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Peter Browning, Director  
Skagit County Health Department  
700 South 2<sup>nd</sup> Street, # 301  
Mount Vernon WA 98273

Re: Adoption of Existing Environmental Document  
SEPA application 990252

March 20, 2013

Dear Mr. Browning,

Recently I was informed that a certain document, which I shall reference as an “adoption statement”, was delivered – most likely mailed – to your department in 2006 from the city of Burlington. This document would purport to “adopt” the above referenced SEPA document, from late 1999 or early 2000. Your department was on the original mailing list for the SEPA; on information and belief we are told that this follow-up document was sent to your office because your department was on the original mailing list. Based on our phone conversation, I understand that your office would maintain a file on such items, and that if in fact the adoption document were sent to you, it would be maintained in such file. The adoption statement would have been sent to your office pursuant to WAC 197-11-965.

I am enclosing a copy of the adoption document that I have received and which I am now referencing. According to the terms of this adoption statement, it was prepared on November 28, 2006. Further, although it contains no reference number for the 1999 SEPA materials, it has been represented that it in fact pertains to the same activities addressed there. In other words the information coming to us indicates that this document effectively “adopts” the 1999 SEPA.

The primary purpose of this letter and request is to verify that such document (or a copy) has been received by your office from the city of Burlington and the date of receipt of such document. Accordingly, pursuant to the public disclosure act of Washington, we are requesting copies of this document *if it has been previously received by your office vis-à-vis* the city of Burlington. If such is the case please provide us with an exact duplicate copy of the document as you received it from the city. Also, in the event there is no stamp or other notation indicating when such document was received on the document,

we would also request copies of any logs or other documents which would reflect the date upon which the adoption notice was received.

If the document has not previously been in the custody of your department, please so indicate in your official response to this office. To avoid the necessity of having to call someone from your department, at some point, as a witness, to establish such fact, you may provide a certification of the “absence of public record or entry” in conformity with Washington Evidence Rule 803(a)(10). We assume that your office has a procedure for this. If not, please let us know and we can certainly assist in providing the same to you.

Thank you for your assistance and courtesy in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Thomas E. Seguin". The signature is written in a cursive style with a long, sweeping underline.

Thomas E. Seguin

Encl: Copy of adoption statement

SEPA RULES

WAC 197-11-965 Adoption notice.

ADOPTION OF EXISTING ENVIRONMENTAL DOCUMENT

Adoption for (check appropriate box) \_\_\_ DNS X EIS other \_\_\_\_\_

Description of current proposal: Excavate and stockpile material, construct haul road, reconstruct street to repair landslide

Proponent: Burlington Hill Property Investors and City of Burlington

Location of current proposal: North side of Burlington Hill; access road and adjacent land

Title of document being adopted: Final Environmental Impact Statement for Rezoning and Development of Burlington Hill

Agency that prepared document being adopted: City of Burlington

Date adopted document was prepared: February 12, 1999

Description of document (or portion) being adopted: Final Environmental Impact Statement for Rezoning and Development of Burlington Hill

If the document being adopted has been challenged (WAC 197-11-630), please describe: N/A

The document is available to be read at (place/time) Burlington Planning Department, 901 E. Fairhaven Avenue, Burlington WA, 8:00 -5:00 M-F.

We have identified and adopted this document as being appropriate for this proposal after independent review. The document meets our environmental review needs for the current proposal and will accompany the proposal to the decisionmaker.

Name of agency adopting document: City of Burlington

Contact person, if other than responsible official same as responsible official Phone: 360-755-9717

Responsible official Margaret Fleek

Position/title: Planning Director Phone: 360-755-9717

Address: 901 E. Fairhaven Avenue, Burlington WA 98233

Date: 11/28/06 Signature: Margaret S. Fleek

