

SPOKANE RIVERKEEPER®

A program of the Center for Justice.

November 5, 2010

Steve Worley
City of Spokane Valley
11707 E Sprague Suite 106
Spokane Valley, WA 99206

RE: Barker Road Access

Dear Mr. Worley:

This letter is sent on behalf of the Spokane Riverkeeper program. The Spokane Riverkeeper would like to meet with the City of Spokane Valley as early as possible to resolve appropriate completion of the public access component of the Spokane Valley Barker Road Bridge project. As presently constructed, this site fails to address public safety and environmental requirements for public access, potentially exposing the City of Spokane Valley to legal liabilities.

Ironically, the City of Spokane Valley relocated the bridge to assure public access. Instead, you have created an embarrassment to Spokane River recreation and an eyesore on an otherwise pristine stretch of water. To abandon access at this time and expose the city to liability is an eventuality Spokane Riverkeeper would like to assist the Valley in avoiding.

Current issues requiring immediate attention and rectification include:

- At a minimum, the access lane must conform with the original engineering design, which shows the lane extending to the river's lower water mark. The grade is noted, as is the appropriate rock and gravel mix. As constructed, the access lane is steep and ends at what is now a steep embankment above the low water mark. We believe this occurred through the actions of the contractor. Correction is required because:
 - Public Safety: Barker Road is used for emergency services by the fire department. As currently constructed, launching of emergency service boats and related equipment is not feasible. As such, the Valley's actions have degraded public safety.



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- Environmental Liability: This site has been identified by the Washington Department of Ecology as containing contaminated sediment. Spokane Riverkeeper believes that potential violations of CERCLA, RCRA, and the Clean Water Act occurred when the contractor knowingly released contaminated sediment into the river during construction. The contractor was aware erosion occurred and placed rock and cobble beneath the bridge to slow its occurrence, resulting in a fine from Washington Department of Fish and Wildlife. Failure to address the environmental impacts exposes the contractor and the City to potential liability.
- Environmental Degradation: Experts indicate to us that when spring runoff occurs, this site will not withstand high water occurrences and runoff from heavy precipitation events. With a steep grade and back eddy this site will continue to erode, the embankment will become steeper, and the access lane will effectively be “washed away.” This causes several problems that are not tenable.
 - The public will ultimately need to be denied access because of shoreline degradation that will occur and become more severe through public scrambling up and down the embankment.
 - As the embankment steepens, additional public safety usage issues arise as people try to haul equipment up and down the embankment.
 - The City may face legal liability for additional release of contaminated sediment.
- There is a no parking sign at the beginning of the access lane which must be moved to the east to allow emergency vehicle access as well as support outfitters and the public loading and unloading equipment.

The Spokane River Forum, Spokane Conservation District, and Riverside State Parks have agreed to assist the Valley in making this site an inviting, attractive access point. Their offers of assistance include:

- The River Forum has agreed to arrange a new topographic survey and access design that will be “permit” ready. Needs for new survey work and design are caused because the access area has been substantially transformed from its original state.



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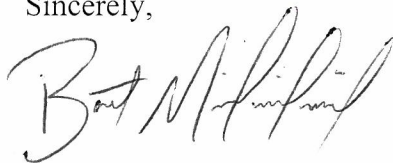
- The Spokane Conservation District is willing to provide riparian restoration around the access lane itself.
- Riverside State Parks is willing to provide long term maintenance of the site.

Additional support in the form of interpretive signage and other facility upgrades are possible. None of these positive outcomes, however, are possible without the Valley working with the contractor to, at a minimum, meet the original design criteria.

The Spokane Riverkeeper would like to work with the Valley to rectify the situation without seeking other remedies.

Please contact me at your earliest convenience to set up a meeting.

Sincerely,



Bart Mihailovich
Spokane Riverkeeper

cc: Andy Dunau, Spokane River Forum
John Roland, Washington Department of Ecology
Chris Guidotti, Riverside State Parks
Charlie Peterson, Spokane Conservation District
Jeff Lawlor, Washington Department of Fish and Wildlife
City of Spokane Valley Mayor Tom Towey and City Council

