

**2<sup>nd</sup> REQUEST FOR COMMENTS**  
**FILE NO. Z25-419SCUP**

**Date:** October 20, 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. November 3rd, 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.



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

***Submitted electronically***

November 3, 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)

Facet NW  
c/o Hilary Hahn, Ecologist  
601 W Main Ave, Suite 617  
Spokane, WA 99201  
[hhahn@facetnw.com](mailto:hhahn@facetnw.com)

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

Thank you for taking the time to meet with us recently regarding your proposed Ruby River Hotel Recreational Dock. We also thank you for the opportunity to review and comment on the revised application for the Ruby River Hotel Recreational Dock. Avista remains committed to public safety, environmental stewardship, and the responsible use of the Spokane River.

As you are aware, Avista previously submitted comments on the dock proposal on July 30, 2025. On October 20, 2025, the City of Spokane distributed a resubmittal of the Ruby River Hotel Dock Proposal with a second request for comments due November 3, 2025. We appreciate the applicant's response matrix, which provides a summary of all comments submitted by Avista.

Following receipt of the City's email, Avista reached out to Ruby Hotel to request a meeting with the applicant to discuss our concerns. We appreciate the opportunity for direct dialogue with Ruby Hotel on October 28, during which the discussion focused on the applicant's plans for dock operation and management, the desire for a larger dock footprint, and Avista's position regarding dock management responsibilities. Avista acknowledges the applicant's willingness to engage design engineers to analyze

hazardous conditions, to explore options for monitoring river conditions, and to explore options to identify and respond to hazardous events such as high flows.

While minor improvements have been made in the revised application materials, the majority of Avista's substantive concerns remain unaddressed. These include but are not limited to:

- **Access Management:** There is no clear analysis identifying hazardous flow conditions specific to a dock extending 90 feet from the shoreline under various weather and flow scenarios, nor is there an operational protocol for restricting public access during such hazardous conditions. Additionally, there is a lack of clarity and commitment from the applicant regarding the entity responsible for implementing these measures. During the meeting with Avista, the applicant proposed handing that management responsibility to Avista which is not an appropriate role for Avista.
- **Public and Dam Safety:** The application still lacks a comprehensive operational plan that demonstrates how the dock and associated infrastructure will withstand high flow events and avoid interference with the Upper Falls Control Works Dam. The applicant indicated this would be determined during the building permit process. While this seems like a foundational element that would be required in a SCUP process, Avista requests that Ruby Hotel engage further with Avista on this topic during the building permit process.
- **Operational Impacts:** The application does not adequately address debris management strategies or assess potential impacts of the dock to Avista's ability to operate its facilities safely and reliably.
- **Recreation and Navigability:** The size and orientation of the dock should be evaluated for potential impacts on existing public recreation and navigability. We recommend that the applicant consult with the City of Spokane Water Rescue and Spokane County Marine Deputy Unit to obtain their expertise on water safety during the design and planning phases.

Avista supports responsible recreational access to the Spokane River but emphasizes that safety and operational integrity must be prioritized. We respectfully request that the City require the applicant to fully address these outstanding issues before advancing the permit application.

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*

Eugene Aushev  
Permitting Specialist

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

**From:** [McNair, Ryan \(ECY\)](#)  
**To:** [deBit, Donna](#)  
**Subject:** RE: 2nd Request For Comments - Ruby River Dock - Z25-419SCUP  
**Date:** Monday, November 3, 2025 4:19:55 PM  
**Attachments:** [image002.png](#)

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

Hi Donna,

Below are my comments for the Ruby River Hotel Dock Proposal 2<sup>nd</sup> request:

All projects in shoreline jurisdiction must show avoidance and minimization. It is unclear whether this has been demonstrated.

The City of Spokane defines a dock under SMC 17A.020.040.AJ as “All Platform structures or anchored devices in or floating upon water bodies to provide moorage for pleasure craft or landing for water dependent recreation.”

A public dock, which facilitates moorage and landing for pleasure crafts and water dependent uses should have dedicated public parking and/or access to public roadways.

The current plans do not appear to illustrate the necessary elements to ensure public access for a dock. Please contact Ryan McNair at (509) 309-5547 or [ryan.mcnaire@ecy.wa.gov](mailto:ryan.mcnaire@ecy.wa.gov) with questions or concerns.

Best regards,

Ryan McNair  
Wetland, Shoreland and Aquatic Resource Specialist  
Shorelands & Environmental Assistance Program  
Eastern Region Office  
[rmcn461@ecy.wa.gov](mailto:rmcn461@ecy.wa.gov)  
(509) 309-5547



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**From:** deBit, Donna <ddebit@spokanecity.org>  
**Sent:** Monday, October 20, 2025 8:23 AM  
**To:** Aushev, Eugene <[eugene.aushev@avistacorp.com](mailto:eugene.aushev@avistacorp.com)>; DNR RE AQ LEASING RIVERS

<DNRREAQLEASINGRIVERS@dnr.wa.gov>; McNair, Ryan (ECY) <RMCN461@ECY.WA.GOV>; Kincheloe, Melanie (ECY) <MEKI461@ECY.WA.GOV>; David.J.Moore@usace.army.mil; Westerman, Kile W (DFW) <Kile.Westerman@dfw.wa.gov>; katy@spokaneriverkeeper.org  
**Subject:** 2nd Request For Comments - Ruby River Dock - Z25-419SCUP

External Email

Good morning,

Attached are the resubmittal documents for the 2<sup>nd</sup> Request for Comments for the Ruby River Hotel Dock proposal.

The applicant has responded to most of the comments in the attached Matrix. Please use the 'Responses Matrix' and 'Matrix Identification' to review the responses.

Please have any questions, comments, or requests for more time to me by **November 3, 2025**.

Thank you,



**Donna deBit** | Principal Planner \ Development Case Manager | Development Services Center  
Direct 509.625.6637 | Cell 509.530.0814 | [ddebit@spokanecity.org](mailto:ddebit@spokanecity.org) | [my.spokanecity.org](http://my.spokanecity.org)

Emails and attachments sent to or from the City, including personal information, are presumptively public records that are subject to disclosure. - Chapter 42.56 RCW

**Development Services Center is open Monday, Tuesday, Thursday, Friday 8 am – 5 pm and Wednesday 11am-5pm, in person, [online](#) or over the phone at 509.625.6300**



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November 3, 2025

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

Donna deBit  
Principal Planner  
City of Spokane

I am writing on behalf of Spokane Riverkeeper to comment on the proposed Ruby River Hotel Floating Dock (Permit #Z25-419SCUP). Spokane Riverkeeper is a non-profit organization dedicated to protecting and restoring the Spokane River. As part of our mission, we lead public programming that helps our community connect with and care for the river, both on the water and along its shores. Spokane Riverkeeper previously submitted comments on this proposal; however, we do not believe that our original concerns were fully addressed in the revised materials. Accordingly, we are restating and expanding upon our comments here to provide additional detail and documentation of the ongoing concerns shared by our organization and the community members who actively use this stretch of the Spokane River.



We are active users of this section of the Spokane River. We routinely lead community paddles, stewardship events, and educational programs that engage hundreds of participants on this stretch of river each year. Our on-water events include large community floats, often with 50 to 150 participants, and our Full Moon Float—our most popular paddle—uses the open space in front of the Ruby River Hotel as a regrouping and turnaround point. We also host shoreline cleanups and educational bike tours that travel through this stretch of the Centennial Trail, where

participants learn about river ecology, history, and restoration. This area is not only important to our programming, but also a key space for public enjoyment, education, and river stewardship.

While we support expanding safe and equitable opportunities for people to experience the river, we still have significant concerns about this project's design, function, and claimed public benefit. Based on the available materials, the proposed dock does not meet the standards of the

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City's Shoreline Master Program. The project fails to provide meaningful, functional public access; does not demonstrate a legitimate water-dependent use; and raises serious questions about ecological impact, long-term maintenance, and public safety.

In particular, the proposed structure appears likely to serve primarily as an amenity for hotel patrons rather than a genuine public facility. It would reduce existing public use opportunities, obstruct current navigation, and introduce potential hazards for community users who already rely on this section of the river. Spokane Riverkeeper supports public access projects that are equitable, ecologically responsible, and rooted in long-term stewardship. However, the current proposal does not meet these principles. We urge the City to require revisions or conditions to ensure that any dock in this location complies with shoreline regulations, protects existing uses & habitat, and genuinely enhances public benefit.

### **Inconsistency with the Shoreline Master Program's Intent**

The Shoreline Master Program is to be "liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act, the SMP, and these shoreline regulations were enacted and adopted, respectively." SMC 17E.060.040. The City's Shoreline Master Program calls for shoreline access projects that *increase* the public's connection to the river while *protecting its ecological and scenic values*. This project does neither. It privatizes the river's visual corridor, occupies navigable public waters, introduces safety hazards, and fails to provide the infrastructure necessary for genuine public access.

### **Lack of Meaningful or Functional Public Access**

The developer asserts that the dock will be "open to the public during daylight hours" and therefore constitutes a public access improvement. However, the Spokane Municipal Code requires more than nominal access. It requires that public access be real, functional, and supported by appropriate infrastructure.

Under SMC 17E.060.280, when public access is provided, it "shall be located adjacent to other planned or existing public areas, public and private accesses and trails, and connected to the nearest public street or public walkway." The proposed dock fails to meet these standards. There are no public parking spaces, safe pedestrian connections, or ADA-compliant routes identified for non-hotel guests. The plan shows that access will only be available through the hotel patio, including past patron tables, or via the existing staircase. The project includes no improved access from the minimal existing parking, wayfinding signage linking the dock to nearby public paths or transit, nor does it identify restrooms, staging space, or other facilities to

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support genuine public use. Without these fundamental elements, this “public dock” functions in name only—it is neither accessible nor inviting to the general public.

Further, SMC 17E.060.430, governing piers and docks, allows new docks only for water-dependent uses or public access. A new pier or dock construction may be permitted only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses. The materials provided for this project do not meet that standard. The applicant has not identified a demonstrated community demand or unmet need for additional non-motorized water access in this reach of the river, which is already well-served by established public launches upstream and downstream. Nor does the proposal include data, public input, or usage studies supporting the assertion that this dock is necessary to accommodate current or future recreation levels. Instead, the project appears to duplicate existing facilities and primarily benefit private hotel patrons. Without clear evidence of a specific, documented public need, this project does not satisfy the requirements of SMC 17E.060.430.

The proposed project does not meet the criteria for a water-dependent use. Instead, the project primarily benefits a private commercial establishment. This application fails to demonstrate the specific need for a water-dependent use that the code requires and therefore does not satisfy the intent or letter of the shoreline regulations.

The Spokane Comprehensive Plan further reinforces these requirements. SMP 11.9 limits new docks to public water-dependent uses, single-family residences, and public access, and only where they will not pose a public safety hazard. SMP 11.10 restricts the size of new docks to the minimum necessary to serve a proposed water-dependent use. The Ruby River Hotel dock, as currently proposed, exceeds these limitations: it projects into the middle of the river, is oversized relative to any demonstrated water-dependent use, and introduces significant safety risks to users.

Spokane Riverkeeper and numerous community members are active, existing users of this section of the river. We lead paddles and on-water events through this reach, with groups ranging from 50 to 150 participants, and frequently use the wide, open river near the Ruby River Hotel as a regrouping and turnaround point. The proposed mid-channel dock would obstruct this area, create nighttime navigation hazards, and effectively eliminate our ability to safely conduct this program on this stretch of river.

Moreover, despite claims that the project will “expand safe public access,” the absence of adequate parking or staging space makes this dock unusable for community events or large groups. In fact, it does not even provide the basic infrastructure necessary for safe individual

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public use. There are no identified areas for parking, gear loading, or unloading, nor any accessible routes to reach the dock from public walkways. Spokane Riverkeeper could not reasonably use this proposed launch for any of our programming due to the lack of safe loading, unloading, and parking infrastructure. The project appears designed to serve hotel and restaurant patrons, not the broader community.

Finally, we are concerned that by promoting on-site river access directly adjacent to a private establishment serving alcohol, the project may implicitly encourage unsafe drinking and paddling behavior. This undermines the City's stated shoreline policy goals of improving river safety, responsible recreation, and equitable public access.

In sum, the proposal does not meet the requirements of SMC 17E.060.280 or SMC 17E.060.430, nor does it achieve the City's stated goals for meaningful, functional public access. Instead, it risks privatizing a stretch of public waterway and reducing safe, equitable use of the Spokane River.

## River and Ecological Impacts

The proposed dock raises significant concerns for the river ecosystem. The applicant's "in-water action area" indicates that anchoring pins and other structures would extend across the entire width of the river. No analysis has been provided regarding the impact on multiple native aquatic species, including redband trout (a Washington State species of concern) and the various native sucker fish species, both of which are known to live in this section of the Spokane River. Redband trout are particularly sensitive to habitat disturbance and riverbed disruptions spanning the full river could interfere with the natural ecological functions of this stretch of river.

Spokane Riverkeeper has documented redband trout in this reach and regularly uses this area to educate the community about their habitat and conservation needs during guided paddles and educational bike rides. Members of the public have reported to us observing wild trout in this section for over a decade. This stretch of river also has redband trout that are stocked as part of Avista's license requirements. The potential impact the construction and structure could have on the populations in this reach should be included in the materials.

Additionally, this application includes no review of the impacts this project may have on the aquatic birds in this stretch of the river. The review should include potential impacts to American white pelicans, great blue herons, and other bird species present in the area.

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The Shoreline Master Program emphasizes that new docks and piers must be designed to avoid or minimize impacts to ecological functions and critical areas (SMC 17E.060.430(F)) and adhere to mitigation sequencing (SMC 17E.060.230). The lack of a complete species-specific assessment, combined with the mid-channel placement and full-width anchoring, suggests that the current proposal is not consistent with these ecological protection requirements. Without further study and redesign, the project risks both ecological harm and disruption of existing recreational and stewardship uses.

## **River Flows and Safety**

The Spokane River in this reach exhibits highly variable flows, particularly during the early spring runoff period. During these times, the river is extremely fast and hazardous, and falling into the middle of the channel can be life-threatening. Climate change is further amplifying this variability: shrinking snowpack and increased winter rain events lead to higher flows in mid-winter and early spring, while prolonging low summer flows when native fish rely on adequate water. A mid-channel dock introduces a serious safety risk for the general public, who may not anticipate the current or hazards associated with high flows. The current safety plan as described by the applicant is insufficient to manage the risks inherent to this location.

High spring flows would also place extreme strain on the dock's anchoring and cable system, increasing the likelihood that the structure could detach from its connections. A displaced dock would not only be destroyed but could cause additional damage to the riverbed, riparian areas, and downstream users, as well as create hazards for wildlife and navigation.

Several docks on this river have failed or broken loose during high spring flows, creating navigation hazards and debris. The City's shoreline regulations explicitly allow denial or modification of access features where "unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means." Given this river's dynamic flow regime, history of structural failure, and climate-driven changes, a mid-channel dock at this location is not a safe or appropriate design.

## **Long-Term Maintenance and Structural Stewardship**

We are also concerned about the long-term maintenance and lifecycle planning for this proposed dock. River infrastructure requires continuous oversight, particularly in a dynamic system like the Spokane River where flows, sediment, and debris can quickly compromise structural integrity. The application does not address who will be responsible for ongoing inspection, repair, or removal if the dock becomes damaged or unsafe.

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Without a clear maintenance and decommissioning plan, the structure risks following the trajectory of other neglected river infrastructure—such as the unusable dock remnants in Riverfront Park—which now sit deteriorating in public view and within the river environment. Allowing another structure to fall into disrepair would undermine the City’s goals for both public access and shoreline stewardship. Removal of a failed or abandoned dock would also be costly, complex, and potentially damaging to aquatic habitat.

For these reasons, any dock approved on this stretch of river should also include a binding maintenance and removal plan that ensures the structure remains safe, functional, and environmentally sound throughout its lifespan.

## **Net Loss of Visual Public Access**

SMC 17E.060.280 establishes that “visual access is an important shoreline management objective” and that “development on private property should not result in a net loss of the public’s currently existing rights to visual and physical access to the shorelines.”

The proposed dock would extend significantly into the main channel, well beyond the natural nearshore area, and would obstruct downstream and cross-river views from the walking trails and public pathways on both sides of the river. These include the Centennial Trail and Riverfront Park walkways, which together represent some of the most heavily used and visually iconic stretches of the Spokane River corridor.

This location sits in the heart of downtown Spokane—a section of the river corridor that is frequently visited by residents and tourists alike. The open, scenic character of this reach is integral to how our community and visitors experience the downtown riverfront. Preserving these unobstructed views of the river and the skyline is essential to maintaining the visual quality and identity of our city’s core.

Currently, you can enjoy unobstructed views of Riverfront Park, iconic structures in the Spokane city skyline, and beautiful natural shoreline vegetation. A large mid-channel dock in this location would create a prominent, unnatural structure interrupting open-water views that define the downtown river experience.

As mentioned above, we have led educational bike tours through this stretch on both sides of the river, where participants learn about river ecology, history, and restoration. This section of the river is a great place for participants to see the river, and learn about the history of our City because it provides clear views of Riverfront Park as well as the vegetated shorelines. This dock

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as planned would completely eliminate the opportunity for this diverse educational spot, and leave us dependent on the new structure to educate the community in this reach. Given the stated plan for limited access throughout the year, this would also limit our educational opportunities to the lower flow season, effectively eliminating our spring bike tour entirely.

Obstructing the views from the various walking trails in this area with a large mid-channel dock would constitute a clear net loss of visual access under SMC 17E.060.280, particularly given that the public currently enjoys uninterrupted views across this section of the river from multiple vantage points. Nothing in the applicant's materials demonstrates that this visual intrusion can be mitigated.

## Public Notice and Community Meeting Requirements

Section 17G.061.110 of the Spokane Municipal Code requires that shoreline conditional use applications include a summary of the applicant's community meeting. No such meeting summary appears to have been included in the materials provided for this project. The code also mandates that meetings of this type be noticed in three ways: by individual notice to interested parties and surrounding property owners, by posting notice at designated City locations, and by posting a sign at the project site. To our knowledge, at least the on-site posting requirement was not fulfilled, and it is unclear whether the other notice requirements were properly completed. Spokane Riverkeeper requests documentation of how and when this meeting was noticed, along with a summary of attendance, public input received, and how that feedback was incorporated into the project design. Transparency in the public process is essential to ensure meaningful community engagement and compliance with the City's procedural requirements.

## Recommended Design Approach

To address some of the concerns outlined above, the dock should be redesigned to hug the shoreline near the existing boardwalk rather than extending into the middle of the river. This is a common design for urban river access to ensure a balanced approach is taken towards all users. Such a configuration would:

- Reduce visual obstruction from walking trails and from the river, preserving the scenic and recreational experience for both river users and nearby residents;
- Enhance safety, as users would remain in shallow, slower-moving water and avoid the hazardous mid-channel currents during high flows;

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- Minimize ecological impacts, limiting in-water disturbance to a narrow, already-developed shoreline zone rather than across the full channel; Provide meaningful public access, enabling safer loading and unloading, ADA-compliant access, and opportunities to incorporate parking, staging, and signage; and
- Increase resilience, reducing the likelihood that high flows would detach the dock and cause downstream hazards or damage.

A dock designed in this manner would better align with the Shoreline Master Program's goals of safe, functional, and equitable public access while maintaining ecological integrity and preserving the visual character of the river corridor.

## Conclusion

We urge the City to deny the current shoreline substantial development permit or, at minimum, require substantial revisions ensuring that:

1. The dock does not project into the main river channel or obstruct public views;
2. Public access amenities—such as parking, ADA-compliant routes, and signage—are provided and guaranteed in perpetuity;
3. The plan adequately addresses impacts to native aquatic species, particularly redband trout; and,
4. The structure meets demonstrated safety and ecological performance standards suitable for the river's conditions.

The Spokane River is a shared public resource. Development that occupies or alters it must clearly enhance—not diminish—public access, safety, and scenic quality. The current proposal fails to do so under SMC 17E.060.280.

Thank you for your continued attention to this matter. Please keep Spokane Riverkeeper informed of all subsequent actions or hearings related to this permit.

Respectfully submitted,

Katelyn Scott, Esq.  
Water Protector

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**From:** [Westerman, Kile W \(DFW\)](#)  
**To:** [deBit, Donna](#)  
**Subject:** Ruby River Dock - Z25-419SCUP  
**Date:** Friday, November 7, 2025 9:50:48 AM

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[CAUTION - EXTERNAL EMAIL - Verify Sender]

Hi Donna,

I know we are past the comment period for this, but I wanted to offer some new information that was brought to me by a member of the public. It was pointed out to me that in the HMP they stated the following.

*"A complete discussion of endangered, threatened, and sensitive species that have the potential to be impacted by the proposed project is provided in Section 5. The WDFW PHS mapper (2025) indicates the potential presence of westslope cutthroat (Oncorhynchus clarki lewisi), rainbow trout (Oncorhynchus mykiss), and big brown bat (Eptesicus fuscus) in the vicinity. **No habitats or species of local importance per WDFW are known to occur within the project area.**"*

Which is not correct, both of the fish species mentioned are present in the river and have been photographed in the project area (at least rainbow). Connor Giorgi has also documented redds on the south shore area just downstream. We also surveyed that stretch of river per Avista's FERQ agreement back in 2010-2012 and both PHS species were present in the river. While I already knew both were present in the river throughout all our conversations we had about this project, I should have caught that the HMP did not reflect that. I still don't have any concerns about this project as it is being proposed, because the concerns I did have are being addressed. Such as, how the dock is constructed, location, shoreline vegetation removal and mitigation. When we look at PHS fish species and potential impacts we are looking at it from a population perspective (spawning and rearing habitat). I don't believe that this project will have an impact on either, as the redds are outside of the project area and it will not have an impact on rearing habitat. With that being said, if it's not too late I suggest that they should edit or amend the HMP to accurately capture the PHS fish species presence (both in the river and redds nearby).

Please let me know if you have any questions and thanks for your consideration.



**Kile Westerman**

Habitat Biologist, WDFW Habitat Division

2315 N Discovery Place

Spokane Valley, WA 99216

Office: 509-892-1001 ext.323





December 10, 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**

The Ruby River Hotel appreciates Avista's continued coordination and thoughtful review of the revised dock proposal. We remain committed to addressing the outstanding concerns identified in your letter and to ensuring that all applicable FERC-enforced regulations related to public safety, environmental stewardship, and operational integrity are fully considered and prioritized throughout this process.

The Ruby River Hotel continues to seek clarity regarding the permittee's regulatory responsibilities within Avista's FERC license and the exact deliverables needed to reach compliance, rather than guidance that appears interpretive or subjective. We recognize that coordination with FERC can be a lengthy process; therefore, the Hotel proposes advancing the application with the understanding that we remain committed to working closely with Avista to identify and address any outstanding obligations directly associated with the FERC license. A FERC coordination team consisting of Hilary Hahn and Eugene Aushev will be responsible for gaining a more complete understanding of these requirements to ensure that a fully compliant solution is achieved prior to building permit issuance. If the Hotel is unable to meet with FERC directly, it is anticipated that Avista will be able to provide documentation of its direct correspondence with FERC that clearly outlines the specific permittee requirements set forth in the license.

Thank you again for your time and collaboration on this project. We value Avista's partnership and look forward to continuing a dialogue with FERC and Avista as we move toward a mutually acceptable and compliant outcome.

Sincerely,

**Hilary Hahn, Ecologist**

**T:** 509.991.2958

**E:** Hhahn@FacetNW.com



Ruby River Hotel 2 <sup>nd</sup> Comment Response Matrix			
	Topic	Comment	Response
<b>Avista</b>			
1	Access Management	There is no clear analysis identifying hazardous flow conditions specific to a dock extending 90 feet from the shoreline under various weather and flow scenarios, nor is there an operational protocol for restricting public access during such hazardous conditions. Additionally, there is a lack of clarity and commitment from the applicant regarding the entity responsible for implementing these measures. During the meeting with Avista, the applicant proposed handing that management responsibility to Avista which is not an appropriate role for Avista.	The Ruby River Hotel is not responsible for establishing thresholds that determine when recreational users should be restricted from entering the water. Regulation and oversight of recreational use of the Spokane River fall under the jurisdiction of the City of Spokane.
2	Public and Dam Safety	The application still lacks comprehensive operational plan that demonstrates how the dock and associated infrastructure will withstand high flow events and avoid interference with the Upper Falls Control Works Dam. The applicant indicated this would be determined during the building permit process. While this seems like a foundational element that would be required in a SCUP process, Avista requests that Ruby Hotel engage further with Avista on this topic during the building permit process.	The Ruby River Hotel agrees to continue coordinating with FERC through Avista to ensure that all applicable FERC requirements are met throughout the building permit process.
3	Operational Impacts	The application does not adequately address debris management strategies or assess potential impacts of the dock to Avista's ability to operate its facilities safely and reliably.	Dislodge debris from dock and let it flow naturally down the river.
4	Recreation and Navigability	The size and orientation of the dock should be evaluated for potential impacts on existing public recreation and navigability. We recommend that the applicant consult with the City of Spokane Water Rescue and Spokane County Marine Deputy Unit to obtain their expertise on water safety during the design and planning phases	<p>The size and orientation of the dock have been redesigned to reduce potential impacts on existing public recreation and navigability. The updated configuration was presented to Avista representatives on November 24, 2025, at the Avista headquarters.</p> <p>Please refer to the revised dock layout included in this submittal packet.</p>

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Washington Department of Fish and Wildlife			
Email	Redband Trout Occurrence	<p>It was pointed out to me that in the HMP they stated the following.</p> <p>"A complete discussion of endangered, threatened, and sensitive species that have the potential to be impacted by the proposed project is provided in Section 5. The WDFW PHS mapper (2025) indicates the potential presence of westslope cutthroat (<i>Oncorhynchus clarki lewisi</i>), rainbow trout (<i>Oncorhynchus mykiss</i>), and big brown bat (<i>Eptesicus fuscus</i>) in the vicinity. No habitats or species of local importance per WDFW are known to occur within the project area. "</p> <p>Which is not correct, both of the fish species mentioned are present in the river and have been photographed in the project area (at least rainbow). Connor Giorgi has also documented redds on the south shore area just downstream. We also surveyed that stretch of river per Avista's FERQ agreement back in 2010-2012 and both PHS species were present in the river. While I already knew both were present in the river throughout all our conversations we had about this project, I should have caught that the HMP did not reflect that. I still don't have any concerns about this project as it is being proposed, because the concerns I did have are being addressed. Such as, how the dock is constructed, location, shoreline vegetation removal and mitigation. When we look at PHS fish species and potential impacts we are looking at it from a population perspective (spawning and rearing habitat). I don't believe that this project will have an impact on either, as the redds are outside of the project area and it will not have an impact on rearing habitat. With that being said, if it's not too late I suggest that they should edit or amend the HMP to accurately capture the PHS fish species presence (both in the river and redds nearby).</p>	<p>Section 4.1 in the Habitat Management Plan has been revised to state that "A complete discussion of endangered, threatened, and sensitive species that have the potential to be impacted by the proposed project is provided in Section 5. The WDFW PHS mapper (2025) indicates the potential presence of westslope cutthroat (<i>Oncorhynchus clarki lewisi</i>), rainbow trout (<i>Oncorhynchus mykiss</i>), and big brown bat (<i>Eptesicus fuscus</i>) in the vicinity. Redband trout (<i>Oncorhynchus mykiss gairdneri</i>), a genetically distinct population of rainbow trout native to eastern Washington, are also documented to occur within the Spokane River (WDFW, 2009). The action area does not contain known spawning or rearing habitat for this species. Therefore, with the implementation of BMPs, the proposed project is not anticipated to result in impacts to species or habitats of local importance. No known or historical rare plants or high-quality ecosystems designated by the Department of Natural Resources (DNR through the Washington Natural Heritage Program (NHP) as high-quality terrestrial ecosystems are shown on the most recent NHP maps and data."</p> <p>Correspondence with WDFW on December 2, 2025, confirmed that this revision appropriately addresses this comment.</p>

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Washington Department of Ecology			
Email	Public	<p>All projects in shoreline jurisdiction must show avoidance and minimization. It is unclear whether this has been demonstrated.</p> <p>A public dock, which facilitates moorage and landing for pleasure crafts and water dependent uses should have dedicated public parking and/or access to public roadways.</p>	<p>Mitigation sequencing, including avoidance and minimization measures, is outlined in Section 8.1 of the Habitat Management Plan. The dock design includes floats with 60% light penetration, which has been incorporated into the minimization section in response to Department of Ecology (DOE) recommendations.</p> <p>The Ruby River Hotel has also prepared an ingress/egress plan that identifies designated public parking for recreational users. This plan was presented to Department of Ecology staff on November 19, 2025. Following their feedback, one designated ADA parking stall was added.</p> <p>The revised HMP and parking plan that reflect these revisions are included with this submittal.</p>
Spokane River Keepers			
Comment Letter	SMP compliance, safety and ecological impacts.	Letter from Katelyn Scott, Spokane River Keeper Water Protector, dated November 3 <sup>rd</sup> 2025.	<p>Thank you for your continued engagement regarding this application and design. While the Ruby River Hotel does not agree with several of the assertions outlined in the letter, we believe the recent revisions to the dock design address many of the primary concerns. The Hotel has been working closely with regulatory agencies and the City of Spokane to ensure full compliance with the Shoreline Master Program and to minimize ecological impacts. Additionally, a parking plan has been prepared to further clarify and demonstrate the project's public access component.</p>