

Nygard, Kathy

**Received**

**From:** Lovelace, Butch  
**Sent:** Tuesday, October 07, 2008 9:37 AM  
**To:** Nygard, Kathy  
**Subject:** FW: SEPA DNA regarding Transfer of Fall City Park to the Snoqualmie Tribe FW: Fall City Agreement

OCT - 7 2008

Is this a new one? (in yellow)

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**From:** Amelia Adair [mailto:ameliaadair@msn.com]  
**Sent:** Monday, October 06, 2008 9:47 PM  
**To:** Lovelace, Butch; Brown, Kevin; McMorris, Jeff  
**Cc:** 'John Gorton'; leemod@pobox.com; 'Susan Miller'; 'Laurie Tarantola'; vanessa@ammusic.net  
**Subject:** SEPA DNA regarding Transfer of Fall City Park to the Snoqualmie Tribe FW: Fall City Agreement

Gentlemen,

I just received a copy of the proposed Intergovernmental Land Transfer Agreement Between King County and the Snoqualmie Tribe. I was disappointed to see that the two primary concerns I expressed about the Agreement over a year ago have not been resolved in this document. Please see e-mail string below.

Problem with the Agreement. Specifically, I think the exceptions in the Agreement swallow the whole, unless the public is given standing to enforce the Agreement, and unless King County is prohibited from passing a future ordinance that allows the property to pass into trust for the Tribe. Without these two changes, in my opinion, the Agreement is unenforceable by the taxpayers who originally funded purchase of the park in the first place, and the Agreement could easily lead to a simple give-away of public property to the Tribe, without a meaningful replacement.

SEPA DNA Comments. Next allow me to register my objection to the transfer to the Tribe going forward at all. During the past year, in response to the threat of the transfer of the Park to the Tribe, the Fall City community has rallied together and supported a movement to create a park district for Fall City, with the express intention of maintaining this and other local parks. The local community wants to step forward and maintain the Fall City Park, which represents the heart of the community; this is consistent with the local community's plans to build a pedestrian bridge to the Fall City Park, and develop a sculpture walk incorporating this bridge. The local community clearly supports and deeply values this Park.

Regional Equestrian Uses. It's certainly unfortunate that our small rural community in unincorporated King County is forced to take this action, when the King County Parks Department has as part of its mission maintaining local parks in unincorporated areas. More importantly, the riding arena and horse-trailer parking lot are used by equestrians from across the County, making this particular use *regional* rather than merely local.

Attached, for a flavor of that regional use, are some pictures of a Raging River Riders playday in July this year. I understand that over 50 riders attended the most recent playday. Cherry Valley Riders, based in the Woodinville/Duvall area, also used the arena for playdays this summer. Local 4-H groups, equestrian drill teams, and countless individual riders and friends gathered at the arena this past year to enjoy this unique and valuable amenity.

Ideal Outcome. I think it would be great for the Tribe to take a larger role in preservation, maintenance and improvement of the Park. I believe they stepped forward to help the County in time of budget crisis and have good intentions. I hope there is a way to respect the Tribe's plans and desire to use the Park more intensely and frequently, consistently with their heritage. But I am convinced that there must be a way to achieve all these things while still preserving in perpetuity the public's right to use the property we purchased for a park.

This situation should not result in an either/or, win/lose outcome. There must be a way to negotiate a win/win outcome. Thank you for your continued efforts to enhance and preserve the Park in this spirit.

Cheers,

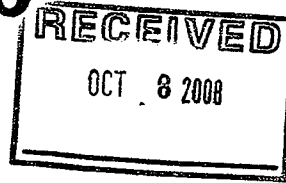
Amelia Adair  
 35411 SE Fish Hatchery Rd.  
 Fall City, WA 98024  
 (425) 844-1166

10/10/2008

2008-640

October 6, 2008

Kevin Brown, Director  
Department of Natural Resources & Parks (DNR-P)  
201 South Jackson Street, Suite 700  
Seattle, WA 98024



RE: SEPA DNS – File Number DPR-S-08-004  
Fall City Park Transfer

Dear Mr. Brown,

On behalf of the equestrian community who have built and regularly use the Fall City Arena we would like to thank you for the opportunity to comment on the Determination of NonSignificance issued for the Fall City Park Transfer to the Snoqualmie Tribe.

We have received and reviewed copies of the Determination of Nonsignificance and "Attachment A" the proposed Intergovernmental Land Transfer Agreement Between King County and the Snoqualmie Tribe. We are disappointed to see that the two primary concerns expressed about the Agreement over a year ago (see attached emails dated May 15 and May 18, 2008) have not been resolved in this document.

Problem with the Agreement. Specifically, we think the exceptions in the Agreement swallow the whole, unless the public is given standing to enforce the Agreement, and unless King County is prohibited from passing a future ordinance that allows the property to pass into trust for the Tribe. Without these two changes, in our opinion, the Agreement is unenforceable by the taxpayers who originally funded purchase of the park in the first place, and the Agreement could easily lead to a simple give-away of public property to the Tribe, without a meaningful replacement.

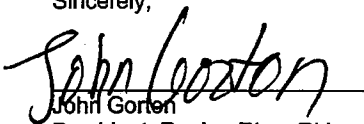
SEPA DNA Comments. Next allow us to register our objection to the transfer to the Tribe going forward at all. During the past year, in response to the threat of the transfer of the Park to the Tribe, the Fall City community has rallied together and supported a movement to create a park district for Fall City, with the express intention of maintaining this and other local parks. The local community wants to step forward and maintain the Fall City Park, which represents the heart of the community; this is consistent with the local community's plans to build a pedestrian bridge to the Fall City Park, and develop a sculpture walk incorporating this bridge. The local community clearly supports and deeply values this Park.

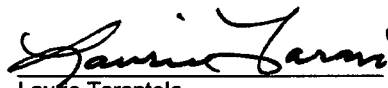
Regional Equestrian Uses. It's certainly unfortunate that our small rural community in unincorporated King County is forced to take this action, when the King County Parks Department has as part of its mission maintaining local parks in unincorporated areas. More importantly, the riding arena and horse-trailer parking lot are used by equestrians from across the County, making this particular use *regional* rather than merely local.

Ideal Outcome. We are in favor of the Tribe taking a larger role in preservation, maintenance and improvement of the Park. We believe they stepped forward to help the County in time of budget crisis and have good intentions. We hope there is a way to respect the Tribe's plans and desire to use the Park more intensely and frequently, consistently with their heritage. But we stridently oppose the proposed transfer and possible displacement of the current arena and ball field functions as the appropriate solution. We are convinced that there must be a way to achieve the goals of the future stakeholders while still preserving in perpetuity the current users right to use the facilities we purchased and constructed for this park.

This situation should not result in an either/or, win/lose outcome. There must be a way to negotiate a win/win outcome. We join our partners, The Friends of Fall City Parks, in urging the Department of Natural Resources and Parks to go back to the drawing board and fully address the impacts and alternatives of the proposed transfer by the County to the Snoqualmie Tribe.

Sincerely,

  
John Gorton  
President, Raging River Riders

  
Laurie Tarantola  
President, Sammamish Saddle Club

  
Gail Tweetch,  
President, Snoqualmie Valley Riders

2008-640

Moderow, Lee

**Subject:** FW: SEPA DNA regarding Transfer of Fall City Park to the Snoqualmie Tribe FW: Fall City Agreement

**From:** Amelia Adair [mailto:ameliaadair@msn.com]

**Sent:** Tuesday, May 15, 2007 11:19 PM

**To:** Lovelace, Butch; 'Matt Mattson'; McMorris, Jeff; Brown, Kevin

**Cc:** Catabay, Nori; Nygard, Kathy; James, GI; susanamiller@hotmail.com; jen@prkc.org; bud@fleek.com; leemod@pobox.com; jluty000@centurytel.net; vanessa@ammusic.net

**Subject:** RE: Fall City Agreement

Thank you very much for sending us a copy of Draft Intergovernmental Land Transfer Agreement between King County and the Snoqualmie Tribe. It's comforting to see that, **provided that two key changes are made** to the Agreement, it should accomplish what King County and the Tribe told us it would: specifically, to keep the Fall City Park open to the public for its current uses in perpetuity, and allow recourse in court if the Tribe fails to perform.

Unfortunately, as currently drafted, the Agreement does not achieve these goals. In my opinion, two simple changes are needed to meet them:

- Section 1.3, 8th paragraph on page 3: Delete the last clause which reads, "unless and until the King County Council or its successor in interest affirmatively passes a motion to support the Tribe's proposal to do so." As changed, the paragraph will read, "The Tribe further covenants that it will hold title to and own the Property in fee simple status, and shall make no effort or request to convert all or part of the Property from fee simple into trust status under the Indian Reorganization Act of 1934 and its implementing regulations as now codified at 25 U.S.C. Sec. 465 and 25 C.F.R. Part 151 or as hereafter amended."
- Section 8.2, page 8: Add the words "and the public" to the first sentence. As changed the sentence will read, "The Tribe acknowledges and agrees that the County **and the public** shall have standing to sue the Tribe in Washington State superior court to enforce specific performance of this Agreement..." [emphasis added to new wording]

Why are these changes necessary?

Change #1 is necessary to prevent the County from simply passing a motion to support the Tribe's proposal to convert the property to trust status at a later time. Without this change, in effect the whole Agreement is meaningless and could be undone at any time by the King County Council.

Change #2 is necessary to give the public standing to sue to enforce the Agreement. Without this right, again the Agreement is meaningless.

I don't expect these changes to be a problem. Kevin and Matt, you assured us at both of our meetings that the Agreement would give the public standing to enforce the Agreement. You also told us that the Tribe did not intend to take the Park as trust land. Therefore, these two small changes are consistent with what you told us the Agreement said.

Jeff, I would appreciate your bringing my recommendations to Kathy Lambert's attention. Thanks.

If these two changes are made, I would feel pretty good about the Agreement. As Butch, Kevin and Matt told us it would, the Agreement requires the Tribe to:

- operate and maintain the park at or above the current maintenance level,
- keep it open to the public
- keep fees the same for the public as for Tribal members

10/8/2008

- treat the public and Tribal members the same
- respect King County zoning
- preserve the landmark status of the Hop Shed
- The Tribe waives sovereign immunity

Deferred maintenance throughout the park is still a big problem. I think King County ought to step up and fix the park before transferring it to the Tribe. The arena footing isn't safe, and the equestrian community is very concerned about it. The parking lot needs a lot of gravel and grading to make it safe and functional. The bleachers were unsafe even before they floated into the bushes. At a minimum the County should fix these problems, not pass them on to the Tribe and the community.

I'm sorry that a long-standing, previous commitment prevents me from coming to the community meeting tomorrow. Good luck.

Cheers,

Amelia Adair

35411 SE Fish Hatchery Rd.

Fall City, WA 98024

(425) 844-1166

ameliaadair@msn.com

<<...>>

From: Lovelace, Butch [mailto:Butch.Lovelace@METROKc.GOV]

Sent: Thursday, May 10, 2007 3:46 PM

To: ameliaadair@msn.com; jen@prkc.org; bud@fleek.com; leemod@pobox.com; Matt Mattson; susanamiller@hotmail.com

Cc: Catabay, Nori; Brown, Kevin; Nygard, Kathy; McMorris, Jeff; James, G

Subject: Fall City Agreement

Hi All—

Many of you requested a copy of the current draft agreement between King County and the Snoqualmie Tribe regarding Fall City Park. I've attached the final draft for your review in preparation for next week's meeting. Please let me know if you have any questions or would like to discuss any of these items.

Sincerely,

Butch Lovelace | Program Manager | King County Parks | 206.263.6267 | <http://www.metrokc.gov/parks/> | for our most recent e-newsletter, click here <http://dnr.metrokc.gov/parks/newsletter/index.htm>

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2008-640

**Nygaard, Kathy**

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**From:** Web, Master  
**Sent:** Tuesday, October 07, 2008 4:09 PM  
**To:** everetro@aol.com  
**Cc:** Nygaard, Kathy; Boupharath, Mel  
**Subject:** RE: Change of status of Fall City Park at 4105 Fall City-Carnation Road

Hi,

I am forwarding your message along to the King County Parks staff.

Thank you for using the King County Web site.

-----  
-- Jacob Lane, King County Web Team  
www.kingcounty.gov: Always at your service

**Received**

OCT - 8 2008

.....

-----Original Message-----

**From:** everetro@aol.com [mailto:everetro@aol.com]  
**Sent:** Tuesday, October 07, 2008 3:03 PM  
**To:** Web, Master  
**Subject:** Change of status of Fall City Park at 4105 Fall City-Carnation Road

On "10/07/2008" at "03:02PM": A customer comment from rosemarie everett was posted from the King County webpage <http://kingcounty.gov/> and mailed to [webmaster@kingcounty.gov](mailto:webmaster@kingcounty.gov)

**Subject:** Change of status of Fall City Park at 4105 Fall City-Carnation Road  
**Comment Type:** Request  
**Email Address:** everetro@aol.com

Please do not change the status of the above described Fall City Park. This 27 acre park offers a variety of recreational opportunities including access to the Snoqualmie River. There are no other parks near Fall City of this type. The phrase especially troublesome is "...unless other equivalent lands or facilities within the county are received in exchange therefore and the replacement lands or facilities are used in perpetuity for park or recreation purposes."

An email response has been requested.

Dear Ms. Everett,

Thank you for your interest in the future of Fall City Park. Your comments and concerns were received during the 14-day State Environmental Policy Act (SEPA) comment period that ended October 8, 2008. All comments are considered and have been made part of the SEPA record for the project.

The draft agreement between King County and the Snoqualmie Tribe has the following provisions that address your concerns.

- The property will be used for parks and recreation purposes in perpetuity, consistent with the original intent in purchasing and developing the park through Forward Thrust.
- The Tribe will provide access to all persons desiring to use the park and recreational programs regardless of residency or affiliation and the use fees will be the same for tribal and non-tribal members alike.
- The Tribe will schedule and operate the property ensuring the public has use privileges similar to those that the public would have if King County were continuing to schedule and operate the park.
- The Tribe will ensure that the equestrian arena remains in perpetuity or until an extensive public process deems another use more appropriate.
- The parking lot will continue to be used as a trailhead for the Snoqualmie Valley Trail.
- The Tribe is committed to maintaining a scheduling process that adequately addresses the public's scheduling demands, and the Tribe will provide adequate staff to carry out the scheduling functions.
- The level of maintenance will be the same or better than the current level of maintenance provided by King County
- The property is subject to the county's zoning and land use codes, ordinances, and regulations, and will remain subject to the county's regulatory authority over zoning and land use.
- The Tribe will have the opportunity to schedule up to 20 days per year for tribal events, such as ceremonies or traditional celebrations.
- The Tribe agrees to comply with all local, state and federal laws regarding the hop shed designated landmark and an identified archaeological site on the land.
- If the Tribe is found to be in breach of the contract, the park will revert back to King County.

King County and the Snoqualmie Tribe have met with community members and have held a public meeting. The proposed transfer agreement addresses many issues, most of which are not normally included in standard interlocal agreements.

Example of community suggestions that have been incorporated in the agreement include:

- The Snoqualmie Tribe has agreed to waive its sovereign rights as they relate to this agreement, agreeing that all legal issues be processed and heard in Washington State court.

- The Snoqualmie Tribe has committed to maintaining service levels at or above what King County currently provides.
- The Snoqualmie Tribe has committed to ensuring that any removal or relocation of the Hop Shed on site, which is a designated landmark, would be done in conjunction with the King County Landmarks Commission and Washington State law.
- The Snoqualmie Tribe agreed that the park could revert back to King County if conditions of the agreement, once executed, were not met.
- The Snoqualmie Tribe agreed that equestrian facilities would continue to be an important aspect of the park as well as improvements made to the parking facilities which serve as a trailhead for the Snoqualmie Trail.
- The Snoqualmie Tribe agreed that the park not be used for commercial operations and identified language stating that all improvements would be consistent with Forward Thrust bond requirements as well as King County zoning and regulatory requirements.
- The Snoqualmie Tribe will ensure that the park is open to the public and will not restrict access to, and use of, the park by non-tribal members in a way that does not also apply to tribal members.

If the proposed transfer of Fall City Park to the Snoqualmie Tribe is approved by the King County Council, the park will continue to be open and available to the public, as well as continue to be maintained at or above current levels.

Thank you again for your interest in the future of Fall City Park.

Sincerely,

Kevin Brown  
Division Director

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Original Message-----

From: everettro@aol.com [mailto:everettro@aol.com]

Sent: Tuesday, October 07, 2008 3:03 PM

To: Web, Master

Subject: Change of status of Fall City Park at 4105 Fall City-Carnation Road

On "10/07/2008" at "03:02PM": A customer comment from rosemarie everett was posted from the King County webpage <http://kingcounty.gov/> and mailed to [webmaster@kingcounty.gov](mailto:webmaster@kingcounty.gov)

Subject: Change of status of Fall City Park at 4105 Fall City-Carnation Road

Comment Type: Request

Email Address: everettro@aol.com

Please do not change the status of the above described Fall City Park. This 27 acre park offers a variety of recreational opportunities including access to the Snoqualmie River. There are no other parks near Fall City of this type. The phrase especially troublesome is "...unless other equivalent lands or facilities within the county are received in exchange therefore and the replacement lands or facilities are used in perpetuity for park or recreation purposes."

Fall City Park SEPA - Hatch, James - appeal process

From: Nygard, Kathy  
Sent: Thursday, October 16, 2008 12:06 PM  
To: 'Jock Hatch'  
Subject: RE: Fall City Park Transfer

2008-640

Good Afternoon Mr. Hatch,

Thank you for your October 14, 2008, e-mail about Fall City Park SEPA process. The short answers to your questions are as follows:

- 1) No, the notice of action process does not limit the ability to appeal SEPA issues. It does limit the time period when such appeals may be brought.
- 2) Yes, the adequacy of the threshold determination may be appealed through the notice of action process under RCW 43.21C.080 and RCW 43.21C.075.
- 3) There is no administrative appeal to the hearing examiner because the Department of Natural Resources and Parks (DNRP) has no rule that would create such an appeal.

Here is a more detailed explanation.

King County Department of Natural Resources and Parks follows the County's general SEPA procedures, which are codified at King County Code Chapter 20.44. You can find Title 20 of the County Code on the County's website at this URL (it is a PDF of Title 20, 127 pages in all; Chapter 20.44 appears at pp.93-101):

[http://www.kingcounty.gov/council/legislation/~media/Council/documents/Clerk/CodeFiles/23\\_Title\\_20.ashx](http://www.kingcounty.gov/council/legislation/~media/Council/documents/Clerk/CodeFiles/23_Title_20.ashx)

Under K.C.C. Chapter 20.44, there are two "pathways" through which SEPA issues may be brought to the hearing examiner. One, an agency may adopt a public rule creating such an appeal; or two, a separate land-use decision (e.g. clearing and grading permit, building permit, etc.) triggers procedural SEPA review by the hearing examiner. See K.C.C. 20.44.120.A.1 and K.C.C. 20.44.075. In this case, DNRP has no rule that would allow an administrative appeal to the hearing examiner. Nor is there a separate land-use decision pending, which might otherwise allow for an appeal to the hearing examiner.

As you correctly ascertained, in the absence of an administrative appeal to the hearing examiner, DNRP intends to use the optional "notice of action" process under SEPA, namely RCW 43.21C.080. The "action" is the Council's vote on the ordinance which would authorize the transfer, but SEPA issues may be appealed as well (indeed, they must be appealed during the specified 21-day time period, or be lost). Under the Notice of Action procedure, if the Council votes to approve the ordinance regarding the transfer, then DNRP would issue a notice of action, and (among other things) publish it in the Seattle Times and the Snoqualmie Valley Record for two consecutive weeks. Any appeals regarding SEPA issues or regarding the Council's action (or both) would have to be filed in Superior Court within 21 days following the second publication date.

The adequacy of the threshold determination is one of the issues that could be appealed during that 21-day time period.

In addition to the questions below, I wanted to acknowledge the we received your comments during the 14-day SEPA comment period for Fall City Park on October 8, 2008, and we anticipate sending a reply by the end of the week to those comments.

All the best - Kathy

Kathy Nygard | Confidential Secretary | King County Parks and Recreation Division |  
kathy.nygard@kingcounty.gov | 206.296.8687 | [www.kingcounty.gov/parks](http://www.kingcounty.gov/parks)



Fall City Park SEPA - Hatch, James - appeal process

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From: Jock Hatch [mailto:James.Hatch@lakesideind.com]  
Sent: Tuesday, October 14, 2008 10:35 AM  
To: Nygard, Kathy  
Subject: FW: Fall City Park Transfer

I'll try this again with the right email address!

---

From: Jock Hatch  
Sent: Tuesday, October 14, 2008 10:04 AM  
To: 'kath.nygard@kingcounty.gov'  
Cc: 'Jock Hatch'  
Subject: Fall City Park Transfer

Dear Ms. Nygard,

Thanks again for the opportunity to comment on this matter. First of all, I'd like to make clear that this is not about the Snoqualmie Tribe. I have supported virtually everything they have done including (grudgingly) the casino, the Snoqualmie Ridge swap, etc. I do have a problem with the final disposition of the park and the way this is being handled by King County. I have a couple of questions that maybe you could answer for me:

- 1) Does the Notice of Action process limit a potential appellant's ability to challenge the SEPA TD only on the KC Council's decision (or action) that implements the transfer?
- 2) Will it be possible to appeal the decision on whether or not the TD adequately assessed actual potential impacts? The process that is described in the SEPA RCW 43.21C.080 seems to allow only an appeal (in Superior Court) of the Council's approval of the Ordinance rather than on the content/facts of the TD - is that correct? If so, this process would be fundamentally unfair because there could be no substantive appeal at all.
- 3) Why did the County choose to use the Notice of Action process rather than the usual process (with an administrative appeal, possible public hearing in front of a Hearing Examiner, decision by the Examiner that is then appealable in Superior Court, etc.) Why was the administrative appeal eliminated?

Thanks for your time and effort on this matter - I'm sure this has not been a very pleasant task for you or your colleagues.

Sincerely,

James Hatch

Received

OCT - 8 2008



FRIENDS OF FALL CITY PARKS  
P.O. Box 232  
Fall City, WA 98024

October 2, 2008

Kevin Brown, Director  
Department of Natural Resources & Parks (DNR-P)  
201 South Jackson Street, Suite 700  
Seattle, WA 98104-3856

2008-640

RE: SEPA DNS - File Number DPR-S-08-004  
Fall City Park Transfer

Dear Mr. Brown,

Thank you for the opportunity to comment on the Determination of NonSignificance issued for the Fall City Park Transfer to the Snoqualmie Tribe.

After review of the completed environmental checklist, it is evident that the impacts and alternatives of the proposed transfer have not been adequately addressed.

We offer the following comments:

**A. BACKGROUND**

**A.6: Proposed timing or schedule (include phasing, if applicable).** Council action proposed in 2008. Transfer implementation in 2008-09.

**FFCP Comment:**

One would question the timing of a 2008 Council action, given the power struggle that occurred within the Snoqualmie Tribe last April. As a result, a civil suit was filed by banished tribal members against the sitting tribal council, which will be heard in federal court.

Proposed Council action in 2008 also precludes the February vote of the Fall City community to pass a ballot measure to form the Fall City Metropolitan Park District and the opportunity for prospective newly elected park

district commissioners to put together an operational plan. Through correspondence and meetings in December, 2007 and January, 2008, Friends of Fall City Parks (FFCP) requested Executive Sims and DNR-P to cease negotiations with the Tribe. Given five years of negotiations between the County and the Tribe, surely the County could delay the process until the February vote. This seems like a reasonable request.

**A.8:** *List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. An archaeological report was prepared for previous work at the site. (YUETSWABIC (45KI263): Preliminary Analysis of the Archaeological Collection-Technical Report 0181.*

**FFCP Comment:** The report should be added as an attachment to this proposal.

**A.9:** *Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered in your proposal? If yes, explain. None known. However, a citizens group (Friends of Fall City Parks) has gathered enough signatures to propose a ballot measure to form a parks district pursuant to RCW Ch. 36.69. Strictly speaking, such ballot measures are not "applications for government approval.".....*

**FFCP Comment:** Contrary to DNR-P's opinion that ballot measures to form park districts are not "applications for governmental approval," the ballot measure to form a Fall City Park District is, in fact, an application that is pending for governmental approval. King County Council authorization (by ordinance) is needed to put the measure on the ballot. Council Proposed Ordinance No. 2008-0519.1 establishes February \_\_, 2009 as the date for an election. Currently, election legislation is being reviewed by the Council Committee of the Whole.

To date, the proposal to form the district has received governmental approvals from the following agencies:

King County Elections Division: Verification of registered voters' signatures, representing the required 15% of voters who signed the petition to form a park district, residing within the proposed park district boundary

King County DNR-P: Proponent and lead agency for SEPA review and threshold determination of DNS

King County Roads and Services Division: Verification of proposed boundary

Washington State Boundary Review Board for King County: Review and approval of proposal

FFCP has carefully navigated its way through the tedious political process of governmental approvals, in accordance with state statutes and county codes. Yet there is no requirement for the County to jump through the same hoops. DNR-P can simply present the proposal to the County Council for approval and within 30 days Fall City Park is in the hands of a sovereign nation.

**A.11:** *Give a brief, complete description of your proposal, including the proposed uses and the size of the project site.... This is a proposal to transfer Fall City Park from King County to the Snoqualmie Tribe, a federally recognized Tribe.....*

**FFCP Comment:** FFCP has challenged the legal propriety of the interlocal agreement to transfer Fall City Park to the Tribe based on RCW Ch. 39.33, RCW 39.34 and the state constitution. Legal counsel has concluded that King County cannot legally transfer real estate property to an Indian tribe at zero price under the Interlocal Cooperation Act, because the County does not have the existing power and authority to do so. Letters dated March 6, 2008 through June 10, 2008 has gone back and forth between FFCP and Senior Deputy King County Prosecutor Andrew Marcuse. Four months have passed with no further comment from Marcuse.

FFCP contends that the transfer of Fall City Park by the County to the Tribe is a misuse of power and authority by the County to use RCW Ch. 36.34 as justification for the park transfer. Furthermore, the fact that a metropolitan park district formation is in process, should be sufficient cause to bring the transfer proceedings to a halt.

There is no assurance that the Tribe can continue to operate and maintain the park, if the Tribe depends on raising profits through the proposed Snoqualmie Casino and the casino fails to turn a profit. There is economic risk in the proposal and it is not being analyzed. A public park district that has assessment authority is going to be in much better position to assure continued levels of maintenance, operation and repairs as opposed to the Tribe.

**B.8.b:** *Has the site been used for agriculture? If so, describe. The Snoqualmie River Valley was historically used for farming and grazing and the surrounding area is used for agriculture so it may be assumed that the site was farmed at some time in the past. The site has been in County ownership and used as a park since 1977.*

**FFCP Comment:** Hops were grown on the site and on surrounding properties in the late 19th century, as evidenced by the Fall City Hop Shed that is now located on the site. Growing and exporting of hops was the largest agricultural enterprise in King County until the turn of the century, when large-scale hop farming was brought to an end due to infestation of the hop aphids, low prices and high cost of supplies. The site was also a bulb farm at one time.

The site has been in County ownership since 1977 and used as a park since 1983. (A lawsuit filed by the previous owner stalled development of the park for six years.)

The following excerpt from *Jack's History of Fall City* by Jack Kelley is an excellent illustration of the historical, archaeological and cultural significance to both the community of Fall City and to the Snoqualmie Tribe. Fall City Park is the heart of the community and it unites the residents of Fall City.

In 1972, during the Centennial Celebration of Fall City, the Fall City Business and Professional Association (BPA) sponsored the first Fall City Logging Show on the site. For the next five years, the group raised funds to purchase the property from owner George Crone, who planned to develop the land into a mobile home park. King County Parks was aware of the efforts of the BPA and, in 1977, redeemed Crone's property at a Sheriff's tax lien sale and named it Fall City Community Park. The County worked with the BPA and Raging River Riders (RRR), a local saddle club. Together, a horse arena was built by RRR volunteer labor for about \$5,000, a playfield was established, and the BPA continued to hold its Logging Show there. The park opened in 1983.

The Logging Show ended its run in the late 1980s. Raging River Riders continues to hold its events in the park, and the baseball diamond is the hub for sports groups in the Snoqualmie Valley.

Historically, the area was home to a flourishing hop-growing business that began in the latter part of the 19th century and ended in the early 1900s. The Hop Shed was built in 1888 on the Davis Rutherford property, north of the present day park. After the hops crash, the structure was sold and moved to its present location in the park in 1904. The Fall City Hop Shed is the last remaining architectural evidence of this once-flourishing business. The Hop Shed was designated a King County Landmark in 1982, and is a familiar sight from downtown.

The first schoolhouse, built in 1872 and torn down about 1960, was located a stone's throw from the Hop Shed on a parcel adjacent to the park.

The Snoqualmie Valley was an important habitation of the Snoqualmie Tribe. Archaeological sites exist throughout the Valley, including the area that includes of Fall City Park, which is designated Site 45-KI-263 by the Washington State Department of Archaeology and Historic Preservation.

Fall City Park is used by all ages with a variety of interests: walkers, dog lovers, sports enthusiasts, equestrians (who have a vested interest), bird watchers, swimmers, sightseers, and history buffs.

**B.8.d:** *Will any structures be demolished. If so, what? No.*

**FFCP Comment:** There is no assurance that the Hop Shed will not be demolished if the Tribe allows it to fall into disrepair.

**B.12.a:** *What designated and informal recreational opportunities are in the immediate vicinity? ...A variety of other public parks and natural areas are located within 5 miles of the site, including county and city parks. These include: King County's Preston Athletic Fields; Preston Park; Preston Mill; Preston Ridge; Grand Ridge; Duthie Hill; Fall City Park West; and Canyon Creek, Treemont, Fall City and Griffin Creek Natural Areas, along with the Snoqualmie Valley and Preston-Snoqualmie Trails.*

**FFCP Comment:** Since Fall City is unincorporated, city parks do not exist. King County's Quigley Park should be added to the list.

**B.12.b:** *Would the proposed project displace any existing recreational uses? No. See response to question A.11.....*

**FFCP Comment:** There is no assurance that the Tribe will operate, maintain and provide public access to the site, all at the then-current level of service provided by the County. It is important to note that the current level of service provided by the County is substandard, i.e. the equestrian arena and the area surrounding the Hop Shed. Friends of the Arena was formed to lobby King County Parks to bring the arena up to acceptable standards and reduce the County's liability due to poor maintenance of the facility. Tall grass and blackberries surround the historic Hop Shed much of the time, preventing park users and history buffs access. There is no assurance that Tribe would maintain this county landmark, which is also listed on the Washington State Heritage Register.

The Agreement allows the Tribe to schedule events for its own use of the property, and temporarily limiting public access to all of part of the park for short periods. The public will be of secondary consideration when it comes to the Tribe scheduling events. There is no assurance that scheduled public events would not be bumped by the tribe if the Tribe decided to schedule its own event at the last minute.

**13.a:** *Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? .....*

**FFCP Comment:** Refer to B.8.b.

**13.b:** *Generally describe any landmarks or evidence of historical, archaeological, scientific or cultural importance known to be on or next to the site. Refers their response to B.12.a. and to archaeological report.*

**FFCP Comment:** Again, The Preliminary Analysis of the Archaeological Collection-Technical Report 0181) mentioned in the checklist should be an attachment to this proposal.

It is reasonable to assume that the site is of archeological importance, since the first schoolhouse in the Snoqualmie Valley was located very near the Hop Shed, on a parcel adjacent to the site of Fall City Park.

**ALTERNATIVES:**

DNR-P neglected to list alternatives to the proposal. The following options are suggested by FFCP.

1) One alternative is for the County to retain ownership of Fall City Park and continue to operate and maintain it. In 2006, when the community heard rumors about the transfer of Fall City Park to the Tribe, which was prior to the effort to form a park district, 800 citizens petitioned the County Council to stop the transfer. The petition implored the County to continue to operate and maintain the park. Since the passage of the Park Levy in November, 2007, funding is available to operate and maintain Fall City Park for the next six years.

2) The preferred method of FFCP is the formation of a Fall City Metropolitan Park District. Last Fall, members of the community began the lengthy process. The proposal is on the last leg of its journey before appearing on the February ballot. Transfer of Fall City Park a park district is the preferred alternative, which is strongly supported by many of the residents of the Fall City Community. If the District is created, the District could be used for acquisition, management, improvements and maintenance of Fall City Park, Quigley Park, new parks and recreation facilities. The elected Commissioners would be in a position to negotiate a transfer of Fall City Park and Quigley Park with King County. Please refer to the attached Vision Statement.

The Agreement allows the Tribe *to remove the park from public use if it provides replacement property*. FFCP finds this premise to be unrealistic. It is impossible to replace Fall City Park.

The 2002 King County's "Park Business Plan," which was to propose (not mandate) ideas to address a perceived funding crisis, proposes transfer of King County park lands to local governments and governmental entities such as school districts or the Port of Seattle. It doesn't mention "tribes." In our view, this was insightful as citizens of King County, who are not tribe members, have no stake in tribal government (as, as they are a sovereign nation, appropriately so). Transferring Fall City Park to a tribe is far different than a transfer to a metropolitan park district, school district or to a public port district - all of which embrace all citizens within its boundaries as equal stakeholders.

The State Legislature created a clear pathway for counties to convey park property to metropolitan park districts. King County will be denying the clear will of the Legislature and the people of the State of Washington if it continues with the park transfer proceedings to the Tribe.

The DNS is too broad. Given the detrimental effect the transfer of Fall City Park will have on this community, FFCP urges Department of Natural Resources and Parks to go back to the drawing board and fully address the impacts and alternatives of the proposed transfer by the County to the Snoqualmie Tribe.

Sincerely,



Perry Wilkins,  
President

Cc: King County Executive  
King County Council  
Washington State Department of Ecology  
Fall City Parks Campaign Action Team

Fall City Community Association  
Raging River Riders  
Sammamish Saddle Club

2008-640

**From:** Lovelace, Butch  
**Sent:** Tuesday, October 07, 2008 9:37 AM  
**To:** Nygard, Kathy  
**Subject:** FW: SEPA DNA regarding Transfer of Fall City Park to the Snoqualmie Tribe FW: Fall City Agreement  
Is this a new one? (in yellow)

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**From:** Amelia Adair [mailto:ameliaadair@msn.com]  
**Sent:** Monday, October 06, 2008 9:47 PM  
**To:** Lovelace, Butch; Brown, Kevin; McMorris, Jeff  
**Cc:** 'John Gorton'; leemod@pobox.com; 'Susan Miller'; 'Laurie Tarantola'; vanessa@ammusic.net  
**Subject:** SEPA DNA regarding Transfer of Fall City Park to the Snoqualmie Tribe FW: Fall City Agreement

Gentlemen,

I just received a copy of the proposed Intergovernmental Land Transfer Agreement Between King County and the Snoqualmie Tribe. I was disappointed to see that the two primary concerns I expressed about the Agreement over a year ago have not been resolved in this document. Please see e-mail string below.

Problem with the Agreement. Specifically, I think the exceptions in the Agreement swallow the whole, unless the public is given standing to enforce the Agreement, and unless King County is prohibited from passing a future ordinance that allows the property to pass into trust for the Tribe. Without these two changes, in my opinion, the Agreement is unenforceable by the taxpayers who originally funded purchase of the park in the first place, and the Agreement could easily lead to a simple give-away of public property to the Tribe, without a meaningful replacement.

SEPA DNA Comments. Next allow me to register my objection to the transfer to the Tribe going forward at all. During the past year, in response to the threat of the transfer of the Park to the Tribe, the Fall City community has rallied together and supported a movement to create a park district for Fall City, with the express intention of maintaining this and other local parks. The local community wants to step forward and maintain the Fall City Park, which represents the heart of the community; this is consistent with the local community's plans to build a pedestrian bridge to the Fall City Park, and develop a sculpture walk incorporating this bridge. The local community clearly supports and deeply values this Park.

Regional Equestrian Uses. It's certainly unfortunate that our small rural community in unincorporated King County is forced to take this action, when the King County Parks Department has as part of its mission maintaining local parks in unincorporated areas. More importantly, the riding arena and horse-trailer parking lot are used by equestrians from across the County, making this particular use **regional** rather than merely local.

Attached, for a flavor of that regional use, are some pictures of a Raging River Riders playday in July this year. I understand that over 50 riders attended the most recent playday. Cherry Valley Riders, based in the Woodinville/Duvall area, also used the arena for playdays this summer. Local 4-H groups, equestrian drill teams, and countless individual riders and friends gathered at the arena this past year to enjoy this unique and valuable amenity.

Ideal Outcome. I think it would be great for the Tribe to take a larger role in preservation, maintenance and improvement of the Park. I believe they stepped forward to help the County in time of budget crisis and have good intentions. I hope there is a way to respect the Tribe's plans and desire to use the Park more intensely and frequently, consistently with their heritage. But I am convinced that there must be a way to achieve all these things while still preserving in perpetuity the public's right to use the property we purchased for a park.

This situation should not result in an either/or, win/lose outcome. There must be a way to negotiate a win/win outcome. Thank you for your continued efforts to enhance and preserve the Park in this spirit.

Cheers,

Amelia Adair  
35411 SE Fish Hatchery Rd.

Fall City, WA 98024  
(425) 844-1166

Officer, Sammamish Saddle Club  
Member, Raging River Riders  
Member, Fall City Community Association

---

**From:** Lovelace, Butch [mailto:Butch.Lovelace@METROKC.GOV]  
**Sent:** Friday, May 18, 2007 2:11 PM  
**To:** Amelia Adair  
**Subject:** RE: Fall City Agreement

Hi Amelia,  
Thanks for your comments. These items were discussed at the meeting and should be addressed in the agreement should this move ahead.

I'm still very interested in seeing the tree farm property sometime in the next few weeks. I'll be in touch if the offer is still good.

Butch

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**From:** Amelia Adair [mailto:ameliaadair@msn.com]  
**Sent:** Tuesday, May 15, 2007 11:19 PM  
**To:** Lovelace, Butch; 'Matt Mattson'; McMorris, Jeff; Brown, Kevin  
**Cc:** Catabay, Nori; Nygard, Kathy; James, GI; susanamiller@hotmail.com; jen@prkc.org; bud@fleek.com; leemod@pobox.com; jluty000@centurytel.net; vanessa@ammusic.net  
**Subject:** RE: Fall City Agreement

Thank you very much for sending us a copy of Draft Intergovernmental Land Transfer Agreement between King County and the Snoqualmie Tribe. It's comforting to see that, **provided that two key changes are made** to the Agreement, it should accomplish what King County and the Tribe told us it would: specifically, to keep the Fall City Park open to the public for its current uses in perpetuity, and allow recourse in court if the Tribe fails to perform.

Unfortunately, as currently drafted, the Agreement does not achieve these goals. In my opinion, two simple changes are needed to meet them:

- Section 1.3, 8th paragraph on page 3: Delete the last clause which reads, "unless and until the King County Council or its successor in interest affirmatively passes a motion to support the Tribe's proposal to do so." As changed, the paragraph will read, "The Tribe further covenants that it will hold title to and own the Property in fee simple status, and shall make no effort or request to convert all or part of the Property from fee simple into trust status under the Indian Reorganization Act of 1934 and its implementing regulations as now codified at 25 U.S.C. Sec. 465 and 25 C.F.R. Part 151 or as hereafter amended."
- Section 8.2, page 8: Add the words "and the public" to the first sentence. As changed the sentence will read, "The Tribe acknowledges and agrees that the County **and the public** shall have standing to sue the Tribe in Washington State superior court to enforce specific performance of this Agreement..." [emphasis added to new wording]

Why are these changes necessary?



Change #1 is necessary to prevent the County from simply passing a motion to support the Tribe's proposal to convert the property to trust status at a later time. Without this change, in effect the whole Agreement is meaningless and could be undone at any time by the King County Council.

Change #2 is necessary to give the public standing to sue to enforce the Agreement. Without this right, again the Agreement is meaningless.

I don't expect these changes to be a problem. Kevin and Matt, you assured us at both of our meetings that the Agreement would give the public standing to enforce the Agreement. You also told us that the Tribe did not intend to take the Park as trust land. Therefore, these two small changes are consistent with what you told us the Agreement said.

Jeff, I would appreciate your bringing my recommendations to Kathy Lambert's attention. Thanks.

If these two changes are made, I would feel pretty good about the Agreement. As Butch, Kevin and Matt told us it would, the Agreement requires the Tribe to:

- operate and maintain the park at or above the current maintenance level,
- keep it open to the public
- keep fees the same for the public as for Tribal members
- treat the public and Tribal members the same
- respect King County zoning
- preserve the landmark status of the Hop Shed
- The Tribe waives sovereign immunity

Deferred maintenance throughout the park is still a big problem. I think King County ought to step up and fix the park before transferring it to the Tribe. The arena footing isn't safe, and the equestrian community is very concerned about it. The parking lot needs a lot of gravel and grading to make it safe and functional. The bleachers were unsafe even before they floated into the bushes. At a minimum the County should fix these problems, not pass them on to the Tribe and the community.

I'm sorry that a long-standing, previous commitment prevents me from coming to the community meeting tomorrow. Good luck.

Cheers,

Amelia Adair  
35411 SE Fish Hatchery Rd.  
Fall City, WA 98024  
(425) 844-1166  
ameliaadair@msn.com

<<...>> \_\_\_\_\_

From: Lovelace, Butch [mailto:Butch.Lovelace@METROKC.GOV]  
Sent: Thursday, May 10, 2007 3:46 PM  
To: ameliaadair@msn.com; jen@prkc.org; bud@fleek.com; leemod@pobox.com; Matt Mattson; susanamiller@hotmail.com  
Cc: Catabay, Nori; Brown, Kevin; Nygard, Kathy; McMorris, Jeff; James, GI

Subject: Fall City Agreement

Hi All—

Many of you requested a copy of the current draft agreement between King County and the Snoqualmie Tribe regarding Fall City Park. I've attached the final draft for your review in preparation for next week's meeting. Please let me know if you have any questions or would like to discuss any of these items.

Sincerely,

Butch Lovelace | Program Manager | King County Parks | 206.263.6267 | <http://www.metrokc.gov/parks/> | for our most recent e-newsletter, click here <<http://dnr.metrokc.gov/parks/newsletter/index.htm>>

2008-640

**From:** Jock Hatch [James.Hatch@lakesideind.com]  
**Sent:** Wednesday, October 08, 2008 3:34 PM  
**To:** Brown, Kevin; 'kathy@kathylambert.com'; Lambert, Kathy; Dunn, Reagan  
**Cc:** 'hatchj@u.washington.edu'; 'Karen Hatch'  
**Subject:** Comments re: SEPA DNS for Transfer of Fall City Park to Snoqualmie Tribe  
Dear Mr. Brown,

I write to forward my comments re: the SEPA DNS that the County has issued for the park transfer. Thank you for the opportunity to comment. I hereby submit the following comments in writing via email and via United States Postal Service:

At this time, there are only two parks in King County where equestrian enthusiasts can pursue their interests in raising, riding and enjoying their horses. This is an activity that is enjoyed by a large number of people in King County and at present they only have two sites to do it. While I am not an equestrian myself, I am interested in this matter because I am a taxpayer in this county, I live near the park, and many of my friends and neighbors will be directly impacted by this proposal. I am opposed to the transfer of the park to the Snoqualmie tribe for the following reasons:

- 1) The DNS indicates that the park will continue to be "used in perpetuity for park or recreation purposes..." It goes on to state that the "the equestrian area will continue to be used for equestrian purposes in perpetuity, unless and until another public recreational use is identified and selected through an open public process." What this clearly says is that at any time, the Tribe could decide that the park should be used for natural interpretive trails as a "recreational use" or perhaps it should be used as a haven for interpretive dance as a "recreational use." There are any number of uses that could be selected in place of the park's historical use for equestrian pursuits. This language is unclear and overly broad and is apparently intended to deceive the public at large. The obvious intent is to make the equestrian community believe that the equestrian use will be protected in perpetuity, when in fact it says nothing of the kind. Under this language, the Tribe could change the recreational use of the park within one hour of the transfer to something other than equestrian use and the SEPA DNS would be entirely silent on that matter. This is unacceptable;
- 2) As a taxpayer in King County, I must insist that this park not be transferred into the control of the Tribe. We have limited recreational areas as it is and we do not need to give them away to an entirely Federally funded entity like the Snoqualmie Tribe. Further, we have no guarantee other than the protestations of their non-indian lawyers that the park will be maintained/used as it currently is. With all due respect, I do not trust the word of the Tribe's legal counsel – period;
- 3) The transfer of Fall City Park should be declared, at a minimum, a Mitigated Determination of Non-Significance (MDNS), not a DNS. The reason is that removal of the use of the park for recreational equestrian or other purposes (which is entirely possible, even likely, as described above) at the discretion of Tribe, without recourse or redress for the taxpayers/citizens of King County, will result in significant environmental impacts that may or may not be able to be mitigated. It is even reasonable to suggest that this transfer should be DS'ed based on the fact that loss of this use cannot be entirely or even partly mitigated. The only mitigation for removal of this sort of extraordinarily rare recreational opportunity (equestrian use) is to find a local property that can exactly or nearly exactly replicate the conditions at Fall City Park. At this time, the County has not demonstrated that they can replicate the park's use for equestrians thus a MDNS or DS is required;
- 4) The county's SEPA Planners should be aware that they cannot simply indicate "comments noted" in the final DNS documents. That would not be fair or equitable to the taxpayers of the county and it will certainly lead to an appeal of the SEPA Threshold Determination. The result will be a protracted legal fight over a matter that should not even be up for discussion. Nor should the SEPA Planners assume that we are not familiar with the workings of SEPA as outlined in the WAC and KCC. A change of use of this kind clearly meets the definition of a significant environmental impact. King County will protect this park and it's uses once it understands that the citizens will not simply roll over so that Ron Sims can enhance his environmental and societal "street cred" by giving away valuable taxpayer's assets to local Tribal governments.

I trust that you and your colleagues understand the depth of feeling that accompanies this set of comments. We are not opposed to the Snoqualmie Tribe constructing their casino or attending to any of their other affairs. The motto "live and let live" applies here. Live and let live does not include the notion of handing over control of a local asset to an entity that has not yet demonstrated that it will leave the park and its uses as is. If the Tribe is willing to post a financial guarantee sufficient to purchase an equestrian property in the same area and of equal value, then we would be happy to support the transfer because the equestrian use would not be lost – there would be no "significant environmental impact."

If you have any questions or need additional information, please feel free to contact me at any time. Again, thanks for the opportunity to comment.

Sincerely,

James Hatch, P.G.  
Fall City, Washington  
425-313-2660

Received

OCT - 8 2008

October 8, 2008

Mr. Kevin Brown  
King Co. Natural Resources and Parks  
201 South Jackson Street, Ste 700  
Seattle, Washington 98104-3856

2008-640

Dear Mr. Brown,

I write to forward my comments re: the SEPA DNS that the County has issued for the park transfer. Thank you for the opportunity to comment. I hereby submit the following comments in writing via email and via United States Postal Service:

At this time, there are only two parks in King County where equestrian enthusiasts can pursue their interests in raising, riding and enjoying their horses. This is an activity that is enjoyed by a large number of people in King County and at present they only have two sites to do it. While I am not an equestrian myself, I am interested in this matter because I am a taxpayer in this county, I live near the park, and many of my friends and neighbors will be directly impacted by this proposal. I am opposed to the transfer of the park to the Snoqualmie tribe for the following reasons:

- 1) The DNS indicates that the park will continue to be "used in perpetuity for park or recreation purposes...." It goes on to state that the "the equestrian area will continue to be used for equestrian purposes in perpetuity, unless and until another public recreational use is identified and selected through an open public process." What this clearly says is that at any time, the Tribe could decide that the park should be used for natural interpretive trails as a "recreational use" or perhaps it should be used as a haven for interpretive dance as a "recreational use." There are any number of uses that could be selected in place of the park's historical use for equestrian pursuits. This language is unclear and overly broad and is apparently intended to deceive the public at large. The obvious intent is to make the equestrian community believe that the equestrian use will be protected in perpetuity, when in fact it says nothing of the kind. Under this language, the Tribe could change the recreational use of the park within one hour of the transfer to something other than equestrian use and the SEPA DNS would be entirely silent on that matter. This is unacceptable;
- 2) As a taxpayer in King County, I must insist that this park not be transferred into the control of the Tribe. We have limited recreational areas as it is and we do not need to give them away to an entirely Federally funded entity like the Snoqualmie Tribe. Further, we have no guarantee other than the protestations of their non-indian lawyers that the park will be maintained/used as it currently is. With all due respect, I do not trust the word of the Tribe's legal counsel – period;
- 3) The transfer of Fall City Park should be declared, at a minimum, a Mitigated Determination of Non-Significance (MDNS), not a DNS. The reason is that removal of the use of the park for recreational equestrian or other purposes (which is entirely possible, even likely, as described above) at the discretion of Tribe, without recourse or redress for the taxpayers/citizens of King County, will result in significant

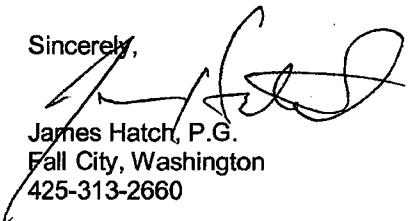
environmental impacts that may or may not be able to be mitigated. It is even reasonable to suggest that this transfer should be DS'ed based on the fact that loss of this use cannot be entirely or even partly mitigated. The only mitigation for removal of this sort of extraordinarily rare recreational opportunity (equestrian use) is to find a local property that can exactly or nearly exactly replicate the conditions at Fall City Park. At this time, the County has not demonstrated that they can replicate the park's use for equestrians thus a MDNS or DS is required;

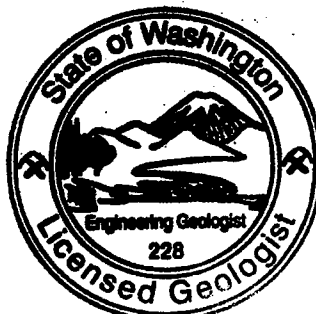
- 4) The county's SEPA Planners should be aware that they cannot simply indicate "comments noted" in the final DNS documents. That would not be fair or equitable to the taxpayers of the county and it will certainly lead to an appeal of the SEPA Threshold Determination. The result will be a protracted legal fight over a matter that should not even be up for discussion. Nor should the SEPA Planners assume that we are not familiar with the workings of SEPA as outlined in the WAC and KCC. A change of use of this kind clearly meets the definition of a significant environmental impact. King County will protect this park and its uses once it understands that the citizens will not simply roll over so that Ron Sims can enhance his environmental and societal "street cred" by giving away valuable taxpayer's assets to local Tribal governments.

I trust that you and your colleagues understand the depth of feeling that accompanies this set of comments. We are not opposed to the Snoqualmie Tribe constructing their casino or attending to any of their other affairs. The motto "live and let live" applies here. Live and let live does not include the notion of handing over control of a local asset to an entity that has not yet demonstrated that it will leave the park and its uses as is. If the Tribe is willing to post a financial guarantee sufficient to purchase an equestrian property in the same area and of equal value, then we would be happy to support the transfer because the equestrian use would not be lost – there would be no "significant environmental impact."

If you have any questions or need additional information, please feel free to contact me at any time. Again, thanks for the opportunity to comment.

Sincerely,

  
James Hatch, P.G.  
Fall City, Washington  
425-313-2660



James L. Hatch

2008-640

October 21, 2008

James Hatch  
Lakeside Industries  
P. O. Box 7016  
Issaquah, WA 98027

Dear Mr. Hatch:

Thank you for your interest in the future of Fall City Park. Your comments and concerns were received during the 14-day State Environmental Policy Act (SEPA) comment period that ended October 8, 2008. All comments are considered and have been made part of the SEPA record for the project.

First, I can assure you that the proposed agreement between King County and the Snoqualmie Tribe has gone through numerous iterations and has been reviewed, vetted and approved by the King County Prosecuting Attorney's office and other county staff as well as by those representing the Snoqualmie Tribe.

Let me address your comments and concerns in the order they were raised.

1. *The DNS indicates that the park will continue to be 'used in perpetuity for park or recreation purposes . . . . The equestrian area will continue to be used for equestrian purposes in perpetuity, unless and until another public recreational use is identified . . . What this clearly say is that at any time, the Tribe could decide that the park should be used for "recreational use".*

Comment noted. The Tribe pledges that the equestrian area shall be used for equestrian purposes in perpetuity, unless and until another public recreational use is identified and selected through an extensive and open public process.

2. *"... We have no guarantee that the park will be maintained/used as it currently is."*

Comments noted. As part of the proposed transfer agreement, the Tribe would operate and maintain the park and provide public access to the park, all at or above the level of service

provided by the County at its rural public parks. The Tribe is committed to maintaining a scheduling process that adequately addresses the public's scheduling demands. The Tribe will also provide adequate staff to carry out the scheduling functions.

As is currently the case, the Tribe could schedule its own use of the park for special events, however the proposed agreement would specify that the park must be made available to the public for passive and active use, for both casual drop in use as well as for other users or organizations requesting formal, scheduled use of the park.

The property is subject to the county's zoning and land use codes, ordinances, and regulations, and will remain subject to the county's regulatory authority over zoning and land use. If the Tribe is found to be in breach of the contract, the park will revert back to King County.

3. *" . . . removal of the use of the park for recreational equestrian or other purposes . . . "*

Comments noted. The proposed agreement would specify that the park shall continue to be used in perpetuity for park or recreation purposes; that the Tribe will not limit or restrict access to and use of the park by non-tribal members and that it will operate and maintain the site and provide public access at or above current levels. The parking lot will continue to serve as a trailhead for the Snoqualmie Valley Trail and the equestrian area shall be used for equestrian purposes.

The Tribe will abide by and enforce all terms, conditions and restrictions in King County Resolution 34571, including that the Tribe covenants that the site will continue to be used for the purposes contemplated by Resolution 34571.

4. *SEPA planners should be aware that they cannot simply indicate 'comments noted' in the final DNS documents.*

King County Department of Natural Resources and Parks follows the County's general SEPA procedures, which are codified at King County Code Chapter 20.44. You can find Title 20 of the County Code on the County's website at this URL (it is a PDF of Title 20, 127 pages in all; Chapter 20.44 appears at pp.93-101):

[http://www.kingcounty.gov/council/legislation/~/\\_media/Council/documents/Clerk/CodeFiles/23 Title 20.ashx](http://www.kingcounty.gov/council/legislation/~/_media/Council/documents/Clerk/CodeFiles/23 Title 20.ashx).

Under K.C.C. Chapter 20.44, there are two "pathways" through which SEPA issues may be brought to the hearing examiner. One, an agency may adopt a public rule creating such an appeal; or two, a separate land-use decision (e.g. clearing and grading permit, building permit, etc.) triggers procedural SEPA review by the hearing examiner. See K.C.C. 20.44.120.A.1 and K.C.C. 20.44.075. In this case, DNRP has no rule that would allow an administrative appeal to the hearing examiner. Nor is there a separate land-use decision pending, which might otherwise allow for an appeal to the hearing examiner.



James Hatch  
October 17, 2008  
Page 3

DNRP intends to use the optional "notice of action" process under SEPA, namely RCW 43.21C.080. The "action" is the Council's vote on the ordinance which would authorize the transfer, but SEPA issues may be appealed as well (indeed, they must be appealed during the specified 21-day time period, or be lost). Under the Notice of Action procedure, if the Council votes to approve the ordinance regarding the transfer, then DNRP would issue a notice of action, and (among other things) publish it in the Seattle Times and the Snoqualmie Valley Record for two consecutive weeks. Any appeals regarding SEPA issues or regarding the Council's action (or both) would have to be filed in Superior Court within 21 days following the second publication date.

The adequacy of the threshold determination is one of the issues that could be appealed during that 21-day time period.

Thank you again for your interest in the future of Fall City Park.

Sincerely,

Kevin Brown  
Division Director

2008-640

October 21, 2008

Krueger  
4367 – 230<sup>th</sup> Way SE  
Sammamish, WA 98075

Dear Mr. Krueger:

Thank you for your interest in the future of Fall City Park. Your comments and concerns were received outside of the 14-day State Environmental Policy Act (SEPA) comment period that ended October 8, 2008. However, your comments will be considered and have been made part of the SEPA record for the project.

**[Comments response.]** As part of the proposed transfer agreement, the Tribe would operate and maintain the park and provide public access to the park, all at or above the level of service provided by the County at its rural public parks. The Tribe is committed to maintaining a scheduling process that adequately addresses the public's scheduling demands, and the Tribe will provide adequate staff to carry out the scheduling functions.

As is currently the case, the Tribe could schedule its own use of the park for special events, however the proposed agreement would specify that the park must be made available to the public for passive and active use, for both casual drop in use as well as for other users or organizations requesting formal, scheduled used of the park.

The property is subject to the county's zoning and land use codes, ordinances, and regulations, and will remain subject to the county's regulatory authority over zoning and land use. If the Tribe is found to be in breach of the contract, the park will revert back to King County.

Again, thank you for your comments and interest in the future of Fall City Park. All comments will be considered. Your comments will be made part of the SEPA record for the project and included in the transmitted legislation to the King County Council.

Sincerely,

Kevin Brown  
Division Director

2008-640

Received

Re: Opposition to the Transfer of the Fall City Arena to the Snoqualmie Tribe

OCT 15 2008

October 5, 2008

We are writing in opposition to the proposal to transfer the Fall City Arena to the Snoqualmie Tribe. The current Fall City Arena is one of the few remaining public arenas in the East King County region. We have grave concerns that the language in the current proposal is not strong enough to ensure that current recreational use (i.e., equestrian park, arena and trail head access) will be maintained in the future at or near the existing location. We strongly object to the language in the proposal that allows the Tribe to potentially transfer the current property for other park-like property in the future, should such property become identified elsewhere in the county. The language in the current proposal does not ensure that a public horse arena will remain in the Fall City area, and it leaves open the possibility that the current property could be traded for property at a distant location that supports a completely different recreational use. This is not acceptable.

In considering whether to transfer the Fall City Arena to the Snoqualmie Tribe, it is important to know that the Arena supports a large group of users who come from a wide range of locations in eastern King County, not just from Fall City. Our 4H Club, the Hilltop Hayburners, draws 4H members to the Fall City Arena from Monroe, Preston, Fall City, Mercer Island, Issaquah, Sammamish, and Carnation. We hold clinics at the arena and our mounted drill team practices there weekly throughout the year. As evidenced by our participation, this park serves a regional need, not just a local one.

In being one of the few remaining equestrian parks in the area, the Fall City arena also supports a unique need. It is one of the last remaining equestrian parks in the county.

Because the Fall City Arena supports a regional need and a unique use, we do not believe that the property should have been classified as a local park subject to transfer. We believe that the property much more closely meets the definition of a regional park (i.e., it draws users from wide geographic area and serves a unique recreational need), even if it is small in acreage. As a regional type park, we do not believe that this property should be transferred to the Tribe.

Should the county wrongly decide to pursue this transfer, we insist that the language in the transfer documents be modified so as to ensure that the equestrian uses and public access at the Fall City Arena be guaranteed in the future and that the arena remain at its current location. It is not acceptable to include language that would allow one of the last remaining public equestrian parks in Eastern King County to potentially be traded for soccer fields in another part of the county.

Signature: [Signature]

Printed Name: Scott F Pelly MD

Address: PO 2482 PL NR

Signature: [Signature]

Printed Name: Krista White

Address: PO 2482 PL NR

Signature: [Signature]

Printed Name: ERIC BARDEN

Address: POB 307 FALL CITY WA 98024

Signature: [Signature]

Printed Name: CHARIE HARRIS

Address: 13708 179th AVE SE, MON WA 98272

2008-640

October 21 2008

Lee Modorow  
525 – 278<sup>th</sup> Avenue NE  
Redmond, WA 98053

Dear Ms. Modorow:

Thank you for your interest in the future of Fall City Park. Your comments and concerns and those of the Raging River Riders, Sammamish Saddle Club and the Snoqualmie Valley Riders equestrian groups were received during the 14-day State Environmental Policy Act (SEPA) comment period that ended October 8, 2008. All comments are considered and have been made part of the SEPA record for the project.

Let me address your comments and concerns in the order they were raised.

**Problem with the Agreement:**

The draft agreement between King County and the Snoqualmie Tribe has the following provisions that address your concerns.

- The property will be used for parks and recreation purposes in perpetuity, consistent with the original intent in purchasing and developing the park through Forward Thrust.
- The Tribe will provide access to all persons desiring to use the park and recreational programs regardless of residency or affiliation and the use fees will be the same for tribal and non-tribal members alike.
- The Tribe will schedule and operate the property ensuring the public has use privileges similar to those that the public would have if King County were continuing to schedule and operate the park.
- The Tribe will ensure that the equestrian arena remains in perpetuity or until an extensive public process deems another use more appropriate.
- The parking lot will continue to be used as a trailhead for the Snoqualmie Valley Trail.

- The Tribe is committed to maintaining a scheduling process that adequately addresses the public's scheduling demands, and the Tribe will provide adequate staff to carry out the scheduling functions.
- The level of maintenance will be the same or better than the current level of maintenance provided by King County
- The property is subject to the county's zoning and land use codes, ordinances, and regulations, and will remain subject to the county's regulatory authority over zoning and land use.
- The Tribe will have the opportunity to schedule up to 20 days per year for tribal events, such as ceremonies or traditional celebrations.
- The Tribe agrees to comply with all local, state and federal laws regarding the hop shed designated landmark and an identified archaeological site on the land.
- If the Tribe is found to be in breach of the contract, the park will revert back to King County.

**SEPA Determination of Nonsignificance (DNS) Comments:**

King County Department of Natural Resources and Parks (DNRP) follows the County's general SEPA procedures, which are codified at King County Code Chapter 20.44. You can find Title 20 of the County Code on the County's website at this URL (it is a PDF of Title 20, 127 pages in all; Chapter 20.44 appears at pp.93-101):

<http://www.kingcounty.gov/council/legislation/~//media/Council/documents/Clerk/CodeFiles/23 Title 20.ashx>

In this case, there is no administrative appeal procedure. Instead, there is an opportunity to appeal to superior court. DNRP is using the "Notice of Action" process under SEPA, namely RCW 43.21C.080. The "action" is the Council's vote on the ordinance which would authorize the transfer. Under the Notice of Action procedure, if the Council votes to approve the ordinance regarding the transfer, then DNRP would issue a notice of action, and (among other things) publish it in the Seattle Times and the Snoqualmie Valley Record for two consecutive weeks. Under the Notice of Action process, an appeal on SEPA issues or on the Council's action must be filed in Superior Court within 21 days following the second publication date."

The SEPA checklist and DNS notification you received is part of a process done prior to transmitting a proposed transfer agreement to the King County Council. King County Parks and Recreation Division was the lead agency for the SEPA checklist and DNS for the Friends of Fall City Park which allowed them to proceed with their proposal to form a park district to the King County Council as well. It is at the council when public comment can be taken in favor or opposition of the proposed transfer.

King County and the Snoqualmie Tribe have met with community members and have held a public meeting. The proposed transfer agreement addresses many issues, most of which are not normally included in standard interlocal agreements.

Example of community suggestions that have been incorporated in the agreement include:

- The Snoqualmie Tribe has agreed to waive its sovereign rights as they relate to this agreement, agreeing that all legal issues be processed and heard in Washington State court.
- The Snoqualmie Tribe has committed to maintaining service levels at or above what King County currently provides.
- The Snoqualmie Tribe has committed to ensuring that any removal or relocation of the Hop Shed on site, which is a designated landmark, would be done in conjunction with the King County Landmarks Commission and Washington State law.
- The Snoqualmie Tribe agreed that the park could revert back to King County if conditions of the agreement, once executed, were not met.
- The Snoqualmie Tribe agreed that equestrian facilities would continue to be an important aspect of the park as well as improvements made to the parking facilities which serve as a trailhead for the Snoqualmie Trail.
- The Snoqualmie Tribe agreed that the park not be used for commercial operations and identified language stating that all improvements would be consistent with Forward Thrust bond requirements as well as King County zoning and regulatory requirements.
- The Snoqualmie Tribe will ensure that the park is open to the public and will not restrict access to, and use of, the park by non-tribal members in a way that does not also apply to tribal members.

If the proposed transfer of Fall City Park to the Snoqualmie Tribe is approved by the King County Council, the park will continue to be open and available to the public, as well as continue to be maintained at or above current levels.

Thank you again for your interest in the future of Fall City Park.

Sincerely,

Kevin Brown  
Division Director

2008-640

**Nygaard, Kathy**

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**From:** Sifu Johann Sasynuik [johntzu@mindspring.com]  
**Sent:** Wednesday, October 08, 2008 3:10 PM  
**To:** Nygaard, Kathy  
**Subject:** Fall City Park Transfer

**Received**

OCT - 8 - 2008

Kathy Nygaard

I can think of no better steward of the Fall City River Park than the Snoqualmie Tribe

The Tribe has been using this site for over 10,00 years and have a deep and abiding love for the land and the local people.

I commend your decision to trust this park with our "Newest" Tribe, they were only officially recognized a few years ago

Located at the confluence of the Shaswabs (Raging) River this park provides important connection to the Snoqualmie Valley Trail and the the Historic Raging River / Shaswabs Trail on the Left bank of the Raging River.

The Elders of the Tribe spoke to the County Council in 2005 and helped pass \$250,000 in the county budget towards work on the Historic Raging River Shaswabs Trail This historic trail connects to Fall City at the River front park and also connection to Preston near the site of the Railroad crossing on the Preston Snoqualmie Falls Trail.

The Elders gave testimony to over 10,00 years of continuous use of the trail as it was an important byway connecting to a village site now occupied by the park.

I look forward to having the Snoqualmie Tribe be the guardians and stewards of the Park.

I also look forward to Restoration of the Historic Raging River Shaswabs Trail that will provide us access to the Riverfront Park

Best Wishes  
Sifu Johann Sasynuik  
Land and Water Steward

Dear Mr. Sasynuik,

Thank you for your interest in the future of Fall City Park. Your comments were received during the 14-day State Environmental Policy Act (SEPA) comment period that ended October 8, 2008. All comments are considered and have been made part of the SEPA record for the project.

We appreciate your support of the proposed transfer of Fall City Park to the Snoqualmie Tribe. The proposed agreement between King County and the Snoqualmie Valley Tribe will allow for the same public access and use of the park at or above the level of service provided by King County, while transferring ownership and all maintenance, operations and scheduling responsibilities to the Tribe. As you mention, the park is located within the ancestral territory of the Tribe and once served as one of the principal permanent settlements until the mid 19th Century.

The Tribe is committed to ensuring that this site remains a park and continues the existing uses which includes equestrian, ballfields, and access to nearby trails. The proposed agreement has language that addresses use, scheduling, ensuring maintenance and conflict resolution is responded to appropriately.

Your comment about the Raging River Shaswabs Trail is noted, but this trail is not part of the Fall City Park SEPA process or the proposed transfer of the site to the Tribe.

Thank you again for your interest in the future of Fall City Park.

Sincerely,

Kevin Brown  
Division Director



2008-640

Sifu Johann Sasynuik - comment  
From: Sifu Johann Sasynuik [johtzu@mindspring.com]  
Sent: Wednesday, October 08, 2008 3:10 PM  
To: Nygard, Kathy  
Subject: Fall City Park Transfer

Kathy Nygard

I can think of no better steward of the Fall City River Park than the Snoqualmie Tribe

The Tribe has been using this site for over 10,00 years and have a deep and abiding love for the land and the local people.

I commend your decision to trust this park with our "Newest" Tribe, they were only officially recognized a few years ago

Located at the confluence of the Shaswabs (Raging) River this park provides important connection to the Snoqualmie Valley Trail and the the Historic Raging River / Shaswabs Trail on the Left bank of the Raging River.

The Elders of the Tribe spoke to the County Council in 2005 and helped pass \$250,000 in the county budget towards work on the Historic Raging River Shaswabs Trail This historic trail connects to Fall City at the River front park and also connection to Preston near the site of the Railroad crossing on the Preston Snoqualmie Falls Trail.

The Elders gave testimony to over 10,00 years of continuous use of the trail as it was an important byway connecting to a village site now occupied by the park.

I look forward to having the Snoqualmie Tribe be the guardians and stewards of the Park.

I also look forward to Restoration of the Historic Raging River Shaswabs Trail that will provide us access to the Riverfront Park

Best Wishes  
Sifu Johann Sasynuik  
Land and Water Steward

2008-640

October 21, 2008

Perry Wilkins, President  
Friends of Fall City Parks  
P. O. Box 232  
Fall City, WA 98024

Dear Mr. Wilkins:

Thank you for your interest in the future of Fall City Park. Your comments and concerns were received during the 14-day State Environmental Policy Act (SEPA) comment period that ended October 8, 2008. All comments are considered and have been made part of the SEPA record for the project.

Let me address your comments and concerns in the order they were raised. Friends of Fall City Park (FFCP) comments are italicized and King County 's response are in normal text.

*A.6 Proposed timing or schedule – transfer implementation in 2008-09.*

Comment noted. The final legislation package is transmitted to the King County Executive for review and approval and then transmitted to the King County Council for action. As part of this process, the Council would hold a public comment hearing. Subsequent to Council action, a Notice of Action is published.

*A.8 Archaeological report was prepared for previous work at the site. The report should be added as an attachment to this proposal.*

Comment noted. The report can be reviewed at our administrative offices in Seattle. The archaeological site location information in the report are considered confidential and protected by state law.

*A.9. . . . applications are pending for governmental approvals of other proposals directly affecting the property. A citizens group (Fiends of Fall City Park) has gathered enough signature to propose a ballot measure to form a park district – current legislation is being reviewed by King County Council.*

*FFCP – Council propose ordinance No. 2008-0519.1 established February 2009 as the date for an election.*

Comment noted. The King County Council has final determination to take action on the proposed transfer of Fall City Park to the Tribe. King County acknowledges the pending February 2009 vote for Fall City to form its' own park district or to defer any action until after that time.

*A.11. Give a grief, complete description of your proposal . . . This is a proposal to transfer Fall City Park to the Snoqualmie Tribe.*

*FFCP has challenged the legal propriety of the interlocal agreement to transfer Fall City Park to the Tribe . . . .*

Comments noted: King County's legal counsel has reviewed the proposed transfer agreement. We have been advised that the County has the authority to transfer Fall City Park to the Snoqualmie Tribe and that the Tribe will continue to operate and maintain the park as a public park.

*B.8.b. Has the site been used for agriculture? Site was historically used for faming and grazing and the surrounding area is used for agriculture so it is assumed that the site was farmed at some time. The site has been owned by the County since 1977 and used a park.*

*FFCP - The site has been in County ownership since 1977 and use as a part since 1983. . . . Fall City Park is the heart of the community and it unites the residents of Fall City.*

Comments noted. The proposed agreement would specify that the park shall continue to be used in perpetuity for park or recreation purposes; that the Tribe will not limit or restrict access to and use of the park by non-tribal members and that it will operate and maintain the site and provide public access at or above current levels. The parking lot will continue to serve as a trailhead for the Snoqualmie Valley Trail and the equestrian area shall be used for equestrian purposes.

The Tribe will abide by and enforce all terms, conditions and restrictions in King county Resolution 34571, including that the Tribe covenants that the site will continue to be used for the purposes contemplated by Resolution 34571.

*B.8.d. Will any structures be demolished? No*

*FFCP – There is no assurance that the Hop Shed will not be demolished if the Tribe allows it to fall into disrepair.*

Comments noted. The Tribe acknowledges that the Fall City Hop Shed is a designated King County Landmark. The Landmark Commission has authority over the Hop Shed and abide by Landmarks Preservation program guidelines and provide protection of cultural resources that is equivalent to or better than the protection by provided by Ch. 20.62 King County Code. The Tribe agrees to comply with all local, state and federal laws regarding the Hop Shed designated landmark and an identified archaeological site on the land.

*B.12.a. What designated and information recreation opportunities are in the immediate vicinity. A variety of public parks and natural areas are located within 5 miles of the site.*

*FFCP – Since Fall City is unincorporated, city parks do not exist. King County's Quigley Park should be added to the list.*

Comments noted. A number of public parks and natural areas are located within 5 miles of the site. We will include Quigley Park to the list of sites.

*B.12.b. Would the proposed project displace any existing recreation uses? No*

*FFCP – There is no assurance that the Tribe will operate, maintain and provide public access to the site, all at the then-current level of service provided by the County. It is important to note that the current level of service provided by the County is substandard . . . Agreement allow the Tribe to schedule events for its own use and temporarily limiting public access to all or part of the park for short periods/*

Comments noted. As part of the proposed transfer agreement, the Tribe would operate and maintain the park and provide public access to the park, all at or above the level of service provided by the County. The Tribe is committed to maintaining a scheduling process that adequately addresses the public's scheduling demands, and the Tribe will provide adequate staff to carry out the scheduling functions.

As is currently the case, the Tribe could schedule its own use of the park for special events, however the proposed agreement would specify that the park must be made available to the public for passive and active use, for both casual drop in use as well as for other users or organizations requesting formal, scheduled used of the park.

The property is subject to the county's zoning and land use codes, ordinances, and regulations, and will remain subject to the county's regulatory authority over zoning and land use. If the Tribe is found to be in breach of the contract, the park will revert back to King County.

Perry Wilkins  
October 17, 2008  
Page 4

*13.a. Are there any places or objects listed on, or proposed for national, state, or local preservation registers know to be on or next to the site?*

*FFCP – refer to B8b.*

Comments noted. Refer to B8b response.

*13.b. Describe any landmarks or evidence of historical, archaeological, scientific or cultural importance know to be on or next to the site.*

*FFCP - Preliminary Analysis of the Archaeological Collection report should be an attachment to this proposal.*

Comments noted. Refer to A.8 response.

Again, thank you for your comments and interest in the future of Fall City Park. All comments will be considered. Your comments will be made part of the SEPA record for the project and included in the transmitted legislation to the King County Council.

Sincerely,

Kevin Brown  
Division Director