

UNITED STATES OF AMERICA 122 FERC ¶ 62,255  
FEDERAL ENERGY REGULATORY COMMISSION

City of Seattle, Washington

Project No. 553-200

## ORDER AMENDING RECREATIONAL RESOURCES PLAN

(Issued March 28, 2008)

On December 12, 2007, the City of Seattle, Washington (City or licensee) filed, for Commission approval, an application to amend its approved recreational resources plan (plan) for the Skagit River Project (FERC No. 553).<sup>1</sup> The project is located on the Skagit River in Snohomish, Skagit, and Whatcom Counties, Washington, approximately 100 miles northeast of Seattle. The project consists of the Ross, Diablo, and Gorge Developments, with a total installed capacity of 689.4 megawatts. As discussed in this order, the proposed amendments are approved.

## BACKGROUND

At the time the plan was prepared, many of the proposed recreational enhancements were conceptual, and costs were estimated. Recognizing the possibility that modifications would need to be made to the plan's provisions, the associated recreation settlement agreement (SA) for the project stipulates:

“The Parties to this Agreement adopting this recreation plan recognize that a number of the proposed recreation sites may not be available. In the event that the City or the benefiting agency is unable to proceed with a project for any reason, the City and the agency will make a good faith effort to locate an alternate site for the facility, using the same criteria used in this Agreement. Should agreement on a substitute be impossible, the City and the benefiting agency may agree on a reallocation of funds equivalent to the estimated cost of the development or the budgeted amounts for capped projects.”<sup>2</sup>

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<sup>1</sup> See Order Approving Interim Recreational Resources Plan, issued November 19, 1996 (77 FERC ¶ 62,096), and Order Amending Recreational Resources Plan, issued October 23, 1997 (81 FERC ¶ 62,079). As stated in these orders, the plan itemizes the funding levels to be provided for a variety of existing and proposed recreational sites, facilities, and services at the project.

<sup>2</sup> See Section 3.2.5 (Site Substitutions) of the Settlement Agreement on Recreation and Aesthetics, which was accepted in the Commission's May 16, 1995 order issuing a new license for the project (71 FERC ¶ 61,159). Article 412 of the license required the licensee to file, for Commission approval, a project recreation plan implementing the

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The recreational enhancements identified in the SA, and summarized in the plan, include measures to benefit the Skagit Wild and Scenic River System (Skagit WSRS). The U.S. Forest Service (FS), who manages the Skagit WSRS, has been implementing these measures under a collection agreement (CA) with the City since 1997. However, as indicated in the filing, a number of these measures also have been determined to be infeasible or impractical, as originally proposed. The CA provides that FS-administered measures may be modified with the written approval of both parties, subject to written approval of the Commission.

The City reports that, under the plan, \$1,071,037 has been spent through 2006 on FS-administered enhancements. This represents about 30% of the total (\$3,035,000 in 1990 dollars) allocated to the FS for the 30-year license period. The remaining balance at the beginning of 2007 was \$1,963,963. Of this amount, it was determined that \$971,504 was available to the FS, beginning in license year 13 and continuing through license year 30, for re-apportioning into various future programs.

#### REQUEST FOR MODIFICATIONS

In its status report, enclosed in the City's amendment application, the FS proposes to use the funds available for re-allocation to develop, construct, or improve boat launches, recreation-facility registration sites, interpretive-sign panels, and trails over the remaining term of the license (2010-2025). The City reports that it has enjoyed a mutually beneficial working relationship with the FS, along with other Skagit WSRS partners, in implementing the plan. The City believes the proposed modifications to the plan, and its funding provisions, would further enhance visitor information and services throughout the river system. If this proposal is approved, the City anticipates that the FS and the City would modify the CA to incorporate the changes, as well as to document current accounting procedures.

Those measures that would not be implemented as the plan currently provides, and the reasons for their proposed elimination, are described below. Summaries of proposed substitute measures, and associated funding provisions, follow these descriptions.

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provisions of the SA. In an order on rehearing, issued June 26, 1996, article 412 was amended to require the plan to include funding for enhancements at six additional recreation sites, as provided in the SA (75 FERC ¶ 61,319).

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Rocky Creek River Access. The original proposal was to provide a boat-in picnic site, and to develop an eagle-viewing spot with access from State Route 20. This site would not be developed for the following reasons: (1) the land is not in public ownership, and is not for sale; (2) the river trip from Marblemount to Rockport is only 10 miles and there is no need for a designated, on-river, lunch stop; (3) site objectives have been met elsewhere; (4) there is already a launch site just 2-1/2 miles away on Sutter Creek, at river mile 71; and (5) eagle protections restrict commercial outfitters from pulling out on gravel bars.

Suiattle River Boat Access. The original proposal called for the development of a non-motorized, boat-launch site. Several sites have been reviewed, but none were found suitable, either because there are no willing sellers or because the channel is constantly shifting locations, which is incompatible with the development of a permanent access point. In October 2003, the area suffered from significant flooding, causing damage to roads and infrastructure, as well as causing considerable channel widening and wood recruitment. The Boundary Bridge is proposed for reconstruction and the FS is looking into whether a boat-launch site can be included in an easement for construction. In addition, there is the possibility of developing a temporary boat-launch system, to provide seasonal access, as the shifting channel allows.

Bicycle planning and implementation. The original proposal included funding a facility-needs assessment, and future implementation of the resulting recommendations. Several of the Skagit Bicycle Use Master Plan recommendations have been addressed through other projects.

Table 1 shows those funds currently available to be reprogrammed or reapportioned to other recreational measures.

**TABLE 1. Funds Currently Available for Reprogramming\***

Measures Proposed to be Eliminated	Total License (Yr 30)	Total Scheduled (Yr 13)	Balance Available (Yr 13)
<b>Facilities</b>			
Rocky Creek River Access	\$250,000	\$250,000	\$250,000
Suiattle River Boat Access	\$225,000	\$225,000	\$222,951
<b>Ongoing and Future Funding (remaining portions)</b>			
Interpretation & Signing W&SR (\$65,000 yr 1 + \$25,000/yr for other 5 yrs)	\$190,000	\$115,000	\$14,490
Bicycle Planning & Implementation	\$175,000	\$175,000	\$142,487

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Future Capital Facility Funding (outside Ross Lake National Recreation Area) Wild and Scenic River Portion**	\$312,500	\$125,000	\$0
Future Capital Facility Funding: Wild and Scenic River addition**	\$440,000	\$440,000	\$341,526***
<b>TOTAL</b>	<b>\$1,592,500</b>	<b>\$1,330,000</b>	<b>\$971,504</b>

\* Year 1 of schedule = 1995. All amounts are shown in 1990 dollars.

\*\* These two funds have been treated as one.

\*\*\* All under and over-runs, which equal \$14,371, are balanced with this fund.

As outlined in the FS's status report, there are two basic types of proposed substitute measures: facilities and signing, and interpretation. The facilities and signing measures are usually associated with a specific, on-the-ground location. The interpretation measures are of a more general nature, and include visitor-information services and products such as a website, brochures, maps, and other interpretive products. Table 2, below, shows how the above available funds would be used for these substitute measures.

**TABLE 2. Summary of Proposed Substitute Measures and Funding**

Proposed Substitute Measures	Total*
<b>Ongoing and Future Funding (remaining portion)</b>	
FS Boat launch Improvements	\$75,000
Non-FS Boat launch Improvements	\$70,000
Facilities & Signing	\$400,000
Interpretation	\$375,343
<b>Total Substitute-Measure Costs</b>	<b>\$920,343</b>
Current Planned Expenditures: 2007-2009	\$51,110
<b>Total Measure Costs</b>	<b>\$971,453</b>
<b>Total Funds Available from Table 1</b>	<b>\$971,504</b>

\* All amounts are shown in 1990 dollars.

Improvements to FS boat-launch sites would include: providing a temporary/portable launch in the Suiattle River and improving the Downey raft site; repairing/replacing facilities, information boards, and register and interpretation signs at the Whitechuck Launch, after the bridge is replaced; improving the Bedal Campground launch site (designated parking, directional signage, and register and information board); installing a Government Bridge information board; providing a new interpretive sign at the Sauk site; and installing new register boxes at nine FS sites. The present wood

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register boxes are heavily vandalized. The design and installation of a more permanent registration system is in keeping with FS and partner standards.

Facility and interpretive signing measures would be implemented at 16 sites. Each site would have unique sign panels or interpretive displays. The Skagit Wild and Scenic River Interpretive Plan would be reviewed for the development of information unique to each location. The following specific interpretative measures are proposed:

- Skagit Wild and Scenic River Resource Education Program delivery
- Website improvements
- Basic river-user messages
- Campground fisheries emphasis
- Wild and scenic river interpretive presentations
- River user guide
- Boating maps with river miles
- River trail guide
- Community connections brochure
- Brochures by resource area
- Guide to Americans with Disabilities Act trails
- Translations

Roadway Directional Signage. A system-wide, roadway directional signage program would be implemented involving multiple sign locations and jurisdictions. This work involves completing the Skagit WSR Sign Plan by:

- Identifying sign locations and types and using a global positioning system to create a map and associated matrix;
- Producing a map and proposal for review with Forest Sign Coordinator and Engineering;
- Meeting with appropriate State, County and local road managers;
- Developing an award and administering a contract/agreement for sign layout and manufacture; and
- Developing an award and administering a contract/agreement for sign installation.

Project Timeline. The FS proposes to implement a substantial part of the above measures over the next five to eight years. However, the FS states that there are several considerations that make it difficult to adhere to a strict, fixed schedule at this time. Among these considerations is the fact that flood damage, incurred in 2003 and 2006, has created ongoing access issues, costly repairs, and lengthy timelines, as proposed remediation requires modifications due to changing site conditions. The FS explains that

the uncertainty of the repair timeline affects access for both implementation of new projects and maintenance of existing sites. The FS also explains that staffing shortfalls (particularly engineers dealing with flood repairs) make it difficult to commit to implementing the remaining capital projects on a fixed timeline. In addition, the FS notes that the City will continue to work with multiple partners, both on and off National Forest System lands, which involves extensive coordination and negotiation, thus increasing project timelines.

## DISCUSSION

In October of 2007, the licensee requested all the interveners in the previous project relicensing proceeding to review the FS's status report and provide comments on the proposed modifications.<sup>3</sup> The licensee states that it did not receive any objections or suggested changes to these proposals from any of these entities.

One of the three items for which alternative uses of funds are being proposed (the bicycle facilities) is specifically listed in the order approving the interim plan. The other two items (Rocky Creek access and Suiattle River access) are specifically listed in the order amending the plan. The interim-plan order states that in the future, if changes to the plan are necessary, the licensee must submit a request to the Commission to amend the plan. The licensee's amendment application is consistent with this requirement.

The proposed amendments would allow needed changes to take place to the plan's recreational enhancement provisions for the Skagit WSRS. Some of the originally proposed sites cannot be developed because the land is not in public ownership, and not for sale. Also, there is no indication of a need for additional launches on the Skagit system. Most launch sites are underutilized. The continual shifting of the river channel has made it difficult to designate a launch. Due to flooding, large amounts of wood block most of the upper reach.

The proposed plan amendment is consistent with the considerations and procedures originally used in developing the SA and the plan. The SA was based on studies and plans that had been initiated when the initial license expired in 1977, and updated in 1988. Some of the information was outdated then and much more has changed since 1991, leading to the present need to amend of the plan.

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<sup>3</sup> Intervenors in the relicensing proceeding included: the U.S. Department of Agriculture; the U.S. Departments of Commerce and the Interior, jointly; the Washington Department of Fish and Wildlife; the Sauk-Suiattle, Upper Skagit, and Swinomish Indian Tribes, jointly; the City of Seattle; and the North Cascades Conservation Council.

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In the Skagit WSRS, over 50 percent of land ownership is non-federal and the FS works with more than 35 agencies and organizations to achieve its river management goals. According to the FS, various institutional shifts that necessitate its proposal for amendments to the plan include:

- An increasing need to balance resource protection with recreation access, and to manage some areas for limited access;
- Federal listing under the Endangered Species Act of the Puget Sound Chinook, Bull trout and Steelhead;
- An agency-wide policy of reducing facilities, and recurring maintenance costs;
- Overall increasing costs to conduct business;
- Reduced capacity due to staffing reductions and competing demands; and
- A desire for management flexibility by supporting field presence and programs in preference to adding facilities.

Based on the information in the FS's status report, and the above discussion, the proposed modifications to the plan are appropriate and warranted. The licensee's amendment application should be approved.

The Director orders:

(A) The City of Seattle's application, filed December 12, 2007, to amend the recreational resources plan for the Skagit River Project (FERC No. 553), is approved.

(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 CFR ¶ 385.713.

Robert J. Fletcher  
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Administration and Compliance

Document Content(s)

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