

165 FERC ¶ 62,036

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

City of Seattle, Washington

Project No. 553-200

## ORDER AMENDING RECREATIONAL RESOURCES PLAN

(Issued October 17, 2018)

1. On August 22, 2018, the City of Seattle, Washington (licensee) filed a request to amend the funding provisions of the recreational resources plan (plan) pursuant to Article 412 of the license for the Skagit River Hydroelectric Project No. 553.<sup>1</sup> The project is located on the Skagit River in Snohomish, Skagit, and Whatcom Counties, Washington. The project occupies federal lands administered by the U.S. National Park Service within the Ross Lake National Recreation Area.

2. Article 412 required the licensee to file a project recreation plan implementing the provisions of the Settlement Agreement on Recreation and Aesthetics and the Report on Recreational Resources filed by the licensee on April 30, 1991. The approved plan, as amended,<sup>2</sup> itemizes the funding levels to be provided for a variety of existing and proposed recreational sites, facilities, and services at the project. The conceptual enhancements and costs were estimated at the time, so Section 3.2.3.5 of the plan contained a provision for agencies to reprogram funds, as follows: "The agencies, after consultation with the City and other interested intervenors, may adjust the allocation of monies between the various types of plan elements over time in order to ensure the timely, efficient completion of specific projects."

3. The recreational enhancements identified in the Settlement Agreement, and summarized in the plan, include measures to benefit the Skagit Wild and Scenic River

<sup>1</sup> Order Accepting Settlement Agreement, Issuing New License, and Terminating Proceeding (71 FERC ¶ 61,159), issued May 16, 1995. Order on Rehearing (75 FERC ¶ 61,319), issued June 26, 1996.

<sup>2</sup> Order Approving Interim Recreational Resources Plan (77 FERC ¶ 62,096), issued November 19, 1996; Order Amending Recreational Resources Plan (81 FERC ¶ 62,079), issued October 23, 1997; and Order Amending Recreational Resources Plan (122 FERC ¶ 62,255), issued March 28, 2008.

System, managed by the U.S. Forest Service. The U.S. Forest Service has been implementing these measures under a collection agreement with the licensee, of which some funding was reprogrammed as approved in the 2008 Order. The collection agreement provides that U.S. Forest Service-administered measures may be modified with the written approval of both parties, subject to written approval of the Commission.

4. On July 30, 2018, the U.S. Forest Service requested that the licensee reallocate \$150,000 from the Interpretation II Program to the Capital Improvements Program in 2019. The Forest Service believes that the funding remaining in the Interpretation II Program exceeds the amount expected to be needed over the 6 years between 2019 and the end of the license term (i.e., 2025). The additional \$150,000 in the Capital Improvement Program would be used for toilet replacement and installation, campground site construction, and new sign fabrication and installation at recreation sites within the Skagit Wild and Scenic River corridor. The licensee's request includes a table that summarizes the funding amounts spent and remaining over time in the various elements of the plan.

5. We concur with the licensee and U.S. Forest Service that the reallocation of funds would be a prudent measure to ensure that existing programs are sufficiently funded throughout the license term while at the same time providing additional fund for capital projects that would benefit visitors to the project area. For these reasons, the licensee's request to amend funding provisions of the recreational resources plan should be approved.

The Director orders:

(A) City of Seattle, Washington's application to amend the funding provisions of the recreational resources plan for the Skagit River Hydroelectric Project No. 553, filed on August 22, 2018, is approved.

(B) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 8251 (2012), and the Commission's regulations at 18 C.F.R. § 385.713 (2018). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensees' failure to file a request for rehearing constitutes acceptance of this order.

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Division of Hydropower Administration