

Appendix M

Comment Letters Received To Date

4-3-07

Margaret Fleck;
Town Planner, Town of Hamilton -

I am requesting another E.I.S.
study for the Hamilton U.S.A.

It should include what is going to happen to the water supply for Parkin Center. We see a drop in our water during the hot summer months since Hamilton installed their well during the last 2-3 years. Two neighbors, Mr Mitcalf & Mr Don Pitt have had to replace pumps, burned up due to lack of water during this period.

Instead of adding more traffic on our 2-lane country roads with 300-400 homes, pollution to Skagit River, why not dredge the river. It would solve a lot of the problems that now exist, plus not covering up precious farm land.

I feel crime, drugs, alcohol,
speeding on our roads, will destroy
our rural country life.

If this 200 acres are covered
up with houses, where are the elk
going?

Let's not add more pollution to
this area -

(Adams)
Truly - Glen George
7698 MEDFORD
SEDRIC WOOLLEY ^{RD.}
98284
826-3377

April 3, 2007

Margaret Fleck;
Town Planner, Town of Hamilton.

This is in regard to the E.I.S. study done for the proposed Urban Growth Area for Hamilton.

Another indepth study should be done on the water supply for 300-400 homes proposed in this area. What will happen to the wells of residents in Punkin Center? A decrease of water has already been noticeably during the summer months during the past two years since Hamilton's new well was installed. Mr. Metcalf & Don Witt have had to replace their pumps due to lack of water burning up the pumps. This is a ~~high~~ priority issue to Punkin Center residents.

Our roads are not adequate to carry an increase of traffic from 300-400 houses. Every house will have at least one vehicle, half will have two. That's an increase of at least 600 vehicles on a two lane country road. That's not counting Jeniche industrial.

The lay of the property flows toward

Ikegit River. The pollution, septic
system run off will effect the river
and the salmon runs.

These are serious issues that need
to be addressed before proceeding with
the U.S.A. for Hamilton.

Respectfully

Gerry Adams

7698 Medford Rd.

Sebro-Woolley, Wa

98284

(360) 826-3377

Travis & Vanessa Swalander
34507 Hamilton Cemetery Rd
Sedro Woolley, WA 98284

March 8th, 2007

To Whom it May Concern,

My name is Travis Swalander and I am writing this letter concerning the relocation of the town of Hamilton into our neighborhood. My wife and I own more than three acres that border the proposed Hamilton relocation site. Although we are newcomers to this neighborhood, we have met, and made friends with some great people who pride themselves on hard work, family values, and a sense of community. We absolutely love where we live.

When we first heard of the proposed relocation of Hamilton, we were concerned. Then we started doing some research and receiving proposed plans in the mail and our concerns became immediate. I came home to my wife telling me "*their planning on moving the town of Hamilton into our front yard!*"

After reviewing the proposed *urban growth area* for myself, many questions and concerns started coming up. First of which that came to my mind, of course, was the aesthetic beauty that already exists in the valley. This abundance of wildlife habitat is absolutely amazing. Among other things, we have seen elk, deer, coyote, rabbit, even fish in the proposed building site. We have a creek that runs the border of our property, then runs into the proposed building site. We have been told has been electro-shocked for fish surveys and has been found to contain, among other things, salmon. I myself have worked for a forestry contractor surveying riparian management zones for logging units. One task in particular was fish surveys and creek typing. My unprofessional yet semi-educated opinion is that the development of this land will negatively impact this creeks ability to be a sustainable habitat for anything other than mosquitoes.

My second concern is that we moved out here to raise our children away from anything that resembled an *urban growth area*. We love to live in the country, where you know, trust, and

can rely on your neighbor because they are in turn relying on you. It's awesome to see how much pride these people take in the upkeep of their property. I've worked and visited downtown Hamilton and there are several nice residences, but the rest of the town is in shambles. You can imagine my thoughts of moving that element of broken down cars, old trailers, and basic filth into our neighborhood. My neighbors and I work very hard to maintain our biggest investment, our homes and property, because we have worked extremely hard to get where we are. I'm concerned that some of the people of Hamilton who might inhabit this *urban growth area*, may not work just as hard as we do to maintain the beauty of this valley, especially if it's a gift, rather than an achieved goal.

In closing, I do know that something needs to be done about Hamilton, and yes, I also realize that urban growth will happen, but it's a lot to take in. A town just springing up out of a field. Especially a field about thirty five yards from my front yard. That's more like urban explosion. I ask that you please explore other options.

A handwritten signature in black ink, appearing to be "Tommy" followed by a surname that is partially obscured and difficult to read. The signature is written in a cursive style.

4/6/07

Dear Margaret Fleck:

Hi, my name is Tom Goetz & I own 20AC, P-41105 & P-41107, which butts up to the existing town of Hamilton the part of the town on the north side of highway 20.

I am writing this letter to (1) be on the public record on comments (2) also about the lack of notice to property owner, within 300' of the existing town property, in order for the town to annex land into its city limits it first has to be in its urban growth area, I am at this time asking to have my land which butts up to the city (existing) limits and has 1800' on highway 20 added into the new UGA for Hamilton.

Thank you

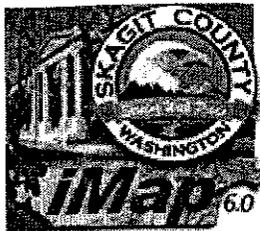
Thomas M. Goetz

PO Box 36

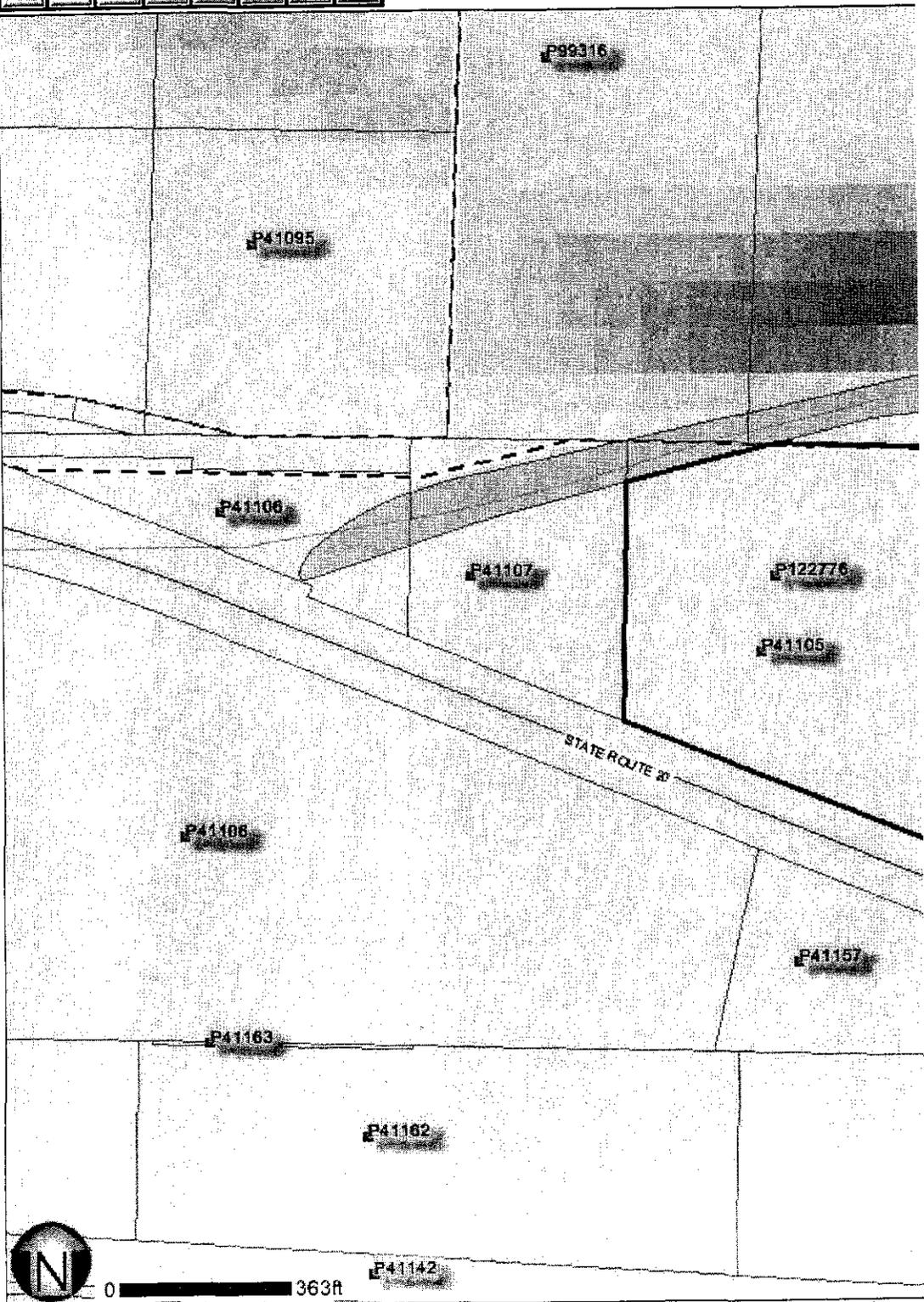
Hamilton WA

98255

360-333-2006



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Site is located in flood plain

4-9-07

A Public Comment Letter

The town of Hamilton is changing. Soon the Janicki family will expand their high tech composite industry to this industry starved neighborhood. As a result of this expansion the new jobs created will require good quality flood safe homesites.

I am proposing the expansion of the towns urban growth area into the area north of highway 20. This area is currently zoned as rural intermediate. This area could easily support one acre homesites and they would not only be flood safe but would provide a very short commute for employees of the new facility.

4-9-07

Signed Ron Bryson

27339 S. Skagit Hwy.
Sedro Woolley WA 98284

(360) 856-5519

RECEIVED

4/7/07

APR 09 2007

PLANNING DEPT.

To: Margaret Fleck
Brandon Black

Re: Hamelton - Urban Growth

Here we go again, same dance - different song. How about listening to the community not just the political group. Money cannot and should not be the main reason for development.

The impact on changing existing rural area and accepting Urban Growth will be devastating. I understand the problems caused by the flooding, but I think Hamelton would do better to fight for middle river dredging.

The majority of Hamelton doesn't want to move. Many couldn't even if they wanted. How can they pay 2 mortgages? Between the fact that some homes won't sell and those that do will be at a loss.

If you start putting in a lot of businesses or even a few large businesses, you are going to cause more traffic problems and create the area into a major eye soar. This area will no longer be rural.

bring in income during late spring thru fall. It seems better to increase the existing land value and community well being.

It can't always be about money. One day everything will become - concrete steel - dirty air & water. Isn't global warming moving fast enough? How long will it take to kill off the wildlife. Then the food will become man made. You need animals & plants as well as air & water - light to create real food. I can't imagine artificial food.

As far as Janicki goes, I'm somewhat glad to see them come in, however, I would be happier if they took over the existing Crown Pacific site. The corner of 20 & Cabin Creek Rd will cause more problems with traffic. It will also be an eye sore. At least everybody is used to the existing developed site.

I could list many more complaints and ideas, but I feel it's pointless.

(Janet Lilles)

Janet Lilles
7652 Cabin Creek Rd
Sedro Woolley 98284

To: Town of Hamilton
C/O: Margeret Fleek

Ref: Town of Hamilton proposed annexation and urban growth boundary movement

I am a local property owner in the community of Punkin Center near enough to the proposed adjustments to be affected in a negative fashion.

I have been informed that the location of the proposed new town of Hamilton is owned by private party and they wish **not to sell** to the town or government officials to help this move happen. As we have observed in other areas in the United States if it is in the city limits there is no limit to what the city can do with it. I am worried and very upset at the idea of the city annexing the proposed properties just to claim eminent domain and take it from the land owners without approval. There are state statutes and laws that allow this practice of taking personal property for the better need and if annexed in this property would most likely be taken for the preservation of the city of Hamilton.

The city wishes to annex in the rest of what used to be the Scott Paper company log yard so that they will be able to collect tax revenues from the Janicki Industries new facility that is coming this year. How are they to provide adequate fire and aid protection to this facility? They will rely on Fire District 8 under the county wide mutual aid agreement without having to pay for the services. As a tax payer of District 8 fire department this angers me because we will end up taking care of a facility that we will not be able to collect tax revenue from to help pay for their efforts. This facility will house many bad chemicals, resins, and extra hot ovens that take specialized training to deal with and we are stuck with the expenses for that. If you look at the local dispatch reports for alarms at the Unimin Corporation in the city of Hamilton over the past 2 years, District 8 and Sedro Woolly fire departments have had to respond to the fire alarm activities more than the city has but under our current mutual aid agreement we are not allowed to charge for these services even though Fire District 8 had to pay Sedro Woolley fire over \$200 for each of the responses.

With all the proposed changes to the town of Hamilton has anyone considered the traffic flow for the area? On Hamilton Cemetery Rd we already take the brunt of the State of Washington's poor planning for the recreation facilities provided for the horse riders and large events from the horse camp provided at the Lester Hildie trail head on Medford Rd. Our road system is in dyer need of widening already with our current traffic flows but the county refuses to help out in this need. On any given summer day our kids have to be kept far away from the roads because it is almost non stop traffic already. Now add an additional proposed 400 homes with at least 2 vehicles each and potentially on average 3 ½ persons living in each of those homes and how do we manage the new influx of traffic, crime, and growth.

My personal opinion of this action is that it needs to be further reviewed for potential hazards and growth planning, more sufficient than what has already been studied. I hate to think that people like our past county commissioner Ted Anderson are pushing this for personal gain rather than the good of all involved. I was told that Janicki Industries is also pushing the new housing project so that they will have cheap housing for the workers in the new facility that will be mostly low paying production positions as well. I see when in Hamilton myself that most of the residents are renters and not owners of the properties, and those that do own properties there do not plan to move anyway so they are not in favor of this either. I am not against seeing the city of Hamilton unincorporated as it is a drain from our local law enforcement for much drug activities and crime. Maybe governor Gregoire needs to come spend some time here before she proclaims to help the town out and she may not be quite as gracious without Mr. Anderson or Mr. Bates trying to butter it up.

I would like see FEMA stand behind their statements from years past to cut off funding for the flood victims of the town of Hamilton and offer buy outs for their properties. Those who do not take advantage of the buyout can stay but at their own expense and then we can quit wasting our tax dollars to give the residents a pay check every flood and provide free services to them for months after the disaster. I for one am very upset that our tax monies are wasted away paying for a town to be continually rebuilt that is in eminent flood hazard every time the water rises, this is foolish to continue.

I am available for more conversations on this matter at any time. I am submitting this letter as my public comment to all parties involved. Mayor Bates, Margeret Fleek, and citizens of Punkin Center.

Sincerely;

Jonathan LaCount
34183 Hamilton Cemetery Rd
Sedro-Woolley, Wa 98284

Margaret Fleek
Town Planner, Town of Hamilton

I would like to have a complete ESI study on the proposed site for the town of Hamilton.

The run off of surface water will end up in the Skagit River. We are already doing a study on the salmon in the river, and with this addition of 400 houses plus other building will have a detrimental effect on the salmon runs. I live right next to Muddy Creek, which use to have a large salmon run, but this year we were only able to spot four salmon. As a kid I remember how many salmon came up the creek to spawn, and thro the years it has gotten smaller and smaller.

Also a study on on the effects of a two lane road with an additional 1000 or more cars than now. We will have 300 jobs in the new Janikie plant, plus the extra from the new town site.

I also heard today, that there is going to be two low income housing going in at Birdsview, the road will not take this extra traffic. I have talked to people who own their homes in Hamilton and they have told me they are not moving. If this is only going to mean, that low income housing will be used, that is being taken care of by the new housing at Birdsview.

Also the water situtation in the summer, already shows with the amount currently being used, people with wells are going to have their wells go dry. Two families in the neighborhood have already lost their pumps dur to low water levels. This is the first time since wells went in that the has happened. This was after the Town of Hamilton put in the new well, that has been drilled down deeper then the water table of the current home owners wells. Just what is going to happen when this many more are using the water, will it last, or will every one be with out water?

Phyllis Queen
34251 Hamilton Cemetary Road
Sedro Woolley Washington 98284

4/4/2007

March 26, 2007

We received the letter 'Determination of Significance and Request for Comments on Scope of EIS' (envelope dated 20 Mar 2007). We are landowners of Lot 7 in Smith Skagit Hideaway in the city limits of Hamilton. After reviewing the letter, we did not understand the ramifications to the landowner. We contacted the Skagit County Planning and Development Services seeking any information they could provide.

The following are our comments:

- What is the time frame for this plan to be implemented? Within five years or ten or longer?
- How are the landowners impacted? The letter does not mention a public buyout. Will there be a public buyout?
- What options are available to the landowner?
- Will Eminent Domain be used in this process? If so, is the assessed value, that we pay for property taxes, the amount paid to the landowner?
- What happens if a landowner chooses not to sell?

We own this lot on the Skagit river and are not interested in selling and moving inland off the river. We are concerned and confused about the ongoing process. For future communication, please keep in mind that we need bottom line information of how we are impacted and our options.

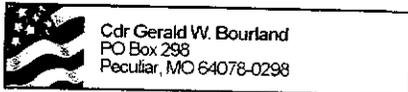
Thank you for listening to our concerns and questions.

Sincerely,

Gerald Bourland

Constance Bourland

Gerald and Constance Bourland



RECEIVED

MAR 30 2007

PLANNING DEPT

RECEIVED

APR 10 2007

PLANNING DEPT

Margaret Fleek, Hamilton Town Planner
901 E. Fairhaven Avenue
Burlington, WA 98233

This letter is to give comment on the proposed addition to the town of Hamilton Urban growth area.

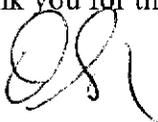
- 1) We have no issues adding the area up to Cabin Creek Rd for possible Industrial building. This is consistent with what was previously there. Janicki Industries will be good neighbors and provide much needed jobs in the area. I'm sure that they will address the problems that might be created by this type of industry.
- 2) I have attended many of the meetings for the "Hamilton Relocation area". I have heard the planner and attorney say that they do not expect that the people in Hamilton will move there but that they plan to have others move into the area to make it economically viable. The project should be called what it is. Creating a New Town. The problem with the existing Hamilton will still be there and will have to be dealt with. The focus should be on correcting the problem and helping the people get out rather than misrepresenting the project to try and get government subsidies and build a new town in an area that should remain rural.
- 3) The proposed property for the "New Town" is so wrought with problems that it will be extremely expensive to accomplish.

- The Property is not for sale.
- There is power lines running through the property that limits it's use.
- Environmental and Wet land issues are huge.
- The cost of Sewage Treatment would extremely expensive.
- It will take all new infrastructure. (Roads, power, drainage water treatment.)
- The town would not have the sales tax revenue to provide the services needed by the new residents for a long time and would continue to have to look to others to supplement them to survive.

Federal Grants are taxpayers money. Local taxes should be used in an area where is it will make the biggest impact for the most people. Support creating good jobs so people can earn a decent living and build their own houses. Development in this area should proceed under current land use rules and keep it a rural area. There are cities within 12 miles that have the necessary infrastructure and comply with the Growth Management Plan.

Please redirect the county staff to focus on solving problems instead spending inordinate amounts of time and money on a plan that has little chance of success.

Thank you for the chance to express our opinions.



Doug and Stephanie Wood
33871 Hamilton Cemetery Rd.
Sedro-Woolley, Wa. 98284

April 10, 2007

Margaret Fleek
Hamilton Town Planner
901 E Fairhaven Ave
Burlington, WA 98233

Dear Ms Fleek,

We are writing in regards to the proposed expansion for the Town of Hamilton Urban Growth Area that is located north of SR 20 between Hamilton Cemetery Road and the Centennial Gravel Mine.

We are most definitely opposed to the possibility of the Town of Hamilton expanding to this area. Establishing housing sites, building businesses (particularly the tavern) and a school, and creating open spaces and parks we are certain will bring much crime and traffic to this rural area. There are many existing residences that will be highly impacted should this proposal go into effect.

We appreciate your reconsideration of this proposal to expand the Town of Hamilton Urban Growth Area considering the significant impact it would make to the existing homes.

Sincerely,

Mr. + Mrs. Joe Kester

Mr. and Mrs. Joe Kester
34495 Hamilton Cemetery Rd
Sedro-Woolley, WA 98284

Fleek, Margaret

From: Hunter, John [jhunter@janicki.com]

Sent: Tuesday, April 10, 2007 4:50 PM

To: Fleek, Margaret

Subject: Hamilton UGA comments

Margaret, please consider this our public comments for the proposed Hamilton UGA. I will get you a signed copy on letterhead but I did not want to miss the deadline. Thank you.

April 10, 2007

Margaret Fleek
Hamilton Town Planner
901 East Fairhaven Street
Burlington, WA 98233

To Whom It May Concern:

I am taking this opportunity to inform you that Janicki Industries supports the Town of Hamilton's efforts to establish the proposed Urban Growth Areas. It would appear that there has been significant thought put into this proposal. Not only does this help provide the town with a future above the floodway, it takes into account a way for citizens to have some control over the growth in their community. As Hamilton exists today, there is no opportunity to provide affordable decent housing or economic opportunities. Absent the Urban Growth areas, all decision making regarding growth and local goals will be subject to the oversight of the county, which may not always give priority to the local residents. The Town's plan to establish this Urban Growth Area weighed heavily on our decision to purchase land for future growth of our company. Janicki Industries plans to develop a manufacturing facility within the proposed Urban Growth Area. Our plans to develop this site within the UGA could be jeopardized absent the UGA designation.

Sincerely,

John Hunter
Special Projects Manager
Janicki Industries

RECEIVED

APR 10 2007

PLANNING DEPT.

Dwight Washburn
7632 Cabin Creek Road
Sedro Woolley, WA 98284

4/9/07

Re: Comments on the scope of EIS for the Town of Hamilton proposed UGA plan.

I believe there is a fundamental flaw in the justification for the expansion of the Town of Hamilton's UGA of people and businesses wanting to relocate to the new Hamilton site. Because of the significant environmental impact this project would have on the area, a thorough study is needed to determine how many people in the effected floodplain would actually relocate to the new town site. Specifically, once their home or business site has been bought out, how probable is it they would relocate to the new town site verses anywhere else? The study should use realistic and specific numbers. Enough sites have already been bought out to make estimates for average cash outs in the region. The architect who designed the proposed new town site, should be able to give realistic cost estimates for home and business facility costs.

A second study should be commissioned to determine if new land is required to meet the needs of the people and businesses identified in the above study, plus the projected growth forecast allocation adapted by the SCOG and OFM projections. The study should also examine the use of the "Centennial Annexation" site, a 260 acre site sold by the Hughes family and annexed by the Town of Hamilton specifically for the purpose of the town's relocation. The idea of town officials ignoring the needs of the town and its residents for the sake of a potential commercial mining business needs to be addressed.

Alternatives to consider should include:

- No expansion of the UGA
- Expansion to include only the property owned by the the Lawson family.
- Development of the "Centennial Annexation" site.

Probable Significant Adverse Impacts should address:

- Effects of development to the plants and wildlife on the new location site
- Potencial discovery of historical significant sites and/or artifacts.
- Problems related to storm water run off.
- Problems related to water and sewage needs.
- Problems related to significant increase to traffic on State Highway 20, both locally and regionally
- Problems related to a "Company Town" a town incapable of controlling a dominate corporate entity, such as social-economic, environmental, and quality of life issues.



Dwight Washburn

Janis Washburn
7632 Cabin Creek Road
Sedro Woolley, WA 98284

RECEIVED

APR 10 2007

4/9/07

PLANNING DEPT.

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Janis Washburn



4/9/07

From DAVID G BUCHANAN
7692 Caban Cr Rd
Sedro Woolley, WA 98284

RECEIVED

APR 10 2007

to Margaret Fleck
Town Planner - Town of Hamilton
901 E Fairhaven, Ave.
Burlington, WA 98233

PLANNING DEPT.

Dear Margaret,

Please put me down as a party of record concerning proposal additions to the Hamilton Urban Growth Area. My concerns are the expansion of the town of Hamilton city limits, the impact it will have on Punkin Center, and if Punkin Center will be included into the new Urban Growth Area.

Sincerely,
David G Buchanan

April 9 2007

RECEIVED

APR 10 2007

PLANNING DEPT.

Debra Gatti
7692 Cabin Crk
Sedro Woolley Wa. 98284

Margaret Fleck
901 E FAIRHAVEN
Burl wa. 98233

Dear Margaret

Please put me as a party
of record concerning proposed
additions to the Hamilton Urban
growth. My concerns are of
Hamilton expansion and the
effects it will have on
Punkin Center

Sincerely
Debra R Gatti



State of Washington
DEPARTMENT OF FISH AND WILDLIFE
Mailing Address: 16018 Mill Creek Boulevard Mill Creek, WA 98012
(425) 775-1311 Fax (425) 379-2323

May 17, 2007

Margaret Fleek, Town Planner
Hamilton Planning Department
901 East Fairhaven Avenue
Burlington, Washington 98233

SUBJECT: Draft Environmental Impact Statement, Town of Hamilton Proposed New Urban Growth Area

Dear Ms. Fleek:

Thank you for providing the Washington State Department of Fish and Wildlife (WDFW) an opportunity to review and comment on the Town of Hamilton Draft Environmental Impact Statement (DEIS). We appreciate the time and effort that you and your project team have spent researching and writing the draft document and offer the following comments and suggestions to help you in your efforts to protect our valuable fish and wildlife resources in Washington State.

WDFW commends the Town of Hamilton for its efforts to relocate the town so that businesses and residents can be removed from the floodway and floodplain. Buildings, residential structures, and infrastructure associated with human development such as roads, septic systems, and stormwater runoff can have significant detrimental impacts on waterbodies, especially important rivers such as the Skagit, which is the only river system in the lower 48 states that contains substantial self-sustaining runs of all seven species of salmon, including steelhead and cutthroat (Ames, WDFW, pers comm.). The proposal to move the town and restore much of the area where the town currently exists will be greatly beneficial to many fish and wildlife species. WDFW is pleased that the town has formed several committees in order to obtain input from environmental entities such as the Nature Conservancy, the Skagit Land Trust, the Skagit River System Cooperative, and the U.S. Forest Service. This will help ensure that fish and wildlife issues are properly addressed and that restoration efforts will be focused on the habitat functions and values that will be lost because of the relocation effort.

WDFW is also pleased that under the preferred alternative, the town of Hamilton is proposing to create a rural village at the new town site. This concept, which promotes compact, environmentally friendly rural development, will help offset ongoing impacts that are occurring at the existing town site. In addition to concentrating development,

rural village plans also promote the use of Low Impact Development (LID) designs and the latest technology for water treatment, including potentially reusing water.

Incorporating LID designs help reduce the number of roads, which is of particular significance to fish and wildlife protection, as will be explained in more detail below. LID designs can also make a significant difference in total stormwater runoff. For example, a project in Seattle (Street Edge Alternative) resulted in a reduced total volume of stormwater within its two-block, 2.3-acre area by 97% for two consecutive years. More information about this project and other examples of the above-mentioned LID practices can be found in a publication titled "Natural Approaches to Stormwater Management, Low Impact Development in Puget Sound" written by the Puget Sound Action Team in March, 2003. For more general information on LID designs, please refer to the Low Impact Development, Technical Guidance Manual for Puget Sound (PSAT, January 2005).

The DEIS has presented five alternatives, including a no action alternative. The preferred alternative would move the town to a new site north of the existing town. The 202-acre site where the new town is proposed is mostly an undeveloped forest/pasture/wetlands complex. A second site (59-acres) is located on the old Crown Pacific Log Yard, currently zoned as Natural Resource Industrial land. A third site, referred to as the Centennial Annexation, is on 261 undeveloped acres and a conditional use permit has been issued for gravel mining (Resolution 2-05, dated 4/12/2005 and recorded with Skagit County as #200504200017). The permit includes a site reclamation plan that dedicates a percentage of the reclaimed site to the town for long-term future community expansion. The remaining alternatives are downsized versions of this, except for the no action where the status quo would be maintained.

Although the preferred alternative could have potentially the most significant impacts of any of the alternative scenarios, if the new town is designed using the rural village concept, including LID, and, if the impacts are properly identified and mitigated, it could provide better fish and wildlife habitat conditions over the long term. This would also require innovative strategies to ensure large game species (e.g., Rocky Mountain elk) are kept out of populated areas and assurances that important habitat linkages or corridors used by both large and small mammals, amphibians, and fish, are kept as open, relatively undeveloped areas. To ensure this is done correctly, we suggest that the Town work closely with WDFW staff on some of the major fish and wildlife issues that will be discussed more below.

The comments below are provided to help further identify potential issues and ideas for the siting and design of the new town to reduce and mitigate impacts on fish and wildlife species.

Impacts on elk

The DEIS briefly mentions that there is one Priority Habitat and Species (PHS) at the site – large concentrations of Rocky Mountain elk. This is of great concern to WDFW. The

proposed new UGA is within the Nooksack elk unit that contains the highest number of elk within the North Cascade herd (Washington State Elk Herd Plan, 2002).

Cumulative impacts of human activities within the primary range of the North Cascade elk herd is believed to be the cause of recent declines in the population, and those declines are significant. The Nooksack herd located in the vicinity of the Town of Hamilton has declined over 80%, from a population of 1,700 in 1984 to a population of 300 in 2000 (Washington State Elk Herd Plan, 2002). Intensive logging, high road densities and human disturbance have all contributed to significant declines.

Increasing development has not only harmed elk, but has also resulted in significant increases in the number of homeowner complaints on elk damages to property. From 2002 to 2005, the number of elk complaints on property damage has more than doubled. This is a direct result of increasing development and human activities in rural areas. Because of this, it will be vitally important that the Town of Hamilton enter into a dialogue with WDFW on this issue. WDFW is currently updating the North Cascades elk herd management plan and we strongly recommend that the town participate in discussions pertinent to Nooksack elk. It will be important that town officials and residents be aware that intense escalation of elk/human interactions could occur under the preferred alternative unless innovative, well-thought out strategies are adopted and implemented that would keep them out of developed areas. Some examples of exclusion strategies are:

- Buying or leasing land to create enhancements on strategically located properties that would attract elk and draw them away from developed areas
- Requiring fencing to the north, east and west perimeters of the proposed new town to avoid elk coming into the town and damaging property. In addition, as new rural development occurs, require homeowners to install fencing around their property to keep elk out
- Clustering population density at the new town site
- Creating incentives such as elk viewing on private property in areas located away from population centers. Parking would be available and the homeowner would get the money from the parking fees.
- Installing signage along major roads warning of elk crossings.

In addition, we suggest that the Town of Hamilton and Skagit County declare the entire Nooksack elk subbasin (which includes the old and new town site and UGA) as a high-risk area for elk. Growth in this region should be designed in such a manner to discourage elk from coming into developed areas. As elk are displaced, new land should be bought or leased in lieu of the habitat that is lost in order to offset further impacts to the Nooksack elk unit (and human safety). Elk should be encouraged to stay north of Highway 20 to the greatest extent possible in order to avoid road kill and possibly human lives.

As mentioned above, development within areas containing high concentrations of elk should be clustered and the subdivision of property should be avoided to the greatest

extent possible. For example, elk are attracted to "edge" habitats, areas that have both forested and pasture areas. Farmed pastures are especially attractive to elk because the land is fertilized and planted with crops. Both large commercial farms and smaller hobby farms are locations where elk problems are particularly bad. For this reason, WDFW recommends that local jurisdictions either create zoning that would discourage elk/human interactions in order to avoid property damage and increase human safety, or, ensure that all newly developed rural properties are entirely fenced in.

We strongly recommend that the Town of Hamilton and Skagit County contact WDFW at your earliest convenience so we can discuss the above-mentioned issues. Mike Davison, WDFW District Wildlife Biologist for Region 4 is the primary contact for information regarding elk and other potential wildlife species at the proposed new town location and UGA. Mike can be reached at (360) 466-4345, ext. 280. Detailed information regarding the North Cascade (Nooksack) Elk Herd Plan can be found at the WDFW website at <http://wdfw.wa.gov/wlm/game/elk/nooksack.htm>

Impacts on other species

Although elk are the most visible mammal at the site, creating a new UGA into undeveloped field and forested areas could also have significant impacts upon a myriad of other smaller mammal species and amphibians that may be located on site. Because there has been no detailed survey conducted at the proposed UGA site, very little is known about what species may live in the area. We do know looking at habitat features at the site, that the Columbia spotted frog, Western toad and pileated woodpecker may utilize the area. Because of this, it will be important that a detailed habitat assessment (discussed more below) is conducted by a qualified professional to determine if these species are present.

One of the most significant impacts on wildlife habitat is habitat fragmentation due to population growth (Stenberg et al. 1997). For example, roads can have significant impacts on mammals, especially elk in the area, by increasing the potential for road kill (and human lives) and isolating and eventually eliminating feeding and foraging areas. The isolation of remnant habitat parcels makes utilization and recolonization difficult or impossible. Areas that may have once supported wildlife but whose populations were eliminated may stay impoverished because of isolation even though habitat conditions may be healthy. This is of particular concern for species with low mobility such as amphibians (Richter 1995). Intact riparian habitat with its dense, protective vegetation can serve as a safe corridor linking remnant habitat parcels, enabling wildlife dispersal and use of separated patches (Harris 1984, Noss 1993). The effects of development on riparian areas generally result in:

- Changes in basin hydrology;
- Loss of riparian habitat;
- Loss of woody debris and other instream structures;
- Degradation of stream channels;
- Reduction in water quality;
- Habitat fragmentation;

- Introduction of pets and exotic pests (Knutson and Naef, 1997).

Although WDFW is pleased that an open space corridor is proposed within the new town city limits, we do recommend that the town consult with WDFW District Biologist Mike Davison to ensure that open spaces are strategically located so that elk interactions with humans will be minimized.

Describing impacts and mitigation

Information contained on page 11 (Affected Environment, Significant Impacts and Mitigation Measures, item 2), is not adequately addressed. Much more detail is needed to describe the potential impacts to wildlife and amphibian species at the site. The mitigation section also needs more detail and discussion. For example, will temporal losses be accounted for? If so, how? Will restoration efforts be concurrent with new development?

The same holds true for item 5 (page 13), which asks how the proposal would likely affect land and shoreline use. No information was provided. To help you along in the process of determining the wildlife species that may use the site, we have provided the following information (excerpted from the Critical Areas Assistance Handbook: Protecting Critical Areas Within the Framework of the Washington. Washington State Department of Community, Trade and Economic Development [CTED]). The Town of Hamilton has done a good job capturing some of the information below, especially for fish restoration and enhancement. We have placed in italics the types of additional information that should be included in the next draft or final EIS (with a primary focus on wildlife).

Habitat Assessment. Because we know there is at least one animal species that is listed in the Priority Habitat and Species (PHS) database, a thorough habitat assessment should be conducted in the area, as well as adjacent areas in the vicinity of the proposed development site. The habitat assessment should contain, at a minimum:

1. Detailed description of vegetation *and other habitat features on and adjacent to the project area* and its associated buffer;
2. Identification of any species of local importance, priority species, or endangered, threatened, sensitive, or candidate species that have a primary association with habitat on, or adjacent to the project area, and *assessment of potential project impacts to the use of the site by the species*;
3. *A detailed discussion of the potential impacts to the habitat by the proposed project, including impacts to water quality and quantity*;
4. *A discussion of any federal, state, or local special management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, (we recommend that you consult with Mike Davison regarding habitat management recommendations for elk) which have been developed for species or habitats located on or adjacent to the project area*;

A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed land use activity and to be conducted in accordance with Mitigation Sequencing;

- 5. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs.*

Considerations When Determining Wildlife Habitat Designations (these questions can help you in deciding the variety of different wildlife species that may use the site based on habitat features).

1. How structurally diverse (vertically and horizontally) is the habitat? Vertical diversity is derived from the amount and distribution of vegetation and other structural elements in various zones ranging from underground to the tops of the tallest trees. Horizontal diversity is determined by the size and distribution of vegetation patches across the landscape. Greater structural diversity generally increases the area's wildlife diversity. Therefore, a wetland with a patch of trees or open water is generally more valuable than a uniform stand of cattails or spirea. Similarly, a forest with a well-developed understory is generally more valuable than a dense forest with no understory, and it is generally more valuable than a golf course with widely scattered trees amid acres of lawn. It should be remembered, however, that structural diversity is not static; areas with low structural diversity may become more valuable to fish and wildlife through restoration efforts, particularly in areas that have been degraded by human activities.

2. What are the "edge" conditions? Edges (ecotones) are utilized by relatively greater numbers of species. An area with a mosaic of habitat types that provide an undulating edge is more valuable to wildlife than an area of equal size but with a linear edge.

3. Are snags and/or large trees present? Snags serve a number of important functions for wildlife, especially cavity-nesting birds and mammals. If snags have to be removed for safety reasons, the stump should be left and should be as tall as possible; even decaying stumps only a few feet high can be beneficial to wildlife.

4. Are downed logs present? Logs also serve a number of important functions for some wildlife species, particularly in or near streams and wetlands.

5. Is water present or can it be safely accessed nearby by wildlife? Water is one of the essential components of habitat; wetlands and riparian areas are especially important to wildlife.

6. Do any endangered, threatened, or other priority species (as defined by the Washington Department of Fish and Wildlife) use the area at some time during the year for reproduction? For foraging? For shelter? Areas with priority species are generally more valuable than areas without these species

Planning Assistance. A jurisdiction is encouraged to consult with a qualified professional or a team of professionals at an early stage of critical area assessment and in the development of sound management approaches. Professionals can assist the jurisdiction with identifying local critical areas, assemble and review the best science for understanding how the critical areas function, and assist with developing management recommendations. In WAC 365-195-905, CTED defines the role of a qualified professional and what qualifies him or her for this role.

CTED also advises that cumulative impacts of new development be considered. In order to obtain more information on how moving to the new town site could affect fish and wildlife resources at a broader scale, WDFW recommends that the town of Hamilton contact WDFW and the Department of Ecology (DOE) to inquire about planning models that could be very helpful in understanding issues at a landscape scale.

Using Geographic Information Systems (GIS), WDFW has created a new methodology called the Local Habitat Assessment (LHA). The LHA was created to assist local governments and land use planners, in part, to help with identifying locations where green space networks would be most beneficial to fish and wildlife, as well as identify opportunities for habitat connectivity. WDFW is currently working with several counties in Western Washington, including Snohomish and Island, to determine locations where growth should occur that would have the least impact on fish and wildlife. For more information and assistance regarding the LHA, you can contact John Carleton at (360) 902-2622.

Another important model used to assist local jurisdictions is the Landscape Characterization Model created by DOE. The purpose of this model is to provide guidance to planners on how to protect aquatic resources by integrating information about landscape processes into planning and regulation (e.g., comprehensive plan updates, site specific plans, land use plans). By understanding the underlying processes of the input, movement, and loss of water, sediment, nutrients, pathogens, toxicants, and energy or heat, the town of Hamilton could assess how new development may affect where groundwater is recharged, flood waters are stored, stream water is oxygenated, sediment is deposited, pollutants are removed, and wetlands are created. A characterization of landscape processes provides a way to understand environmental processes that occur at larger geographic scales, their relationship to aquatic resources, and how they have been altered by human activities. More information regarding this model may be obtained at <http://www.ecy.wa.gov/pubs/0506013.pdf>. Contacts at DOE are Stephen Stanley at (425) 649-4210 or Susan Grigsby at (360) 407-6535.

Moving the Town of Hamilton provides a rare opportunity to plan a whole community with sensitivity to fish and wildlife. Because a new industrial area is proposed that in and of itself could bring in 500 additional residents, it will be important that the town design is such that it concentrates population densities, minimizes the number of roads, and promotes alternate modes of transportation, including buses, bikes, and walking trails.

Ms. Fleek
May 17, 2007
Page 8 of 9

The Washington Department of Fish and Wildlife wishes to thank you again for the opportunity to provide comments on the DEIS. We sincerely hope that you will find these comments constructive in your final deliberations. Please don't hesitate to contact me at the number listed below with any questions that you have regarding the comments and recommendations contained in this letter. I would be more than happy to sit down with you and discuss some of the above-mentioned issues in greater detail.

Sincerely,

Pamela Erstad

Pamela Erstad, PHS/GMA Biologist
Washington Department of Fish and Wildlife
16018 Mill Creek Blvd
Mill Creek, Washington 98012

Phone: 425.379.2308
Fax: 425.379.2323
E-mail: erstapke@dfw.wa.gov

Cc: David Brock, WDFW
Bob Everitt, WDFW
Jennifer Hayes, WDFW
Mike Davison, WDFW
John Carleton, WDFW
Jeffrey Kamps, WDFW
Gary Christensen, Skagit County Planning Director
Paul Anderson, NWDOE
Doug Peters, CTED

References

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Ms. Fleek
May 17, 2007
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UPPER SKAGIT INDIAN TRIBE

25944 Community Plaza Way • Sedro-Woolley, Washington 98284
Phone (360) 854-7000 • FAX (360) 854-7004

May 18, 2007

Ms. Margaret Fleek
Hamilton Planning Department
901 E. Fairhaven Ave.
Burlington, WA
98233
360-755-9309

Mr. Brandon Black
Skagit County Planning
1800 Continental Place
Mt. Vernon, WA
98273
360-336-9416

Sent Via Fax and Hand Delivered

RE: Upper Skagit Indian Tribe's Comments on the Town of Hamilton's Proposed Urban Growth Area and Expansion, Including Relocation of Existing Hamilton Residents

Dear Ms. Fleek and Mr. Black,

The Tribe's initial comments on the above noted proposed action will focus on six environmental issues that it has identified from the information it received and from our meeting on May 15, 2007. These issues being: 1) Potential impacts on a known archeological site near the proposed relocation site in the heartland of the Tribes ancestral homeland; 2) Proposed Muddy Creek relocation within the Janaki Industrial Development site; 3) Impacts on elk foraging habitat within potential relocation site; 4) Use and restoration of riparian area if the proposed urban growth area and expansion is implemented; 5) Potable water source for proposed urban growth area; 6) Protecting existing fishery resources and access to exercise treaty protected fishing rights.

First, the Tribe supports the proposed concept of an expansion of the Town of Hamilton Urban Growth Area for the purpose of relocating the existing residents out of the floodway, to provide opportunity for the development of adjacent vacant industrial land, and as an opportunity to increase productive fish habitat. As for the issues noted above the Tribe submits the following.

Archeological and Cultural Resources Protection: As conveyed to you in our meeting, a significant pre-historical archeological site has been located at or near the western edge of Carey's Lake, which location is known to be in the heart of the Upper Skagit's ancestral homeland. Although the boundaries of this site have yet to be determined, the archeologist working at the site believe the site may extend into the potential relocation area. This may not have been known at the time the draft Environmental Impact Statement was prepared since it is not

noted. Our concern is how will protection and or mitigation be afforded at this significant site?

Muddy Creek Relocation within the industrial vacant lands: The tribe supports the concept of relocating a stream to a more natural channel, provided the end result is a gain in additional and more productive fish habitat without impacting productivity in other areas. Since this proposed stream relocation is being proposed as part and parcel to development of the vacant industrial lands associated with the urban growth expansion area, these impacts need to be considered in light of the proposed Muddy Creek outlet into the Carey water way.

Elk Habitat Impact: The Tribe's concern in this area is use of winter foraging habitat near or adjacent to the potential relocation site. Since there is significant urbanization impacts that effect the elk population in this area already how will relocation impacts be mitigated.

Use and Restoration of site if town is moved: In the current proposal what assurances are provided that the former town will be converted back to productive fish and wildlife habitat? Conditioning the loss of Rural Resource NRL to the UGA done with a plan to restore the former town and facilities to natural fish and wildlife habitat could provide a net increase in natural resource benefits. The loss of zoned Rural Resource Land that is neither productive agriculture land nor essential fish habitat to facilitate a well planned community with modern infrastructure could create a win win situation if the process incorporates sound fisheries and hydrologic science into the process. The landscape sketch intending to highlight fisheries benefits needs to be examined in a scientific framework with studies to address the feasibility and reality of such actions.

During the course of our meeting on May 15, 2007 you described the intent of the Town to use a deep water well, which is not in hydrologic continuity with the Skagit mainstem or any Skagit tributary, as the main source of potable water once the town relocation has been implemented. Further, you indicated the intent to transfer the water rights associated with the existing wells in the flood plain to this well. The Tribe supports the use of this well as the main source of potable water for the Town relocation to the extent that it is not in hydrological continuity with the Skagit mainstem or associated tributaries. Based upon our experience we have found certain deep water aquifers that have a water which is of the age and chemical type which establish said waters as distinct from water in the Skagit mainstem or associated tributaries and therefore can not be considered hydrologically connected to the Skagit mainstem or associated tributaries. As far as the transfer of water rights from the wells currently in the flood plain it is our understanding that most of these wells are exempt wells and therefore have no transferable "water right" associated with them, however to the extent that these wells will be decommissioned and thereby relieving the mainstem from their impact the Tribe strong supports this action.

The Carry slough system currently supports excellent rearing and spawning habitat for coho and other salmonids. The protection of this resource needs to be provided for in the proposed expansion in order to address the impacts created in part by low summer flows on the stock and associated. To offset and protect against these impacts within the proposed UGA, the Carry system at a minimum needs proper riparian buffers, improved fish passage and additional enhancement to the instream habitat.

In addition to the above concerns Tribal fishermen currently use the Hamilton Boat launch in exercising their treaty protected fishing rights. As there are limited points of access to the Skagit mainsteam the protection of this access point needs to be provided for in the proposed town relocation.

Please accept these initial comments by the Tribe on the proposed action. The Tribe reserves the right to make further comments, as more information is learned, on the proposed UGA and town relocation.

Sincerely,

Upper Skagit Indian Tribe



Doreen Maloney

General Manager Treaty Entitlements and Economic Development

Fleek, Margaret

From: Dwight Washburn [dwight.washburn@hughes.net]
Sent: Thursday, May 31, 2007 8:38 AM
To: Fleek, Margaret
Subject: Hamilton EIS Comment Letter 052907

Dwight Washburn
7632 Cabin Creek Road
Sedro Woolley, WA 98284

Date: 5/29/07

Re: Comments for the Hamilton UGA EIS

The following concerns needs to be addressed in the EIS:

All areas in the EIS should be addressed under worst case scenarios.

Most of the proposal is dependent on good decision making and governance by the Township of Hamilton. Historically this has been a weakness in Hamilton. Recent history has shown a history of dishonesty and willingness to ignore building codes and laws to do what ever they want. They do not have the skills, financial and human resources required to monitor the proposal. What specific measures will be done to protect the interest all stakeholders? Why should the stakeholders trust such measures will be enforced?

Mitigation - Prior to approval of the expansion of the UGA and annexation of new land, Hamilton should be required to utilize the land at the Centennial Annexation site. The arguments the town use not to utilize this land is weak. The primary argument is the site has a mining permit, so it cannot be used. Throughout the nation we see cities and towns obtain and use lands where existing homes and viable on-going businesses reside for the betterment of society. Few would argue the need for another gravel pit should have higher priority than the safety and well being of the citizens of Hamilton. Other arguments such as problems with surface water drainage and waste disposal can be resolved using the proposed waste treatment system. The 260 acres at the Centennial Annexation site is vacant unused land. To meet the town's needs, the town should negotiate with the owners of the property to obtain at least 50 to 60 acre site. This would still allow for mining at the site as well as meet the town's current and future needs.

The town should encourage a commercial center on the corner of Pettit and SR20 currently owned by Janicki family.

The 59 acre commercial land residing in the county owned by the Janicki family, has the potential to create severe quality of life issues to the entire valley, particularly with its location surrounded on three sides by county residents. For example, Janicki Energy is interested in developing a bio-fuel / bio-diesel plant. I read an article describing Janicki's vision that would utilize 1000 tons of wood waste and 300 tons of garbage per day to fuel the plant. Such a facility would be an environmental, financial, and quality of life disaster for the region. This or other detrimental facilities could only be built if the land is transferred to the town and its zoning. Mitigation alternatives: 1. Do not approve addition of this land to the UGA. 2. Approve with stipulations: 2a. Light Industrial usage only. 2b. No bulk storage of fuels or

6/4/2007

chemicals on-site. 2c. No storage or burning of garbage on-site.

May 31, 2007

Margaret Fleek, Hamilton Planner
c/o City of Burlington
901 E. Fairhaven Avenue
Burlington, WA 98233

re: Draft EIS | Hamilton Relocation, Subarea Plan and UGA Expansion

Dear Margaret:

SCARP appreciates your efforts as well as the contributions of many others who have taken an interest in the above-noted project. While we generally support the relocation concept, we do have some concerns about implementation, including – but not limited to – the following:

- **Rural Character** – We understand that many property owners in the Hamilton area feel that the proposals associated with relocation are not compatible with their desire to retain the area's rural character. Since preserving rural character is supported by the Growth Management Act, as well as the County's Comprehensive Plan, we feel a phased approach to relocation would help alleviate some of these folks' concerns. It might be wise to craft initial plans which focus primarily on needs of the individuals being relocated and the property owners who will become their neighbors. For new community's to thrive, compatibility is essential, and preserving rural character could very well be the catalyst for establishing common bonds.
- **Water Quantity/Quality** – We were unable to determine if due consideration has been given to potable water requirements in the relocation area, or the level of water service required by existing or proposed industrial uses. We believe that assurances of adequate supplies of good quality water – and properly functioning wastewater systems – are essential to public health in the "new" Hamilton.
- **UGA Proposal** – Loss of 260 acres of natural resource lands contradicts the spirit of Skagit County's Countywide Planning Policies and the Comprehensive Plan. We understand Janicki is proposing to operate a pellet mill on the Crown Pacific site. Is this not a natural resource industrial use? If such use is consistent with current zoning, we believe that UGA expansion for the site is unnecessary at this time.

- **TDR Proposal** – The County Code currently contains no provisions for a transfer of development rights program. We question the validity of the TDR proposal and feel strongly that all Skagit County property owners should be given an opportunity to study any program pertaining to transfer or purchase of development rights.
- **Environmental Impacts** – Elk tend to be destructive in urban settings. As a matter of health and safety for the animals and humans alike, it would seem prudent to establish an elk relocation program prior to developing the new town site.

We note that public comments included with the Draft EIS package you sent us indicate a general lack of understanding with respect to plans related to quality of life and the environment. Given the complex nature of each facet of the Draft EIS, we feel it should be published and distributed throughout the County, notification of its availability broadly advertised, and public meetings be scheduled countywide. Ramifications of this immense undertaking certainly will have an impact on anyone in Skagit County who pays taxes. We believe, therefore, that all citizens should be given an opportunity to study the Draft EIS and be allowed to comment on and/or propose alternatives for any of its components.

Thank you for considering our comments and suggestions.

Regards,



The Board of Directors
per D. Freethy, Secretary

May 31, 2007

To: Margaret Fleek, Hamilton Planner
City of Burlington, 901 E. Fairhaven

From: June Kite, Friends of Skagit County
P.O. Box 2632, Mount Vernon 98273

Re: Draft EIS Hamilton Relocation
Sub-area Plan & UGA Expansion

RECEIVED

JUN 01 2007

PLANNING DEPT.

The relocation of the town of Hamilton has been a long and arduous process and we recognize the good work that is represented by the draft environmental impact study. Friends of Skagit County has as our focus to preserve our rural character, protect our natural resources and to build livable communities. Public process is a major factor in achieving those goals, and the work of the local representatives on the CAC is a much need part of relocating Hamilton and keeping the flavor of the rural character.

One of the first steps the Growth Management Act sets forth is to set the boundary of the Urban Growth Area. That area is determined by the projected growth for a particular time period. Since the relocation is to move **existing** flood prone residential areas up to the higher area, it would seem that there should be some boundary reduction of the area adjacent to the River. The study does not clearly justify the increase in the size of the UGA.

The utilities (water/septics) infrastructure costs, financial support is not clearly outlined and many questions still need to be addressed. **Zoning** of the UGA, loss of Industrial Forest lands, incorporated city vs. UGA is not clearly understood.

Thank you for the opportunity to comment and we look forward to working through the process to a successful Hamilton Relocation.

June Kite
Friends of Skagit County