

September 16, 2024

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

**Re: Progress Report No. 37, District on the River Redevelopment
August 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. 37 covers the reporting period of August 1 through August 31, 2024.

1) Progress During Reporting Period

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

- Monthly Progress Report No. 36 (July 2024) was transmitted to Ecology on August 9, 2024.
- Security Team Site Visits occurred weekly to evaluate downed fencing and trespassing/camping along the Spokane River.
 - Sagamore continues to coordinate with their Security Team who makes weekly visits and Spokane Police Department who is making courtesy visits to the Site and asking trespassers to leave. As stated previously, a discussion is warranted to reestablish cleanup goals and objectives regarding the trespassing situation along the riverbank. In the interim, Sagamore is in the process of developing a plan to change access around the site. This was provided in a Memo submitted to Ecology dated August 26, 2024 (attached).
- We received an email from Ecology related to an update from WSDOT indicating that their funding had been secured to complete the Hamilton Street bridge stormwater fix (to prevent water that collects on the bridge from falling on and ponding on the Subject Property). The email stated that a fix would occur in late July. We did not see evidence of a fix during August.
- The one remaining stockpile remains appropriately covered and secured.

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

- None

5) Contact with Other Parties

- None

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

- As reported previously, Sagamore indicates that building design has been changed by eliminating one of the two buildings along MLK. Sagamore understands that the updated project design should be approved by City of Spokane design commission in July 2024. It hadn't been completed at the time of this report. Construction will not start until after city of Spokane building department redesign approval is obtained in 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

Attachment: August 26, 2024 Fence, Trespass and Camping Mitigation Memo

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



August 26, 2024

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

Re: Fence, Trespass and Camping Mitigation, District on the River Redevelopment
Sagamore Spokane, LLC; PPCD No. 21200059-32
Hamilton Street Bridge Site - Facility/Site ID #1523145 and Cleanup Site ID #3509
Aspect Project No. 190210

Dear Christer:

This letter has been prepared by Aspect Consulting (Aspect) on behalf of Sagamore Spokane for the District on the River Redevelopment at the Hamilton Street Bridge site (Site) in Spokane, Washington. This letter outlines an approach to manage security and riverbank access at the Site.

As reported in numerous monthly status reports, the damage to security fencing, trespassing, and camping along the riverbank has been a difficult situation to manage at the Site. Fence fixes, and trespassing/camping mitigation is an ongoing and possibly unsustainable management issue. It has become acute in July/August 2024. However, Sagamore continues to coordinate with their security team who makes weekly visits and Spokane Police Department who is making visits to the Site and asking trespassers to leave. It appears that Proposition 1 passed by Spokane voters in 2023 and settled by the US Supreme Court at the end of June 2024 has facilitated SPD's ability to cite trespassers at this Site. As stated previously, a discussion is warranted to reestablish cleanup goals and objectives regarding the trespassing situation along the riverbank. In the interim, Sagamore is working on a plan to change access around the site in an attempt to help manage these issues. That plan is presented below.

Area of Concern

The Landau Engineering Design Report dated May 28, 2003, and Operation and Maintenance Plan dated January 8, 2004, prepared for BNSF and Avista who are under an Agreed Order with Ecology for this contaminated Site outlines the issues related to protection of the riverbank within the contaminant zone.

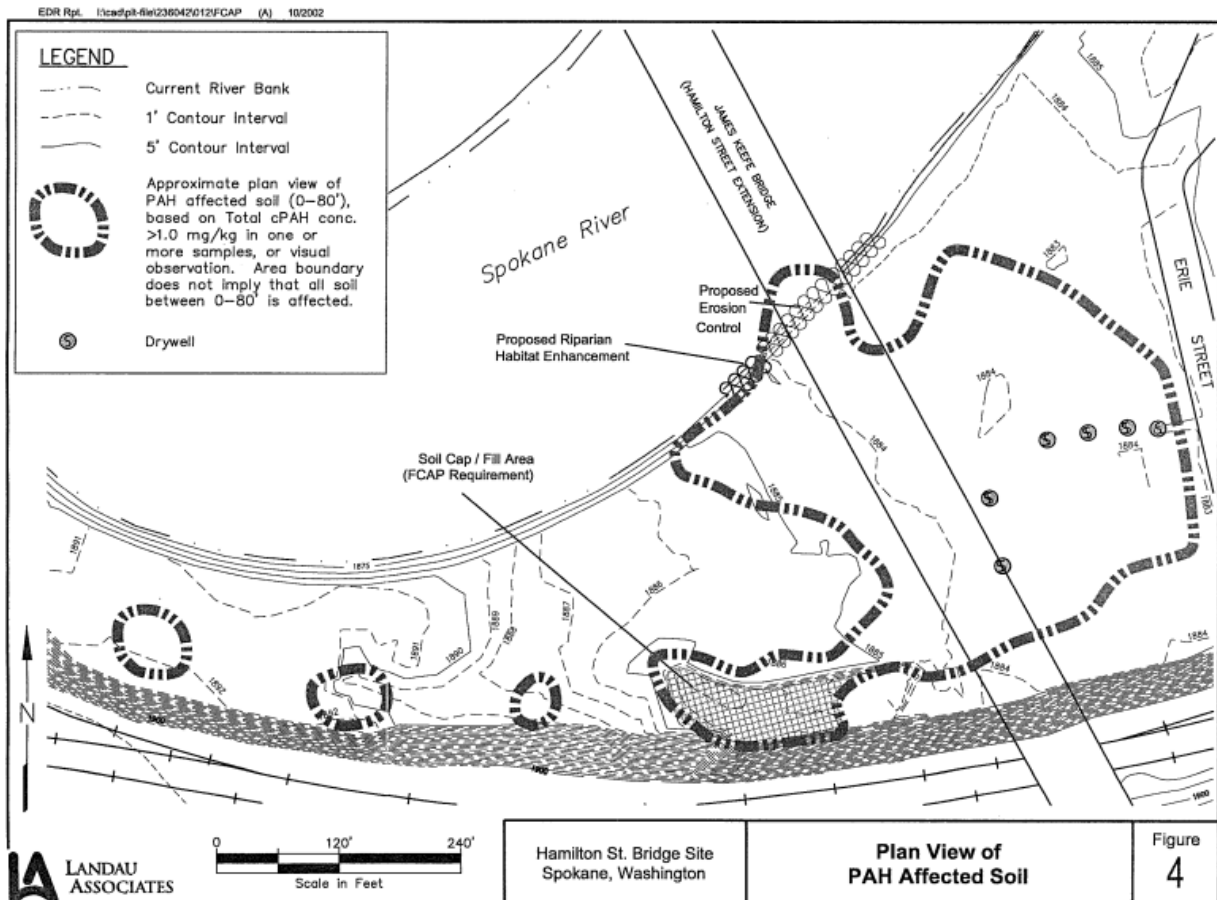
- Section 2.1 states that a component of the cleanup action is: "Construction of streambank bioengineering along the vulnerable shoreline of the Spokane River." (EDR Sec 2.1, Conceptual Design Overview).
- In Section 2.2.3 regarding bioengineering along the riverbank it states: "There are two elements of streambank bioengineering that will be implemented at the Site. The first and most important aspect to preventing migration of the contaminated materials is the long-term stabilization of the river embankment so that erosion or flooding does not cut back into the contaminated soil. The second element consists of providing additional vegetation along the shoreline to provide riparian corridor enhancement and some level of filtration between

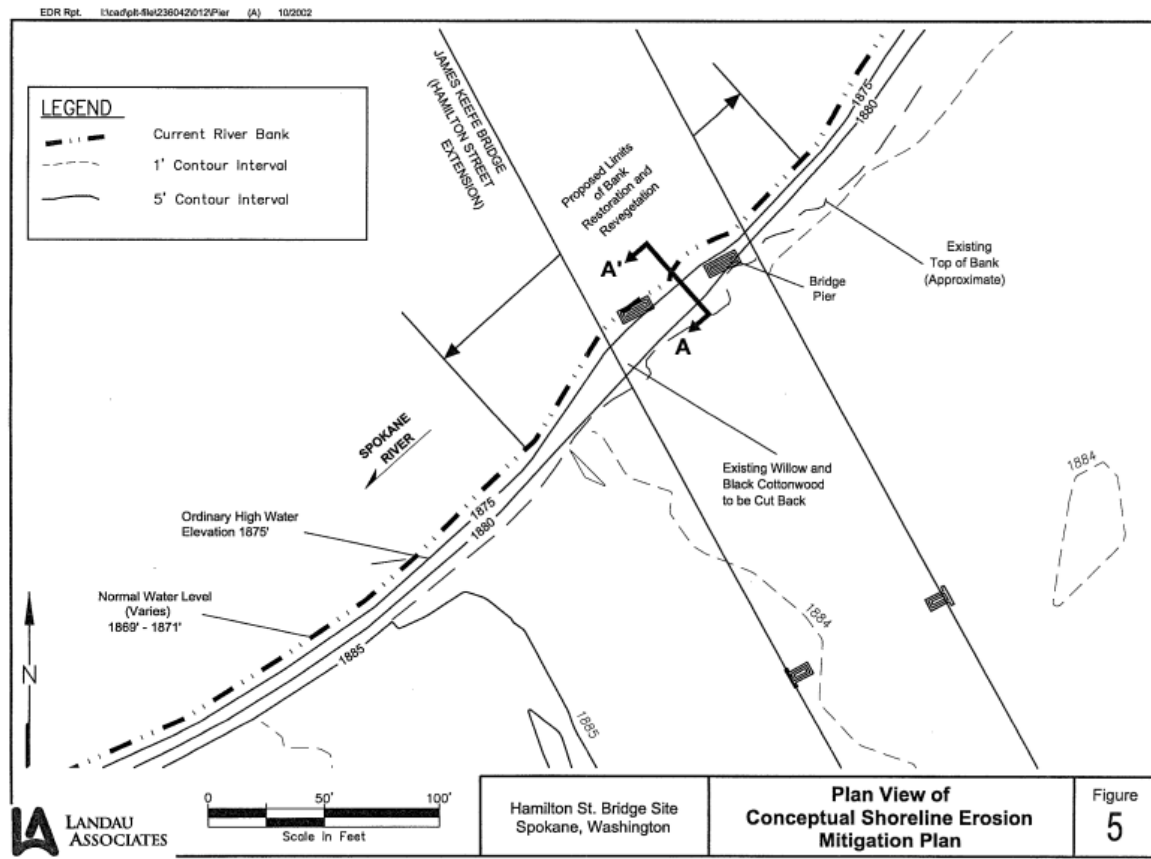


surface water and groundwater. The segment of the Site shoreline that will be addressed is shown in Figure 5 (EDR Sec 2.2.3 Streambank Bioengineering; more detailed information along with alternatives analysis and selection of a rip-rap design with slope vegetation is provided in Sec 3.2.3)."

- Section 2.1.3 of the January 8, 2004 O&M Plan indicates that "The limits of the restoration area span a total length of approximately 175 feet along the river, including approximately 45 and 65 feet of riverbank to the east and west of the bridge crossing, respectively. The vertical limits of the restoration area extend from below the normal pool elevation (approximate elevation 1,868 feet MSL) to the top of the existing bank at approximate elevation 1,884 feet MSL." This section goes on to provide components of the bioengineering plan broken down into "rip rap face, transition zone, vegetation and irrigation" components (O&M Plan Sec 2.1.3).

The area of concern (PAH-affected soil boundary and rip-rap bank stabilization located on either side of the Hamilton Street Bridge) is shown in the Landau figures copied below.





Riverbank Access and Mitigation Plan

Sagamore will complete the following to help manage access away from the riverbank within the zone established in the O&M Plan and approved by Ecology. During July and August security visits the following conditions were observed:

- There are multiple areas of the fence that have been opened for access to the river's edge.
- There are panels that have been torn off on the west side and are lying on the ground outside the project perimeter. There is an area on the east side of the project perimeter where the fence bands have been removed and the fabric rolled back. Each of these areas are in the direct path of the areas on the river's edge where the trespassers are clearly gathering and camping.



Photo 1. Hole in fence.

- There are at least 2 camps near the beach area on the east side of the property and what looks to be another one near the center of the property. These areas appear to be accessed through the opening on the east side at the sidewalk and three different areas along the river side of the fence. There is an additional gathering area on the west side. This area appears to be accessed through the opening made by pulling fence panels down and climbing over them. These illegal camping areas are dynamic and change regularly along the riverbank.



Photo 2. Camping at top of slope between Project Site and River.

The following is the suggested action:

- Put up signs on the slope on both sides of the bridge that say “Stay Out - Remediation Area – Move Upstream of This Area” (put this east of the bridge) and “Stay Out – Remediation Area – Move Downstream of this Area” (put this west of the bridge). Put the signs at the approximate areas where the bold black line extends to the river on the west side of the bridge and on the slope above the rip-rap on the east side of the bridge (see clip of Figure 4 above).
- Move the north portion of the fence 1 to 2 feet in towards the south. This will partially expose the old path and make enough room for trespassers to walk behind the fence from the old trail on the west side to access the desired gathering site on that end.
- Create a 3-to-4-foot walking path near the east side of the project area that leads to the riverfront area where the camps are located, but east of the exclusion/remediation zone.
- Continue with security and police visits and notification of camping to the City.

Washington State Department of Ecology
August 26, 2024

Project No. 190210

As Sagamore has indicated to Ecology, this societal problem is difficult to manage as represented in this latest article from the Spokane Spokesman Review: [Spokane's Proposition 1 is now being enforced | The Spokesman-Review](#). Please let us know if you have any questions.

Sincerely,

Aspect consulting,



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

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

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