

**REQUEST FOR COMMENTS**  
**FILE NO. Z25-419SCUP**

**Date:** July 15, 2025

**To:** Interested Parties, City Departments and Agencies with Jurisdiction.  
(Distribution list on reverse side)

**From:** Donna deBit, Principal Planner  
808 West Spokane Falls Boulevard  
Spokane, WA 99201 or call (509) 625-6637  
ddebit@spokanecity.org

**Subject:** Shoreline Conditional Use Permit – Ruby River Hotel Recreational Dock

**Owners:** GVD Commercial  
c/o Jerry Dicker  
909 W 1<sup>st</sup> Ave, STE B  
Spokane WA 99201

**Agent:** Facet NW  
c/o Hilary Hahn  
601 W Main Ave  
Spokane WA 99201  
(509) 991-2958

**File Number:** Z25-419SCUP

**Location Description:** 700 N Division St. – Parcel No. 35175.0031

**Description of Proposal:** The applicant is proposing a public recreational dock to be used for non-motorized watercraft, sightseeing, and other recreational activities, along the Spokane River. This is proposed within the Shoreline Buffer and Jurisdiction. This is a Type III application and there will be a Public Hearing in front of the City Hearing Examiner.

**Legal Description:** The entire legal description can be obtained through Planning and Development.

**SEPA:** SEPA is required. The Environmental Checklist is attached.

**Current Zoning:** Community Business (CB-150)

**REPORT NEEDED BY: 5 P.M. July 30, 2025.** If additional information is required in order for your department or agency to comment on this proposal, please notify Planning and Development as soon as possible so that the application processing can be suspended while the necessary information is being prepared. Under the procedures of SMC 17G.061, this referral to affected departments and agencies is for the following:

- 1) The determination of a complete application. If there are materials that the reviewing departments and agencies need to comment on this proposal, notice of such must be provided to the applicant;
- 2) Provides notice of application;
- 3) Concurrency Testing, **please note one of the following:**
  - a) ( X ) This application is subject to concurrency and agency is required to notify this department that applicant meets/fails currency; OR
  - b) ( ) This application is exempt from concurrency testing but will use capacity of existing facilities.

Under the revised procedures of SMC 17G.061, this referral to affected Departments and Agencies is to provide notice of a pending application. THIS WILL BE THE LAST NOTICE PROVIDED TO REFERRAL DEPARTMENTS AND AGENCIES UNLESS WARRANTED. If there are materials that the reviewing Departments and Agencies need to comment on this proposal, notice of such must be provided to the Applicant. The lack of comment by any referral agency will be considered to be acceptance of this application as Technically Complete.

\* - The lack of comment including concurrency by any referral agency will be considered acceptance of this application as technically complete and meeting concurrency requirements.

\*\* - Please forward your comments to Adam Hayden, Planning and Development at least 2 working days before the "Report needed by" date shown on the front page.

**DISTRIBUTION LIST FOR COMMENTS**  
**FILE No.: Z25-419SCUP**

E-mail Copies

**City Departments**

- Asset Management, Attn: Dave Steele
- Building Department, Attn: Dermott Murphy
- City Attorney, Attn: Timothy Fischer
- City Treasurer & City Taxes & Licenses
- Code Enforcement, Attn: Luis Garcia
- Construction Management, Attn: Joel Graff\*  
\*\*
- Engineering Services, Attn: Dan Buller\* \*\*
- Fire Dept., Attn: Dave Kokot \*
- Fire Dept., Attn: Lance Dahl \*
- GIS, Attn: Steven Allenton
- Historic Preservation, Attn: Megan Duvall
- Integrated Capital Management, Attn: Marcia Davis\* \*\*
- Integrated Capital Management, Attn: Kevin Picanco \* \*\*
- Library Services, Attn: Dana Dalrymple\*
- Neighborhood Services, Attn: ONS Team
- Parks Dept., Attn: Garrett Jones\*
- Planning & Development, Attn: Tami Palmquist
- Planning & Development, Attn: Eldon Brown\*\*
- Planning & Development, Attn: Adam Hayden\*
- Planning & Development, Attn: Spencer Gardner
- Planning & Development, Attn: Mike Nilsson\*\*
- Planning & Development, Attn: Planning Review
- Planning & Development, Attn: Erik Johnson
- Planning & Development, Attn: Joelie Eliason
- Planning & Development, Attn: Dalton Kuhn
- Police Department, Attn: OFC Caitlyn Anderson\*
- Public Works, Attn: Marlene Feist
- Solid Waste, Attn: Kerry Deatrich
- Solid Waste, Attn: Rick Hughes\*
- Street Operations, Attn: Inga Note\*\*
- Wastewater Management
- Water Department, Attn: John Saywers\*\*
- Water Department, Attn: Jim Sakamoto\*\*

**County Departments**

- Spokane County Public Works, Attn: Scott Engelhard
- Spokane County Planning Department, Attn: Scott Chesney
- Spokane County Engineering Dept., Attn: Gary Nyberg
- Spokane Regional Health District, Attn: Jon Sherve
- Spokane Regional Health District, Attn: Eric Meyer
- SRCAA, Attn: April Westby

**Washington State Agencies**

- Department of Natural Resources
- Department of Natural Resources Aquatics
- Department of Natural Resources, Attn: SEPA Center
- Department of Commerce, Attn: Ben Serr
- Department of Archaeology & Historic Preservation
- Department of Ecology, Attn: Environmental Review Section
- Department of Ecology, Attn: Jeremy Sikes
- Department of Ecology, Eastern Region, Attn: Ryan McNair, Wetlands/Shoreline
- Department of Transportation, Attn: Char Kay
- Department of Transportation, Attn: Greg Figg
- Department of Fish & Wildlife, Attn: Habitat Program

**Other Agencies**

- American Medical Response, Attn: Lori Koch
- U.S. Army corps of Engineers, Attn: Jess Jordan
- Avista Utilities, Attn: Larissa Pruitt
- Avista Utilities, Attn: Denise Marsh
- Avista Utilities, Attn: Christina Janssen
- Avista Utilities, Sherri Mattocks
- City of Spokane Valley Planning, Attn: Lori Barlow
- City of Spokane Valley Planning, Attn: Mike Basinger
- District 81 Capital Projects, Attn: Candy Johnson
- Mead School District Facilities & Planning, Attn: Ned Wendle
- Spokane Aquifer Joint Board, Attn: Erin Casci
- Spokane Aquifer Joint Board, Attn: Tonilee Hanson
- Spokane Transit Authority, Attn: Gordon Howell
- Spokane Transit Authority, Attn: Mike Hynes
- Spokane Tribe of Indians, Attn: Jacki Corley
- Spokane Regional Transportation Council, Attn: Kevin Wallace
- Williams Northwest Pipeline, Attn: Michael Moore

**Additional Electronic/Email Copies**

Other Agencies  
U.S. Postal Service, Attn: Postmaster  
Spokane Tribe of Indians, Attn: Randy Abrahamson  
(SW 1/4, SEC. 17, T. 25 N., R. 43 E., W.M)

**From:** [McNair, Ryan \(ECY\)](#)  
**To:** [deBit, Donna](#)  
**Cc:** [Kincheloe, Melanie \(ECY\)](#)  
**Subject:** Ruby river Hotel NOA ECY comments  
**Date:** Wednesday, July 30, 2025 3:40:41 PM  
**Attachments:** [image001.png](#)

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**[CAUTION - EXTERNAL EMAIL - Verify Sender]**

Hi Donna,

Please see Ecologys comments regarding the Ruby River Hotel Dock SCUP below:

This proposal meets the criteria specified in the City of Spokane SMP as a Shoreline Conditional Use Permit (CUP). To authorize a CUP the proposal will need to meet criteria under WAC 173-27-160.

Section 17.C.240.015.AJ of the City of Spokane SMP clarifies the definition of a dock. The definition is: *All platform structures or anchored devices in or floating upon water bodies to provide moorage for pleasure craft or landing for water-dependent recreation.*

Section 11.9 of the City of Spokane SMP states limitations on Docks, stating “*allow new docks only for public water-dependent uses, single family residences, and public access and only where they will not pose a public safety hazard.*”

This proposal does not specify if the dock will be only for public water dependent uses. Further, it does not clarify that the public will have access to the dock residing in waters of the state.

If the proposal does not meet criteria for the use and the definition of a dock. The proposal will also need to apply for a shoreline variance in addition to an SCUP to build an accessory structure over waters of the state. To authorize a variance, a proposal will need to meet requirements within WAC 173-27-170.

Additional information may be requested by contacting Ryan McNair at 509-309-5547 or [ryan.mcnair@ecy.wa.gov](mailto:ryan.mcnair@ecy.wa.gov)

Ryan McNair  
Wetland and Shoreland Specialist  
Shorelands & Environmental Assistance Program

Eastern Region Office

[rmcn461@ecy.wa.gov](mailto:rmcn461@ecy.wa.gov)

(509) 309-5547





1411 East Mission Avenue  
PO Box 3727  
Spokane, WA 99220-3727

***Submitted electronically***

July 30, 2025

City of Spokane  
c/o Donna deBit, Principal Planner  
808 West Spokane Falls Boulevard  
Spokane, WA 99201  
[ddebit@spokanecity.org](mailto:ddebit@spokanecity.org)

**RE: Comments on the Ruby River Hotel Recreational Dock Shoreline Conditional Use Permit application (Z25-419SCUP)**

Dear Ms. deBit:

Avista appreciates the opportunity to provide comments on the Shoreline Conditional Use Permit application (Z25-419SCUP) submitted by GVD Commercial in July 2025 for the proposed Ruby River Hotel Recreational Dock. The application outlines a plan for a 2,132-square-foot floating dock that includes a ramp, walkway, kayak launch, moorage slips, and watercraft storage, with the following key design features:

- The floating dock dimensions are 1,975 square feet, 100 feet in length, and 74 feet at its maximum width.
- The floating dock and walkway anchoring system accounts for approximately 1 cubic yard of fill and consists of eight (8) low carbon steel rod galvanized anchors approximately 10 feet in height and 2.38 inches in diameter. Two 3-inch pin piles will be used to support a fixed pier structure.
- A concrete abutment (48 square feet, 10 feet in length, 2 feet in height and 5 feet in width) will connect the floating dock and walkway to the adjacent Centennial Trail.
- To mitigate shoreline impacts and manage excess runoff caused by expansion of impervious surfaces (by 150 ft<sup>2</sup>), native vegetation will be planted in the riparian area. The vegetation plantings will be maintained annually during the growing season over a five-year period to ensure survivability.

The Upper Falls Hydroelectric Development (HED) creates a 150-acre reservoir that extends approximately six miles upstream and encompasses two dams, one positioned on each side of Havermale Island. The dam on the south channel contains the intake structure, while the other - known as the Control Works Diversion Dam - regulates water levels and spill flows and is situated on the north channel. Avista operates the Upper Falls HED in accordance with the

Federal Energy Regulatory Commission (FERC) Spokane River Project License (FERC Project No. 2545). The Ruby Hotel proposed recreational dock is located within the Spokane River FERC Project Boundary.

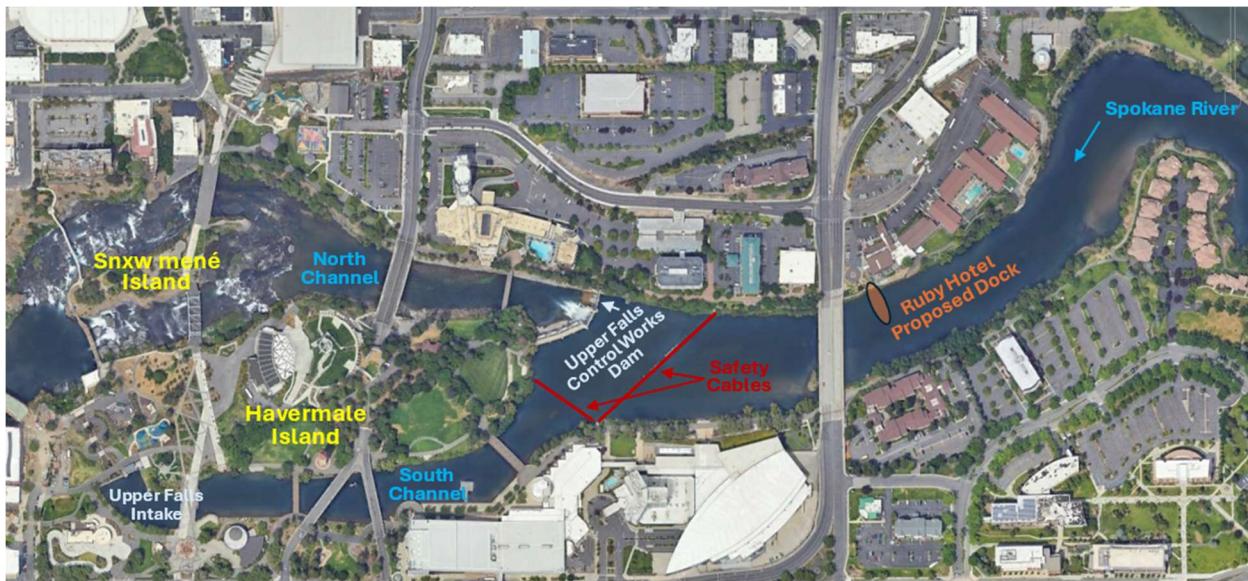


Figure 1. Site Vicinity Map of Upper Falls Control Works and Intake and location of Ruby Hotel proposed recreational dock.

Avista is committed to public safety and the long-term environmental stewardship of the natural resources associated with the Spokane River and its FERC License, and it supports water-based recreational access to the Spokane River. However, Avista has significant concerns about the proposed dock due to substantial public safety and operational concerns arising from its close proximity to the Upper Falls HED. The Ruby Hotel recreational dock would be located approximately 0.2 miles upstream of Upper Falls HED Control Works Dam, 0.13 miles upstream of the boater safety cable and .04 miles upstream of a restricted area. This restricted area is closed to swimming and water-based recreation activities per Spokane Municipal Code (SMC 16A.60.030).

Avista, alongside other regulatory and resource agencies, has been engaged in discussions regarding the Ruby River Hotel recreational dock proposal since its inception. Initial coordination occurred during an on-site meeting hosted by the Ruby Hotel on October 28, 2024, which included representatives from the City of Spokane, the Washington State Department of Ecology, the Washington Department of Fish and Wildlife, Washington Department of Natural Resources, and Avista. During this meeting, Avista expressed its concerns regarding the dock's proximity to the Upper Falls Dams. In January 2025, following a request for flow data from a design consultant, Avista reiterated previously expressed concerns as well as other considerations in writing (see enclosed). Avista did not receive a response to that letter.

Avista appreciates the opportunity to provide these comments. While some initial concerns have been addressed within the application documents, several substantive issues remain outstanding. We appreciate the quality of the maps and design plans that were provided which are helpful in visualizing the proposal.

## Safety & Operations

Avista is concerned about the proximity of the proposed floating dock and walkway with the Upper Falls Dams and the resulting impacts to public and dam safety. Avista's questions and public safety concerns include, but are not limited to, the following items:

- If unable to sustain high flow events, the floating dock and its associated elements could lead to blockage of Upper Falls Control Works spillway gates and overtopping and/or structural damage at the dam and flooding downtown Spokane.

Please provide an analysis that demonstrates the dock, walkway, and anchoring system, as proposed, are designed to sustain high flow events, which reached as high as 50,000 cubic feet per second (cfs).

- How will access be restricted during high flows or spillgate operations?

Plan (page 3) indicates the dock access will be closed to the public during extreme high and low flows as needed for public safety and accessibility. What is the definition of "high and low" flows?

- Replace the application verbiage referencing normal full pool or (summertime flows) with the following: Upper Falls HED reservoir is maintained at normal full pool elevation at 1870.5 (Washington Water Power Datum) year-round but can increase during high flow events.

Avista's data indicates over the last 30 years the river's elevation has hit a maximum of 1873 ft and a low of 1864 (WWP datum). The 9 ft deviation (+/-) identified in the application documents accounts for drawdowns conducted infrequently for maintenance at the facility and for spring flows as flows approach 20,000 cfs. However, this deviation would not be seen annually.

- Will Ruby Hotel remove the dock, walkway platforms, and anchoring system seasonally or leave it in place year-round?

Although both dams have upstream boater restraining barriers/cables, the area between the dams and the proposed dock system, is extremely hazardous to public recreationists (boaters, rafters, and swimmers) when the spillgates are open.

Spillgates are open during winter and spring runoff; typically, spillgates at the Control Works Dam open from February through June. In some years, the spillages can be open as early as October and as late as July. Additionally, Avista may need to open the spillgates at other times of the year to conduct repairs to the facilities or react to emergencies.

- Will Ruby Hotel be responsible for locking access gates during hazardous and/or high-flow conditions?
- How will Ruby Hotel manage recreation overuse and impacts to navigability in this reach of the river?

The proposed dock design raises significant concerns regarding its impact on river navigability, aesthetics, and existing recreational uses. Based on the current design, the dock appears to extend across approximately one-third of the river channel. This extent of encroachment could substantially interfere with recreational activities, including dragon boat races and Tribal canoe events.

- How will Ruby Hotel manage the variety of debris coming down the river (abandoned docks, vessels, trash, logs, whole trees, etc.) and its impacts to the floating dock and walkway structure?

A debris management plan is identified in the Habitat Management Plan, however listed as TBD and should include, at minimum, a debris load analysis.
- How will Ruby Hotel ensure water-based recreationists comply with the downstream Spokane Municipal Code SMC 16A.60.030?

The code indicates entering, swimming, floating, diving, and boating are not allowed in the Spokane River between the west line of the Division Street Bridge and the west line of the Monroe Street Bridge. This restriction is part of the city's broader "Rules of the River" regulations, which are enforced by both the Spokane Police Department and the Spokane County Sheriff's Office.  
Unfortunately, water-based recreationists often violate these regulations. For example, individuals swim and recreate in this part of the river, which has in some cases led to serious injury and death. Avista has concerns that the proposed recreation dock may lead to additional conflicts with the regulations and water-based recreationists west of the Division Street Bridge.
- Who will verify that the recreational dock, rock anchors, walkway and concrete abutment will have structural integrity following each runoff and will not fail during the first major run-off? Please provide the design and criteria including occupancy and load rating analyses.
- What insurance/liability coverage will Ruby Hotel maintain, particularly given the potential risk to life and property and operational impacts to downstream facilities. Has a site-specific risk assessment been completed including emergency/worst case scenarios?
- Has analysis of the impacts to dam operations and ability for Avista to reliably deliver energy been completed?
- What emergency response plans (ex. spill containment plan, etc.) would be in place and who would be the entity ensuring enforcement of the plans?
- Please include Avista and other stakeholders in emergency response plans and spill notification protocols.
- The proposal indicates adequate public facilities and services are available to support the proposed use but fails to identify which services would be required. Additionally, the proposal does not evaluate the risk to operational requirements at downstream dams.
- Has the applicant evaluated traffic impacts and user conflicts with access to the Centennial Trail (kayakers, bikers, etc.)
- Is there a plan for public awareness and outreach to notify the recreating public of risks associated with nearby dams, and specifically a plan to educate recreational users who may be unaware of the risks associated with the Spokane River, downstream ordinance and dam facilities.
- As the proposed dock is located in close proximity to the ordinance area, users will have to paddle upstream against flow. The applicant might consider collaborating with an upstream launch point to facilitate access for paddlers. This could be a way to address potential usability issues arising from the dock's proximity to the ordinance area and the need to paddle against the current.

- Given the proximity to Centennial trail did this request for comments notification go to Friends of Centennial Trail, Washington State Parks and Rec. Commission, City of Spokane Parks and Recreation?

## Environmental

- Applicant should add FERC consultation review to the process as the dock structure is located within the FERC Project Boundary. FERC will likely require a filing regarding adding structures within the Spokane River Project, per the FERC License (P-2545).
- Has the applicant completed a study on the impact of recreation overuse? How will Ruby Hotel ensure public safety due to additional recreationists to an overutilized stretch of river, as stated in the Habitat Management Plan?

HMP, section 8.1 indicates, “The area is already a popular destination for watercraft activities, with a recreational, nonmotorized watercraft launch and take-out site located upstream. According to the City of Spokane Parks and Recreation, approximately 500-900 paddlers utilize the launch each season (July through August), equating to around 50-90 paddlers per week. However, the existing launch site is currently degraded, prone to flooding, and difficult to access and lacks ADA accessibility and adequate parking facilities. The proposed floating dock at the Ruby River Hotel would provide a safe, well-maintained, and ADA-compliant launch and take-out facility, better serving the public's needs for recreational watercraft activities.”
- Please revise photos within Appendix IV of the Habitat Management Plan (HMP) (add titles, remove duplications and provide photos of shoreline in actual location of dock structure).
- Appendix V of the HMP fails to identify vegetation mitigation details including identification of the specific species, the number, and placement location which is required as part of the no net loss requirements. Additionally, the success criteria is missing for the planting mitigation.
- How will water quality be protected during construction (ex. turbidity while installing the anchoring system, driving in piles in water, etc.)?
- Applicant indicates permits required are Section 401 Water Quality Certification, Hydraulic Project Approval, and Aquatic Use Authorization. Given the proposed fill and structures added to the riverbed, an Army Corp permit may also be required.
- The application and documents indicate that if debris or spill material accidentally enters the waterway, immediate actions will be taken to remove the material, and the proper entities will be notified. Please add Avista to the list for notifications, and any other entity that will be impacted (i.e. Spokane Tribe, etc.).
- How will the applicant accommodate increased public use of the area? The site plan does not include basic amenities such as a designated parking area, restroom facilities, and signage.
- What is the specific purpose or operational need driving the size and placement of the dock? Please clarify how the pier and dock construction meets the requirements outlined in the [Spokane Municipal Code Section 17E.060.430\(F\)](#), “Pier and dock construction shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use.”

- Please revise references to Bull Trout habitat as the application verbiage is inaccurate.

The Coastal Puget Sound Bull Trout Critical Habitat refers specifically to areas within the Puget Sound region, which is west of the Cascade Mountains and includes rivers and marine shorelines that drain into Puget Sound. The Spokane River is located in eastern Washington, part of the Columbia River Basin, and is not hydrologically connected to Puget Sound. The Spokane River is not designated critical habitat for Coastal Puget Sound Bull Trout.

## Construction Methods

- The application indicates that construction should include construction sequencing, means and methods and BMPs to show how applicant will prevent shoreline erosion and impacts to water quality during construction (prevention of turbidity plumes from construction in the river, identification of staging and laydown areas, concrete wash areas, any precast concrete being used?).

- The application indicates the piles are to be installed at low water levels and in the dry. Does “in the dry” refer to when the river is at its lowest elevation given this section of the river is rarely dewatered?

- Please clarify and correct vertical datum identified in application and plans.

The plan title sheet mistakenly references the horizontal datum of NAD88. Given this doesn't exist and may have mistaken for the vertical datum of NAVD 88. However, the title sheet also references the vertical datum of Washington Water Power.

- Please clarify surface water datum.

Site Map indicates at the time the survey was completed the surface water elevation was 1871.4 ft. Please clarify the datum the survey was completed.

- Please clarify Ordinary High Water Mark (OHWM).

Site Map reports two different OHWM elevations (1877.36 ft and 1877.84 ft). Please clarify the datum the survey was completed. If correct, are the two different elevations due to topography changes?

- Plans specifications have a number of items identified for “Beach Nourishment”, is this accurate? If not, please remove from application materials.

- Please clarify how power will be provided to the dock including plans (see SEPA checklist, pages 12, 22, and 24).

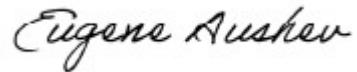
From existing services where does the applicant propose to bring power into the dock? Would there be an increase in load impact existing services. Designs and specs needed include:

- How would the power be accommodated given the dock is floating and there may be variations in heights during seasonal flows.
- Would the design be overhead or underground and have approvals been received from affected parties (i.e. WA State Parks and Recreation Commission).
- Have environmental considerations been identified for the pole installation.
- Will an obstruction permit (and other associated permits) be attained for impacts to Centennial Trail?

As summarized in this letter, Avista has significant concerns with, and a number of outstanding questions relating to, the construction of a dock structure at the Ruby Hotel; Avista's apprehensions include public and dam safety concerns, conflicts with Avista's FERC License requirements given the proximity to the spillways of the Upper Falls Control Works Dam and Upper Falls Intake structure, and current recreation overuse identified for this stretch of river.

Thank you for the opportunity to comment, we appreciate it. If you have any questions, please feel free to contact me at 208-769-1369 or email me at [eugene.aushev@avistacorp.com](mailto:eugene.aushev@avistacorp.com).

Sincerely,



Eugene Aushev  
Permitting Specialist

Cc: Hilary Hahn, Facet NW (Permit Application Agent)

Enclosure: Avista's response (dated January 10, 2025) to a request for historic data on Spokane River fluctuation

## **ENCLOSURE**

**Avista's Email Response (dated January 10, 2025) to a Request for Historic  
Data on Spokane River Fluctuation**

**From:** [Aushev, Eugene](#)  
**To:** [Bill LaRue](#)  
**Cc:** [Helen Casey](#); [Hilary Hahn](#)  
**Subject:** RE: Ruby River Hotel - Dock  
**Date:** Friday, January 10, 2025 7:22:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Hello Bill,

The Spokane River's elevation measured at Avista's Upper Falls Control Works Dam is 1870.5 ft (WWP Vertical Datum). This location is about 0.25 miles downstream of the Ruby River Hotel. While the average river elevation is maintained at 1870.5 ft, it should be noted over the last 30 years the river's elevation has hit a max of 1873 ft and a low of 1864 ft (WWP Vertical Datum).

Avista would have the following thoughts/questions for consideration should a dock installation be pursued at this location.

- Any dock on the Spokane River is subject to local, state and federal permitting
- Ensuring adherence to the City's Ordinance prohibiting recreation/vessels on the Spokane River from the downstream side of Division Street down to Monroe Street Bridge, especially when spill gates are open at the Upper Falls Control works (winter and spring)
- Ensuring adequate safety precautions or dock access limitations during high flows. (The proposed location is just upstream of the ordinance area, but also a short distance from the spillway should someone fall into the water during high flows.)
- Dock's impact on river navigability and impacts to existing recreational use
- Management, frequency and duration of anticipated water-based recreation throughout the year
- Need for increased marine support/patrols due any resulting increased boat traffic
- Debris management plan and spill management plan for the long-term maintenance of a dock in this location



Thank you for reaching out.

## ***Eugene Aushev***

PERMITTING SPECIALIST | SPOKANE RIVER LICENSE

Desk (208) 769-1369 | Cell (509) 389-7229

1411 E MISSION AVE | MSC-1 | SPOKANE, WA 99202

[www.myavista.com](http://www.myavista.com)



In office this week – (Monday-Wednesday)  
Offsite – (Thursday & Friday)  
7:00 am – 3:30 pm

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**From:** Bill LaRue <blarue@bernardowills.com>  
**Sent:** Friday, January 3, 2025 10:50 AM  
**To:** Aushev, Eugene <Eugene.Aushev@avistacorp.com>  
**Cc:** Helen Casey <hcasey@bernardowills.com>; Hilary Hahn <HHahn@facetnw.com>  
**Subject:** [External] Ruby River Hotel - Dock

You don't often get email from [blarue@bernardowills.com](mailto:blarue@bernardowills.com). [Learn why this is important](#)  
Eugene,  
We met a month or so ago to discuss Jerry Dicker's project for a dock on the Spokane River.

We are going to have a surveyor go out there and survey in front of the Rubey River Hotel soon and I was wondering if Avista has any historic data we can use regarding the fluctuations of the river in that location we can use in our design?

Thanks for your help.

**Bill LaRue ASLA**  
Principal | Landscape Architect  
MAIN 509.838.4511 DIRECT 509.458.8049

**Bernardo Wills**  
Spokane, Washington | [www.bernardowills.com](http://www.bernardowills.com)

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**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, SEATTLE DISTRICT  
4735 EAST MARGINAL WAY SOUTH, BLDG 1202  
SEATTLE, WA 98134-2388

Regulatory Branch

July 11, 2025

Mr. Jerry Dicker  
GVD Commercial Properties  
909 West 1<sup>st</sup> Avenue, Suite B  
Spokane, Washington 99201

Reference: NWS-2025-596  
Ruby River Hotel  
Floating Dock

Dear Mr. Dicker:

We have received your application for a Department of the Army (DA) permit to construct a 1,975 square foot floating dock and gangway on the Spokane River at Spokane, Spokane County, Washington, as depicted on the enclosed drawings dated July 10, 2025. We have reviewed the information you provided to us pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act (RHA). We have determined that no action by the U.S. Army Corps of Engineers (Corps) is required for the proposed work described in your application and drawings.

Under Section 10 of the Rivers and Harbors Act of 1899, a Section 10 DA permit is normally required for work or structures in or affecting navigable waters of the U.S. Because this reach of the Spokane River is not a navigable water, a Section 10 DA permit is not required.

Under Section 404 of the Clean Water Act, a DA permit is normally required for the discharge of dredged or fill material (e.g., fill, excavation, or mechanized land clearing) into waters of the U.S., including wetlands and navigable waters of the U.S. For more information, see the enclosed *Clean Water Act Extracts and Definitions*. The Spokane River is a water of the U.S. However, because the project does not involve a discharge of dredged or fill material, a Section 404 DA permit is not required.

While a DA permit is not required, local, State, and other Federal requirements may still apply. If you have any questions, please contact Mr. David Moore at David.J.Moore@usace.army.mil or (206) 496-3065.

Sincerely,



for Brad Johnson, Section Chief  
Regulatory Branch

Enclosure

**From:** [Westerman, Kile W \(DFW\)](#)  
**To:** [deBit, Donna](#)  
**Subject:** RE: Ruby River Hotel Dock - Z25-419SCUP  
**Date:** Tuesday, August 5, 2025 11:25:39 AM  
**Attachments:** [MitigationPlantingPlan20250709.pdf](#)

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**[CAUTION - EXTERNAL EMAIL - Verify Sender]**

Hi Donna,

Since I have been involved with this from the get go and been part of the conversation, all my concerns and HPA requirements have been addressed. Therefore, I do not have any additional comments to provide. I did not see the mitigation planting plans that Hillary provided me in the application, see attached. I am assuming that the plans she provided me are supposed to part of the application. If that is not the case, please let me know. Otherwise I have no comments to provide at this point.

Thanks,



**Kile Westerman**  
Habitat Biologist, WDFW Habitat Division  
2315 N Discovery Place  
Spokane Valley, WA 99216  
Office: 509-892-1001 ext.323  
Cell: 509-742-0529

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**From:** deBit, Donna <[dddebit@spokanecity.org](mailto:dddebit@spokanecity.org)>  
**Sent:** Tuesday, August 5, 2025 9:39 AM  
**To:** Westerman, Kile W (DFW) <[Kile.Westerman@dfw.wa.gov](mailto:Kile.Westerman@dfw.wa.gov)>  
**Subject:** FW: Ruby River Hotel Dock - Z25-419SCUP

External Email

Hi Kile,

I was checking in to see if you had any comments on this project before I sent the applicant their letter.

**From:** [Kokot, Dave](#)  
**To:** [deBit, Donna](#)  
**Subject:** RE: Ruby River Hotel Dock - Z25-419SCUP  
**Date:** Tuesday, July 22, 2025 7:35:15 AM  
**Attachments:** [image002.png](#)

---

Fire has no comments.

**David F. Kokot, P.E.** | Spokane Fire Department | Principal Fire Protection Engineer  
509.625-7056 | fax 509.625.7006 | [dkokot@spokanefire.org](mailto:dkokot@spokanefire.org) | [\[spokanefire.org\]spokanefire.org](http://spokanefire.org)



*We enhance your quality of life, always earning your trust, by saving lives, preventing harm and protecting property with compassion and integrity.*

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**From:** Rivera, Elizabeth <[erivera@spokanecity.org](mailto:erivera@spokanecity.org)>  
**Sent:** Tuesday, July 15, 2025 4:25 PM  
**To:** Abrahamson, Randy <[randya@spokanetribe.com](mailto:randya@spokanetribe.com)>; Adams, Jonathan R. <[jradams@spokanecity.org](mailto:jradams@spokanecity.org)>; Development Services Center Addressing <[eradsca@spokanecity.org](mailto:eradsca@spokanecity.org)>; Allen, Mark V. <[mvallen@spokanecity.org](mailto:mvallen@spokanecity.org)>; Allenton, Steven <[sallenton@spokanecity.org](mailto:sallenton@spokanecity.org)>; Tagnani, Angela <[atagnani@spokanecity.org](mailto:atagnani@spokanecity.org)>; Averyt, Chris <[caveryt@spokanecity.org](mailto:caveryt@spokanecity.org)>; Avista <[SpokaneCountyRE@avistacorp.com](mailto:SpokaneCountyRE@avistacorp.com)>; B, Jamie <[jamieb@inlandpower.com](mailto:jamieb@inlandpower.com)>; Ball, Cameron <[CBall@SpokaneCounty.org](mailto:CBall@SpokaneCounty.org)>; Lori Barlow <[lbarlow@spokanevalley.org](mailto:lbarlow@spokanevalley.org)>; mbasinger <[mbasinger@spokanevalley.org](mailto:mbasinger@spokanevalley.org)>; zbecker <[zbecker@cawh.org](mailto:zbecker@cawh.org)>; Black, Tirrell <[tblack@spokanecity.org](mailto:tblack@spokanecity.org)>; Brown, Eldon <[ebrown@spokanecity.org](mailto:ebrown@spokanecity.org)>; Brown, Rich (Cheney SD Operations) <[rbrown@cheneysd.org](mailto:rbrown@cheneysd.org)>; Buller, Dan <[dbuller@spokanecity.org](mailto:dbuller@spokanecity.org)>; Carveth, Brenna (County Public Works) <[bcarveth@spokanecounty.org](mailto:bcarveth@spokanecounty.org)>; Chanse, Andrew <[achanse@spokanelibrary.org](mailto:achanse@spokanelibrary.org)>; Chesney, Scott <[schesney@spokanecounty.org](mailto:schesney@spokanecounty.org)>; Chouinard, Sonya <[SonyaC@spokaneschools.org](mailto:SonyaC@spokaneschools.org)>; Coleman, Cindy (SPS) <[CindyCo@spokaneschools.org](mailto:CindyCo@spokaneschools.org)>; Corkins, Karen <[karen@s3r3solutions.com](mailto:karen@s3r3solutions.com)>; Cravalho, Justin <[jcravalho@spokanecity.org](mailto:jcravalho@spokanecity.org)>; Dahl, Lance <[idahl@spokanecity.org](mailto:idahl@spokanecity.org)>; David Moore <[David.J.Moore@usace.army.mil](mailto:David.J.Moore@usace.army.mil)>; Davis, Marcia <[mdavis@spokanecity.org](mailto:mdavis@spokanecity.org)>; Deatrich, Kerry <[kdeatrich@spokanecity.org](mailto:kdeatrich@spokanecity.org)>; Dept. of Archaeology and Historic Preservation <[sepa@dahp.wa.gov](mailto:sepa@dahp.wa.gov)>; Development Review Spokane Transit <[developmentreview@spokanetransit.com](mailto:developmentreview@spokanetransit.com)>; Development Services Center Building Plans Examiner <[eradscbpe@spokanecity.org](mailto:eradscbpe@spokanecity.org)>; DFW <[r1planning@dfw.wa.gov](mailto:r1planning@dfw.wa.gov)>; distrate <[dcistrate@spokanecounty.org](mailto:dcistrate@spokanecounty.org)>; DNR Aquatics <[dnrrrealeasingrivers@dnr.wa.gov](mailto:dnrrrealeasingrivers@dnr.wa.gov)>; Dobson, Harley <[hdobson@spokanecity.org](mailto:hdobson@spokanecity.org)>; Eliason, Joelie <[jeliason@spokanecity.org](mailto:jeliason@spokanecity.org)>; Engineering Admin <[eraea@spokanecity.org](mailto:eraea@spokanecity.org)>; Eveland, Marcus <[XXXmeveland@spokanecity.org](mailto:XXXmeveland@spokanecity.org)>; Fairchild AFB Community Projects <[92CES.CEN.CommunityProjCoord@us.af.mil](mailto:92CES.CEN.CommunityProjCoord@us.af.mil)>; Figg, Greg <[figgg@wsdot.wa.gov](mailto:figgg@wsdot.wa.gov)>; Fischer, Timothy <[tfischer@spokanecity.org](mailto:tfischer@spokanecity.org)>; Fisher, Matt <[MFIS461@ecy.wa.gov](mailto:MFIS461@ecy.wa.gov)>; Forster, Steven (County PubWorks) <[sforster@spokanecounty.org](mailto:sforster@spokanecounty.org)>; Fredrickson, Beryl <[bfredrickson@spokanecity.org](mailto:bfredrickson@spokanecity.org)>; Garcia, Luis <[lgarcia@spokanecity.org](mailto:lgarcia@spokanecity.org)>; Gardner, Spencer <[sgardner@spokanecity.org](mailto:sgardner@spokanecity.org)>; Geiger, Cara <[cgeiger@spokanecity.org](mailto:cgeiger@spokanecity.org)>; Gennett, Raylene <[rgennett@spokanecity.org](mailto:rgennett@spokanecity.org)>; Greene, Barry <[BGreene@spokanecounty.org](mailto:BGreene@spokanecounty.org)>; Grimm, Kevin <[KevinGr@spokaneschools.org](mailto:KevinGr@spokaneschools.org)>; Hamad, Nicholas



1610 S. Technology Blvd., Suite 101  
Spokane, WA 99224  
[SpokaneCleanAir.org](http://SpokaneCleanAir.org)

Date: 7/23/25

To: Donna deBit, Spokane

RE: Spokane Regional Clean Air Agency Requirements for:

Project Name: Ruby River Hotel recreational dock

File or Permit #:

Site Address: 700 N Division

Parcel #: 35175.0031

The following is a list of concerns/issues that may need to be addressed for this project as determined from information received by this office. The list is provided as a summary of general requirements and does not relieve the proponent from meeting all local, state, and/or federal regulations. For additional information or clarification, contact Spokane Clean Air at (509) 477-4727. Copies of Spokane Clean Air regulations are available at [www.SpokaneCleanAir.org](http://www.SpokaneCleanAir.org).

**Construction related requirements:**

- Dust emissions during demolition, construction, grading and excavation projects must be controlled. This may require the use of water sprays, tarps, sprinklers, or suspension of activity during certain weather conditions.
- Measures must be taken to avoid the deposition of dirt and mud from unpaved surfaces onto paved surfaces. If tracking or spills occur on paved surfaces, measures must be taken immediately to clean these surfaces.
- Spokane Clean Air strongly recommends that all traveled surfaces (i.e. ingress, egress, parking areas, access roads, etc.) be paved and kept clean to minimize dust emissions.
- Debris generated because of this project must be disposed of by means other than burning.
- If objectionable odors result from this project, effective control apparatus and measures must be taken to reduce odors to a minimum.
- Special attention should be given to proper maintenance of diesel-powered construction equipment to reduce the impact of diesel exhaust, a suspected carcinogen.

**Additional requirements:**

- Spokane Clean Air requires an Asbestos Survey to be performed by a certified AHERA Building Inspector prior to most renovation and all demolition projects. The project may also require a formal notification form to be submitted to Spokane Clean Air. Fees and waiting periods apply. Contact Spokane Clean Air at (509) 477-4727 and/or visit [www.SpokaneCleanAir.org](http://www.SpokaneCleanAir.org) before renovation or demolition activities begin to avoid potential compliance issues and/or project delays.
- A Notice of Construction and Application for Approval is required to be submitted and approved by Spokane Clean Air prior to the construction, installation, or establishment of an air pollution source. This includes emergency generators rated at 500 hp (375 kW) or higher and natural gas heating equipment units rated at 4 MMBTU/hr or higher (input). Contact Spokane Clean Air for a Notice of Construction application.



# SPOKANE RIVERKEEPER®

Together. For the River.

July 30, 2025

VIA EMAIL: [ddebit@spokanecity.org](mailto:ddebit@spokanecity.org)

Donna deBit  
Principal Planner  
City of Spokane

Dear Ms. deBit:

I am writing on behalf of Spokane Riverkeeper to comment on the application for the proposed dock at the Ruby River Hotel. Spokane Riverkeeper is a non-profit advocacy organization dedicated to protecting and restoring the health of the Spokane River watershed. While we support thoughtful public access to the Spokane River, we have concerns about the design and long-term viability of this project.

We recognize that expanding opportunities for people to experience the river can be a positive step. When done thoughtfully and equitably, improved points of access can deepen our community's connection to the river, support non-motorized recreation like paddling and fishing, and foster stewardship of our river. We understand that riverfront activation can contribute to a vibrant river corridor, especially in areas like downtown Spokane where urban density meets natural amenities. This project has the potential to increase the public opportunities to connect with the river than is currently available.

However, we have serious concerns about this particular proposal as currently designed. While the project is described as a "public launch," the available documentation offers little evidence that it will function as a meaningful public asset or provide any more public access than is currently available. There is no provision for new or expanded public parking to accompany the dock, nor is there a clearly stated plan for how the public will be welcomed, informed, or supported in using this site. Without supporting infrastructure, signage, or dedicated public amenities, it is misleading to present this dock as a public benefit. As designed, the project appears to primarily serve hotel and restaurant guests. In effect, it risks becoming an exclusive benefit to the Ruby River Hotel yet it utilizes space and impacts conditions on a public waterway.

We are also concerned about the physical footprint of the project. The plans suggest that anchoring and riverbed disturbance will occur across the entire width of the river at this location. Although it does not appear that the dock structure itself spans the full channel, the scope of in-water work raises red flags about impacts to aquatic habitat and river recreation. More detail is

[www.spokaneriverkeeper.org](http://www.spokaneriverkeeper.org)  
509.464.7650 | 35 W. Main Ave Suite 308, Spokane, WA 99201





# SPOKANE RIVERKEEPER®

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needed to understand how the dock's placement and anchoring will interact with river hydrology, wildlife, and river users.

Additionally, placing a floating dock out into the main channel, where there is a strong current year-round, introduces durability and safety concerns. Similar structures in the river have detached or sustained damage during high spring flows, despite anchoring. A dock vulnerable to failure not only creates a hazard for downstream users and wildlife, but also risks becoming a recurring source of expense and environmental disruption. Infrastructure in dynamic river systems must be designed with long-term resilience and seasonal variability in mind. We strongly recommend that any dock at this location be designed to remain close to the shoreline, rather than projecting into the center of the river channel. A dock that hugs the bank is more likely to remain stable during seasonal high flows and less likely to create hazards for other river users.

Lastly, we respectfully ask: who will be responsible for maintaining this dock, ensuring safe conditions, and upholding any commitments to public access? If the project is being permitted based on a stated public benefit using public lands and waters, that benefit must be real, accessible, and guaranteed. A long-term maintenance plan and enforcement mechanism should be included to prevent this from becoming a wasteful or underutilized investment that degrades over time.

In summary, we appreciate the intention to connect more people with the river. However, true public access requires more than proximity. It requires thoughtful design, public infrastructure, and long-term stewardship. We urge the City to require revisions or additional conditions to ensure this dock is resilient, ecologically responsible, and genuinely serves the public it claims to benefit.

Thank you for your consideration.

Respectfully submitted,

Katelyn Scott, Esq.  
Water Protector

[www.spokaneriverkeeper.org](http://www.spokaneriverkeeper.org)  
509.464.7650 | 35 W. Main Ave Suite 308, Spokane, WA 99201



Ruby River Hotel Comment Response Matrix			
Comment #	Topic	Comment	Response
<b>City of Spokane</b>			
1	Department of Ecology – Public Access	<p>“This proposal does not specify if the dock will be only for public water dependent uses. Further, it does not clarify that the public will have access to the dock residing in waters of the state. If the proposal does not meet criteria for the use and the definition of a dock. The proposal will also need to apply for a shoreline variance in addition to an SCUP to build an accessory structure over waters of the state. To authorize a variance, a proposal will need to meet requirements within WAC 173-27-170.”</p>	<p>Per WAC 220-660-140(1), “docks are structures that are fixed to the shoreline but floating upon the water.”</p> <p>This proposal meets the criteria for both the use and definition of a dock. The facility will remain open to the public during designated operational hours (typically 6:00 a.m. to dusk) and will be secured outside of those times. Clear signage will be posted on-site to identify operating hours, outline permitted public and recreational uses, and provide safety warnings, ensuring users have clear guidance regarding proper and safe use of the dock.</p>
<b>Avista</b>			
3, 4, 6	Safety and operations	<p>“How will access be restricted during high flows or spillgate operations? Plan (page 3) indicates the dock access will be closed to the public during extreme high and low flows as needed for public safety and accessibility. What is the definition of “high and low” flows?”</p> <p>“Will Ruby Hotel be responsible for locking access gates during hazardous and/or high-flow conditions?”</p> <p>“Replace the application verbiage referencing normal full pool or (summertime flows) with the following: Upper Falls HED reservoir is maintained at normal full pool elevation at 1870.5 (Washington Water Power Datum) year-round but can increase during high flow events. Avista’s data indicates over the last 30 years the river’s elevation has hit a maximum of 1873 ft and a low of 1864 (WWP datum). The 9 ft deviation (+/-) identified in the application documents accounts for drawdowns conducted infrequently for maintenance at the facility and for spring flows as flows approach 20,000 cfs. However, this deviation would not be seen annually.”</p>	<p>There will be hours of operation and educational signs posted with safety risks concerning the dam. The Ruby River Hotel will manage safety levels on the dock and close the dock to the public when necessary.</p> <p>The 9 ft +/- deviation demonstrates that the dock is secure and designed to handle the extreme conditions of the river’s water level (maximum and low). It is not assumed that these water levels are frequent.</p> <p>No verbiage has been found in the application materials that references “normal full pond” or “summertime flows”.</p>
13, 14, 26	Safety and Operations – emergency response plans	<p>“What emergency response plans (ex. spill containment plan, etc.) would be in place and who would be the entity ensuring enforcement of the plans?”</p> <p>“Please include Avista and other stakeholders in emergency response plans and spill notification protocols.”</p> <p>“The application and documents indicate that if debris or spill material accidentally enters the waterway, immediate actions will be taken to remove the material, and the proper entities will be notified. Please add Avista to the list for notifications, and any other entity that will be impacted (i.e. Spokane Tribe, etc.).”</p>	<p>A fully executed emergency response spill plan is not required for a small commercial dock for small recreational use. Any spill prevention plan mentioned in the application materials should be implemented through the contractor’s protocol best management practices.</p>
15	Safety and Operations	“The proposal indicates adequate public facilities and services are available to support the proposed use but fails to identify which services would be required. Additionally, the proposal does not evaluate the risk to operational requirements at downstream dams.”	The dock itself is a public facility. No additional public facilities are required. Public services required include fire and law enforcement.
20	Environmental	“Applicant should add FERC consultation review to the process as the dock structure is located within the FERC Project Boundary. FERC will likely require a filing regarding adding structures within the Spokane River Project, per the FERC License (P-2545).”	Coordination with the FERC is currently underway to determine whether a consultation review or filing is required for the proposed dock.

Ruby River Hotel Comment Response Matrix			
22	Environmental	<p>“Please revise photos within Appendix IV of the Habitat Management Plan (HMP) (add titles, remove duplications and provide photos of shoreline in actual location of dock structure).”</p>	<p>Please see the revised Appendix IV in the HMP included with this comment response package.</p>
29	Environmental	<p>“Please revise references to Bull Trout habitat as the application verbiage is inaccurate.</p> <ul style="list-style-type: none"> <li>‘The Coastal Puget Sound Bull Trout Critical Habitat refers specifically to areas within the Puget Sound region, which is west of the Cascade Mountains and includes rivers and marine shorelines that drain into Puget Sound. The Spokane River is located in eastern Washington, part of the Columbia River Basin, and is not hydrologically connected to Puget Sound. The Spokane River is not designated critical habitat for Coastal Puget Sound Bull Trout.’</li> </ul>	<p>The U.S. Fish and Wildlife Service’s Information for Planning and Consultation (IPaC), identifies Coastal Puget Sound bull trout as occurring within the Spokane River, requiring assessment under applicable Environmental Protection Agency (EPA) regulations. Because the coastal Puget Sound bull trout shares the same critical habitat and primary constituent elements as the broader bull trout species, both are evaluated concurrently to ensure compliance with federal habitat protection requirements.</p>
31	Construction Methods	<p>“The application indicates the piles are to be installed at low water levels and in the dry. Does “in the dry” refer to when the river is at its lowest elevation given this section of the river is rarely dewatered?”</p>	<p>Field evaluations determined that the proposed pile locations are situated above the observed waterline and within dry conditions. Construction will be scheduled to coincide with periods of dewatering to further minimize potential impacts, if applicable. If elevated water levels are present during construction, limited in-water installation of piles will occur concurrently with anchor drilling. This approach does not alter regulatory requirements, as Section 404 of the Clean Water Act does not classify pin piles as fill material within waters of the United States.</p>
32, 35	Construction Methods	<p>“Please clarify and correct vertical datum identified in application and plans. The plan title sheet mistakenly references the horizontal datum of NAD88. Given this doesn’t exist and may have mistaken for the vertical datum of NAVD 88. However, the title sheet also references the vertical datum of Washington Water Power.”</p> <p>“Plans specifications have a number of items identified for ‘Beach Nourishment’, is this accurate? If not, please remove from application materials.”</p>	<p>Please see the revised JARPA drawings included with this comment response package.</p>
33	Construction Methods	<p>“Please clarify surface water datum. Site Map indicates at the time the survey was completed the surface water elevation was 1871.4 ft. Please clarify the datum the survey was completed.”</p>	<p>Please see the revised survey included with this comment response package.</p>
34	Construction Methods	<p>“Please clarify Ordinary High Water Mark (OHWM). Site Map reports two different OHWM elevations (1877.36 ft and 1877.84 ft). Please clarify the datum the survey was completed. If correct, are the two different elevations due to topography changes?”</p>	<p>Yes. The Ordinary High Water Mark (OHWM) is not determined by elevation but rather by observable physical characteristics, which may vary depending on factors such as topography, fetch, and other dynamic river conditions. According to the <i>Washington State Department of Ecology’s OHWM Delineation Manual</i> (DOE, 2016), the OHWM must be identified based on field indicators rather than elevation data.</p>
5, 7, 9, 17, 18, 21	Recreational Use	<p>“The code indicates entering, swimming, floating, diving, and boating are not allowed in the Spokane River between the west line of the Division Street Bridge and the west line of the Monroe Street Bridge. This restriction is part of the city’s broader “Rules of the River” regulations, which are enforced by both the Spokane Police Department and the Spokane County Sheriff’s Office. Unfortunately, water-based recreationists often violate these regulations. For example, individuals swim and recreate in this part of the river, which has in some cases led to serious injury and death. Avista has concerns that the proposed recreation dock may lead to additional conflicts with the regulations and water-based recreationists west of the Division Street Bridge.”</p> <p>“Will Ruby Hotel remove the dock, walkway platforms, and anchoring system seasonally or leave it in place year-round? Although both dams have upstream boater restraining barriers/cables, the area between the dams and the proposed dock system, is extremely hazardous to public recreationists (boaters, rafters, and swimmers) when the spillgates are open. Spillgates are open during winter and spring runoff; typically, spillgates at the Control Works Dam open from February through June. In some years, the spillgates can be open as early as</p>	<p>We acknowledge that the stretch of the Spokane River between the west line of the Division Street Bridge and the west line of the Monroe Street Bridge is regulated, and that water-based recreation is restricted due to documented safety hazards. The intent of the proposed dock is to provide a safe, designated access point for launching and retrieving non-motorized watercraft, such as kayaks and paddleboards, in compliance with applicable regulations. The hotel is not responsible for recreational water users outside of the dock. There will be educational signs posted with safety risks concerning the dam.</p> <p>This area of the Spokane River is already actively used by water-based recreationists; therefore, the proposed dock will not increase existing risks or create new recreational conflicts. In accordance with Spokane Municipal Code (SMC) 17E.060.430.C, docks are a permitted use within this reach of the river. No adverse impacts to existing recreational uses or Tribal canoe events are anticipated.</p> <p>As a public facility, all users will access the dock at their own risk. The Ruby River Hotel will not be responsible for the enforcement of river use regulations. Enforcement of the City’s “Rules of the River” will continue to be administered by the Spokane Police Department and the Spokane County Sheriff’s Office.</p>

Ruby River Hotel Comment Response Matrix		
		<p>October and as late as July. Additionally, Avista may need to open the spillgates at other times of the year to conduct repairs to the facilities or react to emergencies.”</p> <p>“How will Ruby Hotel ensure water-based recreationists comply with the downstream Spokane Municipal Code SMC 16A.60.030? The code indicates entering, swimming, floating, diving, and boating are not allowed in the Spokane River between the west line of the Division Street Bridge and the west line of the Monroe Street Bridge. This restriction is part of the city's broader “Rules of the River” regulations, which are enforced by both the Spokane Police Department and the Spokane County Sheriff's Office. Unfortunately, water-based recreationists often violate these regulations. For example, individuals swim and recreate in this part of the river, which has in some cases led to serious injury and death. Avista has concerns that the proposed recreation dock may lead to additional conflicts with the regulations and water-based recreationists west of the Division Street Bridge.”</p> <p>“Is there a plan for public awareness and outreach to notify the recreating public of risks associated with nearby dams, and specifically a plan to educate recreational users who may be unaware of the risks associated with the Spokane River, downstream ordinance and dam facilities”</p> <p>“Has the applicant completed a study on the impact of recreation overuse? How will Ruby Hotel ensure public safety due to additional recreationists to an overutilized stretch of river, as stated in the Habitat Management Plan? HMP, section 8.1 indicates, “The area is already a popular destination for watercraft activities, with a recreational, nonmotorized watercraft launch and take-out site located upstream. According to the City of Spokane Parks and Recreation, approximately 500-900 paddlers utilize the launch each season (July through August), equating to around 50-90 paddlers per week. However, the existing launch site is currently degraded, prone to flooding, and difficult to access and lacks ADA accessibility and adequate parking facilities. The proposed floating dock at the Ruby River Hotel would provide a safe, well-maintained, and ADA-compliant launch and take-out facility, better serving the public's needs for recreational watercraft activities.”</p> <p>“As the proposed dock is located in close proximity to the ordinance area, users will have to paddle upstream against flow. The applicant might consider collaborating with an upstream launch point to facilitate access for paddlers. This could be a way to address potential usability issues arising from the dock's proximity to the ordinance area and the need to paddle against the current.”</p> <p>“The proposed dock design raises significant concerns regarding its impact on river navigability, aesthetics, and existing recreational uses. Based on the current design, the dock appears to extend across approximately one-third of the river channel. This extent of encroachment could substantially interfere with recreational activities, including dragon boat races and Tribal canoe events.”</p>
19, 25, 27	To be addressed by	“Given the proximity to Centennial trail did this request for comments notification go to Friends of Centennial Trail, Washington State Parks and Rec. Commission, City of Spokane Parks and Recreation?”

Ruby River Hotel Comment Response Matrix		
	the City of Spokane	<p>“Applicant indicates permits required are Section 401 Water Quality Certification, Hydraulic Project Approval, and Aquatic Use Authorization. Given the proposed fill and structures added to the riverbed, an Army Corp permit may also be required.”</p> <p>“How will the applicant accommodate increased public use of the area? The site plan does not include basic amenities such as a designated parking area, restroom facilities, and signage.”</p>
24, 28, 30	Within the jurisdiction of other regulatory public agencies	<p>“How will water quality be protected during construction (ex. turbidity while installing the anchoring system, driving in piles in water, etc.)?”</p> <p>“What is the specific purpose or operational need driving the size and placement of the dock? Please clarify how the pier and dock construction meets the requirements outlined in the Spokane Municipal Code Section 17E.060.430(F), “Pier and dock construction shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use.”</p> <p>“The application indicates that construction should include construction sequencing, means and methods and BMPs to show how applicant will prevent shoreline erosion and impacts to water quality during construction (prevention of turbidity plumes from construction in the river, identification of staging and laydown areas, concrete wash areas, any precast concrete being used?).”</p>
11, 12, 16, 23	Not Applicable.	<p>“Has the applicant evaluated traffic impacts and user conflicts with access to the Centennial Trail (kayakers, bikers, etc.)”</p> <p>“Appendix V of the HMP fails to identify vegetation mitigation details including identification of the specific species, the number, and placement location which is required as part of the no net loss requirements. Additionally, the success criteria is missing for the planting mitigation.”</p> <p>“What insurance/liability coverage will Ruby Hotel maintain, particularly given the potential risk to life and property and operational impacts to downstream facilities. Has a site-specific risk assessment been completed including emergency/worst case scenarios?”</p> <p>“Has analysis of the impacts to dam operations and ability for Avista to reliably deliver energy been completed?”</p>
2, 8, 10, 36	To be addressed during building permit	<p>“Please clarify how power will be provided to the dock including plans (see SEPA checklist, pages 12, 22, and 24).”</p> <p>“From existing services where does the applicant propose to bring power into the dock?”</p> <p>“Would there be an increase in load impact existing services. Designs and specs needed include:</p> <ul style="list-style-type: none"> <li>• How would the power be accommodated given the dock is floating and there may be variations in heights during seasonal flows.</li> </ul>

Ruby River Hotel Comment Response Matrix		
		<ul style="list-style-type: none"> <li>• Would the design be overhead or underground and have approvals been received from affected parties (i.e. WA State Parks and Recreation Commission).</li> <li>• Have environmental considerations been identified for the pole installation.</li> <li>• Will an obstruction permit (and other associated permits) be attained for impacts to Centennial Trail?"</li> </ul> <p>"Who will verify that the recreational dock, rock anchors, walkway and concrete abutment will have structural integrity following each runoff and will not fail during the first major run-off? Please provide the design and criteria including occupancy and load rating analyses."</p> <p>"Please provide an analysis that demonstrates the dock, walkway, and anchoring system, as proposed, are designed to sustain high flow events, which reached as high as 50,000 cubic feet per second (cfs)."</p> <p>"A debris management plan is identified in the Habitat Management Plan, however listed as TBD and should include, at minimum, a debris load analysis."</p>
River Keepers		
37		Please see response letter included in this comment response package.

October 7, 2025

Avista  
c/o Eugene Aushev  
Permitting Specialist

City of Spokane  
c/o Donna deBit, Principal Planner  
808 West Spokane Falls Blvd.  
Spokane, WA 99201

## **RE: PERMIT # Z25-419SCUP**

On behalf of GVD Commercial Properties, I would like to thank you for your thorough review and detailed comments regarding the Ruby River Hotel Floating Dock Project. In response to your letter dated July 30<sup>th</sup>, 2025, we have carefully reviewed and addressed each of the comments for the record, and the responses have been documented in the attached materials.

Given the number of concerns raised and the complexity of several comments, we believe a follow-up meeting would be beneficial. This would provide us the opportunity to offer additional clarification, discuss technical considerations in detail, and ensure that any outstanding issues are resolved in a clear and collaborative manner. Our goal is to move forward with the project as efficiently and effectively as possible while continuing to work in good faith with Avista and other stakeholders.

Please let us know your availability for a meeting at your earliest convenience. We are happy to accommodate your schedule and can meet either virtually or in person.

Thank you again for your time and collaboration on this project. We look forward to continuing the conversation and working together toward a successful outcome.

Sincerely,



**Hilary Hahn, Ecologist**  
**T:** 509.991.2958  
**E:** [HHahn@FacetNW.com](mailto:HHahn@FacetNW.com)

October 13, 2025

Spokane Riverkeeper  
Katelyn Scott, Esq.  
Water Protector

## RE: PERMIT # Z25-419SCUP

On behalf of GVD Commercial Properties, I would like to thank you for providing your thoughtful comments regarding the Ruby River Hotel Floating Dock Project in your letter dated July 30<sup>th</sup>, 2025. We appreciate Spokane Riverkeeper's continued advocacy for responsible stewardship of the Spokane River and share your commitment to ensuring that development along the river enhances, rather than diminishes, public access and ecological health.

The Ruby River Hotel dock is being designed and permitted as a public dock, intended to expand and formalize safe public access to the Spokane River in alignment with the City of Spokane's Shoreline Master Program and Comprehensive Plan goals for increased public recreation and riverfront activation. The dock will provide a dedicated space for non-motorized recreational activities such as kayaking, paddleboarding, and canoeing—uses that are already occurring informally in this reach of the river but without appropriate facilities or safety infrastructure.

By establishing a designated access point, the project will help consolidate and manage existing recreation pressure, improving public safety while minimizing unmanaged river entry points that can lead to erosion or habitat disturbance. The dock will be open to the public during daylight hours, with clear signage outlining operating hours, safety rules, and public use guidelines to ensure equitable access.

We understand your concerns regarding long-term maintenance and ecological resilience. The design team is working closely with the City of Spokane, Washington Department of Fish and Wildlife, and Department of Ecology to ensure the structure meets all applicable engineering, safety, and environmental standards. The dock will be anchored and designed to accommodate variable flow conditions while minimizing in-water impacts.

Thank you again for your time and collaboration on this project. We look forward to continuing the conversation and working together toward a successful outcome.

Sincerely,



**Hilary Hahn, Ecologist**

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c/o Donna deBit, Principal Planner, City of Spokane