

April 10, 2024

Christer Loftenius  
Washington State Department of Ecology  
PO Box 47600  
Olympia, Washington 98604

**Re: Progress Report No. 32, District on the River Redevelopment  
March 2024**

Sagamore Spokane, LLC; PPCD No. 21200059-32  
Facility/Site ID #1523145 and Cleanup Site ID #3509  
Aspect Project No. 190210

Dear Christer:

This Progress Report has been prepared by Aspect Consulting (Aspect) for the District on the River Redevelopment at the Hamilton Street Bridge site (Site) as a requirement of Prospective Purchaser Consent Decree (PPCD) No. 21200059-32 between Sagamore Spokane, LLC (Sagamore) and the Washington State Department of Ecology (Ecology). The PPCD was signed and executed on January 15, 2021. Section XII of the PPCD requires Sagamore to submit to Ecology a written monthly Progress Report that describes the PPCD-required actions completed during the reporting period. This Progress Report No. 32 covers the reporting period of March 1 through March 31, 2024.

## **1) Progress During Reporting Period**

Progress and actions taken at the Site during this period include:

- Monthly Progress Report No. 31 (February 2024) was transmitted to Ecology on March 11, 2024.
- March 5, 2024 – Letter from Ecology re: “Correction Action Notice Dated July 11, 2023, Stormwater Management and Construction Schedule Extension Request.” In this letter Ecology acknowledged Sagamore’s completion of stormwater management improvements made by Sagamore. Ecology also asked for a formal request by Sagamore to extend the construction period outlined in the PPCD.
  - This request was completed via a “Schedule Extension Request” letter to Ecology dated April 1, 2024 (attached).
- March 22, 2024 – Aspect on behalf of Sagamore sent Ecology an email and cost estimate spreadsheet summarizing Financial Assurance for the project. Ecology (Joanna Seymour) acknowledged that the estimate was sufficient for 2024 (email and spreadsheet attached).
- March 28, 2024 – Ecology email dated March 28 referencing “Ecology Correction Notice dated January 23, 2023” regarding site security and stockpile covers. Aspect on behalf of Sagamore responded to Ecology via email on March 28 (see attached).
  - The one remaining stockpile is appropriately secured.

- The site also is appropriately secured for a property of this nature in urban America. Sagamore has notified the City of Spokane and Spokane Police Department related to trespassing. Additionally, weekly security checks are being completed by a security company hired by Sagamore. When security breaches are identified they are mitigated as soon as a representative can respond to the situation. However, fixing holes or downed chain link fencing is not a sustainable solution, and neither are any of the items outlined on page 2 of Ecology's March 26, 2024 letter. It is unclear to Sagamore what Ecology is attempting to accomplish by trying to manage this trespassing situation. A discussion appears warranted to reestablish goals and objectives with regard to this situation.
- Stormwater Discharges from the Hamilton Street Bridge. On February 18, 2024 Christer Loftenius and Dave Cook (Aspect) discussed the Hamilton Street Bridge stormwater discharges onto (and ponding within) the Sagamore property. We understand that Ecology is communicating with the Washington State Department of Transportation (WSDOT) regarding fixing, repairing, managing stormwater from the bridge. Sagamore is unaware of any progress that has been made with regard to this issue.

## 2) Sampling and/or Testing Reports Received

- No soil or groundwater samples were obtained for testing during this reporting period.

## 3) Summary of Deviations

- No deviations occurred during this reporting period.

## 4) Schedule

- See April 1, 2024 letter submitted to Ecology (attached).

## 5) Contact with Other Parties

- None

## 6) List of Deliverables and Key Activities Planned for Next Month

- Should Building 2A and 2B foundations officially be changed and approved by City of Spokane design commission, construction will likely not start until at least spring 2024. A revised construction schedule will be included in the EDR Amendment transmitted to Ecology if/when this change is finalized.

Please let us know if you have any questions.

Sincerely,

**Aspect consulting**



**Dave Cook, LG, CPG**  
Senior Principal Geologist  
[dave.cook@aspectconsulting.com](mailto:dave.cook@aspectconsulting.com)

Washington State Department of Ecology  
April 10, 2024

Project No. 190210

Attachment: Attachment A – Schedule Extension Request letter dated April 1, 2024  
Attachment B – Sagamore PPCD – Basis of Financial Assurance-2024 email dated  
March 22, 2024  
Attachment C – Hamilton Street Bridge Site email dated March 28, 2024

cc: Chuck Dubroff, Sagamore Spokane LLC (email only), Mike Ingram (email only)

S:\Sagamore Spokane, LLC\District on the River aka Riverbend, 190210\Project Management\Progress Reports\No 32\_031024\Monthly Progress Report No  
32\_041024.docx

## **ATTACHMENT A**

### **Schedule Extension Request letter dated April 1, 2024**



April 1, 2024

Christer Loftenius  
Washington State Department of Ecology  
Toxics Cleanup Program, Eastern Region  
4601 North Monroe Street  
Spokane, WA 99205

**Re: Schedule Extension Request  
Prospective Purchaser Consent Decree (PPCD) No. 21200059-32**

Site Name: Hamilton Street Bridge Site  
Site Address: 111 North Erie Street, Spokane, WA, 99202  
Cleanup Site ID: 3509  
Facility/Site ID: 84461527  
Aspect Project No. 190210

Dear Christer:

Aspect Consulting (Aspect) serves as the Project Coordinator for Sagamore Spokane, LLC (Sagamore) under Prospective Purchaser Consent Decree No. 21200059-32 (PPCD). The PPCD addresses cleanup and redevelopment of the Hamilton Street Bridge Site (the Site) as a multifamily residential project referred to as District on the River (the Project). The Washington State Department of Ecology (Ecology) sent Sagamore a Corrective Action Notice (Notice) dated July 11, 2023. Sagamore completed several elements requested by Ecology in the Notice and submitted a Construction Stormwater Completion report dated January 16, 2024. Ecology's March 5, 2024 letter acknowledged that the stormwater management elements of the Notice were completed to Ecology's satisfaction. This letter addresses the remaining component of the Notice to be addressed, an extension to the construction schedule (Extension Request), which Ecology requested be submitted by March 31, 2024. Sagamore provides the Extension Request via this letter and requests an extension of the schedule as discussed further below.

This schedule extension request is consistent with "Article XVII. Extension of Schedule" of the PPCD and responds to the elements provided in the PPCD to support our request for an extension to Exhibit D of the PPCD; "Scope of Work and Schedule, Cleanup Action Plan" Section 4, dated December 2020 (see Table 1 below).

1. The deadline that is sought to be extended.
  - a. Start of Construction (and thus implementation of the Engineering Design Report including the Cleanup Action Plan).
2. The length of the extension sought.
  - a. The Project restart goal is June 2024 with project construction completion in 2026-2027. These dates may fluctuate depending on final approval of City of Spokane design commission approval, construction schedules and materials procurement.



3. The reason(s) for the extension.
  - a. The construction project has been delayed because of changing market dynamics and complex soil conditions requiring additional pile pilot testing to design adequate building foundations. Because of the difficult soil conditions, the project has been redesigned by eliminating Building 2A and utilizing a more conventional spread footing foundation with piles only utilized beneath a portion of Building 2B. These project modifications have resulted in additional project expense, a lower number of units built (212 vs 297) and additional design review by the City of Spokane. Sagamore is sensitive to the environmental condition of this property, and although the project is smaller and less economically viable, it has increased environmental protections (for example a hardscape instead of a piled Building 2B). We note that Sagamore has regularly updated Ecology on these issues through monthly PPCD progress reports. Redesign elements will be presented to Ecology in an updated EDR or through EDR Amendment 2.
  
4. Any related deadline or schedule that would be affected if the extension were granted.
  - a. Timelines, such as construction start date, would be affected by the approval of the redesigned project by City of Spokane. Because of local permitting timing, it is difficult to provide a certain construction start date at this time.

The following table has been modified from the PPCD table by adding a third column to demonstrate progress completed (steps 1 through 3) and actions that will need to be completed (steps 4 and 5) before returning to the original planned progression of action items (Steps 6 through 12).

**Table 1**

<b>Deliverables</b>	<b>Date Due (outlined in 2020 Schedule)</b>	<b>Updated Requested Date Due</b>
1. PPCD effective date	Day 1: PPCD signed by the judge and Sagamore obtains the Title to the Property.	Day 1: PPCD signed by the judge and Sagamore obtains the Title to the Property. <b>Filed Signed PPCD Jan 15, 2021</b>
2. Draft EDR with all accompanying documents as described above	90 days after start	Completed
3. Final EDR with all accompanying documents as described in the text	30 days after receipt of Ecology's written comments on draft documents	Reviewed by Ecology and Finalized EDR April 26, 2022 (including EDR Amendment 1 dated April 2022 which noted a schedule update with contractor mobilization March 2022 and construction completion early 2024). <b>This is outdated and monthly reports provided to Ecology per Section XII of the PPCD documented the need for project redesign and delayed construction.</b>
4. <b>New Step Added by Sagamore</b>		<b>Site returned to capped and stormwater control status of original agreed order in 2023 pending completion of project redesign and restart of construction.</b>

Deliverables	Date Due (outlined in 2020 Schedule)	Updated Requested Date Due
5. Overall Construction plans and specifications for the Project	30 days after Ecology approves final EDR and City of Spokane approves construction.	Recommend starting this requirement after EDR Amendment 2 is completed and approved by Ecology.
6. Begin construction under CAP amendment	As described in final EDR	No change
7. Construction is complete	As described in final EDR	No change
8. Draft environmental covenant for the Purchase Property	30 days after construction is complete	No change
9. Record environmental covenants	Within 10 days of Ecology approval of each draft covenant	No change
10. Draft Construction Completion Report with the draft Soil Vapor Compliance Monitoring Plan, draft update to Groundwater Performance Monitoring Plan if required, and a draft Operations and Maintenance Plan addendum	90 days after construction is complete	No change
11. Final Construction Completion Report, the final Operations and Maintenance Plan addendum, final update to the Groundwater Performance Monitoring Plan if required, and the final Compliance Vapor Monitoring Plan addendum	45 days after receipt of Ecology's written comments on draft Construction Completion Report	No change
12. Progress reports	In accordance with Section XII of the PPCD	No change

Thank you for your consideration of Sagamore’s timely request for an extension to the PPCD Schedule. Please contact us if there are questions of if additional information can be provided.

## References

Washington State Department of Ecology, 2020, Scope of Work and Schedule, Cleanup Action Plan, Amendment 1, December 2020.

Aspect 2022, Final Engineering Design Report, April 26, 2022.

Aspect 2022, Final Amendment to the Final Engineering Design Report, April 22, 2022.

Washington State Department of Ecology, 2023, Prospective Purchaser Consent Decree (PPCD) No. 21200059-32, Corrective Action Notice, January 23, 2023.

Aspect 2024, Construction Stormwater Completion Report, January 16, 2024.

Washington State Department of Ecology, 2024, Prospective Purchaser Consent Decree (PPCD) No. 21200059-32, Corrective Action Notice, March 5, 2024.

## Limitations

Work for this project was performed for Sagamore Spokane, LLC (Client), and this letter was prepared in accordance with generally accepted professional practices for the nature and conditions of work completed in the same or similar localities, at the time the work was performed. This letter does not represent a legal opinion. No other warranty, expressed or implied, is made.

All reports prepared by Aspect Consulting for the Client apply only to the services described in the Agreement(s) with the Client. Any use or reuse by any party other than the Client is at the sole risk of that party, and without liability to Aspect Consulting. Aspect Consulting's original files/reports shall govern in the event of any dispute regarding the content of electronic documents furnished to others.

Sincerely,

**Aspect consulting**



**Dave Cook, LG, CPG**  
Senior Principal Geologist  
dave.cook@aspectconsulting.com

cc: Nick Acklam, Ecology  
Charles Dubroff, Sagamore Spokane, LLC



## ATTACHMENT B

# Sagamore PPCD – Basis of Financial Assurance-2024 email dated March 22, 2024

Sagamore PPCD - Basis of Financial Assurance - 2024



Dave Cook

To [Seymour, Joanna \(ECY\)](#); [Loftenius, Christer \(ECY\)](#)  
Cc [Marc Chalfant](#); [cdubroff@gmail.com](mailto:cdubroff@gmail.com); [rhayes@bridgestonecap.com](mailto:rhayes@bridgestonecap.com);  
[Mike Ingram](#); [Dave Cook](#)  
Bcc [Michael Dunning - Perkins Coie LLP \(MDunning@perkinscoie.com\)](#)



Fri 3/22/2024 8:19 AM



Hi Joanna. Thanks for your March 12 reminder, and your email today. As I indicated to your other email today, I was pretty sure I sent a response on March 12. Apparently that got held up in my outbox and never got to you. So, here is what I thought I had sent you on March 12.

You can take Breeyn off your list. She is no longer at Aspect. I'm the Principal in Charge of the project and can be your contact along with Marc Chalfant our new project manager for the Sagamore project (copied here). Nothing has happened at the site over the past year, so there is no scope/change update, and thus no change to the Financial Assurance, except for a recalculation for inflation. Using Ecology's website [Updates - Washington State Department of Ecology](#), the inflation factor for 2024 is 1.0364. As such the Financial Assurance calculation for 2024 is \$427,308, which is less than the sum of the original letters of credit per your July 26, 2023 email (three letters of credit totaling \$455,400) so no additional credit should be required. Please confirm receipt and let me know if you have any questions. Attached is the 2024 Financial Assurance basis. Thanks. Dave

**Dave Cook, LG (WA), CPG** | Sr Principal Geologist | Direct: 206.838.5837 | Cell: 206.372.7637

**Aspect Consulting (A Geosyntec Company)** | 710 2nd Ave, Suite 550, Seattle, WA 98104 | [dave.cook@geosyntec.com](mailto:dave.cook@geosyntec.com) | [www.aspectconsulting.com](http://www.aspectconsulting.com), [www.geosyntec.com](http://www.geosyntec.com)

Listen to Dave talk about using the earth for heating and cooling: [Water Resources: Ground Source Heat Pumps | Dave Cook \(youtube.com\)](#)

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## ATTACHMENT C

### Hamilton Street Bridge Site email dated March 28, 2024

RE: Hamilton Street Bridge Site, CSID\_3509: Sagamore\_Corrective Action\_Notice\_2024\_Final.pdf

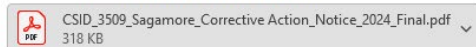


Dave Cook

To  Loftenius, Christer (ECY)  
Cc  Charles Dubroff;  Anderson, Ivy (ATG);  Acklam, Nicholas (ECY);  Robbert, Bryce;  
 Macdonald, Scott;  rhayes@bridgestonecap.com;  Mike Ingram;  Marc Chalfant  
Bcc  MDunning@perkinscoie.com

Reply Reply All Forward

Thu 3/28/2024 3:08 PM



Thank you Chris. Acknowledging receipt on behalf of Sagamore. We are in regular contact with Sagamore and their security team to try to manage the trespassing issue. Even though there are weekly security visits, regular fence fixes, notifications of the City of Spokane authorities and Sagamore's renting one of their buildings to the Spokane Police Dept across the street; as you know this is not an easy problem to solve (in Spokane or nearly any urban area across our country). The stockpile issue has been resolved through replacement of most of the soil back as cover material and a better tie-down system on the tarp covering the one remaining pile (see photo below from our March 25 2024 site visit). Dave



**Dave Cook, LG (WA), CPG** | Sr Principal Geologist | Direct: 206.838.5837 | Cell: 206.372.7637  
**Aspect Consulting (A Geosyntec Company)** | 710 2nd Ave, Suite 550, Seattle, WA 98104 | [dave.cook@geosyntec.com](mailto:dave.cook@geosyntec.com) [www.aspectconsulting.com](http://www.aspectconsulting.com) [www.geosyntec.com](http://www.geosyntec.com)  
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