

UNITED STATES OF AMERICA -- Exhibits before the Court

Date

| Exhibit # | Description | Admitted |
|-------------------------|---|---------------------------------------|
| USA-1 | 5 page document known as Hisata and Cummins report, compiled in Nov. 1972 (Millenbach deposition exhibit 1) | 1973 Not Admitted 5/3/94 (89-3) |
| USA-2 thru USA-11 | 2 to 4 page documents consisting of summaries of Washington steelhead catch during years 1962 through 1971 | 1973 |
| USA-12 | 50 page document consisting of Game Dept's "Winter Steelhead Planting and Return Record" | 1973 |
| USA-13 | 21 page document entitled "Preliminary Report on the Western Washington Indian Steelhead Fishery Investigations, 1971 - 1972" | 1973 |
| USA-14 | 56 page document entitled "Puget Sound Indian Tribes Cooperative Meetings Report," Oct. 1971 | 1973 |
| USA-15 | 1 page document of Game Dept. data regarding steelhead plants and catch in White River from 1940 - 1969 | 1973 |
| USA-16 | 1 page document of Game Dept. data regarding steelhead plants and catch in Puyallup River from 1947 - 1970 | 1973 |
| USA-17 | 4 page document of Game Dept. data regarding planing records for Carbon River, White River, S. Prairie portion of Puyallup River, and Puyallup River from 1946 - 1972 | 1973 |
| USA-18 | 11 page document of Game Dept. winter-run steelhead plants for Puyallup River and other rivers from 1962 - 1972 | 1973 |

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| USA-19 | 1956 annual report of International Pacific Salmon Fisheries Commission (29 pp) | 1973 |
| USA-20 | Summary Anthropological Report - - Barbara Lane, Ph.D. | 1973 Not Admitted 5/3/94 (89- 3) |
| USA-21 | Makah Economy circa 1855 and the Makah Treaty -- A Cultural Analysis, Barbara Lane, Ph.D. | 1973 Not Admitted 5/3/94 (89- 3) |
| USA-22 | Anthropological Report on the Identity, Treaty Status and Fisheries of the Quileute and Hoh Indians, Barbara Lane, Ph.D. | 1973 Not Admitted 5/3/94 (89- 3) |
| USA-23 | Anthropological Report on the Identity, Treaty Status and Fisheries of the Skokomish Tribe of Indians, Barbara Lane, Ph.D. | 1973 Not Admitted 5/3/94 (89- 3) |
| USA-24 | Anthropological Report on the Identity, Treaty Status and Fisheries of the Squaxin Tribe of Indians, Barbara Lane, Ph.D. | 1973 Not Admitted 5/3/94 (89- 3) |
| USA-25 | Anthropological Report on the Identity, Treaty Status and Fisheries of the Nisqually Tribe of Indians, Barbara Lane, Ph.D. | 1973 Not Admitted 5/3/94 (89- 3) |
| USA-26 | Anthropological Report on the Identity, Treaty Status and Fisheries of the Puyallup Tribe of Indians, Barbara Lane, Ph.D. | 1973 Not Admitted 5/3/94 (89- 3) |
| USA-27a | Anthropological Report on the Identity and Treaty Status of the Muckleshoot Indians, Barbara Lane, Ph.D. | 1973 Not Admitted 5/3/94 (89- 3) |
| USA-27b | Anthropological Report on the Traditional Fisheries of the Muckleshoot Indians, Barbara Lane, Ph.D. | 1973 Not Admitted 5/3/94 (89- 3) |

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| USA-28 | Anthropological Report on the Identity, Treaty Status and Fisheries of the Stillaguamish Indians, Barbara Lane, Ph.D. | 1973 Not Admitted 5/3/94 (89-3) |
| USA-29 | Anthropological Report on the Identity, Treaty Status and Fisheries of the Sauk-Suiattle Tribe of Indians, Barbara Lane, Ph.D. | 1973 Not Admitted 5/3/94 (89-3) |
| USA-30 | Anthropological Report on the Identity, Treaty Status and Fisheries of the Lummi Tribe of Indians, Barbara Lane, Ph.D. | 1973 Not Admitted 5/3/94 (89-3) |
| USA-31 (a-e) | Letters and portions of 1942 Swindell Report | 9/14/73 Not Admitted 5/4/94 (89-3) |
| USA-32 | 53 page document of portions of Game Dept. Manual | 1973 |
| USA-33 | 14 page document entitled "Natural Rearing Pond Production of Steelhead Trout" by Clifford Millenbach | 1973 |
| USA-34 | 25 page document entitled "Studies on the Life History of the Puget Sound Steelhead (Salmo gairdnerii)", publ. 1940 -- Pautzke and Miggs. | 1973 |
| USA-35 | Relevant background description of Dr. Barbara Lane -- Affidavit | 1973 Not Admitted 5/3/94 (89-3) |
| USA-36 | Direct testimony of James L. Heckman (objections noted) | 1973 |
| USA-37 | Designated deposition of R. W. Josephson | 1973 |
| USA-38 | Designated deposition of Walter E. Neubrech | 1973 |

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| USA-39 | 1971 Edition of Game Code of the State of Washington | 1973 |
| USA-40 | Document entitled "Some Factors Affecting Steelhead Harvest Rates in the State of Washington," by Duane O. Braaten, 8/26/1970 | 1973 |
| USA-41 (a) | (a) Findings of Fact and Opinions of the Indian Claims Commission in Dkt. #98 (Muckleshoot Tribe); (b) Court of Claims' Order on Appeal therefrom | 1973 |
| USA-42 | 4 page document of written testimony of Director of Game Dept. to Joint Committee on Natural Resources of Washington State Legislature. (defendants object on grounds of relevancy only) | 8/28/73 |
| USA-43 | U. S. Dept. of Interior, Bureau of Indian Affairs, Governing Bodies of Federally Recognized Indian Group (excluding Alaska), May, 1973 | 1973 |
| USA-44 | U. S. Dept. of Interior, Bureau of Indian Affairs, "American Indians and Their Federal Relationship," March 1972 | 1973 |
| USA-45 | Address of Benjamin F. Shaw, Vol. V, proceedings of the Oregon Historical Society, 1903 | 9/14/73 |
| USA-46a | Letter of 5/5/1952 to Raymond H. Bitney from Edward G. Swindell | 1973 |
| USA-46b | Letter of 9/5/1962 to Mr. M. Schwartz from Walter Neubrech | 1973 |
| USA-46c | 25 C. F. R. Part 256 | 1973 |

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| USA-46d | Bureau of Indian Affairs Application Form for Indian Off- Reservation Treaty Fishing Identification Card | 1973 |
| USA-46e | Temporary (pink) Treaty Fishing Identification Card (sample) | 1973 |
| USA-46f | Permanent (blue) Treaty Fishing Identification Card (sample) | 1973 |
| USA-46g | Letter of 9/6/1967 to Bertha McJoe from George Felshaw | 1973 |
| USA-47 | Record of Off-Reservation Treaty Identification Cards Issued -- Muckleshoot Tribe | 1973 |

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| USA-48 | Notice from Portland Area Office, Bureau of Indian Affairs, to Washington Dept. of Game, date 9/21/1967, with distribution list | 1973 |
| USA-49 | "The Persistence of Inter-village Ties Among the Coast Salish," Wayne Suttles | 1973 Not Admitted 5/3/94 (89-3) |
| USA-50 | Volume 1, "As Told By the Pioneers," 1937, pp. 166 - 184 | 1973 Not Admitted 5/3/94 (89-3) |
| USA-51 | "Cultural and Natural Areas of Native North America," A. L. Kroeber, 1939, pp. _____ | 1973 |
| USA-52 | Written direct testimony of Dr. Barbara Lane | 9/5/1973 Not Admitted 5/3/94 (89-3) |
| USA-53 | Anthropological Report on the Identity, Treaty Status and Fisheries of the Quinault Tribe of Indians, Barbara Lane, Ph.D. | 9/5/1973 Not Admitted 5/3/94 (89-3) |
| USA-54 | Written direct testimony of David Paul Weston | 9/4/1973 |
| USA-55 | Letter of 2/14/1973 from B.I.A. Acting Area Director on the Committees on Natural Resources re: H. B. 140 and S. B. 2141 | 9/4/1973 |
| USA-56 | 1965 Official Roll of the Muckleshoot Indian Tribe | 9/4/1973 |
| USA-57 | 1969 Official Roll of the Muckleshoot Indian Tribe with 11/27/1970 Supplemental Roll. | 9/4/1973 |
| USA-58 | Reconnaissance of Part of Skagit River, July 1858, by George Gibbs, Map 9, Series 69, Rec. | 9/4/1973 |

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| | Gp. 76 OVERSIZE | |
| USA-59 | Map of Lummi Island to San Juan Island, Map 21, Series 72, Rec. Gp. 76 OVERSIZE | 9/5/1973 |
| USA-60 | Rough unsigned, undated sketch from map, Series 69, Rec. Gp. 76 from map collection compiled between _____ to _____ OVERSIZE | 9/5/73 |
| USA-61 | Bellingham, Padilla Bay, and vicinity, rough, unsigned, undated sketch from a map collection compiled between _____ to _____, Series 72, Rec. Gp. 76 OVERSIZE | 9/5/73 |
| USA-62 | Haro and Rosario Straits, 1853, Map 5, Series 72, Rec. Gp. 76, U. S. Coast Survey OVERSIZE | 9/5/73 |
| USA-63 | Bellingham and San Juan Islands and vicinity, rough sketch map, 1859 OVERSIZE | 9/5/73 |
| USA-64 | Canal De Haro and Entrance of Rosario Strait, 1853, U. S. Coast Survey, Map 4, Series 72, Rec. Gp. 76 OVERSIZE | 9/5/73 |
| USA-65 | "Business Broadsize of 1853," "To Merchants, Ship-Owners, and Shipmasters, in all Parts of the World," by William Webster, Pt. Townsend, Washington Territory | 9/5/73 5/3/94 (89-3) |
| USA-66 | Letter to Grinell and Co. Whale Fisheries, Pacific Coast, 1/8/1854, from Isaac I. Stevens | 9/5/73 5/3/94 (89-3) |
| USA-67 | <u>History of Seattle, Vol. I,</u> Clarence V. Bagley, Chicago and Seattle, S. J. Clarke Publ. Co., 1916, p. 398 | 9/5/73 Not Admitted 5/3/94 (89-3) |

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| USA-68 | Direct testimony of Lena Cultee Hillaire | 9/11/73 5/4/94 (89-3) |
| USA-69 | Direct testimony of William Frank, Sr. | 9/10/73 5/4/94 (89-3) |
| USA-70 | Direct testimony of William Frank, Jr., p. 1 - 7 | 9/10/73 W/D 5/4/94 (89-3) |
| USA-71 | Affidavit of David Paul Weston with Upper Skagit Constitution and Bylaws, and letter of approval by delegatee of Secy. of the Interior | 4/9/75 |
| USA-72a | Anthropological report on the Indian Herring Fishery, Barbara Lane, Ph.D. | 4/9/75 Not Admitted 5/3/94 (89-3) |
| USA-72b | Excerpt from letter by J. P. Hammond dated 6/11/1886 | 4/9/75 5/3/94 (89-3) |
| USA-72c | 1893 Bulletin of U. S. Fish Commission re: methods of securing herring at Pt. Townsend | 4/9/75 |
| USA-72d | Excerpt from Suckly, Report, Chapter II, Fishes Exclusive of the Salmonidae | 4/9/75 |
| USA-72e | Supplement to Barbara Lane report on non-anadromous fish -- herring | 4/9/75 Not Admitted 5/3/94 (89-3) |
| USA-73 | Anthropological report on Suquamish Tribe -- Barbara Lane, Ph.D. | 4/9/75 Not Admitted 5/3/94 (89-3) |
| USA-74 | Anthropological report on Swinomish Indian Tribal Community, Barbara Lane, Ph.D. | 4/10/75 Not Admitted 5/3/94 (89-3) |

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| USA-75 | Anthropological report on Samish Indian tribe, Barbara Lane, Ph.D. | 4/10/75 Not Admitted 5/3/94 (89-3) |
| USA-76 | Summary of 1974 salmon catch prepared by N. W. Fisheries Program | 11/20/74 |
| USA-77 | Package of State Dept. correspondence: Canadian letter of 1/10/1975; Sullivan letter to Moos of 4/11/1975; IPSFC letter of 2/24/1975 to Dept. of State | 6/26/75 |
| USA-78 | Affidavit of George Dysart and Washington Dept. of Fisheries 1975 implementing regulations | 6/26/75 |
| USA-79 | Sockeye Convention of 1930 | 6/26/75 |

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| USA-80 | Pink Salmon Protocol of 1956 | 6/26/75 |
| USA-81 | IPSF 1975 Recommendations for Canadian Regulations | 6/26/75 |
| USA-82a | Map of commercial fishery waters embraced in sockeye salmon fisheries convention | 6/26/75 |
| USA-82b | Statistical map showing areas of catch for British Columbia waters | 6/26/75 |
| USA-83 | 1973 Annual Report -- IPSFC | 6/26/75 |
| USA-84 | Affidavit of William L. Smith on Indian fishing fleet | 6/26/75 |
| USA-85 | Number of units of U. S. gear landing pink and sockeye salmon | 6/26/75 |
| USA-86 | U. S. Sockeye and Pink Salmon catches in IPSFC regulated areas | 6/26/75 |
| USA-87a | U. S. catch of sockeye 1970 - 74 | 6/26/75 |
| USA-87b | U. S. catch of pinks 1970 - 74 | 6/26/75 |
| USA-87c | U. S. catch of chum 1970 - 74 | 6/26/75 |
| USA-87d | U. S. catch of chinook 1970 - 74 | 6/26/75 |
| USA-87e | U. S. catch of coho 1970 - 74 | 6/26/75 |
| USA-88 | Dept. of Fisheries Order #1225 | 7/11/75 |
| USA-89 | Statement of IPSFC Chairman at opening of 12/11/1974 annual meeting | 7/11/75 |
| USA-90 | Cablegram: 7/11/1975 from State Dept. to Moos with request | 7/11/75 |
| USA-91 | Anthropological report on Lower Elwhas | 8/6/75 Not Admitted 5/3/94 (89-3) |

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| USA-92 | Anthropological report on Tulalip Tribe | 8/6/75 Not Admitted 5/3/94 (89- 3) |
| USA-93 | Sullivan affidavit of 8/6/1975 | 8/6/75 |
| USA-94 | Sullivan affidavit of 7/21/1975 | |

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| USA-95 | State Dept. letter dated 7/21/1975 to IPSFC | 8/6/75 |
| USA-96 | Sullivan handwritten letter of 7/19/1975 rescinding part of U. S. approval of IPSFC regulations | 8/6/75 |
| USA-97 | BIA Officers' violation reports (offered 10/20/75 but not admitted) | NOT ADMITTED |
| USA-98 | Coho -- 1975 harvest | 10/20/75 |
| USA-99 | Chum -- 1974 and 1975 | 10/20/75 |
| USA-100 | Recommendation by Heckman and Whitney that Commencement and Skagit Bays stay open | 10/20/75 |
| USA-101 | Predicted chum run and escapement goals, and actual chum escapement (estimate) 10/16/1975 | 10/20/75 |
| USA-102 | Barbara Lane's Duwamish report | 10/28/75 Not Admitted 5/3/94 (89- 3) |
| USA-103 | Barbara Lane's Snohomish report | 10/28/75 Not Admitted 5/3/94 (89- 3) |
| USA-104 | Barbara Lane's Snoqualmie report | 10/28/75 Not Admitted 5/3/94 (89- 3) |
| USA-105 | Barbara Lane's Steilacoom report | 10/28/75 Not Admitted 5/3/94 (89- 3) |
| USA-106 | Written direct testimony of Barbara Lane | 10/28/75 Not Admitted 5/3/94 (89- 3) |

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| USA-107 | Written direct testimony of Paul Weston | 10/28/75 |
| USA-108 | Affidavit of Paul Weston re: blood degrees | 10/28/75 |
| USA-109 | Affidavit of Paul Weston re: blood degrees of officers of intervenors | 10/28/75 |
| USA-110 | Excerpts from House Report #2503, 82d Congress | 10/28/75 |
| USA-111 | Indian Claims Commission Dkt #261, Samish | 10/28/75 Not Admitted 5/4/94 (89-3) |
| USA-112 | Roblin letters dated 1/31/19 and 5/10/26 | 10/28/75 |
| USA-113 | Letter from Supt. Upchurch dated 4/8/41 on status of Snoqualmie tribe | 10/28/75 |
| USA-114 | BIA Questionnaire on Snoqualmie organization | 10/28/75 |
| USA-115 | BIA Questionnaire on Duwamish organization | 10/28/75 |
| USA-116 | BIA Questionnaire on organization of groups not otherwise covered | 10/28/75 |
| USA-117 | Letter of Commissioner of Indian Affairs of 11/6/30 stating no rule on blood quantum | 10/28/75 |
| USA-118 | Excerpts from Tulalip agency planning report | 10/28/75 5/3/94 (89-3) |
| USA-119 | Letter of 6/10/37 from Supt. Nicholson on status of Steilacoom Indians | 10/28/75 |

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| USA-120 | Letter of 4/10/52 from Supt. Bitney declining to issue I.D. cards to Duwamish, with copy of incoming letter from William Ely | 10/28/75 |
| USA-121 | Directive from Commissioner to start 1920 report | 10/28/75 |
| USA-122 | Opinion of U. S. Attorney General, 7/5/1856 | 10/28/75 |
| USA-123 | Excerpts from Cmr. Ind. Affairs report 1856 | 10/28/75 |
| USA-124 | Excerpts from Cmr. Ind. Affairs report 1858 | 10/28/75 |
| USA-125 | Excerpts from Cmr. Ind. Affairs report 1861 | 10/28/75 |
| USA-126 | Excerpts from Cmr. Ind. Affairs report 1872 | 10/28/75 |
| USA-127 | Excerpts from Cmr. Ind. Affairs report 1890 | 10/28/75 |
| USA-128 | Excerpts from Cmr. Ind. Affairs report 1917 | 10/28/75 |
| USA-129 | Excerpts from Cmr. Ind. Affairs report 1934 | 10/28/75 |
| USA-130 | Excerpts from Cmr. Ind. Affairs report 1941 | 10/28/75 |
| USA-131 | Family tree, Alan Applebee | 10/30/75 |
| USA-132 | Letter of 9/29/71 from Janet Parks to Jack Chisholm | 10/30/75 |
| USA-133 | Letter of 7/13/71 from Jack Chisholm to Solicitor | 10/30/75 |
| USA-134 | Chart by Weston on blood degree required for tribal membership | 10/30/75 |
| USA-135 | Letter from Commissioner of Indian Affairs dated 9/14/1966 | 2/12/76 |

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| USA-136 | Interior Dept. decision of 9/20/13 (42 I.D. 489) | 2/12/76 |
| USA-137 | Chart and appendix on tribal membership requirements | 2/12/76 |
| USA-138 | Ridgway affidavit and attachments re: 1976 IPSFC fishery | 7/31/76 |
| USA-139 | 2/23/77 WDF filing of 1977 Puget Sound Sockeye predictions and management recommendations | 7/21/77 |
| USA-140 | 5/27/77 filing WDF Notice of Intent to Adopt Emergency Lake Washington regulations | 7/21/77 |
| USA-141 | 6/1/77 WDF filing Order 77-42 and Justification Statement (Lake Washington closure) | 7/21/77 |
| USA-142 | WAC 220-22-330 Management Areas | 7/21/77 |
| USA-143 | 7/14/77 WDF Order 77-56 Opening Lake Washington sport fishery | 7/21/77 |

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| USA-144 | Fisheries Advisory Board Report of 7/18/77 | 7/21/77 |
| USA-145 | Affidavit of Chris Dlugokenski, 1/4/78, re: Quileute Steelhead fishery | 1/16/78 |
| USA-146 | 7/16/86 letter from Donald W. Johnson, Makah Tribal Chairman, to Rolland Schmittten, NFMS Regional Director | 8/12/86 |
| USA-147 | 5/7/87 letter from Rolland Schmittten to Donald W. Johnson | 8/12/86 |
| USA-148 | <u>Hoh vs. Baldrige</u> Order dated 9/14/82 | 8/12/86 |

The following exhibits were admitted/denied/not offered in

subproceeding #89-3.

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| USA-149 | Oversized Map (Regional Plan for the Puget Sound Naval Shore Activities) | 5/8/95 |
| USA-150 | Chart (Coastal Property Owned by the U.S. Navy in the Puget Sound Area) | 5/8/95 |
| USA-151 | Chart (Property Acquired for Tribal Shellfish Harvesting in the State of WA) | NOT OFFERED |
| USA-152 | Map of Puget Sound (Ault Field, Naval Air Station, Whidbey Island) | 5/8/95 |
| USA-153 | Map of Ault Field, Naval Air Station, Whidbey Island | 5/8/95 |
| USA-154 | Map of Puget Sound (Seaplane Base, Naval Air Station, Whidbey Island) | 5/8/95 |
| USA-155 | Map of Seaplane Base, Naval Air Station, Whidbey Island | 5/8/95 |
| USA-156 | Map of Puget Sound (Lake Hancock, Naval Air Station, Whidbey Island) | 5/8/95 |
| USA-157 | Map of Lake Hancock, Naval Air Station, Whidbey Island | 5/8/95 |
| USA-158 | Map of Puget Sound (Indian Island Detachment, Naval Ordnance Center Pacific Div., Detachment Port Hadlock) | 5/8/95 |
| USA-159 | Map of Naval Ordnance Center Pacific Division, Detachment Port Hadlock | 5/8/95 |
| USA-160 | 1994 Clam Harvest Plan for Naval Ordnance Center Pacific Division, Port Hadlock Detachment | 5/8/59 |

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| USA-161 | Map of Puget Sound (Naval Station, Everett) | 5/8/95 |
| USA-162 | Map of Naval Station, Everett | 5/8/95 |
| USA-163 | Map of Puget Sound (Toandos Peninsula Properties, Naval Undersea Warfare Division, Keyport) | 5/8/95 |
| USA-164 | Map of Toandos Peninsula Properties (Naval Undersea Warfare Div., Keyport) | 5/8/95 |
| USA-165 | Map of Toandos Peninsula East Side (Naval Undersea Warfare Div. Keyport) | 5/8/95 |
| USA-166 | Map of Puget Sound (Naval Submarine Base, Bangor) | 5/8/95 |
| USA-167 | Map of Naval Submarine Base, Bangor | 5/8/95 |
| USA-168 | Map of Puget Sound (Naval Undersea Warfare Div., Keyport) | 5/8/95 |
| USA-169 | Map of Naval Undersea Warfare Div., Keyport) | 5/8/95 |
| USA-170 | Map of Puget Sound (Jackson Park Housing Complex, Puget Sound Naval Shipyard) | 5/8/95 |
| USA-171 | Map of Jackson Park Housing Complex (Puget Sound Naval Shipyard) | 5/8/95 |
| USA-172 | Map of Puget Sound (Manchester Fuel Depot, Fleet Industrial Supply Center) | 5/8/95 |
| USA-173 | Map of Manchester Fuel Depot (Fleet Industrial Supply Center) | 5/8/95 |
| USA-174 | Map of Puget Sound (Fox Island Acoustic Laboratory, Naval Surface Warfare Center, Caderock Div., Detachment Puget Sound) | 5/8/95 |

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| USA-175 | Map of Carr Inlet (Fox Island Acoustic Laboratory) | 5/8/95 |
| USA-176 | Map of Fox Island Acoustic Laboratory (Naval Surface Warfare Center, Caderock Div., Detachment Puget Sound) | 5/8/95 |
| USA-177 | Section 9150, Dept. of Defense Appropriations Act, 1993, P.L. 102-396 | NOT OFFERED |
| USA-178 | Section 308, Supplemental Dept. of Defense Appropriations Act, 1993, P.S. 103-50 | NOT OFFERED |
| USA-179 | Voucher for Disbursement and/or Collection -- NAVCOMPT Form 2277, 9/24/1993 | NOT OFFERED |
| USA-180 | U.S. Treasury Check #82709, 9/24/1993 | NOT OFFERED |
| USA-181 | Chart: Tideland Ownership in Puget Sound and the Straits of Juan de Fuca | 5/8/95 |