



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue  
Seattle, Washington 98101

July 18, 2001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Reply To  
Attn Of: ORC-158

Jack Golden  
P.O. Box 64  
Oysterville, WA. 98641

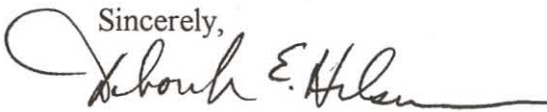
Re: Jack Golden, Oysterville, WA.  
Consent Agreement and Final Order  
CWA-10-99-0188

Dear Mr. Golden:

Enclosed is a conformed copy of the Consent Agreement and Final Order (CAFO) in the matter referenced above, which was filed with the Regional Hearing Clerk earlier today. Finalizing the CAFO was delayed until we were able to confirm that all of the commenters listed in Exhibit B to the CAFO had received a copy of the proposed CAFO at least 30 days ago. Because all of the commenters received the CAFO more than 30 days ago, and none of the commenters asked EPA to set aside our settlement agreement, we were able to finalize and file the CAFO today.

As indicated in Paragraph 3.4 of the CAFO, payment of the \$13,854 penalty is due within 30 days of today's date. Please also note that beginning at Paragraph 3.9, the CAFO requires that you complete the Supplemental Environmental Project (SEP) described in Exhibit A to the CAFO. The SEP was also described in the related Administrative Order on Consent issued to you and the Savilla A. Weller Trust.

Please contact me at 206-553-1810, with any questions concerning this matter  
Thank you for your cooperation.

Sincerely,  
  
Deborah E. Hilsman  
Assistant Regional Counsel

cc: Dick Clark, WOO  
Dick Reiners

RECEIVED

01 JUL 18 PM 3:40

HEARINGS CLERK  
EPA--REGION 10

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

JACK GOLDEN,

Respondent.

)  
) Docket No. CWA-10-99-0188  
)  
)

CONSENT AGREEMENT AND  
PROPOSED FINAL ORDER

**I. AUTHORITY**

1.1. This Consent Agreement and Final Order ("CAFO") is issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Section 309(g) of the Clean Water Act ("CWA"), 33 U.S.C. § 1319(g). The Administrator has delegated the authority to issue the Final Order contained in Part IV of this CAFO to the Regional Administrator of EPA, Region 10.

1.2. Pursuant to Section 309(g)(1) and (g)(2)(B) of the CWA and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties," 40 C.F.R. Part 22, EPA hereby issues, and Jack Golden hereby agrees to the issuance of the Final Order contained in Part V of this CAFO.

1 **II. PRELIMINARY STATEMENT**

2 2.1. On October 28, 1999, EPA initiated this proceeding against Jack Golden  
3 (“Respondent”) pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), by issuing an  
4 Administrative Complaint against Respondent for the assessment of an administrative penalty.

5 2.2. As a result of information exchanged during settlement negotiations, EPA and  
6 Respondent have agreed to resolve this matter by executing this CAFO.

7 2.3. The complete factual and jurisdictional basis for proposing the assessment of a civil  
8 penalty is set forth in the Complaint which is incorporated herein by reference.

9 **III. CONSENT AGREEMENT**

10 The parties to this action hereby stipulate as follows:

11 3.1. Respondent admits the jurisdictional allegations contained in the Complaint.

12 3.2. Respondent neither admits nor denies the specific factual allegations contained in the  
13 Complaint.

14 3.3. Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), the nature, circumstances,  
15 extent, and gravity of the alleged violations, Respondent’s economic benefit of noncompliance and  
16 ability to pay the proposed penalty, Respondent’s agreement to perform a Supplemental  
17 Environmental Project (“SEP”), and other relevant factors, EPA has determined and Respondent  
18 agrees that an appropriate penalty to settle this action is in the amount of THIRTEEN THOUSAND  
19 EIGHT HUNDRED FIFTY-FOUR DOLLARS (\$13,854).

20 3.4. Respondent consents to the issuance of the Final Order recited herein, to payment of the  
21 civil penalty cited in the foregoing paragraph within thirty (30) days of the effective date of the Final  
22 Order, and to performance of the SEP described herein.

23 3.5. Payment under this CAFO shall be made by cashier’s check or certified check, payable  
24 to the order of “Treasurer, United States of America” and shall be delivered to the following address:

25 Mellon Bank  
26 EPA Region 10  
27 P.O. Box 360903M  
Pittsburgh, Pennsylvania 15251



1 Respondent shall note on the check the title and docket number of this case.

2 3.6. Respondent shall serve photocopies of the check described above on the Regional  
3 Hearing Clerk and Complainant at the following two addresses:

4 Regional Hearing Clerk  
5 U.S. Environmental Protection Agency  
6 1200 Sixth Avenue, Mail Stop ORC-158  
7 Seattle, Washington 98101

8 Office of Ecosystems and Communities  
9 U.S. Environmental Protection Agency  
10 1200 Sixth Avenue, Mail Stop ECO-083  
11 Seattle, Washington 98101  
12 Attn: Steven Roy

13 3.7. Should Respondent fail to pay the penalty assessed by this CAFO in full by its due date,  
14 the entire unpaid balance of penalty and accrued interest shall become immediately due and owing.  
15 Should such a failure to pay occur, Respondent may be subject to an administrative action to collect  
16 payment under the federal Debt Collection Act of 1982, as amended, or to a civil action to collect the  
17 assessed penalty under the Clean Water Act. In any collection action, the validity, amount, and  
18 appropriateness of the penalty shall not be subject to review.

19 3.8. Should Respondent fail to pay the penalty assessed by this CAFO in full by its due date,  
20 Respondent shall also be responsible for payment of the following amounts:

21 a. Interest. Any unpaid portion of the assessed penalty shall bear interest at the rate  
22 established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1) from the  
23 effective date of the Final Order contained herein, provided, however, that no interest shall be  
24 payable on any portion of the assessed penalty that is paid within thirty (30) days of the  
25 effective date of the Final Order contained herein.

26 b. Handling Charge. Pursuant to 31 U.S.C. § 3717(e)(1), a monthly handling charge  
27 of \$15 shall be paid if any portion of the assessed penalty is more than thirty (30) days past  
28 due.

1 c. Attorney Fees, Collection Costs, Nonpayment Penalty. Pursuant to Section  
2 309(g)(9) of the Act, 33 U.S.C. § 1319(g)(9), should Respondent fail to pay on a timely basis  
3 the amount of the penalty assessed by this CAFO, Respondent shall pay (in addition to any  
4 assessed penalty, interest, and monthly handling charges) attorney fees, costs for collection  
5 proceedings, and a quarterly nonpayment penalty for each quarter during which such failure  
6 to pay persists. Such nonpayment penalty shall be in an amount equal to twenty percent  
7 (20%) of the aggregate amount of Respondent's penalties and nonpayment penalties which  
8 are unpaid as of the beginning of such quarter.

9 3.9. Respondent shall complete a SEP, which the parties agree is intended to secure  
10 significant environmental protection, pursuant to the following conditions:

11 a. Within one year of the effective date of the Final Order contained in Part IV of this CAFO,  
12 Respondent shall ensure that the preservation easement described in Exhibit A to this CAFO is  
13 recorded as a deed restriction with the County Recorder's office.

14 3.10. The total value of land preserved by Respondent in implementing the SEP shall be not  
15 less than THIRTY THOUSAND DOLLARS (\$30,000.00). Respondent shall include documentation  
16 of the value of the land preserved and the expenditures made in connection with the SEP as part of  
17 the SEP Completion Report detailed below.

18 3.11. Respondent hereby certifies that, as of the date of this Consent Agreement, Respondent  
19 is not required by any federal, state, or local law or regulation to perform the activities required by  
20 this SEP. Respondent further certifies that he is not required by any agreement with a regulating  
21 agency, grant, or injunctive relief to perform these activities and that Respondent has not received,  
22 and is not presently negotiating to receive, credit in any other enforcement action for these activities.

23 3.12. Respondent shall submit a SEP Completion Report to EPA no later than thirty (30)  
24 days following completion of the SEP. Failure by Respondent to timely submit a complete and  
25 accurate SEP Completion Report shall be deemed a violation of this CAFO and shall subject  
26  
27



1 Respondent to stipulated penalties pursuant to Paragraph 3.14 of this CAFO. The SEP Completion  
2 Report shall contain the following information:

- 3 a. a detailed description of the SEP as implemented, including a copy of the recorded  
4 deed containing the preservation easement described in Exhibit A.
- 5 b. an itemization of costs incurred by Respondent in implementing the SEP  
6 (documented by purchase orders, receipts, property appraisals, canceled checks, etc.); and
- 7 c. certification that the SEP has been fully implemented pursuant to this CAFO.

8 3.13. Following receipt of the SEP Completion Report described in the preceding paragraph,  
9 EPA will do one of the following:

- 10 a. approve the SEP Completion Report;
- 11 b. reject the SEP Completion Report, notify Respondent, in writing, of deficiencies in  
12 the Report, and grant Respondent an additional thirty (30) days in which to correct any  
13 deficiencies; or
- 14 c. disapprove the SEP Completion Report and seek stipulated penalties in accordance  
15 with Paragraph 3.14 of this CAFO.

16 If EPA elects to exercise option (b) or (c) above, EPA shall allow Respondent the opportunity to  
17 object in writing to the notification of deficiency or disapproval given pursuant to this paragraph  
18 within ten (10) days of receipt of such notification. EPA and Respondent shall have an additional  
19 thirty (30) days from the receipt by EPA of the notification of objection to reach agreement. If  
20 agreement cannot be reached on any issue within this thirty (30) day period, EPA shall provide a  
21 written statement of its decision to Respondent, which decision shall be final and binding upon  
22 Respondent. Respondent agrees to comply with any requirements imposed by EPA as a result of any  
23 deficiency. In the event the SEP is not completed as contemplated herein, as determined by EPA,  
24 stipulated penalties shall be due and payable by Respondent to EPA in accordance with Paragraph  
25 3.14 of this CAFO.

1           3.14. In the event that Respondent fails to comply with any of the terms or provisions of this  
2 CAFO relating to the performance of the SEP, Respondent shall be liable for stipulated penalties  
3 according to the following provisions:

4           a. For a SEP that has not been completed satisfactorily pursuant to this CAFO,  
5 Respondents shall pay a stipulated penalty to the United States in the amount of \$26,146,  
6 plus interest calculated in the manner described in paragraph 3.8(a) from December 20, 2000,  
7 until the date of payment in full.

8           b. If the SEP is satisfactorily completed, but Respondent spent less than ninety  
9 percent (90%) of the amount of money required to be spent for the project, Respondent shall  
10 pay a stipulated penalty to the United States in the amount of \$3,000.

11           c. If the SEP is satisfactorily completed, and Respondent spent at least ninety percent  
12 (90%) of the amount of money required to be spent for the project, Respondent shall not be  
13 liable for any stipulated penalty.

14           d. For failure to timely submit the SEP Completion Report required by Paragraph  
15 3.12 of this CAFO, Respondent shall pay a stipulated penalty in the amount of \$100.00 for  
16 each day after the report is due until it is submitted. Such stipulated penalties shall begin to  
17 accrue on the day after performance is due, and shall continue to accrue until the report is  
18 submitted, provided that the total stipulated penalties for failure to submit the report shall not  
19 exceed \$6,000.

20           3.15. The determination of whether the SEP has been satisfactorily completed and whether  
21 Respondent has made a good faith, timely effort to implement the SEP shall be in the sole discretion  
22 of EPA.

23           3.16. Respondent shall pay stipulated penalties within fifteen (15) days of receipt of a written  
24 demand by EPA for payment of such penalties. Stipulated penalties shall be paid in accordance with  
25 the provisions of Paragraphs 3.5 and 3.6 of this CAFO. Interest and late charges shall accrue as  
26 described in Paragraphs 3.7 and 3.8 of this CAFO.

1 3.17. Respondent agrees that it will obtain access from the current property owner for EPA  
2 to inspect the site at any time in order to confirm that the SEP is being undertaken in conformity with  
3 the representations made herein.

4 3.18. All reports and submissions required by this CAFO shall be made to:

5 Office of Ecosystems and Communities  
6 U.S. Environmental Protection Agency  
7 1200 Sixth Avenue, Mail Stop ECO-081  
8 Seattle, Washington 98101  
9 Attn: Steven Roy

10 3.19. Any public statement, oral or written, in print, film, or other media, made by  
11 Respondent making reference to the SEP, shall include the following language, "This project was  
12 undertaken in connection with settlement of an enforcement action taken by the U.S. Environmental  
13 Protection Agency for violation of the Clean Water Act."

14 3.20. The penalties described in Paragraphs 3.3 and 3.14 of this CAFO shall represent civil  
15 penalties assessed by EPA and shall not be deductible for purposes of federal taxes.

16 3.21. Except as described in Paragraph 3.8 of this CAFO, each party shall bear its own costs  
17 in bringing or defending this action.

18 3.22. Respondent expressly waives any rights to contest the allegations and to appeal the  
19 Final Order contained herein.

20 3.23. The provisions of this CAFO shall bind Respondent and his agents, servants,  
21 employees, successors, and assigns.


22 STIPULATED AND AGREED:

23   
24 JACK GOLDEN  
25 Respondent

Dated: 4/18/2001



1 U.S. ENVIRONMENTAL PROTECTION AGENCY

2  
3   
4 DEBORAH E. HILSMAN  
5 Assistant Regional Counsel  
6 For Complainant

Dated: May 10, 2001

7 **IV. FINAL ORDER**

8 4.1. The terms of the foregoing Consent Agreement are hereby ratified and incorporated by  
9 reference into this Final Order. Respondent is hereby ordered to comply with the foregoing terms of  
10 settlement.

11 4.2. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to  
12 the Clean Water Act for the particular violations alleged in the Complaint. In accordance with  
13 40 C.F.R. § 22.31(a), nothing in this CAFO shall affect the right of EPA or the United States to  
14 pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.  
15 This CAFO does not waive, extinguish, or otherwise affect Respondent's obligations to comply with  
16 all applicable provisions of the CWA and regulations and permits issued thereunder.

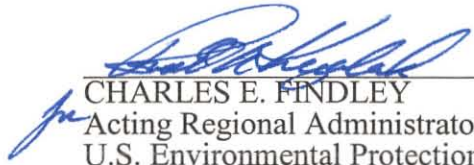
17 4.3. In accordance with Section 309(g)(1) of the Act, 33 U.S.C. § 1319(g)(1), and  
18 40 C.F.R. § 22.38(b), the Washington Department of Ecology has been given an opportunity to  
19 consult with EPA regarding the assessment of an administrative penalty against Respondent.

20 4.4. Pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), in  
21 November 1999, EPA published public notice of its intent to assess an administrative penalty against  
22 Respondent and invited public comment in accordance with 40 C.F.R. § 22.45. In response to the  
23 Complaint filed on October 28, 1999, EPA received comments from the six persons listed in Exhibit  
24 B to this CAFO. A copy of the Consent Agreement and proposed Final Order was provided to each  
25 commenter, by certified mail, return receipt requested as required by 40 C.F.R. § 22.45(a)(b)(4)(i).  
26 More than 40 days has elapsed since the issuance of the notice to the commenters and EPA has  
27 received no petitions to set aside the Consent Agreement contained herein.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

4.5. This Final Order shall become effective upon filing.

SO ORDERED this 17<sup>th</sup> day of July, 2001.

  
\_\_\_\_\_  
CHARLES E. FINDLEY  
Acting Regional Administrator  
U.S. Environmental Protection Agency  
Region 10

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I certify that the foregoing "Consent Agreement and Final Order" was sent to the following persons, in the manner specified, on the date below:

Original and one copy, hand-delivered:

Mary Shillcutt, Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 10  
1200 Sixth Avenue, Mail Stop ORC-158  
Seattle, Washington 98101

A true and correct copy, by certified mail, return receipt requested:

Jack Golden  
P.O. Box 64  
Oysterville, Washington 98641

Dated: July 18, 2001      Melissa L. Whitaker  
Melissa Whitaker  
U.S. EPA Region 10



## EXHIBIT A

### DESCRIPTION OF SUPPLEMENTAL ENVIRONMENTAL PROJECT PRESERVATION EASEMENT

In an Administrative Order on Consent filed in EPA Docket No. CWA-10-2001-0059 (hereafter referred to as "Consent Order"), Respondent Jack Golden and the Savilla A. Weller Trust, the current owner of the property that is the subject of this action, agreed to preserve at least 60 acres of property in exchange for mitigation of the penalty assessed against Respondent Jack Golden in the EPA administrative penalty action, Docket No. CWA 10-99-0188. In the Consent Order Respondent Golden and the Savilla A. Weller Trust (Weller Trust) agreed to undertake the following actions:

1. Within ninety (90) days of the effective date of the Consent Order, complete written legal description of the 60 acres (at a minimum) at the Site to be preserved as depicted in Attachment 2 to the Consent Order (herein attached as Exhibit C).

2. To ensure that the preservation area identified above remain undisturbed after the filing of this Consent Order, within ninety (90) days of receipt of a conformed copy of the Consent Order, provide a copy of the Consent Order to an escrow agent approved by EPA. Instruct the escrow agent to record a copy of this Consent Order with the Office of the Auditor of Pacific County, Washington, along with a deed restriction drafted in accordance with paragraph 32 of the Consent Order, no later than one year from the effective date of the Consent Order. Send to EPA proof of submission of the Consent Order and deed restriction to the escrow agent and proof of recording of the Consent Order and deed restriction to EPA. Ensure that thereafter each deed, title, or other instrument conveying an interest in any property identified in Attachments 1 and 2 to the Consent Order shall contain a notice which states that the property is subject to the deed restriction described in the Consent Order and which references the recorded location of the Order. Send notice of all such conveyances to EPA at the address specified in paragraph 44 of the Consent Order. Bear all costs associated with the actions required by this paragraph.

3. Present to EPA for approval prior to submission to the escrow agent, the deed restriction described above and ensure that the deed restriction contains the following information:

a. Legal description and plat map of the property to be preserved.

b. Purpose: The purpose of this deed restriction is to assure that the preservation area will be retained in perpetuity in its natural open space condition and to prevent any use of the preservation area that will significantly impair or interfere with the conservation values of the preservation area. The owner intends that this deed restriction will confine the use of the preservation area consistent with the conservation values referenced above and to confine its heirs, successors, and assigns to such use. A further purpose of this deed restriction is to provide

wildlife habitat and wetland functions and values intrinsic to the preservation area.

c. Prohibited Uses: Any activity on, or use of, the preservation area and associated buffer area inconsistent with the purpose of this deed restriction is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited:

- i. Subdivision and residential development.
- ii. Commercial, industrial, or agricultural development and/or use, including, but not limited to, excavation for a farm pond and livestock grazing.
- iii. Alteration of the land surface or any vegetation other than the removal of hazard trees or non-native invasive species.
- iv. Mineral development.
- v. Waste disposal.
- vi. Timber harvest.
- vii. Water rights removal
- viii. Any activities that would result in change of current wetland hydrology.

d. Reservation of rights: The owners reserve unto themselves, their heirs, successors, and assigns, all rights accruing from their ownership of the preservation area, including the right to engage in or allow or invite others to engage in all uses of the preservation area that are not expressly prohibited herein and are not inconsistent with the purpose of this deed restriction.

4. Within thirty (30) days of the recording of the deed restriction, convey management and/or ownership of the preservation area to a conservation group approved by EPA in advance of such conveyance.

5. Agree that between the effective date of the Consent Order and the filing of the deed restriction described herein, they will undertake no activity on, or use of, the preservation area and associated buffer area inconsistent with the purpose of the deed restriction..

6. Agree that they will not seek mitigation credit for any property preserved under the Consent Order and deed restriction.

## EXHIBIT B

### LIST OF COMMENTERS

Ted H. McIntyre  
25810 S.E. 30th Street  
Issaquah, WA 98029-9184

Donald and Roberta Cole  
P.O. Box 19  
Nahcotta, WA 98637

Richard Sheldon, President  
Northern Oyster Co., Inc.  
Water Quality Representative  
Willapa Grays Harbor Shellfish Growers Assoc.  
P.O. Box 365  
Ocean Park, WA 98640

Martha Jordan  
Trumpeter Swan Society  
Washington Swan Working Group  
14112 - 1st Avenue West  
Everett, WA 98208

Paul R. Fischbach  
409 Boxley Pl. N.E.  
North Bend, WA 98045

Charles C. Blight  
28008 Q St.  
Ocean Park, WA 98640





Approx. 60 acres of  
preservation



KEY

**BASIS OF BEARINGS:**  
TRUE GEODETIC BEARINGS BASED ON LAURET CONG. MON. SOUTH ZONE (NAD83) PLACING COUNTY 1977 ADJUSTED, BEST FIT COUNTY GRASSIAGE CONTROL MONUMENTS AT STA. 037 AND STA. 041  
N 02°14'33" (AVERAGE) DISTANCE SHOWN = FIELD

**SECTION SURVEYON BASED ON THE SURVEY OF SECTION 4 FOR JACKSON COUNTY, MISSOURI, COUNTY SURVEY NO. 100, FOR FULLER DETAIL, SEE THE SURVEY FOR COUNTY SURVEY NO. 100, FOR KAYO BOTH IN FEB. 1993 AND MARK ROSW IN JULY 1999 AND WELLS CONSTRUCTION CO. IN DEC. 1998**

**LEGEND:**

- - SET 1/2" DIA. IRON ROD WITH CAP
- - MARKED, TYPICAL IRON ROD
- ⊙ - IRON ROD SET DURING AN PREVIOUS SURVEYS
- ⊕ - FOUND (PND) MONUMENTS AS NOTED

1. A WARNING: MINOR DISTANCE OF RECORD WHERE REFERENT FRESH FIELD

**EQUIPMENT USED:**  
LEITZ SOKKISHA SETZ TOTAL STA. TDAL, PENNAIX POSUI  
RELATIVE ACCURACY EXCEEDS ONE FOOT IN TEN THOUSAND

- - FOOT OF WET LANDS
- - EDGE OF APPROXIMENTS
- ▨ - DISTURBED WETLANDS DUE TO LOGGING ACTIVITY
- - UNDISTURBED WETLANDS

NW1/4 AND W1/2 OF SW1/4  
SEC. 4, TWP. 12 N. RGE. 11 W. W.M.

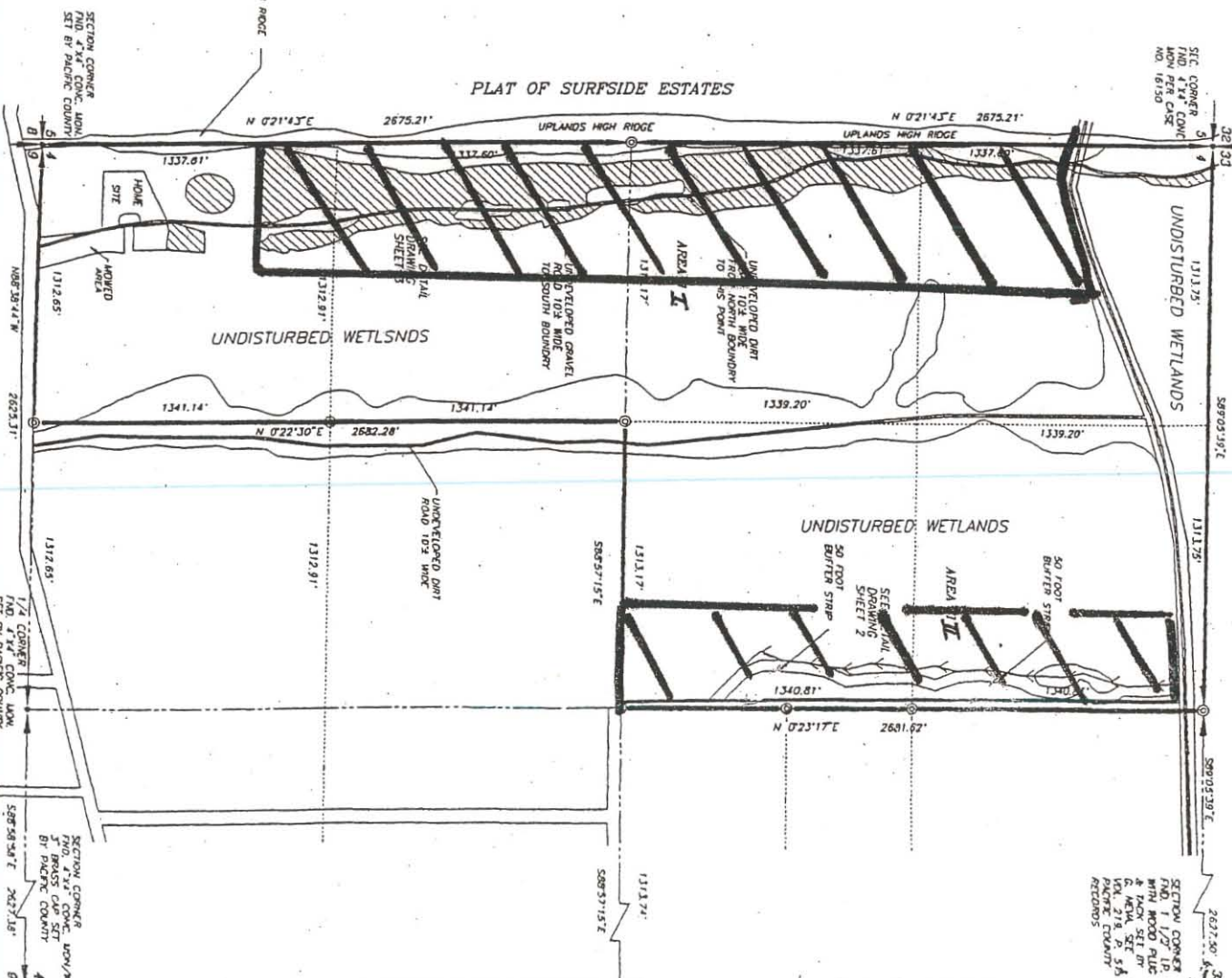
**AUDITOR'S CERTIFICATE**

FILED FOR RECORD THIS DAY OF 20  
AT THE REQUEST OF KARL W. FERRIER  
COUNTY AUDITOR

**SURVEYOR'S CERTIFICATE**

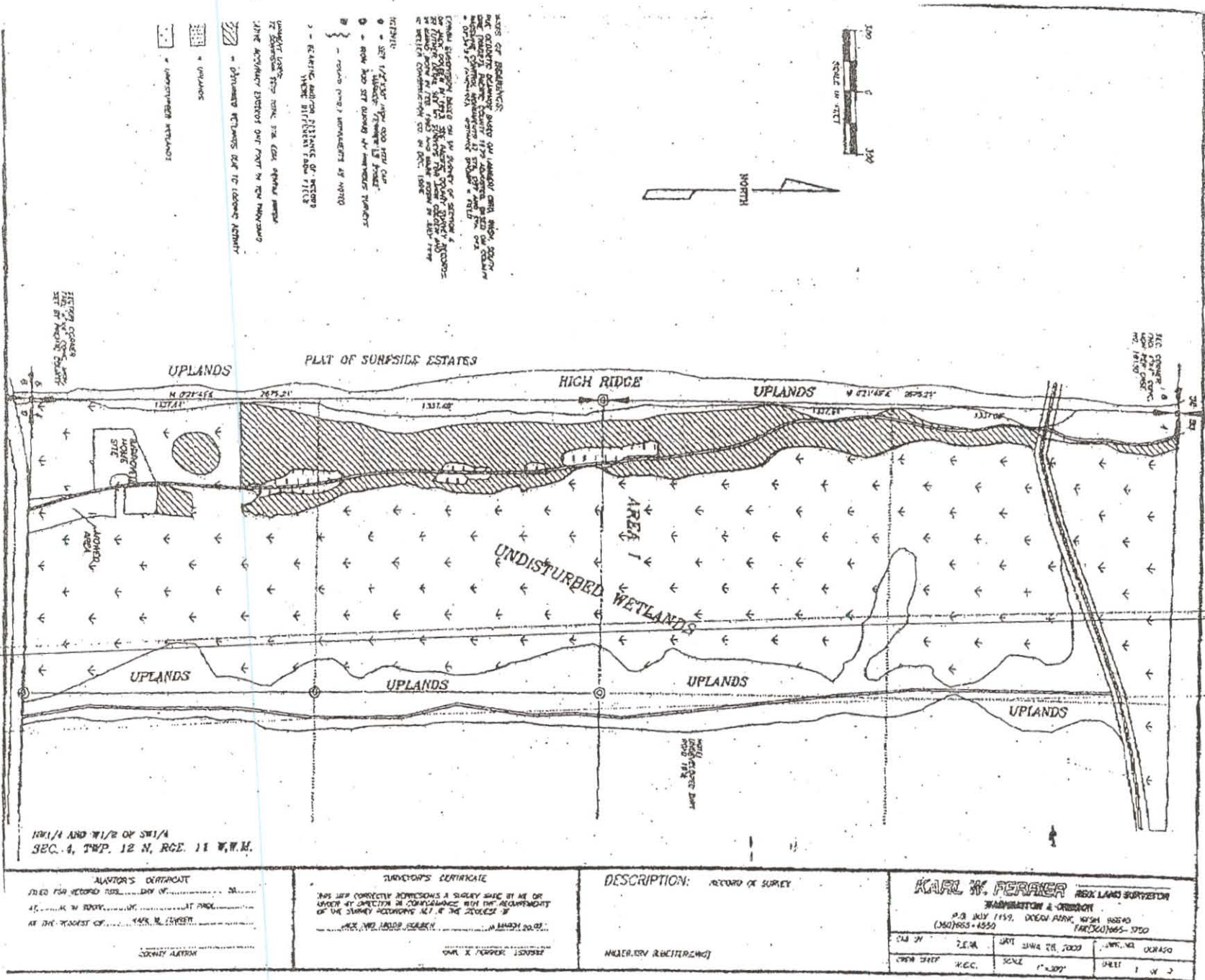
UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECONSTRUCTION ACT AT THE REQUEST OF JACK AND ARDIN GARDNER  
MARCH 20, 2000  
KARL W. FERRIER, LS200002

**DESCRIPTION: RECORD OF SURVEY**



**KARL W. FERRIER**  
REG. LAND SURVEYOR  
WASHINGTON & OSBORN  
P.O. BOX 1159, OCEAN PARK, WASH. 98610  
(360)663-4550 FAX(360)663-7250

DATE APRIL 26, 2000  
DWC MA 009420  
CREW CHIEF W.E.C. SHEET 1 OF 3



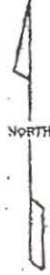


R-27-00 THU 03:44 PM  
04/27/2008 11:27

305653750

KARL W. FERRIER ATTORNEY

PAGE 06



**BASIS OF READING:**  
 TRUE COURSE BEARINGS BASED ON LAHOTT CNG. MAIN, SOUTH  
 ZONE (NAD 83) PACIFIC COAST 1972 ADJUSTED, BASED ON COUNTY  
 CORNER CONTROL MEASUREMENT AT STA. 037 AND STA. 043.  
 4-00-12-21 (ATRAKCI), DISTANCE SHOWN = FEET

SECTION SUBDIVISION BASED ON MY CHAIN-OF-SECTION =  
 FEW ACRE GOLDEN IN 1922. SEE BROWER COUNTY SURVEY RECORDS.  
 FOR FURTHER DETAIL SEE MY SURVEYS FOR JOHN GOLDEN AND  
 JOHN WARD BOTH IN YEAR 1863 AND WALTER BOYD IN YEAR 1899  
 AND MILLER CONSTRUCTION CO. IN YEAR 1956

**LEGEND**

- ⊙ - HIGH POINT SET DURING MY PREVIOUS SURVEYS
- EQUIPMENT USED:  
LEITZ SOKKISHA SETS 1996, STA. COAL PENTAX PRISM
- RELATIVE ACCURACY EXCEEDS ONE FOOT IN TEN THROUGHOUT
- ✦ - EDGE OF WET LANDS
- — — — — - FOOT OF MONUMENTS
- - BLUE FLAGGED AREAS

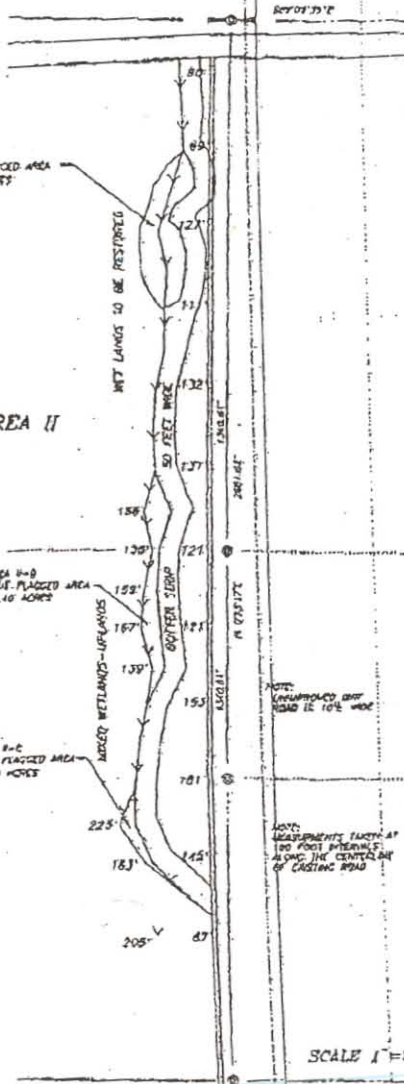
**UNDISTURBED WETLANDS**

**AREA II**

AREA A-A  
BLUE FLAGGED AREA  
80.00 ACRES

AREA B-B  
BLUE FLAGGED AREA  
81.10 ACRES

AREA C-C  
BLUE FLAGGED AREA  
83.10 ACRES



SCALE 1"=800'

KARL W. FERRIER ATTORNEY & ENGINEER P.O. BOX 1118 OCEAN WALK, WALK, WISCONSIN (608)865-1120 / FAX (608)865-1120	
DATE OF SURVEY	MAY 24, 2000
PROJECT NO.	2000-001
SHEET NO.	2 OF 2

DESCRIPTION: RECORD OF SURVEY  
 WETLANDS RESTORATION

SURVEYOR'S CERTIFICATE  
 I, KARL W. FERRIER, ATTORNEY & ENGINEER, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE RECORD OF SURVEY AS THE SAME APPEARS IN MY OFFICE AND ACCORDING TO THE BEST OF MY KNOWLEDGE AND BELIEF.

KARL W. FERRIER, ATTORNEY & ENGINEER

100/1 AND 17/2 OF 301/4  
 SEC. 4, T1P. 12 N. R. 02E. 11 W. N. M.

ADJACENT CERTIFICATE  
 I, JOHN W. BOYD, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE RECORD OF SURVEY AS THE SAME APPEARS IN MY OFFICE AND ACCORDING TO THE BEST OF MY KNOWLEDGE AND BELIEF.

JOHN W. BOYD