



Thomas O'Keefe, PhD
Pacific Northwest Stewardship Director
okeefe@americanwhitewater.org
3537 NE 87th St
Seattle, WA 98115
425.417.9012

May 13, 2024

Debbie-Anne A. Reese, Acting Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: Comments on Environmental Assessment for Application to Surrender License of the Newhalem Creek Hydroelectric Project (P-2705-037) on Newhalem Creek in Whatcom County, Washington.

Dear Acting Secretary Reese:

Enclosed for filing in the above referenced proceeding are American Whitewater's *Comments on Environmental Assessment for Application to Surrender License of the Newhalem Creek Hydroelectric Project, P-2705-037*.

Thank you for your assistance. Please call if you have any questions or need additional information. I can be reached at 425-417-9012.

Sincerely,

A handwritten signature in black ink, appearing to read "T. O'Keefe".

Thomas O'Keefe, PhD
Pacific Northwest Stewardship Director



Thomas O'Keefe, PhD
 Pacific Northwest Stewardship Director
 okeefe@americanwhitewater.org
 3537 NE 87th St
 Seattle, WA 98115
 425.417.9012

**UNITED STATES OF AMERICA
 FEDERAL ENERGY REGULATORY COMMISSION**

**Seattle City Light) Docket No. 2705-037
) Newhalem Creek Hydroelectric Project**

**COMMENTS OF AMERICAN WHITEWATER ON ENVIRONMENTAL ASSESSMENT FOR THE
 NEWHALEM CREEK HYDROELECTRIC PROJECT**

INTRODUCTION

In response to the Federal Energy Regulatory Commission's March 29, 2024 *Notice of Availability of Environmental Assessment of the Newhalem Creek Hydroelectric Project, P-2705-037*,¹ American Whitewater submits the following comments on the Environmental Assessment.² We support the surrender and decommissioning of the project, located on the Newhalem Creek in Whatcom County, Washington on 6.4 acres of federal land administered by the National Park Service. American Whitewater supports the Full Removal Alternative where all aboveground project features including the penstock, powerhouse, and powerlines would be removed. American Whitewater opposes the Proposed Action for Partial Removal with Staff Recommended Measures as presented in the Environmental Assessment.

INTEREST OF AMERICAN WHITEWATER

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954 with approximately 50,000 supporters, 7,000 dues-paying members, and 80 locally based affiliate clubs, representing whitewater enthusiasts across the nation. American Whitewater's mission is to protect and restore America's whitewater rivers and to enhance opportunities to enjoy them safely. The organization is the primary advocate for the preservation and protection of whitewater rivers throughout the United States, and connects the interests of human-powered recreational river users with ecological and science-based data to achieve the goals within its mission. Our vision is that our nation's remaining wild and

¹ Notice of Availability of Environmental Assessment re Seattle City Light's Newhalem Creek Hydroelectric Project under P-2705, Accession Number: 20240329-3016,

<https://elibrary.ferc.gov/eLibrary/docinfo?accession_number=20240329-3016>.

² Environmental Assessment for Application to Surrender License for the Newhalem Creek Hydroelectric Project under P-2705, Accession Number: 20240319-5184,

<https://elibrary.ferc.gov/eLibrary/docinfo?accession_number=20240319-5184>.

free-flowing rivers stay that way, that our developed rivers are restored to function and flourish, that the public has access to rivers for recreation, and that river enthusiasts are active and effective river advocates. American Whitewater's members live in the local community and travel to the Skagit River watershed, and we therefore have an interest in the proposed Surrender of License for the Project and the outcome of this proceeding.

American Whitewater has previously commented in this proceeding through a Motion to Intervene and through comments on Scoping Document 1.^{3,4}

COMMENTS

American Whitewater supports license surrender and decommissioning of this Project. The project is currently not operational due to issues with the headworks, power tunnel, and access road, and it has not operated since 2010. Estimated costs to repair the Project exceed anticipated future revenue. On January 28, 2022 the licensee, Seattle City Light, filed an application for surrender of license and partial removal of project works.⁵ Seattle City Light proposes to decommission and remove the diversion dam and associated headworks structures, tailrace fish barrier, and certain overhead transmission lines. The rock shaft and power tunnel would be sealed, and the access road above elevation 840 feet would be decommissioned. The powerhouse, tailrace, and penstock would remain, and the powerhouse equipment would be de-energized. Electrical service to the powerhouse would remain to provide heating and lighting.

On March 19, 2024 the Commission published an Environmental Assessment that analyzed Seattle City Light's proposal and recommended a Proposed Action for Partial Removal with Staff-Recommended Measures.⁶ American Whitewater opposes the Proposed Action as inconsistent with federal Standards for Tribal Consultation as well as 18 CFR § 6.2 requiring restoration of project lands "to a condition satisfactory to the Department having supervision over such lands."

³ Motion to Intervene and Comments of American Whitewater under P-2705. FERC eLibrary Accession Number: 20220531-5149, <https://elibrary.ferc.gov/eLibrary/docinfo?accession_number=20220531-5149>.

⁴ Comments of American Whitewater on Scoping Document 1 for the Proposed Surrender and Decommissioning of the Newhalem Creek Hydroelectric Project under P-2705, FERC eLibrary Accession Number: 20220928-5154, <https://elibrary.ferc.gov/eLibrary/docinfo?accession_number=20220928-5154>.

⁵ Seattle City Light submits Application for Surrender of License for the Newhalem Creek Hydroelectric Project under P-2705, FERC eLibrary Accession Number: 20220128-5203, <https://elibrary.ferc.gov/eLibrary/docinfo?accession_number=20220128-5203>.

⁶ Environmental Assessment for Application to Surrender License for the Newhalem Creek Hydroelectric Project under P-2705, Accession Number: 20240319-5184, <https://elibrary.ferc.gov/eLibrary/docinfo?accession_number=20240319-5184>.

The Sauk-Suiattle Tribe has stated that “the only lawful, and moral, alternative to adopt is full removal of all above-ground and submerged structures related to the Project.”⁷

The Upper Skagit Indian Tribe (USIT) has stated that “City Light should pursue full removal of all Project infrastructure including the powerhouse, trailrace, and penstock,” as “full removal is the only course for adequately protecting the USIT’s cultural resources and treaty rights.”⁸

The National Park Service has stated that it is “our priority to restore the project area to a natural, pre-project condition to the fullest extent possible,”⁹ and not leave an open-ended commitment for maintenance of the powerhouse.

American Whitewater believes the Full Removal Alternative is the only alternative that respects Tribal Treaty rights and obligations to restore project lands to a condition satisfactory to the National Park Service.

Specific Comments on the Environmental Assessment

3.5 Proposed Action

The staff-recommended measure for three years of monitoring post-dam removal for fish passage barriers in the lower 0.65-mile section of Newhalem Creek is inadequate.

6.3.1.2 Environmental Effects; Streambed Profile and Sediment Mobilization

Based on additional information provided by Seattle City Light that the risk of far-reaching head cutting is low,¹⁰ we continue to support natural regrading of the stream channel alignment following dam removal without a constructed grade control structure. As noted in our previous

⁷ At Page 6, Comments of Sauk-Suiattle Indian Tribe of Washington on Environmental Assessment for Application to Surrender License for the Newhalem Creek Hydroelectric Project under P-2705, FERC eLibrary Accession Number 20240426-5028, <https://elibrary.ferc.gov/eLibrary/docinfo?accession_Number=20240426-5028>.

⁸ At Page 1 of Attachment 1, Upper Skagit Indian Tribe’s Motion to Intervene and Comments on License Surrender Application under P-2705, FERC eLibrary Accession Number 20220531-5231, <https://elibrary.ferc.gov/eLibrary/docinfo?accession_Number=20220531-5231>.

⁹ United States Department of the Interior, National Park Service submits comments re Surrender Application for the Newhalem Creek Hydroelectric Project under P-2705, FERC eLibrary Accession Number 20220531-5374, <https://elibrary.ferc.gov/eLibrary/docinfo?accession_Number=20220531-5374>.

¹⁰ Seattle City Light submits Updated Decommissioning Geomorphology Considerations re Proposed Surrender and Decommissioning for the Newhalem Dam of the Newhalem Creek Hydroelectric Project under P-2705, FERC eLibrary Accession Number: 20231024-5083, <https://elibrary.ferc.gov/eLibrary/docinfo?accession_Number=20231024-5083>.

comments,¹¹ we participated in the site visit on September 12, 2022 and witnessed evidence of large boulders and bedrock features representing persistent grade control features that would appear likely to dissipate the rate and extent of head cutting. We concur with the Commission staff finding that only minor short-term adverse effects would occur due to streambed mobilization associated with dam removal. We concur that a constructed grade control structure would disturb the natural system, run counter to project restoration goals, and represent an unnecessary expense and maintenance obligation. A constructed grade control structure would be unnecessary given the existence of large boulders that form persistent grade controls.

While we concur with the recommendation to develop a monitoring plan for sediment accumulation, we believe that monitoring for three years post removal is inadequate. Staff recommend assessing whether additional surveys need to be continued after three years based on monitoring results, but no criteria are provided for how this assessment would be done.

6.3.3.2 Effects on Vegetation

The Environmental Assessment states that it is not Commission practice to retain jurisdiction over projects for a “long period of time” after a surrender order is issued, and the staff recommendation proposed to reduce vegetation monitoring for five years to three years. It is unclear how a long time period is defined. We believe three years is inadequate.

6.3.5.2 Environmental Effects

Analysis by staff contends that full removal of the Project would remove the locational context provided by the existing historical facilities and interpretive displays as well as trails and important history of this area. Commission staff further assert that they find the powerhouse and penstock are “historical focal points” for the trail but provide no evidence or documentation for this finding. In our direct experience talking to users of the trail, we find that the primary focal point is the opportunity to hike along the river in a forested setting. We disagree that retaining the powerhouse would preserve recreational activities; to the contrary, removing the powerhouse would enhance recreational opportunities.

American Whitewater supports full removal of the project and believes information on historical facilities can be documented through reporting and photographic documentation. A more

¹¹ Comments of American Whitewater on Scoping Document 1 for the Proposed Surrender and Decommissioning of the Newhalem Creek Hydroelectric Project under P-2705, FERC eLibrary Accession Number: 20220928-5154, <https://elibrary.ferc.gov/eLibrary/docinfo?accession_number=20220928-5154>.

complete story of the original powerhouse, destroyed by fire in 1966, could then be told through new interpretive materials. The Historic American Engineering Record of the Skagit River Hydroelectric Project is an example of the type of report and interpretive materials that could be developed for the Newhalem Project.¹² This approach would tell a more complete and informative story than a building, that is not even the original structure, left in the forest at the expense of opportunities to restore the forested setting and the locational context of areas important to local Tribes.

6.3.6.2 Environmental Effects: Archaeological and Built Resources and Traditional Cultural Properties

We disagree with the assessment that retention of the Newhalem Creek Powerhouse and penstock represent important interpretive elements that would “balance” natural and cultural resources. The original powerhouse began generating in 1921 but was destroyed by fire in 1966 and the new powerhouse building does not include the historical elements of the original structure. We support full removal with detailed reporting and photographic documentation of affected structures as well as development of new interpretive materials.

We disagree with the assertion that the removal of the powerhouse would result in loss of current recreational resources. The powerhouse is an industrial structure out of character with the setting of the trail that runs along the south shore of the Skagit River. Removing the powerhouse would enhance the quality of the overall recreational experience. Individuals recreating in the vicinity of the Newhalem powerhouse are seeking a respite from the developed facilities of Newhalem in a forested setting. Full removal would improve the overall quality of this experience.

CONCLUSION

American Whitewater strongly supports the Full Removal Alternative where all aboveground Project features including the penstock, powerhouse, and powerlines would be removed. The Proposed Action as analyzed in the Environmental Assessment fails to adequately apply Standards for Tribal Consultation and is inconsistent with Federal Power Act requirements to restore lands to a condition satisfactory to the managing agency. The Proposed Action inappropriately emphasizes retention and interpretation of industrial facilities that have come at the expense of Tribes whose cultural resources and connection to the landscape has long been ignored.

¹² Skagit Power Development: A Record of the Skagit River Hydroelectric Project, Historic American Engineering Record (HAER Report No. WA-24), published by National Park Service for Seattle City Light, 1998.

Respectfully submitted on May 13, 2024,

A handwritten signature in black ink, appearing to read 'T. O'Keefe', with a long horizontal stroke extending to the right.

Thomas O'Keefe, PhD
American Whitewater

**UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

Seattle City Light

)
)

Docket No. 2705-037

Newhalem Creek Hydroelectric Project

CERTIFICATE OF SERVICE

Pursuant to Rule 2010 of the Commission's Rules of Practice and Procedure, I hereby certify that I have this day caused the foregoing **American Whitewater's Comments on Environmental Assessment** to be served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 13th day of May 2024.



Scott Harding
American Whitewater
PO Box 34
Forks of Salmon, CA 96031
541-840-1662
scott@americanwhitewater.org

Document Content(s)

20240513_Newhalem_EA_Comments.pdf.....1