

CITY OF SEATTLE
ORDINANCE 126438
COUNCIL BILL 120170

AN ORDINANCE relating to the City Light Department; authorizing the General Manager and Chief Executive Officer of City Light to establish and fund an early action Skagit Habitat Enhancement Program in anticipation of new Skagit River Hydroelectric Project license conditions to implement meaningful habitat and watershed improvements in the Skagit River watershed for Endangered Species Act listed species; authorizing the execution of necessary and convenient agreements to implement the early action habitat and watershed improvements in the Skagit River watershed; and ratifying and confirming certain prior acts.

WHEREAS, Puget Sound Chinook, steelhead, and bull trout have been listed as threatened species under the federal Endangered Species Act (ESA); and

WHEREAS, as part of the previous Federal Energy Regulatory Commission (FERC) relicensing of the Skagit River Hydroelectric Project (FERC Project No. 553) (“Skagit Project”), the City Light Department entered into the Fisheries Settlement Agreement with many of the licensing participants to address Project impacts on fisheries resources and aquatic habitat; and

WHEREAS, the Fisheries Settlement Agreement included substantial financial commitments by the City Light Department to fund mitigation for aquatic habitat impacts, and this mitigation has provided significant benefits to aquatic resources; and

WHEREAS, the City Light Department has also responded to the ESA listings of Puget Sound Chinook, steelhead, and bull trout, in part, through the development and implementation of an Early Action Proposal for Puget Sound Chinook, approved by Resolution 29905; and

1 WHEREAS, by Ordinance 120618, the City Council authorized the acquisition of various habitat
2 lands in the Skagit and Tolt/Snoqualmie watersheds as part of the Early Action Proposal,
3 and the majority of these properties have been purchased; and

4 WHEREAS, the existing FERC license for the Skagit Project expires on April 30, 2025, and the
5 City Light Department is currently engaged in the relicensing of the Skagit Project with
6 the objective of obtaining a new long-term license from FERC for the continued
7 operation of the Skagit Project; and

8 WHEREAS, the City Light Department anticipates that a new license issued by FERC will likely
9 require implementation of new protection, mitigation, and enhancement measures to
10 address the ongoing impacts of the Project on fisheries resources and aquatic habitat
11 (including the impacts on ESA listed species and designated critical habitat); and

12 WHEREAS, an early action Skagit Habitat Enhancement Program will serve as an early
13 implementation measure with respect to the new license that will partially address the
14 Skagit Project’s impacts on fisheries resources and aquatic habitat, provide benefits in
15 continuation of what has been provided under the existing Fisheries Settlement
16 Agreement, and bring new and potentially more timely resources to the effort to protect,
17 conserve, and restore the fisheries resources and aquatic habitat of the Skagit River
18 watershed; NOW, THEREFORE,

19 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

20 Section 1. Skagit Habitat Enhancement Program. In anticipation of new licensing
21 obligations through the City Light Department’s (“City Light”) relicensing of the Skagit River
22 Hydroelectric Project (FERC Project No. 553, the “Skagit Project”), the General Manager and
23 Chief Executive Officer of City Light, or the General Manager and Chief Executive Officer’s

1 designee (“General Manager”), is hereby authorized to establish an early action Skagit Habitat
2 Enhancement Program (“Program”). The Program is intended to allow for early action in the
3 implementation of certain anticipated licensing requirements for meaningful habitat and
4 watershed improvements in the Skagit River watershed for Endangered Species Act listed
5 species. In addition, the Program, together with the anticipated early action work, is intended to
6 foster a collaborative working relationship with the licensing participants in working towards
7 further protection, mitigation, and enhancement measures in the new license for the Skagit River
8 Hydroelectric Project, rather than City Light taking adversarial positions that limit early
9 participation in the habitat and watershed improvements.

10 Section 2. Funding. The General Manager is authorized to provide initial funding to
11 establish the Program in the amount of up to \$2,500,000 from previously appropriated City Light
12 funds. The General Manager is further authorized to provide additional funding from
13 appropriated City Light funds, during each year from 2022 through the issuance of the new
14 license by FERC for the Skagit Project, in amounts the General Manager determines are
15 consistent with City Light’s Skagit Project relicensing efforts and in the best interests of City
16 Light.

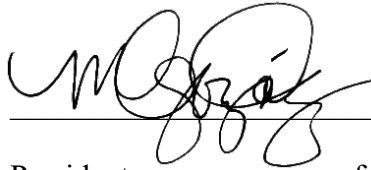
17 Section 3. Purpose of Program. The Program shall be used to fund fisheries resource and
18 aquatic habitat projects and studies in the Skagit River watershed consistent with City Light’s
19 Skagit Project relicensing efforts. In identifying and determining projects and studies to fund,
20 City Light shall seek the input of the Sauk-Suiattle Indian Tribe, the Swinomish Indian Tribe, the
21 Upper Skagit Indian Tribe, and the federal and state resource agencies involved in the Skagit
22 Project relicensing.

1 Section 4. The General Manager is further authorized to execute any necessary and
2 convenient agreements to implement and further the habitat and watershed protection,
3 enhancement and mitigation measures determined to be in the best interests of City Light's
4 Skagit Project relicensing efforts, including fishery resource and aquatic habitat projects and
5 studies in the Skagit River watershed.

6 Section 5. Any actions taken after passage of this ordinance but prior to its effective date
7 are hereby ratified and confirmed.

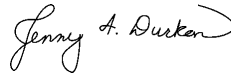
1 Section 6. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 20th day of September, 2021,
5 and signed by me in open session in authentication of its passage this 20th day of
6 September, 2021.

7 

8 President _____ of the City Council

9 Approved returned unsigned vetoed this 27th day of September, 2021.

10 

11 Jenny A. Durkan, Mayor

12 Filed by me this 27th day of September, 2021.

13 

14 Monica Martinez Simmons, City Clerk

15 (Seal)