

AFTER RECORDING RETURN TO:
Washington State Parks and Recreation Commission
Attn: Lands Program
PO Box 42650
Olympia, WA 98504-2650

LAND TITLE OF SKAGIT COUNTY
136299-50 + 129196-50



201006180131
Skagit County Auditor

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Notice of Conditions and Restrictions

DEED RESTRICTION

Grantors: STATE OF WASHINGTON, acting by and through the WASHINGTON STATE PARKS AND RECREATION COMMISSION and the SWINOMISH INDIAN TRIBAL COMMUNITY, a federally recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 476)

Grantee: United States Fish and Wildlife Service

Abbreviated

Legal Desc: GL2 in S20, T34N, R2E, AND GL 5, 6, 7, 8, and 9 in S21, T34N, R2E, W.M.

Tax Parcel #(s): P20603, P20604, P20573

The property described in Exhibit A and depicted as Parcel A in Exhibit B, being approximately 84 acres, acquired by Grantors through a deed recorded 6-18-10, 2010 under Auditor's File Number 201006180125, in Skagit County, Washington, will be managed in accordance with: (1) the Agreement Between Washington State Parks and Recreation Commission and Swinomish Indian Tribal Community Regarding the Acquisition of Kiket Island and the Development, Operation and Maintenance of a Public Park on Kiket Island, which is recorded with the Auditor of Skagit County, Washington, under date of June 18, 2010, under Auditor's File No. 201006180122, and which is by this reference fully incorporated herein and made a part hereof ("Kiket Island Agreement"); (2) the Kiket Island Co-Management Agreement, which is recorded with the Auditor of Skagit County, Washington, under date of June 18, 2010, under Auditor's File No. 201006180123, and which is by this reference fully incorporated herein and made a part hereof ("Co-Management Agreement"); and (3) the requirements set forth in 50 CFR § 84.48 as in force on the date of this Deed Restriction, in order to fulfill the terms and conditions set forth in the National Coastal Wetlands Grant administered by the United States Fish and Wildlife Service, Wildlife and Sport Fish Restoration Program (formerly Federal Aid), under Grant Number C-67-L-1 entitled Kiket Island, Deception Pass State Park Expansion (Grant).

IN ADDITION, the property described in Exhibit C, being approximately 30 acres of tidelands at Deception Pass State Park, approximately 7.5 acres of tidelands at Skagit Island and approximately 7 acres of uplands at Skagit Island, will be managed consistent with the terms and conditions of said Grant.

The purpose of this Deed Restriction is to fulfill the purposes of the National Coastal Wetlands Conservation Grant program administered by the Department of the Interior, acting by and through the United States Fish and Wildlife Service, under Title 16, Chapter 59A, Section 3954 of the United States Code, with respect to the property described in Exhibits A and C. Those purposes include the long-term conservation of interrelated land features comprising coastal wetland ecosystems, which are critical to coastal fish and wildlife and their habitats.

Grantors (with respect to the property described in Exhibit A) and Grantor Washington State Parks and Recreation Commission (with respect to the property described in Exhibit C) are responsible for exercising sufficient control over the property to ensure that it is used and will continue to be used for the approved purposes for which it was acquired. Pursuant to 50 CFR 80.14: (1) if Grantors (with respect to the property described in Exhibit A) or Grantor Washington State Parks and Recreation Commission (with respect to the property described in Exhibit C) lose management control of the property, such control must be fully restored to Grantors or the property must be replaced, within three years, with a like Restriction or other interest in land of equal value at current market prices and equal benefits; (2) if the property is used for activities which interfere with accomplishment of approved purposes, the violating activities must cease and any resulting adverse effects must be remedied; and (3) if the property is no longer needed or useful for its original purpose, and with prior approval of the Regional Director of the Fish and Wildlife Service, the property must be used or disposed of as provided by 43 CFR 12.71.

The burden of this Deed Restriction shall run with the property described in Exhibits A and C in perpetuity, and shall be enforceable against the Grantors and the Grantors' successors and assigns holding any interest in the property. This Restriction may only be released, in whole or in part, by the Grantee pursuant to the provisions contained in the Uniform Administrative Requirements for Grants and Cooperative Agreements to the State and Local Governments (43 CFR Part 12, Subpart C, 12.71 – Real Property), which requires the Department of Conservation and Recreation to request disposition instructions from the Department of the Interior, U.S. Fish and Wildlife Service.



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Grantors hereby confirm their obligations and responsibilities to this DEED RESTRICTION and to the Kiket Island Agreement, the Co-Management Agreement and the requirements set forth in 50 CFR § 84.48 as in force on the date of this Deed Restriction with regard to the Property described in Exhibit A. Grantor Washington State Parks and Recreation Commission further confirms its obligations and responsibilities to this DEED RESTRICTION and the Grant with regard to the Property described in Exhibit C.

GRANTOR:

STATE OF WASHINGTON, acting by and through the
WASHINGTON STATE PARKS AND RECREATION COMMISSION

By: [Signature]

Name: LARRY FAIRLEIGH

Title: PARKS DEVELOPMENT DIRECTOR

Dated this 16th day of June, 20 10

SWINOMISH INDIAN TRIBAL COMMUNITY

By: [Signature]

Name: Dianne Edwards

Title: Treasurer - Swinomish Senate

Dated this 16th day of June, 20 10



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STATE OF WASHINGTON)
) ss
COUNTY OF Skagit)

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

A. J. E. GUSTROM
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
JANUARY 9, 2014

Alicia Engle

Notary Public in and for the State of

Washington, residing at Mount Vernon

My appointment expires 1/9/14.



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EXHIBIT A
Legal Description

PARCEL "A"

GOVERNMENT LOT 2 IN SECTION 20, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M.

ALSO, GOVERNMENT LOTS 5, 6, 7, 8 AND 9 IN SECTION 21, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER THE SOUTH 60 FEET OF GOVERNMENT LOT 2, SECTION 21, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M.

EXCEPT THE NORTH 1 ACRE OF THAT PORTION OF GOVERNMENT LOT 7 IN SECTION 21, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF ORDINARY HIGH WATER WITH THE EAST LINE OF SAID GOVERNMENT LOT 7;
THENCE NORTH ALONG SAID EAST LINE, 307.70 FEET;
THENCE WEST AT RIGHT ANGLES TO SAID EAST LINE, 183.36 FEET TO A POINT ON A LINE PARALLEL WITH THE EAST LINE OF SAID GOVERNMENT LOT 7;
THENCE SOUTH ALONG SAID PARALLEL LINE TO THE SOUTHERLY LINE OF ORDINARY HIGH WATER.

EXCEPT THE NORTH 1 ACRE OF THAT PORTION OF GOVERNMENT LOT 7 IN SECTION 21, TOWNSHIP 34 NORTH, RANGE 2 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF ORDINARY HIGH WATER WITH THE WEST LINE OF THE EAST 183.36 FEET OF SAID GOVERNMENT LOT 7;
THENCE NORTH ALONG SAID WEST LINE, 394.59 FEET;
THENCE WEST AT RIGHT ANGLES TO THE EAST LINE OF SAID GOVERNMENT LOT 7, 210.31 FEET TO A POINT ON A LINE PARALLEL WITH SAID EAST LINE;
THENCE SOUTH ALONG SAID PARALLEL LINE TO THE SOUTHERLY LINE OF ORDINARY HIGH WATER.

SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON.

Notwithstanding anything in the foregoing legal description to the contrary, Parcel "A" does not include Tidelands. The term "Tidelands" means all lands adjacent to or surrounded in whole or



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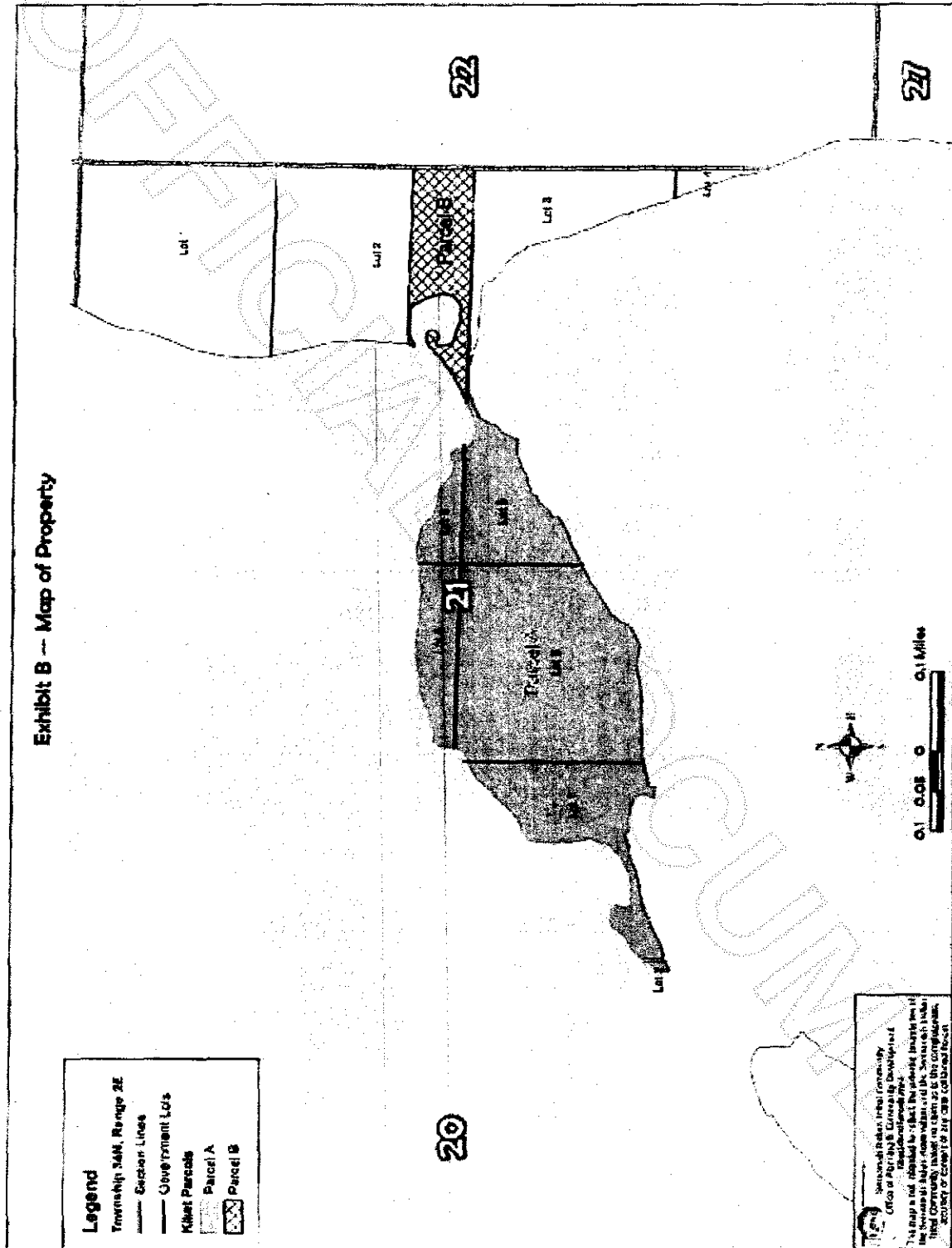
in part by Parcel "A" that are or were continually or intermittently submerged beneath waters subject to the ebb and flow of the tides and that lie between the line of mean high tide and the line of extreme low water. For purposes of this definition of "Tidelands," the line of mean high tide is determined by taking the mean of all high tides, including spring tides and neap tides, over a complete tidal cycle of 18.6 years and is ambulatory, changing location in response to erosion and accretion as well as changes in tidal elevations. However, except as otherwise provided by applicable law, if the line of mean high tide is seaward of where it would be in the absence of a human-made assemblage of materials or other human-made alteration, then the landward boundary of the Tidelands is where the line of mean high tide would be in the absence of such assemblage or alteration.



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EXHIBIT B Map of Property



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EXHIBIT C
Legal Description

DECEPTION PASS TIDELANDS (North Beach Tidelands)
All the tidelands of the second class owned by the State of Washington, situate in front of, adjacent to or abutting upon that portion of Government Lot 2 lying west of the Deception Pass Bridge, Government Lots 3 and 4 in Section 26 AND that portion of Government Lot 1 in Section 27 being a distance of approximately 1,500 feet west from the eastern line of Section 27, all in Township 34 North, Range 1 East, W.M.

Situate in Skagit County, Washington

SKAGIT ISLAND
Government Lot 3 in Section 20 AND Government Lot 1 in Section 29, all in Township 34 North, Range 2 East, W.M.

TOGETHER WITH All the tidelands of the second class owned by the State of Washington, situate in front of, adjacent to or abutting upon Government Lot 3 in Section 20 AND Government Lot 1 in Section 29, all in Township 34 North, Range 2 East, W.M.

Situate in Skagit County, Washington



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