



Legislation Details (With Text)

File #: CB 120170 **Version:** 1 **Name:** CB 120170
Type: Ordinance (Ord) **Status:** Passed
In control: City Clerk

On agenda: 9/20/2021

Final Action: 9/27/2021 **Ord. No.** Ord 126438

Title: 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.

Sponsors: No Sponsor

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Commitment Letter, 3. Presentation, 4. Signed Ordinance 126438, 5. Affidavit of Publication

Date	Ver.	Action By	Action	Result
9/27/2021	1	City Clerk	attested by City Clerk	
9/27/2021	1	Mayor	returned	
9/27/2021	1	Mayor	Signed	
9/24/2021	1	City Clerk	submitted for Mayor's signature	
9/20/2021	1	City Council	passed	Pass
9/15/2021	1	Transportation and Utilities Committee	pass	Pass
9/13/2021	1	City Council	referred	
9/8/2021	1	Council President's Office	sent for review	
8/31/2021	1	City Clerk	sent for review	
8/31/2021	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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

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

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

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

WHEREAS, an early action Skagit Habitat Enhancement Program will serve as an early implementation measure with respect to the new license that will partially address the Skagit Project’s impacts on

fisheries resources and aquatic habitat, provide benefits in continuation of what has been provided under the existing Fisheries Settlement Agreement, and bring new and potentially more timely resources to the effort to protect, conserve, and restore the fisheries resources and aquatic habitat of the Skagit River watershed; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Skagit Habitat Enhancement Program. In anticipation of new licensing obligations through the City Light Department's ("City Light") relicensing of the Skagit River Hydroelectric Project (FERC Project No. 553, the "Skagit Project"), the General Manager and Chief Executive Officer of City Light, or the General Manager and Chief Executive Officer's designee ("General Manager"), is hereby authorized to establish an early action Skagit Habitat Enhancement Program ("Program"). The Program is intended to allow for early action in the implementation of certain anticipated licensing requirements for meaningful habitat and watershed improvements in the Skagit River watershed for Endangered Species Act listed species. In addition, the Program, together with the anticipated early action work, is intended to foster a collaborative working relationship with the licensing participants in working towards further protection, mitigation, and enhancement measures in the new license for the Skagit River Hydroelectric Project, rather than City Light taking adversarial positions that limit early participation in the habitat and watershed improvements.

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

Section 3. Purpose of Program. The Program shall be used to fund fisheries resource and aquatic habitat projects and studies in the Skagit River watershed consistent with City Light's Skagit Project relicensing

efforts. In identifying and determining projects and studies to fund, City Light shall seek the input of the Sauk-Suiattle Indian Tribe, the Swinomish Indian Tribe, the Upper Skagit Indian Tribe, and the federal and state resource agencies involved in the Skagit Project relicensing.

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

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

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

Passed by the City Council the _____ day of _____, 2021, and signed by me in open session in authentication of its passage this _____ day of _____, 2021.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2021.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)