

United States of America

Before the  
Federal Energy Regulatory Commission

Seattle City Light                    )  
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Project No. 2144

Application for License for Major Project — Existing Dam

- (1) Seattle City Light (“SCL”), a department of the City of Seattle, applies to the Federal Energy Regulatory Commission (“Commission”) for a new license, with a term of 50 years, for the Boundary Hydroelectric Project, FERC No. 2144, as described in the attached exhibits. The following license application has been prepared in accordance with Chapter 18 of the Code of Federal Regulations (CFR) Section 4.51, License for Major Project, Existing Dam, Section 5.18, Application Content under the integrated license application process, and Part 16.

The Project is currently licensed to SCL pursuant to the Commission’s Order issuing License No. 2144 dated July 10, 1961, as modified on rehearing, and pursuant to the following orders approving additional license articles, all as amended from time to time.

Article 49 was added upon rehearing by Order dated September 6, 1961. Article 50 was added by Order dated August 15, 1962. Articles 51 through 56 were added by Order Amending License issued April 26, 1982. Article 56 was incorporated by FERC’s Letter Accepting Land-Use Article on July 10, 1980.

- (2) The location of the Project is:

State:	Washington
County:	Pend Oreille
Township or Nearby Town:	Metaline Falls
Streams or other body of water:	Pend Oreille River

- (3) The exact name, business address, and telephone number of the applicant are:

Seattle City Light  
P.O. Box 34023  
Seattle, WA 98124-4023  
(206) 615-1091

- (4) The exact name and business address of each person authorized to act as agent for the applicant in this application are:

Jorge Carrasco, Superintendent  
Seattle City Light  
P.O. Box 34023  
Seattle, WA 98124-4023  
(206) 615-1091

- (5) Seattle City Light is a municipality and is claiming preference under Section 7(a) of the Federal Power Act.

The statutory or regulatory requirements of the state in which the Project is located and that affect the Project as proposed, with respect to bed and banks and to the appropriation, diversion, and use of water for power purposes, and with respect to the right to engage in the business of developing, transmitting, and distributing power and in any other business necessary to accomplish the purposes of the license under the Federal Power Act, and the steps which Seattle City Light has taken or plans to take to comply with each of the laws, are summarized in Table IS-1 and detailed in the attached.

**Table IS-1.** Applicable state statutes or regulations.

State Agency	Statute or Regulation	Permit/Approval	Status
Department of Ecology	Section 401 of Federal Water Pollution Control Act; State Water Pollution Control Act (RCW 90.48)	Water Quality Certification	Request to be submitted within 60 days of issuance of Ready for Environmental Analysis (REA) Notice
Department of Ecology	Chapter 90.03 RCW	Appropriation, Diversion and Use of Water	Certificates of Surface Water Right Nos. S3-13196C, S3-27415C and R3-15021C (reservoir storage); and Application No. S3-30594
Department of Natural Resources	RCW 79.36.570; RCW 90.28.170	Easement for use of beds and banks	Department of Natural Resources Order granting overflow easement dated Aug. 5, 1963 on Application No. 28764, as amended by settlement agreement dated Feb. 6, 1967
Department of Archaeological and Historic Preservation	Chapter 43.334 RCW; Section 106 of the National Historic Preservation Act and Executive Order 11593	Approval of Historic Resources Management Plan (HPMP)	Final HPMP filed with License Application
State of Washington	RCW 35.92.010	Municipal Authority	Legislative authority for municipal utility and municipal hydroelectric facilities

(6) The name and address of the owner of existing Project facilities are:

Seattle City Light  
P.O. Box 34023  
Seattle, WA 98124-40234

SUBSCRIPTION AND VERIFICATION

This Application for New License for a Major Project, Existing Dam is executed in the

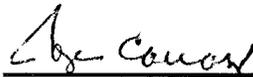
STATE OF WASHINGTON

COUNTY OF KING

By Jorge Carrasco, the Superintendent of Seattle City Light, P.O. Box 34023, Seattle, Washington 98124-40234, being truly sworn, deposes and says that the contents of this application are true to the best of my knowledge or belief. The undersigned applicant has signed this application this 3rd day of September, 2009.

Seattle City Light  
(Applicant)

By:



Jorge Carrasco  
Superintendent

SUBSCRIBED AND SWORN TO before me, a Notary Public of the State of Washington, this 3rd day of September, 2009.



NOTARY PUBLIC

My Commission Expires:

June 12, 2012



United States of America

Before the  
Federal Energy Regulatory Commission

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Seattle City Light ) Project No. 2144  
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Statement Pursuant to 18 C.F.R. § 5.18(a)(5)(iii)  
(Incorporating by reference portions of 18 C.F.R. § 4.51)

- (1) Name and address of every person, citizen, association of citizens, domestic corporation, municipality, or state that has or intends to obtain and will maintain any proprietary right necessary to construct, operate, or maintain the Project:

Seattle City Light  
P.O. Box 34023  
Seattle, WA 98124-40234

- (2) Name and address of every county in which any part of the Project, and any Federal facilities that would be used by the Project would be located:

The Project is located entirely in Pend Oreille County, which has the following mailing address:

Pend Oreille County  
County Commissioners  
P.O. Box 5025  
Newport, WA 99156

Lands occupied by the Project include federal lands managed by:

Colville National Forest  
765 S. Main Street  
Colville, WA 99114

Bonneville Power Administration  
P.O. Box 3621  
Portland, OR 97208-3621

Bureau of Land Management  
1103 N. Fancher Road  
Spokane, WA 99212-1275

- (3) Name and address of every city, town, or similar local political subdivision in which any part of the Project, and any Federal facilities that would be used by the Project, would be located:

Town of Metaline  
P.O. Box 85  
Metaline, WA 99152

Town of Metaline Falls  
P.O. Box 277  
Metaline Falls, WA 99153

- (4) Name and address of every city, town, or similar local political subdivision that has a population of 5,000 or more people and is located within 15 miles of the Project dams:

There are no cities or towns with a population of 5,000 or more people within 15 miles of the Project.

- (5) Name and address of every irrigation district, drainage district, or similar special purpose political subdivision in which any part of the Project, and any Federal facilities that would be used by the Project, would be located:

Pend Oreille County Conservation District  
P.O. Box 280  
Newport, WA 99156

Pend Oreille County Fire Protection District No. 2  
P.O. Box 435  
302 Park Street, Room 3  
Metaline Falls, WA 99153-0435

- (6) Name and address of every irrigation district, drainage district, or similar special purpose political subdivision that owns, operates, maintains, or uses any Project facilities or any Federal facilities that would be used by the Project:

No irrigation district, drainage district, or similar special purpose political subdivision owns, operates, maintains, or uses any Project facility or any Federal facility used by the Project.

- (7) Name and address of every other political subdivision in the general area of the Project that there is reason to believe would likely be interested in, or affected by, the application:

Town of Ione  
P.O. Box 498  
Ione, WA 99139

Town of Cusick  
P.O. Box 263  
Cusick, WA 99119

City of Newport  
200 S. Washington Avenue  
Newport, WA 99156

Pend Oreille County Public Utility District  
P.O. Box 190  
130 N. Washington Avenue  
Newport, WA 99156

- (8) Name and address of all Indian tribes that may be affected by the Project:

Coeur d' Alene Tribe  
850 A. Street  
P.O. Box 408  
Plummer, ID 83851-9703

Confederated Tribes of the Colville  
Reservation  
P.O. Box 150  
Nespelem, WA 99155

Confederated Salish and Kootenai  
Tribe  
Tribal Council  
P.O. Box 278  
Pablo, Montana 59855

Kalispel Tribe of Indians  
Tribal Headquarters  
P.O. Box 39  
Usk, WA 99180

Kootenai Tribe of Idaho  
Kootenai Tribal Council  
P.O. Box 1269  
Bonners Ferry, ID 83805

Spokane Tribe of Indians  
P.O. Box 100  
Wellpinit, WA 99040

**State Law and City Charter Provision on SCL's Authority  
To Engage in the Business of Developing, Transmitting, Utilizing, or Distributing Power**

**RCW 35.92.010**

A city or town may construct, condemn and purchase, purchase, acquire, add to, alter, maintain and operate waterworks, including fire hydrants as an integral utility service incorporated within general rates, within or without its limits, for the purpose of furnishing the city and its inhabitants, and any other persons, with an ample supply of water for all purposes, public and private, including water power and other power derived therefrom, with full power to regulate and control the use, distribution, and price thereof: PROVIDED, That the rates charged must be uniform for the same class of customers or service. Such waterworks may include facilities for the generation of electricity as a byproduct and such electricity may be used by the city or town or sold to an entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of water supply.

...

For such purposes any city or town may take, condemn and purchase, purchase, acquire, and retain water from any public or navigable lake or watercourse, surface or ground, and, by means of aqueducts or pipe lines, conduct it to the city or town; and it may erect and build dams or other works across or at the outlet of any lake or watercourse in this state for the purpose of storing and retaining water therein up to and above high water mark; and for all the purposes of erecting such aqueducts, pipe lines, dams, or waterworks or other necessary structures in storing and retaining water, or for any of the purposes provided for by this chapter, the city or town may occupy and use the beds and shores up to the high water mark of any such watercourse or lake, and acquire the right by purchase, or by condemnation and purchase, or otherwise, to any water, water rights, easements or privileges named in this chapter, or necessary for any of said purposes, and the city or town may acquire by purchase or condemnation and purchase any properties or privileges necessary to be had to protect its water supply from pollution. Should private property be necessary for any such purposes or for storing water above high water mark, the city or town may condemn and purchase, or purchase and acquire such private property. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a city or town that does not own or operate an electric utility system to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner.

**Seattle City Charter, Article IV, Section 14**

The City Council shall have power by ordinance and not otherwise –

... To construct, purchase, condemn or otherwise acquire, maintain and operate works, plants and facilities within or without the City for the following purposes: water supply for domestic and all other uses; production of gas and electricity for light, heat, power and all other uses public and private; public transportation system; telephone service, local and long distance; ferries, docks and terminal facilities; and to control the use thereof, and fix the price of the services and products thereof.

