pile of fiberglass and metal debris. The possible contamination at the Plant location is from the fiberglass, and the materials that the building was constructed. There is concern that dioxin exists from the burned debris, and that the rusty metal containers contained paints, solvents and other hazardous material debris. EI would recommend five samples for metals (specifically silicon and lead), asbestos, SVOCs, and dioxins. We estimate that sample analysis will cost \$5,350.

7.3 Boat Dump

The Boat Dump (Dump) is an area on McGlinn Island where boats, boating equipment, trucks, and other debris have been abandoned. The boats are not in working order, and could have been on this site for many years. Adjacent to the Dump is an existing, privately-owned boat manufacturing facility, but the facility is not thought to be the originator of the material in the Dump. The Tribe would like to remediate this area because part of the Dump is adjacent to native grassland that has potential for future open space use that could benefit the Tribe and the adjacent town of LaConner. Contaminants of concern at the Boat Dump are lead, asbestos, fuel, and oil from the boats, trucks, and mechanical debris. It is believed that this contamination is localized beneath and adjacent to the abandoned boats. EI recommends taking approximately 20 soil samples for metals, asbestos, Total Petroleum Hydrocarbons (TPH) and semi-volatile organic compounds (SVOC) beneath the larger debris items in the Dump, and at locations of visible contamination such as oil spills and a corroding drum. We estimate that sample analysis will cost \$9,600.

9.0 Outside boatyard lease area.

The north end of McGlinn Island (and the south end of the causeway) has historically been the location of uncontrolled dumping. The area of concern for the Tribe is an area to the south of the existing boat manufacturing facility, and consists of an abandoned trailer, a vacant house which once housed a caretaker, and a large amount of debris. The site also has a small shed with gas and oil cans discarded inside. It is unknown whether gas or oil has leaked from the tanks. The caretaker's house most likely has a septic system connected to the house, but the exact location is unknown. The Tribe expressed interest in remediating this area to provide an area for the boat manufacturing facility to expand its operations, and is concerned that contamination from the debris could migrate to the adjacent slough. There is no obvious contamination related to the debris, or the existing buildings on this site. There is a possibility of lead and asbestos contamination in the soil due to the paint and building material, and oil and gas contamination from the debris and abandoned cans. If this contamination exists, it is thought to be localized. We recommend taking opportunity samples for asbestos, lead, metals, and SVOCs of the soil in areas of specific concern, visible discoloration, or odors.

We currently estimate that seven samples are needed and that laboratory analysis will cost \$2,100.

8.0 Phase I ESA Findings and Conclusions

8.1 Areas of Potential Contamination Determined from the Phase I Assessment.

Sources of potential contamination investigated in this assessment include on-site and off-site sources that could be contributing to contamination on McGlenn Island and the causeway.

8.2 On-site Potential Sources of contamination.

8.21 Unregulated dumping east of Latitude Marine (REC).

East of McGlenn Island Lane numerous fishing boats, vehicles and other debris have accumulated, primarily in the last 10 years. Fishing boats are a significant and problematic waste stream on the Reservation. For most of these boats there is little hull salvage potential, and they must be disposed of in a landfill. Because of the expense of disposal, they apparently tend to accumulate in areas such as this near Latitude Marine. Although there are “no dumping” signs posted, and the causeway is gated after 5:30 p.m., enforcement is difficult due to the remoteness of the area from the main portion of the Reservation. In any event, a substantial amount of debris has accumulated.

Several of the boat hulls dumped on the causeway likely have anti-fouling coatings containing materials now banned by the EPA. Additionally, given the age of these boats, there may be lead or asbestos material in the debris. Near some boats there is moderate petroleum smell, and petroleum substances can be seen in bilge water. It seems likely there are tanks present containing some amount of fuels and lubricants. Several abandoned vehicles may have leaked petroleum products into the soil. Electrical components are present and may contain PCBs. Because this debris is overgrown with blackberry vines inspection is difficult. The high water table, the excessively drained soils, and the proximity to the channel and tidelands would likely result in any leachable contaminants from any of these materials eventually migrating into the marine environment.

An additional concern is that the significant uncontrolled dumping in this area creates the impression of an industrial dump sight. McGlenn Island’s potential as a natural area to be used by the Tribe is diminished by the dumping that has occurred essentially at its access point.

8.22 Unregulated dumping and hazardous material south of Latitude Marine (REC).

Potential contamination from debris and old structures south of the Latitude Marine lease complicates any development in this area. The abandoned and deteriorating older buildings adjacent to the unoccupied house contain a large amount of solid waste

that generally appears to be inert. The residence was built in 1942. Demolition may reveal lead or asbestos issues, given the age of the structure. The home has electric heat and a wood burning fireplace, although when it was first constructed, electric heat was probably not available. A belowground oil tank is not likely to be present. A septic tank was located, almost directly adjacent to the marina basin approximately 40 feet east of the residence. A deteriorated cabin near the house contains batteries and partially filled portable fuel tanks mixed with mostly inert debris. The condemned mobile home is largely disintegrated; it likely contains at least asbestos materials within its debris. A significant amount of boats, vehicles and trailers are parked outside of the lease boundaries. The origin of this debris is not known, but much of it is likely to be left by Tribal members.

8.23 Dumping area 150 yards south of the Skagit Plastics Factory (REC).

Aerial photos revealed that this dumping site existed prior to the Skagit Plastics fire. Much of the upper-most material in the dump is likely to have been cleared from the site of the boat factory fire, given the burned fiberglass composite material obviously present on and within the soil matrix. The origin of the deeper material within the dump is not known, however it is reasonable to assume it may contain some waste from the boat factory operations even prior to the fire. This material may contain a variety of contaminants, including metals, dioxin, and asbestos, and solvents. This debris pile is located slightly north of an area that is scheduled to have approximately 3,000 cubic yards of soil excavated in order to create intertidal juvenile salmonid habitat.

8.24 Creosote treated wood debris on and along the causeway (not an REC).

A substantial amount of creosote treated wood debris exists on and along the causeway. Creosoted structures and debris are receiving an increasing degree of scrutiny in Washington State and elsewhere due to their potential for leaching contaminants into sediments and waters. Washington State treats this material as hazardous waste and disposes of it in a landfill in eastern Washington, more than 200 miles from the reservation. As part of the Brownfields Phase II sampling plan in another location on the reservation, soil contamination beneath creosote-treated wood debris, and sediment contamination adjacent to in-water creosote structures, is being investigated. Should the results of that sampling show soil or sediment contamination, creosote treated debris and structures on the causeway and adjacent intertidal area will be re-examined as a source of contamination.

8.3 Off-Site contamination sources

8.31 Skagit Plastics Factory site (REC).

The primary off-site contamination concern is the site of the former Skagit Plastics factory. Between 1954 and 1961 more than 1,000 fiberglass boat hulls were molded here and boat assembly completed before Skagit Plastics ceased operations. Other evidence suggests that, perhaps in association with other companies, fiberglass composite molding operations for boats and other vehicles may have continued for

another 10 years. The factory buildings burned sometime around 1975, reportedly in a large conflagration. Little is known regarding the waste stream from this site during its operation or the effect of the fire on contaminants from the site. There was little regulation of industrial contaminants during this period. Fiberglass manufacturing processes at the time used large amounts of solvents like acetone. Contaminants such as acetone would likely have a short residence time on site, since it is both volatile and miscible in water. In the years since the fire it is likely mobile contaminants would have leached through the excessively drained dredge spoils to either the channel or the marsh to the east of the causeway. Contamination reaching the channel would likely have been rapidly exported. Persistent contaminants such as dioxin, asbestos and metals may still be present in reservation soils adjacent to the plant location.

The former factory location is adjacent to the reservation boundary. A potential salmonid habit restoration plan for this area involves the restoration of a saltwater connection between the Swinomish Channel and the marsh to the east of the causeway. Contamination remaining from the former fiberglass boat factory location could potentially complicate that project. Rehabilitation of the causeway as a natural area could be complicated by contamination remaining from the Skagit Plastics factory.

8.4 Data Gaps

Several archived newspaper articles were found that provided information on the Skagit Plastics Factory history and production through approximately 1962. Little is known of plant history from then until the complex burned in 1975. No persons with detailed knowledge of operations at the plant, or the fire and cleanup of the site, were located.

8.5 Conclusions

The Tribe is concerned about contamination issues that may affect current and future uses of the area, including continued economic development of the property (boat yard lease expansion and tribal boat maintenance facility), development as open space, and any impacts to Swinomish natural resources. Because McGlenn Island and the causeway are adjacent to the Swinomish Channel and Swinomish intertidal wetlands, they are environmentally sensitive areas. Natural resources in the area are important to both the Swinomish Tribe and the non-Indian population. Since resources like shellfish and salmon tend to bioaccumulate toxics, even low levels of certain contaminants, over time, can present a risk to these resources. Because the Swinomish consume shellfish and fish at a rate many times that of non-Indians, contamination of the local marine environment presents a particularly serious health issue to them. Additionally, uncontrolled dumping of solid waste, along with its potential contamination issues, creates an environment that is not conducive to commercial development or public use. Finally, hazardous material likely found in abandoned and deteriorating structures complicates redevelopment of the area. Due to the RECs determined by this assessment, a Phase II ESA should be conducted to certain areas of McGlenn Island and the causeway

area. Specifically this would involve a sampling and analysis plan with the following components:

- Soil sampling for metals, asbestos, Total Petroleum Hydrocarbons (TPH) and semi-volatile organic compounds (SVOCs) beneath the larger debris items in the boat dump area, including visible indications of contamination such as oil spills and corroding containers.

- Soil sampling on reservation property adjacent to the Skagit Plastics factory site for metals, asbestos, SVOCs and dioxins.

- Soil sampling of the buried debris pile 150 yds south of the Skagit Plastics factory site for metals, asbestos, SVOCs and dioxins.

- Opportunity sampling in the vicinity of the abandoned and or deteriorating structures south of the Latitude Marine lease for asbestos, lead, metals, and SVOCs in areas of specific concern, visible discoloration, or odors.

9.0 References

40 CFR Part 312, 2005. EPA, Standards and practices for All Appropriate Inquiries; Final Rule. Federal Register, November 1, 2005.

Aerial photographs dated 1937, 1998, 2001, 2003, 2004, 2006 and 2007 are from Skagit County, WA <<http://www.skagitcounty.net/Gis/Applications/iMap/asp/iMap.asp>>.

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Stratum Group, 2001. *Phase II Environmental Site Assessment and Cleanup, McGlenn Island Boat Yard Facility*, prepared for Swinomish Indian Tribal Community by Stratum Group, Bellingham, Washington, dated January 29, 2001.

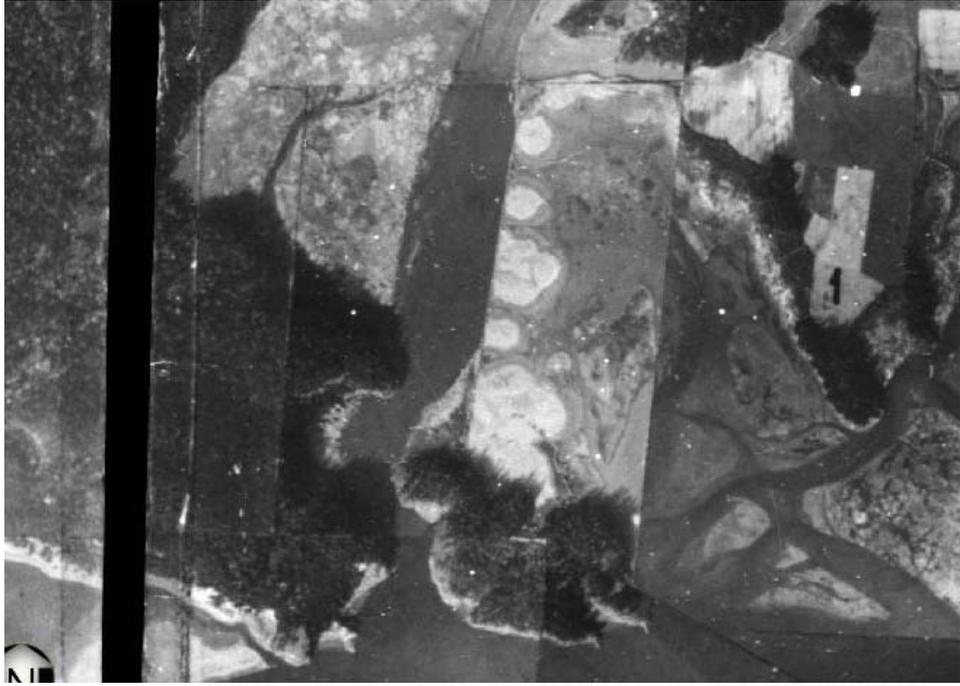
Swinomish McGlenn Archive, 2008. Swinomish Planning File on McGlenn Island and Causeway. Compilation of letters and local news articles referencing McGlenn Island and Causeway. Swinomish Indian Tribal Community Office of Planning and Community Development, La Conner, WA.

WDNR, 2008. Letter from Washington DNR National Heritage Program to Swinomish Planning office re McGlenn Island Natural Features w/enclosures

WDOE, 2008. Washington Department of Ecology Confirmed and Suspected Contaminated Sites List, 2008.

Appendix A

Historic Aerial Photographs for McGlinn Island and Causeway



1937



1953



ca. 1960



1969 McGlenn Island /south causeway



1969 North Causeway (Skagit Plastics)



1975



1983



1994 southern Causeway and Island



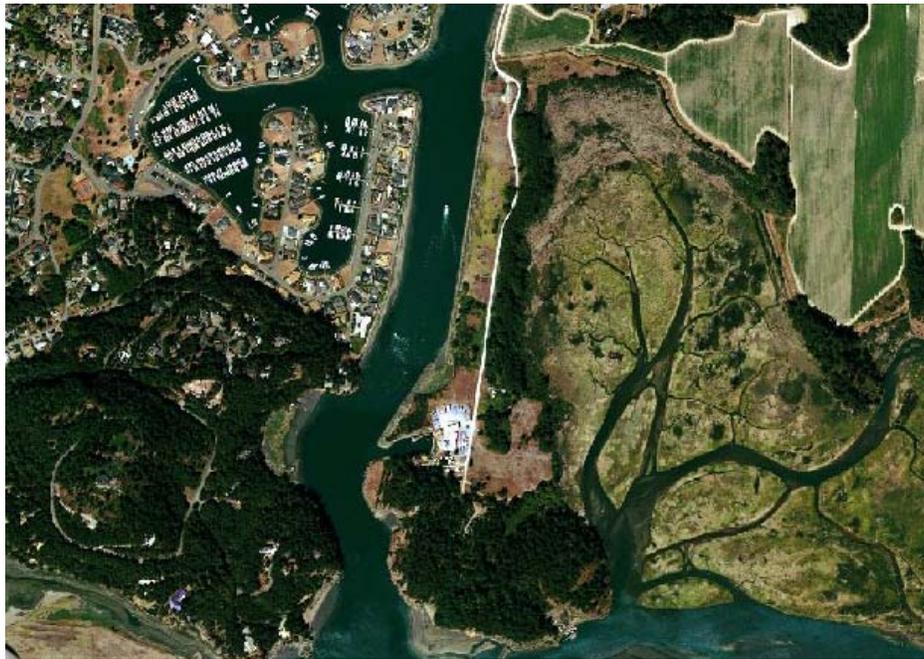
1994 Central Causeway



1994 North Causeway



1998



2001



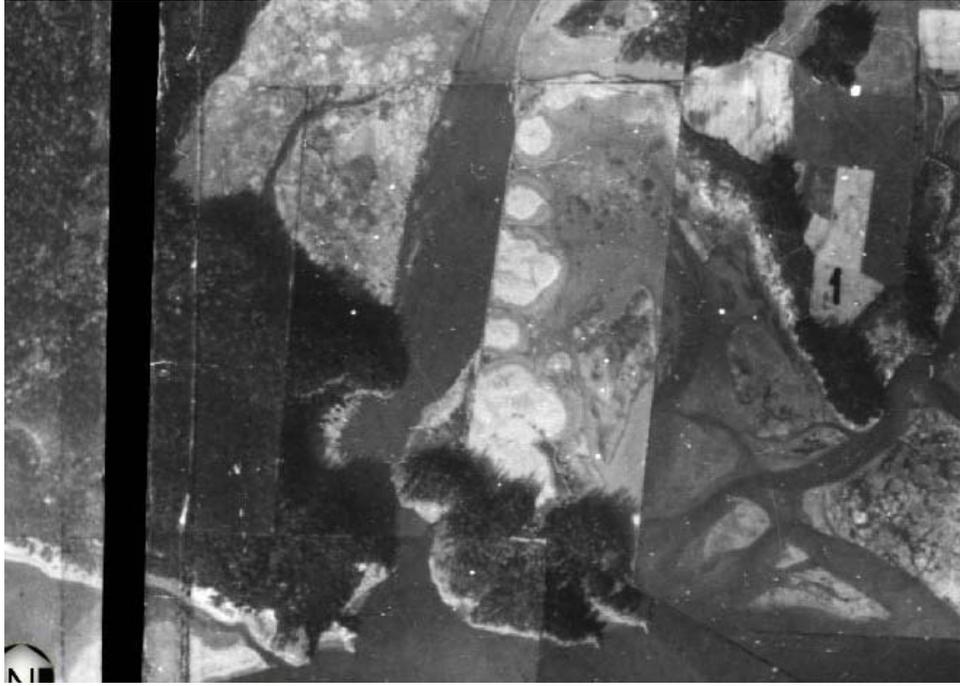
2004



2006



2007



1937



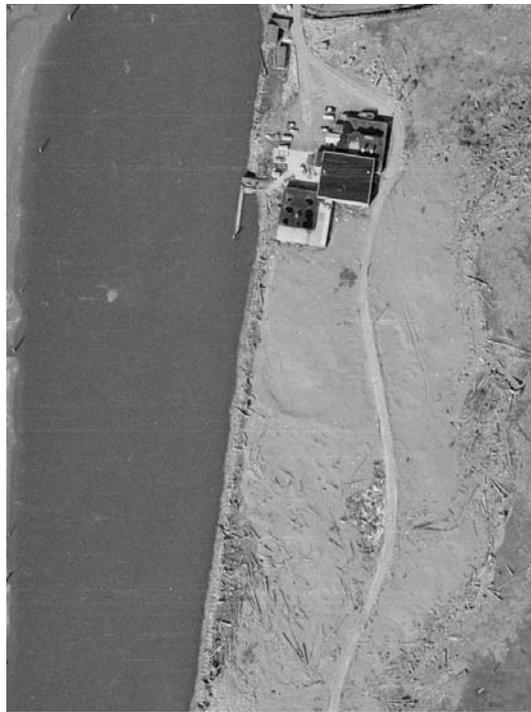
1953



ca. 1960



1969 McGlenn Island /south causeway



1969 North Causeway (Skagit Plastics)



1975



1983



1994 southern Causeway and Island



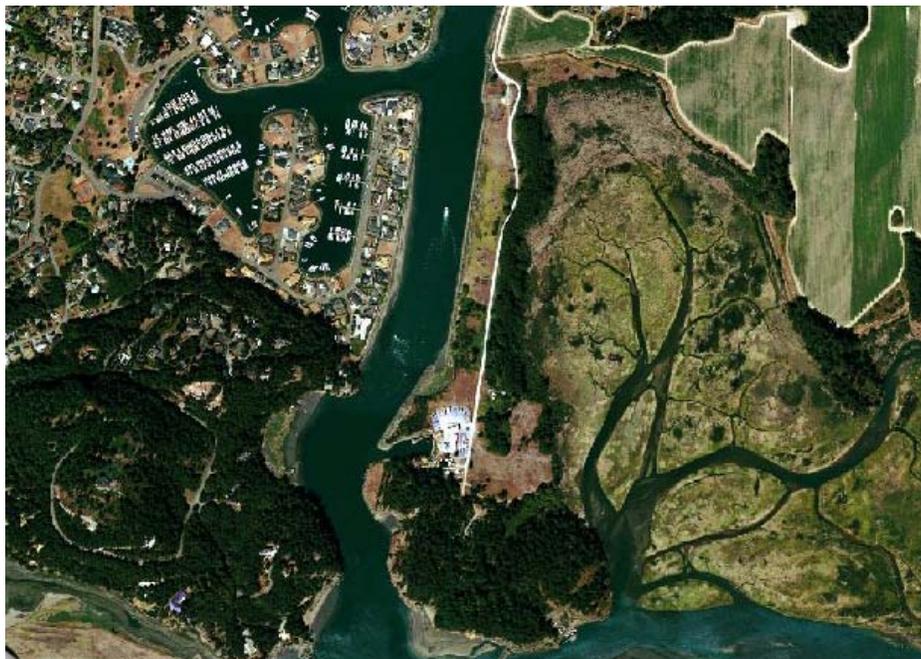
1994 Central Causeway



1994 North Causeway



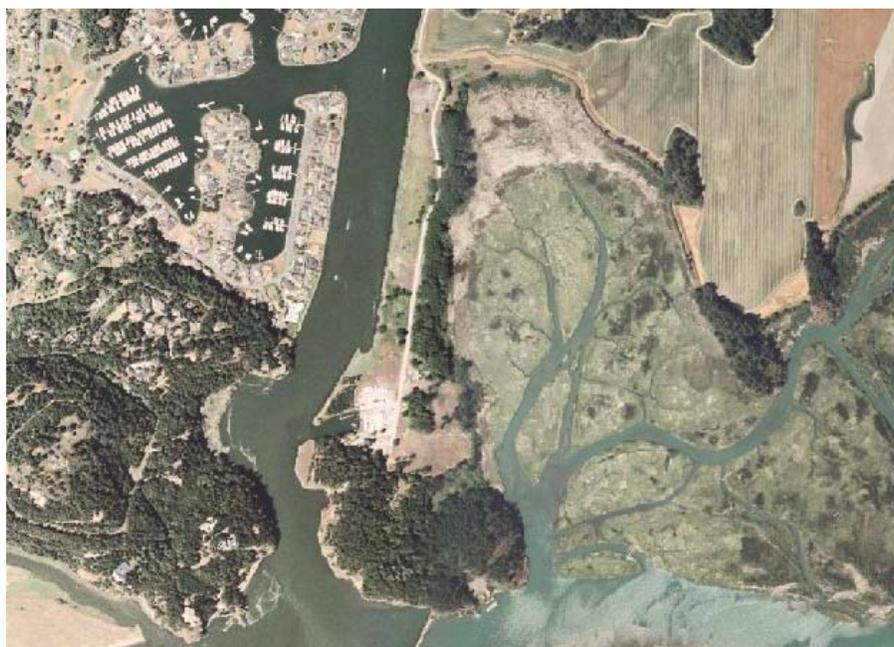
1998



2001



2004



2006



2007

Appendix B

Environmental Data Resources Report



McGlinn Island and Front St.

11430 Moorage Way
La Conner, WA 98257

Inquiry Number: 2233909.8s
June 03, 2008

The EDR Radius Map™ Report with GeoCheck®



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Milford, CT 06461
Toll Free: 800.352.0050
www.edrnet.com

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Thank you for your business.
Please contact EDR at 1-800-352-0050
with any questions or comments.

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EXECUTIVE SUMMARY

A search of available environmental records was conducted by Environmental Data Resources, Inc (EDR). The report was designed to assist parties seeking to meet the search requirements of EPA's Standards and Practices for All Appropriate Inquiries (40 CFR Part 312), the ASTM Standard Practice for Environmental Site Assessments (E 1527-05) or custom requirements developed for the evaluation of environmental risk associated with a parcel of real estate.

TARGET PROPERTY INFORMATION

ADDRESS

11430 MOORAGE WAY
LA CONNER, WA 98257

COORDINATES

Latitude (North): 48.383520 - 48° 23' 0.7"
Longitude (West): 122.504780 - 122° 30' 17.2"
Universal Transverse Mercator: Zone 10
UTM X (Meters): 536667.7
UTM Y (Meters): 5358828.0
Elevation: 23 ft. above sea level

USGS TOPOGRAPHIC MAP ASSOCIATED WITH TARGET PROPERTY

Target Property Map: 48122-D5 ANACORTES SOUTH, WA
Most Recent Revision: 1980

East Map: 48122-D4 LA CONNER, WA
Most Recent Revision: 1973

Southeast Map: 48122-C4 UTSALADY, WA
Most Recent Revision: 1968

South Map: 48122-C5 CRESCENT HARBOR, WA
Most Recent Revision: 1980

TARGET PROPERTY SEARCH RESULTS

The target property was identified in the following records. For more information on this property see page 6 of the attached EDR Radius Map report:

<u>Site</u>	<u>Database(s)</u>	<u>EPA ID</u>
11430 MOORAGE WAY 11430 MOORAGE WAY LA CONNER, WA	SPILLS	N/A

EXECUTIVE SUMMARY

DATABASES WITH NO MAPPED SITES

No mapped sites were found in EDR's search of available ("reasonably ascertainable ") government records either on the target property or within the search radius around the target property for the following databases:

FEDERAL RECORDS

NPL	National Priority List
Proposed NPL	Proposed National Priority List Sites
Delisted NPL	National Priority List Deletions
NPL LIENS	Federal Superfund Liens
CERCLIS	Comprehensive Environmental Response, Compensation, and Liability Information System
CERC-NFRAP	CERCLIS No Further Remedial Action Planned
LIENS 2	CERCLA Lien Information
CORRACTS	Corrective Action Report
RCRA-TSDF	RCRA - Transporters, Storage and Disposal
RCRA-LQG	RCRA - Large Quantity Generators
US ENG CONTROLS	Engineering Controls Sites List
US INST CONTROL	Sites with Institutional Controls
HMIRS	Hazardous Materials Information Reporting System
DOT OPS	Incident and Accident Data
US CDL	Clandestine Drug Labs
US BROWNFIELDS	A Listing of Brownfields Sites
DOD	Department of Defense Sites
FUDS	Formerly Used Defense Sites
LUCIS	Land Use Control Information System
CONSENT	Superfund (CERCLA) Consent Decrees
ROD	Records Of Decision
UMTRA	Uranium Mill Tailings Sites
ODI	Open Dump Inventory
DEBRIS REGION 9	Torres Martinez Reservation Illegal Dump Site Locations
MINES	Mines Master Index File
TRIS	Toxic Chemical Release Inventory System
TSCA	Toxic Substances Control Act
SSTS	Section 7 Tracking Systems
ICIS	Integrated Compliance Information System
PADS	PCB Activity Database System
MLTS	Material Licensing Tracking System
RADINFO	Radiation Information Database
RAATS	RCRA Administrative Action Tracking System

STATE AND LOCAL RECORDS

SHWS	Confirmed & Suspected Contaminated Sites List
HSL	Hazardous Sites List
SWF/LF	Solid Waste Facility Database
SWTIRE	Solid Waste Tire Facilities
AST	Aboveground Storage Tank Locations
INST CONTROL	Institutional Control Site List
DRYCLEANERS	Drycleaner List
BROWNFIELDS	Brownfields Sites Listing
CDL	Clandestine Drug Lab Contaminated Site List
AIRS	Washington Emissions Data System

EXECUTIVE SUMMARY

HIST CDL..... List of Sites Contaminated by Clandestine Drug Labs
Inactive Drycleaners..... Inactive Drycleaners

TRIBAL RECORDS

INDIAN LUST..... Leaking Underground Storage Tanks on Indian Land
INDIAN UST..... Underground Storage Tanks on Indian Land
INDIAN VCP..... Voluntary Cleanup Priority Listing

EDR PROPRIETARY RECORDS

Manufactured Gas Plants... EDR Proprietary Manufactured Gas Plants

SURROUNDING SITES: SEARCH RESULTS

Surrounding sites were identified in the following databases.

Elevations have been determined from the USGS Digital Elevation Model and should be evaluated on a relative (not an absolute) basis. Relative elevation information between sites of close proximity should be field verified. Sites with an elevation equal to or higher than the target property have been differentiated below from sites with an elevation lower than the target property.

Page numbers and map identification numbers refer to the EDR Radius Map report where detailed data on individual sites can be reviewed.

Sites listed in ***bold italics*** are in multiple databases.

Unmappable (orphan) sites are not considered in the foregoing analysis.

FEDERAL RECORDS

RCRA-SQG: RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Small quantity generators (SQGs) generate between 100 kg and 1,000 kg of hazardous waste per month.

A review of the RCRA-SQG list, as provided by EDR, and dated 03/06/2008 has revealed that there is 1 RCRA-SQG site within approximately 2 miles of the target property.

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
<i>PACIFIC MARINER</i>	<i>780 PEARLE JENSEN WAY</i>	<i>1 - 2 NNE 25</i>		<i>40</i>

RCRA-CESQG: RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Conditionally exempt small quantity generators (CESQGs) generate less than 100 kg of hazardous waste, or less than 1 kg of acutely hazardous waste per month.

A review of the RCRA-CESQG list, as provided by EDR, and dated 03/06/2008 has revealed that there is 1 RCRA-CESQG site within approximately 2 miles of the target property.

EXECUTIVE SUMMARY

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
NASTY JACKS ANTIQUES	103 E MORRIS	1/2 - 1 NNE	E13	16

RCRA-NonGen: RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Non-Generators do not presently generate hazardous waste.

A review of the RCRA-NonGen list, as provided by EDR, and dated 03/06/2008 has revealed that there are 2 RCRA-NonGen sites within approximately 2 miles of the target property.

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
MARITIME FABRICATIONS INC	539 N 3RD	1/2 - 1 NE	G23	34
WA AGR M MT VERNON 1	1607 LACONNER WHITNEY R	1 - 2 NE	26	48

ERNS: The Emergency Response Notification System records and stores information on reported releases of oil and hazardous substances. The source of this database is the U.S. EPA.

A review of the ERNS list, as provided by EDR, and dated 12/31/2007 has revealed that there is 1 ERNS site within approximately 1 mile of the target property.

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
132 LUMMI DRIVE	132 LUMMI DRIVE	1/8 - 1/4 WNW	A3	7

FTTS: FTTS tracks administrative cases and pesticide enforcement actions and compliance activities related to FIFRA, TSCA and EPCRA (Emergency Planning and Community Right-to-Know Act) over the previous five years. To maintain currency, EDR contacts the Agency on a quarterly basis.

A review of the FTTS list, as provided by EDR, and dated 04/11/2008 has revealed that there is 1 FTTS site within approximately 1 mile of the target property.

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
SKAGIT BAY BOAT YARD	1870 MCGLINN INSLAND RD	0 - 1/8 SSW	2	6

HIST FTTS: A complete administrative case listing from the FIFRA/TSCA Tracking System (FTTS) for all ten EPA regions. The information was obtained from the National Compliance Database (NCDB). NCDB supports the implementation of FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) and TSCA (Toxic Substances Control Act). Some EPA regions are now closing out records. Because of that, and the fact that some EPA regions are not providing EPA Headquarters with updated records, it was decided to create a HIST FTTS database. It included records that may not be included in the newer FTTS database updates. This database is no longer updated.

A review of the HIST FTTS list, as provided by EDR, and dated 10/19/2006 has revealed that there is 1 HIST FTTS site within approximately 1 mile of the target property.

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
SKAGIT BAY BOAT YARD	1870 MCGLINN INSLAND RD	0 - 1/8 SSW	2	6

EXECUTIVE SUMMARY

FINDS: The Facility Index System contains both facility information and "pointers" to other sources of information that contain more detail. These include: RCRIS; Permit Compliance System (PCS); Aerometric Information Retrieval System (AIRS); FATES (FIFRA [Federal Insecticide Fungicide Rodenticide Act] and TSCA Enforcement System, FTTS [FIFRA/TSCA Tracking System]; CERCLIS; DOCKET (Enforcement Docket used to manage and track information on civil judicial enforcement cases for all environmental statutes); Federal Underground Injection Control (FURS); Federal Reporting Data System (FRDS); Surface Impoundments (SIA); TSCA Chemicals in Commerce Information System (CICS); PADS; RCRA-J (medical waste transporters/disposers); TRIS; and TSCA. The source of this database is the U.S. EPA/NTIS.

A review of the FINDS list, as provided by EDR, and dated 04/03/2008 has revealed that there are 9 FINDS sites within approximately 1 mile of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
SWINOMISH RESERVATION SWR DIST	SHELTER BAY WWTP	1/4 - 1/2NNW	B6	9
SHELTER BAY COMMUNITY, STP	100 1/2 SAMISH DR	1/4 - 1/2NNW	B7	9
SHELTER BAY COMMUNITY INC	SHELTER BAY DR & SHOSHO	1/2 - 1 WSW	11	11
<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
SKAGIT BAY BOAT YARD	1870 MCGLINN INSLAND RD	0 - 1/8 SSW	2	6
NASTY JACKS ANTIQUES	103 E MORRIS	1/2 - 1 NNE	E13	16
DON OLSON PROPERTY LA CONNER	101 N 1ST ST	1/2 - 1 NE	D14	24
LA CONNER LANDING INC	1ST & MORRIS	1/2 - 1 NE	D15	25
LA CONNER STATION	315 MORRIS ST	1/2 - 1 NE	F19	27
MARITIME FABRICATIONS INC	539 N 3RD	1/2 - 1 NE	G23	34

STATE AND LOCAL RECORDS

CSCSL NFA: The data set contains information about sites previously on the Confirmed and Suspected Contaminated Sites list that have received a No Further Action (NFA) determination. Because it is necessary to maintain historical records of sites that have been investigated and cleaned up, sites are not deleted from the database when cleanup activities are completed. Instead a No Further Action code is entered based upon the type of NFA determination the site received.

A review of the CSCSL NFA list, as provided by EDR, and dated 03/17/2008 has revealed that there is 1 CSCSL NFA site within approximately 2 miles of the target property.

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
NASTY JACKS ANTIQUES	103 E MORRIS	1/2 - 1 NNE	E13	16

LUST: The Leaking Underground Storage Tank Incident Reports contain an inventory of reported leaking underground storage tank incidents. The data come from the Department of Ecology's Leaking Underground Storage Tanks Site List.

A review of the LUST list, as provided by EDR, and dated 03/11/2008 has revealed that there are 3 LUST sites within approximately 2 miles of the target property.

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
LA CONNER LANDING INC	1ST & MORRIS	1/2 - 1 NE	D12	11
DON OLSON PROPERTY/LACONNER	101 N 1ST STREET	1/2 - 1 NE	D16	25
LA CONNER STATION	315 MORRIS STREET	1/2 - 1 NE	F20	27

EXECUTIVE SUMMARY

UST: The Underground Storage Tank database contains registered USTs. USTs are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The data come from the Department of Ecology's Statewide UST Site/Tank Report.

A review of the UST list, as provided by EDR, and dated 03/20/2008 has revealed that there are 5 UST sites within approximately 2 miles of the target property.

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
LA CONNER LANDING INC	1ST & MORRIS	1/2 - 1 NE	D12	11
DON OLSON PROPERTY LA CONNER	101 N 1ST ST	1/2 - 1 NE	D14	24
LA CONNER STATION	315 MORRIS ST	1/2 - 1 NE	F21	28
LA CONNER SCHOOL DIST 311	6TH ST	1/2 - 1 NNE	G22	33
ZIMMERMANS SHELL	720 E MORRIS	1 - 2 NE	24	35

MANIFEST: Hazardous waste manifest information.

A review of the MANIFEST list, as provided by EDR, and dated 12/31/2006 has revealed that there are 3 MANIFEST sites within approximately 2 miles of the target property.

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
PACIFIC OCEAN SEAFOOD LLC FORM	1218 CONNER WAY	1/8 - 1/4 NE	5	7
NASTY JACKS ANTIQUES	103 E MORRIS	1/2 - 1 NNE	E13	16
PACIFIC MARINER	780 PEARLE JENSEN WAY	1 - 2 NNE	25	40

SPILLS: Depending on the state, these may be active or inactive facilities or open dumps that failed to meet RCRA Subtitle D Section 4004 criteria for solid waste landfills or disposal sites.

A review of the SPILLS list, as provided by EDR, and dated 04/15/2008 has revealed that there are 5 SPILLS sites within approximately 1 mile of the target property.

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
UNKNOWN	141 LUMMI DRIVE, SHELTE	1/8 - 1/4 NW	A4	7
Not reported	1ST / COMMERCIAL	1/4 - 1/2 NE	C8	10
NORTHERN AURORA FISHERIES	1ST / COMMERCIAL, AT	1/4 - 1/2 NE	C9	10
PORT OF ANACORTES	1ST / COMMERCIAL	1/4 - 1/2 NE	C10	10
PSE - PUGET SOUND ENERGY / POT	2ND / MORRIS ST	1/2 - 1 NE	18	27

ICR: These are remedial action reports Ecology has received from either the owner or operator of the site. These actions have been conducted without department oversight or approval and are not under an order or decree.

A review of the ICR list, as provided by EDR, and dated 12/01/2002 has revealed that there is 1 ICR site within approximately 2 miles of the target property.

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
OLSON PROPERTY	109 N. 1ST ST.	1/2 - 1 NE	E17	26

EXECUTIVE SUMMARY

VCP: Sites that have entered either the Voluntary Cleanup Program or its predecessor Independent Remedial Action Program.

A review of the VCP list, as provided by EDR, and dated 03/17/2008 has revealed that there is 1 VCP site within approximately 2 miles of the target property.

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
<i>NASTY JACKS ANTIQUES</i>	<i>103 E MORRIS</i>	<i>1/2 - 1 NNE</i>	<i>E13</i>	<i>16</i>

NPDES: A listing of permitted wastewater facilities.

A review of the NPDES list, as provided by EDR, and dated 02/12/2008 has revealed that there is 1 NPDES site within approximately 1 mile of the target property.

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
<i>PORT OF ANACORTES</i>	<i>1ST / COMMERCIAL</i>	<i>1/4 - 1/2 NE</i>	<i>C10</i>	<i>10</i>

TRIBAL RECORDS

INDIAN RESERV: This map layer portrays Indian administered lands of the United States that have any area equal to or greater than 640 acres.

A review of the INDIAN RESERV list, as provided by EDR, and dated 12/31/2005 has revealed that there is 1 INDIAN RESERV site within approximately 2 miles of the target property.

<u>Equal/Higher Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
SWINOMISH INDIAN RESERVATION		0 - 1/8 WNW	0	6

EXECUTIVE SUMMARY

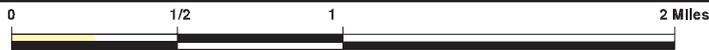
Due to poor or inadequate address information, the following sites were not mapped:

<u>Site Name</u>	<u>Database(s)</u>
NASTY JACK'S ANTIQUES	CERC-NFRAP
SKAGIT CO SEPTIC TANK LAGOON	CERC-NFRAP
DUNLAP TOWING COMPANY	LUST
DUNLAP TOWING CO LA CONNER OFFICE	UST
DUNLAP TOWING UST 512575	FINDS, UST
CONTINENTAL BAKING CO MOUNT VERNON	FINDS, UST
STRAUBS INC	FINDS, UST
BONNER TRADING POST	UST
PACIFIC OCEAN SEAFOOD LLC FORMER	RCRA-SQG
SWINOMISH FISHERMAN'S DOCK HAZMAT	RCRA-SQG
MOUNT VERNON & BURLINGTON CITIES O	RCRA-LQG
DUNLAP TOWING CO LA CONNER OFFICE	FINDS, MANIFEST, RCRA-NonGen
LA CONNER MARINA PORT OF SKAGIT CO	FINDS, RCRA-NonGen
AMERICAN CYANAMID OR HEDLINS GREEN	FINDS, RCRA-NonGen
DUNLAP TOWING CO WESTSIDE LOG YARD	FINDS, MANIFEST, RCRA-NonGen
NEW BAY LTD	FINDS, RCRA-NonGen
MEYER SIGN ADVERTISING CO INC	FINDS, MANIFEST, RCRA-NonGen
WOODLAND VENTURES INC	FINDS, RCRA-NonGen
HWY 99 DRUM	FINDS, RCRA-NonGen
BUDGET TOWING & AUTO REPAIR INC	FINDS, MANIFEST, RCRA-CESQG
BROWN LINE INC	FINDS, MANIFEST, RCRA-CESQG
ROLLING FRITO LAY SALES LP MT VERN	FINDS, NPDES
PACIFIC MARINER	AIRS
DUNLAP TOWING	ICR
MOORE-CLARK FISH PROCESSING PLANT	ICR
MOORE-CLARK FISH PROCESSING PLANT	ICR
TRUCK CITY TRUCK STOP	ICR
PM NORTHWEST SITE	ICIS
SWINOMISH INDIAN TRIBAL COMMUNITY	INDIAN UST
WILBUR-ELLIS CO., DBA VALLEY FERTI	SSTS
SMITH & ARDUSSI, INC.	SSTS
PORT OF SKAGIT CNTY LACONNER MARIN	NPDES

OVERVIEW MAP - 2233909.8s



- ★ Target Property
- ▲ Sites at elevations higher than or equal to the target property
- ◆ Sites at elevations lower than the target property
- ▲ Manufactured Gas Plants
- National Priority List Sites
- Dept. Defense Sites



- Indian Reservations BIA
- County Boundary
- Oil & Gas pipelines
- 100-year flood zone
- 500-year flood zone
- National Wetland Inventory



This report includes Interactive Map Layers to display and/or hide map information. The legend includes only those icons for the default map view.

SITE NAME: McGlinn Island and Front St.
 ADDRESS: 11430 Moorage Way
 La Conner WA 98257
 LAT/LONG: 48.3835 / 122.5048

CLIENT: SICT
 CONTACT: Jon Boe
 INQUIRY #: 2233909.8s
 DATE: June 03, 2008 11:37 am

DETAIL MAP - 2233909.8s



- ★ Target Property
- ▲ Sites at elevations higher than or equal to the target property
- ◆ Sites at elevations lower than the target property
- ▲ Manufactured Gas Plants
- Sensitive Receptors
- National Priority List Sites
- Dept. Defense Sites

- Indian Reservations BIA
- ▲ Oil & Gas pipelines
- 100-year flood zone
- 500-year flood zone
- National Wetland Inventory

This report includes Interactive Map Layers to display and/or hide map information. The legend includes only those icons for the default map view.

SITE NAME: McGlenn Island and Front St.
 ADDRESS: 11430 Moorage Way
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 LAT/LONG: 48.3835 / 122.5048

CLIENT: SICT
 CONTACT: Jon Boe
 INQUIRY #: 2233909.8s
 DATE: June 03, 2008 11:37 am

MAP FINDINGS SUMMARY

Database	Target Property	Search Distance (Miles)	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
<u>FEDERAL RECORDS</u>								
NPL		2.000	0	0	0	0	0	0
Proposed NPL		2.000	0	0	0	0	0	0
Delisted NPL		2.000	0	0	0	0	0	0
NPL LIENS		1.000	0	0	0	0	NR	0
CERCLIS		2.000	0	0	0	0	0	0
CERC-NFRAP		2.000	0	0	0	0	0	0
LIENS 2		1.000	0	0	0	0	NR	0
CORRACTS		2.000	0	0	0	0	0	0
RCRA-TSDF		2.000	0	0	0	0	0	0
RCRA-LQG		2.000	0	0	0	0	0	0
RCRA-SQG		2.000	0	0	0	0	1	1
RCRA-CESQG		2.000	0	0	0	1	0	1
RCRA-NonGen		2.000	0	0	0	1	1	2
US ENG CONTROLS		2.000	0	0	0	0	0	0
US INST CONTROL		2.000	0	0	0	0	0	0
ERNS		1.000	0	1	0	0	NR	1
HMIRS		1.000	0	0	0	0	NR	0
DOT OPS		1.000	0	0	0	0	NR	0
US CDL		1.000	0	0	0	0	NR	0
US BROWNFIELDS		2.000	0	0	0	0	0	0
DOD		2.000	0	0	0	0	0	0
FUDS		2.000	0	0	0	0	0	0
LUCIS		2.000	0	0	0	0	0	0
CONSENT		2.000	0	0	0	0	0	0
ROD		2.000	0	0	0	0	0	0
UMTRA		2.000	0	0	0	0	0	0
ODI		2.000	0	0	0	0	0	0
DEBRIS REGION 9		2.000	0	0	0	0	0	0
MINES		2.000	0	0	0	0	0	0
TRIS		1.000	0	0	0	0	NR	0
TSCA		1.000	0	0	0	0	NR	0
FTTS		1.000	1	0	0	0	NR	1
HIST FTTS		1.000	1	0	0	0	NR	1
SSTS		1.000	0	0	0	0	NR	0
ICIS		1.000	0	0	0	0	NR	0
PADS		1.000	0	0	0	0	NR	0
MLTS		1.000	0	0	0	0	NR	0
RADINFO		1.000	0	0	0	0	NR	0
FINDS		1.000	1	0	2	6	NR	9
RAATS		1.000	0	0	0	0	NR	0
<u>STATE AND LOCAL RECORDS</u>								
SHWS		2.000	0	0	0	0	0	0
HSL		2.000	0	0	0	0	0	0
CSCSL NFA		2.000	0	0	0	1	0	1
SWF/LF		2.000	0	0	0	0	0	0
SWTIRE		2.000	0	0	0	0	0	0

MAP FINDINGS SUMMARY

Database	Target Property	Search Distance (Miles)	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
LUST		2.000	0	0	0	3	0	3
UST		2.000	0	0	0	4	1	5
AST		2.000	0	0	0	0	0	0
MANIFEST		2.000	0	1	0	1	1	3
SPILLS	X	1.000	0	1	3	1	NR	5
INST CONTROL		2.000	0	0	0	0	0	0
ICR		2.000	0	0	0	1	0	1
VCP		2.000	0	0	0	1	0	1
DRYCLEANERS		2.000	0	0	0	0	0	0
BROWNFIELDS		2.000	0	0	0	0	0	0
CDL		1.000	0	0	0	0	NR	0
NPDES		1.000	0	0	1	0	NR	1
AIRS		1.000	0	0	0	0	NR	0
HIST CDL		1.000	0	0	0	0	NR	0
Inactive Drycleaners		2.000	0	0	0	0	0	0
<u>TRIBAL RECORDS</u>								
INDIAN RESERV		2.000	1	0	0	0	0	1
INDIAN LUST		2.000	0	0	0	0	0	0
INDIAN UST		2.000	0	0	0	0	0	0
INDIAN VCP		2.000	0	0	0	0	0	0
<u>EDR PROPRIETARY RECORDS</u>								
Manufactured Gas Plants		2.000	0	0	0	0	0	0

NOTES:

TP = Target Property

NR = Not Requested at this Search Distance

Sites may be listed in more than one database

MAP FINDINGS

Map ID
Direction
Distance
Elevation

Site

Database(s)

EDR ID Number
EPA ID Number

1
Target
Property

11430 MOORAGE WAY
LA CONNER, WA

SPILLS **S106563631**
N/A

Actual:
23 ft.

SPILLS:
Facility ID: 543801
Medium: UNKNOWN
Material Desc: PETROLEUM - DIESEL FUEL
Material Qty: 165
Material Units: GALLON
Date Received: 9/30/2004
Contact Name: UNK

IND RES
Region
WNW
< 1/8
248 ft.

SWINOMISH INDIAN RESERVATION
SWINOMISH INDIAN RESERVAT (County), WA

INDIAN RESERV **CIND100042**
N/A

INDIAN RESERV:
Feature: Indian Reservation
Name: Swinomish Indian Reservation
Agency: BIA
State: WA

2
SSW
< 1/8
0.117 mi.
618 ft.

SKAGIT BAY BOAT YARD
1870 MCGLINN INSLAND RD PO BOX 871
LA CONNER, WA 98257

FINDS **1005622455**
FTTS **110011623261**
HIST FTTS

Relative:
Lower

FINDS:
Other Pertinent Environmental Activity Identified at Site

Actual:
6 ft.

NCDB (National Compliance Data Base) supports implementation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Toxic Substances Control Act (TSCA). The system tracks inspections in regions and states with cooperative agreements, enforcement actions, and settlements.

FTTS INSP:
Inspection Number: Not reported
Region: 10
Inspection Date: Not reported
Inspector: HILEMAN
Violation occurred: No
Investigation Type: Section 6 PCB Federal Conducted
Investigation Reason: Neutral Scheme, Region
Legislation Code: TSCA
Facility Function: User

HIST FTTS INSP:
Inspection Number: 199808131634 1
Region: 10
Inspection Date: Not reported

Map ID
Direction
Distance
Elevation

MAP FINDINGS

Site

Database(s)

EDR ID Number
EPA ID Number

SKAGIT BAY BOAT YARD (Continued)

1005622455

Inspector: HILEMAN
Violation occurred: No
Investigation Type: Section 6 PCB Federal Conducted
Investigation Reason: Neutral Scheme, Region
Legislation Code: TSCA
Facility Function: User

A3 132 LUMMI DRIVE
WNW 132 LUMMI DRIVE
1/8-1/4 LACONNER, WA 98257
0.157 mi.
829 ft. Site 1 of 2 in cluster A

ERNS 2003637529
N/A

Relative: Click this hyperlink while viewing on your computer to access
Lower additional ERNS detail in the EDR Site Report.

Actual:
6 ft. UNKNOWN
A4 141 LUMMI DRIVE, SHELTER BAY
NW LA CONNER, WA
1/8-1/4
0.162 mi.
858 ft. Site 2 of 2 in cluster A

SPILLS S107155773
N/A

Relative: SPILLS:
Lower Facility ID: 514254
Medium: SURFACE WATER-MARINE
Actual: Material Desc: PETROLEUM - UNKNOWN
6 ft. Material Qty: 1
Material Units: SHEEN
Date Received: 10/21/2000
Contact Name: Not reported

5 PACIFIC OCEAN SEAFOOD LLC FORMER
NE 1218 CONNER WAY
1/8-1/4 LA CONNER, WA 98257
0.216 mi.
1139 ft.

MANIFEST S108479801
N/A

Relative: WA MANIFEST:
Lower Facility Site ID Number: 1123167
Permit by Rule: FALSE
Actual: Treatment by Generator: FALSE
13 ft. Mixed radioactive waste: FALSE
Importer of hazardous waste: FALSE
Immediate recycler: FALSE
Treatment/Storage/Disposal/Recycling Facility: FALSE
Generator of dangerous fuel waste: FALSE
Generator marketing to burner: FALSE
"Other marketers (i.e., blender, distributor, etc.)": FALSE
Utility boiler burner: FALSE
Industry boiler burner: FALSE
Industrial Furnace: FALSE
Smelter deferral: FALSE
Universal waste - batteries - generate: FALSE
Universal waste - thermostats - generate: FALSE

ORPHAN SUMMARY

City	EDR ID	Site Name	Site Address	Zip	Database(s)
LA CONNER	1004794276	DUNLAP TOWING CO LA CONNER OFFICE	617 N 1ST ST	98257	FINDS, MANIFEST, RCRA-NonGen
LA CONNER	U004041039	DUNLAP TOWING CO LA CONNER OFFICE	617 N 1ST ST	98257	UST
LA CONNER	1000660458	DUNLAP TOWING COMPANY	617 N 1ST ST	98257	LUST
LA CONNER	1000235571	LA CONNER MARINA PORT OF SKAGIT CO	613 NORTH 2ND STREET	98257	FINDS, RCRA-NonGen
LA CONNER	S107862973	PORT OF SKAGIT CNTY LACONNER MARIN	613 NORTH 2ND ST	98257	NPDES
LA CONNER	1010338940	PACIFIC OCEAN SEAFOOD LLC FORMER	1218 CONNER WAY	98257	RCRA-SQG
LA CONNER	1000360933	AMERICAN CYANAMID OR HEDLINS GREEN	HEDLIN FARMS E TALBOT ST	98257	FINDS, RCRA-NonGen
LA CONNER	1009395226	SWINOMISH INDIAN TRIBAL COMMUNITY	950 MOORAGE WAY	98257	INDIAN UST
LA CONNER	S108276839	PACIFIC MARINER	780 PEARLE JENSEN WAY	98257	AIRS
LA CONNER	1004794277	DUNLAP TOWING CO WESTSIDE LOG YARD	1713 RESERVATION RD	98257	FINDS, MANIFEST, RCRA-NonGen
LA CONNER	1000104042	NEW BAY LTD	1117 SHERMAN ST	98257	FINDS, RCRA-NonGen
LA CONNER	1007067806	DUNLAP TOWING UST 512575	3RD ST	98257	FINDS, UST
LA CONNOR	1006812611	NASTY JACK'S ANTIQUES	103 MORRIS STREET	98257	CERC-NFRAP
LACONNER	S103506729	DUNLAP TOWING	617 N. 1ST ST.	98257	ICR
LACONNER	1007371958	SWINOMISH FISHERMAN'S DOCK HAZMAT	11454 MOORAGE WAY	98257	RCRA-SQG
LACONNER	S103508309	MOORE-CLARK FISH PROCESSING PLANT	813 2ND ST.	98257	ICR
LACONNER	S103511708	MOORE-CLARK FISH PROCESSING PLANT	813 2ND ST.	98257	ICR
MOUNT VERNON	1007072981	CONTINENTAL BAKING CO MOUNT VERNON	RTE 3	98273	FINDS, UST
MOUNT VERNON	1000878849	MEYER SIGN ADVERTISING CO INC	2608 HWY 99 S	98273	FINDS, MANIFEST, RCRA-NonGen
MOUNT VERNON	S103510235	TRUCK CITY TRUCK STOP	1731 HWY 99 S.	98273	ICR
MOUNT VERNON	1007076521	STRAUBS INC	1575 MEMORIAL HWY	98273	FINDS, UST
MOUNT VERNON	1010585546	PM NORTHWEST SITE	1490 MEMORIAL HWY	98273	ICIS
MOUNT VERNON	1000189864	WOODLAND VENTURES INC	17315 OLD HWY 99	98273	FINDS, RCRA-NonGen
MOUNT VERNON	1000878372	HWY 99 DRUM	1130 OLD HWY 99	98273	FINDS, RCRA-NonGen
MOUNT VERNON	1000920500	BUDGET TOWING & AUTO REPAIR INC	2410 OLD HWY 99 SOUTH RD	98273	FINDS, MANIFEST, RCRA-CESQG
MOUNT VERNON	1000993029	BROWN LINE INC	3814 OLD HWY 99 S	98273	FINDS, MANIFEST, RCRA-CESQG
MOUNT VERNON	1007677428	ROLLING FRITO LAY SALES LP MT VERN	3817 OLD HWY 99	98273	FINDS, NPDES
MOUNT VERNON	1010338418	MOUNT VERNON & BURLINGTON CITIES O	OLD HWY 99 SKAGIT RIVER BRIDGE	98273	RCRA-LQG
MOUNT VERNON	U004020831	BONNER TRADING POST	1224 STATE HWY 9 CLEAR LAKE	98273	UST
MT VERNON	1003880420	SKAGIT CO SEPTIC TANK LAGOON	HWY 9 3 MI N OF SEDRO WOOLLEY	98273	CERC-NFRAP
MT. VERNON	1005439693	WILBUR-ELLIS CO., DBA VALLEY FERTI	1071 HIGHWAY 20	98273	SSTS
MT. VERNON	1005436860	SMITH & ARDUSSI, INC.	1325 B HWY 1237	98273	SSTS

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

To maintain currency of the following federal and state databases, EDR contacts the appropriate governmental agency on a monthly or quarterly basis, as required.

Number of Days to Update: Provides confirmation that EDR is reporting records that have been updated within 90 days from the date the government agency made the information available to the public.

FEDERAL RECORDS

NPL: National Priority List

National Priorities List (Superfund). The NPL is a subset of CERCLIS and identifies over 1,200 sites for priority cleanup under the Superfund Program. NPL sites may encompass relatively large areas. As such, EDR provides polygon coverage for over 1,000 NPL site boundaries produced by EPA's Environmental Photographic Interpretation Center (EPIC) and regional EPA offices.

Date of Government Version: 01/31/2008	Source: EPA
Date Data Arrived at EDR: 02/08/2008	Telephone: N/A
Date Made Active in Reports: 03/17/2008	Last EDR Contact: 04/28/2008
Number of Days to Update: 38	Next Scheduled EDR Contact: 07/28/2008
	Data Release Frequency: Quarterly

NPL Site Boundaries

Sources:

EPA's Environmental Photographic Interpretation Center (EPIC)
Telephone: 202-564-7333

EPA Region 1
Telephone 617-918-1143

EPA Region 6
Telephone: 214-655-6659

EPA Region 3
Telephone 215-814-5418

EPA Region 7
Telephone: 913-551-7247

EPA Region 4
Telephone 404-562-8033

EPA Region 8
Telephone: 303-312-6774

EPA Region 5
Telephone 312-886-6686

EPA Region 9
Telephone: 415-947-4246

EPA Region 10
Telephone 206-553-8665

Proposed NPL: Proposed National Priority List Sites

A site that has been proposed for listing on the National Priorities List through the issuance of a proposed rule in the Federal Register. EPA then accepts public comments on the site, responds to the comments, and places on the NPL those sites that continue to meet the requirements for listing.

Date of Government Version: 01/31/2008	Source: EPA
Date Data Arrived at EDR: 02/04/2008	Telephone: N/A
Date Made Active in Reports: 03/17/2008	Last EDR Contact: 04/28/2008
Number of Days to Update: 42	Next Scheduled EDR Contact: 07/28/2008
	Data Release Frequency: Quarterly

DELISTED NPL: National Priority List Deletions

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425.(e), sites may be deleted from the NPL where no further response is appropriate.

Date of Government Version: 01/31/2008	Source: EPA
Date Data Arrived at EDR: 02/08/2008	Telephone: N/A
Date Made Active in Reports: 03/17/2008	Last EDR Contact: 04/28/2008
Number of Days to Update: 38	Next Scheduled EDR Contact: 07/28/2008
	Data Release Frequency: Quarterly

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

NPL LIENS: Federal Superfund Liens

Federal Superfund Liens. Under the authority granted the USEPA by CERCLA of 1980, the USEPA has the authority to file liens against real property in order to recover remedial action expenditures or when the property owner received notification of potential liability. USEPA compiles a listing of filed notices of Superfund Liens.

Date of Government Version: 10/15/1991	Source: EPA
Date Data Arrived at EDR: 02/02/1994	Telephone: 202-564-4267
Date Made Active in Reports: 03/30/1994	Last EDR Contact: 05/19/2008
Number of Days to Update: 56	Next Scheduled EDR Contact: 08/18/2008
	Data Release Frequency: No Update Planned

CERCLIS: Comprehensive Environmental Response, Compensation, and Liability Information System

CERCLIS contains data on potentially hazardous waste sites that have been reported to the USEPA by states, municipalities, private companies and private persons, pursuant to Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). CERCLIS contains sites which are either proposed to or on the National Priorities List (NPL) and sites which are in the screening and assessment phase for possible inclusion on the NPL.

Date of Government Version: 04/08/2008	Source: EPA
Date Data Arrived at EDR: 04/25/2008	Telephone: 703-412-9810
Date Made Active in Reports: 05/21/2008	Last EDR Contact: 04/25/2008
Number of Days to Update: 26	Next Scheduled EDR Contact: 06/16/2008
	Data Release Frequency: Quarterly

CERCLIS-NFRAP: CERCLIS No Further Remedial Action Planned

Archived sites are sites that have been removed and archived from the inventory of CERCLIS sites. Archived status indicates that, to the best of EPA's knowledge, assessment at a site has been completed and that EPA has determined no further steps will be taken to list this site on the National Priorities List (NPL), unless information indicates this decision was not appropriate or other considerations require a recommendation for listing at a later time. This decision does not necessarily mean that there is no hazard associated with a given site; it only means that, based upon available information, the location is not judged to be a potential NPL site.

Date of Government Version: 12/03/2007	Source: EPA
Date Data Arrived at EDR: 12/06/2007	Telephone: 703-412-9810
Date Made Active in Reports: 02/20/2008	Last EDR Contact: 05/20/2008
Number of Days to Update: 76	Next Scheduled EDR Contact: 06/16/2008
	Data Release Frequency: Quarterly

LIENS 2: CERCLA Lien Information

A Federal CERCLA ('Superfund') lien can exist by operation of law at any site or property at which EPA has spent Superfund monies. These monies are spent to investigate and address releases and threatened releases of contamination. CERCLIS provides information as to the identity of these sites and properties.

Date of Government Version: 02/08/2008	Source: Environmental Protection Agency
Date Data Arrived at EDR: 03/07/2008	Telephone: 202-564-6023
Date Made Active in Reports: 03/20/2008	Last EDR Contact: 05/19/2008
Number of Days to Update: 13	Next Scheduled EDR Contact: 08/18/2008
	Data Release Frequency: Varies

CORRACTS: Corrective Action Report

CORRACTS identifies hazardous waste handlers with RCRA corrective action activity.

Date of Government Version: 03/26/2008	Source: EPA
Date Data Arrived at EDR: 04/02/2008	Telephone: 800-424-9346
Date Made Active in Reports: 05/06/2008	Last EDR Contact: 06/02/2008
Number of Days to Update: 34	Next Scheduled EDR Contact: 09/01/2008
	Data Release Frequency: Quarterly

RCRA-TSDF: RCRA - Transporters, Storage and Disposal

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Transporters are individuals or entities that move hazardous waste from the generator offsite to a facility that can recycle, treat, store, or dispose of the waste. TSDFs treat, store, or dispose of the waste.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 03/06/2008
Date Data Arrived at EDR: 03/06/2008
Date Made Active in Reports: 04/18/2008
Number of Days to Update: 43

Source: Environmental Protection Agency
Telephone: (206) 553-1200
Last EDR Contact: 05/21/2008
Next Scheduled EDR Contact: 08/18/2008
Data Release Frequency: Quarterly

RCRA-LQG: RCRA - Large Quantity Generators

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Large quantity generators (LQGs) generate over 1,000 kilograms (kg) of hazardous waste, or over 1 kg of acutely hazardous waste per month.

Date of Government Version: 03/06/2008
Date Data Arrived at EDR: 03/06/2008
Date Made Active in Reports: 04/18/2008
Number of Days to Update: 43

Source: Environmental Protection Agency
Telephone: (206) 553-1200
Last EDR Contact: 05/21/2008
Next Scheduled EDR Contact: 08/18/2008
Data Release Frequency: Quarterly

RCRA-SQG: RCRA - Small Quantity Generators

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Small quantity generators (SQGs) generate between 100 kg and 1,000 kg of hazardous waste per month.

Date of Government Version: 03/06/2008
Date Data Arrived at EDR: 03/06/2008
Date Made Active in Reports: 04/18/2008
Number of Days to Update: 43

Source: Environmental Protection Agency
Telephone: (206) 553-1200
Last EDR Contact: 05/21/2008
Next Scheduled EDR Contact: 08/18/2008
Data Release Frequency: Quarterly

RCRA-CESQG: RCRA - Conditionally Exempt Small Quantity Generators

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Conditionally exempt small quantity generators (CESQGs) generate less than 100 kg of hazardous waste, or less than 1 kg of acutely hazardous waste per month.

Date of Government Version: 03/06/2008
Date Data Arrived at EDR: 03/06/2008
Date Made Active in Reports: 04/18/2008
Number of Days to Update: 43

Source: Environmental Protection Agency
Telephone: (206) 553-1200
Last EDR Contact: 05/21/2008
Next Scheduled EDR Contact: 08/18/2008
Data Release Frequency: Varies

RCRA-NonGen: RCRA - Non Generators

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Non-Generators do not presently generate hazardous waste.

Date of Government Version: 03/06/2008
Date Data Arrived at EDR: 03/06/2008
Date Made Active in Reports: 04/18/2008
Number of Days to Update: 43

Source: Environmental Protection Agency
Telephone: (206) 553-1200
Last EDR Contact: 05/21/2008
Next Scheduled EDR Contact: 08/18/2008
Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

US ENG CONTROLS: Engineering Controls Sites List

A listing of sites with engineering controls in place. Engineering controls include various forms of caps, building foundations, liners, and treatment methods to create pathway elimination for regulated substances to enter environmental media or effect human health.

Date of Government Version: 04/04/2008	Source: Environmental Protection Agency
Date Data Arrived at EDR: 04/17/2008	Telephone: 703-603-0695
Date Made Active in Reports: 05/15/2008	Last EDR Contact: 03/31/2008
Number of Days to Update: 28	Next Scheduled EDR Contact: 06/30/2008
	Data Release Frequency: Varies

US INST CONTROL: Sites with Institutional Controls

A listing of sites with institutional controls in place. Institutional controls include administrative measures, such as groundwater use restrictions, construction restrictions, property use restrictions, and post remediation care requirements intended to prevent exposure to contaminants remaining on site. Deed restrictions are generally required as part of the institutional controls.

Date of Government Version: 04/04/2008	Source: Environmental Protection Agency
Date Data Arrived at EDR: 04/17/2008	Telephone: 703-603-0695
Date Made Active in Reports: 05/15/2008	Last EDR Contact: 03/31/2008
Number of Days to Update: 28	Next Scheduled EDR Contact: 06/30/2008
	Data Release Frequency: Varies

ERNS: Emergency Response Notification System

Emergency Response Notification System. ERNS records and stores information on reported releases of oil and hazardous substances.

Date of Government Version: 12/31/2007	Source: National Response Center, United States Coast Guard
Date Data Arrived at EDR: 01/23/2008	Telephone: 202-267-2180
Date Made Active in Reports: 03/17/2008	Last EDR Contact: 04/22/2008
Number of Days to Update: 54	Next Scheduled EDR Contact: 07/21/2008
	Data Release Frequency: Annually

HMIRS: Hazardous Materials Information Reporting System

Hazardous Materials Incident Report System. HMIRS contains hazardous material spill incidents reported to DOT.

Date of Government Version: 12/31/2007	Source: U.S. Department of Transportation
Date Data Arrived at EDR: 04/16/2008	Telephone: 202-366-4555
Date Made Active in Reports: 05/15/2008	Last EDR Contact: 04/16/2008
Number of Days to Update: 29	Next Scheduled EDR Contact: 07/14/2008
	Data Release Frequency: Annually

DOT OPS: Incident and Accident Data

Department of Transportation, Office of Pipeline Safety Incident and Accident data.

Date of Government Version: 02/14/2008	Source: Department of Transportation, Office of Pipeline Safety
Date Data Arrived at EDR: 02/27/2008	Telephone: 202-366-4595
Date Made Active in Reports: 03/20/2008	Last EDR Contact: 05/28/2008
Number of Days to Update: 22	Next Scheduled EDR Contact: 08/25/2008
	Data Release Frequency: Varies

CDL: Clandestine Drug Labs

A listing of clandestine drug lab locations. The U.S. Department of Justice ("the Department") provides this web site as a public service. It contains addresses of some locations where law enforcement agencies reported they found chemicals or other items that indicated the presence of either clandestine drug laboratories or dumpsites. In most cases, the source of the entries is not the Department, and the Department has not verified the entry and does not guarantee its accuracy. Members of the public must verify the accuracy of all entries by, for example, contacting local law enforcement and local health departments.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 09/01/2007
Date Data Arrived at EDR: 12/03/2007
Date Made Active in Reports: 12/28/2007
Number of Days to Update: 25

Source: Drug Enforcement Administration
Telephone: 202-307-1000
Last EDR Contact: 03/28/2008
Next Scheduled EDR Contact: 06/23/2008
Data Release Frequency: Quarterly

US BROWNFIELDS: A Listing of Brownfields Sites

Included in the listing are brownfields properties addresses by Cooperative Agreement Recipients and brownfields properties addressed by Targeted Brownfields Assessments. Targeted Brownfields Assessments-EPA's Targeted Brownfields Assessments (TBA) program is designed to help states, tribes, and municipalities--especially those without EPA Brownfields Assessment Demonstration Pilots--minimize the uncertainties of contamination often associated with brownfields. Under the TBA program, EPA provides funding and/or technical assistance for environmental assessments at brownfields sites throughout the country. Targeted Brownfields Assessments supplement and work with other efforts under EPA's Brownfields Initiative to promote cleanup and redevelopment of brownfields. Cooperative Agreement Recipients-States, political subdivisions, territories, and Indian tribes become Brownfields Cleanup Revolving Loan Fund (BCRLF) cooperative agreement recipients when they enter into BCRLF cooperative agreements with the U.S. EPA. EPA selects BCRLF cooperative agreement recipients based on a proposal and application process. BCRLF cooperative agreement recipients must use EPA funds provided through BCRLF cooperative agreement for specified brownfields-related cleanup activities.

Date of Government Version: 04/01/2008
Date Data Arrived at EDR: 04/30/2008
Date Made Active in Reports: 05/30/2008
Number of Days to Update: 30

Source: Environmental Protection Agency
Telephone: 202-566-2777
Last EDR Contact: 04/30/2008
Next Scheduled EDR Contact: 07/14/2008
Data Release Frequency: Semi-Annually

DOD: Department of Defense Sites

This data set consists of federally owned or administered lands, administered by the Department of Defense, that have any area equal to or greater than 640 acres of the United States, Puerto Rico, and the U.S. Virgin Islands.

Date of Government Version: 12/31/2005
Date Data Arrived at EDR: 11/10/2006
Date Made Active in Reports: 01/11/2007
Number of Days to Update: 62

Source: USGS
Telephone: 703-692-8801
Last EDR Contact: 05/09/2008
Next Scheduled EDR Contact: 08/04/2008
Data Release Frequency: Semi-Annually

FUDS: Formerly Used Defense Sites

The listing includes locations of Formerly Used Defense Sites properties where the US Army Corps of Engineers is actively working or will take necessary cleanup actions.

Date of Government Version: 12/31/2006
Date Data Arrived at EDR: 08/31/2007
Date Made Active in Reports: 10/11/2007
Number of Days to Update: 41

Source: U.S. Army Corps of Engineers
Telephone: 202-528-4285
Last EDR Contact: 04/03/2008
Next Scheduled EDR Contact: 06/30/2008
Data Release Frequency: Varies

LUCIS: Land Use Control Information System

LUCIS contains records of land use control information pertaining to the former Navy Base Realignment and Closure properties.

Date of Government Version: 12/09/2005
Date Data Arrived at EDR: 12/11/2006
Date Made Active in Reports: 01/11/2007
Number of Days to Update: 31

Source: Department of the Navy
Telephone: 843-820-7326
Last EDR Contact: 03/10/2008
Next Scheduled EDR Contact: 06/09/2008
Data Release Frequency: Varies

CONSENT: Superfund (CERCLA) Consent Decrees

Major legal settlements that establish responsibility and standards for cleanup at NPL (Superfund) sites. Released periodically by United States District Courts after settlement by parties to litigation matters.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 02/08/2008
Date Data Arrived at EDR: 04/25/2008
Date Made Active in Reports: 05/30/2008
Number of Days to Update: 35

Source: Department of Justice, Consent Decree Library
Telephone: Varies
Last EDR Contact: 04/22/2008
Next Scheduled EDR Contact: 07/21/2008
Data Release Frequency: Varies

ROD: Records Of Decision

Record of Decision. ROD documents mandate a permanent remedy at an NPL (Superfund) site containing technical and health information to aid in the cleanup.

Date of Government Version: 01/14/2008
Date Data Arrived at EDR: 01/22/2008
Date Made Active in Reports: 01/30/2008
Number of Days to Update: 8

Source: EPA
Telephone: 703-416-0223
Last EDR Contact: 03/31/2008
Next Scheduled EDR Contact: 06/30/2008
Data Release Frequency: Annually

UMTRA: Uranium Mill Tailings Sites

Uranium ore was mined by private companies for federal government use in national defense programs. When the mills shut down, large piles of the sand-like material (mill tailings) remain after uranium has been extracted from the ore. Levels of human exposure to radioactive materials from the piles are low; however, in some cases tailings were used as construction materials before the potential health hazards of the tailings were recognized.

Date of Government Version: 07/13/2007
Date Data Arrived at EDR: 12/03/2007
Date Made Active in Reports: 01/24/2008
Number of Days to Update: 52

Source: Department of Energy
Telephone: 505-845-0011
Last EDR Contact: 03/17/2008
Next Scheduled EDR Contact: 06/16/2008
Data Release Frequency: Varies

DEBRIS REGION 9: Torres Martinez Reservation Illegal Dump Site Locations

A listing of illegal dump sites location on the Torres Martinez Indian Reservation located in eastern Riverside County and northern Imperial County, California.

Date of Government Version: 03/25/2008
Date Data Arrived at EDR: 04/17/2008
Date Made Active in Reports: 05/15/2008
Number of Days to Update: 28

Source: EPA, Region 9
Telephone: 415-972-3336
Last EDR Contact: 03/24/2008
Next Scheduled EDR Contact: 06/23/2008
Data Release Frequency: Varies

ODI: Open Dump Inventory

An open dump is defined as a disposal facility that does not comply with one or more of the Part 257 or Part 258 Subtitle D Criteria.

Date of Government Version: 06/30/1985
Date Data Arrived at EDR: 08/09/2004
Date Made Active in Reports: 09/17/2004
Number of Days to Update: 39

Source: Environmental Protection Agency
Telephone: 800-424-9346
Last EDR Contact: 06/09/2004
Next Scheduled EDR Contact: N/A
Data Release Frequency: No Update Planned

MINES: Mines Master Index File

Contains all mine identification numbers issued for mines active or opened since 1971. The data also includes violation information.

Date of Government Version: 02/07/2008
Date Data Arrived at EDR: 03/26/2008
Date Made Active in Reports: 04/18/2008
Number of Days to Update: 23

Source: Department of Labor, Mine Safety and Health Administration
Telephone: 303-231-5959
Last EDR Contact: 03/26/2008
Next Scheduled EDR Contact: 06/23/2008
Data Release Frequency: Semi-Annually

TRIS: Toxic Chemical Release Inventory System

Toxic Release Inventory System. TRIS identifies facilities which release toxic chemicals to the air, water and land in reportable quantities under SARA Title III Section 313.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 12/31/2006
Date Data Arrived at EDR: 02/29/2008
Date Made Active in Reports: 04/18/2008
Number of Days to Update: 49

Source: EPA
Telephone: 202-566-0250
Last EDR Contact: 02/29/2008
Next Scheduled EDR Contact: 06/16/2008
Data Release Frequency: Annually

TSCA: Toxic Substances Control Act

Toxic Substances Control Act. TSCA identifies manufacturers and importers of chemical substances included on the TSCA Chemical Substance Inventory list. It includes data on the production volume of these substances by plant site.

Date of Government Version: 12/31/2002
Date Data Arrived at EDR: 04/14/2006
Date Made Active in Reports: 05/30/2006
Number of Days to Update: 46

Source: EPA
Telephone: 202-260-5521
Last EDR Contact: 04/28/2008
Next Scheduled EDR Contact: 07/14/2008
Data Release Frequency: Every 4 Years

FTTS: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)
FTTS tracks administrative cases and pesticide enforcement actions and compliance activities related to FIFRA, TSCA and EPCRA (Emergency Planning and Community Right-to-Know Act). To maintain currency, EDR contacts the Agency on a quarterly basis.

Date of Government Version: 04/11/2008
Date Data Arrived at EDR: 04/24/2008
Date Made Active in Reports: 05/21/2008
Number of Days to Update: 27

Source: EPA/Office of Prevention, Pesticides and Toxic Substances
Telephone: 202-566-1667
Last EDR Contact: 03/17/2008
Next Scheduled EDR Contact: 06/16/2008
Data Release Frequency: Quarterly

FTTS INSP: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)
A listing of FIFRA/TSCA Tracking System (FTTS) inspections and enforcements.

Date of Government Version: 04/11/2008
Date Data Arrived at EDR: 04/24/2008
Date Made Active in Reports: 05/21/2008
Number of Days to Update: 27

Source: EPA
Telephone: 202-566-1667
Last EDR Contact: 03/17/2008
Next Scheduled EDR Contact: 06/16/2008
Data Release Frequency: Quarterly

HIST FTTS: FIFRA/TSCA Tracking System Administrative Case Listing

A complete administrative case listing from the FIFRA/TSCA Tracking System (FTTS) for all ten EPA regions. The information was obtained from the National Compliance Database (NCDB). NCDB supports the implementation of FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) and TSCA (Toxic Substances Control Act). Some EPA regions are now closing out records. Because of that, and the fact that some EPA regions are not providing EPA Headquarters with updated records, it was decided to create a HIST FTTS database. It included records that may not be included in the newer FTTS database updates. This database is no longer updated.

Date of Government Version: 10/19/2006
Date Data Arrived at EDR: 03/01/2007
Date Made Active in Reports: 04/10/2007
Number of Days to Update: 40

Source: Environmental Protection Agency
Telephone: 202-564-2501
Last EDR Contact: 12/17/2007
Next Scheduled EDR Contact: 03/17/2008
Data Release Frequency: No Update Planned

HIST FTTS INSP: FIFRA/TSCA Tracking System Inspection & Enforcement Case Listing

A complete inspection and enforcement case listing from the FIFRA/TSCA Tracking System (FTTS) for all ten EPA regions. The information was obtained from the National Compliance Database (NCDB). NCDB supports the implementation of FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) and TSCA (Toxic Substances Control Act). Some EPA regions are now closing out records. Because of that, and the fact that some EPA regions are not providing EPA Headquarters with updated records, it was decided to create a HIST FTTS database. It included records that may not be included in the newer FTTS database updates. This database is no longer updated.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 10/19/2006
Date Data Arrived at EDR: 03/01/2007
Date Made Active in Reports: 04/10/2007
Number of Days to Update: 40

Source: Environmental Protection Agency
Telephone: 202-564-2501
Last EDR Contact: 12/17/2008
Next Scheduled EDR Contact: 03/17/2008
Data Release Frequency: No Update Planned

SSTS: Section 7 Tracking Systems

Section 7 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (92 Stat. 829) requires all registered pesticide-producing establishments to submit a report to the Environmental Protection Agency by March 1st each year. Each establishment must report the types and amounts of pesticides, active ingredients and devices being produced, and those having been produced and sold or distributed in the past year.

Date of Government Version: 12/31/2006
Date Data Arrived at EDR: 03/14/2008
Date Made Active in Reports: 04/18/2008
Number of Days to Update: 35

Source: EPA
Telephone: 202-564-4203
Last EDR Contact: 04/14/2008
Next Scheduled EDR Contact: 07/14/2008
Data Release Frequency: Annually

ICIS: Integrated Compliance Information System

The Integrated Compliance Information System (ICIS) supports the information needs of the national enforcement and compliance program as well as the unique needs of the National Pollutant Discharge Elimination System (NPDES) program.

Date of Government Version: 02/28/2008
Date Data Arrived at EDR: 03/18/2008
Date Made Active in Reports: 05/06/2008
Number of Days to Update: 49

Source: Environmental Protection Agency
Telephone: 202-564-5088
Last EDR Contact: 04/14/2008
Next Scheduled EDR Contact: 07/14/2008
Data Release Frequency: Quarterly

PADS: PCB Activity Database System

PCB Activity Database. PADS Identifies generators, transporters, commercial storers and/or brokers and disposers of PCB's who are required to notify the EPA of such activities.

Date of Government Version: 12/04/2007
Date Data Arrived at EDR: 02/07/2008
Date Made Active in Reports: 03/17/2008
Number of Days to Update: 39

Source: EPA
Telephone: 202-566-0500
Last EDR Contact: 05/30/2008
Next Scheduled EDR Contact: 08/04/2008
Data Release Frequency: Annually

MLTS: Material Licensing Tracking System

MLTS is maintained by the Nuclear Regulatory Commission and contains a list of approximately 8,100 sites which possess or use radioactive materials and which are subject to NRC licensing requirements. To maintain currency, EDR contacts the Agency on a quarterly basis.

Date of Government Version: 01/15/2008
Date Data Arrived at EDR: 02/07/2008
Date Made Active in Reports: 03/17/2008
Number of Days to Update: 39

Source: Nuclear Regulatory Commission
Telephone: 301-415-7169
Last EDR Contact: 03/31/2008
Next Scheduled EDR Contact: 06/30/2008
Data Release Frequency: Quarterly

RADINFO: Radiation Information Database

The Radiation Information Database (RADINFO) contains information about facilities that are regulated by U.S. Environmental Protection Agency (EPA) regulations for radiation and radioactivity.

Date of Government Version: 04/29/2008
Date Data Arrived at EDR: 05/01/2008
Date Made Active in Reports: 05/21/2008
Number of Days to Update: 20

Source: Environmental Protection Agency
Telephone: 202-343-9775
Last EDR Contact: 05/01/2008
Next Scheduled EDR Contact: 07/28/2008
Data Release Frequency: Quarterly

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

FINDS: Facility Index System/Facility Registry System

Facility Index System. FINDS contains both facility information and 'pointers' to other sources that contain more detail. EDR includes the following FINDS databases in this report: PCS (Permit Compliance System), AIRS (Aerometric Information Retrieval System), DOCKET (Enforcement Docket used to manage and track information on civil judicial enforcement cases for all environmental statutes), FURS (Federal Underground Injection Control), C-DOCKET (Criminal Docket System used to track criminal enforcement actions for all environmental statutes), FFIS (Federal Facilities Information System), STATE (State Environmental Laws and Statutes), and PADS (PCB Activity Data System).

Date of Government Version: 04/03/2008	Source: EPA
Date Data Arrived at EDR: 04/08/2008	Telephone: (206) 553-1200
Date Made Active in Reports: 05/06/2008	Last EDR Contact: 03/31/2008
Number of Days to Update: 28	Next Scheduled EDR Contact: 06/30/2008
	Data Release Frequency: Quarterly

RAATS: RCRA Administrative Action Tracking System

RCRA Administration Action Tracking System. RAATS contains records based on enforcement actions issued under RCRA pertaining to major violators and includes administrative and civil actions brought by the EPA. For administration actions after September 30, 1995, data entry in the RAATS database was discontinued. EPA will retain a copy of the database for historical records. It was necessary to terminate RAATS because a decrease in agency resources made it impossible to continue to update the information contained in the database.

Date of Government Version: 04/17/1995	Source: EPA
Date Data Arrived at EDR: 07/03/1995	Telephone: 202-564-4104
Date Made Active in Reports: 08/07/1995	Last EDR Contact: 06/02/2008
Number of Days to Update: 35	Next Scheduled EDR Contact: 09/01/2008
	Data Release Frequency: No Update Planned

BRS: Biennial Reporting System

The Biennial Reporting System is a national system administered by the EPA that collects data on the generation and management of hazardous waste. BRS captures detailed data from two groups: Large Quantity Generators (LQG) and Treatment, Storage, and Disposal Facilities.

Date of Government Version: 12/31/2005	Source: EPA/NTIS
Date Data Arrived at EDR: 03/06/2007	Telephone: 800-424-9346
Date Made Active in Reports: 04/13/2007	Last EDR Contact: 03/13/2008
Number of Days to Update: 38	Next Scheduled EDR Contact: 06/09/2008
	Data Release Frequency: Biennially

STATE AND LOCAL RECORDS

CSCSL: Confirmed & Suspected Contaminated Sites List

State Hazardous Waste Sites. State hazardous waste site records are the states' equivalent to CERCLIS. These sites may or may not already be listed on the federal CERCLIS list. Priority sites planned for cleanup using state funds (state equivalent of Superfund) are identified along with sites where cleanup will be paid for by potentially responsible parties. Available information varies by state.

Date of Government Version: 02/12/2008	Source: Department of Ecology
Date Data Arrived at EDR: 02/14/2008	Telephone: 360-407-7200
Date Made Active in Reports: 03/20/2008	Last EDR Contact: 05/14/2008
Number of Days to Update: 35	Next Scheduled EDR Contact: 08/11/2008
	Data Release Frequency: Semi-Annually

HSL: Hazardous Sites List

The Hazardous Sites List is a subset of the CSCSL Report. It includes sites which have been assessed and ranked using the Washington Ranking Method (WARM).

Date of Government Version: 02/27/2008	Source: Department of Ecology
Date Data Arrived at EDR: 03/20/2008	Telephone: 360-407-7200
Date Made Active in Reports: 04/23/2008	Last EDR Contact: 03/05/2008
Number of Days to Update: 34	Next Scheduled EDR Contact: 06/02/2008
	Data Release Frequency: Semi-Annually

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

CSCSL NFA: Confirmed & Contaminated Sites - No Further Action

The data set contains information about sites previously on the Confirmed and Suspected Contaminated Sites list that have received a No Further Action (NFA) determination. Because it is necessary to maintain historical records of sites that have been investigated and cleaned up, sites are not deleted from the database when cleanup activities are completed. Instead, a No Further Action code is entered based upon the type of NFA determination the site received.

Date of Government Version: 03/17/2008	Source: Department of Ecology
Date Data Arrived at EDR: 04/08/2008	Telephone: 360-407-7170
Date Made Active in Reports: 04/23/2008	Last EDR Contact: 05/14/2008
Number of Days to Update: 15	Next Scheduled EDR Contact: 08/11/2008
	Data Release Frequency: Semi-Annually

SWF/LF: Solid Waste Facility Database

Solid Waste Facilities/Landfill Sites. SWF/LF type records typically contain an inventory of solid waste disposal facilities or landfills in a particular state. Depending on the state, these may be active or inactive facilities or open dumps that failed to meet RCRA Subtitle D Section 4004 criteria for solid waste landfills or disposal sites.

Date of Government Version: 01/09/2008	Source: Department of Ecology
Date Data Arrived at EDR: 01/11/2008	Telephone: 360-407-6132
Date Made Active in Reports: 01/24/2008	Last EDR Contact: 03/31/2008
Number of Days to Update: 13	Next Scheduled EDR Contact: 06/30/2008
	Data Release Frequency: Annually

SWTIRE: Solid Waste Tire Facilities

This study identified sites statewide with unauthorized accumulations of scrap tires.

Date of Government Version: 11/01/2005	Source: Department of Ecology
Date Data Arrived at EDR: 03/16/2006	Telephone: N/A
Date Made Active in Reports: 04/13/2006	Last EDR Contact: 04/03/2008
Number of Days to Update: 28	Next Scheduled EDR Contact: 06/30/2008
	Data Release Frequency: Varies

LUST: Leaking Underground Storage Tanks Site List

Leaking Underground Storage Tank Incident Reports. LUST records contain an inventory of reported leaking underground storage tank incidents. Not all states maintain these records, and the information stored varies by state.

Date of Government Version: 03/11/2008	Source: Department of Ecology
Date Data Arrived at EDR: 03/13/2008	Telephone: 360-407-7183
Date Made Active in Reports: 03/20/2008	Last EDR Contact: 03/13/2008
Number of Days to Update: 7	Next Scheduled EDR Contact: 06/09/2008
	Data Release Frequency: Quarterly

UST: Underground Storage Tank Database

Registered Underground Storage Tanks. UST's are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA) and must be registered with the state department responsible for administering the UST program. Available information varies by state program.

Date of Government Version: 03/20/2008	Source: Department of Ecology
Date Data Arrived at EDR: 03/20/2008	Telephone: 360-407-7183
Date Made Active in Reports: 04/30/2008	Last EDR Contact: 03/20/2008
Number of Days to Update: 41	Next Scheduled EDR Contact: 06/09/2008
	Data Release Frequency: Quarterly

AST: Aboveground Storage Tank Locations

A listing of aboveground storage tank locations regulated by the Department of Ecology's Spill Prevention, Preparedness and Response Program.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 08/27/2007
Date Data Arrived at EDR: 08/28/2007
Date Made Active in Reports: 09/24/2007
Number of Days to Update: 27

Source: Department of Ecology
Telephone: 360-407-7562
Last EDR Contact: 05/27/2008
Next Scheduled EDR Contact: 08/25/2008
Data Release Frequency: Varies

WA MANIFEST: Hazardous Waste Manifest Data
Hazardous waste manifest information.

Date of Government Version: 12/31/2006
Date Data Arrived at EDR: 05/24/2007
Date Made Active in Reports: 06/19/2007
Number of Days to Update: 26

Source: Department of Ecology
Telephone: N/A
Last EDR Contact: 05/12/2008
Next Scheduled EDR Contact: 08/11/2008
Data Release Frequency: Annually

SPILLS: Reported Spills

Spills reported to the Spill Prevention, Preparedness and Response Division.

Date of Government Version: 04/15/2008
Date Data Arrived at EDR: 04/17/2008
Date Made Active in Reports: 05/15/2008
Number of Days to Update: 28

Source: Department of Ecology
Telephone: 360-407-6950
Last EDR Contact: 04/14/2008
Next Scheduled EDR Contact: 06/30/2008
Data Release Frequency: Semi-Annually

INST CONTROL: Institutional Control Site List
Sites that have institutional controls.

Date of Government Version: 03/18/2008
Date Data Arrived at EDR: 03/18/2008
Date Made Active in Reports: 04/23/2008
Number of Days to Update: 36

Source: Department of Ecology
Telephone: 360-407-7170
Last EDR Contact: 06/02/2008
Next Scheduled EDR Contact: 09/01/2008
Data Release Frequency: Varies

VCP: Voluntary Cleanup Program Sites

Sites that have entered either the Voluntary Cleanup Program or its predecessor Independent Remedial Action Program.

Date of Government Version: 03/17/2008
Date Data Arrived at EDR: 04/08/2008
Date Made Active in Reports: 04/23/2008
Number of Days to Update: 15

Source: Department of Ecology
Telephone: 360-407-7200
Last EDR Contact: 05/14/2008
Next Scheduled EDR Contact: 08/11/2008
Data Release Frequency: Varies

ICR: Independent Cleanup Reports

These are remedial action reports Ecology has received from either the owner or operator of the sites. These actions have been conducted without department oversight or approval and are not under an order or decree. This database is no longer updated by the Department of Ecology.

Date of Government Version: 12/01/2002
Date Data Arrived at EDR: 01/03/2003
Date Made Active in Reports: 01/22/2003
Number of Days to Update: 19

Source: Department of Ecology
Telephone: 360-407-7200
Last EDR Contact: 05/12/2008
Next Scheduled EDR Contact: 08/11/2008
Data Release Frequency: No Update Planned

DRYCLEANERS: Drycleaner List

A listing of registered drycleaners who registered with the Department of Ecology (using the SIC code of 7215 and 7216) as hazardous waste generators.

Date of Government Version: 12/31/2006
Date Data Arrived at EDR: 05/24/2007
Date Made Active in Reports: 06/19/2007
Number of Days to Update: 26

Source: Department of Ecology
Telephone: 360-407-6732
Last EDR Contact: 05/12/2008
Next Scheduled EDR Contact: 08/11/2008
Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

BROWNFIELDS: Brownfields Sites Listing

A listing of brownfields sites included in the Confirmed & Suspected Sites Listing. Brownfields are abandoned, idle or underused commercial or industrial properties, where the expansion or redevelopment is hindered by real or perceived contamination. Brownfields vary in size, location, age, and past use -- they can be anything from a five-hundred acre automobile assembly plant to a small, abandoned corner gas station.

Date of Government Version: 02/12/2008	Source: Department of Ecology
Date Data Arrived at EDR: 02/14/2008	Telephone: 360-725-4030
Date Made Active in Reports: 03/20/2008	Last EDR Contact: 05/14/2008
Number of Days to Update: 35	Next Scheduled EDR Contact: 08/11/2008
	Data Release Frequency: Varies

CDL: Clandestine Drug Lab Contaminated Site List

Illegal methamphetamine labs use hazardous chemicals that create public health hazards. Chemicals and residues can cause burns, respiratory and neurological damage, and death. Biological hazards associated with intravenous needles, feces, and blood also pose health risks.

Date of Government Version: 02/22/2008	Source: Department of Health
Date Data Arrived at EDR: 03/06/2008	Telephone: 360-236-3380
Date Made Active in Reports: 03/20/2008	Last EDR Contact: 03/06/2008
Number of Days to Update: 14	Next Scheduled EDR Contact: 06/02/2008
	Data Release Frequency: Varies

NPDES: Water Quality Permit System Data

A listing of permitted wastewater facilities.

Date of Government Version: 02/12/2008	Source: Department of Ecology
Date Data Arrived at EDR: 02/14/2008	Telephone: 360-407-6073
Date Made Active in Reports: 03/20/2008	Last EDR Contact: 05/14/2008
Number of Days to Update: 35	Next Scheduled EDR Contact: 08/11/2008
	Data Release Frequency: Quarterly

AIRS (EMI): Washington Emissions Data System

Emissions inventory data.

Date of Government Version: 12/31/2006	Source: Department of Ecology
Date Data Arrived at EDR: 04/17/2008	Telephone: 360-407-6040
Date Made Active in Reports: 05/15/2008	Last EDR Contact: 04/14/2008
Number of Days to Update: 28	Next Scheduled EDR Contact: 07/14/2008
	Data Release Frequency: Annually

HIST CDL: List of Sites Contaminated by Clandestine Drug Labs

This listing of contaminated sites by Clandestine Drug Labs includes non-remediated properties. The current CDL listing does not. This listing is no longer updated by the state agency.

Date of Government Version: 02/08/2007	Source: Department of Health
Date Data Arrived at EDR: 06/26/2007	Telephone: 360-236-3381
Date Made Active in Reports: 07/19/2007	Last EDR Contact: 06/02/2008
Number of Days to Update: 23	Next Scheduled EDR Contact: 09/01/2008
	Data Release Frequency: No Update Planned

INACTIVE DRYCLEANERS: Inactive Drycleaners

A listing of inactive drycleaner facility locations.

Date of Government Version: 12/31/2006	Source: Department of Ecology
Date Data Arrived at EDR: 05/24/2007	Telephone: 360-407-6732
Date Made Active in Reports: 06/19/2007	Last EDR Contact: 05/12/2008
Number of Days to Update: 26	Next Scheduled EDR Contact: 08/11/2008
	Data Release Frequency: Annually

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

TRIBAL RECORDS

INDIAN RESERV: Indian Reservations

This map layer portrays Indian administered lands of the United States that have any area equal to or greater than 640 acres.

Date of Government Version: 12/31/2005	Source: USGS
Date Data Arrived at EDR: 12/08/2006	Telephone: 202-208-3710
Date Made Active in Reports: 01/11/2007	Last EDR Contact: 05/09/2008
Number of Days to Update: 34	Next Scheduled EDR Contact: 08/04/2008
	Data Release Frequency: Semi-Annually

INDIAN LUST R1: Leaking Underground Storage Tanks on Indian Land

A listing of leaking underground storage tank locations on Indian Land.

Date of Government Version: 03/12/2008	Source: EPA Region 1
Date Data Arrived at EDR: 03/14/2008	Telephone: 617-918-1313
Date Made Active in Reports: 03/20/2008	Last EDR Contact: 05/19/2008
Number of Days to Update: 6	Next Scheduled EDR Contact: 08/18/2008
	Data Release Frequency: Varies

INDIAN LUST R8: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming.

Date of Government Version: 02/20/2008	Source: EPA Region 8
Date Data Arrived at EDR: 03/04/2008	Telephone: 303-312-6271
Date Made Active in Reports: 03/17/2008	Last EDR Contact: 05/19/2008
Number of Days to Update: 13	Next Scheduled EDR Contact: 08/18/2008
	Data Release Frequency: Quarterly

INDIAN LUST R4: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in Florida, Mississippi and North Carolina.

Date of Government Version: 03/17/2008	Source: EPA Region 4
Date Data Arrived at EDR: 03/27/2008	Telephone: 404-562-8677
Date Made Active in Reports: 05/06/2008	Last EDR Contact: 05/19/2008
Number of Days to Update: 40	Next Scheduled EDR Contact: 08/18/2008
	Data Release Frequency: Semi-Annually

INDIAN LUST R9: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in Arizona, California, New Mexico and Nevada

Date of Government Version: 02/25/2008	Source: Environmental Protection Agency
Date Data Arrived at EDR: 02/26/2008	Telephone: 415-972-3372
Date Made Active in Reports: 03/17/2008	Last EDR Contact: 05/19/2008
Number of Days to Update: 20	Next Scheduled EDR Contact: 08/18/2008
	Data Release Frequency: Quarterly

INDIAN LUST R10: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in Alaska, Idaho, Oregon and Washington.

Date of Government Version: 02/21/2008	Source: EPA Region 10
Date Data Arrived at EDR: 02/26/2008	Telephone: 206-553-2857
Date Made Active in Reports: 03/20/2008	Last EDR Contact: 05/19/2008
Number of Days to Update: 23	Next Scheduled EDR Contact: 08/18/2008
	Data Release Frequency: Quarterly

INDIAN LUST R7: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in Iowa, Kansas, and Nebraska

Date of Government Version: 03/17/2008	Source: EPA Region 7
Date Data Arrived at EDR: 03/27/2008	Telephone: 913-551-7003
Date Made Active in Reports: 05/06/2008	Last EDR Contact: 05/19/2008
Number of Days to Update: 40	Next Scheduled EDR Contact: 08/18/2008
	Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

INDIAN LUST R6: Leaking Underground Storage Tanks on Indian Land
LUSTs on Indian land in New Mexico and Oklahoma.

Date of Government Version: 02/28/2008	Source: EPA Region 6
Date Data Arrived at EDR: 02/29/2008	Telephone: 214-665-6597
Date Made Active in Reports: 03/17/2008	Last EDR Contact: 05/19/2008
Number of Days to Update: 17	Next Scheduled EDR Contact: 08/18/2008
	Data Release Frequency: Varies

INDIAN UST R4: Underground Storage Tanks on Indian Land
No description is available for this data

Date of Government Version: 03/17/2008	Source: EPA Region 4
Date Data Arrived at EDR: 03/27/2008	Telephone: 404-562-9424
Date Made Active in Reports: 05/06/2008	Last EDR Contact: 05/19/2008
Number of Days to Update: 40	Next Scheduled EDR Contact: 08/18/2008
	Data Release Frequency: Semi-Annually

INDIAN UST R5: Underground Storage Tanks on Indian Land
No description is available for this data

Date of Government Version: 12/21/2007	Source: EPA Region 5
Date Data Arrived at EDR: 12/21/2007	Telephone: 312-886-6136
Date Made Active in Reports: 01/24/2008	Last EDR Contact: 05/19/2008
Number of Days to Update: 34	Next Scheduled EDR Contact: 08/18/2008
	Data Release Frequency: Varies

INDIAN UST R10: Underground Storage Tanks on Indian Land
No description is available for this data

Date of Government Version: 02/21/2008	Source: EPA Region 10
Date Data Arrived at EDR: 02/26/2008	Telephone: 206-553-2857
Date Made Active in Reports: 03/20/2008	Last EDR Contact: 05/19/2008
Number of Days to Update: 23	Next Scheduled EDR Contact: 08/18/2008
	Data Release Frequency: Quarterly

INDIAN UST R8: Underground Storage Tanks on Indian Land
No description is available for this data

Date of Government Version: 02/20/2008	Source: EPA Region 8
Date Data Arrived at EDR: 03/04/2008	Telephone: 303-312-6137
Date Made Active in Reports: 03/17/2008	Last EDR Contact: 05/19/2008
Number of Days to Update: 13	Next Scheduled EDR Contact: 08/18/2008
	Data Release Frequency: Quarterly

INDIAN UST R1: Underground Storage Tanks on Indian Land
A listing of underground storage tank locations on Indian Land.

Date of Government Version: 03/12/2008	Source: EPA, Region 1
Date Data Arrived at EDR: 03/14/2008	Telephone: 617-918-1313
Date Made Active in Reports: 03/20/2008	Last EDR Contact: 05/19/2008
Number of Days to Update: 6	Next Scheduled EDR Contact: 08/18/2008
	Data Release Frequency: Varies

INDIAN UST R6: Underground Storage Tanks on Indian Land
No description is available for this data

Date of Government Version: 02/28/2008	Source: EPA Region 6
Date Data Arrived at EDR: 02/29/2008	Telephone: 214-665-7591
Date Made Active in Reports: 03/17/2008	Last EDR Contact: 05/19/2008
Number of Days to Update: 17	Next Scheduled EDR Contact: 08/18/2008
	Data Release Frequency: Semi-Annually

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

INDIAN UST R7: Underground Storage Tanks on Indian Land

No description is available for this data

Date of Government Version: 06/01/2007
Date Data Arrived at EDR: 06/14/2007
Date Made Active in Reports: 07/05/2007
Number of Days to Update: 21

Source: EPA Region 7
Telephone: 913-551-7003
Last EDR Contact: 05/19/2008
Next Scheduled EDR Contact: 08/18/2008
Data Release Frequency: Varies

INDIAN UST R9: Underground Storage Tanks on Indian Land

No description is available for this data

Date of Government Version: 02/25/2008
Date Data Arrived at EDR: 02/26/2008
Date Made Active in Reports: 03/20/2008
Number of Days to Update: 23

Source: EPA Region 9
Telephone: 415-972-3368
Last EDR Contact: 05/19/2008
Next Scheduled EDR Contact: 08/18/2008
Data Release Frequency: Quarterly

INDIAN VCP R7: Voluntary Cleanup Priority Listing

A listing of voluntary cleanup priority sites located on Indian Land located in Region 7.

Date of Government Version: 03/20/2008
Date Data Arrived at EDR: 04/22/2008
Date Made Active in Reports: 05/19/2008
Number of Days to Update: 27

Source: EPA, Region 7
Telephone: 913-551-7365
Last EDR Contact: 03/07/2008
Next Scheduled EDR Contact: 07/21/2008
Data Release Frequency: Varies

INDIAN VCP R1: Voluntary Cleanup Priority Listing

A listing of voluntary cleanup priority sites located on Indian Land located in Region 1.

Date of Government Version: 04/02/2008
Date Data Arrived at EDR: 04/22/2008
Date Made Active in Reports: 05/19/2008
Number of Days to Update: 27

Source: EPA, Region 1
Telephone: 617-918-1102
Last EDR Contact: 03/07/2008
Next Scheduled EDR Contact: 07/21/2008
Data Release Frequency: Varies

EDR PROPRIETARY RECORDS

Manufactured Gas Plants: EDR Proprietary Manufactured Gas Plants

The EDR Proprietary Manufactured Gas Plant Database includes records of coal gas plants (manufactured gas plants) compiled by EDR's researchers. Manufactured gas sites were used in the United States from the 1800's to 1950's to produce a gas that could be distributed and used as fuel. These plants used whale oil, rosin, coal, or a mixture of coal, oil, and water that also produced a significant amount of waste. Many of the byproducts of the gas production, such as coal tar (oily waste containing volatile and non-volatile chemicals), sludges, oils and other compounds are potentially hazardous to human health and the environment. The byproduct from this process was frequently disposed of directly at the plant site and can remain or spread slowly, serving as a continuous source of soil and groundwater contamination.

Date of Government Version: N/A
Date Data Arrived at EDR: N/A
Date Made Active in Reports: N/A
Number of Days to Update: N/A

Source: EDR, Inc.
Telephone: N/A
Last EDR Contact: N/A
Next Scheduled EDR Contact: N/A
Data Release Frequency: No Update Planned

COUNTY RECORDS

KING COUNTY:

Abandoned Landfill Study in King County

The King County Abandoned Landfill Survey was conducted from October through December 1984 by the Health Department's Environmental Health Division at the request of the King County Council. The primary objective of the survey was to determine if any public health problems existed at the predetermined 24 sites.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 04/30/1985
Date Data Arrived at EDR: 11/07/1994
Date Made Active in Reports: N/A
Number of Days to Update: 0

Source: Seattle-King County Department of Public Health
Telephone: 206-296-4785
Last EDR Contact: 10/21/1994
Next Scheduled EDR Contact: N/A
Data Release Frequency: No Update Planned

KITSAP COUNTY:

Water Wells in Kitsap County

Date of Government Version: N/A
Date Data Arrived at EDR: N/A
Date Made Active in Reports: N/A
Number of Days to Update: 0

Source: N/A
Telephone: N/A
Last EDR Contact: N/A
Next Scheduled EDR Contact: N/A
Data Release Frequency: N/A

SEATTLE COUNTY:

Abandoned Landfill Study in the City of Seattle

The Seattle Abandoned Landfill Survey was conducted in June and July of 1984 by the Health Department's Environmental Health Division at the request of the Mayor's Office. The primary objective of the survey was to determine if any public health problems existed at the predetermined 12 sites.

Date of Government Version: 07/30/1984
Date Data Arrived at EDR: 11/07/1994
Date Made Active in Reports: N/A
Number of Days to Update: 0

Source: Seattle - King County Department of Public Health
Telephone: 206-296-4785
Last EDR Contact: 10/21/1994
Next Scheduled EDR Contact: N/A
Data Release Frequency: No Update Planned

SEATTLE/KING COUNTY:

Seattle - King County Abandoned Landfill Toxicity / Hazard Assessment Project

This report presents the Seattle-King County Health Department's follow-up investigation of two city owned and four county owned abandoned landfills which was conducted from February to December 1986.

Date of Government Version: 12/31/1986
Date Data Arrived at EDR: 08/18/1995
Date Made Active in Reports: 09/20/1995
Number of Days to Update: 33

Source: Department of Public Health
Telephone: 206-296-4785
Last EDR Contact: 08/14/1995
Next Scheduled EDR Contact: N/A
Data Release Frequency: No Update Planned

SNOHOMISH COUNTY:

Solid Waste Sites of Record at Snohomish Health District

Solid waste disposal and/or utilization sites in Snohomish County.

Date of Government Version: 08/01/2007
Date Data Arrived at EDR: 01/30/2008
Date Made Active in Reports: 01/31/2008
Number of Days to Update: 1

Source: Snohomish Health District
Telephone: 206-339-5250
Last EDR Contact: 04/18/2008
Next Scheduled EDR Contact: 07/14/2008
Data Release Frequency: Semi-Annually

TACOMA/PIERCE COUNTY:

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Closed Landfill Survey

Following numerous requests for information about closed dumpsites and landfills in Pierce County, the Tacoma-Pierce County Health Department decided to conduct a study on the matter. The aim of the study was to evaluate public health risks associated with the closed dumpsites and landfills, and to determine the need, if any, for further investigations of a more detailed nature. The sites represent all of the known dumpsites and landfills closed after 1950.

Date of Government Version: 09/01/2002
Date Data Arrived at EDR: 03/24/2003
Date Made Active in Reports: 05/14/2003
Number of Days to Update: 51

Source: Tacoma-Pierce County Health Department
Telephone: 206-591-6500
Last EDR Contact: 03/19/2003
Next Scheduled EDR Contact: N/A
Data Release Frequency: No Update Planned

OTHER DATABASE(S)

Depending on the geographic area covered by this report, the data provided in these specialty databases may or may not be complete. For example, the existence of wetlands information data in a specific report does not mean that all wetlands in the area covered by the report are included. Moreover, the absence of any reported wetlands information does not necessarily mean that wetlands do not exist in the area covered by the report.

CT MANIFEST: Hazardous Waste Manifest Data

Facility and manifest data. Manifest is a document that lists and tracks hazardous waste from the generator through transporters to a tsd facility.

Date of Government Version: 12/31/2005
Date Data Arrived at EDR: 06/15/2007
Date Made Active in Reports: 08/20/2007
Number of Days to Update: 66

Source: Department of Environmental Protection
Telephone: 860-424-3375
Last EDR Contact: 03/14/2008
Next Scheduled EDR Contact: 06/09/2008
Data Release Frequency: Annually

NY MANIFEST: Facility and Manifest Data

Manifest is a document that lists and tracks hazardous waste from the generator through transporters to a TSD facility.

Date of Government Version: 02/15/2008
Date Data Arrived at EDR: 02/28/2008
Date Made Active in Reports: 04/09/2008
Number of Days to Update: 41

Source: Department of Environmental Conservation
Telephone: 518-402-8651
Last EDR Contact: 05/29/2008
Next Scheduled EDR Contact: 08/25/2008
Data Release Frequency: Annually

PA MANIFEST: Manifest Information

Hazardous waste manifest information.

Date of Government Version: 12/31/2006
Date Data Arrived at EDR: 12/21/2007
Date Made Active in Reports: 01/10/2008
Number of Days to Update: 20

Source: Department of Environmental Protection
Telephone: N/A
Last EDR Contact: 03/10/2008
Next Scheduled EDR Contact: 06/09/2008
Data Release Frequency: Annually

WI MANIFEST: Manifest Information

Hazardous waste manifest information.

Date of Government Version: 12/31/2006
Date Data Arrived at EDR: 04/27/2007
Date Made Active in Reports: 06/08/2007
Number of Days to Update: 42

Source: Department of Natural Resources
Telephone: N/A
Last EDR Contact: 04/07/2008
Next Scheduled EDR Contact: 07/07/2008
Data Release Frequency: Annually

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Oil/Gas Pipelines: This data was obtained by EDR from the USGS in 1994. It is referred to by USGS as GeoData Digital Line Graphs from 1:100,000-Scale Maps. It was extracted from the transportation category including some oil, but primarily gas pipelines.

Electric Power Transmission Line Data

Source: PennWell Corporation

Telephone: (800) 823-6277

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Sensitive Receptors: There are individuals deemed sensitive receptors due to their fragile immune systems and special sensitivity to environmental discharges. These sensitive receptors typically include the elderly, the sick, and children. While the location of all sensitive receptors cannot be determined, EDR indicates those buildings and facilities - schools, daycares, hospitals, medical centers, and nursing homes - where individuals who are sensitive receptors are likely to be located.

AHA Hospitals:

Source: American Hospital Association, Inc.

Telephone: 312-280-5991

The database includes a listing of hospitals based on the American Hospital Association's annual survey of hospitals.

Medical Centers: Provider of Services Listing

Source: Centers for Medicare & Medicaid Services

Telephone: 410-786-3000

A listing of hospitals with Medicare provider number, produced by Centers of Medicare & Medicaid Services, a federal agency within the U.S. Department of Health and Human Services.

Nursing Homes

Source: National Institutes of Health

Telephone: 301-594-6248

Information on Medicare and Medicaid certified nursing homes in the United States.

Public Schools

Source: National Center for Education Statistics

Telephone: 202-502-7300

The National Center for Education Statistics' primary database on elementary and secondary public education in the United States. It is a comprehensive, annual, national statistical database of all public elementary and secondary schools and school districts, which contains data that are comparable across all states.

Private Schools

Source: National Center for Education Statistics

Telephone: 202-502-7300

The National Center for Education Statistics' primary database on private school locations in the United States.

Daycare Centers: Daycare Center Listing

Source: Department of Social & Health Services

Telephone: 253-383-1735

Flood Zone Data: This data, available in select counties across the country, was obtained by EDR in 1999 from the Federal Emergency Management Agency (FEMA). Data depicts 100-year and 500-year flood zones as defined by FEMA.

NWI: National Wetlands Inventory. This data, available in select counties across the country, was obtained by EDR in 2002 and 2005 from the U.S. Fish and Wildlife Service.

Scanned Digital USGS 7.5' Topographic Map (DRG)

Source: United States Geologic Survey

A digital raster graphic (DRG) is a scanned image of a U.S. Geological Survey topographic map. The map images are made by scanning published paper maps on high-resolution scanners. The raster image is georeferenced and fit to the Universal Transverse Mercator (UTM) projection.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

STREET AND ADDRESS INFORMATION

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GEOCHECK[®] - PHYSICAL SETTING SOURCE ADDENDUM

TARGET PROPERTY ADDRESS

MCGLINN ISLAND AND FRONT ST.
11430 MOORAGE WAY
LA CONNER, WA 98257

TARGET PROPERTY COORDINATES

Latitude (North): 48.38352 - 48° 23' 0.7"
Longitude (West): 122.50478 - 122° 30' 17.2"
Universal Tranverse Mercator: Zone 10
UTM X (Meters): 536667.7
UTM Y (Meters): 5358828.0
Elevation: 23 ft. above sea level

USGS TOPOGRAPHIC MAP

Target Property Map: 48122-D5 ANACORTES SOUTH, WA
Most Recent Revision: 1980

East Map: 48122-D4 LA CONNER, WA
Most Recent Revision: 1973

Southeast Map: 48122-C4 UTSALADY, WA
Most Recent Revision: 1968

South Map: 48122-C5 CRESCENT HARBOR, WA
Most Recent Revision: 1980

EDR's GeoCheck Physical Setting Source Addendum is provided to assist the environmental professional in forming an opinion about the impact of potential contaminant migration.

Assessment of the impact of contaminant migration generally has two principle investigative components:

1. Groundwater flow direction, and
2. Groundwater flow velocity.

Groundwater flow direction may be impacted by surface topography, hydrology, hydrogeology, characteristics of the soil, and nearby wells. Groundwater flow velocity is generally impacted by the nature of the geologic strata.

GEOCHECK[®] - PHYSICAL SETTING SOURCE SUMMARY

GROUNDWATER FLOW DIRECTION INFORMATION

Groundwater flow direction for a particular site is best determined by a qualified environmental professional using site-specific well data. If such data is not reasonably ascertainable, it may be necessary to rely on other sources of information, such as surface topographic information, hydrologic information, hydrogeologic data collected on nearby properties, and regional groundwater flow information (from deep aquifers).

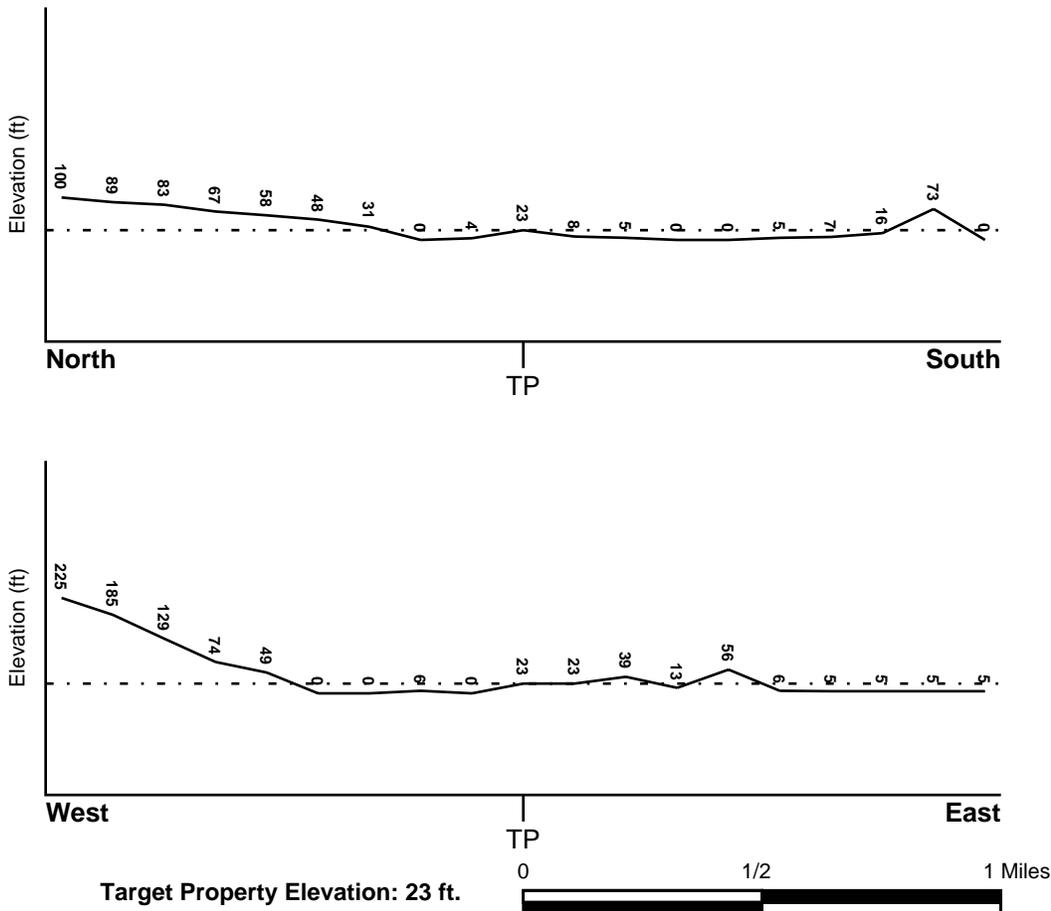
TOPOGRAPHIC INFORMATION

Surface topography may be indicative of the direction of surficial groundwater flow. This information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

TARGET PROPERTY TOPOGRAPHY

General Topographic Gradient: General West

SURROUNDING TOPOGRAPHY: ELEVATION PROFILES



Source: Topography has been determined from the USGS 7.5' Digital Elevation Model and should be evaluated on a relative (not an absolute) basis. Relative elevation information between sites of close proximity should be field verified.

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

HYDROLOGIC INFORMATION

Surface water can act as a hydrologic barrier to groundwater flow. Such hydrologic information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

Refer to the Physical Setting Source Map following this summary for hydrologic information (major waterways and bodies of water).

FEMA FLOOD ZONE

<u>Target Property County</u> SKAGIT, WA	<u>FEMA Flood Electronic Data</u> YES - refer to the Overview Map and Detail Map
Flood Plain Panel at Target Property:	5301510425C
Additional Panels in search area:	5300000425C 5301560001B

NATIONAL WETLAND INVENTORY

<u>NWI Quad at Target Property</u> ANACORTES SOUTH	<u>NWI Electronic Data Coverage</u> YES - refer to the Overview Map and Detail Map
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HYDROGEOLOGIC INFORMATION

Hydrogeologic information obtained by installation of wells on a specific site can often be an indicator of groundwater flow direction in the immediate area. Such hydrogeologic information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

Site-Specific Hydrogeological Data*:

Search Radius:	1.25 miles
Status:	Not found

AQUIFLOW®

Search Radius: 1.000 Mile.

EDR has developed the AQUIFLOW Information System to provide data on the general direction of groundwater flow at specific points. EDR has reviewed reports submitted by environmental professionals to regulatory authorities at select sites and has extracted the date of the report, groundwater flow direction as determined hydrogeologically, and the depth to water table.

<u>MAP ID</u>	<u>LOCATION FROM TP</u>	<u>GENERAL DIRECTION GROUNDWATER FLOW</u>
Not Reported		

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

GROUNDWATER FLOW VELOCITY INFORMATION

Groundwater flow velocity information for a particular site is best determined by a qualified environmental professional using site specific geologic and soil strata data. If such data are not reasonably ascertainable, it may be necessary to rely on other sources of information, including geologic age identification, rock stratigraphic unit and soil characteristics data collected on nearby properties and regional soil information. In general, contaminant plumes move more quickly through sandy-gravelly types of soils than silty-clayey types of soils.

GEOLOGIC INFORMATION IN GENERAL AREA OF TARGET PROPERTY

Geologic information can be used by the environmental professional in forming an opinion about the relative speed at which contaminant migration may be occurring.

ROCK STRATIGRAPHIC UNIT

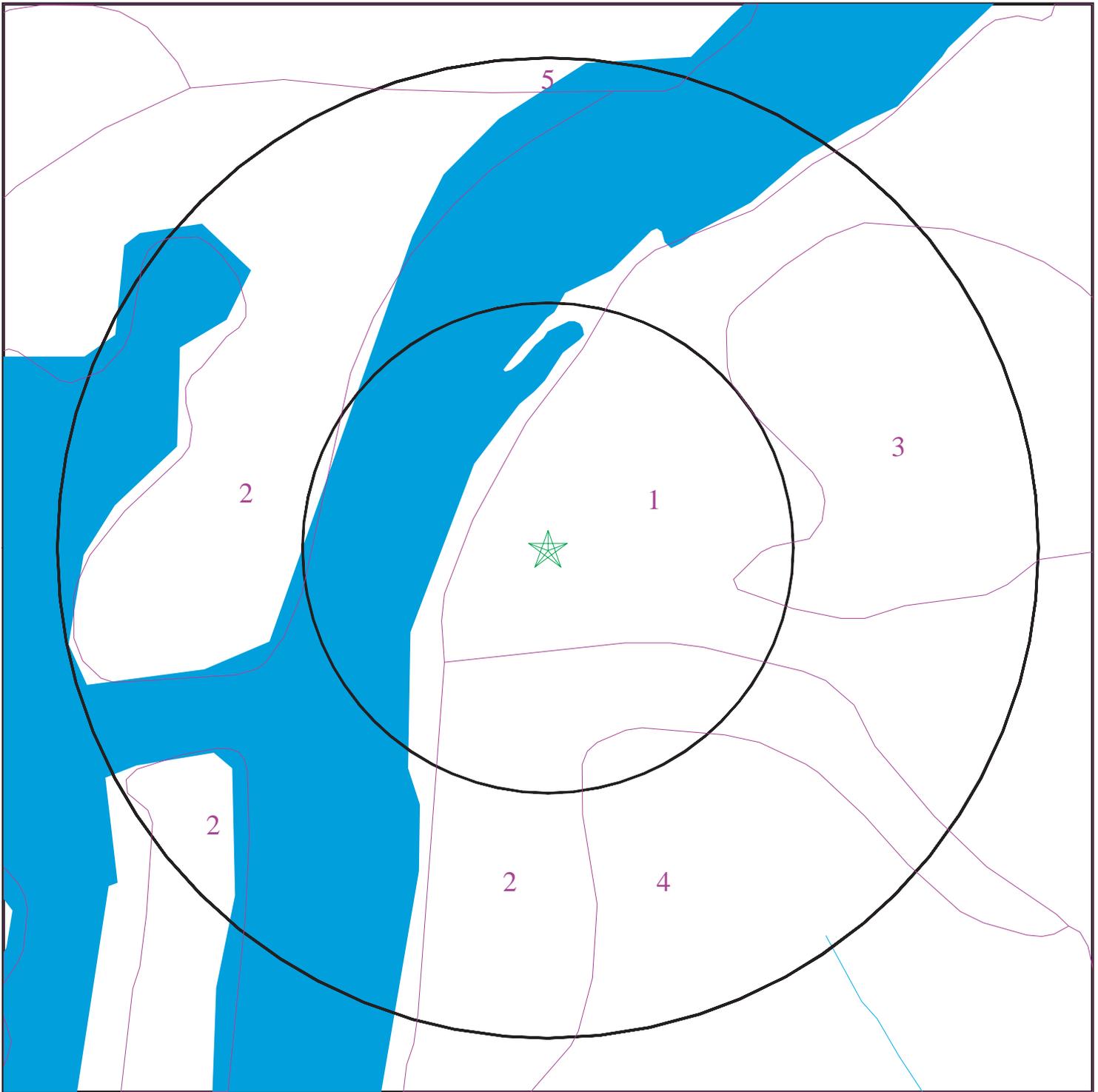
Era: Mesozoic
System: Cretaceous
Series: Upper Mesozoic
Code: uMze(*decoded above as Era, System & Series*)

GEOLOGIC AGE IDENTIFICATION

Category: Eugeosynclinal Deposits

Geologic Age and Rock Stratigraphic Unit Source: P.G. Schruben, R.E. Arndt and W.J. Bawiec, Geology of the Conterminous U.S. at 1:2,500,000 Scale - a digital representation of the 1974 P.B. King and H.M. Beikman Map, USGS Digital Data Series DDS - 11 (1994).

SSURGO SOIL MAP - 2233909.8s



- ★ Target Property
- ∩ SSURGO Soil
- ∩ Water



SITE NAME: McGlinn Island and Front St.
ADDRESS: 11430 Moorage Way
La Conner WA 98257
LAT/LONG: 48.3835 / 122.5048

CLIENT: SICT
CONTACT: Jon Boe
INQUIRY #: 2233909.8s
DATE: June 03, 2008 11:37 am

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

DOMINANT SOIL COMPOSITION IN GENERAL AREA OF TARGET PROPERTY

The U.S. Department of Agriculture's (USDA) Soil Conservation Service (SCS) leads the National Cooperative Soil Survey (NCSS) and is responsible for collecting, storing, maintaining and distributing soil survey information for privately owned lands in the United States. A soil map in a soil survey is a representation of soil patterns in a landscape. The following information is based on Soil Conservation Service SSURGO data.

Soil Map ID: 1

Soil Component Name: Skagit

Soil Surface Texture: silt loam

Hydrologic Group: Class D - Very slow infiltration rates. Soils are clayey, have a high water table, or are shallow to an impervious layer.

Soil Drainage Class: Poorly drained

Hydric Status: All hydric

Corrosion Potential - Uncoated Steel: Moderate

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 38 inches

Soil Layer Information							
Layer	Boundary		Soil Texture Class	Classification		Saturated hydraulic conductivity micro m/sec	Soil Reaction (pH)
	Upper	Lower		AASHTO Group	Unified Soil		
1	0 inches	11 inches	silt loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	FINE-GRAINED SOILS, Silts and Clays (liquid limit less than 50%), silt.	Max: 14 Min: 4	Max: 7.3 Min: 5.6
2	11 inches	50 inches	silt loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	FINE-GRAINED SOILS, Silts and Clays (liquid limit less than 50%), silt.	Max: 14 Min: 4	Max: 7.3 Min: 5.6
3	50 inches	59 inches	very fine sandy loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	FINE-GRAINED SOILS, Silts and Clays (liquid limit less than 50%), silt.	Max: 14 Min: 4	Max: 7.3 Min: 5.6

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

Soil Map ID: 2

Soil Component Name: Xerorthents

Soil Surface Texture: variable

Hydrologic Group: Class C - Slow infiltration rates. Soils with layers impeding downward movement of water, or soils with moderately fine or fine textures.

Soil Drainage Class: Excessively drained

Hydric Status: Not hydric

Corrosion Potential - Uncoated Steel: Moderate

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 122 inches

Soil Layer Information							
Layer	Boundary		Soil Texture Class	Classification		Saturated hydraulic conductivity micro m/sec	Soil Reaction (pH)
	Upper	Lower		AASHTO Group	Unified Soil		
1	0 inches	7 inches	variable	Granular materials (35 pct. or less passing No. 200), Silty, or Clayey Gravel and Sand.	COARSE-GRAINED SOILS, Gravels, Clean gravels, Poorly Graded Gravel. COARSE-GRAINED SOILS, Gravels, Gravels with fines, Silty Gravel.	Max: 141 Min: 42	Max: 7.3 Min: 5.1
2	7 inches	59 inches	stratified extremely gravelly sandy loam	Granular materials (35 pct. or less passing No. 200), Silty, or Clayey Gravel and Sand.	COARSE-GRAINED SOILS, Gravels, Clean gravels, Poorly Graded Gravel. COARSE-GRAINED SOILS, Gravels, Gravels with fines, Silty Gravel.	Max: 141 Min: 42	Max: 7.3 Min: 5.1

Soil Map ID: 3

Soil Component Name: Fidalgo

Soil Surface Texture: gravelly loam

Hydrologic Group: Class C - Slow infiltration rates. Soils with layers impeding downward movement of water, or soils with moderately fine or fine textures.

Soil Drainage Class: Moderately well drained

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

Hydric Status: Not hydric

Corrosion Potential - Uncoated Steel: Moderate

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 76 inches

Soil Layer Information							
Layer	Boundary		Soil Texture Class	Classification		Saturated hydraulic conductivity micro m/sec	Soil Reaction (pH)
	Upper	Lower		AASHTO Group	Unified Soil		
1	0 inches	3 inches	gravelly loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	Not reported	Max: Min:	Max: Min:
2	3 inches	25 inches	very gravelly fine sandy loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	Not reported	Max: Min:	Max: Min:
3	25 inches	29 inches	extremely gravelly loamy sand	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	Not reported	Max: Min:	Max: Min:
4	29 inches	33 inches	unweathered bedrock	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	Not reported	Max: Min:	Max: Min:

Soil Map ID: 4

Soil Component Name: Tacoma

Soil Surface Texture: silt loam

Hydrologic Group: Class D - Very slow infiltration rates. Soils are clayey, have a high water table, or are shallow to an impervious layer.

Soil Drainage Class: Very poorly drained

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

Hydric Status: All hydric

Corrosion Potential - Uncoated Steel: High

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 0 inches

Soil Layer Information							
Layer	Boundary		Soil Texture Class	Classification		Saturated hydraulic conductivity micro m/sec	Soil Reaction (pH)
	Upper	Lower		AASHTO Group	Unified Soil		
1	0 inches	9 inches	silt loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	FINE-GRAINED SOILS, Silts and Clays (liquid limit less than 50%), Lean Clay	Max: 4 Min: 1.4	Max: 5 Min: 3.5
2	9 inches	50 inches	silt loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	FINE-GRAINED SOILS, Silts and Clays (liquid limit less than 50%), Lean Clay	Max: 4 Min: 1.4	Max: 5 Min: 3.5
3	50 inches	59 inches	silt loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	FINE-GRAINED SOILS, Silts and Clays (liquid limit less than 50%), Lean Clay	Max: 4 Min: 1.4	Max: 5 Min: 3.5

Soil Map ID: 5

Soil Component Name: Coveland

Soil Surface Texture: gravelly loam

Hydrologic Group: Class D - Very slow infiltration rates. Soils are clayey, have a high water table, or are shallow to an impervious layer.

Soil Drainage Class: Somewhat poorly drained

Hydric Status: All hydric

Corrosion Potential - Uncoated Steel: Moderate

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 23 inches

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

Soil Layer Information							
Layer	Boundary		Soil Texture Class	Classification		Saturated hydraulic conductivity micro m/sec	Soil Reaction (pH)
	Upper	Lower		AASHTO Group	Unified Soil		
1	0 inches	9 inches	gravelly loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	FINE-GRAINED SOILS, Silts and Clays (liquid limit less than 50%), Lean Clay Soils.	Max: 1.4 Min: 0.42	Max: 7.3 Min: 6.1
2	9 inches	14 inches	very gravelly sandy loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	FINE-GRAINED SOILS, Silts and Clays (liquid limit less than 50%), Lean Clay Soils.	Max: 1.4 Min: 0.42	Max: 7.3 Min: 6.1
3	14 inches	51 inches	silty clay	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	FINE-GRAINED SOILS, Silts and Clays (liquid limit less than 50%), Lean Clay Soils.	Max: 1.4 Min: 0.42	Max: 7.3 Min: 6.1
4	51 inches	59 inches	silty clay	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	FINE-GRAINED SOILS, Silts and Clays (liquid limit less than 50%), Lean Clay Soils.	Max: 1.4 Min: 0.42	Max: 7.3 Min: 6.1

LOCAL / REGIONAL WATER AGENCY RECORDS

EDR Local/Regional Water Agency records provide water well information to assist the environmental professional in assessing sources that may impact ground water flow direction, and in forming an opinion about the impact of contaminant migration on nearby drinking water wells.

WELL SEARCH DISTANCE INFORMATION

<u>DATABASE</u>	<u>SEARCH DISTANCE (miles)</u>
Federal USGS	0.000
Federal FRDS PWS	Nearest PWS within 1 mile
State Database	1.000

FEDERAL USGS WELL INFORMATION

<u>MAP ID</u>	<u>WELL ID</u>	<u>LOCATION FROM TP</u>

GEOCHECK® - PHYSICAL SETTING SOURCE SUMMARY

FEDERAL USGS WELL INFORMATION

<u>MAP ID</u>	<u>WELL ID</u>	<u>LOCATION FROM TP</u>
No Wells Found		

FEDERAL FRDS PUBLIC WATER SUPPLY SYSTEM INFORMATION

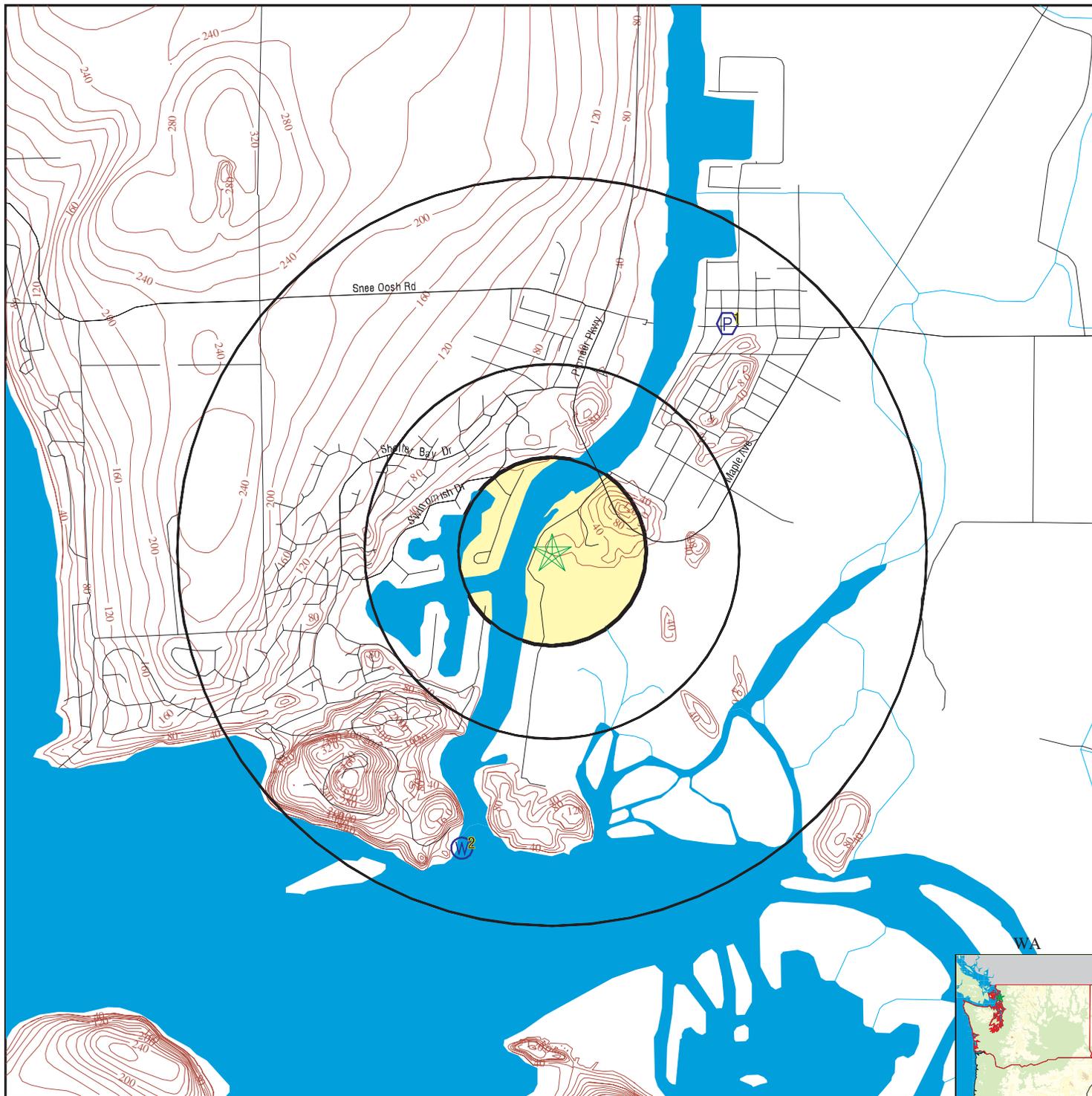
<u>MAP ID</u>	<u>WELL ID</u>	<u>LOCATION FROM TP</u>
1	WA5300439	1/2 - 1 Mile NE

Note: PWS System location is not always the same as well location.

STATE DATABASE WELL INFORMATION

<u>MAP ID</u>	<u>WELL ID</u>	<u>LOCATION FROM TP</u>
2	WA5000000019199	1/2 - 1 Mile SSW

PHYSICAL SETTING SOURCE MAP - 2233909.8s



- County Boundary
- Major Roads
- Contour Lines
- Earthquake epicenter, Richter 5 or greater
- Water Wells
- Public Water Supply Wells
- Cluster of Multiple Icons

- Groundwater Flow Direction
- Indeterminate Groundwater Flow at Location
- Groundwater Flow Varies at Location
- Closest Hydrogeological Data



SITE NAME: McGlinn Island and Front St.
 ADDRESS: 11430 Moorage Way
 La Conner WA 98257
 LAT/LONG: 48.3835 / 122.5048

CLIENT: SICT
 CONTACT: Jon Boe
 INQUIRY #: 2233909.8s
 DATE: June 03, 2008 11:37 am

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Map ID
 Direction
 Distance
 Elevation

Database EDR ID Number

1
NE
1/2 - 1 Mile
Lower

FRDS PWS WA5300439

PWS ID: WA5300439 PWS Status: Active
 Date Initiated: Not Reported Date Deactivated: Not Reported
 PWS Name: THOUSAND TRAILS
 LA CONNER, WA 98257

Addressee / Facility: Not Reported

Facility Latitude: 48 23 33 Facility Longitude: 122 29 36
 City Served: Not Reported
 Treatment Class: Treated Population: 00000162

PWS currently has or had major violation(s) or enforcement: YES

VIOLATIONS INFORMATION:

Violation ID: 9325082 Source ID: Not Reported PWS Phone: Not Reported
 Vio. beginning Date: 01/01/93 Vio. end Date: 01/31/93 Vio. Period: 001 Months
 Num required Samples: Not Reported Number of Samples Taken: Not Reported
 Analysis Result: Not Reported Maximum Contaminant Level: Not Reported
 Analysis Method: Not Reported
 Violation Type: MCL, Monthly (TCR)
 Contaminant: COLIFORM (TCR)
 Vio. Awareness Date: 013193

Violation ID: 9375072 Source ID: Not Reported PWS Phone: Not Reported
 Vio. beginning Date: 07/01/93 Vio. end Date: 07/31/93 Vio. Period: 001 Months
 Num required Samples: Not Reported Number of Samples Taken: Not Reported
 Analysis Result: Not Reported Maximum Contaminant Level: Not Reported
 Analysis Method: Not Reported
 Violation Type: Monitoring, Routine Major (TCR)
 Contaminant: COLIFORM (TCR)
 Vio. Awareness Date: 073193

Violation ID: 9375072 Source ID: Not Reported PWS Phone: Not Reported
 Vio. beginning Date: 07/01/93 Vio. end Date: 07/31/93 Vio. Period: 001 Months
 Num required Samples: Not Reported Number of Samples Taken: Not Reported
 Analysis Result: Not Reported Maximum Contaminant Level: Not Reported
 Analysis Method: Not Reported
 Violation Type: Monitoring, Routine Major (TCR)
 Contaminant: COLIFORM (TCR)
 Vio. Awareness Date: 073193

2
SSW
1/2 - 1 Mile
Lower

WA WELLS WA5000000019199

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS

Objectid:	26787	Srcid:	120468
Srcrootid:	29356	Wsorgid:	78635
Wsleid:	132461	Wslerooid:	70862
Pwsid:	AA420	Srcnum:	01
Pwssrcid:	AA42001	Systemname:	Botany Bay Water System
Systemgrp:	B	Systemtype:	Group B
Sourcename:	Well #1 AKG129	Sourcetype:	Well
Sourcelbl:	S01 / Well #1 AKG129	Region:	Northwest
Wria:	06	County:	ISLAND
Contadd1:	Not Reported	Contadd2:	40057 SR 20
Contphone:	(360) 969-0078	Contcity:	Oak Harbor
Contstate:	WA	Contzipcd:	98277
Sma:	Not Reported	Smaname:	Not Reported
Usecode:	Permanent		
Capacity:	15		
Treated:	Not Reported	Suscept:	Not Rated
Whpatype:	Not Reported	Doewellid:	AKG129
Latitude:	48.37205		
Longitude:	-122.51		
Llmethod:	Quarter Quarter Section	Site id:	WA5000000019199

GEOCHECK® - PHYSICAL SETTING SOURCE MAP FINDINGS RADON

AREA RADON INFORMATION

Federal EPA Radon Zone for SKAGIT County: 3

Note: Zone 1 indoor average level > 4 pCi/L.
 : Zone 2 indoor average level >= 2 pCi/L and <= 4 pCi/L.
 : Zone 3 indoor average level < 2 pCi/L.

Federal Area Radon Information for SKAGIT COUNTY, WA

Number of sites tested: 8

Area	Average Activity	% <4 pCi/L	% 4-20 pCi/L	% >20 pCi/L
Living Area - 1st Floor	0.350 pCi/L	100%	0%	0%
Living Area - 2nd Floor	Not Reported	Not Reported	Not Reported	Not Reported
Basement	Not Reported	Not Reported	Not Reported	Not Reported

PHYSICAL SETTING SOURCE RECORDS SEARCHED

TOPOGRAPHIC INFORMATION

USGS 7.5' Digital Elevation Model (DEM)

Source: United States Geologic Survey

EDR acquired the USGS 7.5' Digital Elevation Model in 2002 and updated it in 2006. The 7.5 minute DEM corresponds to the USGS 1:24,000- and 1:25,000-scale topographic quadrangle maps. The DEM provides elevation data with consistent elevation units and projection.

Scanned Digital USGS 7.5' Topographic Map (DRG)

Source: United States Geologic Survey

A digital raster graphic (DRG) is a scanned image of a U.S. Geological Survey topographic map. The map images are made by scanning published paper maps on high-resolution scanners. The raster image is georeferenced and fit to the Universal Transverse Mercator (UTM) projection.

HYDROLOGIC INFORMATION

Flood Zone Data: This data, available in select counties across the country, was obtained by EDR in 1999 from the Federal Emergency Management Agency (FEMA). Data depicts 100-year and 500-year flood zones as defined by FEMA.

NWI: National Wetlands Inventory. This data, available in select counties across the country, was obtained by EDR in 2002 and 2005 from the U.S. Fish and Wildlife Service.

HYDROGEOLOGIC INFORMATION

AQUIFLOW^R Information System

Source: EDR proprietary database of groundwater flow information

EDR has developed the AQUIFLOW Information System (AIS) to provide data on the general direction of groundwater flow at specific points. EDR has reviewed reports submitted to regulatory authorities at select sites and has extracted the date of the report, hydrogeologically determined groundwater flow direction and depth to water table information.

GEOLOGIC INFORMATION

Geologic Age and Rock Stratigraphic Unit

Source: P.G. Schruben, R.E. Arndt and W.J. Bawiec, Geology of the Conterminous U.S. at 1:2,500,000 Scale - A digital representation of the 1974 P.B. King and H.M. Beikman Map, USGS Digital Data Series DDS - 11 (1994).

STATSGO: State Soil Geographic Database

Source: Department of Agriculture, Natural Resources Conservation Services

The U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) leads the national Conservation Soil Survey (NCSS) and is responsible for collecting, storing, maintaining and distributing soil survey information for privately owned lands in the United States. A soil map in a soil survey is a representation of soil patterns in a landscape. Soil maps for STATSGO are compiled by generalizing more detailed (SSURGO) soil survey maps.

SSURGO: Soil Survey Geographic Database

Source: Department of Agriculture, Natural Resources Conservation Services (NRCS)

Telephone: 800-672-5559

SSURGO is the most detailed level of mapping done by the Natural Resources Conservation Services, mapping scales generally range from 1:12,000 to 1:63,360. Field mapping methods using national standards are used to construct the soil maps in the Soil Survey Geographic (SSURGO) database. SSURGO digitizing duplicates the original soil survey maps. This level of mapping is designed for use by landowners, townships and county natural resource planning and management.

PHYSICAL SETTING SOURCE RECORDS SEARCHED

LOCAL / REGIONAL WATER AGENCY RECORDS

FEDERAL WATER WELLS

PWS: Public Water Systems

Source: EPA/Office of Drinking Water

Telephone: 202-564-3750

Public Water System data from the Federal Reporting Data System. A PWS is any water system which provides water to at least 25 people for at least 60 days annually. PWSs provide water from wells, rivers and other sources.

PWS ENF: Public Water Systems Violation and Enforcement Data

Source: EPA/Office of Drinking Water

Telephone: 202-564-3750

Violation and Enforcement data for Public Water Systems from the Safe Drinking Water Information System (SDWIS) after August 1995. Prior to August 1995, the data came from the Federal Reporting Data System (FRDS).

USGS Water Wells: USGS National Water Inventory System (NWIS)

This database contains descriptive information on sites where the USGS collects or has collected data on surface water and/or groundwater. The groundwater data includes information on wells, springs, and other sources of groundwater.

STATE RECORDS

Water Wells

Source: Department of Health

Telephone: 360-236-3148

Group A and B well locations.

OTHER STATE DATABASE INFORMATION

RADON

Area Radon Information

Source: USGS

Telephone: 703-356-4020

The National Radon Database has been developed by the U.S. Environmental Protection Agency (USEPA) and is a compilation of the EPA/State Residential Radon Survey and the National Residential Radon Survey. The study covers the years 1986 - 1992. Where necessary data has been supplemented by information collected at private sources such as universities and research institutions.

EPA Radon Zones

Source: EPA

Telephone: 703-356-4020

Sections 307 & 309 of IRAA directed EPA to list and identify areas of U.S. with the potential for elevated indoor radon levels.

OTHER

Airport Landing Facilities: Private and public use landing facilities

Source: Federal Aviation Administration, 800-457-6656

Epicenters: World earthquake epicenters, Richter 5 or greater

Source: Department of Commerce, National Oceanic and Atmospheric Administration

PHYSICAL SETTING SOURCE RECORDS SEARCHED

STREET AND ADDRESS INFORMATION

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Appendix C

Washington DNR National Heritage Program
Ecological Assessment of McGlenn Island
(1991)



WASHINGTON STATE DEPARTMENT OF
Natural Resources

BRIAN BOYLE
Commissioner of Public Lands

MEMORANDUM

OLYMPIA, WA 98504

June 21, 1991

TO: Robert Rose, Administrative Assistant
Commissioner's Staff

FROM: Rex Crawford, Natural Resources Scientist
Natural Heritage Program

SUBJECT: McGlinn Island: Native Plant Community Inventory

I surveyed the island on May 8, 1991. I found that the island supports native plant communities that are in good to excellent ecological condition. Primary plant community occurrences are Douglas-fir/salal-oceanspray, Pacific madrone-Douglas fir, and Idaho fescue. There is a small occurrence of the western redcedar/swordfern forest community. The best condition communities on the island are the Pacific madrone and the Idaho fescue types. These are high priority elements in the 1991 Washington Natural Heritage Plan. Sullivan Slough, off of the east shore of McGlinn Island, appears in the Washington Natural Heritage Information system as a moderate quality low intertidal, low salinity, silty marsh.

The native ecosystems of the Puget Lowland are some of the most altered and least common in Washington. McGlinn Island contains a remnant of the native Puget Lowland ecosystem that is worthy of special recognition and protection. Even though it is too small and indefensible to be a Natural Area Preserve, I will be recommending McGlinn Island for inclusion on the Washington Register of Natural Areas list. Registry is voluntary protection for areas of statewide significance.

Protection of McGlinn Island would preserve representatives of plant community types that are quickly disappearing from Washington. These natural communities are regionally important because they provide a glimpse of Washington's pre-settlement landscape and give us an important link to the region's natural heritage.

WASHINGTON NATURAL HERITAGE INFORMATION SYSTEM
 ENDANGERED, THREATENED AND SENSITIVE PLANT SPECIES &
 HIGH QUALITY WETLAND ECOSYSTEMS AND HIGH QUALITY TERRESTRIAL ECOSYSTEMS
 IN THE VICINITY OF MCGLINN ISLAND, SKAGIT COUNTY
 REQUESTED BY SWINOMISH INDIAN TRIBAL COMMUNITY PLANNING OFFICE

Data Current as of April 2008
 Page 1 of 1

<u>TOWNSHIP, RANGE AND SECTION</u>	<u>ELEMENT NAME</u>	<u>STATE STATUS</u>	<u>FEDERAL STATUS</u>
T33N R02E S01 NEofSW	FESTUCA ROEMERI - CERASTIUM ARVENSE - KOELERIA MACRANTHA HERBACEOUS. VEGETATION (ROEMER'S FESCUE - FIELD CHICKWEED - PRAIRIE JUNEGRASS)		
T33N R02E S01 NEofSW	PSEUDOTSUGA MENZIESII - ARBUTUS MENZIESII / LONICERA HISPIDULA FOREST (DOUGLAS-FIR - PACIFIC MADRONE / HAIRY HONEYSUCKLE)		
T33N R02E S01	SILTY, LOW SALINITY, LOW MARSH PTN (MIXED-FINE AND MUD: PARTLY ENCLOSED, EULITTORAL, MESOHALINE (MARSH) PTN)		
T33N R03E S06 NW			
T34N R03E S31 SW			
T33N R02E S01	CAREX LYNGBYEI HERBACEOUS VEGETATION (LYNGBY'S SEDGE)		
T33N R03E S06 NW			
T34N R03E S31 SW			



Brian Boyle
Commissioner of Public Lands

July 1, 1991

Boyle

The Honorable Slade Gorton
United States Senator
SH-730 Hart Senate Office Bldg.
Washington, D.C. 20510-4701

Dear Senator Gorton: *Slade*

On my last few visits to Washington, I have spoken with you and other members of the delegation about the resolution of property ownership interests on McGlinn Island so that the island could be permanently secured for conservation purposes. I am now writing to re-emphasize that interest, and to urge you to support full funding for this acquisition contained in the 1991 Interior Department/BIA budget.

I first became aware of this issue almost two years ago when local citizens in the LaConner/Skagit County area contacted my office seeking assistance in securing the island as a natural park. Our subsequent contacts and negotiations with local officials, the owners, and the Swinomish tribe have led to the current proposal for acquisition and environmental protection.

McGlinn Island, directly south of Pioneer Park in LaConner, is one of the few remaining examples of an undisturbed natural landscape in the Puget Sound region. Once a 50 acre island at the confluence of the Swinomish Slough and the north fork of the Skagit River, it was gradually connected to the mainland by the Army Corps of Engineers dredge spoils taken from the Swinomish Channel. Before the slough was dredged, the navigable channel for the river was to the east of McGlinn Island. Subsequently, the island and connecting "causeway" were sold by the state of Washington to the Dunlop family. After being in family ownership for nearly 50 years, the Dunlop family discovered, in trying to sell the property, that there was a cloud on the title because of underlying tribal claims to the island and causeway. These claims were based on the original treaty document and associated map defining the Swinomish reservation boundaries as extending to the original navigable waterway.

I have had our Natural Heritage Program plant ecologist conduct a site evaluation of the island. The attached report indicates that the island contains high quality examples of native grasslands and a unique Douglas fir/madrone association forest type. Having walked around the island with representatives of the tribe, I can attest to its relatively undisturbed condition.

Senator Slade Gorton
July 1, 1991
Page two

As well, the headlands of the island provide spectacular views of the north end of Skagit Bay and the extensive marshlands at the mouth of the river. The island also forms a critical link on the flyway between the Skagit Bay Wildlife Refuge administered by the U.S. Fish and Wildlife Service and the Padilla Bay National Estuarine Sanctuary.

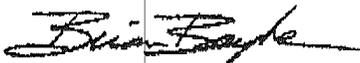
I have met with Swinomish tribal officials and believe that the current proposal satisfies the interests of all parties and will permanently resolve issues of equity, tribal interests, and environmental protection. By purchasing the ownership interests of the Dunlop family and the other owners, their long-standing rights in the property will be equitably addressed. Acquisition by the federal government, on behalf of the tribe, will permanently resolve the reservation boundaries. Tribal ownership, with a requirement of controlled public access, will assure a reasonable level of public use that will not jeopardize the fragile ecosystems on the island. As indicated in the attached resolution, the Skagit County Board of Commissioners also supports this proposal.

The Department of Natural Resources is also prepared to contribute funds from its Aquatic Lands Enhancement Account to develop a secure access point with interpretive materials about the fresh and saltwater wetland systems surrounding the island.

This appropriation will permanently protect an important part of our state's natural heritage, resolve a long-standing boundary dispute, and equitably address current property owner's interests. I urge your support to fully fund this project.

Please contact my office if you have any questions.

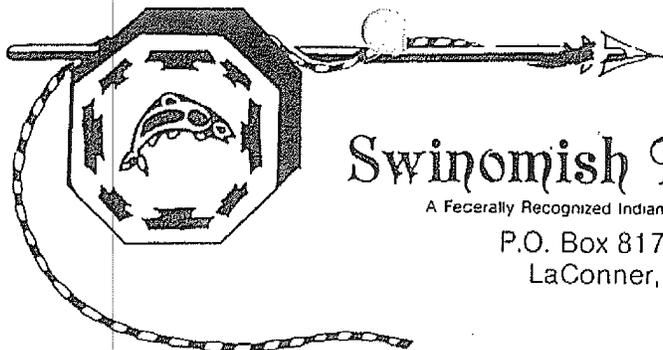
Sincerely,



Brian Boyle
Commissioner of Public Lands

cc: The Honorable Norm Dicks
The Honorable Al Swift

Original letter also sent to Senator Brock Adams



Phone (206) 466-3163

Swinomish Tribal Community

A Federally Recognized Indian Tribe Organized Pursuant To 25 U.S.C. § 476

P.O. Box 817 • 950 Moorage Way
LaConner, Washington 98257

May 28, 1992

National Heritage Advisory Council
c/o Department of Natural Resources
Washington Natural Heritage Program
MS: EX-13
Olympia, WA 98504

FOR YOUR INFO/REVIEW/FILES
-K

Re: McGlenn Island

Ladies and Gentlemen:

The Swinomish Indian Tribal Community wishes to express to you their intent to have McGlenn Island in Skagit County, Washington, acquired by the United States Government, for the use and benefit of the Swinomish Indian Tribe. The acquisition of the property is made pursuant to a Congressional appropriation, with requirements that the property be preserved in its natural state. The perpetual covenants running with the land will meet this requirement, and the Tribe's presence on, and control over, the Island will insure protection of the natural heritage of this valuable island.

The Swinomish Tribe welcomes the opportunity to contribute to the preservation and protection of this important property in the Puget Lowland ecosystem.

Sincerely,

WaWalton
Robert Joe, Sr., Chairman
Swinomish Indian Senate

RJS/jake

Appendix D

Warranty deeds for McGlenn Island and Causeway Parcels
(1992 U.S. Government Purchase)

After Recording return to
David O. Cantu, Esq.
Gordon, Thomas, Honeywell
One Union Square
600 University, Suite 2101
Seattle, WA 98101-4185

16
2
18-

ORIGINAL
JENNIFER L. HUNTREE
SKAGIT COUNTY

9301200033

'93 JAN 29 11:11

DISCLAIMER OF INTEREST IN PROPERTY AND AGREEMENT

The parties to this document are the SWINOMISH INDIAN TRIBAL COMMUNITY, a federally recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934 ("Swinomish Tribe") and SUSAN JENSON, as Trustee of the Susan Jenson Trust, and JAMES DUNLAP ("Dunlap and Jenson").

RECITALS

Dunlap and Jenson, along with others, have conveyed to The United States of America in Trust for the Use and Benefit of the Swinomish Tribe certain real property legally described on Exhibit B, and commonly known as McGlinn Island (the "McGlinn Island Property"). The conveyance of the McGlinn Island Property resolved disputed claims to ownership, and such conveyances, and this Disclaimer Agreement resolve and settle such disputed claims.

AGREEMENT

1. The Swinomish Tribe hereby confirms and acknowledges that it has no claims whatsoever to the property owned by Dunlap and Jenson legally described in Exhibit A, Parcels I and J. This disclaimer of any claims by the Swinomish Tribe includes claims to fee title, and claims that the above property is within the Swinomish Indian Reservation and thereby subject to the regulatory authority and jurisdiction of the Tribe.

2. The Swinomish Tribe hereby confirms and acknowledges that it has no claims to fee title to the property owned by Dunlap and Jenson legally described in Exhibit A, Parcel G. Dunlap and Jenson hereby confirm, acknowledge and agree that the property owned by Dunlap and Jenson legally described in Exhibit A, Parcel G is located within the exterior boundaries of the Swinomish Indian Reservation and that under current federal law said property and any development or other activity on said property is subject to the laws, jurisdiction and regulatory authority of the Swinomish Tribe. The Swinomish Tribe hereby confirms, acknowledges and agrees that it has no claim of ownership to said property.

3. The Swinomish Tribe agrees that it shall not allow any development or activity on property owned by the Tribe described as Parcel B (on Exhibit B) that is not permitted by Tribal laws and regulations on Property owned by Dunlap and Jenson described as Parcel G (on Exhibit A).

FIRST AMERICAN TITLE CO.

ACCOMMODATION RECORDING ONLY

W 4984

G

North Easement
Dike maintenance

1ST AM

4. Pursuant to the Covenants, Restrictions and Easement Agreement entered into between Dunlap and Jenson and the United States of America in Trust for the Swinomish Tribe, Dunlap and Jenson granted an Easement to the United States. Dunlap and Jenson shall not have any responsibility or obligation for construction, maintenance, or repair of the road on the Easement, and The Swinomish Tribe waives any such claims against Dunlap and Jenson. Notwithstanding the foregoing, Dunlap and Jenson have the right and authority to repair the dike which is located within the Easement. Use of the Easement may be restricted during the performance of repairs to the dike, to the extent necessary to perform the repairs. The Swinomish Tribe agrees that it shall pay one-half (1/2) of the cost of any such repairs. Dunlap and Jenson shall notify The Swinomish Tribe of The Swinomish Tribe's portion of the cost of such repairs, and Dunlap and Jenson will provide to The Swinomish Tribe copies of invoices, statements, and other records evidencing the cost of repairs. If The Swinomish Tribe fails to pay its share of the cost of such repairs within fifteen (15) days after the date that Dunlap and Jenson notifies The Swinomish Tribe in writing of the amount due from The Swinomish Tribe for such repairs, such amount shall bear interest at 18% per annum from the date of such notice until paid.

5. The Swinomish Tribe shall have the right to maintain and repair, at The Swinomish Tribe's expense, the road on the Easement. In the event that any portion of the road is located outside the Easement area, The Swinomish Tribe shall have the right to construct, maintain and repair a new road located in the Easement area.

6. The Swinomish Indian Tribal Community, The Swinomish Tribe herein, hereby agrees to indemnify and hold Dunlap and Jenson harmless from and against any liabilities, obligations, damages, costs and expenses (including attorneys' fees incurred prior to trial, at trial, and upon appeal) incurred as a result of any claim by any third party against Dunlap and Jenson arising out of the use of Parcels A through F.

7. The Swinomish Tribe agrees that it shall not raise sovereign immunity as a defense in any action brought by Dunlap and Jenson to enforce the terms of this Disclaimer of Interest Agreement in any Court of the United States, the State of Washington, or the Swinomish Indian Tribal Community. This limited waiver of sovereign immunity is limited to claims for declaratory and injunctive relief and shall not extend to claims for or the execution of judgments that involve monetary recovery, except that Dunlap and Jenson may obtain and execute upon money judgements for: (a) the costs of repairs, including interest (and costs and expenses, including attorneys' fees incurred prior to trial, at trial, and upon appeal in any action to collect such amounts) incurred by Dunlap and Jenson pursuant to Section 4 of

930120033

this Agreement; and (b) any liabilities, obligations, damages, costs and expenses incurred by Dunlap and Jenson pursuant to Section 6 of this Agreement; and (c) attorneys' fees and costs in the event Dunlap and Jenson are the prevailing party in legal action against the Swinomish Tribe.

DATED this 11th day of DECEMBER, 1992.

THE SWINOMISH INDIAN TRIBAL
COMMUNITY

By: Robert Joe, Sr.
Name: Robert Joe, Sr.
Title: Chairman

James Dunlap
JAMES DUNLAP

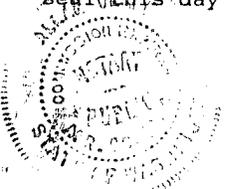
Susan Jenson
SUSAN JENSON as Trustee of
the Susan Jenson Trust

1ST MAR

STATE OF WASHINGTON)
County of Skagit) ss.

On this 10th day of December, 1992, personally appeared before me Robert Joe, Sr. known to me to be the individual who signed this instrument in my presence, on oath stated that [he is] ~~[she is]~~ authorized to execute the instrument and acknowledged it as the Chairman of The Swinomish Indian Tribal Community, the party that executed the document, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.



Allan E. Olson

Notary Public in And For the State of Washington, residing at LACONNER, WA.
My commission expires: 4-6-94.

STATE OF WASHINGTON)
County of Skagit) ss.

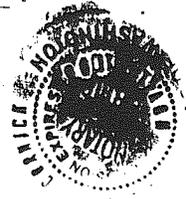
On this 17th day of August, 1992, personally appeared before me James Dunlap known to me to be the individual who signed this instrument in my presence and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Debbie Mc Cormick

Notary Public in And For the State of Washington, residing at Mt Vernon
My commission expires: 11/3/95.

1ST MA

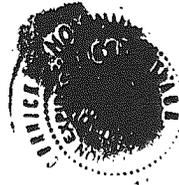


STATE OF WASHINGTON)
)
County of Skagit) ss.

On this 17th day of August, 1992, personally appeared before me Susan Jensen, as Trustee of the Susan Jensen Trust, known to me to be the individual who signed this instrument in my presence and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

David M. Carnick
Notary Public in And For the State of
Washington, residing at W. Vernon.
My commission expires: 11/3/95.



1ST AM

EXHIBIT A - Disclaimer of Interest

(Dunlap and Jenson Legal Description)
Parcels G, I and J

Situate in the County of Skagit, State of Washington:

PARCEL G

A portion of those premises originally conveyed by the State of Washington to Sigrid Dunlap by deed recorded June 14, 1940 as Skagit County Auditor's File No. 326412 and described as follows:

A strip of land 600 feet wide contiguous to and Easterly of the East side of The United States Government jetty as established on February 20, 1940 between the line of extreme low tide in front of Government Lot 9, Section 1, Township 33 North, Range 2 East, W.M., and the outer harbor line of the City of LaConner in front of Government Lot 3, Section 1, Township 33 North, Range 2 East, W.M.

Said portion being more particularly described as the portion of the foregoing described parcel which is northerly of the following line:

Commencing at the Northeast corner of Section 1, Township 33 North, Range 2 East, W.M.; thence North 89°37'00" West 4061.8 feet to a stone monument; thence South 26°44'50" West 788.20 feet to a stone monument; thence South 600 feet along the west line of the foregoing described parcel to the True Point of Beginning of said line; thence East perpendicular to said west line to the east line of the foregoing described parcel and the terminus of said line.

PARCEL I

That portion of Tract 1, Plate 19, of first class "LaCONNER TIDELANDS", as per plat thereof on file in the office of the Commissioner of Public Lands in Olympia, Washington, lying between the Northerly extensions of the Easterly and Westerly lines of that certain 600 foot wide strip of land conveyed to Sigrid Dunlap by deed dated February 20, 1940 and recorded June 14, 1940 as Auditor's File No. 326412.

1ST AM

PARCEL J

That portion of Government Lot 3, Section 1, Township 33 North, Range 2 East, W.M., lying Southwesterly of the County Road known as Pioneer Park Way as conveyed to Skagit County by deed dated August 8, 1955 and recorded August 9, 1955 as Auditor's File No. 522228.

9301200033

EXHIBIT B - Disclaimer of Interest

(McGlenn Island Property of Tribe - Legal Description)
Parcels A through F

PARCEL A

Government Lots 9 and 10, Section 1, Township 33 North, Range 2 East, W.M.

TOGETHER WITH tidelands of second class situated in front of, adjacent to or abutting upon that part of Government Lot 9, measured along the meander line as follows:

Beginning at the intersection of the South line of said Lot 9 with the meander line of the West side of said Lot 9; thence North 9 degrees East 4.00 chains, more or less, to an angle point in said meander line; thence West 3.30 chains; thence North 49 degrees West 1.30 chains; thence North 19 degrees West 2.50 chains; thence North 29 degrees East 1.30 chains to the point of beginning of this description; thence North 70 degrees East 2.70 chains; thence North 80 degrees East 3.50 chains; thence South 84 degrees East 2.00 chains; thence North 41 degrees 30' East 8.00 chains; thence North 30 degrees East 4.50 chains; thence North 24 degrees East 3.90 chains to terminal point of this description.

EXCEPT from all of the above those portions thereof lying within the boundaries of Parcels B, C, D, E and F as described herein below.

EST 200

9301200033 -7-

15E913460 0641

BK1155PG0607

PARCEL B

A portion of those premises originally conveyed by the State of Washington to Sigrid Dunlap by deed recorded June 14, 1940 as Skagit County Auditor's File No. 326412 and described as follows:

A strip of land 600 feet wide contiguous to and Easterly of the East side of The United States Government jetty as established on February 20, 1940 between the line of extreme low tide in front of Government Lot 9, Section 1, Township 33 North, Range 2 East, W.M., and the outer harbor line of the City of LaConner in front of Government Lot 3, Section 1, Township 33 North, Range 2 East, W.M.

Said portion being more particularly described as the portion of the following described parcel which is Southerly of the following line:

Commencing at the Northeast corner of Section 1, Township 33 North, Range 2 East, W.M.; thence North 89 degrees 37'00" West 4061.8 feet to a stone monument; thence South 26 degrees 44'50" West 788.30 feet to a stone monument; thence South 600 feet along the West line of the foregoing described parcel to the true point of beginning of said line; thence East perpendicular to said West line to the East line of the foregoing described parcel and the terminus of said line.

EST 208

PARCEL C

That portion of Government Lot 9, Section 1, Township 33 North, Range 2 East, W.M., described as follows:

Beginning at the Northeast corner of said Section 1; thence North 89 degrees 37' West 4061.8 feet to Stone Monument; thence South 26 degrees 44'50" West 788.3 feet to Stone Monument; thence South 7 degrees 38'50" West 1873.56 feet to U.S.C.G. Survey Monument; thence South 30 degrees 58'30" West 1095.89 feet to a point on the Government meander line of said Government Lot 9 and the true point of beginning of this description; thence from said true point of beginning continue South 30 degrees 58'30" West 133.42 feet; thence East 627.64 feet; thence North 14 degrees 57'10" East 429.6 feet, more or less, to a point on the Government meander line of said Lot 9; thence South 41 degrees 30' West along said meander line, a distance of 316.98 feet to an angle point in said meander line; thence North 84 degrees West 132.0 feet; thence South 80 degrees West 231.0 feet; thence South 70 degrees West 107.49 feet to the true point of beginning.

TOGETHER WITH that certain 25 feet wide non-exclusive easement for ingress, egress, roadway and utilities as conveyed to James Fellman or assigns by that certain "Option to Purchase Real Estate", recorded December 12, 1978 and December 13, 1978, under Auditor's File Nos. 892922 and 892964, respectively, as described therein over and across a 25 foot wide portion of Section 1 and First Class Tideland adjacent thereto, in Township 33 North, Range 2 East, W.M.

1ST AM

PARCEL D

Tide lands of second class situated in front of, adjacent to or abutting upon that part of Government Lot 9, Section 1, Township 33 North, Range 2 East, W.M., measured along the meander line as follows:

Beginning at the intersection of the South line of said Lot 9 with the meander line of the West side of said Lot 9; thence North 9 degrees East 4.00 chains, more or less, to an angle point in said meander line; thence West 3.30 chains; thence North 49 degrees West 1.30 chains; thence North 19 degrees West 2.50 chains; thence North 29 degrees East 1.30 chains to the true point of beginning of this description; thence North 70 degrees East 2.70 chains; thence North 80 degrees East 3.50 chains; thence South 84 degrees East 2.00 chains; thence North 41 degrees 30' East 8.00 chains; thence North 30 degrees East 4.50 chains; thence North 24 degrees East 3.90 chains to terminal point of this description. EXCEPTING all that portion of said tide lands lying Easterly of a line described as follows:

Beginning at the Northeast corner of said Section 1; thence North 89 degrees 37' West 4061.8 feet to Stone Monument; thence South 26 degrees 44'50" West 788.3 feet to Stone Monument; thence South 7 degrees 38'50" West 1873.56 feet to U.S.C.G. Survey Monument and the true point of beginning of said line; thence South 19 degrees 39'50" East 470.15 feet; thence South 14 degrees 57'10" West 203.11 feet to the meander line of said Government Lot 9, thence South 41 degrees 30' West along said meander line, a distance of 316.98 feet to an angle point in said meander line; thence North 84 degrees West 132.0 feet; thence South 80 degrees West 231.0 feet; thence South 70 degrees West 107.49 feet and the terminal point of line herein described.

TOGETHER WITH that certain 25 feet wide non-exclusive easement for ingress, egress, roadway and utilities as conveyed to James Fellman or assigns by that certain "Option to Purchase Real Estate", recorded December 12, 1978 and December 13, 1978, under Auditor's File Nos. 892922 and 892964, respectively, as described therein over and across a 25 foot wide portion of Section 1 and First Class Tideland adjacent thereto, in Township 33 North, Range 2 East, W.M.

157

PARCEL E

That portion of Government Lot 9 of Section 1, Township 33 North, Range 2 East, W.M. described as follows:

Beginning at a point on the government meander line 99 feet North of the Southeast corner of Government Lot 9; thence due West to a point which is 200 feet West (when measured at right angles) from the government meander line; thence North 23 degrees West 900 feet; thence due East to the government meander line; thence Southerly along said meander line to the point of beginning.

1ST AM

PARCEL F

Tidelands of the second class formerly owned by the State of Washington, situate in front of, adjacent to or abutting upon that part of Government Lot 9, Section 1, Township 33 North, Range 2 East, W.M., measured along the Government meander line as follows:

Beginning at the intersection of the South line of said Government Lot 9 with said meander line on the East side of said Government Lot 9 and running thence North 1.57 chains, more or less, to an angle point in said meander line, thence North 23 degrees West 16.00 chains, North 3.70 chains, North 4 degrees West 3.30 chains and North 83 degrees West 2.20 chains to an angle point in said meander line and the terminal point of this description, with a frontage of 26.77 lineal chains, more or less.

EXCEPT such portion, if any, of the above described tide lands that may be include in a deed from the State of Washington to Sigrid Dunlop issued February 20, 1940 under application No. 10320, under the provisions of Chapter 101, Session Laws of 1939, recorded June 14, 1940, under Auditor's File No. 326412 Records of Skagit County, Washington.

AND ALSO EXCEPT any portion of said tide lands lying within the boundaries of Parcel E as set forth herein above.

1ST AM

9301200033

ISE913460.0641

BK1155PG0612

Filed for Record at Request of; ¹⁵/₂
After Recording Mail To:

THIS SPACE RESERVED FOR
RECORDER'S USE:

JERRY MCINTURE
SKAGIT COUNTY AUDITOR

'92 DEC 17 10:12

RECORDED
REQUEST OF

ALAN OLSON
SWINOMISH TRIBAL COMMUNITY
PO BOX 817
LA CONNER, WA 98257

FIRST AMERICAN TITLE CO.

9212170036

34151

WARRANTY DEED

THE GRANTOR, JAMES DUNLAP and PHYLLIS DUNLAP, husband and wife as to an undivided 1/3 interest; and SUSAN JENSON, who also appears of record as SUSAN JENSEN, as Trustee of the "Susan Jenson Trust", as to an undivided 1/3 interest; and ELVA DAWSON DUNLAP, MARGERY GENE ZIMMERMAN, also known as MARJORIE JEAN ZIMMERMAN, JACK HENRIOT and ROBERT HARRELL as Co-Trustees under Trust Agreement dated December 30, 1977 and filed in Superior Court Probate Cause No. 15271 and recorded January 30, 1978 as Auditor's File No. 872918, as to an undivided 1/3 interest, for and in consideration of One Million One Hundred Thirty-Five Thousand Five Hundred and no/100 Dollars (\$1,135,500.00) (plus any interest paid to the Grantor pursuant to the Real Estate Purchase and Sale Agreement for this property) in hand paid, bargains, sells and conveys to THE UNITED STATES OF AMERICA IN TRUST FOR THE SWINOMISH INDIAN TRIBAL COMMUNITY, the Grantee herein, the following described real estate situated in the County of Skagit, State of Washington:

A, A1, F

Parcels A and F as legally described on the attached Exhibit A.

The Grantor for itself and for its successors in interest does by these presents expressly limit the covenants of the deed to those herein expressed, and excludes all covenants arising or to arise by statutory or other implication, and does hereby covenant that against all persons whomsoever lawfully claiming or to claim by, through or under said Grantor and not otherwise, will forever warrant and defend the said described real estate.

This conveyance is subject to the Covenants attached hereto as Exhibit B which shall run with the land for the sole and exclusive benefit of the United States of America, and James and Phyllis Dunlap and their lineal descendants. The Swinomish Indian Tribal Community, the beneficiary of the Grantee trust herein, is a federally recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934.

This conveyance is made pursuant to the Act of June 18, 1934 (48 Stat. 984).

DATED this 11th day of December, 1992.

James Dunlap
JAMES DUNLAP

Phyllis Dunlap
PHYLLIS DUNLAP

Susan Jenson
SUSAN JENSON, as Trustee of
the Susan Jenson Trust

Elva Dawson Dunlap
ELVA DAWSON DUNLAP

Margery Gene Zimmerman
MARGERY GENE ZIMMERMAN,
a/k/a MARJORIE JEAN
ZIMMERMAN

Jack Henriot
JACK HENRIOT

Robert Harrell
ROBERT HARRELL

SKAGIT COUNTY WASHINGTON
3893

DEC 17 1992

9212170036

Amount Paid -0-

INDIVIDUAL Acknowledgement

STATE OF WASHINGTON)

County of Skagit)

ss.

On this 17th day of August, 1992, personally appeared before me JAMES DUNLAP known to me to be the individual who signed this instrument in my presence and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Dorely McCormick
Notary Public in And For the
State of Washington, residing
at Mc. Vernon
My commission expires: 11/3/95



INDIVIDUAL Acknowledgement

STATE OF WASHINGTON)

County of Skagit)

ss.

On this 17th day of August, 1992, personally appeared before me PHYLLIS DUNLAP known to me to be the individual who signed this instrument in my presence and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Dorely McCormick
Notary Public in And For the
State of Washington, residing
at Mc. Vernon
My commission expires: 11/3/95



INDIVIDUAL Acknowledgement

STATE OF WASHINGTON)

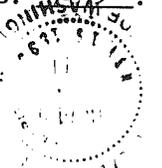
County of Skagit)

ss.

On this 17th day of August, 1992, personally appeared before me SUSAN JENSON, as Trustee of the Susan Jenson Trust, known to me to be the individual who signed this instrument in my presence and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Dorely McCormick
Notary Public in And For the
State of Washington, residing
at Mc. Vernon
My commission expires: 11/3/95



INDIVIDUAL Acknowledgement

STATE OF WASHINGTON)
)
County of Skagit) ss.

On this 17th day of August, 1992, personally appeared before me ELVA DAWSON DUNLAP, as Trustee, known to me to be the individual who signed this instrument in my presence and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Beverly M. Carmick
Notary Public in And For the
State of Washington, residing
at Mt. Vernon
My commission expires: 12/15/97



INDIVIDUAL Acknowledgement

STATE OF WASHINGTON)
)
County of Skagit) ss.

On this 17th day of August, 1992, personally appeared before me MARGERY GENE ZIMMERMAN a/k/a MARJORIE JEAN ZIMMERMAN, as Trustee, known to me to be the individual who signed this instrument in my presence and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Beverly M. Carmick
Notary Public in And For the
State of Washington, residing
at Mt. Vernon
My commission expires: 12/15/97



INDIVIDUAL Acknowledgement

STATE OF WASHINGTON)
)
County of Skagit) ss.

On this 17th day of August, 1992, personally appeared before me JACK HENRIOT, as Trustee, known to me to be the individual who signed this instrument in my presence and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Beverly M. Carmick
Notary Public in And For the
State of Washington, residing
at Mt. Vernon
My commission expires: 12/15/97

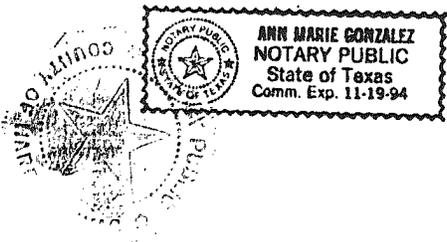


INDIVIDUAL Acknowledgement
STATE OF ~~WASHINGTON~~ *Texas*
County of *Harris* }

ss.

On this *10th* day of *September*, 1992, personally appeared before me **ROBERT HARRELL**, as **Trustee**, known to me to be the individual who signed this instrument in my presence and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.



Ann Marie Gonzalez
Notary Public in and For the
State of ~~Washington~~ *Texas*, residing
at *3415 Cape Forest, Kingwood TX 77345*
My commission expires: *11/19/94*.

The within deed is hereby accepted: as delegated in
10 BIAM, Section 2, Release 44, dated February 18,
1989, Incorporating 230 DM Release No. 2784, dated
March 16, 1938.

D. D. Bm
Acct. Assistant Area Director (Program Services)
12/11/92
(Date)

EXHIBIT A - Dunlap

Legal Description

Situate in the County of Skagit, State of Washington:
Consisting of approximately 39.41 acres plus an undetermined
PARCEL A number of tideland acres.

Government Lots 9 and 10, Section 1, Township 33 North, Range 2
East, W.M.

TOGETHER WITH tidelands of second class situated in front of,
adjacent to or abutting upon that part of Government Lot 9,
measured along the meander line as follows:

Beginning at the intersection of the South line of said Lot 9
with the meander line of the West side of said Lot 9; thence
North 9 degrees East 4.00 chains, more or less, to an angle point
in said meander line; thence West 3.30 chains; thence North 49
degrees West 1.30 chains; thence North 19 degrees West 2.50
chains; thence North 29 degrees East 1.30 chains to the point of
beginning of this description; thence North 70 degrees East 2.70
chains; thence North 80 degrees East 3.50 chains; thence South 84
degrees East 2.00 chains; thence North 41 degrees 30' East 8.00
chains; thence North 30 degrees East 4.50 chains; thence North 24
degrees East 3.90 chains to terminal point of this description.

EXCEPT from all of the above those portions thereof lying within
the boundaries of Exceptions B, C, D, E and F as described herein
below.

EXCEPTION B

A portion of those premises originally conveyed by the State of
Washington to Sigrid Dunlap by deed recorded June 14, 1940 as
Skagit County Auditor's File No. 326412 and described as follows:

A strip of land 600 feet wide contiguous to and Easterly of the
East side of The United States Government jetty as established on
February 20, 1940 between the line of extreme low tide in front
of Government Lot 9, Section 1, Township 33 North, Range 2 East,
W.M., and the outer harbor line of the City of LaConner in front
of Government Lot 3, Section 1, Township 33 North, Range 2 East,
W.M.

Said portion being more particularly described as the portion of
the following described parcel which is Southerly of the
following line:

Commencing at the Northeast corner of Section 1, Township 33
North, Range 2 East, W.M.; thence North 89 degrees 37'00" West
4061.8 feet to a stone monument; thence South 26 degrees 44'50"
West 788.30 feet to a stone monument; thence South 600 feet along
the West line of the foregoing described parcel to the true point
of beginning of said line; thence East perpendicular to said West
line to the East line of the foregoing described parcel and the
terminus of said line.

EXCEPTION C

That portion of Government Lot 9, Section 1, Township 33 North, Range 2 East, W.M., described as follows:

Beginning at the Northeast corner of said Section 1; thence North 89 degrees 37' West 4061.8 feet to Stone Monument; thence South 26 degrees 44'50" West 788.3 feet to Stone Monument; thence South 7 degrees 38'50" West 1873.56 feet to U.S.C.G. Survey Monument; thence South 30 degrees 58'30" West 1095.89 feet to a point on the Government meander line of said Government Lot 9 and the true point of beginning of this description; thence from said true point of beginning continue South 30 degrees 58'30" West 133.42 feet; thence East 627.64 feet; thence North 14 degrees 57'10" East 429.6 feet, more or less, to a point on the Government meander line of said Lot 9; thence South 41 degrees 30' West along said meander line, a distance of 316.98 feet to an angle point in said meander line; thence North 84 degrees West 132.0 feet; thence South 80 degrees West 231.0 feet; thence South 70 degrees West 107.49 feet to the true point of beginning.

TOGETHER WITH that certain 25 feet wide non-exclusive easement for ingress, egress, roadway and utilities as conveyed to James Fellman or assigns by that certain "Option to Purchase Real Estate", recorded December 12, 1978 and December 13, 1978, under Auditor's File Nos. 892922 and 892964, respectively, as described therein over and across a 25 foot wide portion of Section 1 and First Class Tideland adjacent thereto, in Township 33 North, Range 2 East, W.M.

EXCEPTION D

Tide lands of second class situated in front of, adjacent to or abutting upon that part of Government Lot 9, Section 1, Township 33 North, Range 2 East, W.M., measured along the meander line as follows:

Beginning at the intersection of the South line of said Lot 9 with the meander line of the West side of said Lot 9; thence North 9 degrees East 4.00 chains, more or less, to an angle point in said meander line; thence West 3.30 chains; thence North 49 degrees West 1.30 chains; thence North 19 degrees West 2.50 chains; thence North 29 degrees East 1.30 chains to the true point of beginning of this description; thence North 70 degrees East 2.70 chains; thence North 80 degrees East 3.50 chains; thence South 84 degrees East 2.00 chains; thence North 41 degrees 30 East 8.00 chains; thence North 30 degrees East 4.50 chains; thence North 24 degrees East 3.90 chains to terminal point of this description. EXCEPTING all that portion of said tide lands lying Easterly of a line described as follows:

Beginning at the Northeast corner of said Section 1; thence North 89 degrees 37' West 4061.8 feet to Stone Monument; thence South 26 degrees 44'50" West 788.3 feet to Stone Monument; thence South 7 degrees 38'50" West 1873.56 feet to U.S.C.G. Survey Monument and the true point of beginning of said line; thence South 19 degrees 39'50" East 470.15 feet; thence South 14 degrees 57'10" West 203.11 feet to the meander line of said Government Lot 9, thence South 41 degrees 30' West along said meander line a distance of 316.98 feet to an angle point in said meander line; thence North 84 degrees West 132.0 feet; thence South 80 degrees West 231.0 feet; thence South 70 degrees West 107.49 feet and the terminal point of line herein described.

TOGETHER WITH that certain 25 feet wide non-exclusive easement for ingress, egress, roadway and utilities as conveyed to James Fellman or assigns by that certain "Option to Purchase Real Estate", recorded December 12, 1978 and December 13, 1978, under Auditor's File Nos. 892922 and 892964, respectively, as described therein over and across a 25 foot wide portion of Section 1 and First Class Tideland adjacent thereto, in Township 33 North, Range 2 East, W.M.

EXCEPTION E

That portion of Government Lot 9 of Section 1, Township 33 North, Range 2 East, W.M. described as follows:

Beginning at a point on the government meander line 99 feet North of the Southeast corner of Government Lot 9; thence due West to a point which is 200 feet West (when measured at right angles) from the government meander line; thence North 23 degrees West 900 feet; thence due East to the government meander line; thence Southerly along said meander line to the point of beginning.

EXCEPTION F

Tidelands of the second class formerly owned by the State of Washington, situate in front of, adjacent to or abutting upon that part of Government Lot 9, Section 1, Township 33 North, Range 2 East, W.M., measured along the Government meander line as follows:

Beginning at the intersection of the South line of said Government Lot 9 with said meander line on the East side of said Government Lot 9 and running thence North 1.57 chains, more or less, to an angle point in said meander line, thence North 23 degrees West 16.00 chains, North 3.70 chains, North 4 degrees West 3.30 chains and North 83 degrees West 2.20 chains to an angle point in said meander line and the terminal point of this description, with a frontage of 26.77 lineal chains, more or less.

EXCEPT such portion, if any, of the above described tide lands that may be include in a deed from the State of Washington to Sigrid Dunlop issued February 20, 1940 under application No. 10320, under the provisions of Chapter 101, Session Laws of 1939, recorded June 14, 1940, under Auditor's File No. 326412 Records of Skagit County, Washington.

AND ALSO EXCEPT any portion of said tide lands lying within the boundaries of Exception E as set forth herein above.

PARCEL F

Tidelands of the second class formerly owned by the State of Washington, situate in front of, adjacent to or abutting upon that part of Government Lot 9, Section 1, Township 33 North, Range 2 East, W.M., measured along the Government meander line as follows:

Beginning at the intersection of the South line of said Government Lot 9 with said meander line on the East side of said Government Lot 9 and running thence North 1.57 chains, more or less, to an angle point in said meander line, thence North 23 degrees West 16.00 chains, North 3.70 chains, North 4 degrees West 3.30 chains and North 83 degrees West 2.20 chains to an angle point in said meander line and the terminal point of this description, with a frontage of 26.77 lineal chains, more or less.

EXCEPT such portion, if any, of the above described tide lands that may be include in a deed from the State of Washington to Sigrid Dunlop issued February 20, 1940 under application No. 10320, under the provisions of Chapter 101, Session Laws of 1939, recorded June 14, 1940, under Auditor's File No. 326412 Records of Skagit County, Washington.

AND ALSO EXCEPT any portion of said tide lands lying within the boundaries of Exception E as set forth herein above.

SUBJECT TO:

1. Any question that may arise pertaining to the following:
 - a) Ownership of and access to the jetty or piling extending South from the South end of the property.

9212170036

ISE813430.0081

BK1146160153⁷⁵

EXHIBIT A - page 3

2. Question of the location and angle of the North line of said Parcel A.
3. Right of the general public to the unrestricted use of all the waters of a navigable body of water not only for the primary purposes of navigation, but also for corollary purposes, including (but not limited to) fishing, boating, bathing, swimming, water skiing and other related recreational purposes, as those water may affect the tidelands, shorelands, or adjoining uplands, and whether the level of the water has been raised naturally or artificially to a maintained or fluctuating level, all as further defined by the decisional law of this state.
4. Terms, provisions and reservations under the Submerged Land Act (43 U.S.C.A. 1301 through 1311) and the rights of the United States of America to regulate commerce, navigation, flood control, fishing and production of power.
5. Reservations contained in deed from the State of Washington recorded under Auditor's File No. 444092 and 326412, reserving to the grantor all oil, gases, coal, ores, minerals, fossils, etc., and the right of entry for opening, developing and working the same and providing that such rights shall not be exercised until provision has been made for full payment of all damages sustained by reason of such entry.

Right of the State of Washington or its successors, subject to payment of compensation therefore, to acquire rights of way for private railroads, skid roads, flumes, canals, water courses or other easements for transporting and moving timber, stone, minerals and other products from this and other property, as reserved in deed referred to above.

6. Easement, including the terms and conditions thereof:

Grantee:	United States of America
Dated:	March 21, 1964, March 24, 1964, November 8, 1965
Recorded:	March 23, 1964, May 5, 1964, November 8, 1965
Auditor's No.:	648167, 650265, 674326
Purpose:	Perpetual right and easement to enter upon, dig, or cut away and remove any or all of the following-described tract for the improvement and enlargement of Swinomish Channel.

Commencing at the Northeast corner of said Section 1; thence North 89°37'00" west 4061.80 feet to a stone monument; thence south 26°44'50" west 788.30 feet to a stone monument; thence south 7°38'50" west 1873.56 feet to USCGS monument; thence south 30°58'30" west 1229.31 feet to the true point of beginning, thence east 100.00 feet; thence south 110.00 feet; thence through an angle to the right of 150°, 110.00 feet, more or less, to an existing ordinary high water line; thence northwesterly along said ordinary high water line to a point due west of the point of beginning; thence east to the point of beginning.

7. Easement, including the terms and conditions thereof:

Grantee:	United States of America
Recorded:	March 21, 1964, April 10, 1964, March 24, 1964, March 24, 1964, March 24, 1964, and November 8, 1965
Auditor's No.:	648168, 649051, 650264, 650266, 650267, and 674327

Purpose: Perpetual right and easement to enter upon, dig, or cut and remove that part of the herein described tract lying above 12 feet above mean low water. The continuing perpetual right to cut to ground level and remove all trees, bushes, shrubs, etc., and right to remove portions of buildings or other structures and the right to prohibit further construction of buildings or other structures.

Area affected: Commencing at the northeast corner of said Section 1; thence north 89°37'00" west 4061.80 feet to a stone monument; thence south 26°44'50" west 788.30 feet to a stone monument; thence south 7°38'50" west 1873.56 feet to USCGS monument; thence south 30°58'30" west 1229.31 feet; thence east 100.00 feet to the True Point of Beginning; thence south 110.00 feet; thence through an angle to the right of 150° for a distance of 110.00 feet, more or less, to the ordinary high water line; thence through an angle to the right of 120° for a distance of 30.00 feet; thence through an angle to the right 102° for a distance of 230.00 feet, more or less, to a line which is due east of the point of beginning; thence west along said line to the True Point of Beginning

8. Right of the United States Government to maintain or replace existing dikes upon and over the tidelands on the northwest side of said Lot 9, said dikes having been constructed for the purpose of protecting from deterioration the channel leading to La Conner, as disclosed by instrument recorded April 10, 1950, under Auditor's File No. 444092.
9. Any adverse claim based upon the assertion that any portion of said premises was not tidelands subject to disposition by the State of Washington.
10. Question of location of lateral boundaries of said second class tidelands.
11. Any adverse claim based upon the assertion or determination that some portions of the subject property are actually one or more of the following:
 - a) Tidelands filled by either natural or artificial means contrary to state law.
 - b) Uplands that have become submerged lands by either natural or artificial means.
 - c) Dependent upon the locations of the lines of ordinary high water and/or extreme low tide to determine their locations.
12. Claims of the Swinomish Tribal Community to ownership of all or part of the subject property and to assertions that all or part of the subject property lies within the Swinomish Reservation.

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EXHIBIT B - Dunlap

Covenants

The property described on the deed to which these covenants are attached is hereby subjected to the covenant that the use of the property be forever subject to the following restrictions which shall run with the property and be binding upon any successors in ownership to any interest in the property:

1. Except as specifically set forth in these Covenants, no improvements shall be constructed on the property, which shall forever remain undeveloped.

2. The following uses of the property shall be permitted:

2.1 The building and operation of one year-around tribal cultural/interpretive center; the buildings, parking facilities, and other above-ground improvements shall be on a portion of the property not to exceed in the aggregate 3 acres located north of the following described line: Beginning at the Northeast corner of Section 1, Township 33 North, Range 2 East, W.M.; thence North 89 degrees 37' West 4061.8 feet to stone monument; thence South 26 degrees 44'50" West 788.3 feet to stone monument; thence South 7 degrees 38'50" West 1873.56 to U.S.C.G. Survey Monument; thence South 30 degrees 58'30" West 1095.89 feet to a point on the Government meander line of Government Lot 9 in said Section 1; thence South 30 degrees 58'30" West 133.42 feet to the true point of beginning of said line; thence East 627.64 feet; thence South to the North line of the South 350' of said Government Lot 9; thence East along said North line to a point on the Government meander line of said Government Lot 9 and the end of said line. The use of this tribal cultural/interpretive center shall not be open to the public except during daylight hours (which shall always include the hours from 8:00 a.m. to 6:00 p.m.) and no commercial activity shall be allowed except a small gift shop. The gift shop may sell tribal/cultural items only, including incidental sales of cigarettes; sales and use of alcohol, volume sales of cigarettes, and gambling shall not be permitted. The size and style of the center buildings shall be compatible with the natural setting of the surrounding area, and shall be built, operated and maintained in a manner to preserve as much undisturbed land, trees, and natural vegetation and open space value as practical, and to minimize adverse environmental impacts upon the property. Occasional evening events will be allowed infrequently for special tribal occasions such as weddings or tribal ceremonies.

2.2 To allow the property to lie fallow.

2.3 To remove limited amounts of plant material, roots or herbs for Indian religious, spiritual, and cultural purposes, and not for the commercial resale thereof.

2.4 To manage the property as open space consistent with maintaining the property as a traditional Swinomish cultural and spiritual preserve in accord with the following objectives:

2.4.1 To maintain a healthy stand of trees and indigenous plants on the property;

2.4.2 To maintain a continuous growth of desirable tree and plant species native to the property, including a reasonable proportion of old-growth trees (200 years or older);

2.4.3 To keep wooded areas of the property as aesthetically appealing as possible;

2.4.4 To maintain the suitability of the property as wildlife habitat; and

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2.4.5 To maintain the spiritual and cultural integrity of the property for the use of Indian religious purposes.

2.5 To manage the property as an open-space, natural area and forest, open to individuals and groups for walking and educational purposes, with the permission of the Swinomish Indian Tribe, all consistent with protection of the natural resources and features of the property.

2.6 To hunt and fish on the tidelands surrounding the property in compliance with Federal and Tribal regulations.

2.7 To moor vessels in Smuggler's Cove on the Southeast side of McGlinn Island (within Government Lot 10, Section 1, Township 33 North, Range 2 East, W.M.) and to permit the Lessees under the Lease granted by the United States to the members or former members of "Skagit Skybusters, Inc.," to relocate the leased premises (and the uses described in the Lease) to Smuggler's Cove when the Swinomish Indian Tribal Community commences construction of the Tribal center described in 2.1 above.

3. The Grantor of the within deed assumes no responsibility, express or implied, for the drafting, imposition, interpretation or enforcement of any of the above Covenants. The Grantee of the within deed assumes no responsibility, express or implied, for the drafting of any of the above Covenants.

4. These Covenants are for the sole and exclusive benefit of the United States of America, and James and Phyllis Dunlap and their lineal descendants. Any one of the foregoing parties shall have the right and authority to enforce these Covenants.

AGREED:

~~THE UNITED STATES OF AMERICA~~
~~IN TRUST FOR~~ THE SWINOMISH INDIAN
TRIBAL COMMUNITY

By: Robert Joe, Sr.
Name: Robert Joe, Sr.
Title: Chairman

STATE OF WASHINGTON)
County of Skagit) SS.

On this 10th day of December, 1992, personally appeared before me Robert Joe, Sr. known to me to be the individual(s) who signed this instrument in my presence, on oath stated that [he is][she is][they are] authorized to execute this instrument on behalf of ~~the United States of America in trust for~~ the Swinomish Indian Tribal Community, and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Allen E. Olson
Notary Public in And For the
State of Washington, residing
at LACONNER, WA
My commission expires: 4-6-94



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Filed For Record at Request of;
After Recording Mail To:
ALAN OLSON
SWINOMISH TRIBAL COMMUNITY
PO BOX 817
LA CONNER, WA 98257

121

THIS SPACE RESERVED FOR
RECORDER'S USE: SKAGIT COUNTY AUDITOR
JERRY MCINTURFF

92 DEC 17 AMO:13

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FIRST AMERICAN TITLE CO.

34151

WARRANTY DEED

THE GRANTOR, JAMES DUNLAP, as his separate property, as to an undivided 1/2 interest, SUSAN JENSON, who also appears of record as SUSAN JENSEN, as Trustee of the "Susan Jenson Trust", as to an undivided 1/2 interest; for and in consideration of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration in hand paid, bargains, sells and conveys to THE UNITED STATES OF AMERICA IN TRUST FOR THE SWINOMISH INDIAN TRIBAL COMMUNITY, the Grantee herein, the following described real estate situated in the County of Skagit, State of Washington: Parcel B as legally described on the attached Exhibit A.

B

The Grantor for itself and for its successors in interest does by these presents expressly limit the covenants of the deed to those herein expressed, and excludes all covenants arising or to arise by statutory or other implication, and does hereby covenant that against all persons whomsoever lawfully claiming or to claim by, through or under said Grantor and not otherwise, will forever warrant and defend the said described real estate.

This conveyance is subject to the Covenants, Restrictions, and Easement attached hereto as Exhibit B which shall run with the land. The Swinomish Indian Tribal Community is a federally recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934.

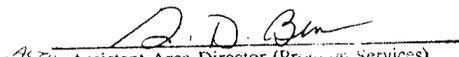
This conveyance is made pursuant to the Act of June 18, 1934 (48 Stat. 984).

DATED this 11th day of December, 1992.


JAMES DUNLAP


SUSAN JENSON as Trustee
of the Susan Jenson Trust

The within deed is hereby accepted: as delegated in 10 BIAM, Section 2, Release 44, dated February 18, 1989, Incorporating 230 DM Release No. 2784, dated March 16, 1988.


Assistant Area Director (Program Services)
12/11/92
(Date)

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STATE OF WASHINGTON)

County of Skagit)

ss.

On this 10th day of December, 1992, personally appeared before me Robert Joe, Sr. known to me to be the individual(s) who signed this instrument in my presence, on oath stated that [he is][~~she is~~][~~they are~~] authorized to execute this instrument on behalf of ~~the United States of America in Trust for the~~ Swinomish Indian Tribal Community, and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Ulla E. Olson

Notary Public in And For the State of Washington, residing at LACONNER, WA. My commission expires: 4-6-94.

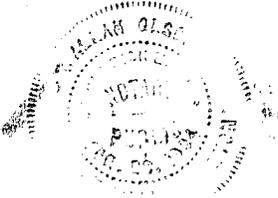


EXHIBIT A

Legal Description - Causeway

Situate in the County of Skagit, State of Washington:
Consisting of approximately 17.55 acres.

PARCEL B

A portion of those premises originally conveyed by the State of Washington to Sigrid Dunlap by deed recorded June 14, 1940 as Skagit County Auditor's File No. 326412 and described as follows:

A strip of land 600 feet wide contiguous to and Easterly of the East side of The United States Government jetty as established on February 20, 1940 between the line of extreme low tide in front of Government Lot 9, Section 1, Township 33 North, Range 2 East, W.M., and the outer harbor line of the City of LaConner in front of Government Lot 3, Section 1, Township 33 North, Range 2 East, W.M.

Said portion being more particularly described as the portion of the following described parcel which is Southerly of the following line:

Commencing at the Northeast corner of Section 1, Township 33 North, Range 2 East, W.M.; thence North 89 degrees 37'00" West 4061.8 feet to a stone monument; thence South 26 degrees 44'50" West 788.30 feet to a stone monument; thence South 600 feet along the West line of the foregoing described parcel to the true point of beginning of said line; thence East perpendicular to said West line to the East line of the foregoing described parcel and the terminus of said line.

TOGETHER WITH AN EASEMENT as contained in the Covenants, Restrictions, and Easement attached to this Deed as Exhibit B.

SUBJECT TO:

1. Any question that may arise regarding the nature of the land by reason of it lying beyond the normal boundaries of second class tidelands.
2. Right of the general public to the unrestricted use of all the waters of a navigable body of water not only for the primary purposes of navigation, but also for corollary purposes, including (but not limited to) fishing, boating, bathing, swimming, water skiing and other related recreational purposes, as those water may affect the tidelands, shorelands, or adjoining uplands, and whether the level of the water has been raised naturally or artificially to a maintained or fluctuating level, all as further defined by the decisional law of this state.
3. Terms, provisions and reservations under the Submerged Land Act (43 U.S.C.A. 1301 through 1311) and the rights of the United States of America to regulate commerce, navigation, flood control, fishing and production of power.
4. Reservations contained in deed from the State of Washington recorded under Auditor's File No. 444092 and 326412, reserving to the grantor all oil, gases, coal, ores, minerals, fossils, etc., and the right of entry for opening, developing and working the same and providing that such rights shall not be exercised until provision has been made

for full payment of all damages sustained by reason of such entry.

Right of the State of Washington or its successors, subject to payment of compensation therefore, to acquire rights of way for private railroads, skid roads, flumes, canals, water courses or other easements for transporting and moving timber, stone, minerals and other products from this and other property, as reserved in deed referred to above.

5. Easement, including the terms and conditions thereof:

Grantee: United States of America
Dated: March 21, 1964, March 24, 1964, November 8, 1965
Recorded: March 23, 1964, May 5, 1964, November 8, 1965
Auditor's No.: 648167, 650265, 674326
Purpose: Perpetual right and easement to enter upon, dig, or cut away and remove any or all of the following-described tract for the improvement and enlargement of Swinomish Channel.

Commencing at the Northeast corner of said Section 1; thence North 89°37'00" west 4061.80 feet to a stone monument; thence south 26°44'50" west 788.30 feet to a stone monument; thence south 7°38'50" west 1873.56 feet to USCGS monument; thence south 30°58'30" west 1229.31 feet to the true point of beginning, thence east 100.00 feet; thence south 110.00 feet; thence through an angle to the right of 150°, 110.00 feet, more or less, to an existing ordinary high water line; thence northwesterly along said ordinary high water line to a point due west of the point of beginning; thence east to the point of beginning.

6. Easement, including the terms and conditions thereof:

Grantee: United States of America
Recorded: March 21, 1964, April 10, 1964, March 24, 1964, March 24, 1964, March 24, 1964, and November 8, 1965
Auditor's No.: 648168, 649051, 650264, 650266, 650267, and 674327

Purpose: Perpetual right and easement to enter upon, dig, or cut and remove that part of the herein described tract lying above 12 feet above mean low water. The continuing perpetual right to cut to ground level and remove all trees, bushes, shrubs, etc., and right to remove portions of buildings or other structures and the right to prohibit further construction of buildings or other structures.

Area affected: Commencing at the northeast corner of said Section 1; thence north 89°37'00" west 4061.80 feet to a stone monument; thence south 26°44'50" west 788.30 feet to a stone monument; thence south 7°38'50" west 1873.56 feet to USCGS monument; thence south 30°58'30" west 1229.31 feet; thence east 100.00 feet to the True Point of Beginning; thence south 110.00 feet; thence through an angle to the right of 150° for a distance of 110.00 feet, more or less, to the ordinary high water line; thence through an angle to the right of 120° for a distance of 30.00 feet; thence through an angle to the right 102° for a distance of 230.00 feet, more or less, to a line which is due east of the point of beginning; thence west along said line to the True Point of Beginning

7. Right of the United States Government to maintain or replace existing dikes upon and over the tidelands on the northwest

side of said Lot 9, said dikes having been constructed for the purpose of protecting from deterioration the channel leading to La Conner, as disclosed by instrument recorded April 10, 1950, under Auditor's File No. 444092.

8. Any adverse claim based upon the assertion that any portion of said premises was not tidelands subject to disposition by the State of Washington.
9. Question of location of lateral boundaries of said second class tidelands.
10. Any adverse claim based upon the assertion or determination that some portions of the subject property are actually one or more of the following:
 - a) Tidelands filled by either natural or artificial means contrary to state law.
 - b) Uplands that have become submerged lands by either natural or artificial means.
 - c) Dependent upon the locations of the lines of ordinary high water and/or extreme low tide to determine their locations.
11. Claims of the Swinomish Tribal Community to ownership of all or part of the subject property and to assertions that all or part of the subject property lies within the Swinomish Reservation.

COVENANTS, RESTRICTIONS AND EASEMENT

This Easement is entered into between SUSAN JENSON, as Trustee of the "Susan Jenson Trust", and JAMES DUNLAP ("Grantor") and THE UNITED STATES OF AMERICA in Trust for the Swinomish Indian Tribal Community ("Grantee"). The Swinomish Indian Tribal Community, the beneficiary of the trust herein, is a federally recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934.

RECITALS

A. Grantor is the owner of that certain real property ("Parcels G through J") legally described on Exhibit A attached hereto and by this reference incorporated herein.

B. Grantee is the owner of that certain real property ("Parcels A through F") legally described on Exhibit B attached hereto and by this reference incorporated herein. Simultaneously with the execution of this Agreement, Grantee acquired Parcels A through F subject to this Agreement.

C. The parties hereto wish to provide for covenants, restrictions, and an easement pursuant to the terms hereof.

AGREEMENT

Now, therefore, in consideration of the premises and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Grantor hereby grants to Grantee a perpetual, non-exclusive easement (the "Easement") for ingress and egress located as described on Exhibit C. The use of the Easement shall be limited to access to Parcels A through F solely for the limited purposes allowed on Parcels A through F pursuant to the covenants encumbering Parcels A through F for the benefit of the United States of America and James and Phyllis Dunlap, husband and wife, and their lineal descendants. Grantee's right to use the easement described as Parcel H on Exhibit A is subject to the written consent and approval of the State of Washington, acting by and through the Department of Natural Resources.

2. Grantor shall not have any responsibility or obligation for construction, maintenance, or repair of the road on the Easement, and Grantee waives any such claims against Grantor. Notwithstanding the foregoing, Grantor has the right and authority to repair the dike which is located within the Easement. Use of the Easement may be restricted during the

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EXHIBIT B BK1146PG0163

performance of repairs to the dike, to the extent necessary to perform the repairs.

3. Grantor and Grantee hereby covenant and agree that for a period of 50 years after the date Grantee acquires Parcel B, Parcel B and Parcel G shall be used as open space only; no improvement, construction, or development shall be permitted on either Parcel B or Parcel G. The covenants in this Paragraph 3 shall expire upon the earlier to occur of the date that a lineal descendant of James and Phyllis Dunlap, husband and wife, no longer resides on Parcel I or J, or the date that Grantor sells a part of Parcel I or J to any party which is not a lineal descendant of James and Phyllis Dunlap, husband and wife.

4. The Easement granted herein modifies and replaces that certain Easement (the "Prior Easement") conveyed to James Fellman or assigns by that certain "Option to Purchase Real Estate", recorded December 12, 1978 and December 13, 1978, under Auditor's File Numbers 892922 and 892964, respectively, as described therein over and across a twenty-five foot (25') wide portion of Section 1 and First-Class Tideland adjacent thereto, in Township 33 North, Range 2 East, W.M. The Prior Easement is hereby terminated.

5. The Easement and this Agreement shall run with the land, and shall be binding upon, and shall run to the benefit of, the parties hereto, any successor in ownership to Parcels A through J, and the heirs, successors and assigns of the parties hereto.

Dated this 11 day of December, 1992.

GRANTOR:

James Dunlap
JAMES DUNLAP

Susan Jenson
SUSAN JENSON, as Trustee of
the Susan Jenson Trust

GRANTEE:

ACCEPTED AND AGREED
~~THE UNITED STATES OF AMERICA~~
~~IN TRUST FOR~~
THE SWINOMISH
INDIAN TRIBAL COMMUNITY

By: Robert J. J. J.
Name: Robert J. J., Sr.
Title: Chairman

INDIVIDUAL Acknowledgement

STATE OF WASHINGTON)

County of Skagit)

ss.

On this 17th day of August, 1992, personally appeared before me **JAMES DUNLAP** known to me to be the individual who signed this instrument in my presence and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Beverly M. Cormick
Notary Public in And For the State
of Washington, residing at
Mt. Vernon
My commission expires: 11/3/95



INDIVIDUAL Acknowledgement

STATE OF WASHINGTON)

County of Skagit)

ss.

On this 17th day of August, 1992, personally appeared before me **SUSAN JENSON**, as Trustee of the **Susan Jenson Trust**, known to me to be the individual who signed this instrument in my presence and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Beverly M. Cormick
Notary Public in And For the State
of Washington, residing at
Mt. Vernon
My commission expires: 11/3/95



INDIVIDUAL Acknowledgement

STATE OF WASHINGTON)
)
County of Skagit)

ss.

On this 17th day of August, 1992, personally appeared before me **JAMES DUNLAP** known to me to be the individual who signed this instrument in my presence and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Brenda McCannick
Notary Public in And For the State
of Washington, residing at
Mt. Vernon
My commission expires: 11/3/95



INDIVIDUAL Acknowledgement

STATE OF WASHINGTON)
)
County of Skagit)

ss.

On this 17th day of August, 1992, personally appeared before me **SUSAN JENSON**, as Trustee of the Susan Jenson Trust, known to me to be the individual who signed this instrument in my presence and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Brenda McCannick
Notary Public in And For the State
of Washington, residing at
Mt. Vernon
My commission expires: 11/3/95



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EXHIBIT A

(Dunlap Property)

Parcels G through J

Situate in the County of Skagit, State of Washington:

PARCEL G

A portion of those premises originally conveyed by the State of Washington to Sigrid Dunlap by deed recorded June 14, 1940 as Skagit County Auditor's File No. 326412 and described as follows:

A strip of land 600 feet wide contiguous to and Easterly of the East side of The United States Government jetty as established on February 20, 1940 between the line of extreme low tide in front of Government Lot 9, Section 1, Township 33 North, Range 2 East, W.M., and the outer harbor line of the City of LaConner in front of Government Lot 3, Section 1, Township 33 North, Range 2 East, W.M.

Said portion being more particularly described as the portion of the foregoing described parcel which is northerly of the following line:

Commencing at the Northeast corner of Section 1, Township 33 North, Range 2 East, W.M.; thence North 89°37'00" West 4061.8 feet to a stone monument; thence South 26°44'50" West 788.20 feet to a stone monument; thence South 600 feet along the west line of the foregoing described parcel to the True Point of Beginning of said line; thence East perpendicular to said west line to the east line of the foregoing described parcel and the terminus of said line.

PARCEL H

An easement as recorded under Skagit County Recording No. 9005210063, which easement is within that portion of Section 1, Township 33 North, Range 2 East, W.M. lying between the inner harbor line and the outer harbor line fronting Government Lot 3 of said Section 1.

PARCEL I

That portion of Tract 1, Plate 19, of first class "LaCONNER TIDELANDS", as per plat thereof on file in the office of the Commissioner of Public Lands in Olympia, Washington, lying between the Northerly extensions of the Easterly and Westerly lines of that certain 600 foot wide strip of land conveyed to Sigrid Dunlap by deed dated February 20, 1940 and recorded June 14, 1940 as Auditor's File No. 326412.

Handwritten:
T-60000 + 20
to 60000 + 20
60000 + 20

PARCEL J

That portion of Government Lot 3, Section 1, Township 33 North, Range 2 East, W.M., lying Southwesterly of the County Road known as Pioneer Park Way as conveyed to Skagit County by deed dated August 8, 1955 and recorded August 9, 1955 as Auditor's File No. 522228.

EXHIBIT B

(Tribe Property)

Parcels A through F

Situate in the County of Skagit, State of Washington:

PARCEL A

Government Lots 9 and 10, Section 1, Township 33 North, Range 2 East, W.M.

TOGETHER WITH tidelands of second class situated in front of, adjacent to or abutting upon that part of Government Lot 9, measured along the meander line as follows:

Beginning at the intersection of the South line of said Lot 9 with the meander line of the West side of said Lot 9; thence North 9 degrees East 4.00 chains, more or less, to an angle point in said meander line; thence West 3.30 chains; thence North 49 degrees West 1.30 chains; thence North 19 degrees West 2.50 chains; thence North 29 degrees East 1.30 chains to the point of beginning of this description; thence North 70 degrees East 2.70 chains; thence North 80 degrees East 3.50 chains; thence South 84 degrees East 2.00 chains; thence North 41 degrees 30' East 8.00 chains; thence North 30 degrees East 4.50 chains; thence North 24 degrees East 3.90 chains to terminal point of this description.

EXCEPT from all of the above those portions thereof lying within the boundaries of Parcels B, C, D, E and F as described herein below.

PARCEL B

A portion of those premises originally conveyed by the State of Washington to Sigrid Dunlap by deed recorded June 14, 1940 as Skagit County Auditor's File No. 326412 and described as follows:

A strip of land 600 feet wide contiguous to and Easterly of the East side of The United States Government jetty as established on February 20, 1940 between the line of extreme low tide in front of Government Lot 9, Section 1, Township 33 North, Range 2 East, W.M., and the outer harbor line of the City of LaConner in front of Government Lot 3, Section 1, Township 33 North, Range 2 East, W.M.

Said portion being more particularly described as the portion of the following described parcel which is Southerly of the following line:

Commencing at the Northeast corner of Section 1, Township 33 North, Range 2 East, W.M.; thence North 89 degrees 37'00" West 4061.8 feet to a stone monument; thence South 26 degrees 44'50" West 788.30 feet to a stone monument; thence South 600 feet along the West line of the foregoing described parcel to the true point of beginning of said line; thence East perpendicular to said West line to the East line of the foregoing described parcel and the terminus of said line.

PARCEL C

That portion of Government Lot 9, Section 1, Township 33 North, Range 2 East, W.M., described as follows:

Beginning at the Northeast corner of said Section 1; thence North 89 degrees 37' West 4061.8 feet to Stone Monument; thence South 26 degrees 44'50" West 788.3 feet to Stone Monument; thence South 7 degrees 38'50" West 1873.56 feet to U.S.C.G. Survey Monument; thence South 30 degrees 58'30" West 1095.89 feet to a point on the Government meander line of said Government Lot 9 and the true point of beginning of this description; thence from said true point of beginning continue South 30 degrees 58'30" West 133.42 feet; thence East 627.64 feet; thence North 14 degrees 57'10" East 429.6 feet, more or less, to a point on the Government meander line of said Lot 9; thence South 41 degrees 30' West along said meander line, a distance of 316.98 feet to an angle point in said meander line; thence North 84 degrees West 132.0 feet; thence South 80 degrees West 231.0 feet; thence South 70 degrees West 107.49 feet to the true point of beginning.

TOGETHER WITH that certain 25 feet wide non-exclusive easement for ingress, egress, roadway and utilities as conveyed to James Fellman or assigns by that certain "Option to Purchase Real Estate", recorded December 12, 1978 and December 13, 1978, under Auditor's File Nos. 892922 and 892964, respectively, as described therein over and across a 25 foot wide portion of Section 1 and First Class Tideland adjacent thereto, in Township 33 North, Range 2 East, W.M.

PARCEL D

Tide lands of second class situated in front of, adjacent to or abutting upon that part of Government Lot 9, Section 1, Township 33 North, Range 2 East, W.M., measured along the meander line as follows:

Beginning at the intersection of the South line of said Lot 9 with the meander line of the West side of said Lot 9; thence North 9 degrees East 4.00 chains, more or less, to an angle point in said meander line; thence West 3.30 chains; thence North 49 degrees West 1.30 chains; thence North 19 degrees West 2.50 chains; thence North 29 degrees East 1.30 chains to the true point of beginning of this description; thence North 70 degrees East 2.70 chains; thence North 80 degrees East 3.50 chains; thence South 84 degrees East 2.00 chains; thence North 41 degrees 30' East 8.00 chains; thence North 30 degrees East 4.50 chains; thence North 24 degrees East 3.90 chains to terminal point of this description. EXCEPTING all that portion of said tide lands lying Easterly of a line described as follows:

Beginning at the Northeast corner of said Section 1; thence North 89 degrees 37' West 4061.8 feet to Stone Monument; thence South 26 degrees 44'50" West 788.3 feet to Stone Monument; thence South 7 degrees 38'50" West 1873.56 feet to U.S.C.G. Survey Monument and the true point of beginning of said line; thence South 19 degrees 39'50" East 470.15 feet; thence South 14 degrees 57'10" West 203.11 feet to the meander line of said Government Lot 9, thence South 41 degrees 30' West along said meander line a distance of 316.98 feet to an angle point in said meander line; thence North 84 degrees West 132.0 feet; thence South 80 degrees West 231.0 feet; thence South 70 degrees West 107.49 feet and the terminal point of line herein described.

TOGETHER WITH that certain 25 feet wide non-exclusive easement for ingress, egress, roadway and utilities as conveyed to James Fellman or assigns by that certain "Option to Purchase Real Estate", recorded December 12, 1978 and December 13, 1978, under Auditor's File Nos. 892922 and 892964, respectively, as described therein over and across a 25 foot wide portion of Section 1 and First Class Tideland adjacent thereto, in Township 33 North, Range 2 East, W.M.

PARCEL E

That portion of Government Lot 9 of Section 1, Township 33 North, Range 2 East, W.M. described as follows:

Beginning at a point on the government meander line 99 feet North of the Southeast corner of Government Lot 9; thence due West to a point which is 200 feet West (when measured at right angles) from the government meander line; thence North 23 degrees West 900 feet; thence due East to the government meander line; thence Southerly along said meander line to the point of beginning.

PARCEL F

Tidelands of the second class formerly owned by the State of Washington, situate in front of, adjacent to or abutting upon that part of Government Lot 9, Section 1, Township 33 North, Range 2 East, W.M., measured along the Government meander line as follows:

Beginning at the intersection of the South line of said Government Lot 9 with said meander line on the East side of said Government Lot 9 and running thence North 1.57 chains, more or less, to an angle point in said meander line, thence North 23 degrees West 16.00 chains, North 3.70 chains, North 4 degrees West 3.30 chains and North 83 degrees West 2.20 chains to an angle point in said meander line and the terminal point of this description, with a frontage of 26.77 lineal chains, more or less.

EXCEPT such portion, if any, of the above described tide lands that may be include in a deed from the State of Washington to Sigrid Dunlop issued February 20, 1940 under application No. 10320, under the provisions of Chapter 101, Session Laws of 1939, recorded June 14, 1940, under Auditor's File No. 326412 Records of Skagit County, Washington.

AND ALSO EXCEPT any portion of said tide lands lying within the boundaries of Parcel E as set forth herein above.

EXHIBIT C
Easement Location

Situate in Skagit County, State of Washington.

An easement for ingress, egress and utilities over, under and across a strip of land being 25 feet in width, the centerline being more particularly described as follows:

Commencing at the Northeast corner of Section 1, Township 33 North, Range 2 East, W.M., as the same is shown on that certain Record of Survey map recorded in Book 2 of Surveys, page 211, under Auditor's File Number 8001020014, records of Skagit County, Washington; thence North 89°37'00" West 4061.8 feet to a stone monument; thence South 89°33'50" East 11.25 feet to the TRUE POINT OF BEGINNING of said centerline; thence South 60°40'00" West 131.68 feet to a point of curvature; thence along the arc of said curve to the left having a radius of 250.00 feet, through a central angle of 27°17'40", an arc distance of 119.09 feet to a point of compound curvature; thence along the arc of said curve to the left having a radius of 800.00 feet, through a central angle of 22°22'20", an arc distance of 312.38 feet to a point of tangency; thence South 11°00'00" West 236.73 feet to a point of curvature; thence along the arc of said curve to the left having a radius of 140.00 feet, through a central angle of 70°01'20", an arc distance of 171.10 feet to a point of tangency; thence South 59°01'20" East 95.56 feet to a point of curvature; thence along the arc of said curve to the right having a radius of 70.00 feet, through a central angle of 75°55'40", an arc distance of 92.76 feet to a point of tangency; thence South 16°54'20" West 165.84 feet to a point of curvature; thence along the arc of said curve to the left having a radius of 300.00 feet, through a central angle of 28°56'45", an arc distance of 151.56 feet to a point of tangency; thence South 12°02'25" East 80.61 feet to the intersection with the following described line, said intersection being the terminus of said centerline (side right of way lines to be shortened or lengthened as necessary to intersect with the beginning and terminal lines).

Said terminus line being described as:

Commencing at the Northeast corner of Section 1, Township 33 North, Range 2 East, W.M., as the same is shown on that certain Record of Survey map recorded in Book 2 of Surveys, page 211, under Auditor's File Number 8001020014, records of Skagit County, Washington; thence North 89°37'00" West 4061.8 feet to a stone monument; thence South 26°44'50" West 788.20 feet to a stone monument; thence South 7°38'50" West 600.00 feet on a line to the U.S.C.G. survey monument as the same is shown on said Record of Survey map recorded in Book 2 of Surveys, page 211; thence North 82°21'10" West to the line of Extreme Low Tide on the West side of said Government Jetty (if any) and the TRUE POINT OF BEGINNING; thence South 82°21'10" East 500 feet more or less to the line of Extreme Low Tide on the East side of said Government Jetty (if any) and the terminus of said line.

14
16
Filed for Record at Request of; THIS SPACE RESERVED FOR
After Recording Mail To: RECORDER'S USE:

ALAN OLSON
SWINOMISH TRIBAL COMMUNITY
PO BOX 817
LA CONNER, WA 98257

JERRY MCINTURE
SKAGIT COUNTY AUDITG

92 DEC 17 AIO:12

RECORDED... FILED
REQUEST OF

FIRST AMERICAN TITLE CO.

9212170C35

34151

WARRANTY DEED

THE GRANTOR, DOROTHY H. FELLMAN individually and as the Personal Representative of the Estate of JAMES R. FELLMAN, deceased; and NATHANIEL C. SCOTT and RUTH J. SCOTT, husband and wife; JAMES N. SCOTT and MARY S. SCOTT, husband and wife; and A. ELLIOTT JOHNSON individually and as the Personal Representative of the Estate of EILEEN W. JOHNSON, Deceased, in indeterminate interest as to the fee portion of subject property, and DOROTHY H. FELLMAN, as the Personal Representative of the Estate of James R. Fellman, Deceased, as to the easement portion of subject property, for and in consideration of Three Hundred Forty-Five Thousand, Five Hundred Ninety and no/100 Dollars (\$345,590.00) (plus any interest paid to the Grantor pursuant to the Real Estate Purchase and Sale Agreement for this property) in hand paid, bargains, sells and conveys to THE UNITED STATES OF AMERICA IN TRUST FOR THE SWINOMISH INDIAN TRIBAL COMMUNITY, the Grantee herein, the following described real estate situated in the County of Skagit, State of Washington: Parcels C and D as legally described on the attached Exhibit A.

Parcels C
and D

The Grantor for itself and for its successors in interest does by these presents expressly limit the covenants of the deed to those herein expressed, and excludes all covenants arising or to arise by statutory or other implication, and does hereby covenant that against all persons whomsoever lawfully claiming or to claim by, through or under said Grantor and not otherwise, will forever warrant and defend the said described real estate.

This conveyance is subject to the Covenants attached hereto as Exhibit B which shall run with the land for the sole and exclusive benefit of the United States of America, and James and Phyllis Dunlap and their lineal descendants. The Swinomish Indian Tribal Community, the beneficiary of the Grantee trust herein, is a federally recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934.

This conveyance is made pursuant to the Act of June 18, 1934 (48 Stat. 984).

DATED this 11th day of December, 1992.

Dorothy H. Fellman
DOROTHY H. FELLMAN,
individually and as the
Personal Representative
of the Estate of James R.
Fellman

Nathaniel C. Scott
NATHANIEL C. SCOTT

Ruth J. Scott
RUTH J. SCOTT

James N. Scott
JAMES N. SCOTT

Mary S. Scott
MARY S. SCOTT

A. Elliott Johnson
A. ELLIOTT JOHNSON,
individually and as the
Personal Representative
of the Estate of Eileen W.
Johnson

5874/5875
SKAGIT COUNTY WASHINGTON
Real Estate Excise Tax
PAID

DEC 16 1992

Amount Paid \$ -0-
Skagit County Treasurer
Deputy

9212170C35

BK1146100137

INDIVIDUAL Acknowledgement

STATE OF WASHINGTON)

County of Skagit)

ss.

On this 17 day of August, 1992, personally appeared before me DOROTHY H. FELLMAN known to me to be the individual who signed this instrument in my presence and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Judith Wandervort
Notary Public in And For the
State of Washington,
at Mt Vernon
My commission expires 12/31/94

INDIVIDUAL Acknowledgement

STATE OF WASHINGTON)

County of Skagit)

ss.

On this 17 day of August, 1992, personally appeared before me DOROTHY H. FELLMAN, as the Personal Representative of the Estate of James R. Fellman, Deceased, known to me to be the individual who signed this instrument in my presence and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Judith Wandervort
Notary Public in And For the
State of Washington,
at Mt Vernon
My commission expires 12/31/94

INDIVIDUAL Acknowledgement

STATE OF WASHINGTON)

County of Skagit)

ss.

On this 17 day of August, 1992, personally appeared before me NATHANIEL C. SCOTT known to me to be the individual who signed this instrument in my presence and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Judith Wandervort
Notary Public in And For the
State of Washington, residing
at Mt Vernon
My commission expires 12/31/94

2
91

INDIVIDUAL Acknowledgement
STATE OF WASHINGTON)

County of Skagit)

ss.

On this 17 day of August, 1992, personally appeared before me RUTH J. SCOTT known to me to be the individual who signed this instrument in my presence and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Judith Wandersbeck
Notary Public in And For the
State of Washington, residing
at Mt Vernon
My commission expires: 2-15-94

INDIVIDUAL Acknowledgement
STATE OF WASHINGTON)

County of Skagit)

ss.

On this 14 day of August, 1992, personally appeared before me JAMES N. SCOTT known to me to be the individual who signed this instrument in my presence and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Judith Wandersbeck
Notary Public in And For the
State of Washington, residing
at Mt Vernon
My commission expires: 2-15-94

INDIVIDUAL Acknowledgement
STATE OF WASHINGTON)

County of Skagit)

ss.

On this 14 day of August, 1992, personally appeared before me MARY S. SCOTT known to me to be the individual who signed this instrument in my presence and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Judith Wandersbeck
Notary Public in And For the
State of Washington, residing
at Mt Vernon
My commission expires: 2-15-94

9212170035

INDIVIDUAL Acknowledgement
STATE OF WASHINGTON)

County of Skagit) ss.

On this 17 day of August, 1992, personally appeared before me A. ELLIOTT JOHNSON known to me to be the individual who signed this instrument in my presence and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Judith Wandewort
Notary Public in And For the
State of Washington,
at Skagit
My commission expires: 12/11/92

INDIVIDUAL Acknowledgement
STATE OF WASHINGTON)

County of Skagit) ss.

On this 17 day of August, 1992, personally appeared before me A. ELLIOTT JOHNSON as Personal Representative of the Estate of EILEEN W. JOHNSON, Deceased known to me to be the individual who signed this instrument in my presence and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Judith Wandewort
Notary Public in And For the
State of Washington, residing
at Skagit
My commission expires: 12/11/92

The within deed is hereby accepted: as delegated in
10 BIAM, Section 2, Release 44, dated February 18,
1989, Incorporating 230 DM Release No. 2784, dated
March 16, 1983.

D. D. B...
Assistant Area Director (Program Services)

12/11/92
(Date)

9212170035

EXHIBIT A - Scott/Fellman

Legal Description

Situate in the County of Skagit, State of Washington:

PARCEL C

That portion of Government Lot 9, Section 1, Township 33 North, Range 2 East, W.M., described as follows:

Beginning at the Northeast corner of said Section 1; thence North 89 degrees 37' West 4061.8 feet to Stone Monument; thence South 26 degrees 44'50" West 788.3 feet to Stone Monument; thence South 7 degrees 38'50" West 1873.56 feet to U.S.C.G. Survey Monument; thence South 30 degrees 58'30" West 1095.89 feet to a point on the Government meander line of said Government Lot 9 and the true point of beginning of this description; thence from said true point of beginning continue South 30 degrees 58'30" West 133.42 feet; thence East 627.64 feet; thence North 14 degrees 57'10" East 429.6 feet, more or less, to a point on the Government meander line of said Lot 9; thence South 41 degrees 30' West along said meander line, a distance of 316.98 feet to an angle point in said meander line; thence North 84 degrees West 132.0 feet; thence South 80 degrees West 231.0 feet; thence South 70 degrees West 107.49 feet to the true point of beginning.

TOGETHER WITH that certain 25 feet wide non-exclusive easement for ingress, egress, roadway and utilities as conveyed to James Fellman or assigns by that certain "Option to Purchase Real Estate", recorded December 12, 1978 and December 13, 1978, under Auditor's File Nos. 892922 and 892964, respectively, as described therein over and across a 25 foot wide portion of Section 1 and First Class Tideland adjacent thereto, in Township 33 North, Range 2 East, W.M.

Consisting of approximately 2.91 acres.

PARCEL D

Tide lands of second class situated in front of, adjacent to or abutting upon that part of Government Lot 9, Section 1, Township 33 North, Range 2 East, W.M., measured along the meander line as follows:

Beginning at the intersection of the South line of said Lot 9 with the meander line of the West side of said Lot 9; thence North 9 degrees East 4.00 chains, more or less, to an angle point in said meander line; thence West 3.30 chains; thence North 49 degrees West 1.30 chains; thence North 19 degrees West 2.50 chains; thence North 29 degrees East 1.30 chains to the true point of beginning of this description; thence North 70 degrees East 2.70 chains; thence North 80 degrees East 3.50 chains; thence South 84 degrees East 2.00 chains; thence North 41 degrees 30' East 8.00 chains; thence North 30 degrees East 4.50 chains; thence North 24 degrees East 3.90 chains to terminal point of this description. EXCEPTING all that portion of said tide lands lying Easterly of a line described as follows:

Beginning at the Northeast corner of said Section 1; thence North 89 degrees 37' West 4061.8 feet to Stone Monument; thence South 26 degrees 44'50" West 788.3 feet to Stone Monument; thence South 7 degrees 38'50" West 1873.56 feet to U.S.C.G. Survey Monument and the true point of beginning of said line; thence South 19 degrees 39'50" East 470.15 feet; thence South 14 degrees 57'10" West 203.11 feet to the meander line of said Government Lot 9, thence South 41° 30' West along said meander line a distance of 316.98 feet to an angle point in said meander line; thence North 84° West 132.0'; thence South 80° West 231.0'; thence South 70° West 107.49 feet and the terminal point of line herein described.

TOGETHER WITH that certain 25 feet wide non-exclusive easement for ingress, egress, roadway and utilities as conveyed to James Fellman or assigns by that certain "Option to Purchase Real Estate", recorded December 12, 1978 and December 13, 1978, under Auditor's File Nos. 892922 and 892964, respectively, as described therein over and across a 25 foot wide portion of Section 1 and First Class Tideland adjacent thereto, in Township 33 North, Range 2 East, W.M.

Consisting of an undetermined number of tideland acres.

SUBJECT TO:

INCLUDING ANY AMENDMENTS TO SAID LEASE:

1. MEMORANDUM OF LEASE AND THE TERMS AND CONDITIONS THEREOF

Lessor: Scott, Fellman & Johnson, a partnership
Lessee: Robert N. Coe and Janet L. Auman, husband and wife
Dated: June 1, 1989
Recorded: June 14, 1989
Auditor's No.: 8906140017

ASSIGNMENT OF SUBLEASE AND THE TERMS AND CONDITIONS THEREOF:

Assignee: Valley Bank
Dated: January 24, 1989
Recorded: August 4, 1989
Auditor's No: 8908040094

A SECURITY INTEREST IN GOODS UNDER THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE, RCW 62A, DISCLOSED BY FINANCING STATEMENT FILED IN THE OFFICE OF THE COUNTY AUDITOR:

Debtor: Janet L. Auman; Skagit Bay Boatyard; Robert N. Coe
Secured Party: Valley Bank
Filed: June 9, 1989
Auditor's No: 8906097001; 8906097002; 8906097003
Collateral: Fixtures at 1870 McGlinn Island Road, La Conner, WA 98257

2. Right of the general public to the unrestricted use of all the waters of a navigable body of water not only for the

primary purposes of navigation, but also for corollary purposes, including (but not limited to) fishing, boating, bathing, swimming, water skiing and other related recreational purposes, as those water may affect the tidelands, shorelands, or adjoining uplands, and whether the level of the water has been raised naturally or artificially to a maintained or fluctuating level, all as further defined by the decisional law of this state.

3. Terms, provisions and reservations under the Submerged Land Act (43 U.S.C.A. 1301 through 1311) and the rights of the United States of America to regulate commerce, navigation, flood control, fishing and production of power.
4. Provisions in the nature of covenants imposed by Shoreline Substantial Development Permit No. 1-87:

Requested by: Scott, Fellman & Johnson
Imposed by: Skagit County Hearing Examiner
Recorded: April 14, 1987
Auditor's 8704140010
File No.:

Reference is hereby made to the record for the full particulars.

5. Provision in the nature of covenants imposed by Shoreline Substantial Development Permit No. 1-87:

Requested by: Jim Fellman
Imposed by: Skagit County Hearing Examiner
Recorded: December 10, 1987
Auditor's 8712100026
File No.:

Reference is hereby made to the record for the full particulars.

6. Reservations contained in deed from the State of Washington recorded under Auditor's File No. 444092 and 326412, reserving to the grantor all oil, gases, coal, ores, minerals, fossils, etc., and the right of entry for opening, developing and working the same and providing that such rights shall not be exercised until provision has been made for full payment of all damages sustained by reason of such entry.

Right of the State of Washington or its successors, subject to payment of compensation therefore, to acquire rights of way for private railroads, skid roads, flumes, canals, water courses or other easements for transporting and moving timber, stone, minerals and other products from this and other property, as reserved in deed referred to above.

7. Easement, including the terms and conditions thereof:

Grantee: United States of America
Dated: March 21, 1964, March 24, 1964,
November 8, 1965
Recorded: March 23, 1964, May 5, 1964,
November 8, 1965
Auditor's 648167, 650265, 674326
No.:.
Purpose: Perpetual right and easement to enter upon, dig, or cut away and remove any or all of the following-described tract for the improvement and enlargement of Swinomish Channel.

Commencing at the Northeast corner of said Section 1; thence North 89°37'00" west 4061.80 feet to a stone monument; thence south 26°44'50" west 788.30 feet to a stone monument; thence south 7°38'50" west 1873.56 feet to USCGS monument; thence south 30°58'30" west 1229.31 feet to the true point of beginning, thence east 100.00 feet; thence south 110.00

feet; thence through an angle to the right of 150°, 110.00 feet, more or less, to an existing ordinary high water line; thence northwesterly along said ordinary high water line to a point due west of the point of beginning; thence east to the point of beginning.

8. Easement, including the terms and conditions thereof:

Grantee: United States of America
Recorded: March 21, 1964, April 10, 1964, March 24, 1964, March 24, 1964, March 24, 1964, and November 8, 1965
Auditor's No.: 648168, 649051, 650264, 650266, 650267, and 674327
Purpose: Perpetual right and easement to enter upon, dig, or cut and remove that part of the herein described tract lying above 12 feet above mean low water. The continuing perpetual right to cut to ground level and remove all trees, bushes, shrubs, etc., and right to remove portions of buildings or other structures and the right to prohibit further construction of buildings or other structures.
Area affected: Commencing at the northeast corner of said Section 1; thence north 89°37'00" west 4061.80 feet to a stone monument; thence south 26°44'50" west 788.30 feet to a stone monument; thence south 7°38'50" west 1873.56 feet to USCGS monument; thence south 30°58'30" west 1229.31 feet; thence east 100.00 feet to the True Point of Beginning; thence south 110.00 feet; thence through an angle to the right of 150° for a distance of 110.00 feet, more or less, to the ordinary high water line; thence through an angle to the right of 120° for a distance of 30.00 feet; thence through an angle to the right 102° for a distance of 230.00 feet, more or less, to a line which is due east of the point of beginning; thence west along said line to the True Point of Beginning

9. Right of the United States Government to maintain or replace existing dikes upon and over the tidelands on the northwest side of said Lot 9, said dikes having been constructed for the purpose of protecting from deterioration the channel leading to La Conner, as disclosed by instrument recorded April 10, 1950, under Auditor's File No. 444092.
10. Any adverse claim based upon the assertion that any portion of said premises was not tidelands subject to disposition by the State of Washington.
11. Question of location of lateral boundaries of said second class tidelands.
12. Any adverse claim based upon the assertion or determination that some portions of the subject property are actually one or more of the following:
- a) Tidelands filled by either natural or artificial means contrary to state law.
 - b) Uplands that have become submerged lands by either natural or artificial means.
 - c) Dependent upon the locations of the lines of ordinary high water and/or extreme low tide to determine their locations.
13. Claims of the Swinomish Tribal Community to ownership of all or part of the subject property and to assertions that all or part of the subject property lies within the Swinomish Reservation.

EXHIBIT B - Scott/Fellman

Covenants

The property described on the deed to which these covenants are attached is hereby subjected to the covenant that the use of the property be forever subject to the following restrictions which shall run with the property and be binding upon any successors in ownership to any interest in the property:

1. Except as specifically set forth in these Covenants, no improvements shall be constructed on the property, which shall forever remain undeveloped.

2. The following uses of the property shall be permitted:

2.1 The building and operation of one year-around tribal cultural/interpretive center; the buildings, parking facilities and other above ground improvements shall be on a portion of the property not to exceed in the aggregate 3 acres located north of the following described line: Beginning at the Northeast corner of Section 1, Township 33 North, Range 2 East, W.M.; thence North 89 degrees 37' West 4061.8 feet to stone monument; thence South 26 degrees 44'50" West 788.3 feet to stone monument; thence South 7 degrees 38'50" West 1873.56 to U.S.C.G. Survey Monument; thence South 30 degrees 58'30" West 1095.89 feet to a point on the Government meander line of Government Lot 9 in said Section 1; thence South 30 degrees 58'30" West 133.42 feet to the true point of beginning of said line; thence East 627.64 feet; thence South to the North line of the South 350' of said Government Lot 9; thence East along said North line to a point on the Government meander line of said Government Lot 9 and the end of said line. The use of this tribal cultural/interpretive center shall not be open to the public except during daylight hours (which shall always include the hours from 8:00 a.m. to 6:00 p.m.) and no commercial activity shall be allowed except a small gift shop. The gift shop may sell tribal/cultural items only, including incidental sales of cigarettes; sales and use of alcohol, volume sales of cigarettes, and gambling shall not be permitted. The size and style of the center buildings shall be compatible with the natural setting of the surrounding area, and shall be built, operated and maintained in a manner to preserve as much undisturbed land, trees, and natural vegetation and open space value as practical, and to minimize adverse environmental impacts upon the property. Occasional evening events will be allowed infrequently for special tribal occasions such as weddings or tribal ceremonies.

2.2 To allow the property to lie fallow.

2.3 To remove limited amounts of plant material, roots or herbs for Indian religious, spiritual, and cultural purposes, and not for the commercial resale thereof.

2.4 To manage the property as open space consistent with maintaining the property as a traditional Swinomish cultural and spiritual preserve in accord with the following objectives:

2.4.1 To maintain a healthy stand of trees and indigenous plants on the property;

2.4.2 To maintain a continuous growth of desirable tree and plant species native to the property, including a reasonable proportion of old-growth trees (200 years or older);

2.4.3 To keep wooded areas of the property as aesthetically appealing as possible;

2.4.4 To maintain the suitability of the property as wildlife habitat; and

2.4.5 To maintain the spiritual and cultural integrity of the property for the use of Indian religious purposes.

2.5 To manage the property as an open-space, natural area and forest, open to individuals and groups for walking and educational purposes, with the permission of the Swinomish Indian Tribe, all consistent with protection of the natural resources and features of the property.

2.6 A portion of the upland property is currently used as a boat repair facility, with two houses. The marina basin adjacent to the uplands is currently used for boat moorage and moorage rental. These activities may continue, and the boat repair, moorage and storage activities may be expanded. Marine-related commercial activities are permitted, but no other uses shall be allowed, including without limitation retail sales, cigarette sales, alcohol sales, and gambling.

2.7 To hunt and fish on the tidelands surrounding the property in compliance with Federal and Tribal regulations.

3. The Grantor of the within deed assumes no responsibility, express or implied, for the drafting, imposition, interpretation or enforcement of any of the above Covenants. The Grantee of the within deed assumes no responsibility, express or implied, for the drafting of any of the above Covenants.

4. These Covenants are for the sole and exclusive benefit of the United States of America and James and Phyllis Dunlap and their lineal descendants. Any one of the foregoing parties shall have the right and authority to enforce these Covenants.

AGREED:

~~THE UNITED STATES OF AMERICA~~
~~IN TRUST FOR THE USE AND BENEFIT~~
~~OF~~ THE SWINOMISH INDIAN TRIBAL
COMMUNITY

By: Robert Joe, Sr.
Name: Robert Joe, Sr.
Title: Chairman

STATE OF WASHINGTON)
County of Skagit) ss.

On this 10th day of DECEMBER, 1992, personally appeared before me Robert Joe, Sr. known to me to be the individual(s) who signed this instrument in my presence, on oath stated that [he is][she is][they are] authorized to execute this instrument on behalf of ~~the United States of America in Trust for~~ the Swinomish Indian Tribal Community, and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Alfa E. Olson
Notary Public in And For the
State of Washington, residing
at LACONNER, WA.
My commission expires: 4-6-94.



26
28

22 4 20
JERRY MCINTURE,
SKAGIT COUNTY AUDITOR

Filed For Record at Request of;
After Recording Mail To:
ALAN OLSON
SWINOMISH TRIBAL COMMUNITY
PO BOX 817
LA CONNER, WA 98257

THIS SPACE RESERVED FOR
RECORDER'S USE: DEC 17 AIO:11

E

9212170034

FIRST AMERICAN TITLE CO.

34151

WARRANTY DEED

RECORDED FILED
REQUEST OF JERRY MCINTURE,
SKAGIT COUNTY AUDITOR
DEC 17 AIO

THE GRANTOR, STEVEN EGBERS and PAM EGBERS, husband and wife; JAMES N. NELSON and LYNN NELSON, husband and wife; ROGER F. MELVILLE, a single man; RUSSELL E. JENSEN and GALE JENSEN, husband and wife; WILLIAM V. CATLOW, a single man; DENNIS W. MELVILLE and KATHY MELVILLE, husband and wife; JOHN C. LAURSEN and BARBARA LAURSEN, husband and wife; ERIC D. JENSEN, a single man; and LARRY HIGGINS and TURINE HIGGINS, husband and wife, for and in consideration of Ninety-Eight Thousand Seven Hundred Forty and no/100 Dollars (\$98,740) (plus any interest paid to the Grantor pursuant to the Real Estate Purchase and Sale Agreement for this property) in hand paid, bargains, sells and conveys to THE UNITED STATES OF AMERICA IN TRUST FOR THE SWINOMISH INDIAN TRIBAL COMMUNITY, the Grantee herein, the following described real estate situated in the County of Skagit, State of Washington: Parcel E as legally described on the attached Exhibit A.

The Grantor for itself and for its successors in interest does by these presents expressly limit the covenants of the deed to those herein expressed, and excludes all covenants arising or to arise by statutory or other implication, and does hereby covenant that against all persons whomsoever lawfully claiming or to claim by, through or under said Grantor and not otherwise, will forever warrant and defend the said described real estate.

Grantor reserves the right to occupy a portion of the property conveyed herein pursuant to the terms and conditions set forth in the lease attached as Exhibit C. Said lease shall be enforceable to the same extent and in the same manner as other leases granted by the United States pursuant to Title 25 of the Code of Federal Regulations.

This conveyance is subject to the Covenants attached hereto as Exhibit B which shall run with the land for the sole and exclusive benefit of the United States of America, and James and Phyllis Dunlap and their lineal descendants. The Swinomish Indian Tribal Community, the beneficiary of the Grantee trust herein, is a federally recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934.

This conveyance is made pursuant to the Act of June 18, 1934 (48 Stat. 984).

DATED this 11th day of December, 1992.

See attached page for signatures.

5873
SKAGIT COUNTY WASHINGTON

DEC 16 1992

First American Title Co.
Skagit Co. Recd
fp

9212170034

Steven Egbers
STEVEN EGBERS

Pam Egbers
PAM EGBERS

James N. Nelson
JAMES N. NELSON

Lynn Nelson
LYNN NELSON

Russell E. Jensen
RUSSELL E. JENSEN

Gale Jensen
GALE JENSEN

Roger F. Melville
ROGER F. MELVILLE

William V. Catlow
WILLIAM V. CATLOW

Dennis W. Melville
DENNIS W. MELVILLE

Kathy Melville
KATHY MELVILLE

John C. Laursen
JOHN C. LAURSEN

Barbara Laursen
BARBARA LAURSEN

Larry Higgins by Turine Higgins P.O.A.
LARRY HIGGINS

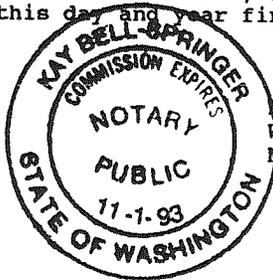
Turine Higgins
TURINE HIGGINS

Eric D. Jensen by Russell E. Jensen P.O.A.
ERIC D. JENSEN

STATE OF WASHINGTON)
County of Skagit) ss.

On this 19 day of August, 1992, personally appeared before me STEVEN EGBERS and PAM EGBERS, husband and wife, known to me to be the individuals who signed this instrument in my presence and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.



Kay Bell-Springer
Notary Public in And For the State of Washington, residing at Anacortes
My appointment expires: 11-1-93.

9212170C34

STATE OF WASHINGTON)
)
County of SAN JUAN) ss.

On this 16 day of August, 1992, personally appeared before me JAMES N. NELSON and LYNN NELSON, husband and wife, known to me to be the individuals who signed this instrument in my presence and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.



Theodore E. Riebel
Notary Public in And For the State of
Washington, residing at Lopez.
My appointment expires: 7-1-94.

STATE OF WASHINGTON)
)
County of Snohomish) ss.

On this 14 day of August, 1992, personally appeared before me RUSSELL E. JENSEN and GALE JENSEN, husband and wife, known to me to be the individuals who signed this instrument in my presence and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.



Joan M. Kappel
Notary Public in And For the State of
Washington, residing at Mount Vernon
My appointment expires: 11-20-95

STATE OF WASHINGTON)
)
County of Snohomish) ss.

On this 21st day of August, 1992, personally appeared before me ROGER F. MELVILLE, known to me to be the individual who signed this instrument in my presence and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.



Patricia Dale Olander
Notary Public in And For the State of
Washington, residing at Shanwood
My appointment expires: 7/26/96

9212170C34

STATE OF WASHINGTON)
County of SAN JUAN) ss.

On this 16 day of August, 1992, personally appeared before me WILLIAM V. CATLOW, known to me to be the individual who signed this instrument in my presence and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.



Theodore E. Richey
Notary Public in And For the State of
Washington, residing at Lopez.
My appointment expires: 7-1-94.

STATE OF WASHINGTON)
County of SAN JUAN) ss.

On this 16 day of August, 1992, personally appeared before me DENNIS W. MELVILLE and KATHY MELVILLE, husband and wife, known to me to be the individuals who signed this instrument in my presence and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.



Theodore E. Richey
Notary Public in And For the State of
Washington, residing at Lopez.
My appointment expires: 7-1-94.

STATE OF WASHINGTON)
County of SAN JUAN) ss.

On this 16 day of August, 1992, personally appeared before me JOHN C. LAURSEN and BARBARA LAURSEN, husband and wife, known to me to be the individuals who signed this instrument in my presence and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.



Theodore E. Richey
Notary Public in And For the State of
Washington, residing at Lopez.
My appointment expires: 7-1-94.

9212170034

STATE OF WASHINGTON)
County of Sagit)

ss.

On this 28 day of August, 1992, personally appeared before me LARRY HIGGINS and TURINE HIGGINS, husband and wife, known to me to be the individuals who signed this instrument in my presence and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

Signed by Turine Higgins P.O.A
IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.



Joan M. Kappel
Notary Public in And For the State of Washington, residing at Mount Vernon
My appointment expires: 11-20-95.

STATE OF WASHINGTON)
County of Sagit)

ss.

On this 14 day of August, 1992, personally appeared before me ERIC D. JENSEN, known to me to be the individual who signed this instrument in my presence and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Signed by Eric D. Jensen P.O.A



Joan M. Kappel
Notary Public in And For the State of Washington, residing at Mount Vernon
My appointment expires: 11-20-95.

The within deed is hereby accepted: as delegated in 10 BIAM, Section 2, Release 44, dated February 18, 1989, Incorporating 230 DM Release No. 2784, dated March 16, 1983.

D. D. B...
Assistant Area Director (Program Services)

12/11/92
(Date)

9212170034

EXHIBIT A - Skagit Skybusters

Legal Description

Situated in the County of Skagit, State of Washington:
Consisting of approximately 4.48 acres.

PARCEL E

19
That portion of Government Lot 9 of Section 1, Township 33 North,
Range 2 East, W.M. described as follows:

Beginning at a point on the government meander line 99 feet North
of the Southeast corner of Government Lot 9; thence due West to a
point which is 200 feet West (when measured at right angles) from
the government meander line; thence North 23 degrees West 900
feet; thence due East to the government meander line; thence
Southerly along said meander line to the point of beginning.

SUBJECT TO:

1. There is no recorded means of ingress or egress to a public road from said property.
2. Right of the general public to the unrestricted use of all the waters of a navigable body of water not only for the primary purposes of navigation, but also for corollary purposes, including (but not limited to) fishing, boating, bathing, swimming, water skiing and other related recreational purposes, as those water may affect the tidelands, shorelands, or adjoining uplands, and whether the level of the water has been raised naturally or artificially to a maintained or fluctuating level, all as further defined by the decisional law of this state.
3. Terms, provisions and reservations under the Submerged Land Act (43 U.S.C.A. 1301 through 1311) and the rights of the United States of America to regulate commerce, navigation, flood control, fishing and production of power.
4. Reservations contained in deed from the State of Washington recorded under Auditor's File No. 444092 and 326412, reserving to the grantor all oil, gases, coal, ores, minerals, fossils, etc., and the right of entry for opening, developing and working the same and providing that such rights shall not be exercised until provision has been made for full payment of all damages sustained by reason of such entry.

Right of the State of Washington or its successors, subject to payment of compensation therefore, to acquire rights of way for private railroads, skid roads, flumes, canals, water courses or other easements for transporting and moving timber, stone, minerals and other products from this and other property, as reserved in deed referred to above.

9212170034

5. Easement, including the terms and conditions thereof:

Grantee: United States of America
Dated: March 21, 1964, March 24, 1964,
November 8, 1965
Recorded: March 23, 1964, May 5, 1964,
November 8, 1965
Auditor's No.: 648167, 650265, 674326
Purpose: Perpetual right and easement to enter
upon, dig, or cut away and remove any
or all of the following-described
tract for the improvement and
enlargement of Swinomish Channel.

Commencing at the Northeast corner of said Section 1; thence North 89°37'00" west 4061.80 feet to a stone monument; thence south 26°44'50" west 788.30 feet to a stone monument; thence south 7°38'50" west 1873.56 feet to USCGS monument; thence south 30°58'30" west 1229.31 feet to the true point of beginning, thence east 100.00 feet; thence south 110.00 feet; thence through an angle to the right of 150°, 110.00 feet, more or less, to an existing ordinary high water line; thence northwesterly along said ordinary high water line to a point due west of the point of beginning; thence east to the point of beginning.

6. Easement, including the terms and conditions thereof:

Grantee: United States of America
Recorded: March 21, 1964, April 10, 1964,
March 24, 1964, March 24, 1964,
March 24, 1964, and November 8, 1965
Auditor's No.: 648168, 649051, 650264, 650266,
650267, and 674327

Purpose: Perpetual right and easement to enter
upon, dig, or cut and remove that part
of the herein described tract lying
above 12 feet above mean low water.
The continuing perpetual right to cut
to ground level and remove all trees,
bushes, shrubs, etc., and right to
remove portions of buildings or other
structures and the right to prohibit
further construction of buildings or
other structures.

Area affected: Commencing at the northeast corner of
said Section 1; thence north 89°37'00"
west 4061.80 feet to a stone monument;
thence south 26°44'50" west 788.30
feet to a stone monument; thence south
7°38'50" west 1873.56 feet to USCGS
monument; thence south 30°58'30" west
1229.31 feet; thence east 100.00 feet
to the True Point of Beginning; thence
south 110.00 feet; thence through an
angle to the right of 150° for a
distance of 110.00 feet, more or less,
to the ordinary high water line;
thence through an angle to the right
of 120° for a distance of 30.00 feet;
thence through an angle to the right
102° for a distance of 230.00 feet,
more or less, to a line which is due
east of the point of beginning; thence
west along said line to the True Point
of Beginning

7. Right of the United States Government to maintain or replace
existing dikes upon and over the tidelands on the northwest
side of said Lot 9, said dikes having been constructed for

the purpose of protecting from deterioration the channel leading to La Conner, as disclosed by instrument recorded April 10, 1950, under Auditor's File No. 444092.

8. Any adverse claim based upon the assertion that any portion of said premises was not tidelands subject to disposition by the State of Washington.
9. Question of location of lateral boundaries of said second class tidelands.
10. Any adverse claim based upon the assertion or determination that some portions of the subject property are actually one or more of the following:
 - a) Tidelands filled by either natural or artificial means contrary to state law.
 - b) Uplands that have become submerged lands by either natural or artificial means.
 - c) Dependent upon the locations of the lines of ordinary high water and/or extreme low tide to determine their locations.
11. Unrecorded lease between Grantor as Lessee, and Grantee as Lessor.
12. Claims of the Swinomish Tribal Community to ownership of all or part of the subject property and to assertions that all or part of the subject property lies within the Swinomish Reservation.

9212170034

(SEE 13430.000)

BK 1146 PG 0132

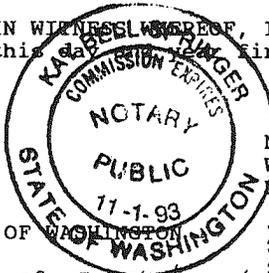
EXHIBIT

^C
A - page 3

STATE OF WASHINGTON)
County of Skagit) ss.

On this 19 day of August, 1992, personally appeared before me STEVEN EGBERS and PAM EGBERS, husband and wife, known to me to be the individuals who signed this instrument in my presence and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.



Kay Bell Springer
Notary Public in And For the State of Washington, residing at Anacortes
My appointment expires: 11-1-93.

STATE OF WASHINGTON)
County of SAN JUAN) ss.

On this 16 day of August, 1992, personally appeared before me JAMES N. NELSON and LYNN NELSON, husband and wife, known to me to be the individuals who signed this instrument in my presence and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.



Theodore E. Richey
Notary Public in And For the State of Washington, residing at Lopez
My appointment expires: 7-1-94.

STATE OF WASHINGTON)
County of Skagit) ss.

On this 14 day of August, 1992, personally appeared before me RUSSELL E. JENSEN and GALE JENSEN, husband and wife, known to me to be the individuals who signed this instrument in my presence and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.



Joan M. Kappel
Notary Public in And For the State of Washington, residing at Mount Vernon
My appointment expires: 11-20-95.

STATE OF WASHINGTON)
County of Skagit) ss.

On this 21 day of August, 1992, personally appeared before me ROGER F. MELVILLE, known to me to be the individual who signed this instrument in my presence and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.



Patricia Dale Olander
Notary Public in And For the State of
Washington, residing at Algarwood
My appointment expires: 1/26/96

STATE OF WASHINGTON)
County of SAN JUAN) ss.

On this 16 day of August, 1992, personally appeared before me WILLIAM V. CATLOW, known to me to be the individual who signed this instrument in my presence and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



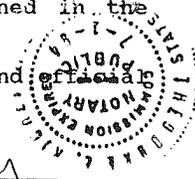
IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Theodore E. Riches
Notary Public in And For the State of
Washington, residing at Lopez
My appointment expires: 7-1-94

STATE OF WASHINGTON)
County of SAN JUAN) ss.

On this 16 day of August, 1992, personally appeared before me DENNIS W. MELVILLE and KATHY MELVILLE, husband and wife, known to me to be the individuals who signed this instrument in my presence and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.



Theodore E. Riches
Notary Public in And For the State of
Washington, residing at Lopez
My appointment expires: 7-1-94

STATE OF WASHINGTON)
)
County of SAN JUAN) ss.

On this 16 day of August, 1992, personally appeared before me JOHN C. LAURSEN and BARBARA LAURSEN, husband and wife, known to me to be the individuals who signed this instrument in my presence and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.



Theodore E. Ruckey
Notary Public in And For the State of Washington, residing at Lopez.
My appointment expires: 7-1-94.

STATE OF WASHINGTON)
)
County of Skagit) ss.

On this 28 day of August, 1992, personally appeared before me LARRY HIGGINS and TURINE HIGGINS, husband and wife, known to me to be the individuals who signed this instrument in my presence and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

Signed by Turine Higgins POA
IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.



Joan M. Kappel
Notary Public in And For the State of Washington, residing at Mount Vernon.
My appointment expires: 11-20-95.

STATE OF WASHINGTON)
)
County of Skagit) ss.

On this 14 day of August, 1992, personally appeared before me ERIC D. JENSEN, known to me to be the individual who signed this instrument in my presence and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Signed by Russell Jensen POA
Joan M. Kappel
Notary Public in And For the State of Washington, residing at Mount Vernon.
My appointment expires: 11-20-95.



STATE OF WASHINGTON)

County of Skagit)

ss.

On this 10th day of DECEMBER, 1992, personally appeared before me Robert Joe, Sr. known to me to be the individual who signed this instrument in my presence, on oath stated that [he is] ~~[he is]~~ authorized to execute the instrument and acknowledged it as the voluntary act of The Swinomish Indian Tribal Community, the party that executed the document, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Alla E. Olson

Notary Public in And For the State of Washington, residing at LACONNER, WA.
My commission expires: 4-6-94.



5-5445
10-61

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

Bond: \$2,500.00
Rent: \$2,500.00

LEASE

Allotment No. MCGLINN ISLAND

Lease No. _____

Contract No. _____

PUGET SOUND Indian Agency

THIS CONTRACT, made and entered into this 15th day of JANUARY, A.D. 1992 by and between the Indian or Indians named below (the Secretary of the Interior acting for and on behalf of the Indians) hereinafter called the "lessor," and the individuals named below that have executed this lease.

_____, hereinafter called the "lessee" in accordance with the provisions of existing law and the regulations (25 CFR 131) which by reference are made a part hereof.

WITNESSETH, That for and in consideration of the rents, covenants, and agreements hereinafter provided, the lessor hereby lets and leases unto the lessee the land and premises described as follows, to wit:

Legal description is provided on Attachment "A", hereto.

containing one acres, more or less, for the term of 25 years, beginning on the 15th day of JANUARY, 1993, to be used only for the following purposes: recreation including hunting and fishing.

The lessee, in consideration of the foregoing, covenants and agrees, as rental for the land and premises, to pay:

TO—	DATE DUE	AMOUNT
Bureau of Indian Affairs	1-1-93	\$2,500.00
for Lessor	1-1-94	\$2,500.00
	1-1-95	\$2,500.00
	1-1-96	\$2,500.00
	1-1-97	\$2,500.00
	1-1-98	due for rental adjustment pursuant to provision #7.

In the event of the death of any of the owners to whom, under the terms of this lease, rentals are to be paid direct, all rentals remaining due and payable shall be paid to the official of the Bureau of Indian Affairs having jurisdiction over the leased premises. This provision is applicable only while the leased premises are in trust or restricted status.

While the leased premises are in trust or restricted status, the Secretary may in his discretion, and upon notice to the lessee, suspend the direct rental payment provisions of this lease in which event the rentals shall be paid to the official of the Bureau of Indian Affairs having jurisdiction over the leased premises.

9212170034

BK 1145700125

EXHIBIT C

This lease is subject to the following provisions:

1. "SECRETARY" as used herein means the Secretary of the Interior or his authorized representative.

2. IMPROVEMENTS.—Unless otherwise provided herein it is understood and agreed that any buildings or other improvements placed upon the said land by the lessee become the property of the lessor upon termination or expiration of this lease.

3. UNLAWFUL CONDUCT.—The lessee agrees that he will not use or cause to be used any part of said premises for any unlawful conduct or purpose.

4. SUBLEASES AND ASSIGNMENTS.—Unless otherwise provided herein, a sublease, assignment or amendment of this lease may be made only with the approval of the Secretary and the written consent of all parties to this lease, including the surety or sureties.

5. INTEREST.—It is understood and agreed between the parties hereto that, if any installment of rental is not paid within 30 days after becoming due, interest at the rate of 6 percent per annum will become due and payable from the date such rental became due and will run until said rental is paid.

6. RELINQUISHMENT OF SUPERVISION BY THE SECRETARY.—Nothing contained in this lease shall operate to delay or prevent a termination of Federal trust responsibilities with respect to the land by the issuance of a fee patent or otherwise during the term of the lease; however, such termination shall not serve to abrogate the lease. The owners of the land and the lessee and his surety or sureties shall be notified by the Secretary of any such change in the status of the land.

7. RENTAL ADJUSTMENT.—The rental provisions in all leases which are granted for a term of more than five years and which are not based primarily on percentages of income produced by the land shall be subject to review and adjustment by the Secretary at not less than five-year in-

tervals in accordance with the regulations in 25 CFR 162. Such review shall give consideration to the economic conditions at the time, exclusive of improvement or development required by this contract or the contribution value of such improvements.

8. INTEREST OF MEMBER OF CONGRESS.—No Member of, or Delegate to, Congress or Resident Commissioner shall be admitted to any share or part of this contract or to any benefit that may arise herefrom, but this provision shall not be construed to extend to this contract if made with a corporation or company for its general benefit.

9. VIOLATIONS OF LEASE.—It is understood and agreed that violations of this lease shall be acted upon in accordance with the regulations in 25 CFR 162.

10. ASSENT NOT WAIVER OF FUTURE BREACH OF COVENANTS.—No assent, express or implied, to any breach of any of the lessee's covenants, shall be deemed to be a waiver of any succeeding breach of any covenants.

11. UPON WHOM BINDING.—It is understood and agreed that the covenants and agreements hereinbefore mentioned shall extend to and be binding upon the heirs, assigns, successors, executors, and administrators of the parties of this lease. While the leased premises are in trust or restricted status, all of the lessee's obligations under this lease, and the obligations of its sureties, are to the United States as well as to the owner of the land.

12. APPROVAL.—It is further understood and agreed between the parties hereto that this lease shall be valid and binding only after approval by the Secretary of the ***

13. ADDITIONS.—Prior to execution of this lease, provision(s) number(s)

..... has (have) been added hereto and by reference is (are) made a part hereof.

*** conveyance of Lessee's interest in the subject property to the United States in trust for the Swinomish Tribe, the Lessor herein.

14. Lessee currently moors a float dock and the "clubhouse" structure on it (hereafter referred to collectively as the "clubhouse") on tidelands within the premises for recreations purposes which include hunting and fishing. Lessee may continue to moor the clubhouse at its present location and continue these current uses for the term of this lease. Other than the uses described above, Lessee shall not conduct or allow others to conduct any activities that threaten natural resources or the public safety.

15. Lessee shall have an easement for vehicular access across the existing road to the present location of the clubhouse. Lessor shall have the right to relocate and/or improve the road so long as it provides Lessee reasonable access to the premises.

16. Should the Tribe decide to develop its property on McGlinn Island or the adjacent causeway, Lessee agrees to move the clubhouse to Smuggler's Cove on the southeast side of McGlinn Island for the remainder of the lease term. In that event, Lessor shall provide Lessee with a suitable mooring location in Smuggler's Cove similar in size to the present leased property and Lessee shall have a pedestrian easement across McGlinn Island to the existing road that currently provides vehicular access to the premises.

17. Lessee shall submit by mail to the Tribal Planning Commission, Box 817, LaConner, WA 98257, plans and specifications for any proposed improvements. The Tribal Planning Commission will establish the conditions for improvements and issue a building permit if the Planning Commission so rules.

18. It shall be the Lessee's responsibility to ascertain that any improvements, including landscaping constructed on the lease premises are within the lot boundary lines. In the even the Lessee violates this provision, he shall be liable for all costs incurred in moving said improvements.

19. Any improvements owned by the Lessee may be removed by him at any time within sixty (60) days after the expiration or termination of this lease. In the event the improvements are not removed within the specified sixty (60) day period, they shall become the property of the Lessor. The Lessee shall restore the premises to the same condition as that existing at the time of entering upon the same under this lease, reasonable and ordinary wear and tear and damages by the elements or by circumstances over which the Lessee has not control excepted. It is further understood and agreed that if the Superintendent finds there is damage to the Lessors property, once this lease expires; the lessee is obligated to pay such amount as appraised by the Superintendent.

20. It is a condition of this lease that the Lessee shall faithfully comply with all ordinances or resolutions enacted by the Swinomish Indian Tribal Community, relating to the use of the above described premises and the tidelands within Dunlap Bay.

21. Liens, Taxes, Assessments, Utility Charges – Lessee shall not permit to be enforced against the leased premises or any part thereof, any liens arising from any work performed, materials furnished, or obligations incurred by Lessee, and Lessee shall discharge or post bond against all such liens before any action is brought to enforce same. Lessee shall pay, when and as the same become due and payable all taxes, assessments, licenses, fees and other like charges levied during the term of this lease upon or against the leased land, all interests therein and property thereon. Lessee shall also promptly pay all taxes, assessments, license fees and other like charges levied against the Lessee by the Tribe during the term of this lease, which shall not exceed lessees' pro-

rata share based on acreage and lessees' "one acre" of leased property. Upon written request, the Lessee shall furnish to the Secretary written evidence, duly certified, that any and all taxes required to be paid by Lessee have been paid, satisfied, or otherwise discharged. Lessee shall have the right to contest any claim, asserted tax, or assessment against the property by posting bond to prevent enforcement of any lien resulting therefrom, and Lessee agrees to protect and hold harmless the Lessor, the Secretary, and the leased premises and all interests therein and improvements thereon from any and all claims, taxes, assessments and like charges and from any lien therefore or sale or other proceedings to enforce payment thereof, and all costs in connection therewith. Lessor shall execute and file any appropriate documents with reference to real estate tax exemption of the land when requested by Lessee. Lessee shall hold harmless the Lessor for all charges for water, sewage, gas, electricity, telephone, and other utility services supplied to said premises as they become due.

22. No improvements shall be built upon the tidelands without the written permission of the Swinomish Tribe. There is reserved to the Swinomish Indian Tribal Community, and to its members, the right to use or cross said tidelands at any time. The Lessee does not have the right to dig clams or harvest oysters on the tidelands.

23. Lessee is authorized to encumber his leasehold interest in the premises for the purpose of borrowing capital for the development and improvement of the leased premises. The encumbrance instrument must be approved by the Secretary. If a sale or foreclosure under the approved encumbrance occurs and the encumbrancer is the purchaser, he may assign the leasehold without the approval of the Secretary or the consent of the other parties to the lease, provided; however, that the assignee accepts and agrees in writing to be bound by all the terms and conditions of the lease. If the purchaser is a party other than the encumbrancer, approval by the Secretary of any assignment will be bound by the terms of the lease and will assume in writing all the obligations thereunder.

24. Septic and water systems shall meet Tribal standards which are the same as those administered by the Skagit County Health Department.

25. Lessee's rental payment shall be coordinated through RUSSELL E. JENSEN, who shall be responsible for collecting the rental from the other individual signatories and making the rental payment to the Bureau of Indian Affairs. Notice to RUSSELL E. JENSEN shall be considered valid notice upon all individual signatories. Notices shall be sent to RUSSELL E. JENSEN at the following address, unless written notice of a change in address is given to the Bureau:

RUSSELL E. JENSEN
1460 Channel Drive
Mount Vernon, Washington 98273

IN WITNESS WHEREOF, the parties hereto have set their hands on the 15th day of May, 1992.

LESSEE


Steven Egbers


Pam Egbers

9212170034

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BK114600128

EXHIBIT C

James N. Nelson
James N. Nelson

Lynn Nelson
Lynn Nelson

Russell E. Jensen
Russell E. Jensen

Gale Jensen
Gale Jensen

Roger F. Melville
Roger F. Melville

William V. Catlow
William V. Catlow

Dennis W. Melville
Dennis W. Melville

Kathy Melville
Kathy Melville

John C. Laursen
John C. Laursen

Barbara Laursen
Barbara Laursen

Larry Higgins by Turine Higgins P.O.A.
Larry Higgins

Turine Higgins
Turine Higgins

Eric D. Jensen by Russell E. Jensen P.O.A.
Eric D. Jensen

LESSOR

Robert Joe, Sr.
Robert Joe, Sr., Chairman
Swinomish Indian Tribal Community

9212170034

S

BK1146160129

Exhibit C

ATTACHMENT A

LEGAL DESCRIPTION

Situated in the County of Skagit, State of Washington:

That portion of Government Lot 9 of Section 1, Township 33 North, Range 2 East, W.M., described as follows:

Beginning at a point on the government meander line 99 feet North of the Southeast corner of Government Lot 9; thence due West to a point which is 200 feet West (when measured at right angles) from the government meander line; thence North 23 degrees West 125 feet to the true point of beginning; thence North 23 degrees West 225 feet; thence due East to the government meander line; thence Southerly along said meander line to a point that is due East of the true point of beginning; thence due West to the true point of beginning.

SUBJECT TO:

1. There is no recorded means of ingress or egress to a public road from said property.
2. Right of the general public to the unrestricted use of all the waters of a navigable body of water not only for the primary purposes of navigation, but also for corollary purposes, including (but not limited to) fishing, boating, bathing, swimming, water skiing and other related recreational purposes, as those water may affect the tidelands, shorelands, or adjoining uplands, and whether the level of the water has been raised naturally or artificially to a maintained or fluctuating level, all as further defined by the decisional law of this state.
3. Terms, provisions and reservations under the Submerged Land Act (43 U.S.C.A. 1301 through 1311) and the rights of the United States of America to regulate commerce, navigation, flood control, fishing and production of power.
4. Reservations contained in deed from the State of Washington recorded under Auditor's File No. 444092 and 326412, reserving to the grantor all oil, gases, coal, ores, minerals, fossils, etc., and the right of entry for opening, developing and working the same and providing that such rights shall not be exercised until provision has been made for full payment of all damages sustained by reason of such entry.

Right of the State of Washington or its successors, subject to payment of compensation therefore, to acquire rights of way for private railroads, skid roads, flumes, canals, water courses or other easements for transporting and moving timber, stone, minerals and other products from this and other property, as reserved in deed referred to above.

5. Easement, including the terms and conditions thereof:

Grantee: United States of America
Dated: March 21, 1964, March 24, 1964,
November 8, 1965
Recorded: March 23, 1964, May 5, 1964,
November 8, 1965
Auditor's No.: 648167, 650265, 674326
Purpose: Perpetual right and easement to enter upon, dig, or cut away and remove any or all of the following-described tract for the improvement and enlargement of Swinomish Channel.

Commencing at the Northeast corner of said Section 1; thence North 89°37'00" west 4061.80 feet to a stone monument; thence south 26°44'50" west 788.30 feet to a stone monument; thence south 7°38'50" west 1873.56 feet to USCGS monument; thence south 30°58'30" west 1229.31 feet to the true point of beginning, thence east 100.00 feet; thence south 110.00 feet; thence through an angle to the right of 150°, 110.00 feet, more or less, to an existing ordinary high water line; thence northwesterly along said ordinary high water line to a point due west of the point of beginning; thence east to the point of beginning.

6. Easement, including the terms and conditions thereof:

Grantee: United States of America
Recorded: March 21, 1964, April 10, 1964,
March 24, 1964, March 24, 1964,
March 24, 1964, and November 8, 1965
Auditor's No.: 648168, 649051, 650264, 650266,
650267, and 674327
Purpose: Perpetual right and easement to enter upon, dig, or cut and remove that part of the herein described tract lying above 12 feet above mean low water. The continuing perpetual right to cut to ground level and remove all trees, bushes, shrubs, etc., and right to remove portions of buildings or other structures and the right to prohibit further construction of buildings or other structures.

Area affected: Commencing at the northeast corner of said Section 1; thence north 89°37'00" west 4061.80 feet to a stone monument; thence south 26°44'50" west 788.30 feet to a stone monument; thence south 7°38'50" west 1873.56 feet to USCGS monument; thence south 30°58'30" west 1229.31 feet; thence east 100.00 feet to the True Point of Beginning; thence south 110.00 feet; thence through an angle to the right of 150° for a distance of 110.00 feet, more or less, to the ordinary high water line; thence through an angle to the right of 120° for a distance of 30.00 feet; thence through an angle to the right 102° for a distance of 230.00 feet, more or less, to a line which is due east of the point of beginning; thence west along said line to the True Point of Beginning

7. Right of the United States Government to maintain or replace existing dikes upon and over the tidelands on the northwest side of said Lot 9, said dikes having been constructed for

the purpose of protecting from deterioration the channel leading to La Conner, as disclosed by instrument recorded April 10, 1950, under Auditor's File No. 444092.

8. Any adverse claim based upon the assertion that any portion of said premises was not tidelands subject to disposition by the State of Washington.
9. Question of location of lateral boundaries of said second class tidelands.
10. Any adverse claim based upon the assertion or determination that some portions of the subject property are actually one or more of the following:
 - a) Tidelands filled by either natural or artificial means contrary to state law.
 - b) Uplands that have become submerged lands by either natural or artificial means.
 - c) Dependent upon the locations of the lines of ordinary high water and/or extreme low tide to determine their locations.
11. Unrecorded lease between Grantor as Lessee, and Grantee as Lessor.
12. Claims of the Swinomish Tribal Community to ownership of all or part of the subject property and to assertions that all or part of the subject property lies within the Swinomish Reservation.

EXHIBIT B - Skagit Skybusters Parcel

Covenants

The property described on the deed to which these covenants are attached is hereby subjected to the covenant that the use of the property be forever subject to the following restrictions which shall run with the property and be binding upon any successors in ownership to any interest in the property:

1. Except as specifically set forth in these Covenants, no improvements shall be constructed on the property, which shall forever remain undeveloped.

2. The following uses of the property shall be permitted:

2.1 The building and operation of one year-around tribal cultural/interpretive center; the buildings, parking facilities, and other above ground improvements shall be on a portion of the property not to exceed in the aggregate 3 acres located north of the following described line: Beginning at the Northeast corner of Section 1, Township 33 North, Range 2 East, W.M.; thence North 89 degrees 37' West 4061.8 feet to stone monument; thence South 26 degrees 44'50" West 788.3 feet to stone monument; thence South 7 degrees 38'50" West 1873.56 to U.S.C.G. Survey Monument; thence South 30 degrees 58'30" West 1095.89 feet to a point on the Government meander line of Government Lot 9 in said Section 1; thence South 30 degrees 58'30" West 133.42 feet to the true point of beginning of said line; thence East 627.64 feet; thence South to the North line of the South 350' of said Government Lot 9; thence East along said North line to a point on the Government meander line of said Government Lot 9 and the end of said line. The use of this tribal cultural/interpretive center shall not be open to the public except during daylight hours which shall always include the hours from 8:00 a.m. to 6:00 p.m. and no commercial activity shall be allowed except a small gift shop. The gift shop may sell tribal/cultural items only, including incidental sales of cigarettes; sales and use of alcohol, volume sales of cigarettes, and gambling shall not be permitted. The size and style of the center buildings shall be compatible with the natural setting of the surrounding area, and shall be built, operated and maintained in a manner to preserve as much undisturbed land, trees, and natural vegetation and open space value as practical, and to minimize adverse environmental impacts upon the property. Occasional evening events will be allowed in frequent for special tribal occasions such as weddings or tribal ceremonies.

2.2 To allow the property to lie fallow.

2.3 To remove limited amounts of plant material, roots or herbs for Indian religious, spiritual, and cultural purposes, and not for the commercial resale thereof.

2.4 To manage the property as open space consistent with maintaining the property as a traditional Swinomish cultural and spiritual preserve in accord with the following objectives:

2.4.1 To maintain a healthy stand of trees and indigenous plants on the property;

2.4.2 To maintain a continuous growth of desirable tree and plant species native to the property, including a reasonable proportion of old-growth trees (200 years or older);

2.4.3 To keep wooded areas of the property as aesthetically appealing as possible;

2.4.4 To maintain the suitability of the property as wildlife habitat; and

2.4.5 To maintain the spiritual and cultural integrity of the property for the use of Indian religious purposes.

2.5 To manage the property as an open-space, natural area and forest, open to individuals and groups for walking and educational purposes, with the permission of the Swinomish Indian Tribe, all consistent with protection of the natural resources and features of the property.

2.6 To hunt and fish on the tidelands surrounding the property in compliance with Federal and Tribal regulations.

2.7 To use the property for the uses described in the lease entered into between the undersigned and the individuals who conveyed the property to the undersigned.

3. The Grantor of the within deed assumes no responsibility, express or implied, for the drafting, imposition, interpretation or enforcement of any of the above Covenants. The Grantee of the within deed assumes no responsibility, express or implied, for the drafting of any of the above Covenants.

4. These Covenants are for the sole and exclusive benefit of the United States of America, and James and Phyllis Dunlap and their lineal descendants. Any one of the foregoing parties shall have the right and authority to enforce these Covenants.

AGREED:

~~THE UNITED STATES OF AMERICA~~
~~IN TRUST FOR THE USE AND BENEFIT~~
~~OF~~ THE SWINOMISH INDIAN TRIBAL
COMMUNITY

By: Robert Joe, Sr.
Name: Robert Joe, Sr.
Title: Chairman

STATE OF WASHINGTON)
County of Skagit) ss.

On this 10th day of DECEMBER, 1992, personally appeared before me Robert Joe, Sr. known to me to be the individual(s) who signed this instrument in my presence, on oath stated that [he is] ~~[she is]~~ ~~[they are]~~ authorized to execute this instrument on behalf of ~~the United States of America in Trust for~~ the Swinomish Indian Tribal Community, and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year first above written.

Allan E. Olson
Notary Public in And For the State of
Washington, residing at LACONNER, WA.
My commission expires: 4-6-94.

