



PLANNING & DEVELOPMENT
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Exemption from Shoreline Substantial Development Permit

May 2, 2016

City of Spokane Parks and Recreation
808 W. Spokane Falls Blvd
Spokane, WA 99201

Re: File # Z16-199SDET: Park wide Subsurface Exploration and Maintenance

Dear Mr. Ellison:

The Spokane Parks and Recreation Department is requesting a shorelines exemption for conducting subsurface explorations, site investigation activities, and for the normal maintenance and repair of facilities throughout the Riverfront Park grounds to implement the Riverfront Park Redevelopment Master Plan. This includes pot holing for utility and irrigation locations; park and general maintenance; geotechnical, cultural resources, and hazardous materials investigations; and soil testing to accommodate temporary and permanent uses of the park. Early investigative work will be at the Loeff Carousal Building area and the North Bank, followed by the Howard Street Middle Channel Bridge and construction of facilities and landscaping on Havermale Island.

The project site is located in the City of Spokane in the N 1/2 Section 18 Township 25N, Range 43 East Willamette Meridian. The Spokane River is a shoreline of statewide significance (RCW 90.58.030). This project site is located in the Downtown Shoreline District and the Limited Urban Environmental designation within the Spokane Shoreline Master Program.

City of Spokane Planning and Development finds the above outlined project to be exempt from a shoreline substantial development permit under the provisions of the Washington Administrative Code section 173-27-040(2)(m) and Spokane Municipal Code Section 17E.060.300 (B)(13). *The proposed activity is found to be site exploration and investigation activities that are prerequisite to preparation of an application for development authorization.*

This project is permitted in compliance with Spokane Municipal Code, Section 17E.060-04 Shoreline Primary Uses Table, and Article VII Shoreline Development Standards by District Section 17E.060.710. An Environmental Checklist was routed to departments and agencies with jurisdiction on April 4, 2016. The City of Spokane issued a Determination of Non-Significance on April 29, 2016.

The project is located on and adjacent to the Ordinary High Water Mark (OWHM). The project shall meet the intent of the Spokane Shoreline Master Program and be consistent with the policies of the Shoreline Management Act. It is unforeseen that this project will have an adverse impact on the shoreline area, its values or functions. As such, City of Spokane Planning and Development authorizes the proposed subsurface explorations, site investigation activities, and normal maintenance and repair of facilities throughout Riverfront Park, in substantial compliance with the site plans as submitted and attached, subject to the conditions stated below and of any other agency permits.

Condition(s):

1. In compliance with the Spokane Municipal Code 17E.020.070 Fish and Wildlife Conservation Areas-Exemptions: All exempt activities shall be undertaken using best management practices; the applicant shall maintain records documenting compliance with best management practices.
2. In compliance with the Spokane Municipal Code 17E.060.230 (H), this exploration shall not expand further into the critical area, shall not directly impact endangered species and shall result in *no net loss of shoreline ecological functions*. In addition, whenever possible, activities shall be confined to late summer and fall or winter.
3. This project shall conform to the requirements of any additional permits required from outside agencies with jurisdiction.
4. The Washington State Department of Archaeology and Historic Preservation (DAHP). The above referenced project has been reviewed on behalf of the State Historic Preservation Officer (SHPO). We have received additional information regarding the project and have the following comments:
 - a. All subsurface exploration consisting of geotechnical borings may take place with the presence of a professional archaeological monitor under a monitoring plan reviewed by DAHP and the Tribes.
 - b. A professional archaeologist should examine the contents of the borings as they can be used as a survey methodology.
 - c. The contents of each boring should be characterized and reported upon either in a monitoring report or as part of a cultural resources survey report.
 - d. Any subsurface exploration larger than geotechnical borings or archaeological shovel probes may require a permit from DAHP under RCW 27.53.
 - e. We request review of any methodology other than that mentioned above so that we may determine if a permit from DAHP is required.
 - f. Any project elements or parts of the project area that are under permitting or jurisdiction by the U.S. Army Corps of Engineers (COE) may require different methodology under Section 106 review.
5. The Spokane Tribe will be conducting archaeological reviews, surveys, monitoring, evaluations and reports for all subsurface activities in the park, please contact James Harrison for maintenance activities as part of the Riverfront Park Redevelopment project.

6. If any artifacts or human remains are found upon excavation, the Spokane Tribe of Indians and the Planning Department shall be immediately notified and the work in the immediate area cease. Pursuant to RCW 27.53.060 it is unlawful to destroy any historic or prehistoric archaeological resources. RCW 27.44 and RCW 27.53.060 require that a person obtain a permit from the Washington State Department of Archaeology & Historic Preservation before excavating, removing or altering Native American human remains or archaeological resources in Washington State.

Expiration: In compliance with WAC 173-27-090, construction activities shall commence within two years of the effective date of this permit unless an extension has been granted; authorization to conduct development activities shall terminate five years after the effective date of filing.

Appeals of the Planning Director's decision are governed by Spokane Municipal Code 17G.060.210. Any aggrieved party may file an appeal of this decision. Decisions of the Planning Director regarding administrative permits (Type II) are final. They may be appealed to the City of Spokane Hearing Examiner within fourteen (14) calendar days of the date of this decision.

If you have any questions regarding this exemption, please contact Tami Palmquist in the Planning and Development Department, at (509)625-6157 or tpalmquist@spokanecity.org.

Sincerely,



Tami Palmquist, AICP
Associate Planner, Planning and Development

CC: Jacob McCann, WA Department of Ecology, Eastern Regional Office
File # Z16-199SDET