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EXHIBIT 10

December 1, 2017

Ms. Julie Thompson, Land Use Planner
San Juan County Department of Community Development
P.O. Box 947
Friday Harbor, WA 98250

RE: Revised Biological Assessment and Tidelands Ownership Exhibit
Orca Dreams LLC, Joint-Use Dock and RO Desalination System
File No. PSJ000-17-0003

Dear Ms. Thompson:

On behalf of Orca Dreams LLC, please find enclosed a revised Biological Assessment (BA) prepared by Fairbanks Environmental Services for the Orca Dreams proposed four-slip joint-use dock and reverse osmosis desalination system, and a tideland exhibit prepared by San Juan Surveying illustrating the False Bay Preserve, University of Washington owned tidelands and Orca Dreams privately owned tidelands.

The revised BA provides a fourth eelgrass dive survey dated August 2017 and a more defined Marine Mammal Monitoring Plan. It also addresses the environmental concerns noted in the SEPA appeal filed by Van Ness Feldman on behalf of the University of Washington. The BA is extremely thorough and proposes a considerable amount of mitigation which reduces the level of impacts below "significant." An EIS is not warranted considering the depth of detail provided in the BA and the proposed mitigation.

Below is a list of the grounds for appeal cited by the UW in their October 11, 2017 appeal letter. Each is followed by a cross reference to the BA or the regulatory analysis where the information that is claimed to be missing can be found. We are also submitting additional information to cover issues not addressed in the BA to further assist with environmental review as noted throughout this response.

Response to UW Grounds for Appeal

UW cites the following as grounds for their SEPA appeal:

1. Improper geographic scope of potential adverse impacts.

2. Insufficient characterization about site conditions in the immediate vicinity of the project.
3. Insufficient disclosure of operational impacts resulting from the proposal.
4. Insufficient analysis of environmental impacts resulting from temporary and long term impacts within a highly sensitive shoreline environment.
5. Insufficient analysis of need for the proposed dock or reasonable alternatives to the proposed dock.
6. Insufficient analysis of cumulative impacts resulting from approval of the first dock to be developed on the west side of San Juan Island.
7. Insufficient analysis of how the dock achieves no net loss to critical habitat and aquatic species in the immediate vicinity of the project and surrounding areas, including False Bay.
8. Disturbance to the False Bay Marine Preserve and ongoing research.
9. Displacement of public property.
10. Loss of eelgrass and algae.
11. Impacts on the pocket beach in which the proposed dock would be located.
12. Impact on marine birds.
13. Impact on the Southern Resident killer whale.
14. Displacement of existing recreational use.
15. Impact of desalination system on biological resources and water quality.
16. Impact of damaged docks, boats and floats.

1. Improper Geographic Scope of Potential Adverse Impacts

The UW appeal letters states that the scope of the environmental analysis is too narrow and is improperly limited to the applicant's property, and that the application fails to identify the surveyed location of the project proximate to the UW False Bay tidelands.

Scope of Potential Adverse Impacts

The majority of impacts produced by the proposed project are site specific. However, the proposal also introduces a few off-site impacts as well. Both have been well addressed in the BA. The few that have not been addressed are discussed herein and are supported by best available science. Conservation/mitigation measures have been prepared to avoid and minimize impacts to ESA listed species, their critical habitat and habitat identified by the San Juan County Critical Areas Ordinance.

SJCC 18.80.050(G.2.b), *SEPA Implementation Rules,* recognizes that some or all of the specific adverse environmental impacts that could potentially arise from a development proposal have been adequately addressed and mitigated in the County's Unified Development Code and other development regulations in the San Juan County Code, the Comprehensive Plan or in other applicable local, state or federal laws and rules (i.e., the SJC Critical Areas Ordinance).

Along with the SEPA environmental checklist that was prepared for this project, an extensive compliance analysis with the applicable development regulations was provided in the detailed project description and regulatory analysis that was submitted with the application. The County

is not required to rely specifically on the environmental checklist or BA when making their SEPA threshold determination. The San Juan County Critical Areas Ordinance (CAO) and Shoreline Master Program provides regulations specifically for mitigating impacts created by docks in and within 200 feet of a fish and wildlife conservation area (FWHCA), which the marine waters fronting the Orca Dreams property are classified. The regulatory analysis shows that the proposal is consistent with these development regulations which are meant to reduce and eliminate adverse impacts from development in and near FWHCA.

Project Location Proximate to the UW False Bay Tidelands

With regard to the "surveyed" location of the project proximate to the False Bay tidelands, please see attached tideland exhibit prepared by San Juan Surveying for this project and UW deeds.

The Orca Dreams property was patented on June 13, 1883, before statehood, which occurred on November 11, 1889. (See attached Deed - AFN 2014-1203013 – Second Class Tidelands.) Waterfront boundaries of properties that were patented before statehood extend landward from either the OHWM or the meander line, whichever is further seaward. (See *Waterfront Titles in the State of Washington*, and Homestead Deed #1648.) In this case, the waterfront boundary varies between the OHWM and meander line as show on the exhibit.

Orca Dreams also own the tidelands under the proposed dock to about the midpoint of the proposed ramp.

SJCC 18.50.190(G.3) requires that a dock be set back from "side property line" by a minimum of 10-feet. This dock setback would range between 15 to 51 feet from the UW tidelands.

The False Bay Preserve was created under WAC 220-16-440(1) and recodified under WAC 220-302-100(1). There are three different interpretations of the boundaries of the False Bay Preserve. (See the Vicinity Map on the lower right hand corner of the exhibit.) I retrieved the map highlighting the boundaries in purple and the map illustrating the boundaries in orange last week. The shape and area of these preserve maps do not correspond. (See attachments.)

Due to the conflicting boundaries, Orca Dreams hired San Juan Surveying to look further into the legal description for the Preserve as described in WAC 220-16-440(1) as well as the UW owned tidelands. (See attachment.) As per Note #6 on the exhibit, San Juan Surveying describes the legal description for the preserve provided in WAC 220-302-100(1) as being "ambiguous" and non-surveyable. This is because the False Bay Preserve legal description is not a metes and bounds legal description. There is no standard which describes how to project lateral lines "off shore" as noted in the legal description. San Juan Surveying interpreted that the lateral boundaries extend perpendicular to the shoreline. While the purple map more closely resembles this interpretation the orange map does not. In fact, the lateral lines on the orange run parallel with the shoreline to the south of the mouth of False Bay.

In all three cases, the proposed dock location is outside of the preserve and the UW tidelands. Furthermore, the proposed dock/desal site is situated over 700 feet south of the mouth of False Bay and is not located immediately south of the mouth of False Bay as noted in the

appeal. This is an important distinction to make because the property is not an immediate neighbor of False Bay where the majority of the environmental concerns of the appeal are focused.

2. *Insufficient Characterization About Site Conditions in the Immediate Vicinity of the Project*

The appeal letter states that the dive surveys conducted for locating eelgrass and kelp near the project where done outside prime growing time and that there is an inadequate description of the discharge location for the desalination equipment with regard to the range of tidal depth in the proposed location.

Timing of Dive Surveys

There have been four individual dive surveys conducted for this proposal to assess marine vegetation, characterize seafloor composition, to verify the presence/absence of pinto abalone and to determine the value of habitat in the project are for pinto abalone. (See pages 10 - 12 and Appendices B, C and D of the BA.) The most recent was conducted in August of 2017 when eelgrass and kelp are at full growth. The results of this survey were consistent with other surveys conducted outside the growing season. Eelgrass was found in the vicinity of the dock but over 30 feet away to the south and 45 feet away to the north. Kelp and surf grass was found attached to boulders within the study area.

Tidal Range of Brine Discharge

The brine discharge line will be fastened to a 6" diameter piling located at the -5 tidal elevation. (See Sheet 4 of 11 of the dock drawings prepared by Waterfront Construction found in the BA after page 53.) The lowest predicted tide between May 1, 2017 and October 31, 2027 is -3.4. (See page 38 of the BA.) The brine diffuser will be located about 6" above the seafloor (-4.5 - see Sheet 6 of 8 of Hart Pacific Engineering's drawings for the desal system in the application notebook.) This leaves the diffuser in about one foot of water depth at low tide. The seafloor slopes away from the shoreline and the brine will not pool.

The Orca Dreams outfall will be located where tidal currents are relatively strong and will mix the return brine within 2 to 3 feet of the diffuser pipe. The diffuser will be located within the open cove and in an area with no evidence of poor flushing. The diffuser location and amount of brine discharged does not create a significant environmental impact warranting an EIS.

Ordinance 01-2016 adopting the County's recently updated SMP indicates in item 52 on page 18 that the SMP update prohibits construction of desalination systems with intakes greater than 100,000 gallons per day. The Ordinance also states that there is no scientific evidence in the record proving that any area in the county suffers from poor flushing.

The RO system will be used to augment the water supply produce by existing Well #1 and will not operate at full capacity unless the well fails. This system is designed to intake a maximum of 12,068 gallons of seawater per day which will result in the production of 9,072 gallons of brine per day. (See page 7 of BA.) The well capacity is 1.1 gpm or 1,584 gallons per day.

Therefore, when the well is operating normally and under maximum daily demand conditions, the RO system would produce just 726 gallons of fresh water per day to meet the expected demand of 2,310 gallons per day. The amount of brine will be significantly less than what will be produced when the RO desal system is operating at full capacity. However, if the well yield is reduced for some reason, the RO system could supply the additional water or in fact the entire 2,310 gallons needed for one day's use if required.

3. *Insufficient Disclosure of Operational Impacts Resulting from the Proposal*

UW contends that the SEPA checklist is limited to temporary construction impacts. This is not true. The SEPA checklist as well as the biological assessment prepared for this proposal indicates the location of the proposed dock and desal utility lines will be located over 25 feet away from eelgrass. This is a long term mitigation measure to assure no impact to the eelgrass. The deck of the proposed dock will be constructed entirely with light penetrating grating. This is a long term mitigating measure to assure the dock and boats moored there will never cast shadow on the eelgrass or the macroalgae below by allowing sun to fully penetrate the dock during and after construction. The checklist also indicates that there will be no fueling or maintenance conducted at the dock. This is long term mitigation to assure that fuels and lubricant will not spill into the water.

The BA provides additional long term mitigation including using biodegradable hydraulic fluid in equipment operating waterward of the OHWM (page 37 of the BA), so that lubricants will not harm the marina environment. Orca Dreams has prepared and will implement their Spill Prevention, containment and control Plan found in Appendix E of the BA. On page 43 of the BA, conservation measure #14, it is identified boat operators will use the clear channel along the southern approach to prevent contact with submerged rocks. The float will be removed every year from November 1 to about May 1 to avoid damage to the dock and boats caused by winter storm events (approximately 181 days a year).

4. *Insufficient Analysis of Environmental Impacts Resulting from Temporary and Long Term Impacts within a Highly Sensitive Shoreline Environment*

The appeal letter contends that there are seven (7) areas where the SEPA checklist is insufficient. They are as follows:

- *Impacts of desalination equipment on eelgrass, Kelp beds, microalgae, forage fish and migrating salmon;*

  Impacts from the operation of the RO desalination system may include:

  1 Entrainment and impingement of marine organisms at the intake screen;
  2 Discharges of brine into marine waters;
  3 Discharge of chemicals used for maintenance of filter membranes; and
  4 Increased temperature of brine return.

  Rather than reiterate what is stated in the BA, please refer to the detailed discussion of these issues on page 39 of the BA.

- *Impacts of shading on dock from opaque float tubs, and solid moored boats on eelgrass, kelp beds, microalgae, forage fish and migrating salmon;*

  The Washington State Department of Fish and Wildlife (WDFW) as well as the US Army Corp of Engineers require that dock be located no closer than 25 feet to an eelgrass bed to assure that the dock and boats moored there do not cast shadows on the eelgrass bed and cause it to diminish. The dive surveys conducted for this project verify the dock location will not be located closer than 25+ feet from eelgrass within the vicinity of the dock.

  The decking of the proposed joint-use dock will be constructed entirely out of "Sun Walk", a plastic molded material that provides 46 percent open area and allows 69.9 percent of available light to penetrate 18 inches below each panel, and 86.2 percent of available light measured 60 inches below each panel. (See Appendix A of the BA)

  Taking into consideration the blocking, bracing and opaque float tubs, the pier and ramp sections of the dock will both include 95.5% functional grating and the float will have 63% functional grating.

  The fixed pier will be elevated above the intertidal zone and will allow for sunlight to reach the beach and seafloor beneath the pier. Salmon migration under the fixed pier will not likely be disrupted. The ramp and float will have light permeable grating that will minimize sharp contrast between light and shaded areas. During the short period of extreme low water events, fish may avoid swimming directly under the float. (See attached tide chart.) Disruption of the shallow water migration route of salmon will be insignificant.

  Forage fish have not been observed along this shoreline of San Juan Island by WDFW or by the Friends of the San Juans (2004) and, therefore, the proposed project will have no impact on forage fish spawning habitat.

  These issues are discussed in detail in the attached revised BA starting on page 4, on page 41 and as shown on Sheets 5-8 of the dock drawings.

- *Impacts from operation of water craft and dock maintenance eelgrass, kelp beds, microalgae, forage fish and migrating salmon;*

  The four-slip dock will be used to moor four boats ranging from 18 to 35 feet in length; two will be motor boats, one will likely be a sail boat and the other slip will be used for mooring a run-about or kayaks as needed. The dock will be in place for 181 days a year. The applicant has prepared an extensive Spill Prevention, Containment and Control plan to avoid the potential for fuel leeks and subsequent pollution at the site. Boat operators will be responsible for operating their vessels at safe speeds and to approach the dock from the southwest entrance where a safe deep-water channel has been identified. (See page 20 as well as Appendix E and Figure 5 of the BA.) The boats moored at the dock will likely be new and will definitely not be derelict.

- *Impacts to False Bay resulting from changes in currents, wave energy, sediment supply, and pollutants toxins from dock and boat traffic;*

Currents

The proposal will have no impact on existing current patterns within this area of San Juan Island. The proposed joint-use dock will be held in place by twelve 10" steel piles set no closer than 36-feet apart. The pier element of the dock will be fixed and elevated above the beach and seafloor 3 feet at the landward end and 13 feet at the seaward end. The landward end of the ramp will also be fixed at 13 feet above the seafloor. The seaward end will rest on the float and will rise and fall with the tides along with the float. The float will include stops on the landward end keeping the float one-foot above the seafloor even at extreme low tide. As such, the proposed dock will not impede water circulation patterns.

The only portions of the RO desalination system located in marine waters are the utility lines for proposed desalination system (seawater intake, brine return and electrical conduit) and the two 6" diameter support piles. The diameter of the seawater intake and brine discharge lines will only be 2" in diameter. The electrical conduit will be smaller than that with a diameter of 1.5".

If both the dock and RO desalination applications are approved, the utility lines will be connected to the underside of the fixed pier from the head of the pier to the seaward end of the pier. From there, the pipes and conduit will extend to the seafloor on a pier support piling at approximately -3 feet MLLW. The saltwater (brine) return line will extend about 56-feet seaward to the diffuser support piling at the -5 tidal elevation and the seawater intake line will then extend about 112-feet seaward and connected to the pump support piling -7 tidal. The pipelines will be secured to the seafloor with earth anchors set 10' on-center. If the dock application isn't approved but desalination application is approved, the seawater supply pipe, saltwater return pipe and electrical power conduit will be anchored to the on the seafloor with earth anchors set 10' on-center and will extend landward 160 feet from the pump/diffuser assembly support pilings where they will then be buried below the seafloor and extend 115 feet to the valve vault on the shore. With the small diameter of the pipes and the fact that they will be buried or anchored to the seafloor, there will be no change in current patterns especially when considering the few time this site will experience tidal elevations of the less than a -4.2 MLLW.

Wave Energy

The float may act as break water by attenuating wave energy experienced at the pocket beach where it will be located. It will have no impact on the wave energy in False Bay which is located nearly 500-feet away to the north. However, the float will be removed for the winter months when wind-driven wave energy will be the greatest. Winter wave energy will maintain the existing character of the pocket beach.

Wakes created by boats approaching the dock may also impact the pocket beach by increasing wave energy and altering the character of the pocket beach. Boat operators will approach the dock from the south through a deep safe-channel at low speed. Boats will not approach the dock from the north where False Bay is located. The wave energy created by the boats using the dock will dissipate well before ever reaching False Bay. (See page 37 of the BA)

Sediment Supply

False Bay is empty at low tide. The tidelands are exposed almost all the way to the mouth of the bay at low tide.

During construction, the barge will operate offshore to avoid grounding and disturbing bottom sediment. In addition, sediments will be created by the pulling of the eight creosote piles left over from the Mar Vista Resort dock, when the new piles are installed and when the desal utility lines are buried and/or anchored to the seafloor. To control sediment during pile removal, a steel collar will be placed around the existing pile as it is removed. Sediment will be contained inside the collar and will settle into the area of the removed pile. These sediments will be contained and will not reach False Bay. (See page 36 and Appendix F of the BA.)

To control sediment during trenching in the intertidal zone, digging will not be done below the water surface; digging will be done only at tidal levels when the beach is exposed and work can be completed in the dry. The trench will be backfilled prior to being inundated by the rising tide. Silt fence and straw wattles will be used on the upland trenching corridor so that the transport of the sediment from upland work will not enter the marine environment. (See page 36 of the BA.)

After construction is complete, during low tide events, the float will be in close proximity to the seafloor and the movement may cause a "pumping" action that could alter the character of the sediment under the float. Pumping action would dislodge sand and fine sediment leaving the coarse sediment in place. However, this would occur infrequently, if at all, and the sediments would have time to settle before tide rises and the marine water fills False Bay.

The approach route to the dock from the south through a deep channel and slow boat speed will assure no sediments will be disturbed that could be of such a scale that would impact False Bay. It is too far to the north to be impacted.

Pollutants from Dock and Boat Traffic

None of the materials used to construct the dock are considered pollution generating. Piles will be galvanized steel, decking will be plastic and float tubs will be encased. While ACZA treated lumber will be used to frame the float, it will not be used for decking.

The only potential for pollution to enter the marine environment is if an accidental fuel spill occurs. However, the applicants have agreed to fuel their boats at a fueling station rather than to fuel at this dock. All boats will be dry docked during the fall and winter months. Boats moored at the dock will be new or newer and will not be derelict. Biodegradable hydraulic fuel will be used in equipment operating waterward of the OHWM. An extensive construction and operation spill prevent plan has been prepared. (See Appendices E and G of the BA.)

There will be no pollution created during construction or by use of the dock that can be considered "significant."

Impacts to Priority Habitat for Pinto Abalone

A dive survey was conducted on February 9, 2016 to assess the value of rocky habitat near the project site for pinto abalone and to verify the presence of pinto abalone. Three belt sections were assessed (see Appendix C in the revised BA) and no abalone were observed. The rock habitat seaward of the proposed float is moderate to good habitat for abalone. The sandy seafloor directly below the proposed fixed pier, ramp and float is poor quality habitat for abalone. (See page 11 of the BA.)

It is interesting to note that pinto abalone are functionally extinct in the San Juans, primarily due to the lack of sufficient spawners to effectively reproduce. Poaching is also a serious threat to pinto abalone. Additional factors that threaten pinto abalone are environmental change, especially ocean acidification and ocean warming, increased storm activity, and disease and predation processes, not the construction of docks or desalination systems. (See page 15 of the August 1, 2013 Petition to List Pinto Abalone.) After a 12-month status review NOAA determined that ESA listing was not warranted and rejected the petition.

Impacts on Southern Resident Killer Whales and Other Indirect and Cumulative Impacts Associated with Increased Boat Traffic

Southern Resident Killer Whales

The proposed joint-use dock will be located in shallow water less than 20-feet deep and, therefore, will not be within killer whale critical habitat. (See last sentence on page 49 of the revised BA.) None-the-less, off-site impacts to Southern Resident killer whales (SRKW) have been studied extensively in the revised BA. Critical habitat for this species is discussed on pages 30 through 33 of the revised BA. The primary constituent elements for SRKW critical habitat are:

1. Water quality to support growth and development;
2. Prey species of sufficient quantity, quality and availability to support individual growth, reproduction and development, as well as overall population growth; and
3. Passage conditions to allow to migration, resting, and foraging.

The action area of the Orca Dreams project is within the summer core area of critical habitat for SRKW. From June through September SRKW are frequently observed along the west side of San Juan Island. The project may temporarily increase turbidity during the short period of construction. However, after construction is complete, water quality will not be impacted.

SRKW prey species are primarily Chinook salmon. The project will not affect the quality or quantity of salmon. Light permeable grating on the decking of the proposed dock and the positioning of the dock 25-feet or more away from eelgrass beds will allow sufficient light to reach the seafloor to support growth of marine vegetation that offers refuge and forage habitat for juvenile salmon and its critical habitat for Chinook salmon.

During construction the project will place twelve 10" diameter steel piles and two 6" diameter desal system support piles into the intertidal and subtidal areas. The Washington State Department of Transportation (WSDOT) for establishing the action area for driving 12" diameter steel piling with a vibratory hammer will be used; the smallest sized pile addressed by WSDOT. Underwater noise produced by driving a 12" steel pile with a vibratory hammer is estimated to be 155 dBRMS measured 33 feet from the piling. Project noise will not reach the threshold of injury to fish (183dB). Noise will be greater than the disturbance threshold of fish for a distance of 71 feet from the work site. Project noise will not reach the threshold for injury of 179dbRMS for whales and 181dBRMS for pinnipeds. Using the practical spreading loss model (NMFS 2012), underwater noise will fall below the behavior effects threshold of 120dBRMS for marine mammals at a distance of 1.34 miles. Therefore, the Action Area of behavior threshold for marine mammals will be 1.34 miles where underwater sound transmission is not obscured by land. (See page 18 of the revised BA.)

A rubber cushion will be placed between the vibratory pile driver and the pile to reduce the generation of both airborne and underwater noise. In addition, an extensive Marine Mammal Monitoring Plan for avoid impacts to SRKW and Pinnipeds during construction has been prepare for this project and is attached to the Request for an Incidental Harassment Authorization in Appendix H of the revised BA. This, together with the work windows imposed by WDFW and the USACE (Sept. 1 through March 1 of any given year), places construction at a time when SRKW are not typically found on the west side of San Juan Island.

Noise generated by the desal plant will be limited to the intake pump power transformer located at the top of bank (see page 4 of Hart Pacific's permit drawing packet) and the treatment plant located over 600-feet away from and outside of the marine water. Noise from the desal system will have no impact on the whales.

Noise will be generated by vessels traveling in Haro Strait and the Strait of Juan de Fuca and by boats using the dock. The amount of vessel traffic in the area can be found on page 16 of the revised BA. There are about 7, 275 average annual vessel trips including commercial ships and tribal fishers. The number of commercial whale watching boat traffic has substantially increased in recent years to a fleet of about 72

boats. Typically, during the summer, an average of 22 boats follow a pod of killer whales during daylight hours along the west side of San Juan Island.

Cumulative Impacts Associated with Increased Boat Traffic

An extensive study on existing boating traffic within the Strait and the impact of four additional boats navigating along this side of San Juan Island is provided in the BA, page 16.) The number of private vessels, charter vessels and smaller boats that travel the Strait cannot be estimated at this time because there is no requirement to report activities of private boats. The west side is very popular for viewing, sailing, recreational fishing and diving, and the number of private boats in the study area during the summer season is significant. The additional boat trips associated with two motor boats ranging between 18 and 35 feet in length, a small sail boat and a skiff or kayaks moored on the proposed dock will be insignificant or discountable relative to the number of commercial and private vessels operating in this area.

Impacts to Visual and Aesthetics Resulting from the Dock and Four Boats Extending 260 Feet

Visual impact of docks is a personal assessment. Not all persons share the same concept of what is or is not aesthetically pleasing.

Orca Dreams is proposing the construction of one four-slip joint-use dock to serve all three of the Orca Dreams parcels, their five existing residences and, potentially, a sixth future residence, thus eliminating the potential for two additional docks along this 1,400 foot stretch of shoreline. This alone will significantly reduce the visual impacts that could potentially occur along this shoreline.

The dock will be located in a pocket beach below the high bank waterfront the runs the full length of this property and will be located below a largely developed property that is visible from certain viewpoints. It is located in the most reasonable place along the shoreline considering there is an existing road that leads to the head of the pier. No vegetation removal will be required to build the dock other the removal of grasses.

The proposed joint-use dock will be visible from the shoreline of only one adjacent parcel to the north (TPN 353344007) but will not be in the direct view of this property because it will be located about 300 feet south of this property and set well below the high bank fully vegetated waterfront in which the single-family residence on this parcel is located landward. It will be within a small cove which will screen the dock from parcels further to the north and to the south. The dock will not be visible from False Bay. As such, the dock will not "obstruct" views currently enjoyed from this property.

The most visually obvious portion of the dock will be the fixed pier which will be located about 3.2+/- feet above the line of Extreme High Tide (EHT - 10.50 feet) and the ramp that will connect the fixed pier to the float that rests on the surface of Haro Strait. The float will be practically invisible because of its position on the surface of the water. Due

to the high bank waterfront, the pier and ramp will blend in with the surrounding landscape due to the heavily treed shoreline.

Zoning is an effective tool for reducing visual impacts. The County's Shoreline Master Program has established policies and regulations to prevent the proliferation of docks along the shoreline and design guidelines to reduce visual impacts.

Comprehensive Plan Element of the San Juan County Shoreline Master Program

- *Policy 3.5.C.3:*

  The location, design, configuration and height of boathouses, piers, ramps and docks should both accommodate the proposed use and ***minimize*** *obstructions to views from the surrounding area*

- *Policy 3.5.C.4:*

  Boating facilities should be designed to optimize the ***trade-offs*** *between the number of boats served and the impacts on the natural and visual environments.*

- *Policy 3.5.C.11: To spare San Juan County from the so-called "porcupine effect" created by dozens of individual private docks and piers on the same shoreline, preference should be given to the joint-use of a single structure by several waterfront property owners, as opposed to the construction of several individual structures.*

Chapter 18.50 of the Unified Development Code

The SMP element of the County's Unified Development Code implements the SMP Comprehensive Plan policies through development regulations. The SMP provides incentives for reducing the number of docks along the shoreline by allowing docks to increase in size depending upon the number of residences they serve. The idea is that fewer docks along the shoreline enhance aesthetics by reducing the number of structures along the shoreline. It reduces overdevelopment of the shoreline. The proposed joint-use dock has been designed and sited consistent with the SMP development regulations.

The Department of Natural Resources implements the following laws to reduce visual impacts of docks.

WAC 332-30-139(b) states:

Open moorage is preferred in relatively undeveloped areas and locations where view preservation is desirable, and/or where leisure activities are prevalent.

WAC 332-30-139(f) further clarifies view impact when it states:

View encumbrances due to enclosed moorage shall be avoided in those areas where views are important element in the local environment.

The Orca Dreams proposed joint-use dock will be "open moorage" and will not include enclosed moorage (a boat house or overhead structure).

In *Inskeep*, a joint-use community dock was found to be low profile and to minimize visual impact due to its location in an area described as high bank waterfront in which the structure blended. The proposed dock is no different than the *Inskeep* proposal except that it is significantly smaller and the bank where it is located is significantly higher. It, too, can be considered low profile due to its location in an area that can be described as high bank heavily vegetated waterfront which allows the dock to blend in with the shoreline backdrop. See the Shoreline Hearings Board (SHB) decision for the Inskeep Dock; SHB No. 98-033.

Because the dock construction will require no vegetation removal and will be sited in the same location as the prior Mart Vista dock, will not include any enclosed or overhead structures and will be site well below the high bank waterfront of the Orca Dreams property, there will be no significant adverse impact created by the proposed four slip dock.

5. ***Insufficient Analysis of Need for the Proposed Dock or Reasonable Alternatives to the Proposed Dock***

"Need" is neither a SEPA issue nor a regulatory issue. Reasonable alternatives or the lack thereof is provided in the Detailed Project Description and Regulatory Analysis attached to the SSDP application.

6. ***Insufficient Analysis of Cumulative Impacts Resulting from the Approval of the First Dock on the West Side of San Juan Island Between Cape San Juan to Mitchell Bay***

Cumulative impacts is not a SEPA issue.

7. ***Insufficient Analysis of How the Project Achieves No-Net –Loss to Critical habitat and Aquatic Species in the Immediate Vicinity of the Project and Surrounding Area, Including False Bay***

Please see attached revise BA.

8. ***Disturbance to False Bay Marine Preserve and Ongoing Research***

The False Bay Marine Preserve was created by WDFW in 1990 in conjunction with the University of Washington's Friday Harbor Laboratories (FHL). WDFW created these partial take reserves after FHL requested that the intertidal and subtidal waters adjacent to their upland biological preserves be protected from harvesting pressure for bottomfish and invertebrates. The stated primary goal of the preserve is to foster stewardship of unique or

important resources or habitat, provide research and education areas, and provide baseline areas or reference site.

The 1990 report that established the False Bay Preserve indicated the main feature of False Bay is a large intertidal bay that is owned by UW. The bay is composed of unconsolidated substrates such as sand and mud with many erratic boulders and cobbles scattered throughout the bay. The bay gives rise to subtidal habitats in the western part of Haro Strait that are included in the marine preserve. The subtidal portion extends to seaward to the 50-foot isobaths. The dominant substrate is sand, pebble and cobble interspersed with rocky ridges and boulder fields running in an onshore-offshore direction.

The 1990 report states the bay supports a variety of invertebrate species that are often studied by students and researchers at FHL and that this bay may be an important shorebird habitat during migration. Harbor seals make use of the nearshore habitat along the outer reaches of the preserve and orca whales can be encountered in the offshore areas of the preserve.

The 1990 report also states rocky habitats and large cobbles provide substrate for dense kelp canopies consisting of bull kelp and understory kelps such as luminaria. Filamentous and coralline algae cover many if the boulder and bedrock surfaces. The mixed sand and rocky habitats support several fish species of both. Copper rockfish and kelp perch inhabit kelp beds and rocky habitats, and striped seaperches and kelp greenlings inhabit both habitats while whitespotted greenlings and starry flounder inhabit the sand habitat. Red sea urchin are also abundant on many of the rocky substrates.

This information is over 27 years old and likely doesn't represent current conditions.

The eelgrass meadow in False Bay has been studied for several years. The prevalence of leaf infections of eelgrass caused by the marine slime mold, *Laburinthula zostera,* has been the focus of the investigations. This slime mold has been identified as the cause of eelgrass wasting disease where large areas of eelgrass meadows have be decimated. Recent monitoring by the Washington State Department of Natural Resources (WDNR) Nearshore Habitat Program has found the eelgrass bed in the False Bay Preserve to be stable over the past decade (WDNR 2016 – see pages 12 and 13 of the revised BA.)

The proposed dock location is situated 170-feet south and 420-feet east of the preserve. It is not located in the preserve. At this distance, the proposed dock will present no physical impact on the bay or impact on the ability for students and researches to continue to investigate the preserve there as has been done for years. The potential for fuel spills and leaks has been discussed in detail in the revised BA and reiterated in this response. Considering there will be no fueling or boat maintenance at the proposed dock, that the float will be taken out of the water from October to May and no boats will be moored there during this time (212 days of each year), and that the boats will be maintained while the float is out of the water while they are dry docked at Snug Harbor Resort. The impacts of this proposal on continuing research within the preserve is insignificant.

9. Displacement of Public Property

A majority of the Orca Dreams dock is located over privately owned tidelands. Only about 85-feet of the 260-foot long dock would extend over state owned tidelands. WDNR has preliminarily concluded that this dock meets the criteria for a private recreational dock which would not require authorization for locating over state-owned tidelands (i.e., lease). (See attached letter dated July 17, 2015 from Mary Huff, WDNR Aquatics Land Manager.)

10. Loss of Eelgrass and Algae

This has been discussed in length in the revised BA and reiterated in this response. With the mitigation proposed, there will be no significant adverse impact to eelgrass of algae in the Action area.

11. Impact on the Pocket Beach

Please see the revised BA - pages 9 and 10, and pages 32- 41.

12. Impact on Marine Birds

See Section 7.1 of the revised BA.

13. Negative Impact on Threatened and Endangered Species

A determination of effect on ESA listed species and their critical habitat can be found on page 44 of the revised BA. There is no species on this list that will be adversely impacted by the proposed four-slip joint-use dock or the RO desalination system.

14. Displacement of Existing Recreational Use

The beach along the shoreline of the Orca Dreams property is privately owned and not open for recreational use by the general public. Any member of the public that has not been invited to use the beach would be subject to trespass.

The proposed dock creates no barrier to ongoing recreational use of the marine waters fronting their property. While boats, kayaks, etc. may have to maneuver around the dock, it does not displace any recreational use.

15. Impact of Damaged Docks, Boats, and Floats

With the mitigating measures proposed in Section 9.0 of the revised BA, there will be no adverse impact created by boats being moored at the proposed dock .Orca Dreams LLC has the wear withal to purchase new, state of the art boating equipment. These will not be derelict vessels with the propensity to cause fuel spills and leaks. The float and boats will be dry docked from October until May during the stormy season wind high wind speeds are

experienced along the west side of San Juan Island. The proposed dock will be located in a small protected cove and located landward of a significant rock outcrop that acts as a break water which attenuates wave energy in the cove. Orca Dreams videotaped a wind storm along the west side of the island that occurred during the week on November 11, 2017. This tape is conclusive and shows that wind driven wave energy at the dock site is surprisingly miniscule when observing the waves further out into the strait.

Conclusion

The detailed project description and regulatory analysis, the revised BA and the SEPA environmental checklist all support the County's Mitigated Determination of Non-Significance. The appellant has provided no site specific or project specific evidence to the contrary.

SJCC 18.10.030(D.4) states:

> *The party appealing a code interpretation or administrative determination or decision shall have the burden of proof of presenting the evidence necessary to prove to the hearing examiner that the administrator's interpretation, determination or decision was clearly erroneous.*

SJCC18.80.140(H.1.g); Appeals, states;

> *The determination of the responsible official shall carry substantial weight in any appeal proceeding*

The UW has failed to produce any evidence that the Community Development Department's decision to issue the MDNS was clearly erroneous. Therefore, the appeal should be denied.

Please contact me with any questions you may have or if you need additional information.

Sincerely,

Francine Shaw

Francine Shaw, Land Use Planner

Cc: Orca Dreams LLC C/O David Honeywell

(4—196.)

HOMESTEAD.

Land Office at OLYMPIA, W. T.

June 13th, 1883

FINAL CERTIFICATE, No. 1648

APPLICATION, No. 2938

It is hereby certified That, pursuant to the provisions of Section No. 2291, Revised Statutes of the United States, Elnora Nelson, Widow of Peter Nelson, dec'd has made payment in full for Lots 6 & 9 of Sec. 33. Th. 35 N.R. 3. West Lot 4. of Sec. 3. and lots 1. & 2.

of Section No. 4, in Township No. 34 North, of Range No. 3 West, of the Willamette Principal Meridian W. T., containing 151 14/100 acres.

Now, therefore, be it known, That on presentation of this Certificate to the COMMISSIONER OF THE GENERAL LAND OFFICE, the said Elnora Nelson, Widow of Peter Nelson, dec'd shall be entitled to a Patent for the Tract of Land above described.

John F. Forney

Register.

ELECTRO'S.

(3032—5000.)

2

Final Certificate No. 1648

Homestead Application No. 2938

LAND OFFICE

AT

OLYMPIA, W. T.

June 13 74, 1883.

Sect. 33 & 4, Town. 35 & 4, Range 3 W.

Approved Sept 6", 1883,

Clerk, Clerk,

Division le

Patented June 20", 1884

Recorded, Vol. 4 Trans, page 395

4 Trans 218

SAN JUAN COUNTY —

DEEDS VOL. 24

herein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this twelfth day of August, 1948.

NOTARIAL SEAL IMPRESSED — Helen Van de Water

Notary Public in and for the State of Oregon, residing at Portland, in said County.

($1.00) State Stamps affixed and cancelled. My Commission expires _____ 194_. My Commission Expires April 11, 1952

($1.10) Internal Revenue Stamps affixed and cancelled.

Filed for record on August 23, 1948, at 12 PM, at request of Dr. R. H. Ellis.

By Dorothy Taylor Deputy. Marjorie C. Bergmen County Auditor.

39037 TIDELAND DEED No.20051

STATE OF WASHINGTON

IN CONSIDERATION OF Nine hundred sixty-three and 65/100 ($963.65) Dollars, the receipt of which is hereby acknowledged, the State of Washington does hereby grant, bargain, sell and convey unto Frank S. Norton, his heirs and assigns, the following described tide lands of the second class, lying above the line of mean tide situate in San Juan County, Washington, to-wit:

All tide lands of the second class, owned by the State of Washington, situate in front of, adjacent to or upon that portion of the government meander line, lying in front of Lots 2, 3, 4, 5, 6, 7, 8 and 9, section 33, township 36 north, range 3 west, W.M., having a total frontage of 192.73 lineal chains, more or less,

The grantor expressly excepts from this conveyance all tide lands lying in front of said lands and below the line of mean low tide.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Frank S. Norton, his heirs and assigns forever.

WITNESS the Seal of the State, affixed this 6th day of July, 1948.

STATE OF WASHINGTON SEAL IMPRESSED

Mon C. Wallgren, Governor.

Attest: Ray J. Yeoman, Assistant Secretary of State.

State Record of Tide Land Deeds, Volume 21 Page 98

Contract No. 3202
App. No. 4227
M/M

Filed for record on August 23rd., 1948, at 2, PM, at request of William S. Bell.

By _____ Deputy. Marjorie C. Bergman County Auditor.

39041 WARRANTY DEED

(Statutory Form)(Individual)

THE GRANTORS...RUSSELL G. BOYCE and AMELIA W. BOYCE, husband and wife at all times since acquiring title, residing at Friday Harbor, Washington, for and in consideration of ten dollars and other valuable consideration Dollars in hand paid, convey and warrant to MERLE E. BOYCE and CHRISTINA BOYCE, husband and wife, the grantees the following described real estate

The Northwest quarter of the Southwest quarter (NW¼SW¼); and the West half of the Northeast quarter (W½NE¼), both in Section Seventeen (17); and the Northeast quarter of the Northeast quarter (NE¼NE¼) in Section Eighteen (18); all in Township Thirty-five (35) North, Range Three (3) West, W. M., subject only to existing road and utility easements of record or visible upon the land; RESERVING however, to grantors the right to take water for domestic purposes from an existing well located in the Southwest quarter of the Northwest quarter (SW¼NW¼) of Section seventeen, for the benefit of the Southeast quarter of the Northwest quarter of said section, said water right to be construed as an easement appurtenant and to carry with it the necessary rights of ingress and egress and rights of way for pipes, pipelines and pumping equipment and the installation, inspection, maintenance, repair and replacement thereof.

situated in the County of San Juan, State of Washington.

Dated 21 August, A. D., 1948.

Russell G. Boyce

Signed in presence of _____ Amelia W. Boyce

(INDIVIDUAL ACKNOWLEDGMENT)

STATE OF WASHINGTON, } ss.
County of San Juan }

I, R. F. Buck, Notary Public in and for the State of Washington, residing at Friday Harbor do hereby certify that on this 21st day of August, 1948, personally appeared before me Russell G. Boyce and Amelia W. Boyce, husband and wife, to me known to be the individuals described in and who executed the within instrument and acknowledged that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes herein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 21st day of August, 1948.

R F Buck

66462

437

State of Washington

In lieu of { Contract No.....
Application No. 5921

In Consideration of one hundred one and 37/100 ($101.37) Dollars, the receipt of which is hereby acknowledged, the STATE OF WASHINGTON does hereby grant, bargain, sell and convey unto Frank S. Norton, his heirs and assigns, the following described tide and shore land of the second class, situate in San Juan County, Washington, to-wit:

All tide lands of the second class, owned by the State of Washington, lying between the line of mean low tide and the line of extreme low tide and in front of lots two (2) and eight (8) and nine (9), section thirty-three (33), township thirty-five (35) north, range three (3) west W.M., with a total frontage of 101.37 lineal chains, more or less, measured along the meander line, according to a certified copy of the government field notes of the survey thereof on file in the office of the Commissioner or Public Lands at Olympia, Washington.

The grant hereby made is subject, however, to the express reservation and condition that if the contract between the State or Washington and the above named grantee for the sale of the tide lands lying above and adjoining the tide lands hereby conveyed shall be for any cause canceled or forfeited as provided by law, then these presents shall be considered null and void, and the title to the lands hereby conveyed shall thereupon immediately revert to and revest in the State of Washington, free from any right or claim of the said grantee or of any successor in interest of the said grantee.

VOL. 47 PAGE 373A

66462

STATE OF WASHINGTON

DEPARTMENT OF NATURAL RESOURCES

BERT L. COLE, Commissioner of Public Lands

Filed for Record at the Request of Knight Law Corp. 1300 IBM Bldg Seattle
JUL 3 1967 A. D., 19
at 45 min. past 3:00 P M
and recorded in vol. 47 Deed page 379/380
MARJORIE C. BERGMAN, Auditor
SAN JUAN COUNTY, WASH.
by Vera Jessen Deputy

State of Washington)
) ss
County of Thurston)

I Eugene C. Howe, acting as Records Officer for Bert L. Cole, Commissioner of Public Lands of the State of Washington and ex officio Administrator of the Department of Natural Resources for the State of Washington, do hereby certify that the annexed and foregoing is a true and correct copy of Second Class Tide Lands Deed under Application No. 5921, dated June 6, 1911, to Frank S. Norton, as the same appears on file with the Department of Natural Resources, Record of Tide Lands Deeds, Volume 10, Page 437.

WITNESS the seal of the Commissioner of Public Lands affixed this 19th day of May, A. D., 1967.

Eugene C. Howe
Records Officer
Department of Natural Resources

VOL. 47 PAGE 379

300

REVENUE STAMPS

Pioneer National Title Insurance Company
WASHINGTON TITLE DIVISION
Filed for Record at Request of

TO _____

THIS SPACE RESERVED FOR RECORDER'S USE
Filed for Record at the Request of
SCHMIDT AND LINDE
NOV 15 1974 A.D., 19
at 00 min. past 4 P M
and recorded in vol. 7 of
Official Records, page 696
HENRY R. BYERS, AUDITOR
SAN JUAN COUNTY, WASH.
By Marlene Evans DEPUTY

SAN JUAN COUNTY WASH
REAL ESTATE EXCISE TAX
AMOUNT PAID $ None
Tax Exempt
NOV 15 1974
Affd 106 95
FRED R. BARNES
COUNTY TREASURER

87157

FORM L56

Statutory Warranty Deed

(CORPORATE FORM)

THE GRANTOR RUSCO FINANCIAL CORPORATION, a California corporation,

for and in consideration of $150,000.00,

in hand paid, conveys and warrants to UNIVERSITY OF WASHINGTON

the following described real estate, situated in the County of San Juan, State of Washington, including all interest therein which Grantor may hereafter acquire by virtue of a Sheriff's deed to be issued by the Sheriff of San Juan County, Washington:

Parcel A
All of Government Lot 5, Section 33, Township 35 North, Range 3 West, W.M., and its fronting tidelands of the second class lying between the line of ordinary high tide and the line of mean low tide as recorded under Auditor's File No. 39037, records of San Juan County, Washington.

Parcel B
That portion of the tidelands of the second class fronting Government Lots 2, 3, 4, 6, 7, 8 and 9, Section 33, Township 35 North, Range 3 West, W.M., lying between the line of ordinary high tide and the line of mean low tide as recorded under Auditor's File 39037, records of San Juan County, Washington; EXCEPT that portion of the tidelands fronting Government Lots 4 and 6 lying landward of a line which is 100.00 feet seaward of and parallel to the line of ordinary high tide of said Government Lots 4 and 6.

Parcel C
All tidelands of the second class in front of Government Lots 2, 8 and 9, Section 33, Township 35 North, Range 3 West, W.M., lying between the line

(continued on the reverse side hereof)

IN WITNESS WHEREOF, said corporation has caused this instrument to be executed by its proper officers and its corporate seal to be hereunto affixed this 12th day of November, 1974.

Rusco Financial Corporation

By _____ President.

By _____ Secretary.

STATE OF ~~WASHINGTON~~ California,
County of Los Angeles } ss.

On this 12th day of November, 1974, before me, the undersigned, a Notary Public in and for the State of ~~Washington~~ California, duly commissioned and sworn, personally appeared Robert J. Fox and Joel A. Jacobs to me known to be the President and Secretary, respectively, of Rusco Financial Corporation the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year first above written.

OFFICIAL SEAL
DEMA L. TURGEON
NOTARY PUBLIC-CALIFORNIA
LOS ANGELES COUNTY
My Commission Expires May 5, 1978

_____
Notary Public in and for the State of ~~Washington~~ California
residing at 1100 Glendon Ave., Los Angeles, Calif.

OFFICIAL RECORD
VOL 7 PAGE 696

of mean low tide and the line of extreme low tide as recorded under Auditor's file No. 66462, records of San Juan County, Washington.

San Juan County, WA
F. Milene Henley, Auditor
SWD
Pgs=7 KIRAS

2013-0710010
07/10/2013 10:38 AM
Total:$78.00

00035998201307100100070076

Recorded at the request of:
CHICAGO TITLE

When recorded return to:
Orca Dreams LLC
718 E 35th Ave.
Spokane, WA 99203

Filed for record at the request of:
CHICAGO TITLE COMPANY
315 Court Street, PO Box 790
Friday Harbor, WA 98250

Escrow No.: 245357343

SAN JUAN COUNTY WASH.
REAL ESTATE EXCISE TAX
AMOUNT PAID $ 073914 / 44,810.00
JUL 10 2013
JAN SEARS
COUNTY TREASURER

STATUTORY WARRANTY DEED

THE GRANTOR(S)

DAVID E. KETTER, Trustee of the Milton M. Bave Credit Trust under Will dated February 17, 1983; LISA OBLAD, a married woman, as her separate property; KELLIE BAVE, an unmarried woman who acquired title as KELLIE BAVE KOUGIOULIS, a married woman, as her separate property; DAVID E. KETTER, Trustee of the Peter M. Bave Irrevocable Trust dated August 31, 1989; DAVID E. KETTER, Trustee of the Marsha L. Bave Irrevocable Trust dated August 31, 1989; REBECCA S. BAVE Wagner, a married woman , as her separate property, who acquired title as REBECCA S. BAVE, a single woman; YOLANDA BAVE CREED, a married woman, as her separate property; and DAVID E. KETTER, Trustee of the Emelia L. Bave Revocable Trust dated May 22, 1989; as their interests appear of record, AS TO A PORTION OF PARCEL A ;

DAVID E. KETTER, Trustee of the Milton M. Bave Credit Trust under Will dated February 17, 1983; DAVID KETTER, Trustee of the Marsha L. Bave Irrevocable Trust dated August 31, 1989; DAVID E. KETTER, Trustee of the Emelia Bave Revocable Trust dated May 22, 1989; as their interests appear of record, AS TO THE REMAINDER OF PARCEL A;

DAVID E. KETTER, Trustee of the Peter M. Bave Trust dated May 22, 1989; and DAVID E. KETTER, Trustee of the Emelia L. Bave Revocable Trust Agreement dated May 22, 1989; as their interests appear of record, AS TO PARCEL B

for and in consideration of Ten And No/100 Dollars ($10.00) and other good and valuable consideration

in hand paid, conveys, and warrants to Orca Dreams LLC, a Washington limited liability company

the following described real estate, situated in the County of San Juan, State of Washington:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Abbreviated Legal: (Required if full legal not inserted above.)

Ptn Gov. Lot 1, 4-34-3 & Ptns Gov. Lot 9, 33-35-3

Tax Parcel Number(s): 340411002000, 353344008000, 353344005000

Reserving unto the Grantor, their successors and/or assigns, an easement for roadway and utility purposes as described as the TOGETHER WITH easement for roadway and utility purposes, within the legal description of that certain Statutory Warranty Deed recorded January 17, 1989 under San Juan County recording no. 89155419, and as further described within the Revised Parcel A

STATUTORY WARRANTY DEED
(continued)

land description as the SUBJECT TO easement for roadway and utility purposes, within that certain Boundary Line Modification recorded on July 10, 2013, under San Juan County recording no. 2013-0710009.

Subject to:

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

Dated: 7/9/13

David E. Ketter, Trustee of the Milton M. Bave Credit Trust under will dated February 17, 1983

By: _____
David E. Ketter, Trustee

_____, Attorney in Fact
Lisa Oblad, by David E. Ketter, as her Attorney in Fact

_____, Attorney in Fact
Kellie Bave , by David E. Ketter, as her Attorney in Fact

David E. Ketter, Trustee of the Marsha L. Bave Irrevocable Trust dated August 31, 1989

By: _____
David E. Ketter, Trustee

_____, Attorney in Fact
Rebecca S. Bave Wagner, by David E. Ketter, as her Attorney in Fact

_____, Attorney in Fact
Yolanda Bave Creed, by David E. Ketter, as her Attorney in Fact

David E. Ketter, Trustee of the Emelia L. Bave Revocable Trust dated May 22, 1989

By: _____
David E. Ketter, Trustee

David E. Ketter, Trustee of the Peter M. Bave Irrevocable Trust U/A/D 8/31/89

BY: _____
David E. Ketter
Trustee

STATUTORY WARRANTY DEED
(continued)

STATE OF WASHINGTON)
) ss.
COUNTY OF SAN JUAN)

I certify that I know or have satisfactory evidence that David E. Ketter is the person who executed the foregoing instrument as Attorney in Fact for Kellie Bave and acknowledged that he signed the same as his free and voluntary act and deed, as Attorney in Fact for said principal for the uses and purposes therein mentioned, and on oath stated that the Power of Attorney authorizing the execution of this instrument has not been revoked and that said principal is now living and is not incompetent.

GIVEN under my hand and official seal this 9 day of July, 2013.

LISA P. ANDERSON Commission Expires NOTARY PUBLIC 04-27-2016 STATE OF WASHINGTON

Notary Public for the State of Washington,
residing at:Friday Harbor
My commission expires: 4-27-2016

STATE OF WASHINGTON)
) ss.
COUNTY OF SAN JUAN)

I certify that I know or have satisfactory evidence that David E. Ketter is the person who executed the foregoing instrument as Attorney in Fact for Yolanda Bave Creed and acknowledged that he signed the same as his free and voluntary act and deed, as Attorney in Fact for said principal for the uses and purposes therein mentioned, and on oath stated that the Power of Attorney authorizing the execution of this instrument has not been revoked and that said principal is now living and is not incompetent.

GIVEN under my hand and official seal this 9 day of July, 2013.

LISA P. ANDERSON Commission Expires NOTARY PUBLIC 04-27-2016 STATE OF WASHINGTON

Notary Public for the State of Washington,
residing at:Friday Harbor
My commission expires: 4-27-2016

STATE OF WASHINGTON)
) ss.
COUNTY OF SAN JUAN)

I certify that I know or have satisfactory evidence that David E. Ketter is the person who executed the foregoing instrument as Attorney in Fact for Lisa Oblad and acknowledged that he signed the same as his free and voluntary act and deed, as Attorney in Fact for said principal for the uses and purposes therein mentioned, and on oath stated that the Power of Attorney authorizing the execution of this instrument has not been revoked and that said principal is now living and is not incompetent.

GIVEN under my hand and official seal this 9 day of July, 2013.

LISA P. ANDERSON Commission Expires NOTARY PUBLIC 04-27-2016 STATE OF WASHINGTON

Notary Public for the State of Washington,
residing at:Friday Harbor
My commission expires: 4-27-2016

STATUTORY WARRANTY DEED
(continued)

STATE OF WASHINGTON)
) ss.
COUNTY OF SAN JUAN)

I certify that I know or have satisfactory evidence that David E. Ketter is the person who executed the foregoing instrument as Attorney in Fact for Rebecca S. Bave Wagner and acknowledged that he signed the same as his free and voluntary act and deed, as Attorney in Fact for said principal for the uses and purposes therein mentioned, and on oath stated that the Power of Attorney authorizing the execution of this instrument has not been revoked and that said principal is now living and is not incompetent.

GIVEN under my hand and official seal this 9 day of July, 2013.

LISA P. ANDERSON Commission Expires NOTARY PUBLIC 04-27-2016 STATE OF WASHINGTON

Notary Public for the State of Washington,
residing at: Friday Harbor
My commission expires: 4-27-2016

State of Washington

County of San Juan

I certify that I know or have satisfactory evidence that David Ketter is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as Trustee of the Emelia L. Bave Revocable Trust dated May 22, 1989 to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 7-9-13

LISA P. ANDERSON Commission Expires NOTARY PUBLIC 04-27-2016 STATE OF WASHINGTON

Name: LISA P. ANDERSON
Notary Public in and for the State of Washington
Residing at: Friday Harbor
My appointment expires: 4-27-2016

State of Washington

County of San Juan

I certify that I know or have satisfactory evidence that David Ketter is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as Trustee of the Marsha L. Bave Irrevocable Trust dated August 31, 1989 to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 7-9-13

LISA P. ANDERSON Commission Expires NOTARY PUBLIC 04-27-2016 STATE OF WASHINGTON

Name: LISA P. ANDERSON
Notary Public in and for the State of Washington
Residing at: Friday Harbor
My appointment expires: 4-27-2016

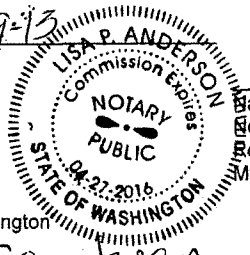
STATUTORY WARRANTY DEED
(continued)

State of Washington

County of San Juan

I certify that I know or have satisfactory evidence that David Ketter is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as Trustee of the Milton M. Bave Credit Trust under Will dated February 17, 1983 to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 7-9-13



Name: LISA P. ANDERSON
Notary Public in and for the State of Washington
Residing at: Friday Harbor
My appointment expires: 4-27-2016

State of Washington

County of San Juan

I certify that I know or have satisfactory evidence that David Ketter is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as Trustee of the Peter M. Bave Irrevocable Trust U/A/D 8/31/89 to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 7-9-13

Name: LISA P. ANDERSON
Notary Public in and for the State of Washington
Residing at: Friday Harbor
My appointment expires: 4-27-2016

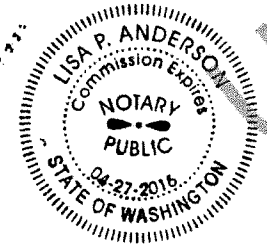


EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 340411002000, 353344008000 and 353344005000

PARCEL A:

That portion of Government Lot 9 in Section 33, Township 35 North, Range 3 West, W.M., in San Juan County, Washington, described as follows:

Beginning at the Southeast corner of said Government Lot 9; thence West along the South line thereof a distance of 626 feet to the True Point of Beginning; thence North 39 degrees West 54.5 feet; thence North 0 degrees 20 minutes East along a fence line to an intersection with the North line of the South 345.16 feet of said Government Lot 9; thence West along said North line to the Westerly boundary of said Government Lot 9; thence Southerly along said Westerly boundary to the South line of said Government Lot 9; thence East along said South line to the True Point of Beginning; AND

ALSO that portion of Government Lot 1, Section 4, Township 34 North, Range 3 West, W.M., in San Juan County, Washington, lying northerly of the following described line:

Commencing at the Northeast corner of said Section 4; (from which point the Southerly Meander corner common to Sections 4 and 3 of said Township and Range bears South 1°30'39" West); thence along the East line thereof, also being the East line of said Government Lot 1, South 1°30'39" West 724.45 feet to the True Point of Beginning of said line; thence leaving said East line North 88°08'38" West 1358 feet, more or less to a point on the westerly outer boundary of said Government Lot 1, and the terminus of said line.

PARCEL B:

A portion of Government Lot 9, Section 33, Township 35 North, Range 3 West, W.M., in San Juan County, Washington, described as follows:

Beginning at the Southeast corner of said Government Lot 9, which is the TRUE POINT OF BEGINNING; THENCE West 626 feet; THENCE North 39° West 54.5 feet; THENCE North 0°20' East along a fence line a distance of 812.36 feet; THENCE North 81°26' West along the fence line 674.7 feet, more or less, to the West line of said Government Lot 9; THENCE North along said Westerly line to a point on a line which is parallel with and 135 feet North of the last said fence line; THENCE South 81°26' East to a point 652.5 feet West of the East line of said Government Lot 9; THENCE South 135 feet; THENCE East 652.5 feet to the East line of said Lot 9, THENCE South along the center line of County Road to the POINT OF BEGINNING;

EXCEPT any portion lying North of the South 345.16 feet of said Government Lot 9.

LESS ROADS AND LESS ANY MOBILE OR MANUFACTURED HOMES LYING ON THE ABOVE DESCRIBED PARCELS A AND B.

EXHIBIT "B"
Exceptions

1. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

   Purpose: Roadway and utility
   Recording Date: January 17, 1989
   Recording No.: 89155419
   Affects: Easterly portion of Parcel A

2. Agreement for Use and Maintenance of a Water System

   Executed by: Emelia L. Bave and Catherin Linn Gould
   Recording Date: January 17, 1989
   Recording No.: 89155419
   Affects: Northerly portion of Parcel A and other property

3. An apparent roadway across the northerly portion of Parcel A for the benefit of other properties as shown on the aerial map accessed through the county assessor's website. We find no recorded easement or agreement relating to this roadway area.

4. As to any portion of said land now, formerly or in the future covered by water: Questions or adverse claims related to (1) lateral boundaries of any tidelands or shorelands; (2) shifting in course, boundary or location of the body of water; (3) rights of the State of Washington if the body of water is or was navigable; and (4) public regulatory and recreational rights (including powers of the USA) or private riparian rights which limit or prohibit use of the land or water.

   Affects: Parcel A

5. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

   Purpose: roadway and utility
   Recording Date: April 9, 2008
   Recording No.: 2008 0409008 and various other instruments of record
   Affects: easterly portion of Parcel A for the benefit of the parcel lying directly south of Parcel A

San Juan County, WA
F. Milene Henley, Auditor
DEED
Pgs=3 KIRAS

2014-1203013
12/03/2014 01:51 PM
Total:$74.00

00045179201412030130030034

Recorded at the request of:
WEISSINGER LAW OFFICES

SAN JUAN COUNTY WASH.
REAL ESTATE EXCISE TAX
AMOUNT PAID $ Ø

DEC 03 2014
075624
JAN SEARS
COUNTY TREASURER

Filed for Record at Request of:
William J. Weissinger, Attorney at Law
When recorded return to:
Law Offices of William J. Weissinger, P.S.
425-B Caines Street
Friday Harbor, WA 98250

Deed

Grantor: State of Washington

Grantee: Lloyd D. Martin and Robert L. Murray, doing business as Marvista Resort, a partnership, their heirs and assigns

Legal Description: Second class tidelands abutting the north 132 feet of GL 1, Sec 4, Twp 34 N, R 3 W, W.M.

Assessor's Tax Parcel Number: 340445 002 000

Reference Auditor File Numbers of Documents assigned, released or amended:

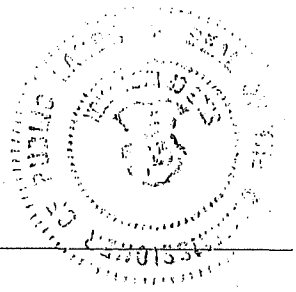
13-0326\2014\Cover sheet for Tidelands deed from State

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

State of Washington,)
)
County of Thurston)

I, Darin Deehr, Aquatic Land Research Specialist, regarding land records for Peter Goldmark, Commissioner of Public Lands of the State of Washington, do hereby certify that the following document(s) was produced from records on file in the Title and Records Office at Olympia, Washington.

Document(s): Deed Volume 20, Page 421-*Certified Copy*



10-9-2014
Date

Darin Deehr
Aquatic Land Research Specialist
Title and Records Office
Washington State Department of Natural Resources

DEED—SECOND CLASS TIDE ~~AND~~ LANDS sold subsequent to June 7, 1911.
S. P. No. 483—1936. 1M—3-30-36. 4788.

State of Washington

IN CONSIDERATION of Seventy and no/100 ($70.00) *Dollars,*

the receipt of which is hereby acknowledged, the STATE OF WASHINGTON does hereby grant, bargain, sell and convey unto Lloyd D. Martin and Robert L. Murray, doing business as Marvista Resort, a partnership, their

heirs and assigns, the following described tide ~~and~~ lands of the second class, as defined by Chapter 256 of the Session Laws of 1927, situate in San Juan *County, Washington, to-wit:*

The tide lands of the second class, owned by the State of Washington, situate in front of, adjacent to or abutting upon the north 132 feet of lot 1, section 4, township 34 north; range 3 west, W.M., with a frontage of 2.00 lineal chains, more or less.

The above described lands are sold subject to all the provisions of Chapter 312 of the Session Laws of 1927, to which reference is hereby made, and which shall be as binding upon the grantee and any successor in interest of said grantee as though set out at length herein.

"The grantor hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors and assigns forever, all oils, gases, coal, ores, minerals and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oil, gases, coal, ores, minerals and fossils; and it also hereby expressly saves and reserves out of the grant hereby made, unto itself, its successors and assigns forever the right to enter by itself, its agents, attorneys and servants upon said lands or any part or parts thereof, at any and all times, for the purpose of opening, developing and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its successors and assigns forever, the right by its or their agents, servants and attorneys at any and all times to erect, construct, maintain and use all such buildings, machinery, roads and railroads, sink such shafts, remove such soil, and to remain on said lands or any part thereof for the business of mining and to occupy as much of said land as may be necessary or convenient for the successful prosecution of such mining business hereby expressly reserving to itself, its successors and assigns, as aforesaid, generally all rights and powers in, to and over said lands, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and rights hereby expressly reserved": Provided, That no rights shall be exercised under this reservation by the state, its successors or assigns, until provision has been made by the state, its successors or assigns to pay to the owner of the land upon which the rights herein reserved to the state, its successors or assigns are sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Lloyd D. Martin & Robert L. Murray, doing business as Marvista Resort, a partnership, their *heirs and assigns, forever.*

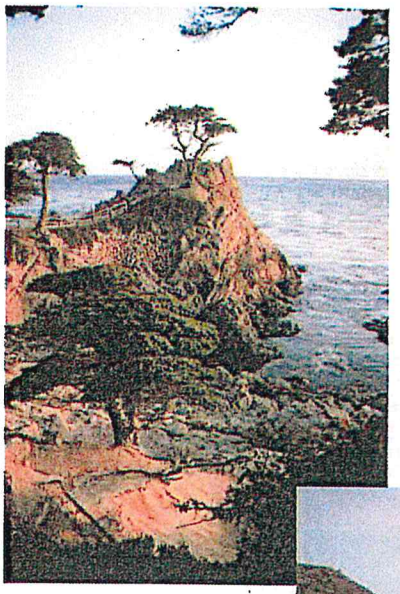
WITNESS, The Seal of the State, affixed this 18th *day of* December, *19*47

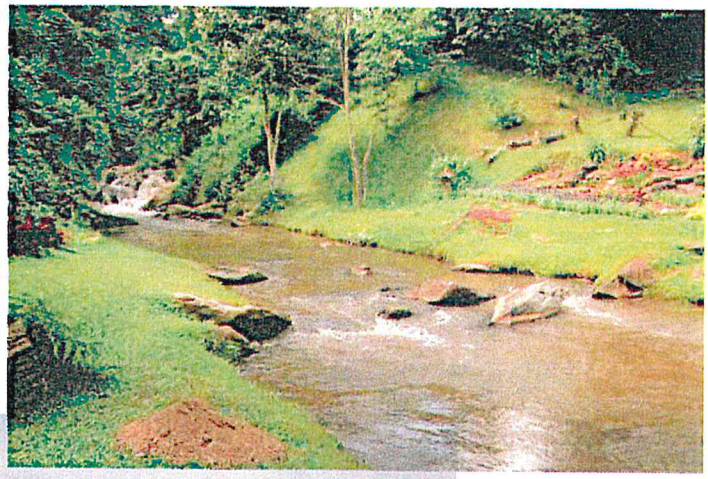
/s/ Mon C. Wallgren
Governor.

Attest:

/s/ Ray J. Yeoman
Assistant *Secretary of State.*

Deed No. 19827
Cont. No. -
App. No. 11481





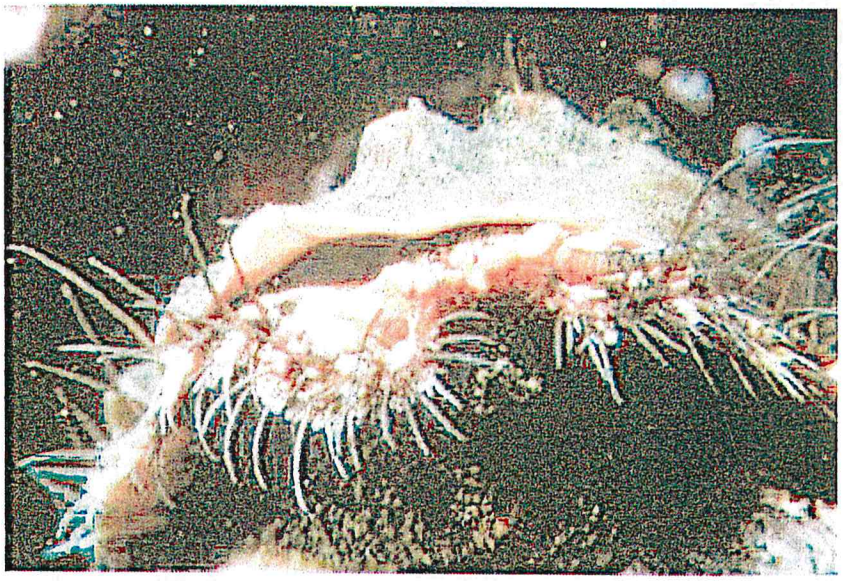
Waterfront Titles in The State of Washington

Updated 2015

George N. Peters Jr.
Executive Director
Washington Land Title Association
http://washingtonlandtitle.com/
Mail: PO Box 328, Lynnwood, WA 98046
Delivery: 6817 208th St SW, #328, Lynnwood, WA 98036
206-437-5869 (Mobile)
206-260-4731 (Fax)
execdirector@washingtonlandtitle.com

BEFORE THE SECRETARY OF COMMERCE

PETITION TO LIST THE PINTO ABALONE (*HALIOTIS KAMTSCHATKANA)* UNDER THE ENDANGERED SPECIES ACT



Center for Biological Diversity

August 1, 2013

47. Section 60 clarifies the method used to determine a proposal's compliance with a fifty percent (50%) lot width standard.

48. In Section 60, the allowed height of all shoreline structures is increased to thirty-five feet (35) above average grade regardless of roof pitch consistent with the height allowed by RCW 90.58.320. Under existing code, the height of residential structures is limited to twenty-eight (28) feet unless a roof pitch of six in twelve (6:12) is present. Allowing increased height will aid development on small lots and may reduce impervious surfaces in some designs which can be helpful in managing stormwater runoff.

49. To be consistent with Chapter 18.35 SJCC, Section 60 includes a requirement in Chapter 18.50 SJCC that coastal geologic buffers be identified on all non-bedrock shorelines. A qualified professional must identify them and demonstrate that proposed structures will be set back sufficiently to ensure that shoreline stabilization measures will not be needed for a minimum of seventy-five (75) years.

50. Section 60 regulates live aboard vessels in marinas and Section 72 provides a new definition of live aboard. Houseboat regulations are eliminated. The updated regulations are consistent with WAC 332-30-171(1) which does not regulate live aboard vessels on privately owned tidelands. Where marinas are located above state owned tidelands, up to twenty-five percent (25%) of the moorage slips may be used for live aboard vessels if the marina operators follow best management practices, provides for upland disposal of sewage and waste water, and the use will not result in a net loss of shoreline ecological functions. Marinas over privately owned tidelands may use ten percent (10%) of their slips for live aboard vessels.

51. Section 62 includes a new provision to allow a desalination system as the primary water supply for a new subdivision. The current SMP only allows desalination systems as the primary water source for new development on existing shoreline lots.

52. The update generally prohibits the construction of desalination systems with intakes of greater than 100,000 gallons per day. The intake limit was identified as the intake to discharge ratio that would produce approximately 30,000 gallons of brine which requires a National Pollutant Discharge Elimination System permit.

53. Public concerns about the proliferation of desalination systems in areas of poor flushing have been expressed; however, there is no scientific evidence in the record proving that any area in the County suffers from poor flushing.

54. The most recent study of desalination systems in San Juan County, The Current Status of Desalination Systems in San Juan County, Washington, Executive Summary and Technical Supplement, June 2009, states that "We have access to three separate field measurements that would suggest that the increase of seawater salinity where the effluent water leaves the discharge pipe is less than 2 parts per thousand and is undetectable at 10 feet."

55. Potable ground water in San Juan County is a limited resource. The ocean is not as limited. Saltwater intrusion into the County's groundwater is almost impossible to correct. The updated regulations are more protective of the County's limited groundwater.

VI. Restoration Plan.

Consistent with WAC 173-26-201(2)(f), the updated SMP includes a Restoration Plan that:

1. Includes goals, policies and actions for the restoration of impaired shoreline ecological functions. The County's shoreline restoration strategy is coordinated with local non-profit and state efforts relating to salmon recovery and conservation.

2. Identifies practical options at both a programmatic and project level to address and correct sources of degradation. It identifies three dormant restoration projects and three ongoing restoration projects. The plan also discusses programmatic actions that can be pursued such as conservation easements or donating land to the land bank to protect and restore shoreline ecological functions.

NN. The County Council makes the following conclusions:

I. The County provided opportunities for early and continuous public participation including communication with state agencies and affected Native American nations as required by WAC 173-26-090 and RCW 36.70A.130. This is documented in the background statements that are incorporated as findings of fact. In addition, early and continuous opportunities for public participation were included in the development of the critical area regulations as documented in San Juan County Ordinance Nos. 26-2012, 27-2012, 28-2012, 29-2012, 2-2014, 16-2014 and 01-2015.

II. The County complied with SEPA for nonproject actions and provided notice to the Washington Department of Commerce regarding the County's intent to adopt an updated SMP including amendments to the Comprehensive Plan and Official Maps, and development regulations.

Searched for event at: Tides:Haro Strait, Hanbury Point, Mosquito Pass, San Jua
From April 24, 2015 to April 24, 2045, 12:00 AM to 11:59 PM
Low Tides with value LESS or EQUAL to -3.5 feet

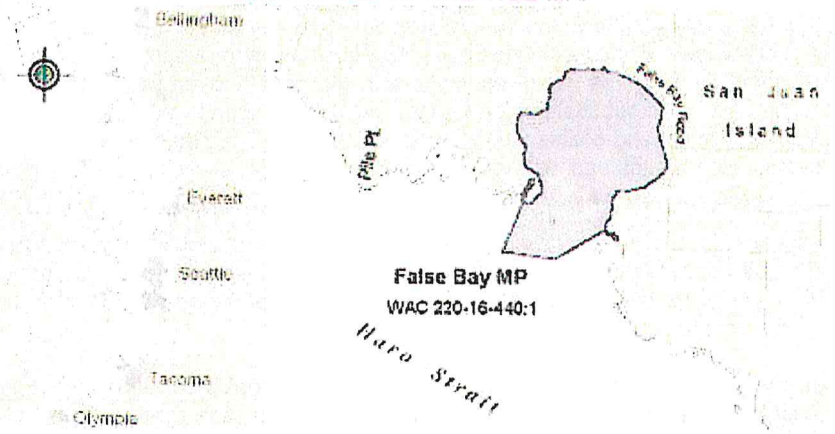
	Event Time	Value
1	Fri, 06-25-2021 11:22a	-3.6 ft
2	Tue, 06-14-2022 10:50a	-3.6 ft
3	Wed, 06-15-2022 11:37a	-3.8 ft
4	Thu, 06-16-2022 12:26p	-3.7 ft
5	Wed, 07-13-2022 10:35a	-3.6 ft
6	Thu, 07-14-2022 11:24a	-3.6 ft
7	Mon, 07-03-2023 10:53a	-3.5 ft
8	Tue, 07-04-2023 11:40a	-3.6 ft
9	Tue, 05-27-2025 11:04a	-3.5 ft
10	Wed, 05-28-2025 11:50a	-3.5 ft
11	Wed, 06-25-2025 10:49a	-3.5 ft
12	Fri, 12-05-2025 10:25p	-3.6 ft
13	Mon, 05-18-2026 12:05p	-3.5 ft
14	Sun, 06-14-2026 10:15a	-3.5 ft
15	Mon, 06-15-2026 11:02a	-3.9 ft
16	Tue, 06-16-2026 11:51a	-3.8 ft
17	Tue, 07-14-2026 10:50a	-3.5 ft
18	Thu, 12-24-2026 10:27p	-3.5 ft
19	Sun, 06-06-2027 12:06p	-3.5 ft
20	Sun, 07-04-2027 11:05a	-3.6 ft
21	Tue, 06-07-2039 11:24a	-3.5 ft
22	Wed, 06-08-2039 12:11p	-3.5 ft
23	Wed, 07-06-2039 11:08a	-3.5 ft
24	Sun, 06-24-2040 10:36a	-3.5 ft
25	Mon, 06-25-2040 11:23a	-3.8 ft
26	Tue, 06-26-2040 12:12p	-3.7 ft
27	Sun, 06-07-2043 10:49a	-3.6 ft
28	Mon, 06-08-2043 11:35a	-3.7 ft
29	Mon, 07-06-2043 10:35a	-3.5 ft
30	Wed, 12-16-2043 10:12p	-3.6 ft
31	Fri, 05-27-2044 11:04a	-3.5 ft
32	Sat, 05-28-2044 11:50a	-3.7 ft
33	Sun, 05-29-2044 12:40p	-3.5 ft
34	Fri, 06-24-2044 10:01a	-3.5 ft
35	Sat, 06-25-2044 10:48a	-3.8 ft
36	Sun, 06-26-2044 11:37a	-3.8 ft

PURPLE MAP

False Bay Marine Preserve

WAC 220-16-440(1): "The tidelands and bedlands of False Bay on San Juan Island, including all University of Washington-owned tidelands beginning at a marker 400 feet east of the east entrance of False Bay and extending to the entrance of False Bay, all University of Washington-owned tidelands and bedlands within a line beginning at the University of Washington marker on the shore at the east entrance of False Bay, projected 500 yards offshore, thence northwesterly to a point 500 yards offshore along a line projected from a University of Washington marker on the shore at the west side of a small peninsula at the west entrance of False Bay, thence to shore along said line to the marker, and all University of Washington-owned tidelands west of the marker to a University of Washington marker 600 feet west of the small peninsula." *Effective since 3/31/1990.*

CLICK IMAGE TO ENLARGE MAP



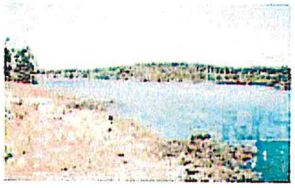
Geographic Statistics

Area Type	Acres	Hectares
Intertidal	225.19	91.13
Subtidal	80.53	32.59
Total	305.72	123.72

Links to other imagery about this site

- Oblique aerial photos from the WA Dept. of Ecology. The MPA is at the bottom and center of this finder chart.
- Satellite photos of the area from Terraserver at Microsoft

Both of the pictures below were taken from the southern point of the peninsula on the west side of the entrance to False Bay. The image at left was taken looking northeast, the image at right was taken looking southeast.



Recreational Restrictions / Openings

Species	Status	Comments, notes...
Salmon	Open	
Trout	Open	
Bottomfish	Closed	
Shellfish	Closed	
Forage Fish	Limited	Fishing only for herring is allowed.
Unclassified	Open	

Commercial Restrictions / Openings

Species	Status	Comments, notes...
Salmon	Open	
Bottomfish	Closed	
Shellfish	Closed	
Forage Fish	Limited	Fishing only for herring is allowed.

Unclassified Closed

Introduction and Purpose

The False Bay Marine Preserve is one of the five San Juan Marine Preserves created in 1990 in conjunction with the University of Washington's Friday Harbor Laboratories (FHL). WDWF created these partial-take reserves after FHL requested that the intertidal and subtidal waters adjacent to their upland biological preserves be protected from harvesting pressure for bottomfish and invertebrates.

The primary goals of this reserve are to foster stewardship of unique or important resources or habitats, provide research and education areas, and provide baseline areas or reference sites.

Prominent and unique features

The main feature of the False Bay Marine Preserve is a large intertidal bay that is owned by the University of Washington. The bay is composed of unconsolidated substrates such as sand and mud with many erratic boulders and cobbles scattered throughout the bay. The bay gives rise to subtidal habitats in the western part of Haro Strait that are included in the marine preserve. The subtidal portion extends seaward to approximately the 50 foot isobath. The dominant substrate is sand, pebble, and cobble interspersed with rocky ridges and boulder fields running in an onshore-offshore direction. Several small islands and skerries are associated with these rocky subtidal habitats.

Description of fish, bird, and mammal resources at the site

The bay supports a variety of invertebrate species that are often studied by students and researchers at Friday Harbor Laboratories. In addition, this bay may be an important shorebird habitat during migration. Harbor seals (Phoca vitulina) undoubtedly make use of the nearshore habitats along the outer reaches of the preserve, and orca whales (Orcinus orca) can be encountered in the offshore areas of the preserve.

The rocky habitats and large cobbles provide substrate for dense kelp canopies consisting of bull kelp (Nereocystis luetkeana) and understory kelps such as Laminaria saccarhina. Filamentous and coralline algae cover many of the boulder and bedrock surfaces. The mixed sand and rocky habitats support several fish species of both. Copper rockfish and kelp perch inhabit the kelp beds and rocky habitats, and striped seaperches and kelp greenlings inhabit both habitats while whitespotted greenling and starry flounder inhabit the sand habitat. Red sea urchins also are abundant on many of the rocky substrates.

Programs in place to manage the site

WDFW manages the site as a partially-protected marine reserve for non-tribal citizens. WDFW regulations prohibit commercial and recreational fishing for bottomfish and classified shellfish. Recreational and commercial fishing may occur for the harvesting of salmon, trout, and forage fishes except that commercial fisheries for forage fishes are limited to Pacific herring (*Clupea harengus pallasi*). WDFW regulation allows the taking of unclassified fish and invertebrates by recreational fishers.

The University of Washington through its Friday Harbor Laboratories (FHL) primarily owns the site, and this institution can be considered as co-managers. The preserve was created at the request of FHL as a place for researchers to study and access marine organisms in a natural condition. The university has posted many signs in the upland habitat declaring it a biological preserve and has an agreement with WDFW to provide shore-based signs declaring a restricted fishing zone.

The enforcement of the harvest restrictions is primarily relegated to the Enforcement Program of WDFW. Information on the site boundaries and restrictions is found in WDFW's Sport Fishing Pamphlet and formal regulations are published at the State of Washington's Administrative Code available on the state's web site. WDFW is developing specific pamphlets describing each of its marine reserves.

This is not a site where WDFW is actively monitoring fish and wildlife populations.

Issues of concern

The definition for the offshore perimeter of the False Bay Marine Preserve is complex and not easily identified from the shore or by boat. This complexity compromises the ability for the fishing public to obey regulations.

The impacts of the scientific study and collection of organisms on the integrity of the protected organisms and ecosystem is unknown.

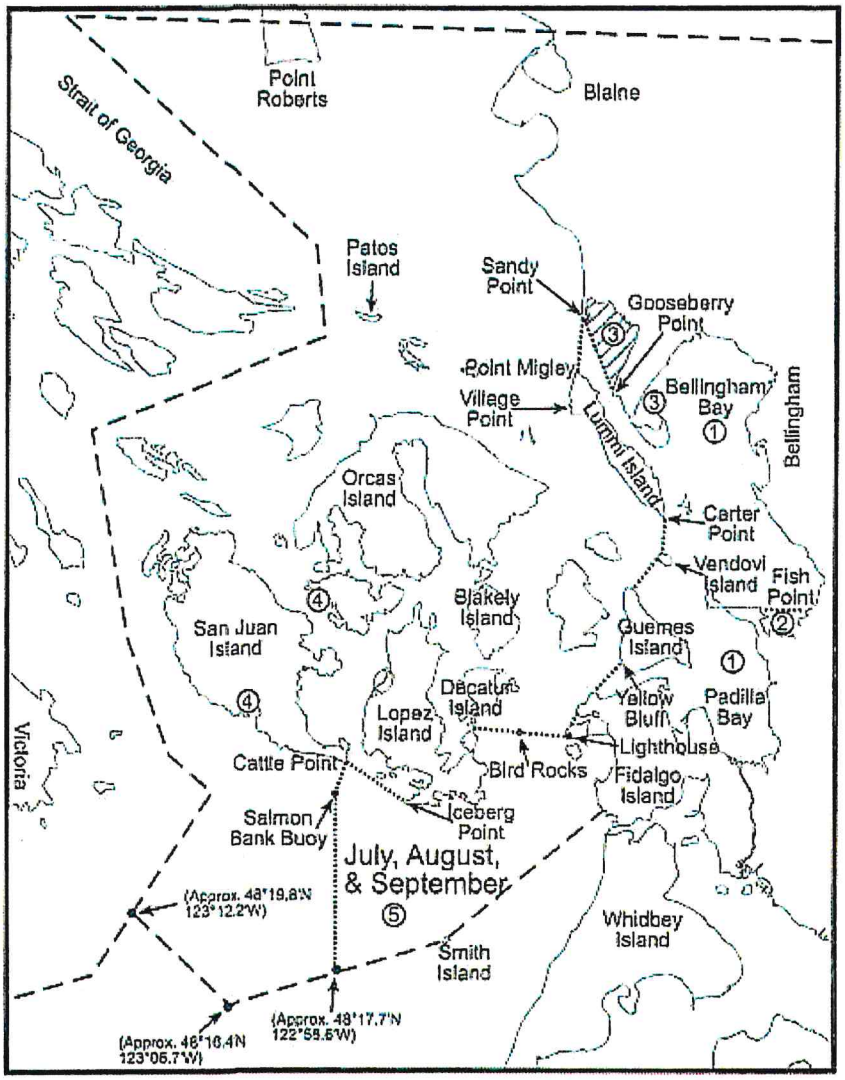
The remoteness of the site makes access by scientists difficult so fish and wildlife populations are not monitored. Greater cooperation could occur with FHL so the findings by students and researchers working in the preserve could be shared

with WDFW.

Performance measures

- The continued integrity of ecosystem and population of study organisms accessed by FHL students and researchers.

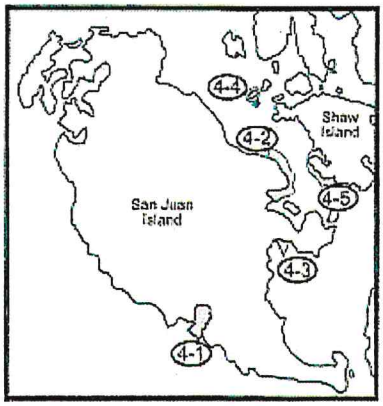
Marine Area 7 Map



① **Bellingham Bay Closure and Fishery:** Waters of Bellingham and Padilla bays south and east of a line from Gooseberry Pt. to Sandy Pt. to Pt. Migley, from Carter Pt. to north tip of Vendovi Island to Clark Pt., and true west from Yellow Bluff (southwest corner of Guemes Island) to Yellow Bluff Reef Range Marker to Washington State Dept. of Transportation ferry terminal dock east of Shannon Pt. and north of the railroad bridges at Swinomish Slough.
Apr. 1-Aug.15: CLOSED to fishing for SALMON.
Aug. 16-Oct. 31: OPEN to fishing for SALMON. (see rules for Bellingham Bay Fishery on next page).
Nov. 1-Mar. 31: same rules as Marine Area 7 - ENTIRE AREA.

② **Samish Bay Closure:** Waters of Samish Bay lying south of a line running true east from Fish Point - same rules as Marine Area 7 - ENTIRE AREA, except Apr. 1-Apr. 30 and July 1-Oct. 15: CLOSED to fishing for SALMON and Oct. 16-Oct. 31: same rules as Bellingham Bay Fishery.

③ **Lummi Indian Reservation and Lummi Bay Closure:** Reservation CLOSED to non-Indian fishing and/or access.
Waters east of a line from Gooseberry Point to Sandy Point same rules as Marine Area 7 - ENTIRE AREA except Sept. 8-Oct. 15: CLOSED to fishing for SALMON.



San Juan Islands Marine Preserve
Closed to all shellfish and bottomfish activities (except crabbing in Parks Bay on Shaw Island).

④ **San Juan Islands Marine Preserve (False Bay, Friday Harbor, Argyle Lagoon, Yellow and Low Islands, and Shaw Island):** Closed to all SHELLFISH and BOTTOMFISH activity (except crabbing in Parks Bay on Shaw Island). Yellow and Low Islands also closed to SALMON fishing.

4-1 **False Bay:** The tidelands and bedlands of False Bay on San Juan Island, including all University of Washington (UW)-owned tidelands beginning at a marker 400' east of the east entrance of False Bay and extending to the entrance of False Bay, all UW-owned tidelands and bedlands within a line beginning at the UW marker on the shore at the east entrance of False Bay, projected 500 yards offshore, then northwest to a point 500 yards offshore along a line projected from a UW marker on the shore at the west side of a small peninsula at the west entrance of False Bay, then to shore along the line to the marker, and all UW-owned tidelands west of the marker to a UW marker 600' west of the small peninsula.

4-2 **Friday Harbor:** Those tidelands and bedlands adjacent to San Juan Island within a line beginning on the shore 500 yards west of Point Caution, then 500 yards offshore, then south and east following the shoreline to the intersection with a line projected from a UW marker located 100' north of the north entrance of the floating breakwater of the Port of Friday Harbor and projected toward Reid Rock Buoy, then along the line to shore on San Juan Island.

4-3 **Argyle Lagoon:** Those UW-owned tidelands and all bedlands enclosed by the inner spit of Argyle Lagoon on San Juan Island.

4-4 **Yellow and Low Islands Preserve:** All tidelands and bedlands within 300 yards of Yellow Island and 300 yards of Low Island. Also closed to SALMON fishing.

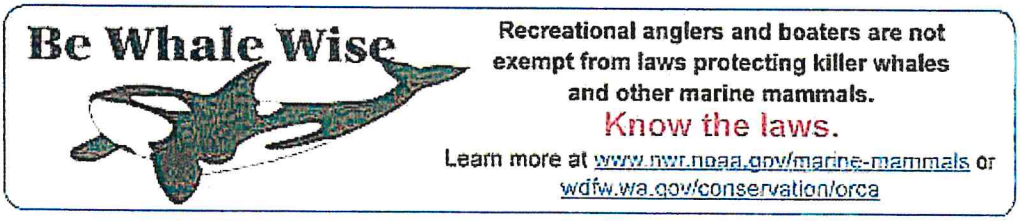
4-5 **Shaw Island:** Those tidelands and bedlands within a line beginning at a UW marker on the shore at Hicks Bay 122°58.25'W longitude, then due south 500 yards, then north and west at a distance of 500 yards from shore to the intersection with a line projected 261° true from a UW marker on the shore of Parks Bay, which passes just south of the unnamed island at the north end of Parks Bay, then along the line to the shore of Shaw Island, including all tidelands and bedlands of Parks Bay south of the line.

Marine Area 7 - San Juan Islands

(All marine waters north of the Trial Island line described under Area 6 to the United States-Canada boundary)

SPECIES	SEASON	ADDITIONAL RULES
SALMON - ENTIRE AREA	July 1-July 31	CHINOOK - min. size 22". Other SALMON species - no min. size. Daily limit 2 (combined) plus 2 additional PINK. Only 1 CHINOOK may be retained. **See Southern Rosario Strait/Eastern Strait of Juan de Fuca Closure below. See Bellingham Bay Closure and Fishery, Samish Bay Closure, and Yellow and Low Islands Preserve on previous page.**
	Aug. 1-Sept. 30	CHINOOK - min. size 22". Other SALMON species - no min. size. Daily limit 2 (combined) plus 2 additional SOCKEYE or PINK or 1 of each. Only 1 CHINOOK may be retained. Release wild COHO and CHUM. **See Southern Rosario Strait/ Eastern Strait of Juan de Fuca Closure below. See Bellingham Bay Closure and Fishery, Samish Bay Closure, Lummi Reservation and Bay Closure, and Yellow and Low Islands Preserve on previous page.**
	Oct. 1-Oct. 31	CHINOOK - min. size 22". Other SALMON species - no min. size. Daily limit 2 (combined). Release wild CHINOOK. **See Bellingham Bay Closure and Fishery, Samish Bay Closure, Lummi Reservation and Bay Closure, and Yellow and Low Islands Preserve on previous page.**
	Dec. 1-Apr. 30	CHINOOK - min. size 22". Other SALMON species - no min. size. Daily limit 2 (combined). Release wild CHINOOK. **See Bellingham Bay Closure and Fishery, and Yellow and Low Islands Preserve on previous page. Season may close earlier if CHINOOK guideline is attained.**
Bellingham Bay Fishery (see ① on previous page for boundaries)	Aug. 16-Oct. 31	CHINOOK - min. size 22". Other SALMON species - no min. size. Daily limit 4 (combined). Up to 2 CHINOOK may be retained. Oct. 1-Oct. 31: release wild CHINOOK. **See Samish Bay Closure on previous page.**
TROUT	Year-round	Catch-and-release except up to 2 hatchery STEELHEAD may be retained.
STURGEON	Year-round	Catch-and-release.
MACKEREL	Year-round	No min. size. No daily limit.
HERRING, ANCHOVY, SARDINE, SAND LANCE, and SMELT	Year-round	No min. size. Daily limit 10 lbs., all species combined. All SMELT caught must be kept and count toward the daily limit except **CLOSED** to Columbia River SMELT (eulachon). HERRING - CLOSED year-round north of a line from Sandy Point to Patos Island to the Canadian boundary. **For SMELT:** Jig gear may be used 7 days a week. Dipnets may be used from 6:00 a.m. until 10:00 p.m. Fridays through Tuesdays.
PACIFIC HALIBUT	Check the WDFW website at wdfw.wa.gov/fishing/creel/halibut/ or call (360) 902-2700 in April 2016 for information on PACIFIC HALIBUT seasons and regulations. No min. size. Daily limit 1.	
BOTTOMFISH	Year-round season. Daily limit is a total of 15 BOTTOMFISH (see definition page 10) regardless of species, subject to individual limits and seasons shown below. **See closures on previous page.** Fishing for BOTTOMFISH prohibited in waters deeper than 120 feet.	
LINGCOD	May 1-June 15 May 21-June 15	**Hook and line season.** Min. size 26". Max. size 36". Daily limit 1. **Spearfishing season.** Max. size 36". Daily limit 1.
SURFPERCH	Year-round	No min. size. Daily limit 10. Except SHINER PERCH daily limit 15: not included in BOTTOMFISH limit.
ROCKFISH	CLOSED	CLOSED to fishing for, retaining, or possessing.
PACIFIC COD, POLLOCK, HAKE	Year-round	No min. size. Daily limit 2 of each species.
CABEZON	May 1-Nov. 30	Min. size 18". Daily limit 1.
WOLF-EEL	Year-round	CLOSED to retention.
SIXGILL, SEVENGILL, and THRESHER SHARKS	CLOSED	CLOSED to fishing for, retaining, or possessing. SIXGILL SHARK may not be removed from the water.
OTHER FOOD FISH	Year-round	No min. size. Daily limit 2 of each species. See definition page 11.
ALL OTHER FISH	CLOSED	CLOSED to fishing for, retaining, or possessing.

⑤ **Southern Rosario Strait/Eastern Strait of Juan de Fuca Closure:** Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running true south from the westernmost point on Fidalgo Head to Burrows Island, then westerly and southerly along the shore of Burrows Island to the Burrows Island Lighthouse, then westerly to Bird Rocks, then westerly from Bird Rocks to the southernmost point on Decatur Island, then southerly across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south southwest to the Salmon Bank Buoy, and then true south from the Salmon Bank Buoy to the Area 7 boundary - July 1-Sept. 30: CLOSED to fishing for SALMON. Oct. 1-June 30: same rules as Marine Area 7 - ENTIRE AREA.



Recreational anglers and boaters are not exempt from laws protecting killer whales and other marine mammals.

Know the laws.

Learn more at www.nwr.noaa.gov/marine-mammals or wdfw.wa.gov/conservation/orca

Protection Level:
Not yet calculated

False Bay San Juan Islands Marine Preserve (Marine Preserve)

United States (/region/nation/USA/): WA

Site Information Edit
Designation: Marine Preserve
Designation Type: National
Status: Designated
Governance Type: State
No Take: None
No Take Area km²: None
Reported Marine Area km²: 1.293
Fishing: Some Restrictions
Fishing Info: Commercial and Recreational Fishing Restricted: Recreational Restrictions / Openings: Salmon-Open Trout-Open Bottomfish-Closed Shellfish-Closed Forage Fish-Limited Unclassified-Open Commercial Restrictions / Openings: ...
Access: Restricted
Constancy: Year-round
Permanence: Permanent
protection focus: Ecosystem
primary conservation focus: Biodiversity Protection
Secondary Conservation Focus: None
Tertiary Conservation Focus: Unknown
Management Authority: Washington Department of Fish and Wildlife
Management Plan Type: MPA Programmatic Management Plan
Management Plan Reference:
IUCN Category: None
International Criteria:
MPA id: 8987
Area Notes (from WDPA):
Area Notes:
↓ See all data records for this site ↑ Show less

Site Description

Prominent and unique features

The main feature of the False Bay Marine Preserve is a large intertidal bay that is owned by the University of Washington. The bay is composed of unconsolidated substrates such as sand and mud with many erratic boulders and cobbles scattered throughout the bay. The bay gives rise to subtidal habitats in the western part of Haro Strait that are included in the marine preserve. The subtidal portion extends seaward to approximately the 60 foot isobath. The dominant substrate is sand, pebble, and cobble interspersed with rocky ridges and boulder fields running in an onshore-offshore direction. Several small islands and skerries are associated with these rocky subtidal habitats.

Description of fish, bird, and mammal resources at the site

The bay supports a variety of invertebrate species that are often studied by students and researchers at Friday Harbor Laboratories. In addition, this bay may be an important shorebird habitat during migration. Harbor seals (Phoca vitulina) undoubtedly make use of the nearshore habitats along the outer reaches of the preserve, and orca whales (Orcinus orca) can be encountered in the offshore areas of the preserve.

The rocky habitats and large cobbles provide substrate for dense kelp canopies consisting of bull kelp (Nereocystis luetkeana) and understory kelps such as Laminaria saccharina. Filamentous and coralline algae cover many of the boulder and bedrock surfaces. The mixed sand and rocky habitats support several fish species of both. Copper rockfish and kelp perch inhabit the kelp beds and rocky habitats, and striped seaperches and kelp greenlings inhabit both habitats while whitespotted greenling and starry flounder inhabit the sand habitat. Red sea urchins also are abundant on many of the rocky substrates.

Programs in place to manage the site

(http://waittfoundation.org)

WDFW manages the site as a partially-protected marine reserve for non-tribal citizens. WDFW regulations prohibit commercial and recreational fishing for bottomfish and classified shellfish. Recreational and commercial fishing may occur for the harvesting of salmon, trout, and forage fishes except that commercial fisheries for forage fishes are limited to Pacific herring (*Clupea harengus pallasi*). WDFW regulation allows the taking of unclassified fish and invertebrates by recreational fishers.

The University of Washington through its Friday Harbor Laboratories (FHL) primarily owns the site, and this institution can be considered as co-managers. The preserve was created at the request of FHL as a place for researchers to study and access marine organisms in a natural condition. The university has posted many signs in the upland habitat declaring it a biological preserve and has an agreement with WDFW to provide shore-based signs declaring a restricted fishing zone.

The enforcement of the harvest restrictions is primarily relegated to the Enforcement Program of WDFW. Information on the site boundaries and restrictions is found in WDFW's Sport Fishing Pamphlet and formal regulations are published at the State of Washington's Administrative Code available on the state's web site. WDFW is developing specific pamphlets describing each of its marine reserves.

This is not a site where WDFW is actively monitoring fish and wildlife populations.

Issues of concern

The definition for the offshore perimeter of the False Bay Marine Preserve is complex and not easily identified from the shore or by boat. This complexity compromises the ability for the fishing public to obey regulations.

The impacts of the scientific study and collection of organisms on the integrity of the protected organisms and ecosystem is unknown.

The remoteness of the site makes access by scientists difficult so fish and wildlife populations are not monitored. Greater cooperation could occur with FHL so the findings by students and researchers working in the preserve could be shared with WDFW.

http://wdfw.wa.gov/fishing/mpa/false_bay.html (http://wdfw.wa.gov/fishing/mpa/false_bay.html)

Contacts & Resources

False Bay SJI MP Website

http://wdfw.wa.gov/fish/mpa/puget_sound/04.htm (http://wdfw.wa.gov/fish/mpa/puget_sound/04.htm)

Data Sources

Original data record from US MPA Center (http://www.mpa.gov).

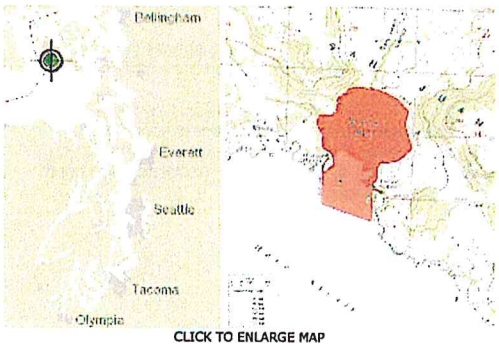
(http://arntzfamilyfoundation.org) (http://www.hollandamerica.com)

Marine Protected Areas within Puget Sound

ORANGE MAP

False Bay Marine Preserve

WAC 220-16-440(1): "The tidelands and bedlands of False Bay on San Juan Island, including all University of Washington-owned tidelands beginning at a marker 400 feet east of the east entrance of False Bay and extending to the entrance of False Bay, all University of Washington-owned tidelands and bedlands within a line beginning at the University of Washington marker on the shore at the east entrance of False Bay, projected 500 yards offshore, thence northwesterly to a point 500 yards offshore along a line projected from a University of Washington marker on the shore at the west side of a small peninsula at the west entrance of False Bay, thence to shore along said line to the marker, and all University of Washington-owned tidelands west of the marker to a University of Washington marker 600 feet west of the small peninsula." *Effective since 3/31/1990.*



CLICK TO ENLARGE MAP

Links to other imagery about this site

- Oblique aerial photos from the WA Dept. of Ecology. *(The MPA is at the bottom and center of this finder chart.)*
- Satellite photos of the area from Google Maps
- Satellite imagery of the area from Flashearth

The view from the northern edge of SW Oregon Street (point A in the index picture above), looking south-westerly. This line marks the southern boundary of the MP.

Recreational Restrictions / Openings

Species	Status	Comments, notes...
Salmon	Open	
Trout	Open	
Bottomfish	Closed	
Shellfish	Closed	
Forage Fish	Limited	Fishing only for herring is allowed.
Unclassified	Open	

Commercial Restrictions / Openings

Species	Status	Comments, notes...
Salmon	Open	
Bottomfish	Closed	
Shellfish	Closed	
Forage Fish	Limited	Fishing only for herring is allowed.
Unclassified	Closed	

Geographic Statistics

Area Type	Acres	Hectares
Intertidal	225.57	91.29
Subtidal	94.66	38.31
Total	320.24	129.60

Introduction and Purpose

The False Bay Marine Preserve is one of the five San Juan Marine Preserves created in 1990 in conjunction with the University of Washington's Friday Harbor Laboratories (FHL). WDWF created these partial-take reserves after FHL requested that the intertidal and subtidal waters adjacent to their upland biological preserves be protected from harvesting pressure for bottomfish and invertebrates.

The primary goals of this reserve are to foster stewardship of unique or important resources or habitats, provide research and education areas, and provide baseline areas or reference sites.

Prominent and unique features

The main feature of the False Bay Marine Preserve is a large intertidal bay that is owned by the University of Washington. The bay is composed of unconsolidated substrates such as sand and mud with many erratic boulders and cobbles scattered throughout the bay. The bay gives rise to subtidal habitats in the western part of Haro Strait that are included in the marine preserve. The subtidal portion extends seaward to approximately the 50 foot isobath. The dominant substrate is sand, pebble, and cobble interspersed with rocky ridges and boulder fields running in an onshore-offshore direction. Several small islands and skerries are associated with these rocky subtidal habitats.

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Programs in place to manage the site

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The impacts of the scientific study and collection of organisms on the integrity of the protected organisms and ecosystem is unknown.

The remoteness of the site makes access by scientists difficult so fish and wildlife populations are not monitored. Greater cooperation could occur with FHL so the findings by students and researchers working in the preserve could be shared with WDFW.

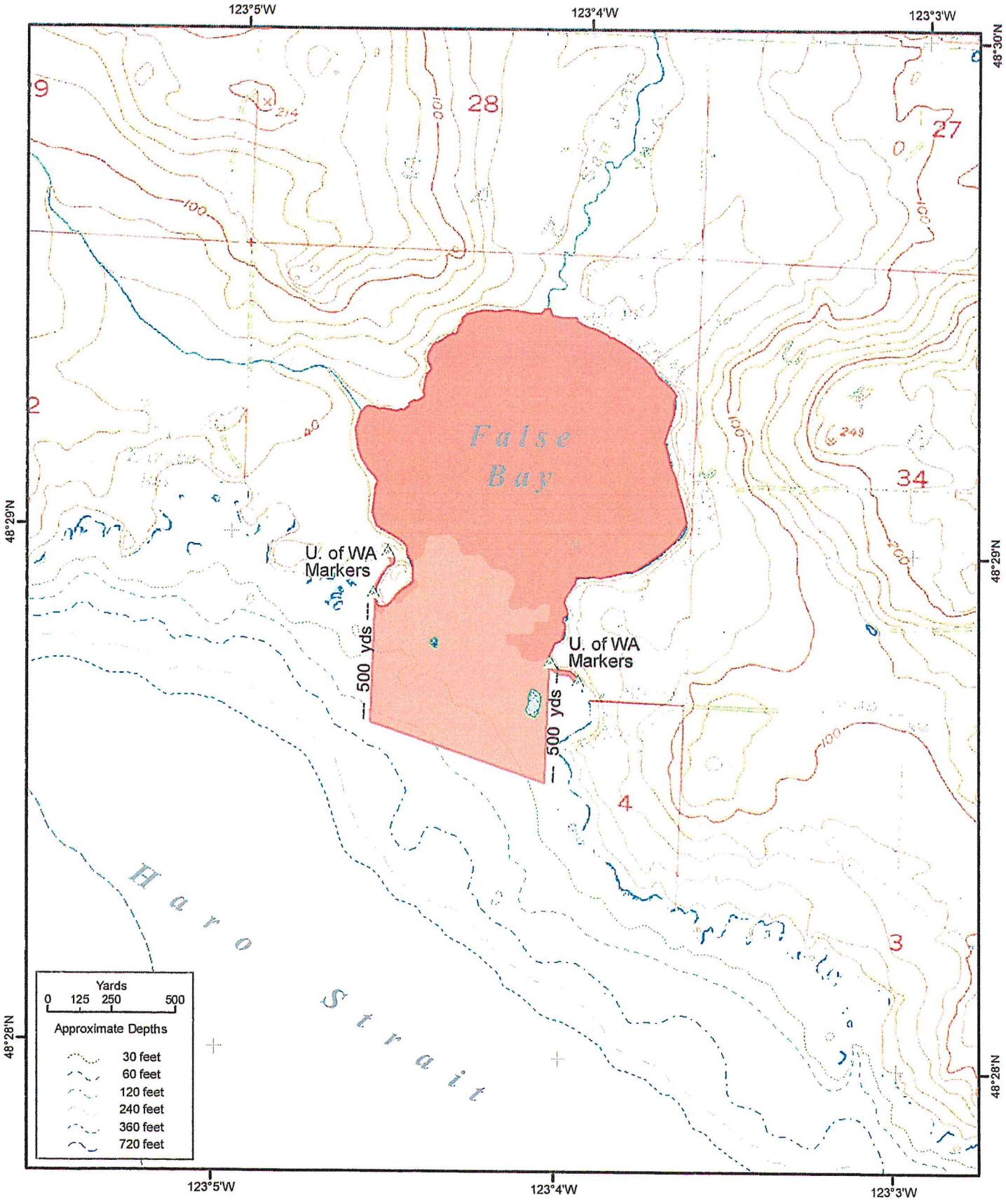
Performance measures

- The continued integrity of ecosystem and population of study organisms accessed by FHL students and researchers.

Washington Department of FISH and WILDLIFE

False Bay
Marine Preserve

WAC 220-16-440(1)



UNIVERSITY OF WASHINGTON
SAN JUAN ARCHIPELAGO BIOLOGICAL PRESERVES

The University of Washington owns and maintains a series of biological preserves in the San Juan Islands, San Juan County, Washington. The five preserves, located on San Juan Island and on Shaw Island, have very different histories of acquisition by the University. The Cedar Rock Preserve, the Fred and Marilyn Ellis Biological Preserve, and the Friday Harbor Laboratories Biological Preserve were given to the University and have explicit deed restrictions that run with the properties and govern their use. The False Bay and Argyle Lagoon preserves were purchased by the University of Washington and are presently administered along with adjacent shoreline areas as Washington State Department of Fish and Wildlife (WADFW) fisheries preserves, as is the shoreline of the Friday Harbor Laboratories Biological Preserve and some of the shoreline of the Fred and Marilyn Ellis Biological Preserve.

The San Juan Archipelago Biological Preserves are otherwise administered by the Director of the Friday Harbor Laboratories, who is advised by the University of Washington San Juan Islands Biological Preserves Committee. In October 2005, this new committee agreed upon the following **vision statement** for all of these preserves:

> *The overarching goals for these properties are to maintain and restore native biodiversity and ecosystem function and to facilitate education and research that is consistent with these goals; a secondary goal is to maintain important parts of the cultural landscape.*

The five Preserves are described and discussed separately, below.

Cedar Rock Preserve, Shaw Island

Cedar Rock Preserve, Shaw Island. Image © State of Washington Department of Ecology, Shoreline Aerial Photos, August 23, 1995, shows approximately the western 1/2 of the Preserve, which is bounded to the west by Hoffman Cove Road running vertically near left side of image.

This is a 370 acre property composed of 10 contiguous parcels that form roughly a pentagonal shape, given to the University of Washington by Robert Ellis of Shaw Island in 1973 and 1983; two more small parcels were added to the Preserve in 1986. The Preserve lies on the south-central shoreline of Shaw Island and is bounded to the west by Hoffman Cove Road, to the north by Squaw Bay Road, to the east by the waters of Squaw Bay and to the south by Upright Channel. Road access is by Hoffman Cove Road or Squaw Bay Road.

The upland portion of the Cedar Rock Preserve is a mosaic of second-growth, Douglas fir-dominated, mixed conifer forest with a number of open rocky balds, old fields that were used for farming and for an airstrip until the mid-1970s, several orchards of various sizes and in various states of disrepair, a small central pond, and a narrow strip of coastal prairie bounding much of the shoreline. The homesteading histories and more recent agricultural use of these properties have led to the rich and varied (open and forested) nature of the present Preserve lands.

The 2.3 miles of shoreline of the Cedar Rock Preserve is mostly low-bank bedrock, interspersed with gravel/cobble beaches.

South-facing beach just east of the Cedar Rock. Photo by Claudia Mills, 2006.

A resident part-time caretaker lives in one of two small houses on the Cedar Rock Preserve and is available to oversee all of the UW properties on Shaw Island, although his primary responsibility is to the Cedar Rock Preserve. There are minimal facilities for individual researchers or classes to stay overnight on this Preserve, or it can be reached by small boat or car-ferry by researchers or students choosing to stay in housing across San Juan Channel at the Friday Harbor Laboratories on San Juan Island.

A management plan for the Cedar Rock Preserve (the pdf file is about 4 MB - note that if you download and read this plan on your computer, that the aerial photographs can be magnified many times on your screen by using the "+ zoom button" at the top of the pdf file) was completed and accepted by the University of Washington San Juan Islands Biological Preserves Committee in summer 2008. The management plan will be updated as required. The Cedar Rock Preserve is presently open for day-use; visitors without an approved project are asked to stay on established trails in order to minimize disturbance of the flora and fauna.

The deed restriction that runs with this property and guides its future states: *"That the premises herein conveyed shall forever be held, used and maintained as a nature preserve for scientific, educational, research and aesthetic purposes, and shall be kept in their natural state without disturbance of the native plant, bird and animal populations and habitat. Nothing contained herein shall restrict the grantee from maintaining existing buildings or constructing new ones, provided that they shall be inconspicuous buildings appropriately designed for the environment, nor from constructing piers or docks, roads, fences, foot trails and fire trails on the premises, nor from making modest modifications in the environment, all only as the grantee deems necessary to maintain the premises for the purposes described herein. ... Cedar Rock Preserve is dedicated to the glory of nature and is established in grateful remembrance of my parents, Blanche Eloise Day Ellis and Robert Hale Ellis, whose judgment and foresight have made this possible."*

Fred and Marilyn Ellis Biological Preserve, Shaw Island

Point George peninsula, Fred and Marilyn Ellis Biological Preserve, Shaw Island. Images © State of Washington Department of Ecology, Shoreline Aerial Photos, August 23, 1995, show approximately 1/4 of the Preserve. San Juan Channel in foreground; Parks Bay in background; north is to the left.

This Preserve consists of 496 acres in three large, non-contiguous properties composed of thirteen parcels that were given to the University of Washington in 1969, 1976, 1981, 1982 and 1988 by Fred and Marilyn Ellis of Shaw Island. The Point George portion of the Preserve is a 176 acre boot-shaped peninsula on the west side of Shaw Island, including the southwest shoreline of Parks Bay, and consists of four contiguous parcels of land and one tideland parcel; there is no road access to this peninsula, but it can be reached in a few minutes by small boat from the Friday Harbor Labs, across San Juan Channel. A second, roughly rectangular portion of this Preserve lies on the northeast shoreline of Parks Bay, and consists of two continuous parcels totaling 172 acres, and a 7.1 acre parcel a little further west, also bordering Parks Bay, but discontinuous with the rest; there is no direct road access to most of the Parks Bay portion of the Preserve, although it can be accessed on foot with permission from adjacent property owner (and Preserve donor) Fred Ellis. The Parks Bay portion of the Preserve is also easily accessible by small boat from the Friday Harbor Labs. The third, Ben Nevis area, portion of the Preserve is a roughly-square 140 acre property, entirely landlocked, made up of 6 contiguous parcels and is bounded on three sides by roads: Neck Point Road runs along on its south and western edge and the eastern edge is bounded by the Ben Nevis Loop road.

Uplands of the Fred and Marilyn Ellis Preserve are mostly heavily forested with second-growth Douglas fir-dominated, mixed conifer forest, with a number of rocky balds forming openings throughout. Much of the SE quarter of the Ben Nevis portion is wetland, with standing water during the winter months.

The 2.9 miles of shoreline of the Fred and Marilyn Ellis Biological Preserve includes mostly low-bank bedrock, interspersed with muddy beaches within Parks Bay, and is mostly fairly low-bank bedrock on almost all of the outside of Point George. UW owns 2,315 linear feet of tidelands along Point George as part of this Preserve. The shoreline on the west side of Point George is now managed as one of the five Washington State Department of Fish and Wildlife (WADFW) fisheries preserves established in 1990, known collectively as the "San Juan Islands Biological Preserves."

There are no buildings or other structures on this Preserve and most of it sees little or no human traffic. It is not open to the public, but visits can be arranged. The property was conveyed to the University of Washington with the following conditions: "*The property is to forever remain substantially untouched by our rapidly expanding civilization. Thus, it is the donor's purpose in making this gift that the property be kept in its natural state and become a scientific preserve. Except for teaching and research in the biological and related sciences, the uplands and intertidal areas shall continue to be a natural, self-regulatory ecological unit without substantial interference or disturbance by man of the natural communities, habitat or population of plants, birds and animals.*"

Friday Harbor Laboratories Biological Preserve, San Juan Island

Friday Harbor Laboratories Biological Preserve, San Juan Island. Image © State of Washington Department of Ecology, Shoreline Aerial Photos, August 23, 1995, shows approximately 1/3 of the Preserve. The developed property on the left-

hand side of the image is the University of Washington Friday Harbor Laboratories, a marine field station - the "campus" portion of the Preserve. The town of Friday Harbor is about 1/4 mile away, off the left-hand edge of this photograph.

This is a 476 acre property (originally acquired as 484 acres, reduced to 476 acres when the western line was resurveyed in the early 1990s to resolve questions about its location), roughly hemispherical in shape, with the curved portion projecting out to the east into San Juan Channel, and bordered to the south by the bay of Friday Harbor. This former U.S. Military Reserve was transferred to the University of Washington in 1921 by the federal government "*for the purpose of a biological station and for general university research purposes*," but can be taken back in time of war (and was closed and used under this provision as a Coast Guard training facility during WWII). The western border is a straight line running approximately north/south and is bounded by suburban development throughout its length, in the form of the neighborhoods of University Heights, Hillview Terrace, and then houses, townhouses and apartment buildings accessed from University Road and Tucker Street in Friday Harbor. The Friday Harbor Laboratories Biological Preserve is accessed by University Road, which terminates at the University of Washington Friday Harbor Laboratories campus portion of the property.

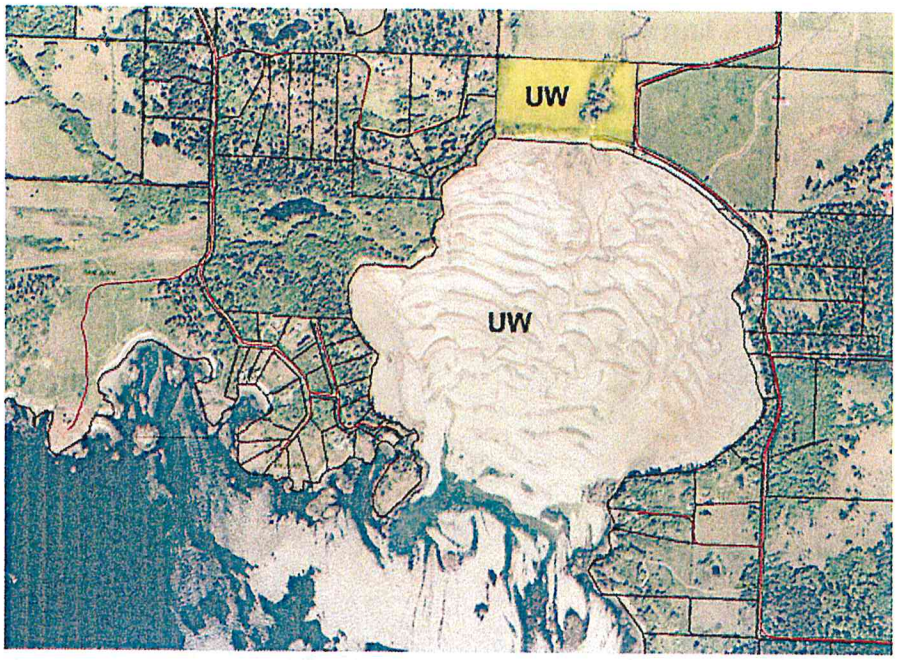
Approximately 100 acres of the property, in the southeast corner, is zoned "Conservancy," the southern portion of which is developed as a residential teaching and research campus, including 12 separate laboratory buildings, 2 lecture halls, the Whiteley study center, a library, administrative offices, stockroom, dining hall, dormitories and a variety of housing units from small apartment buildings to duplexes, to single family units. (The residential population of the campus varies during the year between about 30 and 200 persons.) Most of the remaining nearly 400 acres is zoned "Natural" and is Douglas fir-dominated, mixed coniferous forest, with some open rocky and mossy bald areas.

Dr. Tom Schroeder, cell biologist who worked at the Friday Harbor Laboratories for nearly 30 years, has written a 500 year history of the property that now comprises the Friday Harbor Labs Biological Preserve and some surrounding land, arguing that its present densely-forested state is a result of land use change in the past century, as European settlers replaced indigenous peoples. A baseline inventory of the plants present on the FHL Preserve, by habitat type, was made by Claudia Mills and others between 2001 and 2005, and includes some data from earlier collections.

The 2.6 miles of shoreline of the Friday Harbor Laboratories Biological Preserve is mostly medium-bank bedrock, with perhaps 8-10 small gravel beaches, widely separated. This shoreline is now managed as one of the five Washington State Department of Fish and Wildlife (WADFW) fisheries preserves established in 1990, known collectively as the "San Juan Islands Biological Preserves."

This biological preserve is open access to campus residents and overnight visitors at the Friday Harbor Laboratories, who are asked to respect the Preserve nature of the property. The public may visit for day-use, but is asked to check in at the Office before venturing out into the Preserve and to stay on the well-traveled, wide, fire-access road (the "fire trail") that runs through the forest.

False Bay Biological Preserve, San Juan Island



False Bay (~ 0.7 mile diameter, ~300 acres of tidelands), San Juan Island, photographed during a low tide with exposed sand flats. Image compiled from several screen shots, San Juan County Assessors Office parcel map (1995 images). The yellow-colored parcel above False Bay is the University of Washington upland portion of the preserve.

Purchased by the University of Washington in 1974 at auction following a bankrupt and foreclosed development scheme for several hundred homes on a grid of sand piers within the bay, this preserve includes most of the approximately 300 acres of tidelands in False Bay and a 23.3 acre upland property that borders the north end of False Bay and False Bay Drive and includes the lower reach and mouth of the stream that enters False Bay at that point. The False Bay purchase resulted in the University of Washington owning all tidelands in False Bay from shoreline to mean low water except from high tide line out 100' in Government lot #4, owned by Mountain Shadows Development as community beach access, and from high tide line out 100' in Government lot #6 , which is privately owned. There is also a portion of the center of False Bay that remains under State of Washington ownership; that portion is north of the line drawn across the northern edge of Government Lots 2 and 8, between mean low tide and extreme low tide.

Lower reach and mouth of the stream entering the north side of False Bay through UW Biological Preserve uplands, San Juan Island. Image © State of Washington Department of Ecology, Digital Coastal Atlas, August 15, 2006, photographed during a high tide when the bay is filled with water.

The uplands are partially open grassland and partially forested. Typically the stream flows fairly freely into False Bay, although in 2008, the stream was dammed by logs well-embedded in sand at the high tide line, and did not flow freely out into the bay. Land access to False Bay is from False Bay Drive, which borders both the marine and terrestrial properties owned by University of Washington.

False Bay empties nearly entirely at lower low tides. The central tidelands are primarily sand flat, tending towards muddy in some areas, but generally easy to walk on. The shoreline edges are mostly muddy sand with small areas of bedrock extending down into the intertidal from shore. The University of Washington manages the waters and intertidal of False Bay as one of the five Washington State Department of Fish and Wildlife (WADFW) fisheries preserves established in 1990, known collectively as the "San Juan Islands Biological Preserves." That portion of the WADFW Preserves at False Bay extends 500 yards offshore at the mouth of False Bay.

Visitors to the False Bay Biological Preserve are asked to respect the Preserve nature of the property; it is closed to the take of fish and shellfish except for research. False Bay is frequently visited by UW Friday Harbor Labs biology classes and is the site of several long-term, as well as numerous short-term, research projects.

Argyle Lagoon Biological Preserve, San Juan Island

Argyle Lagoon, San Juan Island, with tidal creek entrance on the left. Image © State of Washington Department of Ecology, Digital Coastal Atlas, August 15, 2006. The undeveloped property on the lower left-hand side of the image is the upland portion of the Preserve.

This is a 14 acre property that includes all of the Argyle Lagoon tidelands (12.3 acres classified as "oysterlands" by the State) including part of a tidal creek, and a 1.7 acre upland parcel that borders on Argyle Lagoon as well as on Pear Point Road. The University of Washington leased Argyle Lagoon from 1965, purchased the property in 1984, and now manages Argyle Lagoon as one of the five Washington State Department of Fish and Wildlife (WADFW) fisheries preserves established in 1990, known collectively as the "San Juan Islands Biological Preserves." Argyle Lagoon is easily accessed by car from Jackson Beach Road off Pear Point Road. The adjacent beaches (North Bay beach off Griffin Bay - lower right in above photo, and Jackson Beach - upper right in above photo) are owned by the Port of Friday Harbor and see quite a bit of recreational use.

The Argyle Lagoon Biological Preserve is closed to the take of fish and shellfish except for research. Argyle Creek and Argyle Lagoon are frequently visited by UW Friday Harbor Labs biology classes and are usually the site of several ongoing research projects.

** This page is maintained by C.E. Mills; established 20 October 2008; last updated 26 September 2014 **

University of Washington San Juan Islands Biological Preserves
Friday Harbor Laboratories | Plant inventory for FHL uplands
Centennial Historical Timeline of the Friday Harbor Labs
Mills Home | Marine Research Study Sites in the San Juan Islands

W FRIDAY HARBOR LABORATORIES
COLLEGE OF THE ENVIRONMENT
UNIVERSITY of WASHINGTON

FALSE BAY, ARGYLE LAGOON, AND PARKS BAY MARINE PRESERVES

This policy applies to marine preserves owned by UW and under the management of UW FHL, specifically False Bay and Argyle Lagoon located on San Juan Island, and Parks Bay on Shaw Island. It is adopted in conformance with Washington Administrative Code (http://apps.leg.wa.gov/WAC/default.aspx?cite=478-136).

Policy

Management of FHL marine preserves includes prohibition or limitation of certain activities as set forth below.

Purpose

This policy is to protect UW False Bay, Argyle Lagoon and Parks Bay marine preserves. Preserves are established to help "protect and conserve fragile or unique habitats, species, and culturally historic sites, enhance fisheries abundance and biodiversity" (Washington Department of Fish and Wildlife). The UW Marine Preserves have the overarching goals of maintaining and restoring native biodiversity and ecosystem function, and facilitating education and research that is consistent with these goals. Preserves have many more specific functions. For example, they may: provide important nursery areas for crabs and other commercial species; protect natural processes by providing areas where organisms and their environment can interact in the ways for which they evolved, such as connectivity between terrestrial and marine habitats; and provide a baseline against which to measure the effects of activities outside them. Reasons for prohibiting or limiting specific activities and rules related to each are set forth below.

Background

In 1923, the San Juan Archipelago was first designated a Marine Biological Preserve by the Washington state legislature, and the Director of the [UW] Marine Station was given responsibility for preservation of its marine resources. In 1969, the Washington legislature reiterated this control of "marine biological materials" to the Director of the UW FHL, except those gathered for human food, in the "salt waters and the beds and shores of the islands constituting San Juan County." This regulation was updated in 2003. Collection of foodfish and shellfish in the County is under the jurisdiction of WDFW (http://wdfw.wa.gov/fishing/mpa/) and is prohibited in the marine preserves.
UW owns the tidelands in a number of areas within the San Juan Archipelago, including the tidelands in False Bay (approximately 300 acres purchased at auction in 1974) and Argyle Lagoon and its saltwater creek (12.3 acres purchased in 1984 after leasing from a San Juan Island family since 1965). UW also owns tidelands along the south and western shore of Parks Bay, Shaw Island (2,315 linear feet). All of these properties have been managed as biological preserves since UW took ownership. In addition, False Bay and Argyle Lagoon became two of the five Washington State Department of Fish and Wildlife (WDFW) fisheries preserves established in 1990, known collectively as the "San Juan Islands Biological Preserves"; that portion of the WDFW Preserves at False Bay extends 500 yards offshore at the mouth of False Bay.

Prohibited/Limited Activities

(unless otherwise stated, all are applicable at each UW marine preserve)

1. **No taking of any plants or animals or disruption of their habitats except for scientific purposes.** This includes a prohibition on hunting in the preserves. It also includes such activities as digging in the sediment and trampling in any habitat. Collecting or disturbing marine organisms in their natural habitats is in contradiction to the preserve values described above and makes it impossible to conduct controlled observations and experiments.
2. **No installing of structures (permanent or temporary) except for scientific purposes.** Man-made structures (floats, anchors, sheds, beached boats, etc.) can disturb the sediment, shade the bottom, inadvertently trap mobile animals, or alter shoreline characteristics, all of which can affect organisms and natural processes. Bringing such structures or materials into preserves also creates an avenue for colonization of invasive species such as the cordgrass Spartina, which can permanently alter the ecological values of the preserves, and which then has to be removed at considerable cost.

3. **No recreational boating or swimming in Argyle Lagoon,** which is so small that human activities on the surface threaten the ecological integrity of this preserve. Argyle Lagoon is used as a calm-water resting and feeding habitat for numerous seabirds. These birds are scared off by any human presence on or in the water.
4. **No dogs.** Dogs running loose scare away the shorebirds that rely on places like False Bay as essential feeding and resting stops during migrations, as well as resident feeding and roosting birds such as herons, and mammals such as mink. Eagles and other protected species also forage on or at the edge of the bays. Young harbor seals are vulnerable to dogs when they are left unprotected on the shore while their mothers forage offshore for food. See also FHL Dog Policy (https://fhl.uw.edu/facilities-resources/uw-fhl-dog-policy/) adopted December 2016 for more details.
5. **No drones, except for scientific or institutional purposes.** UW policy on Airborne Vehicles may also apply where it does not otherwise conflict (policy is under development as of this date).

See these websites for more information:
WDFW - False Bay Marine Preserve (http://wdfw.wa.gov/fishing/mpa/false_bay.html)
WDFW - Argyle Lagoon Marine Preserve (http://wdfw.wa.gov/fishing/mpa/argyle_lagoon.html)
WAC 478-128-030 - Animal control (http://apps.leg.wa.gov/wac/default.aspx?cite=478-128-030)
Adopted: December, 2016

FACILITIES & RESOURCES

Facilities Rates

For all costs, researchers and scholars should refer to our Researcher and Scholar Rates (https://fhl.uw.edu/research/researcher-scholar-rates/researcher-and-scholar-standard-rates/) or, if paying expenses directly from a University of Washington budget, our UW Budget Researcher Rates. (https://fhl.uw.edu/research/researcher-scholar-rates/researchers-and-scholars-uw-budget-rates/)
Visiting groups should refer to our section on Conferences and Field Trips (https://fhl.uw.edu/facilities-resources/conferences-and-field-trips/) for information on group costs. Students enrolled in FHL courses or research apprenticeships can find information on Course Costs (https://fhl.uw.edu/courses/applying-for-an-fhl-course/student-costs/) in the Course section.

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

Caring for
your natural resources
... now and forever

July 17, 2015

Francine Shaw, Agent for Orca Dreams LLC
P.O. Box 2112
Friday Harbor, WA 98250

Subject: Proposed Private Recreational Dock, Orca Dreams LLC

Dear Ms. Shaw:

Your client's proposal to construct a recreational dock on state-owned aquatic lands (SOAL) along Haro Strait on San Juan Island appears to meet the criteria for a private recreational dock, which would not require authorization from Washington State Department of Natural Resources (DNR). That said, RCW 79.105.430(3) provides DNR with discretion on this matter under certain circumstances.

At this time, we do not have enough information to make a conclusive determination about the proposal. For example, we understand that not all required federal, state, and county permits have been granted. Therefore, we are withholding our decision until we have more information.

If you have any questions, please contact me by phone at (360) 854-2846 or email me at Mary.Huff@dnr.wa.gov

Sincerely,

Mary Huff
Aquatic Land Manager
Orca-Straits District
Washington State Department of Natural Resources

c: District File
San Juan County

(a) Moorage shall be designed so as to be compatible with the local environment and to minimize adverse esthetic impacts.

(b) Open moorage is preferred in relatively undeveloped areas and locations where view preservation is desirable, and/or where leisure activities are prevalent.

(c) Covered moorage may be considered in highly developed areas and locations having a commercial environment.

(d) Enclosed moorage should be confined to areas of an industrial character where there is a minimum of esthetic concern.

(e) In general, covered moorage is preferred to enclosed moorage and open moorage is preferred to covered moorage.

(f) View encumbrance due to enclosed moorage shall be avoided in those areas where views are an important element in the local environment.

(g) In order to minimize the impact of moorage demand on natural shorelines, large marina developments in urban areas should be fostered in preference to numerous small marinas widely distributed.

(h) The use of floating breakwaters shall be considered as protective structures before using solid fills.

(i) Dry moorage facilities (stacked dry boat storage) shall be considered as an alternative to wet storage in those locations where such storage will:

(i) Significantly reduce environmental or land use impacts within the water area of the immediate shoreline.

(ii) Reduce the need for expansion of existing wet storage when such expansion would significantly impact the environment or adjacent land use.

(2) Anchorages suitable for use by transient, recreational boaters will be identified and established by the department in appropriate locations so as to provide additional moorage space.

(3) Upland sewage disposal approved by local government and appropriate state agencies is required for all vessels used as a residence.

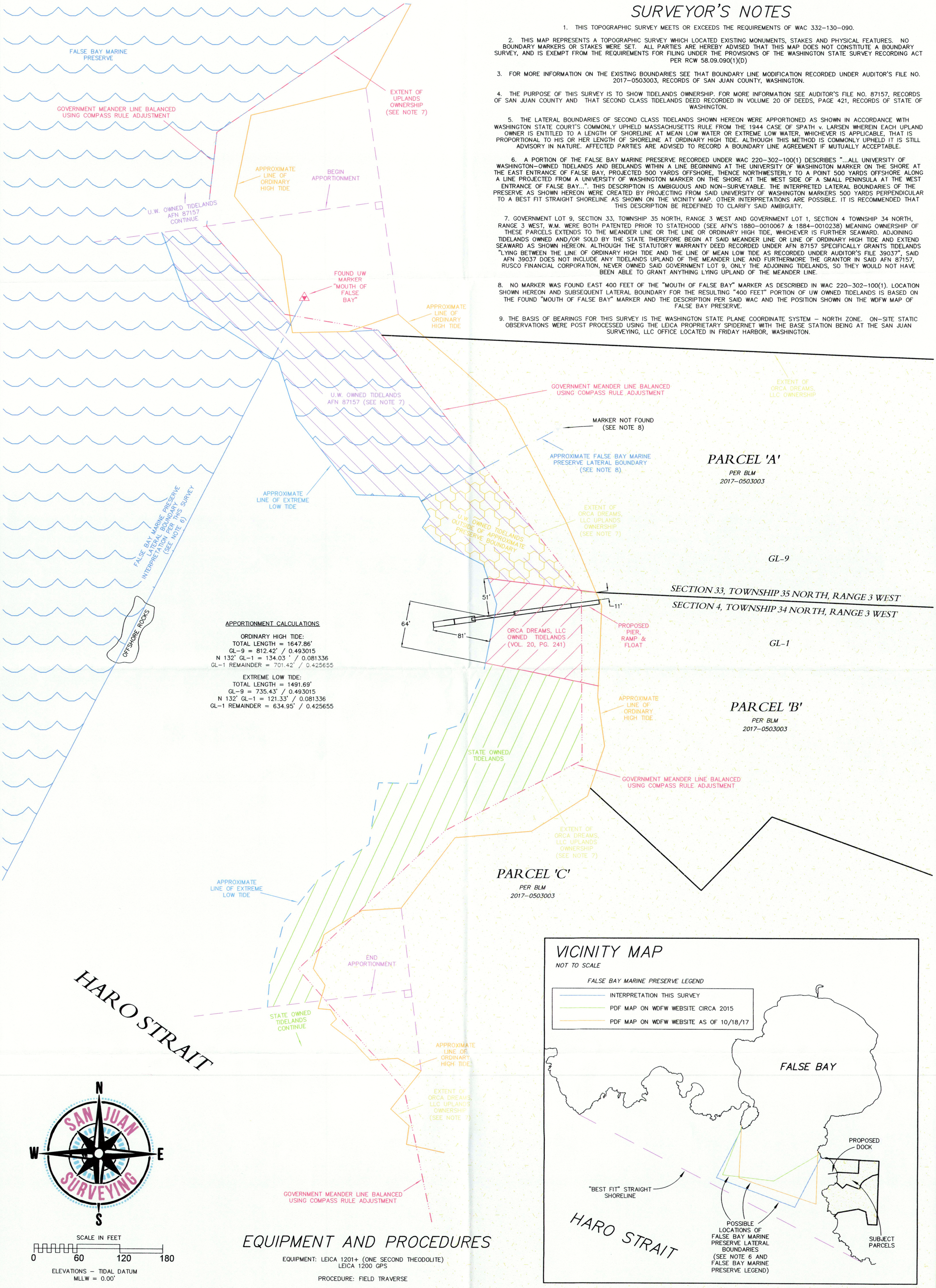
(4) The department shall work with federal, state, local government agencies and other groups to determine acceptable locations for marina development, properly distributed to meet projected public need for the period 1980 to 2010.

(5) The department may lease open water moorage and anchorage areas only to local governments that have authorized the establishment of open water moorage and anchorage areas in their local Shoreline Master Programs within five years of the effective date of this rule. With the department's approval, the local government lessee may install mooring buoys or other floating moorage devices, designate anchorage locations, sublease moorage and anchorage in the area, collect rent and fees for such moorage and anchorage, and otherwise manage the area as a moorage facility. All open water moorage and anchorage areas must meet the following requirements:

(a) Open water moorage and anchorage areas must meet all relevant requirements normally applicable to a marina lease, which may include the placement, design, limitation on the number of vessels or floating houses, and operation of the area and any improvements within the area, payment of rent to the department, consideration of navigational and environmental impacts, and all other applicable permits and other requirements of law.

(b) Open water moorage and anchorage areas may not be in a harbor area nor in any location or configuration that would interfere with water-borne commerce and navigation.

ORCA DREAMS, LLC - TIDELANDS EXHIBIT



SURVEYOR'S NOTES

1. THIS TOPOGRAPHIC SURVEY MEETS OR EXCEEDS THE REQUIREMENTS OF WAC 332-130-090.

2. THIS MAP REPRESENTS A TOPOGRAPHIC SURVEY WHICH LOCATED EXISTING MONUMENTS, STAKES AND PHYSICAL FEATURES. NO BOUNDARY MARKERS OR STAKES WERE SET. ALL PARTIES ARE HEREBY ADVISED THAT THIS MAP DOES NOT CONSTITUTE A BOUNDARY SURVEY, AND IS EXEMPT FROM THE REQUIREMENTS FOR FILING UNDER THE PROVISIONS OF THE WASHINGTON STATE SURVEY RECORDING ACT PER RCW 58.09.090(1)(D)

3. FOR MORE INFORMATION ON THE EXISTING BOUNDARIES SEE THAT BOUNDARY LINE MODIFICATION RECORDED UNDER AUDITOR'S FILE NO. 2017-0503003, RECORDS OF SAN JUAN COUNTY, WASHINGTON.

4. THE PURPOSE OF THIS SURVEY IS TO SHOW TIDELANDS OWNERSHIP. FOR MORE INFORMATION SEE AUDITOR'S FILE NO. 87157, RECORDS OF SAN JUAN COUNTY AND THAT SECOND CLASS TIDELANDS DEED RECORDED IN VOLUME 20 OF DEEDS, PAGE 421, RECORDS OF STATE OF WASHINGTON.

5. THE LATERAL BOUNDARIES OF SECOND CLASS TIDELANDS SHOWN HEREON WERE APPORTIONED AS SHOWN IN ACCORDANCE WITH WASHINGTON STATE COURT'S COMMONLY UPHELD MASSACHUSETTS RULE FROM THE 1944 CASE OF SPATH v. LARSEN WHEREIN EACH UPLAND OWNER IS ENTITLED TO A LENGTH OF SHORELINE AT MEAN LOW WATER OR EXTREME LOW WATER, WHICHEVER IS APPLICABLE, THAT IS PROPORTIONAL TO HIS OR HER LENGTH OF SHORELINE AT ORDINARY HIGH TIDE. ALTHOUGH THIS METHOD IS COMMONLY UPHELD IT IS STILL ADVISORY IN NATURE. AFFECTED PARTIES ARE ADVISED TO RECORD A BOUNDARY LINE AGREEMENT IF MUTUALLY ACCEPTABLE.

6. A PORTION OF THE FALSE BAY MARINE PRESERVE RECORDED UNDER WAC 220-302-100(1) DESCRIBES "...ALL UNIVERSITY OF WASHINGTON-OWNED TIDELANDS AND BEDLANDS WITHIN A LINE BEGINNING AT THE UNIVERSITY OF WASHINGTON MARKER ON THE SHORE AT THE EAST ENTRANCE OF FALSE BAY, PROJECTED 500 YARDS OFFSHORE, THENCE NORTHWESTERLY TO A POINT 500 YARDS OFFSHORE ALONG A LINE PROJECTED FROM A UNIVERSITY OF WASHINGTON MARKER ON THE SHORE AT THE WEST SIDE OF A SMALL PENINSULA AT THE WEST ENTRANCE OF FALSE BAY...". THIS DESCRIPTION IS AMBIGUOUS AND NON-SURVEYABLE. THE INTERPRETED LATERAL BOUNDARIES OF THE PRESERVE AS SHOWN HEREON WERE CREATED BY PROJECTING FROM SAID UNIVERSITY OF WASHINGTON MARKERS 500 YARDS PERPENDICULAR TO A BEST FIT STRAIGHT SHORELINE AS SHOWN ON THE VICINITY MAP. OTHER INTERPRETATIONS ARE POSSIBLE. IT IS RECOMMENDED THAT THIS DESCRIPTION BE REDEFINED TO CLARIFY SAID AMBIGUITY.

7. GOVERNMENT LOT 9, SECTION 33, TOWNSHIP 35 NORTH, RANGE 3 WEST AND GOVERNMENT LOT 1, SECTION 4 TOWNSHIP 34 NORTH, RANGE 3 WEST, W.M. WERE BOTH PATENTED PRIOR TO STATEHOOD (SEE AFN'S 1880-0010067 & 1884-0010238) MEANING OWNERSHIP OF THESE PARCELS EXTENDS TO THE MEANDER LINE OR THE LINE OR ORDINARY HIGH TIDE, WHICHEVER IS FURTHER SEAWARD. ADJOINING TIDELANDS OWNED AND/OR SOLD BY THE STATE THEREFORE BEGIN AT SAID MEANDER LINE OR LINE OF ORDINARY HIGH TIDE AND EXTEND SEAWARD AS SHOWN HEREON. ALTHOUGH THE STATUTORY WARRANTY DEED RECORDED UNDER AFN 87157 SPECIFICALLY GRANTS TIDELANDS "LYING BETWEEN THE LINE OF ORDINARY HIGH TIDE AND THE LINE OF MEAN LOW TIDE AS RECORDED UNDER AUDITOR'S FILE 39037", SAID AFN 39037 DOES NOT INCLUDE ANY TIDELANDS UPLAND OF THE MEANDER LINE AND FURTHERMORE THE GRANTOR IN SAID AFN 87157, RUSCO FINANCIAL CORPORATION, NEVER OWNED SAID GOVERNMENT LOT 9, ONLY THE ADJOINING TIDELANDS, SO THEY WOULD NOT HAVE BEEN ABLE TO GRANT ANYTHING LYING UPLAND OF THE MEANDER LINE.

8. NO MARKER WAS FOUND EAST 400 FEET OF THE "MOUTH OF FALSE BAY" MARKER AS DESCRIBED IN WAC 220-302-100(1). LOCATION SHOWN HEREON AND SUBSEQUENT LATERAL BOUNDARY FOR THE RESULTING "400 FEET" PORTION OF UW OWNED TIDELANDS IS BASED ON THE FOUND "MOUTH OF FALSE BAY" MARKER AND THE DESCRIPTION PER SAID WAC AND THE POSITION SHOWN ON THE WDFW MAP OF FALSE BAY PRESERVE.

9. THE BASIS OF BEARINGS FOR THIS SURVEY IS THE WASHINGTON STATE PLANE COORDINATE SYSTEM - NORTH ZONE. ON-SITE STATIC OBSERVATIONS WERE POST PROCESSED USING THE LEICA PROPRIETARY SPIDERNET WITH THE BASE STATION BEING AT THE SAN JUAN SURVEYING, LLC OFFICE LOCATED IN FRIDAY HARBOR, WASHINGTON.

APPORTIONMENT CALCULATIONS

ORDINARY HIGH TIDE:
TOTAL LENGTH = 1647.86'
GL-9 = 812.42' / 0.493015
N 132° GL-1 = 134.03 ' / 0.081336
GL-1 REMAINDER = 701.42' / 0.425655

EXTREME LOW TIDE:
TOTAL LENGTH = 1491.69'
GL-9 = 735.43' / 0.493015
N 132° GL-1 = 121.33' / 0.081336
GL-1 REMAINDER = 634.95' / 0.425655

VICINITY MAP

NOT TO SCALE

SCALE IN FEET
0 60 120 180

ELEVATIONS - TIDAL DATUM
MLLW = 0.00'

EQUIPMENT AND PROCEDURES

EQUIPMENT: LEICA 1201+ (ONE SECOND THEODOLITE)
LEICA 1200 GPS

PROCEDURE: FIELD TRAVERSE

PROPERTY INFORMATION

SITE ADDRESS: 1601 FALSE BAY DRIVE	TAX PARCEL NUMBER: 340411003
DESCRIPTION: 2ND CLASS TIDELANDS EXHIBIT - NORTH 132 FEET OF GL-1, SEC 4, T 34N, R 3W, W.M.	MISC:

ROBERT J. WILSON 16418 STATE OF WASHINGTON REGISTERED PROFESSIONAL LAND SURVEYOR
PRELIMINARY

SAN JUAN SURVEYING
P.O. BOX 611
FRIDAY HARBOR, WA 98250
360.378.2300
WWW.SANJUANSURVEYING.COM

SECTION INDEXING DATA

QUARTER / QUARTER	SECTION	TOWNSHIP	RANGE
GL 9	33	35 NORTH	3 WEST
GL 1	4	34 NORTH	

TOPOGRAPHIC SURVEY
FOR
ORCA DREAMS, LLC
ON
SAN JUAN ISLAND

DRAWN BY:	COMP REF:	JOB NO:
NSR	13-073 (TOPO)	13-073
CHECKED BY: RJW	DATE: 11/29/17	SHEET 1 OF 1

ORCA DREAMS, LLC
PO BOX 928
FRIDAY HARBOR, WA
98250