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VIA ELECTRONIC FILING

April 28, 2023

KIMBERLY D. BOSE
SECRETARY
FEDERAL ENERGY REGULATORY COMMISSION
888 FIRST STREET, NE
WASHINGTON, DC 20426

Re: Skagit River Hydroelectric Project, FERC Project No. 553-235 – Final License Application

Dear Secretary Bose:

In accordance with the Federal Energy Regulatory Commission's (FERC or Commission) regulations at 18 CFR § 5.17, the City of Seattle, Washington, through its City Light Department (City Light), hereby files with the Commission its Final License Application (FLA) for the relicensing of the Skagit River Hydroelectric Project (FERC Project No. 553) (Project).

Background

The Project is located in the upper Skagit River watershed. The Skagit River is part of the traditional territory of several Indian Tribes and Canadian First Nations. The watershed and surrounding ecosystem support vital runs of anadromous fish that are key to the cultural, spiritual, and economic health of Indian Tribes. These anadromous fish, especially Chinook Salmon, are also important to other area residents, endangered Southern Resident Orca whales, and the entire Puget Sound ecosystem. Recognizing this, City Light has embraced an ecosystem approach to relicensing which recognizes the complex interactions between cultural and environmental factors throughout the watershed. This resulted in a study program that looked beyond what is strictly required under the FERC study criteria and the development of proposed protection, mitigation, and enhancement (PME) measures that are designed to support the restoration of the health of the Skagit River ecosystem.

The Project consists of three power-generating developments on the Skagit River—Ross, Diablo, and Gorge—and associated lands and facilities. The Project also includes two historic City Light-owned towns, the North Cascades Environmental Learning Center, several recreation facilities, and several thousand acres of fish and wildlife mitigation lands. The Project generating facilities are

entirely within Whatcom County and the Ross Lake National Recreation Area, which is administered by the National Park Service as part of the North Cascades National Park. Approximately one mile of Ross Lake, the upper-most Project reservoir, is in British Columbia.

The three Skagit generating developments are hydraulically coordinated to act as a single project and supply approximately 20 percent of City Light's power requirements. The Project generates dispatchable, reliable, and non-emitting hydropower that contributes to the Pacific Northwest region having some of the least carbon-emitting electricity in the country. The Project plays an important role in the regional energy market by integrating renewable resources and providing generation reserves.

The current license for the Project expires on April 30, 2025. In January 2019, City Light began a voluntary Study Plan Development Process with resource agencies, Indian Tribes, Canadian First Nations, and other interested parties (collectively, licensing participants or LPs) in advance of the formal relicensing process to identify resource issues that warrant study during relicensing. City Light filed a Notice of Intent to relicense the Project and Pre-Application Document (PAD) on April 27, 2020. Following the filing of its PAD, City Light continued meeting with LPs to discuss studies necessary to inform the relicensing process. City Light filed the Proposed Study Plan (PSP) on December 8, 2020. The PSP included a suite of 28 relicensing studies and responded to study requests from LPs. After extensive PSP meetings and careful review of LP comments on the PSP, City Light significantly expanded and modified its PSP in the Revised Study Plan (RSP) filed on April 7, 2021, which included a proposed suite of 33 relicensing studies. Following the filing of the RSP, City Light continued to work with LPs to attempt to resolve outstanding areas of disagreement regarding the proposed studies. On June 9, 2021, City Light filed a "Notice of Certain Agreements on Study Plans for the Skagit Relicensing" (June 9, 2021 Notice) detailing additional modifications to the RSP that were agreed to between City Light and supporting LPs. FERC issued its study plan determination on July 16, 2021, approving with modifications City Light's RSP. No study disputes were filed with FERC.

City Light filed its Initial Study Report (ISR) on March 8, 2022, held ISR meetings March 21-23, 2022, and filed an ISR meeting summary on April 7, 2022. A number of LPs filed comments on the ISR and meeting summary, including requests for study modifications and new studies. On August 8, 2022, the Director of the Office of Energy Projects issued a Determination on Requests for Study Modifications adopting one requested study modification in full and one in part and declining to approve the remaining modifications and requests for new studies.

City Light filed its Updated Study Report (USR) on March 7, 2023, held USR meetings March 20-21, 2023, and filed a USR meeting summary on April 7, 2023. City Light has now completed the Commission-approved study plan for the relicensing of the Project, with certain exceptions. As noted in the USR, aspects of several studies remain ongoing. These include:

- CR-04 Inventory of Historic Properties with Traditional Cultural Significance Study: Ethnographers contracted by the Indian Tribes and Canadian First Nations will continue to gather data and information through summer 2023, document and evaluate historic properties with traditional cultural significance, evaluate Project effects, and complete their reporting. In the USR, City Light indicated that all Indian Tribes and Canadian First Nations expect to complete their reporting and transmit a draft study report to City Light by October 1, 2023, and City Light would file a final study report with the Commission between May and August 2024. In response to comments provided during the USR meetings regarding this anticipated timeline, City Light will expedite its preparation of a summary report for the study and file it with the Commission by the end of Q1 2024. At that time, City Light will initiate National Historic Preservation Act (NHPA) Section 106 review and seek State Historic Preservation Office (SHPO) concurrence on National Register of Historic Places (NRHP)-eligibility determinations. City Light will also expedite its preparation of the final study report, which will be filed with the Commission after Section 106 review is complete.¹
- GE-04 Skagit River Geomorphology Between Gorge Dam and the Sauk River Study: The GE-04 study is substantially complete. However, the 2D mobile bed HEC-RAS sediment transport model added pursuant to the June 9, 2021 Notice remains under development. City Light expects to file the 2D Mobile Bed HEC-RAS Model Development Report with FERC by the end of Q2 2023.
- RA-02 Gorge Bypass Reach Safety and Whitewater Boating Study: The RA-02 study is substantially complete. However, the level 3 multiple flow evaluation has been delayed due to safety concerns, and is tentatively scheduled for summer 2023. City Light expects to file with FERC the Level 3 Multiple Flow Evaluation Results and Findings Technical Memorandum by the end of Q3 2023.

The deadline for LPs to file any disagreements with the USR meeting summary or recommendations for proposed modifications to ongoing studies or requests for new studies is May 7, 2023.

Description of FLA

The enclosed FLA presents City Light's proposal for Project operations and non-operations PME measures for inclusion in the new license ("Proposed Action"). These proposed operational and PME measures have been informed by the relicensing studies and other available information, together with City Light's continued dialogue with Indian Tribes, Canadian First Nations, federal and state agencies, and other LPs. Certain of the proposed PME measures included in this FLA reflect recent and ongoing discussions with the LPs in settlement negotiations. City Light will continue to engage LPs regarding the PME package proposed for inclusion in the new license

¹ See Section 4.2.9.1 of Exhibit E for a detailed explanation for the delay in the CR-04 study and City Light's proposal to expedite the timeline.

following submission of this FLA and will supplement the FLA as needed at a later date to incorporate any changes to the Proposed Action resulting from these settlement negotiations.

City Light is committed to working with the LPs and FERC to ensure that it has the time needed to complete these negotiations, including modifying and extending the FERC deadlines in the post-filing phase. Certain LPs have requested that FERC defer issuance of its "Ready for Environmental Analysis" Notice (REA Notice) until all outstanding study tasks have been completed. While City Light will support deferral of the REA Notice to allow additional time for settlement negotiations, it is not making that request at this time. The USR process should first be completed. FERC's regulations include a process for LPs to comment on the USR and for FERC staff to issue a study plan determination, if needed, by July 2023. Upon completion of the USR process, City Light will confer with the LPs regarding the time needed to complete settlement negotiations, and City Light will then submit a formal request that FERC defer its REA Notice to allow time for these negotiations to be completed.

Section 106 Consultation

Section 106 of the NHPA requires FERC to take into account the effect of licensing a hydropower project on historic properties. As FERC's designated non-federal representative for purposes of Section 106 consultation, City Light has initiated informal consultation with NHPA Section 106 consultation parties, which remains ongoing. The cultural resource studies and Section 106 process will continue into the post-filing period to determine the effects of continued operation of the Project on historic properties and identify any additional measures needed to mitigate those effects. City Light will keep the Commission updated on the status of this consultation and supplement the FLA, as needed, with any additional information or proposed PME measures that result from this consultation. Consistent with FERC practice, the Historic Properties Management Plan (HPMP) currently under development in coordination with the Section 106 consultation parties as part of this relicensing will include procedures to address any unidentified Project impacts on historic properties during the new license term. A draft of the HPMP is included as an appendix to Exhibit E of this FLA.

ESA Consultation

City Light is the Commission's non-federal representative for carrying out informal consultation under the Endangered Species Act (ESA). City Light consulted with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) in developing the aquatic and terrestrial relicensing studies for threatened and endangered species and during implementation of the studies. City Light has consulted with USFWS and NMFS to develop draft Biological Assessments (BA) for the relicensing, which are included as appendices to Exhibit E of this FLA.

License Term

City Light requests that the Commission issue the new license for the Project for a term of 50

years.

The Commission is authorized under Section 6 of the Federal Power Act (FPA) to issue new licenses for a term of 30 to 50 years.² In 2017, the Commission issued a policy establishing a 40-year default license term for new licenses for projects located at non-federal dams.³ License applicants may request a longer license term (up to 50 years) based on significant measures expected to be required under the new license or significant measures implemented during the prior license term that were not required by the license or other legal authority.⁴ Pursuant to Section 36 of the FPA as adopted under the America's Water Infrastructure Act of 2018, FERC is required to consider, and give equal weight to, project-related investments by the licensee under the new license and voluntary investments under the existing license.⁵ This includes investments relating to redevelopment, new construction, new capacity, efficiency, modernization, rehabilitation or replacement of major equipment, safety, improvements, or environmental, recreation, or other protection, mitigation, or enhancement measures.

City Light proposes a number of operational and PME measures in this FLA for inclusion in the new license. These measures have extensive associated capital cost, periodic capital cost, and annual O&M costs in the range of \$600 million to \$1 billion over the course of the new license that City Light believes justifies a new 50-year license term. In addition, City Light has made considerable voluntary investments at the Project under the current license, as documented in Attachment 1. The total cost of these improvements was approximately \$185,500,000. City Light requests that the Commission consider both the costs of its proposed investments and the costs of its investments during the current license in determining the term of the new license.

Public Review of FLA

Pursuant to 18 CFR § 5.17(d)(2), within 14 days, City Light will twice publish notice of the FLA in a daily or weekly newspaper of general circulation in each county in which the Project is located – Bellingham Herald (Whatcom County), Everett Herald (Snohomish County), and Skagit Valley Herald (Skagit County). City Light also will provide a copy of the FLA for public inspection at the Seattle Central, Bellingham, Everett, and Mount Vernon public libraries (1000 Fourth Avenue, 5th Floor, Reference Desk, Seattle, WA 98104; 210 Central Avenue, Bellingham, WA 98225; Hoyt Avenue, Everett, WA 98201; and 315 Snoqualmie Street, Mount Vernon, WA 98273, respectively). In addition to filing the FLA with the Commission, City Light will post a copy of the FLA on City Light's Skagit Relicensing Public Documents Library web page at <http://www.seattle.gov/light/skagit/Relicensing/default.htm>.

² 16 U.S.C. § 799 (2018).

³ Policy Statement on Establishing License Terms for Hydroelectric Projects, 161 FERC ¶ 61,078 (2017).

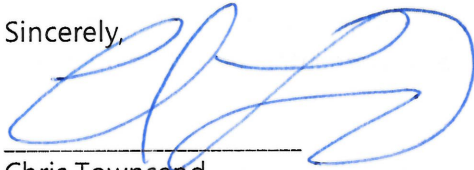
⁴ *Id.* at P 16.

⁵ 16 U.S.C. § 823g.

Preliminary conceptual drawings in appendices to Exhibit A and the Exhibit F Project design drawings included in this FLA contain critical energy infrastructure information (CEII) and are filed with the Commission confidentially with the label "CUI//CEII INFORMATION—DO NOT RELEASE." In addition, the draft HPMP attached to Exhibit E of this FLA contains privileged cultural resources information and is filed with the Commission confidentially with the label "CUI//PRIV INFORMATION—DO NOT RELEASE."

City Light looks forward to continued engagement with LPs and FERC staff in further refining its relicensing proposal. If there are any questions regarding this filing, please contact me by phone at (206) 304-1210 or by email at Chris.Townsend@seattle.gov.

Sincerely,



Chris Townsend
Director, Natural Resources and Hydro Licensing
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Enclosures

cc: Distribution List (attached)

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FINAL LICENSE APPLICATION

ATTACHMENT 1

**VOLUNTARY CAPITAL IMPROVEMENT PROJECT INVESTMENTS
UNDER CURRENT LICENSE**

Skagit CIP Over the last 25 years (life to date spending per City of Seattle Adopted Budget CIP list) \$,000

#	Name	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2014	2015	2016	2017	2018	2019	TOTAL
6005	Generation - Civil-Mechanical Modification					131	111	304	778	7,836	9,751	11,054							11,054
6087	Generation Electrical Enhance					910	848	307	143	5,693	6,467	7,648							7,648
6102	Special Work Equipment -Generation Plant					791	432	178	281				11,302	12,614	13,555	14,116			14,116
6166	Fire Protection Systems Modif					1,269	1,380	1,381	1,378	1,378	1,512	1,512							1,942
6166	Ross Fire Protection System											1,652							2,239
6205	Ross Annunciator/Governor Replacement					337	546	555	555	555	555								555
6206	Ross Powerhouse Air Circuit Breaker Replacement					106	610												610
6207	Gorge AC/DC Distribution Sys						25												25
6207	Gorge Powerhouse - AC/DC Distribution Sys							29	291	556		866							928
6211	Gorge Air Circuit Breaker Replace					101	290												290
6213	Diablo Generator Breakers Replacement					986													986
6215	Ross Generator Rewind						22	24											24
6215	Ross PH U41-44 Scanners								26	35									35
6219	Gorge U24 Turbine runner overhaul							21	43	255	545	2,142							6,841
6219	Gorge Unit 24 Turbine-Runner Overhaul					15	20												20
6222	Gorge Dam - Spillgate Control Improvements																		280
6222	Gorge Dam Spillgate Control Imp							40	90	92	101	103							280
6224	Gorge Transformer Bank 10 replace							23	24	25	28	30	1,002	1,751	2,047	2,057	2,079	-	2,079
6225	Gorge Unit 24 Governor Oil Pump Replacement					17													17
6226	Gorge 240 kV Oil-filled Circuit Breakers					16	46					1,530							1,530
6226	Gorge Powerhouse - 240 kV Oil-filled Circuit Breakers							529	764	1,032	1,287								1,287
6232	Diablo Sewer System Imp						1	1	1		1	1	786	3,903	4,959	4,978			4,978
6234	Ladder Creek Garden Irrg & lights							7	7	7	7	55							2,759
6235	Diablo Powerhouse Rockfall Mitigation					121													121
6238	Diablo Spillgate Control Imp							4	43	88	97	356							375
6241	Ross Dam Abutment Rock Stabilization							21	94										94
6302	Gorge 2nd Tunnel																		6,728
6304	Diablo Water System Imp									7	8	29							285
6361	Diablo switchyard resurfacing																		550
6362	Gorge Switchyard -Resurfacing											2							452
6364	Diablo Replace 5 kV Switchgear											13							10,289
6370	Gorge Transformer Bank 22 Repl										219	2,529							2,529
6371	Gorge Transformer Bank 24 Repl											304							2,310
6373	Ross Dam - AC/DC Distribution System											13	1,820	2,105	2,231	2,382	3,081	3,428	3,428
6374	Ross Units 41/42/44 Generator Circuit Breakers																		4,921
6375	Ross Batteries Replacement									37									37
6376	Ross PLC upgrade													81	95	95	95		95
6379	Ross - Unit 42 Generator Rebuild									85	3,773	6,351							6,351
6380	Ross - Unit 43 Generator Rebuild											114							6,420
6381	Ross - Unit 44 Generator Rebuild																		6,660
6382	Ross - Unit 41 Generator Rebuild																		8,590
6385	Skagit Facility Network controls												3,454	4,333	5,505	6,994	8,062	8,486	8,486
6388	Skagit Security Systems									128	277	579							1,552
6397	Skagit Flood Damage Rebuilds									18	759	881							881
6402	Ross Minor Imp											39							9,696

Skagit CIP Over the last 25 years (life to date spending per City of Seattle Adopted Budget CIP list) \$,000

#	Name	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2014	2015	2016	2017	2018	2019	TOTAL
6403	Diablo Minor Imp											220							2,142
6404	Gorge Minor Impr Prog											121							2,134
6405	Skagit Facilities Minor Imp											10	18,796	21,007	22,878	24,563	25,885	30,561	30,561
6414	Diablo Upgrade Units 31-32 wicket gate bushings											950							950
6415	Skagit Install Protection Relays												4,104	4,186	4,514	4,489	6,276	7,883	7,883
6417	Diablo switchyrd controls for breakers and switchet																		41
6421	Skagit Facilities Radio System Imp											4							14
6422	Diablo Rebuild U31												71	752	4,253	18,335	24,830	26,013	26,013
6423	Diablo Rebuild U32												648	1,339	2,904	5,217	17,400	20,749	20,749
6426	Skagit Facilities Preserve/Upgrade Historic Reg Structures																		2,597
6458	Skagit Facilities Oil containment imp												2,022	2,031					2,031
6470	Generation Fed Reliab Standards Imp												9,518	9,520	9,521	9,521			9,521
6471	Diablo Crane wheel replacement												288	997	2,313				2,313
6479	NH U20 Support facility																244	269	269
6481	Diablo Storage Building												1,056	2,503	2,746	2,751	2,763		2,763
6483	Diablo Line Protection Upgrade												3,486	4,967	5,005	5,771	5,783	5,829	5,829
6541	Ross Bank 42/44 Replace												255	644	10,289	10,323	10,335		10,335
6514	Skagit Babcock Crk Crossing												32	152	194	228	240		240
6515	Skagit Facility Energy Cons Program												4,931	5,142	5,318	5,417	5,429	5,554	5,554
6516	Ross Rockslide area improv												5,260	8,919	9,377	9,483	9,495		9,495
6520	Skagit Facilities Plan												2,679	2,747	2,844	2,896	2,908	3,993	3,993
6521	Skagit Facilities Plan Phase 2																	33	33
6530	Hydro Spill Containment												528	1,658	2,044	2,199			2,199
6532	Diablo Load Interrupter Repl												52	61	1,331	1,692	4,572	5,506	5,506
6540	Skagit Boat Facility Imp													102	267	1,710	2,923	3,269	3,269
6562	Ross Governors												140	320	358	358	373	596	596
6580	Ross Station Service Switchgear																	6	6
6581	Gorge 240 V AC Stat Service Switchgear Repl														16	660	1,007	1,349	1,349
6583	Skagit DC Battery System & Charge Modern													23		1,108	1,690	2,480	2,480
6610	Diablo Dam Spill Gate Trunion upgrades														258	618	858	1,318	1,318
6988	Environmental Learning Center							83	4,342	16,301	14,638	16,548							18,124
6990	Endangered Species Act SK																810	1,813	1,813
6991	Skagit licensing mitigation					23,847	29,542	31,640	32,907	33,155	33,617	33,790	36,126	36,680	36,862	37,208	38,184	38,795	38,795
9311	Skagit Telephone system upgrade								15	428									428
						23,847	29,542	31,723	37,264	49,884	48,255	50,342	71,196	82,742	100,414	119,984	136,120	125,454	185,555