Design & Consultancy for natural and built assets

DNR Northern Region Attn: RR Program Assistant Department of Natural Resources 107 Sutliff Avenue Rhinelander, WI 54501

#### Subject:

Howard's Bay Sediments – Superior, WI BRRTS Nos. 02-16-120591 and 02-16-563449 VPLE Application

#### To Whom It May Concern:

On behalf of Fraser Shipyards, Inc., enclosed please find a Voluntary Party Liability Exemption (VPLE) Application Form (4400-178), associated attachments, and \$250 application fee, for the Howard's Bay Sediments Site in Superior, WI.

Please contact me, or Mr. Sean Smith of Fraser, with any questions or comments.

Sincerely,

Arcadis of New York, Inc.

Ala he fet

David Knutsen Sr. Project Manager

12

<sup>Copies:</sup> Joe Graham, WDNR Sean Smith, Fraser Shipyards Roy Christensen, Johnson, Killen & Seiler Mike Erickson, Arcadis Lisa Tomlinson, Arcadis Arcadis of New York, Inc. One Lincoln Center 110 West Fayette Street Suite 300 Syracuse New York 13202 Tel 315 446 9120 Fax 315 449 0017 www.arcadis.com

ENVIRONMENT

Date: December 21, 2018

<sup>Contact:</sup> David Knutsen

Phone: 315-671-9374

Email: david.knutsen@arcadis.com

Our ref: CI001796.0008.00001

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State of Wisconsin Department of Natural Resources PO Box 7921, Madison WI 53707-7921 <u>dnr.wi.gov</u>

11

# Voluntary Party Liability Exemption Application Form 4400-178 (R 11/14) Page 1 of 5

<u>un.wi.gov</u>						
<b>Notice</b> : Pursuant to s. 292.15, Wis (DNR) to be submitted when reque application in its entirety may delar to the instructions beginning on pa requesters to the extent required b	esting approval to particip y its review and/or may re age 4. Personal information by Wisconsin's Open Rec	pate in the vo esult in denia on collected v	luntary party liability exe I. Participation in this pr will be used for administ	emption ( rogram is trative pui	VPLE). Failure voluntary. If c	e to complete this ompleting this form, ref
Section 1: Property Informati BRRTS No. (if known)	ion			2 A C. 24		
02-16-120591, 02-16-563449	1					
Tax Parcel #	.*					
See attached list						
FID No. (if known)	Property	Name				
816047210	Howard	's Bay Sed				
Address			City			State ZIP Code
1 Clough Avenue (3rd St & C	<u> </u>		Superior			WI 54880
100 00 00 00 00 00 00 00 00 00 00 00 00	ity Name 💿 City 🔿 To	wn 🔾 Villag	AND THE REPORT OF			Property Size 65
Douglas Superior			Single Tax Parcel	Multip	le lax Parcels	05 Acre
Section 2: Applicant Information / Firm / Person	tion ( <i>Voluntary Party</i> )		Title		10.5.045 20.00	
Fraser Shipyards Inc.			Project and Process	Technic	cal Specialis	t
Last Name	First			MI	Same charter en o mancer, se en la secera de la	ber (include area code
Smith	Sean			1		15) 394-4211
Address 100 Ogden Avenue					Fax Number	(include area code)
City	State	ZIP Code	Email			
Superior		54880	ssmith@noe	ngwks.c	com	
Section 3: Ownership Inform Applicant Relationship to Prope				-72112		
O Current Owner O Potentia	I/Future Purchaser	Previous O	wner 💿 Other: Fras	er is ow	ner of a por	tion of the Property
Section 4: Regulatory Identifi	ication <i>(include ID nu</i>	mbers if ki	nown)			The state of the state
DNR FID	. 8	16047210	USEPA ID			WID98863959
Environmental Repair (ERP)			Hazardous Substance	e Spill		-
Leaking Ungd. Storage Tank (Ll	JST)		Brownfield Env'l. Asm	nt. Pilot		
Solid Waste		Î	Municipal Negotiation	& Cost F	Recovery	
Hazardous Waste			Superfund Remedial	(NPL)		
Wastewater-surface water (WPI	DES)		Abandoned Container	rs		
Wastewater-groundwater (WPD	ES)		Superfund Site Evaluation	ation (CE	RCLA)	
DCOM PECFA Claim Number			Municipal Grants Prog	gram		1.000
DATCP Agricultural Contaminati	ion		Contaminated Sedime	ents		
Other:						
出生,后的后来,自己,而已到15	Lea	ve Blank -	DNR Use Only			
Date Received	and the second sec	eposit	Approval to Procee	bd	PMN	
		eceived	Denied (explain) (6			NO STREET
BRRTS Activity Number	BRRTS Activity Name		Withdrawn (explain)			
FID	Region	3. 1. 5.		., (0.0)		
		a obraviorna	Reviewed By			Date
Comments			Project Manager			

#### Voluntary Party Liability Exemption Application

Page 2 of 5

Form 4400-178 (R 11/14)

Organization / Firm / Person

Arcadis of Michigan LLC

28550 Cabot Dr #500

Organization / Firm / Person

Johnson, Killen & Seiler, P.A.

Last Name

Erickson

Address

City

Novi

Last Name

Address

City

Duluth

Service station

Manufacturing Agricultural co-op

Dry Cleaner

Salvage vard

Section 8: Solid Waste

○ Yes ● No Name:

○ Yes ○ No Describe system:

Bulk plant

Pipeline

Tannery

monitoring?

Wis. Stats.?

Christensen

Section 5 Environmental Consultant Representing Applicant Title Environmental Consultant First MI Phone Number (include area code) Michael (810) 225-1924 Fax Number (include area code) State ZIP Code Email 48377 Michael.Erickson@arcadis.com MI Section 6: Attorney Representing Applicant (if applicable) Title Phone Number (include area code) First MI J (218) 722-6331 Rov Fax Number (include area code) 800 Wells Fargo Center, 230 West Superior Street State ZIP Code Email MN 55802 rchristensen@duluthlaw.com Section 7: Past Land Uses and Known or Suspected Contamination Sources (check all that apply) Contaminated building Coal gas manufacturer Electroplater Industrial accident Landfill Lagoons Foundry sand Fly ash Underground pipeline or tank Unknown Surface spills Other Above ground pipeline or tank Routine industrial operations Does the property contain a solid waste site or facility as defined in s. 289.01(35), Wis. Stats.? License number: If 'Yes', does the site currently have an active or passive system in place for leachate, groundwater or gas treatment, collection or Section 9: Site Eligibility If any boxes are checked "Yes", the site is not eligible for VPLE, see instructions for more information. Does the property contain a solid waste facility or site that meets definition of an approved facility under 289.01(3), () Yes () No Does the property contain a hazardous waste treatment, storage or disposal facility that first began operation after () Yes () No the voluntary party acquired the property? Yes No Does the property contain a licensed hazardous waste treatment, storage or disposal facility operated on the property before the date on which the voluntary party acquired the property, and that is operated after the date on which the voluntary party acquired the property?

Does the property contain a hazardous waste disposal facility that has been issued a license under s. 144.441 (2),	🔿 Yes 💿 No
1995 Wis. Stats., or s. 289.41 (1m), Wis. Stats., or rules promulgated under those sections, for a period of long-term	
care following closure of the facility?	

Voluntary Party Liability Exemption Application Form 4400-178 (R 11/14) Page 3 of 5

Section 10: Regulatory Criteria Has contamination been detected at the property?	• Yes () No
If yes, has it been reported to the state?	
	•
Agent notified: WDNR (Current Contact: Joseph Graham)	Date 04/23/1993
Does it include petroleum from a leaking underground storage tank (LUST)?	🔿 Yes 💿 No
Are you using the Petroleum Environmental Cleanup Fund (PECFA) to pay for ar remedial actions?	ny portion of the OYes  No OUndecided
Is there a state or federal enforcement order currently in effect at this property?	🔿 Yes 💿 No
Section 11: Attachments and Certification	
All listed attachments are required for an application to be complete:	
a list of past environmental work	
a non-refundable check for \$250 application fee made payable to the Wisconsi	n DNR
🔀 a clear map showing location of property	
a detailed map that clearly indicates the property boundaries	
a copy of the property deed	
I certify that I have read and am familiar with the information on this application and to the best of my knowledge.	d that the information is true, accurate and complete
I hereby request assistance from DNR in reviewing the environmental response ac protection of limited liability, as provided in s. 292.15, Wis. Stats.	tions that have been or will be taken to obtain
I recognize that to obtain this limited liability exemption that the environmental resp applicable provisions of ch. NR 700, Wis. Adm. Code, and will require a Phase I ar the property. I recognize that I will be responsible for paying fees to DNR for assist 750, Wis. Adm. Code.	nd II environmental assessment to be conducted for
Applicant Name (Type or Print)	Title
Sean Smith	Project and Process Technical Specialist
Organization / Firm / Person	
Fraser Shipyards Inc.	

Signature Seam R. Smith

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Date Signed 12/18/18

#### **Voluntary Party Liability Exemption Application** Page 4 of 5

Form 4400-178 (R 11/14)

#### General Voluntary Party Liability Exemption Application Instructions

Use this application to apply for the Voluntary Party Liability Exemption (VPLE) under s. 292.15, Wis. Stats. In order to receive this liability exemption, applicants must conduct an environmental investigation of the entire property and any hazardous substances on the property must be cleaned up. Environmental work performed under the program is subject to department review and approval. Applicants will be responsible for paving fees to cover the cost of department review. The liability exemption is effective upon completion of the cleanup, if the voluntary party complies with all of the statutory requirements of ss. 292.15 and 292.11. Stats.

Type or clearly print your answers to all questions. Line-by-line instructions are provided on the next page. Submit the completed application and a \$250 application fee payable to the Department of Natural Resources. Submit a separate application and fee for each property being considered for an exemption. A property is defined as a contiguous area of land the entire legal description of which is found in one deed. If you are planning on investigating and remediating adjacent properties, you must submit one application and a \$250 fee for each legally defined piece of property. You may, however, submit technical reports for more than one property together, if the properties are part of the same project. If more than one party wants to apply for VPLE for the same property, submit one application form and fee for each party. If you are planning on changing the property boundaries, contact the Department to discuss how to submit applications for your project.

The publication, "Voluntary Party Remediation and Exemption from Liability" (RR-506) describes the VPLE process and associated fees. Please mail this completed application form with the \$250 application fee and supporting materials to the appropriate local DNR regional office (see map).

Contact a DNR Regional Brownfield Specialist with any questions about this form or a specific situation involving a contaminated property.

### **DNR NORTHERN REGION**

Attn: RR Program Assistant Department of Natural Resources 107 Sutliff Avenue Rhinelander WI 54501

### DNR NORTHEAST REGION

Attn: RR Program Assistant Department of Natural Resources 2984 Shawano Avenue Green Bay WI 54313

#### **DNR SOUTH CENTRAL REGION**

Attn: RR Program Assistant Department of Natural Resources 3911 Fish Hatchery Road Fitchburg WI 53711

#### **DNR SOUTHEAST REGION**

Attn: RR Program Assistant Department of Natural Resources 2300 North Martin Luther King Drive Milwaukee WI 53212

#### DNR WEST CENTRAL REGION

Attn: RR Program Assistant Department of Natural Resources 1300 W Clairemont Avenue Eau Claire WI 54702



Note: These are the Remediation and Redevelopment Program's designated regions. Other DNR program regional boundaries may be different.

Form 4400-178 (R 11/14)

#### VPLE Application Section-by-Section Instructions

Section 1: Property Information - Complete the information regarding the property for which you are seeking a liability exemption. The public land survey location (quarter guarter section location) coordinates of the property must be provided. Please submit a separate application for each property. A property is usually a single parcel of land with the entire legal description found on one deed.

Section 2: Applicant Information- Voluntary Party - Provide contact information about the applicant. The applicant is the person or organization seeking Department review and approval of the response actions that will be taken to receive the liability exemption. Once the application has been processed by the DNR, the applicant will be considered the Voluntary Party for this property. The Voluntary Party is responsible for payment of any fees to the DNR. Unless the DNR is notified to the contrary, all bills and correspondence as part of the VPLE process will be sent to the Voluntary Party. If more than one party is applying for the VPLE for the same property, each party must submit a separate application form and \$250 fee.

Section 7: Past Land Uses & Known or Suspected Contamination Sources - Indicate any activities or operations that took place on the property in the past, and any known or suspected sources of contamination at the property if known (check as many as apply). Include uses/sources not listed in the space provided.

Section 8: Solid Waste - Indicate whether or not there is a solid waste facility on the property such as a landfill or historic fill site. Sites with solid waste facilities may be eligible for VPLE as long as the site does not meet one of the factors listed in Section 10. In addition, some sites with solid waste facilities may not be eligible to complete the VPLE process due to technical issues associated with the environmental clean up at the site. Waste sites must be able to obtain a ch. NR 726, Wis. Adm. Code, site closure in order to receive the VPLE protections. It must do so without the reliance on any active remedial system to ensure compliance with environmental and public health standards, such as active treatment or collection systems relating to groundwater, leachate or gas. Indicate whether such a system is in place now, the existence of such a system will not exclude a site from beginning the VPLE process and such a site could obtain VPLE if the voluntary party can demonstrate that such a system is no longer necessary.

#### Section 9: Site Eligibility

While most contaminated properties can go through the VPLE process, properties with the following types of waste sites or facilities are NOT eligible for the VPLE:

- a solid waste facility or site that is an approved facility as defined in s. 289.01(3), Wis. Stats.;
- a hazardous waste treatment, storage or disposal facility that first began operation after the voluntary party acquired the property:
- a licensed hazardous waste treatment, storage or disposal facility operated on the property before the date on which the voluntary party acquired the property and that is operated after the date on which the voluntary party acquired the property; and
- any hazardous waste disposal facility that has been issued a license under s. 144.441 (2), 1995 Wis. Stats., or s. 289.41 (1m), Wis. Stats., or rules promulgated under those sections, for a period of long-term care following closure of the facility.

Check the lists and database on the following webpages to see if the property includes one of these ineligible solid or hazardous waste sites."

VPLE Webpage:	
http://dnr.wi.gov/topic/brownfields/vple.htm	

Solid and Hazardous Waste Information System (SHWIMS) http://dnr.wi.gov/sotw/Welcome.do

Section 10: Regulatory Criteria - If contamination is present or was present in the past, indicate whether it was reported to the state. Indicate which agency (e.g. DNR, emergency government) the contamination was reported to and when the report was made to that agency. Indicate if an enforcement order is currently in effect for the property or if one has been issued in the past, as well as the issuing agency (e.g. DNR, DATCP, DSPS) and the date of the order. Note that an order is a formal legal document that is distinct from a simple letter notifying a party of its legal responsibility to clean up a property.

Section 11: Attachments and Certification - All listed attachments are required for an application to be complete. Attach: 1) a list of all technical reports documenting past environmental work at the property including the date and title of the report and the consultant who prepared it; 2) the application fee in the form of a check or money order payable to the Department of Natural Resources for \$250; 3) a copy of a clearly identified public survey map for the property (e.g. the property shown on a portion of the relevant USGS topographic map; plat maps may be used for rural properties); 4) a detailed map that clearly indicates the property boundary of the property for which you are seeking the liability exemption (e.g. a certified survey map, subdivision plat map, or other type of map); and 5) a copy of the deed that includes a legal property description for the property for which you are seeking the liability exemption. The applicant/ Voluntary Party should read and sign the certification. If an agent signs, submit a description and evidence of the legal relationship between the agent and the applicant.





# **ATTACHMENT 1**

Supplemental Information for Voluntary Party Liability Exemption Application (Form 4400-178)

Supplemental Information for Voluntary Party Liability Exemption Application (Form 4400-178) Fraser Shipyards Inc. BRRTS Nos. 02-16-120591 and 02-16-562449

#### Section 1: Property Information

The following is a list of Douglas County Tax Parcel Numbers (and corresponding property owners) for all parcels that fall within the Howard's Bay Sediments Project boundary:

Property Owner	Parcel Number(s)
FSY R/E Group LLC	03-803-00928-00
	03-803-01014-00
	03-803-01018-00
	03-803-01093-00*
	03-803-01113-00*
	03-803-01468-00
	03-803-01483-00*
	03-803-02125-00*
	03-803-02126-00*
2	03-803-02126-01*
	03-803-02127-00
City of Superior	03-803-01482-00*
,,	04-804-00953-00
Redevelopment Authority	03-803-01013-00*
of the City of Superior	03-803-01022-00
	03-803-01060-00
	03-803-01231-00
State of Wisconsin	03-803-01073-01*
	03-803-01145-00*
	04-804-00954-00*
	04-804-00965-00*
Harvest States	04-804-00956-00*
Cooperatives	04-804-00961-00*
	04-804-00964-00*
Duluth/Superior	04-804-00959-00*
Concrete Services LLC	
Black River Mills Inc	04-804-00958-00*

\* = Only a very small portion of parcel located within Howard's Bay Sediments Project Boundary (see Figure 2) Supplemental Information for Voluntary Party Liability Exemption Application (Form 4400-178) Fraser Shipyards Inc.

BRRTS Nos. 02-16-120591 and 02-16-562449

#### Section 11: Attachments and Certification

The following is a list of past environmental work for the Howard's Bay Sediments Project:

- Arcadis. 2014. Howard's Bay Sediment Data Summary Report, Superior, WI. Prepared for the Great Lakes Legacy Act (GLLA) Howard's Bay Focused Feasibility Study and Remedial Design Project on behalf of the Howard's Bay Project Partners. August.
- 2) Arcadis. 2015. Focused Feasibility Study for Sediment Cleanup in Howard's Bay. July.
- 3) Breneman, D., C. Richards, and S. Lozano. 2000. *Environmental influences on benthic community* structure in a Great Lakes embayment. Journal of Great Lakes Research 26:287-304.
- Howard's Bay Project Partners. 2014. Scope of Work for the "Focused Feasibility Study and Remedial Design for Remediation of Howards Bay". Great Lakes Legacy Act Project, Superior, Wisconsin, St Louis River Area of Concern. January.
- MPCA. 1997. Results of the 1996 St. Louis River Area of Concern Regional Environmental Monitoring and Assessment Program. Ten-day toxicity test reports with Hyalella azteca and Chironomus tentans. Monitoring and Assessment Section, Minnesota Pollution Control Agency, St. Paul, MN.
- 6) PBS. 1997. Working Waterfront: A Harbor Portrait. PBS Copyright 1997, 72 minutes.
- U.S. Army Corps of Engineers. 2014. Howard's Bay, Superior, Wisconsin. Sediment Analysis Report. April.
- 8) USEPA. 1997a. Survey of Sediment Quality in the Duluth/Superior Harbor: 1993 Sample Results. EPA 905-R97-005. March.
- USEPA. 1997b. Sediment Assessment of Hotspot Areas in the Duluth/Superior Harbor. EPA 905-R97-020. December.
- 10) USEPA. 2008. Wisconsin Sampling Preliminary Data Assessment Draft.
- 11) WDNR. 2003a. Site inspection (SI), Fraser Shipyards/Howard's Pocket AOC 14, a.k.a. Howard's Pocket, Superior, Douglas County, U.S. EPA ID: WID988639597. Bureau of Remediation and Redevelopment, Wisconsin Department of Natural Resources, Madison, WI.
- 12) WDNR. 2014a. Field Report for September 9 13, 2013 Sediment Sampling in Howards Bay, St Louis River Area of Concern, Superior, Wisconsin. March.
- 13) WDNR. 2014b. Tributyltin and Mercury Contamination, Hughitt Slip, Superior, WI. Letter from WDNR to Richard Carlson, CHS Superior Grain Elevators terminal Manager. August 15. Weston. 2011. Sediment Assessment Report Howard's Bay St. Louis River AOC, Superior, Douglas County, Wisconsin. October.
- WDNR. 2014c. Report on August 18, 2014 Sediment Sampling in Howards Bay, St Louis River Area of Concern, Superior, Wisconsin. September.
- 15) WDNR. 2015a. Core logs, laboratory reports, and supporting figures summarizing the results of supplemental sediment sampling in Howard's Bay. Provided by WDNR.
- 16) WDNR. 2015b. Evaluation of Sources, Contaminants in Sediment of Howards Bay, City of Superior, Wisconsin. October.
- 17) WDNR. 2017. 2017 Howards Bay Sediment Sampling Field Sampling Plan/Quality Assurance Project Plan Amendment.
- Weston. 2011. Sediment Assessment Report Howard's Bay St. Louis River AOC, Superior, Douglas County, Wisconsin. October.
- 19) Weston. 2012. Sediment Assessment Report Howard's Bay St. Louis River AOC, Superior, Douglas County, Wisconsin Revision 1. July.

Additional sediment data has been collected by the United States Army Corps of Engineers (USACE) for pre-design purposes as part of the current remedial design project. This data is expected to be reported in the final remedial design documents.

Supplemental Information for Voluntary Party Liability Exemption Application (Form 4400-178) Fraser Shipyards Inc. BRRTS Nos. 02-16-120591 and 02-16-562449

The following is a list of future environmental work planned for the Howard's Bay Sediments Project:

The Howards Bay sediment project is currently in the final remedial design stage under the Great Lakes Legacy Act (GLLA) program. In parallel to completing the design, a GLLA application for remedial construction funding was submitted and received by USEPA Great Lakes National Program Office (GLNPO) in September 2016. That application, once accepted for award by GLNPO, is the means for USEPA to provide the federal share of the project and authorizes USEPA GLNPO to enter project agreement negotiations with the non-federal sponsors (Wisconsin Department of Natural Resources, the City of Superior and Fraser Shipyards), and then to bid the project.

A set of construction drawings and bid specifications will be available once the design activities are concluded, to allow a construction contract request for bids. Key items from the design are pertinent to this application – specifically in regard to the post-dredge sampling plan and decision tree for closure of dredge management units that will provide data on materials that remain in place along shoreline setback areas or within dredge areas after completion of construction activities, and controls related to these materials. These aspects of the project have been summarized below.

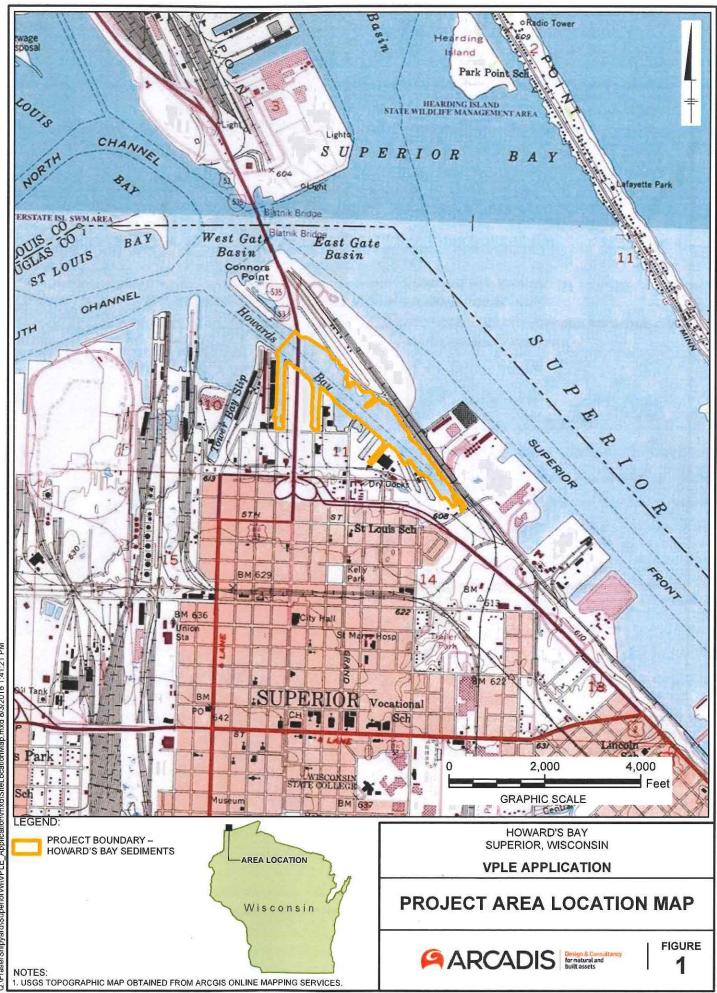
Confirmation samples will be collected from within each dredge management unit (DMU); analytical results will then be compared to the identified clean up goal (CUG) for each contaminant of concern (COC). If all samples are below the identified CUG for each COC, then no further action is required within the DMU. However, if CUGs are exceeded, then further evaluation will be conducted to determine appropriate re-dredge depths within the DMU, followed by placement of a sand cover for residuals management. Re-dredging is not be specified for the following scenarios, but a sand cover will also be placed in these areas for residuals management:

- Where COC concentrations in the top six inches of the confirmation core sample do not exceed three times the CUG;
- Where the segment exceeding the CUG is not within the top six inches of the confirmation core sample, and COC concentrations in the remaining contaminated segment are less than or equal to two times the CUG;
- Where the segment exceeding the CUG is located below at least 18 inches of clean material remaining in place.

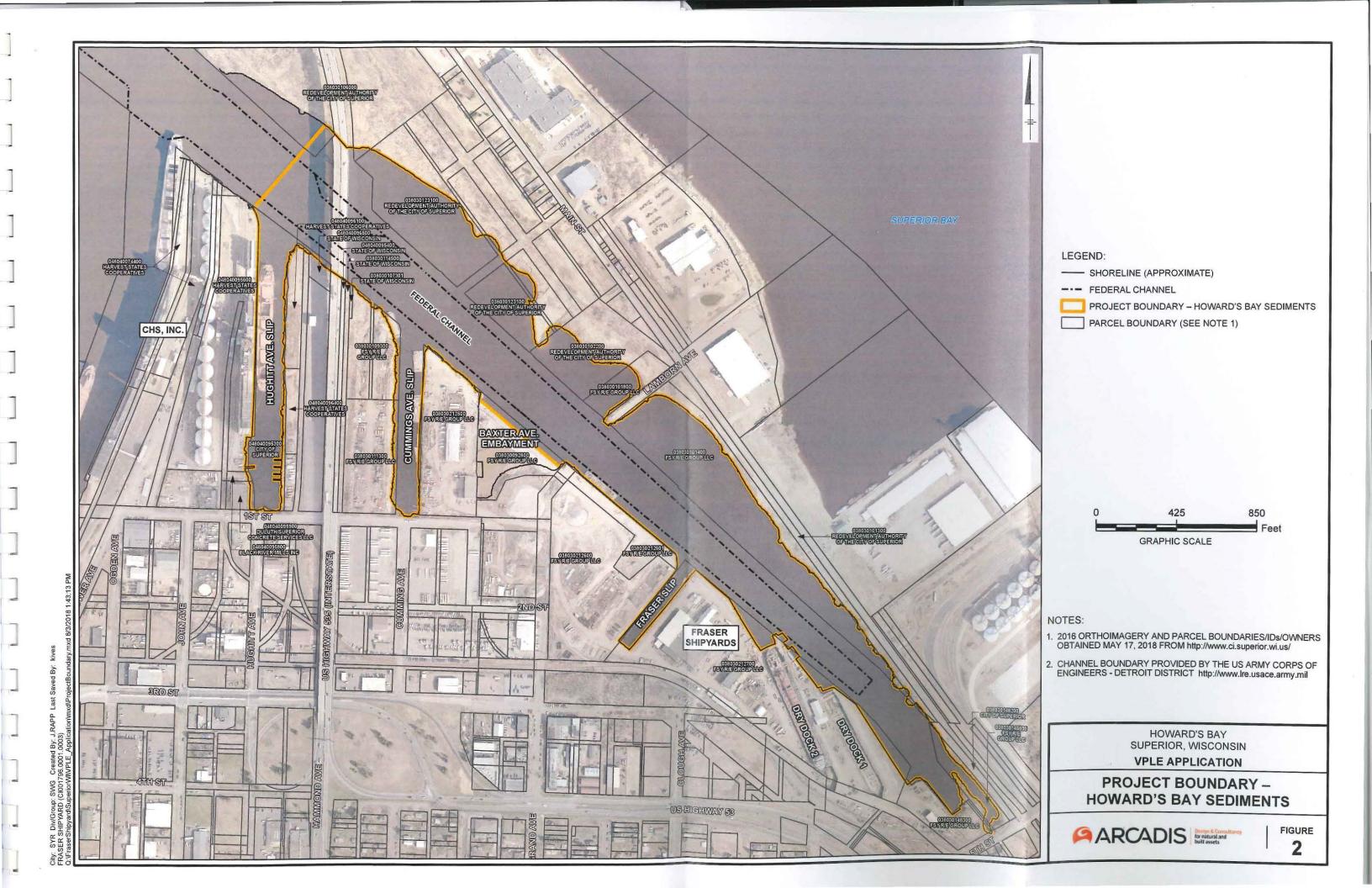


**ATTACHMENT 2** 

Figures



City: SYR Div/Group: SWG Created By: J.RAPP Last Saved By: kives FRASER SHIPYARD (CI001796.0001.0003) Q.IFraserShipyard/Superior/MIVPLE\_Application/mxd/SiteLocation/map.mxd 8/3/2018 1:41:21 PM





# **ATTACHMENT 3**

# Property Deeds

Document Number

#### STATE BAR OF WISCONSIN FORM 3 - 2000 **QUIT CLAIM DEED**

This Deed, made between Fraser Shipyards, Inc., a Wisconsin corporation, Fraser-Nelson Shipbuilding and Dry Dock Co., Inc., a Wisconsin corporation, Troy Johnson, Inc., a Wisconsin, corporation, Grantor, and FSY R/E Group, LLC, a Wisconsin limited liability company, Grantee.

Grantor quit claims to Grantee the following described real estate in Douglas County, State of Wisconsin (if more space is needed, please attach addendum):

See addendum attached hereto as Exhibit A.

#### DOCUMENT # 781183

#### Recorded FEB. 03,2005 AT 10:00AM KATHY F. HANSON DOUGLAS COUNTY RECORDER SUPERIOR, WI 54880-2769 Fee Amount: \$43.00 Transfer Fee: \$3730,80

43/ck

**Recording** Area

Name and Return Address Krista J. Ebbens, Esq. Reinhart Boerner Van Deuren, s.c. W233 N2080 Ridgeview Parkway Waukesha, WI 53188

See attached Exhibit B Parcel Identification Number (PIN) Long ITSF atfac This is not homestead property. (is) (is not)

, 2004 the above named

RJS

.)

Doc# 80000

Together with all appurtenant rights, title and interests.	
Dated this 8th day of December 2004.	41 K. 14 K.
Dated this <u>8</u> day of <u>Derander</u> 2004.	<i>1</i> 1
FRASER SHIPYARDS ING.	
- Jahr White	
* By-Tried, Jøhnson	*
Its: Excd VP	ŕ
*	*
AUTHENTICATION	ACKNOWLEDGMENT
Signature(s)	STATE OF WISCONSIN )
	D / ) ss.
	Douglas County.)
authenticated this day of,	
	Personally came before me this <u>8th</u> day of
	December , 2004 the above nam
	Todd Johnson as Exec. VP of Fraser Shipyards, Inc.
*	Inc.
TITLE: MEMBER STATE BAR OF WISCONSIN	
(If not,	to me known to be the person(s) who executed the foregoing
authorized by §706.06, Wis. Stats.)	instrument and acknowledged the same.
	IN THE THE REPORT IN THE TRANSPORTED AND ADDRESS THE ALCOTTAGE AND ADDRESS TO ADDRESS A
THIS INSTRUMENT WAS DRAFTED BY	Marcia A. Gever A A
Krista J. Ebbens, Esq. [1082068]	* Marcia, H. Heyer
1110m 0, 1000m, 100, 1002000	Notary Public, State of
	My Commission is permanent. (If not, state expiration date:
	my commission is permanent. (If not, state expiration date.

(Signatures may be authenticated or acknowledged. Both are not necessary.)

\* Names of persons signing in any capacity must be typed or printed below their signature.

STATE BAR OF WISCONSIN FORM No. 3 - 2000 QUIT CLAIM DEED

INFO-PRO (800)655-2021 www.infoproforms.com

My Commission Expires 5/4/2008

FRASER-NELSON SHIPBUILDING AND DRY DOCK CO., INC. By:Teat Johnson Its: Exec VP

State of Wisconsin

Jouglas County

Personally came before me this <u>8</u> day of <u>Dermber</u>, 2004, the above named Todd Johnson as Exec <u>VP</u> of Fraser-Nelson Shipbuilding and Dry Dock Co., Inc. to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Marcia A. Gever \* <u>Marcia A. Gever</u> \* <u>Marcia A. Gever</u> Notary Public, State of <u>UMCANIM</u> My Commission is permanent. (If not, state expiration date: My Commission Expires 5/4/2008 .)

)ss.

).

TROY JOHNSON. By: Todd Johnson Its: Exec . VP

State of Wisconsin ) )ss. Jaug As County )

Personally came before me this  $\underline{a}$  day of  $\underline{b}$  day of \underline{b} day of  $\underline{b}$  day of  $\underline{b}$  day of \underline{b} day of  $\underline{b}$  day of \underline{b} day of  $\underline{b}$  day of \underline{b} day of \underline{b} day of  $\underline{b}$  day of \underline{b} day of \underline{b} day of  $\underline{b}$  day of \underline{b} day of \underline{b} day of \underline{b} day of \underline{b} day of  $\underline{b}$  day of \underline{b} day of \underline

Marcia A. Geyer \* <u>Mouse A. Heyes</u> Notary Public, State of <u>Wesconius</u> My Commission is permanent. (If not, state expiration date: <u>My Commission Expires 5/4/2008</u>.) Grantor: Fraser Shipyards, Inc., Fraser-Nelson Shipbuilding and Dry Dock Co., Inc., and Troy Johnson, Inc.

Grantee: FSY R/E Group, LLC

#### QUIT CLAIM DEED

#### EXHIBIT A

#### **PROPERTY DESCRIPTIONS:**

1. A piece or parcel of land, being a part of "Lot A", Block 510, Sweetser Division, Superior, Wisconsin, described as follows, to-wit: Beginning at a point on the Northeasterly line of the right-of-way of the Lake Superior Terminal and Transfer Railway Company, which point is the Southwesterly corner of "Lot A"; thence running Northwesterly along said right-of-way line a distance of 129 feet; thence running Northeasterly, at an angle of 90°, with said right-of-way, 215 feet to the Southwesterly line of Howard's slip; thence Southeasterly, along said slip, 217 feet to the Southeasterly corner of said "Lot A", which point is also the Northeasterly corner of Lot numbered 16, of Block 510; thence Southwesterly 150 feet to the place of beginning; containing 665/1000 of an acre.

2. Lot A, Block 510, Sweetser Division, Superior, Wisconsin.

3. Lot 2, Block 510, West Superior, Sweetser Division, Douglas County, Wisconsin (City of Superior).

4. Parts of Lots 1, 2, 3, 4, 5 and 6 on Connor's Point in the City of Superior, Douglas County, Wisconsin, described according to the Plat of Connor's Point, dated and recorded May 13, 1856, in Book "A" of Plats, Page 236, in the office of the Register of Deeds, Douglas County, Wisconsin, to-wit: Beginning at the intersection of the Southeasterly line of Lamborn Avenue with the established Northeasterly dock line of "Howard's Pocket"; thence Northeasterly along said Southeasterly line of Lamborn Avenue, about 394.18 feet to a point distant 90 feet Southwesterly along said Avenue line from the Southwesterly line of Main Street; thence South 50°11' East a distance of 143.37 feet to the Northwesterly line of Lot 5; thence South 44°23' East 201.21 feet; thence South 37°16'30" East about 1833.67 feet to a point in said Northeasterly dock line of "Howard's Pocket" 105.6 feet from the Southerly line of Section 11, measured along said dock line; thence Northwesterly along said dock line about 2213.74 feet to the place of beginning.

5. Lots numbered 5 and 6, in Block numbered 511, in the Townsite of West Superior, Sweetser Division, according to the plat of said Townsite recorded in the office of the Register of Deeds in and for said County.

6. Lot 25, Cummings Slip Addition to West Superior, according to the recorded plat or plats thereof on file and of record in the Office of the Register of Deeds in and for said Douglas County, Wisconsin.

7. Lot numbered 16, in Block numbered 510, in the Townsite of West Superior, Sweetser Division, according to the plat of said Townsite, recorded in the office of the Register of Deeds in and for said County.

8. A tract of land being part of Government Lot 1, Section 11, Township 49, Range 14, bounded on the West by Cumming Slip, on the South by the Northerly line of First Street produced, on the East by the East line of Government Lot 1 produced, to the established dock line in Howard's Pocket, on the North by the said Dock line and Cumming Slip appurtenant thereto (7.108 acres).

9. Lot B, Peyton and Clough's Second Addition to West Superior.

10. That part of Lot 4, Block 511, Sweetser Division, which lies Northerly of a straight line which is parallel with the Northerly line of Bay Street and 107.25 feet Northerly from said North line of Bay Street, in the City of Superior, Douglas County, Wisconsin, according to the plat thereof on file or of record in the office of the Register of Deeds for Douglas County, Wisconsin.

11. Part of Lot 6, Connor's Point, lying Southwesterly of Main Street; commencing at an iron monument located at the intersection of the North line of Lamborn Avenue with the West line of Main Street in Lot 6; then Westerly along North line of Lamborn Avenue for a distance of 27.68 feet to an iron monument for place of beginning; then Northerly making an angle to the left of 73°28' for a distance of 146.24 feet to an iron monument located on the line between Lot 6 and 7, then Westerly along the boundary line between said Lot 6 and 7 to the established harbor line on Easterly side of Howard's Pocket; then Southerly along said harbor line to Northerly line of Lamborn Avenue; then Easterly along Northerly line of Lamborn Avenue to beginning. Except right-of-way, Connor's Point, City of Superior, according to the recorded plat or plats thereof on file and of record in the Office of the Register of Deeds in and for said Douglas County, Wisconsin.

12. Lots 1, 2 and 3, Block 511, Sweetser Division, Superior, Wisconsin.

13. Lot Ten (10) and Twenty-two (22) and Undivided 1/6 of Lots Sixteen (16) and Seventeen (17), Cummings Slip Addition to West Superior, Except Right-of-way (R/W), according to the recorded plat or plats thereof on file and of record in the Office of the Register of Deeds, in and for said Douglas County, Wisconsin.

14. That part of North 4th Street and Catlin Avenue in the City of Superior, Wisconsin, lying northeasterly of the right-of-way limits of the U.S. Highway 53.

15. All of First Street lying easterly of the east line of Baxter Avenue extended. Lamborn Avenue, between the north line of Second Street extended and the Government Harbor Line on Howard's Pocket;

16. An undivided 115/136 of Lots 14 and 15, Cummings Slip Addition to West Superior, Douglas County, Wisconsin.

17. An undivided one-half (1/2) interest in Lots Twenty (20) and Twenty-one (21), Subdivision of Lot One (1), CUMMINGS SLIP ADDITION TO WEST SUPERIOR:

#### AND,

Lots Twelve (12), Thirteen (13), and an undivided twenty-one one-hundred-thirty-sixths (21/136) interest in Lots Fourteen (14) and Fifteen (15), an undivided five-sixths (5/6) interest in Lots Sixteen (16) and Seventeen (17), and all of Lots Eighteen (18), Nineteen (19), Twenty-three (23) and Twenty-four (24), CUMMINGS SLIP ADDITION TO WEST SUPERIOR, EXCEPT right-of-way.

18. Lots 4, 5, 6 and 7, Block 159, all in West Superior, First Division, in the City of Superior, Douglas County, Wisconsin according to the plat thereof on file and of record in the office of the Register of Deeds in and for said Douglas County, Wisconsin.

19. Lots 3, 6, 7, 8, 11 and 12 in Block 510, Sweetser Division in the City of Superior, Douglas County, Wisconsin, according to the plat thereof on file and of record in the office of the Register of Deeds for said Douglas County.

20. Lot 10 in Block 510, Sweetser Division in the City of Superior, Douglas County, Wisconsin according to the plat thereof on file and of record in the office of the Register of Deeds for said Douglas County, Wisconsin.

21. Lot 1, 4, 5, 9, 13 and 14, Block 510 except part taken for Water Street and except right-of-way, Sweetser Division of West Superior, according to the recorded plat or plats thereof on file and of record in the Office of the Register of Deeds and for Douglas County, Wisconsin.

22. Lot 2 in Block 510, Sweetser Division in the City of Superior, Douglas County, Wisconsin, according to the plat thereof on file and of record in the office of the Register of Deeds for said Douglas County, Wisconsin.

23. Lot 2 to 9, inclusive, Lot 11, Cumming Slip Addition to West Superior, according to the recorded plat or plats thereof on file and of record in the office of the Register of Deeds in and for said Douglas County, Wisconsin.

24. Lots 24 to 38 and Fr. Lots 39 to 43, all inclusive in Subdivision of Lot 1 Cumming Slip Addition, according to the recorded plat or plats thereof on file and of record in the office of the Register of Deeds in and for said Douglas County, Wisconsin.

25. An undivided one-half (1/2) interest in Lot 20, Subdivision of Lot One (1), Cummings Slip Addition to West Superior.

26. An undivided one-half (1/2) interest in Lot 21, Subdivision of Lot One (1), Cummings Slip Addition to West Superior.

27. That part of Lot A lying South of South line of North First Street produced except part taken for Second Street and that part of Lot A lying North of North line of North First Street produced; Lots 1 to 15, inclusive, and Lot 16, except part taken for Second Street, Block 479, West Superior 20<sup>th</sup> Division.

28. All that part of Lot numbered 15, in Block numbered 510, in the Townsite of West Superior, Sweetser Division, according to the plats of said Townsite recorded in the office of the Register of Deeds in and for said County, described as follows: Commencing at the Southerly corner of said Lot 15, where the Southwesterly side of said lot strikes 5<sup>th</sup> Street for a place of beginning; thence running Northwest, along its Southwesterly side, the whole length of said lot; thence Northeast along the Northwesterly end of said lot, 65 feet; thence Southeasterly at right angles to said Northwesterly side of 5<sup>th</sup> Street; thence Southwesterly side thereof to the Northwesterly side of 5<sup>th</sup> Street; thence Southwesterly along the Northwesterly side of 5<sup>th</sup> Street for the Street for 5<sup>th</sup> Street; thence Southwesterly along the Northwesterly side of 5<sup>th</sup> Street; thence Southwesterly along the Northwesterly side of 5<sup>th</sup> Street for 5<sup>th</sup> Street; thence Southwesterly along the Northwesterly side of 5<sup>th</sup> Street; thence Southwesterly along the Northwesterly side of 5<sup>th</sup> Street for 5<sup>th</sup> Street; thence Southwesterly along the Northwesterly side of 5<sup>th</sup> Street for 5<sup>th</sup> Stre

29. All that part of Government Lots 1 and 2 in Section 11, Township 49 North, Range 14 West, Douglas County, Wisconsin, described as follows: Beginning at a point on the East line of Grand Avenue (formerly Lamborn Avenue), which point is also located on North right-of-way line of the Lake Superior Terminal & Transfer Railway Company as now established, and is 245 feet North of the center line of Third Street when measured along Easterly line of said Grand Avenue; thence East along said rightof-way line a distance of 290.54 feet to a point; thence Northeasterly at an angle to the left of 53°30' a distance of 687 feet more or less to a point on the U.S. Government harbor line as now established on the Southerly side of Howard's Pocket; thence is a Northwesterly direction along said harbor line to a point on the Easterly line of Grand Avenue; thence Southwesterly and South along said East line of Grand Avenue to the point of beginning.

30. All that part of Government Lot 2, Section 14, Township 49 North, Range 14 West, Douglas County, Wisconsin, described as follows: Beginning at the NW corner of said Lot 2, which point is also the N1/4 corner of said Section 14; thence Easterly along said North line of Government Lot 2 a distance of 236 feet more or less, to the U.S. Government harbor line as now established on the Southerly side of Howard's Pocket; thence Southwesterly at an angle to the right of 48°23' along South line of Howard's Slip a distance of 333 feet to a point; thence Southwesterly at an angle to the right of 61°3' a

distance of 212 feet more or less to a point on the North right-of-way line of the Lake Superior Terminal & Transfer Railway Company as now established; thence Northwesterly along said right-of-way line as now established to a point on the Westerly line of Government Lot 2; thence North along said Westerly line of Government Lot 2 to the point of beginning.

31. All that part of Government Lot 2 in Section 11, Township 49 North, Range 14 West, in Douglas County, Wisconsin, described as follows: Commencing at a point on the East line of Grand Avenue (formerly Lamborn Avenue), which point is also located on the North line of the right-of-way of the Lake Superior Terminal & Transfer Railway Company as now established, and is 245 feet North of the center line of Third Street when measured along the East line of Grand Avenue; thence Easterly along Northerly line of the right-of-way of the Lake Superior Terminal & Transfer Railway Company a distance of 290.54 feet to a point, which is the point of beginning of the parcel of land herein to be described; thence at an angle to the left of 53°30' a distance of 687 feet more or less to a point on the U.S. Government harbor line as now established on the Southerly side of Howard's Pocket; thence in a Southeasterly direction along said harbor line to a point on the Northerly line of Government Lot 2 of Section 14 of said Township 49 North, Range 14 West; thence Westerly along said Northerly line of Section 14 to a point on the Northerly line of the right-of-way of the Lake Superior Terminal & Transfer Railway Company as now established; thence Northwesterly and Westerly along said Northerly right-of-way line to the point of beginning.

32. Lot A in the Eleventh Division and Lot D in the Fifteenth Division of the Townsite of West Superior, according to the respective plats thereof on file and of record in the office of Register of Deeds in and for said County of Douglas, Wisconsin.

33. Together with all rights to and under that certain Department of Army Permit with an effective date of January 10, 1977 and an expiration date of January 3, 1980, a copy of which permit is attached to this deed.

Together with all riparian, littoral, terminal and wharfage rights, reversionary rights, and rights of re-entry, if any, of the grantor, upon the lands and waters adjoining any of the premises hereby conveyed, and all other rights, title and interest, if any, in and to such adjoining lands, including the right or use of occupancy which the grantor may now have in and to any lands occupied by streets, alleys or other public places adjoining its premises above described, or any such vacated streets, alleys or public places.

Grantor: Fraser Shipyards, Inc., Fraser-Nelson Shipbuilding and Dry Dock Co., Inc., and Troy Johnson, Inc.

Grantee: FSY R/E Group, LLC

#### QUIT CLAIM DEED

#### EXHIBIT B

#### PARCEL IDENTIFICATION NUMBER

1.	03-803-00927-00
2.	03-803-01014-00
3.	03-803-01018-00
4.	03-803-01088-00
5.	03-803-01090-00
6.	03-803-01093-00
7.	03-803-01113-00
8.	03-803-01121-00
9.	03-803-01123-00
10.	03-803-01124-00
11.	03-803-01125-00
12.	03-803-01126-00
13.	03-803-01128-00
14.	03-803-01132-00
15.	03-803-01133-00
16.	03-803-01135-00
17.	03-803-01136-00
18.	03-803-01137-00
19.	03-803-01138-00
20.	03-803-01139-00
21.	03-803-01141-00
22.	03-803-01142-00
23.	03-803-01143-00
24.	03-803-01144-00
25.	03-803-01399-00
26.	03-803-01468-00
27.	03-803-01483-00
28.	03-803-02125-00
29.	03-803-02126-00
30.	03-803-02127-00
31.	04-804-00918-00

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Name of Applicant	Applicant	Name of Applicant	Application No.	LS-197A	in an anno anno anno			781183
Effective Date	Date       10. January 1977         m Date (II spplicable)       3. January 1980         DEPARTMENT OF THE ARMY       .PERMIT         ne writes request dated       24. July 1975       for a sermit to:         ne writes in or affecting swigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuent to Section 406 of the Federal Water Follution Control Act IB State 316, pursuent to Section 406 of the Federal Water Follution Control Act IB State 316, pursuent to Section 406 of the Federal Water Follution Control Act IB State 316, pursuent to Section 406 of the Marine Follution Control Act IB State 316, pursuent to Section 406 of the Marine Follution Control Act IB State 316, pursuent to Section 406 of the Marine Follution Resorch and Boncturite Act of the Johnson to Section, Resorch and Boncturite Act of the Johnson Protection, Resorch and Boncturite Act of the Johnson the test of the section 416 and Section 406 of the Marine Follution Control Act IB State 316, pursues, The Section 406 of the Section 416 and Section 406 of the Section 406 and Section	Effective Date				And the second	4	
Expiration Date (It applicable)       3 January 1950         DEPARTMENT OF THE ARMY	DEPARTMENT OF THE ARMY .PERMIT a written request datedZ4 July 1375 for a permit to: m work in or affecting pars/gable waters of the United Status, upon the recommendation of the Chief of Engineers, pursuant to of the Rivers and Harbors Act of March 3, 1809 G33 U.S.C. 403): says dredged or fill material into maighble waters upon the issues of a permit from the Secretary of the Army acting rChief of Engineers pursuent to Section 406 of the Period Water Pollution Control Act IB6 Stat. 815, P.L. 92-500), port dredged material for the purpose of dumping it into seen waters upon the issues of a permit from the Secretary of chief of Engineers pursuent to Section 406 of the Period Water Pollution Control Act IB6 Stat. 815, P.L. 92-500). port dredged material for the purpose of dumping it into seen waters upon the issues of a permit there is the Secretary of tat. 1052; P.L. 92-502). Sitzpynride, Into- Stront and Clough Arestuce or, Misconstin 5AGtio	Expiration Date (If applicable)       3 January 1980         DEPARTMENT OF THE ARMY       .PERMIT         astarding to written respect dated       24 July 1975         () Perform work in or affecting awayable waters of the United State, upon the recommendation of the Chief of Engineers, pursuent to Section 40 to Marked State, Upon the issuence of a permit from the Secretary of the Army sailing to the Divers del House Act to Marked 5, 1898 132, 023 (43);         () Discharge dredged or fill material into newigable waters upon the issuence of a permit from the Secretary of the Army sailing to though the Chief of Engineers pursuent to Section 40 to Marked 5, 1898 132, 023 (43);         (						
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Selaring to written request dated	<pre>n written request dated</pre>	<pre>telering to written request dated</pre>						
y) Perform work in or sitening marginals wares of the United States, upon the recommendation of the Chief of Engineers, pure Section 10 of the Rivers and Karbors Act of March 3, 1899 (33 U.S.G. 403): yc) Discharge dradged material into navigable waiers upon the issuance of a permit from the Secretary of the Army as trough the Chief of Engineers purewant to Section 103 of the Marine Protection, Research and Sanctuartes Ac 72 (86 Stat. 1057; PL 92523): rasor: Slidpyurde, Inc. 1 ''I Stracot and Glough Aronuce uperior, Visconcin 5A600  (Here insert the full name and address of the permit ' contvarte 57,000 cubic yards of nu torsial a used as fill bohind the bulkheed and the cananing 20,030 cubic yards of material Will be 200 fivet in secs. 11 and 14, T. 49 N., 1 'A will secure of boy and drawnest stated barets which are nore definite identified and authorized herein shall be constant or wetter contrast of booglass of the permit (for the permit ince and the permit ince and the permit in the secsed in the secse of a supplication for a site in secs. 11 and 14, T. 49 N., 1 'A will be clouder 1975  a site in secs. 11 and 14, T. 49 N., 1 A will be proposed that in the area of a permit (con drawless sumber or other definites identified and authorized herein shall be constant. a under a conder definite identification marks): a number or other definites identified and authorized herein shall be constant. a solute in the torial and underst stated barets which are supported to intermed the permit of this permit (on drawless sumbers or other definites identified and authorized herein shall be constitute a violation of this permit for a specificity in the sect site in the section of this permit (on drawless sumbers or other definites identified and authorized herein shall be constitute a violation of the permit more specificity in the section of the permit of sub leaph or the fourier of the permit on the section by both compare.	mi work in or affering manipable waters of the United State, upon the recommendation of the Chief of Engineers, pursuant 10 of the Rivers and Hanbors Act of March 3, 1899 133 U.S.C. 403): arge dredged or fill material into manipable waters upon the issuance of a permit from the Secretary of the Army sciling chief of Engineers pursues to Section 406 of the Pederal Water Pollution Control Act IBS Stat. 816, FL 92-560). port dredged material for the purpuse of dumping it into been waters upon the issuance of a permit from the Secretary of sciling through the Chief of Engineers pursuent to Section 103 of the Marine Protection, Research and Sanctuaries Act of tat. 1032; PL 225321: Silipyurule, Luce. (Have Insert the full name and address of the permittee) Carcate and Clough Arapute try Misconcian 546:00. Attended by the Secretary of the Army try dock "5", Dry dock "A" trill be lather the full name and address of an application for a fill chart 160 for fr. 2. Secret (Marep Approx). The full science of an application for a fill try full science of material will a science water of the purpuse of material will try dock "5", Dry dock "A" trill be discharge of order at 2. Secret (Marep Approx). The full science of material will the full science of an application for a fill try of Douglas Stite." Try of Douglas Stite." Try of Douglas County at Superior. The full science 11 and 14, T. 49 N., the the plane and drawings studeed herein shall be constructed for an approximation be also be also be many diverse based as basing and the big conditions: Conditions: 1 29 October 1975 1 29 Oc	with reference of the second secon		54			f - ,	
We up the Chief of Engineers pursuant to Section 406 of the Federal Water Pollution Control Act IBS Stat. 315, P.L. 92-500), 	<pre>chiel of Engineers pursuant to Section 400 of the Pederal Water Pollution Control Act IB6 Stat. 816, P.L. 92-500), port dedged material for the purpose of dumping it into peens waters upon the issuance of a pamil from the Secretary of secting through the Chiel of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of tat. 1052;P.L. 92-532): Sliklpyurdic, Inc. Strenct and Glough Avanue by Misconscin 54660. United by the Secretary of the Army: (Vacto 57, 00%) cubic yards of nulcorial it dry fook "5". Dry dock "A" vfll be to x 140 foot r 2.7 fort duep. Apyroticit or the secret and pulcial for the pulpication for a fill permit, describe the structures. If any, proposed to be dedged material into markable waters of dedged on all matrial into markable waters of dedged on all matrial into markable waters of dedged on Strata, describe the structure or activity, and its introde on the full. In the case of an application for a fill permit, describe the structures. If any, proposed to be dentaries of dredged on all matrial into markable waters of dedged material into markable waters of dedged on all matrial into markable waters of dedged on startial, describe the structures. If any, proposed to be ing 20,0600 cubic yards will be disposed in "Itasch Disposed Side." (Here to be named the ocean, wiver, barbor, or water/ concerned.) (Here to be named the preset well-known locally- pretersby is town or charve and the distinct is mailes and that from some definite point in the same, station whether above or below or below or blow or blow or blow or the permit should be the mark or other definite identification marke): excitic identification market: matrial is dentified and authorized herein shall be consistent avide in this permit and the permit and the permit and the approximate in the same, station whether above or below or blow or the permit and the approximate in a councer of a sub- societar definite identification market): in the modification, supportion or revocation of</pre>	<pre>wough the Chief of Engineers pursuant to Section 406 of the Federal Water Pollution Control Act (86 Stat. 816, P.L. 92-500), </pre>	2) Perform work in or	sifecting navigable v	waters of the United Sta	tes, upon the recom		hief of Engineers, pursuent
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b. That all activities authorized herein shall, if they involve a discharge of deposit into navigable waters or ocean waters, be at all times consistant with applicable water quality atandards, effluent limitations and standards of performance, prohibitions, and preinsatment standards established pursuant to Sections 301, 302, 306 and 307 of the Federal Water Pollution Control Act of 1972 (P.L. 92-500; 86 Stat, 815), or pursuant to applicable State and local law,

e. That when the activity authorized herein involves a discharge or deposit of diredged or fill material into navigable waters, the authorized activity shall, it applicable water quality standards are revised or modified during the term of this permit, bo-modified, if necessary, to conform with such revised or modified weter quality standards within 6 months of the effoctive date of any revision or modification of water quality standards, or at directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the permittee agrees to make every reasonable effort to protecute the work outhorized herein in a manner so as to minimize any adverse impact of the work on fish, wildlife and natural environmental values:

. a. That the permittee agrees to prosecute the work authorized herein in a manner so as to minimize any degredation of water quality.

I, That the permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deamed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein. 1. 4

g. That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with the plans and drawing attached hareto.

h. That this permit does not convey any property rights, either in real enters or material, or any exclusive privileges; and that it does not authorize any injury to property or investor of rights or any infringement of Federal, State, or local laws or regulations, nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein,

L That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or Injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public Interest.

j. That this permit may be summarily suspended, in whole or in part, upon a finding by the District Engineer that immediate suspension of the activity authorized herein would be in the general public interest. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate (1) the extent of the suspension, (2) the reasons for this action, and (3) any corrective or preventative measures to be taken by the permittee which are deemed necessary by the District Engineer to abate imminent hazards to the neneral public Interest. The permittee shall take immediate action to comply with the provisions of this notice, Within ten days following receipt of this notice of suspension, the permittee may request a hearing in order to present information relevent to a decision as to whether his permit should be reinstated, modified or revoked. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a ressonable time after issuance of the suspension notice to the permittee if no hearing is requested, the permit will either be reinstated, modified or revoked.

k. That this permit may be either modified, suspended or revoked in whole or in part if the Secretary of the Army or his authorized representative, determines that there has been a violation of any of the terms or conditions of this permit or that such action would atherwise be in the public interest. Any such modification, suspension, or revocation shall become offective 30 days after receipt by the permittee of written notice of such action which shall specify the facts or conduct warranting same unless (1) within the 30-day period the permittee it able to satisfactorily demonstrate that (a) the alleged violation of the terms and the conditions of this permit did not, in fact, occur or, (b) the elleged violation was accidental, and the permittee has been operating in compliance with the terms and conditions of the permit and is able to provide ministactory assurances that future operations shall by in full compliance with the terms and conditions of this permit; or [2] within the sloresoid 30-day period, the permittee requests that a public hearing be held to present oral and written avidence concerning the proposed modification, suspension or revocation. The conduct of this hearing and the procedures sking a final decision either to modify, ruspend or rovoke this permit in whole or in part shall be pursuant to procedures prescribed

by the Chief of Engineers. The his permit application, if, subsequent to the issuance of this permit, such information and data prove to be latse, incomplete or securate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute propriets real proceedings.

suspansion, or revocation of this permit shall not be the besit for any claim for damages against the United

That the permittee shall notify the District Engineer at what time the activity authorized harein will be commenced, as far in , whose of the time of commencement as the District Engineer may specify, and of any suspension of work, if far a period of more than one week, resumption of work and its completion.

o. That If the activity authorized herein is not started on or bafore the provided and is not completed on or before the provided of the provide

p. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

q. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

r. That this permit does not authorize or approve the construction of perticular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Faderal Government.

s. That if and when the permittee desires to abandon-the extivity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition v hereof, he must restore the area to a condition satisfactory to the District Engineer.

t. That If the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and Interests in real property.

u. That there shall be no unreasonable Interference with navigation by the existence or use of the activity authorized herein.

v. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and condition of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by: conveyance of reality, the dead shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

The following Special Conditions will be applicable when appropriate:

STRUCTURES FOR SMALL BOATS: That permittee hereby recognizes the possibility that the structure permitted herein may be rubject to damage by wave wesh from passing vessels. The issuance of this permit does not relieve the permittee from taking sil proper stops to insure the integrity of the structure permitted herein and the salety of Loats moored thereto from damage by wave wash and the pormittee shell not hold the United States liable for any such damage.

DISCHARGE OF DREDGED MATERIAL INTO OCEAN WATERS: That the permittee shall place a copy of this permit in a complexous place in the variet to be used for the transportation and/or dumping of the dredged material as authorized herein.

ERECTION OF STRUCTURE IN OR OVER NAVIGABLE WATERS: That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration index complation of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Socretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

"MAINTENANCE DAEDQING: (1) That when the work sunbori we herein includes periodic resintenence dredging. It may be performed ... under this permit for \_\_\_\_\_years from the date of issuence of this permit (ten years unlas) ethernist indicated; and (2) that the permittive will edvice the District Engineer in writing at least two weeks before he intends to undertake any maintenance dredging.

1). Destal Conditions (flure list conditions relating specifically to the proposed structure or work supported by this permit):

a. Establish and carry out a program for inmediate removal of debris during construction in order to prevent the accumulation of unsightly, deleterious and/or potentially polluted materials in the waterday.

b. Excevere, dradge, or fill in the watercourse so no to minimize increases in suspended solids and turbidity which may degrade water quality and damage equatic life outside the immediate area of operation.

c. Investigate for watar supply intrice or other activities which may be affected by suspended coulds and terbidity increases caused by work in the vatercourse and give sufficient notice to the export of affected activities to allow proparation for any changes in water quality.

d. Complete construction of the bulkhead prior to the placement of fill paterial behind the bulkhead.

e. Assure that deposition of draiged or excavated materials on shore, and all curtimork operations on shore will be carried out in such a var that sediment runoif and soil erosion to the watercourse are controlled and minimized. Spoil materials from watercourse or onshore operations, including aludge deposits, will not be dusped into the watercourse. Areas for deposit of draiged materials will be provided with temporary diffes or bulkheads for separation and retention of settingile solids.

10 January 1977

DATE

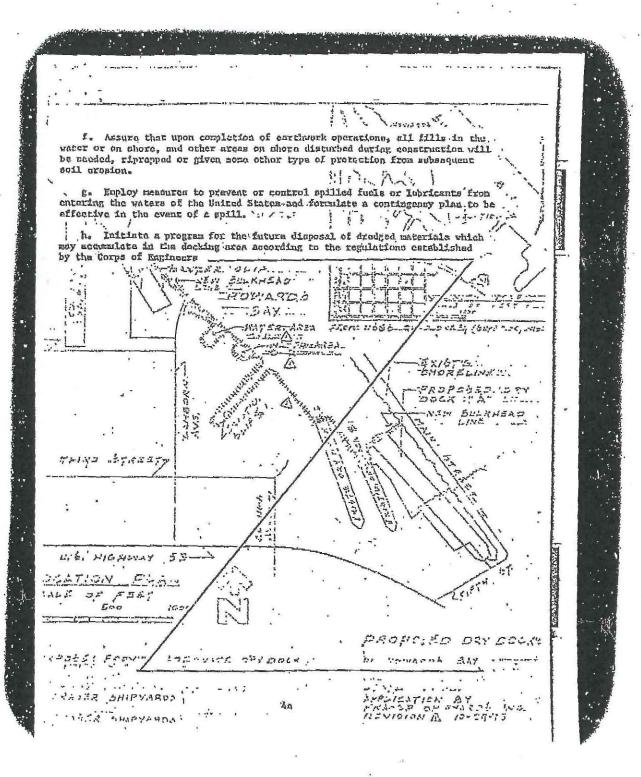
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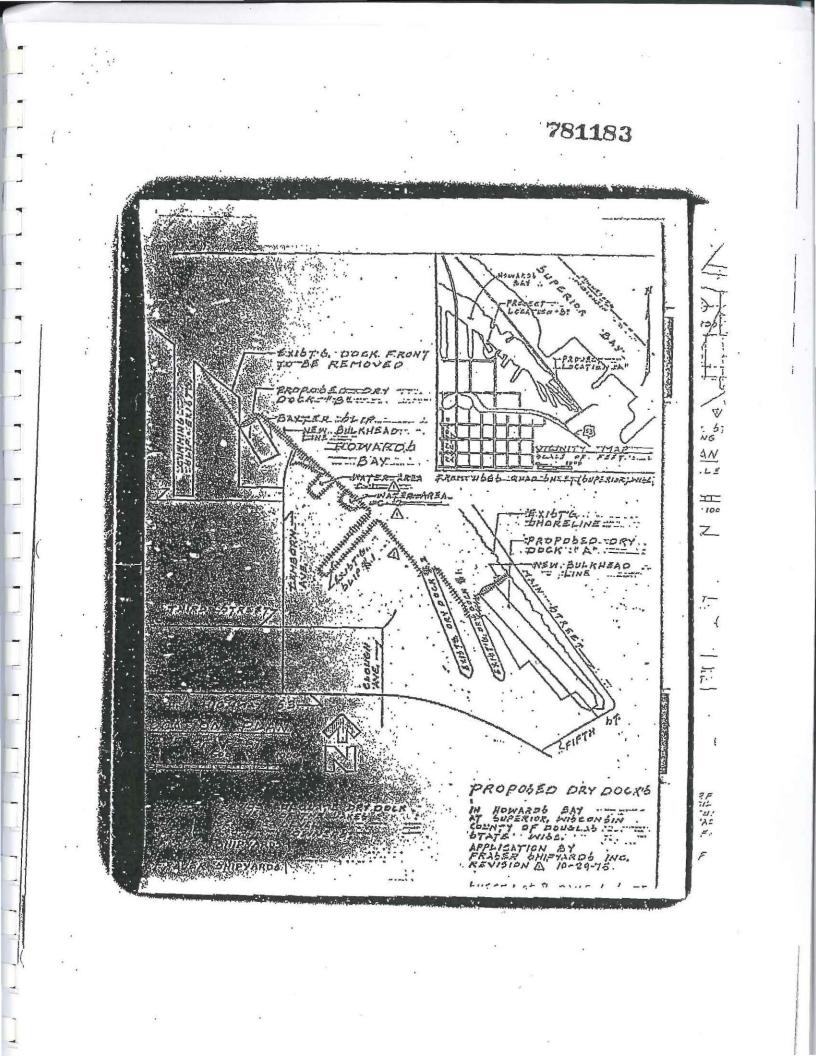
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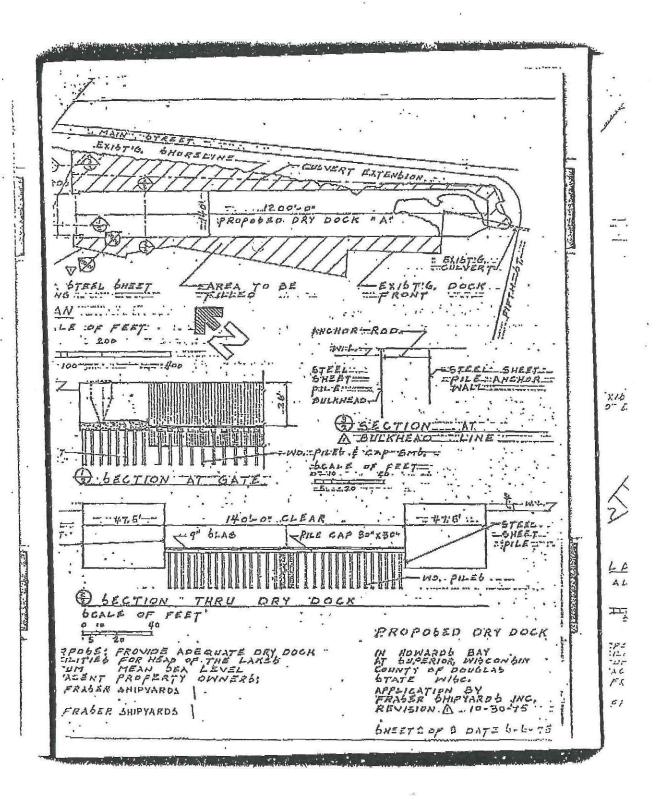
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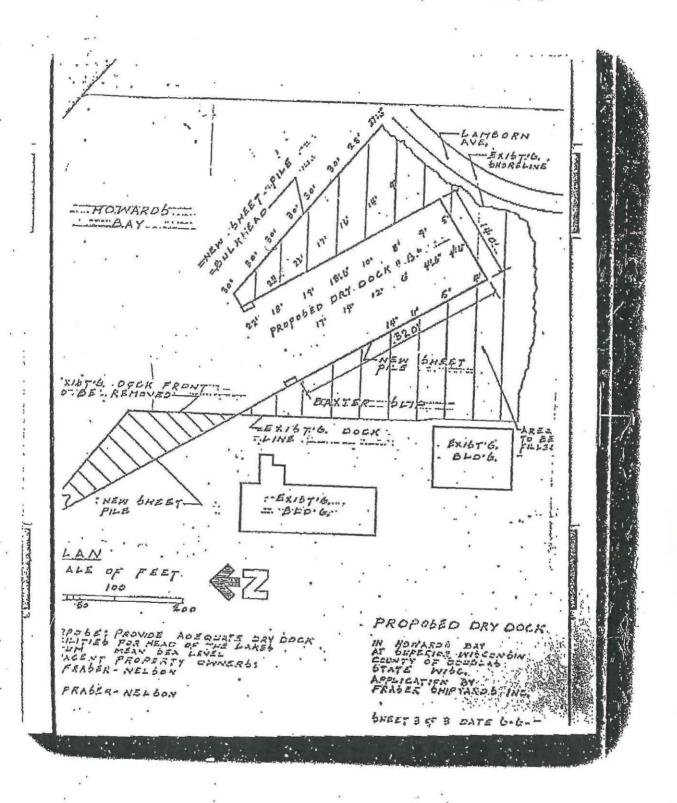
FETER A. FISCHER ABB'S CALCE, Engineer Digision Ing Distance Engineer, Digision US. ARMY, CORPS OF ENGINEERS

Transferra haveby agrees to comply with the terms and conditions of this permit.









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