

REQUEST FOR MINOR ADJUSTMENT TO ILP SCHEDULE

LETTERS OF SUPPORT

MARCH 30, 2020

Re: Skagit River Hydroelectric Project, FERC No. 553; Request for Support for Minor Change to Integrated Licensing Process

Dear Interested Parties,

The purpose of this letter is to seek your written support for a minor proposed change in the Integrated Licensing Process (ILP) schedule governing the Federal Energy Regulatory Commission's (FERC) relicensing of the Skagit River Hydroelectric Project (FERC No. 553).

As Seattle City Light (City Light) and other relicensing participants have discussed during Steering Committee (SC) meetings, FERC's ILP is a schedule-driven process. Particularly in the early stages of the ILP, which focuses on the environmental study plan for the relicensing effort, the process moves very quickly—especially for projects with significant resources studies, such as the Skagit Project. For this reason, City Light is committed to continuing our collaborative work together—through continuation of the SC and Resource Work Group framework and the early development and review of study plan documents—to ensure that relicensing participants are informed and empowered to effectively participate, so that we are best positioned to develop what City Light hopes to be a consensus study plan that will be submitted to FERC for approval.

One element in the ILP that will make reaching study plan consensus a challenge is the very short regulatory deadline—only 20 days—for resource agencies to seek formal dispute resolution following FERC's study plan determination. 18 C.F.R. § 5.14(a). City Light does not believe that 20 days gives relicensing participants sufficient time to review FERC's study plan determination, identify areas that may continue to be unresolved, and engage in meaningful discussions to resolve any outstanding issues before resource agencies are forced to invoke the ILP's formal dispute resolution procedures.

To better meet City Light's objective for a collaborative relicensing effort, it plans to request FERC to extend the 20-day deadline for agencies to seek formal dispute resolution by 30 days—for a total period of 50 days from FERC's study plan determination until the deadline for agencies to formally seek study plan dispute resolution before FERC.

City Light believes that this proposed extended period before formal dispute resolution on FERC's study plan determination will result in significant benefits to the relicensing process, as follows:

- A 50-day period will allow approximately 30 days for relicensing parties to work together informally to resolve any lingering study issues that may continue beyond FERC's study plan determination, before resource agencies must focus their efforts to prepare their formal dispute resolution requests with FERC.
- The 30-day opportunity for informal dispute resolution may avoid the need for formal dispute resolution altogether, saving time and resources, and allowing City Light to begin study plan implementation earlier than it otherwise would under established ILP procedures. At a minimum, an opportunity for informal

study dispute resolution should help focus any issues that remain for the formal FERC study dispute process.

- Unlike FERC's formal dispute resolution process, which is available only to agencies with authority under sections 4(e) or 18 of the Federal Power, or under section 401 of the Clean Water Act, 18 C.F.R. § 5.14(a), City Light's proposed informal dispute resolution opportunity would extend to all relicensing participants.
- Even in the event that FERC's formal dispute resolution process becomes necessary, the additional 30 days that City Light will be requesting from FERC for informal dispute resolution will not affect the overall study implementation schedule. Under the default ILP schedule, FERC's dispute resolution would end in June 2021; under City Light's proposal, dispute resolution would conclude in July 2021. In both cases, City Light would have sufficient time to begin 2021 fieldwork for disputed studies following FERC's resolution process. And, of course, the fieldwork schedule for undisputed studies will not be affected at all by this request.

For your reference, attached to this letter is a copy of the ILP schedule, including the proposed 30-day extension (i.e., a total period of 50 days) of the period for resource agencies to seek formal dispute resolution of FERC's study plan determination. The specific period for the requested extension is highlighted in yellow. This attached schedule is replicated from Table 2.1-1 of the early-release version of the Pre-Application Document (PAD), which City Light distributed to relicensing participants on March 2, 2020.

City Light will be seeking FERC approval of the change to the ILP schedule described in this letter when it formally files its Notification of Intent and PAD with FERC on April 30, 2020. For this reason, City Light is seeking written letters of support from all relicensing participants to demonstrate broad endorsement for this proposal in its April 30 filing. Accordingly, City Light requests that all letters of support be submitted no later than April 15, 2020. Letters should be addressed to:

Seattle City Light
Attn: Andrew Bearlin
700 5th Avenue
P.O. Box 34023
Seattle, WA 98124-4023

City Light appreciates the significant commitment to the Skagit Project of all relicensing participants and your consideration of this request. Should you have any questions please contact Andrew Bearlin by phone at (206) 684-3496 or by email at andrew.bearlin@seattle.gov.

Sincerely,



Andrew Bearlin
Manager, Skagit License
Seattle City Light

Attachment: Proposed ILP schedule

Proposed ILP Milestones for the Skagit Project through filing of the Final License Application

Significant Pre-filing Milestones	Responsible Party	Timeframe	Date ¹	FERC Regulation
Filing of NOI and PAD	City Light	As early as 5.5 years, but no later than 5 years prior to license expiration	4/30/2020	18 CFR § 5.5 and §5.6
Initial Tribal Consultation Meeting(s)	FERC	No later than 30 days after filing NOI and PAD	5/30/2020	18 CFR § 5.7
Notice of NOI/PAD and Issuance of Scoping Document 1 (SD1)	FERC	Within 60 days of filing NOI and PAD	6/29/2020	18 CFR § 5.8
Scoping Meeting/Site Visit	FERC	Within 30 days of NOI/PAD notice and issuance of SD1	Week of 7/27/2020	18 CFR § 5.8(b)
Comments on PAD, SD1, and Study Requests	FERC, LPs	Within 60 days of NOI/PAD notice and issuance of SD1	8/28/2020	18 CFR § 5.9(a)
Issuance of Scoping Document 2 (SD2), if necessary	FERC	Within 45 days of deadline for filing comments on SD1	10/12/2020	18 CFR § 5.10
File Proposed Study Plan (PSP)	City Light	Within 45 days of deadline for filing comments on PAD	10/12/2020	18 CFR § 5.11
Study Plan Meeting(s)	City Light	Initial meeting to be held within 30 days of filing PSP	11/11/2020	18 CFR § 5.11(e)
Comments on PSP	FERC, LPs	Within 90 days after PSP is filed	1/10/2021	18 CFR § 5.12
File Revised Study Plan (RSP)	City Light	Within 30 days of deadline for comments on PSP	2/9/2021	18 CFR § 5.13(a)
Comments on RSP	LPs	Within 15 days following RSP	2/24/2021	18 CFR § 5.13(b)
Issuance of Study Plan Determination	FERC	Within 30 days of RSP	3/11/2021	18 CFR § 5.13(c)
Formal Study Dispute Resolution Process if requested ²	Agencies with mandatory conditioning authority	Within 50 days of Study Plan Determination ³	4/30/2021	18 CFR § 5.14(a)
Dispute Resolution Panel convenes	Dispute Resolution Panel	Within 20 days of notice of study dispute	5/20/2021	18 CFR § 5.14(d)

Significant Pre-filing Milestones	Responsible Party	Timeframe	Date ¹	FERC Regulation
Comments on Study Plan disputes	City Light	Within 25 days of notice of study dispute	5/25/2021	18 CFR § 5.14(i)
Third panel member selection due	Dispute Resolution Panel	Within 15 days of when Dispute Resolution Panel convenes	6/4/2021	18 CFR § 5.14(d)(3)
Dispute Resolution Panel technical conference	Dispute Resolution Panel, City Light, LPs	Prior to engaging in deliberative meetings	TBD	18 CFR § 5.14(j)
Dispute Resolution Panel findings and recommendations	Dispute Resolution Panel	No later than 50 days after notice of dispute	6/19/2021	18 CFR § 5.14(k)
Study Dispute Determination	FERC	No later than 70 days after notice of dispute	7/9/2021	18 CFR § 5.14(1)
Conduct First Season of Studies	City Light		2021	18 CFR § 5.15
Initial Study Report (ISR)	City Light	Pursuant to the Commission-approved study plan and schedule provided in §5.13 or no later than 1 year after Commission approval of the study plan	3/11/2022	18 CFR § 5.15(c)
ISR meeting	City Light and LPs	Within 15 days of filing the Initial Study Report	3/26/2022	18 CFR § 5.15(c)(2)
File ISR Meeting Summary	City Light	Within 15 days of study results meeting	4/10/2022	18 CFR § 5.15(c)(3)
File Meeting Summary disagreements ²	LPs	Within 30 days of study results Meeting Summary	5/10/2022	18 CFR § 5.15(c)(4)
File responses to Meeting Summary disagreements	City Light	Within 30 days of filing Meeting Summary disagreements	6/9/2022	18 CFR § 5.15(c)(5)
Study Dispute Determination	FERC	Within 30 days of filing responses to disagreements	7/9/2022	18 CFR § 5.15(c)(6)
Conduct Second Season of Studies	City Light		2022	18 CFR § 5.15

Significant Pre-filing Milestones	Responsible Party	Timeframe	Date ¹	FERC Regulation
File Preliminary Licensing Proposal (PLP) or Draft License Application (DLA)	City Light	No later than 150 days prior to the deadline for filing a new or subsequent license application	12/1/2022	18 CFR § 5.16
File Updated Study Report (USR)	City Light	Pursuant to the Commission-approved study plan and schedule provided in §5.13 or no later than 2 years after Commission approval	3/11/2023	18 CFR § 5.15(f)
USR meeting	City Light and LPs	Within 15 days of USR	3/26/2023	18 CFR § 5.15(f)
File USR Meeting Summary	City Light	Within 15 days of USR meeting	4/10/2023	18 CFR § 5.15(f)
Comments on PLP or DLA	LPs	Within 90 days of filing DLA	3/1/2023	18 CFR § 5.16(e)
File Meeting Summary Disagreements ²	LPs	Within 30 days of study results meeting summary	5/10/2023	18 CFR § 5.15(f)
File Responses to Meeting Summary Disagreements	City Light	Within 30 days of filing meeting summary disagreements	6/9/2023	18 CFR § 5.15(f)(5)
Study Dispute Determination	FERC	Within 30 days of filing responses to disagreements	7/9/2023	18 CFR § 5.15(f)
File FLA	City Light	No later than 24 months before the existing license expires	4/30/2023	18 CFR § 5.17(a)

1 If the due date falls on a weekend or holiday, the deadline is the following business day.

2 Shaded actions are not necessary if there are no study disputes.

3 18 CFR § 5.14(a) requires agencies with mandatory conditioning agency authority to request Formal Dispute resolution within 20-days of the Study Plan Determination. The schedule in this table reflects a 30-day extension requested by City Light with the filing of this PAD.

From: Thomas O'Keefe <okeefe@americanwhitewater.org>
Sent: Wednesday, April 8, 2020 11:28 AM
To: Bearlin, Andrew
Subject: Letter of Support for request for extension to the deadline for formal study plan dispute resolution
Attachments: 20200331_Letter_re_Informal_Dispute_Resolution.pdf

CAUTION: External Email

Andrew,

I have reviewed your March 30, 2020 letter (attached) to license participants regarding your proposed request to the Federal Energy Regulatory Commission (FERC) to extend the 20-day deadline for agencies to seek formal dispute resolution by 30 days—for a total period of 50 days from FERC's study plan determination until the deadline for agencies to formally seek study plan dispute resolution before FERC.

We have no concerns with this request and support the intent to allow relicensing parties to work together informally to resolve any lingering study issues that may continue beyond FERC's study plan determination.

Thank you for the opportunity to review.

Tom

Thomas O'Keefe, PhD
Pacific Northwest Stewardship Director
American Whitewater
3537 NE 87th St.
Seattle, WA 98115
425-417-9012
okeefe@americanwhitewater.org
@AmerWhitewater



Date: April 7, 2020

To: Andrew Bearlin, Manager, Skagit License, Seattle City Light

From: Saul Weisberg, Executive Director

Re: Letter of support for FERC extension to deadline for formal study plan dispute resolution

North Cascades Institute supports Seattle City Light's proposed 30-day extension (for a total period of 50 days) for resource agencies to seek formal dispute resolution of FERC's study plan determination.

From: Elizabeth Babcock - NOAA Federal <elizabeth.babcock@noaa.gov>
Sent: Tuesday, April 14, 2020 12:57 PM
To: Bearlin, Andrew
Cc: Steve Copps - NOAA Federal; Keith Kirkendall - NOAA Federal
Subject: Re: Skagit River Hydroelectric Project, FERC No. 553; Request for Support for Minor Change to Integrated Licensing Process

CAUTION: External Email

Andrew,

Thank you for your letter of March 30, 2020 seeking License Party support for a minor proposed change in the Integrated Licensing Process (ILP) schedule governing the Federal Energy Regulatory Commission's (FERC) relicensing of the Skagit River Hydroelectric Project (FERC No. 553). NMFS supports the proposed extension of the regulatory deadline for formal dispute resolution following FERC's study plan determination from 20 days to 50 days. The extended time should help the License Parties and Seattle City Light support collaborative interactions during the relicensing process. Thank you,

Elizabeth

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Elizabeth Babcock
Branch Chief, North Puget Sound
NOAA National Marine Fisheries Service
7600 Sandpoint Way NE
Seattle, WA 98040
Office (206) 526-4505
Mobile (206) 276-7029
Fax (206) 526-6426

From: Johnson, Bradley B <bradley_johnson@nps.gov>
Sent: Friday, April 17, 2020 1:34 PM
To: Bearlin, Andrew
Cc: Taylor-Goodrich, Karen F; Fields, Jay W; Frozena, Jennifer L; Rosebrough-Jones, Susan E; Romanski, Tim; Foster, Marchelle M; O'Brien, Allison; Neibauer, Judy
Subject: Email of support for extending the ILP dispute timeline

CAUTION: External Email

Good Afternoon, Andrew.

On behalf of the Department of Interior agencies currently involved in the voluntary process preceding the relicensing of the Skagit Project (#553), we offer our support in petitioning FERC for an extension of the Formal Study Dispute Resolution period from 20 days to 50 days. The proposal supports continuing efforts to resolve disputes through the established Steering Committee structure and processes.

Sincerely,

Dr. Bradley Johnson

Bradley Johnson, PhD
Planning & Environmental Compliance Division Chief
North Cascades National Park Complex
bradley_johnson@nps.gov
360-854-7328 (o)
360-325-2269 (c)

From: Uloth, Erin -FS <erin.uloth@usda.gov>
Sent: Thursday, April 16, 2020 6:56 PM
To: Bearlin, Andrew
Cc: 'waldortch@gmail.com'; Young, Douglas - FS; Hee, Shauna M -FS; Ferrell, Nikolai -FS; Gilman, Jeremy M -FS
Subject: Support from USFS for dispute process delay

CAUTION: External Email

Hi Andrew,

Seattle City Light (SCL) has proposed to delay the formal dispute process by mandatory conditioning agencies by 30 days. The delay allows an informal process between SCL and the licensing participants (LP) to have further agreement on study plans in the Study Plan Determination. The proposed schedule change by SCL moves the request for Formal Study Dispute Resolution back to 4/30/21, which still allows 20 days for the Formal Study Dispute Resolution Panel to convene.

The U.S. Forest Service supports this proposed schedule change to the Federal Energy Regulatory Commission (FERC) schedule and respectfully requests that FERC accepts the schedule change proposed by SCL.

Sincerely,

Erin Uloth



Erin Uloth
District Ranger
Forest Service
Mt. Baker Ranger District

p: 360-854-2601
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erin.uloth@usda.gov

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From: Applegate, Brock A (DFW) <brock.applegate@dfw.wa.gov>
Sent: Wednesday, April 15, 2020 4:23 PM
To: Wiggs, Matthew; okeefe@americanwhitewater.org; karen_taylor-goodrich@nps.gov; bradley_johnson@nps.gov; elizabeth.babcock@noaa.gov; keith.kirkendall@noaa.gov; steve.copps@noaa.gov; fluberg@msn.com; pfitech.seanet.com@gmail.com; jeff_giesen@ncascades.org; saul@ncascades.org; bjoseph@sauk-suiattle.com; swalsh@skagitcoop.org; lloomis@swinomish.nsn.us; atrainer@swinomish.nsn.us; jonathan.stumpf@tu.org; Chandra.Ferrari@tu.org; scott@upperskagit.com; dhawkins@upperskagit.com; jonpauls@upperskagit.com; Romanski, Tim; Judy_Neibauer@fws.gov; euloth@fs.fed.us; shauna.hee@usda.gov; Brooks, Allyson (DAHP); Kannadaguli, Monika (ECY); Post, Rusty (ECY); Buroker, Thomas (ECY); Eleazer, Edward J (DFW); danb@co.skagit.wa.us; willh@co.skagit.wa.us; karas@co.skagit.wa.us; dabbott@nntc.ca; paulinedouglas13@gmail.com; stanco@nntc.ca; rrcollins@waterpowerlaw.com; dhawkins@UPPERSKAGIT.com; Wendy McDermott Skagit.River@hdrinc.com; Bearlin, Andrew; Townsend, Chris; Fore, Leska; Borovansky, Jenna; john@jjdconsult.com; bdaniels@triangleassociates.com; SimoneBG@triangleassociates.com; Deason, Jesse
Cc:
Subject: WDFW Support for 30-Day Schedule Delay of Formal Study Dispute Resolution

CAUTION: External Email

Hi Andrew, Seattle City Light (SCL) has proposed to delay the formal dispute process by mandatory conditioning agencies by 30 days. The delay allows an informal process between SCL and the licensing participants (LP) to have further agreement on study plans in the Study Plan Determination. The proposed schedule change by SCL moves the request for Formal Study Dispute Resolution back to 4/30/21, which still allows 20 days for the Formal Study Dispute Resolution Panel to convene.

The Washington State Department of Fish and Wildlife (WDFW) supports this proposed schedule change to the Federal Energy Regulatory Commission (FERC) schedule. WDFW feels that an informal process creates a shortened formal process because the informal process will more than likely solve some disagreements on the study plans in the Study Plan Determination. WDFW highly supports a more collaborative process between the LPs and an informal dispute resolution process would support that objective. WDFW respectfully requests that FERC accepts the schedule change proposed by SCL.

Sincerely, Brock Applegate

Brock Applegate
Renewable Energy/Major Projects Mitigation Biologist
Washington Department of Fish and Wildlife
P.O. Box 1100
111 Sherman St. (physical address)
La Conner, WA 98257-9612

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