



Legislation Text

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File #: CB 121177, Version: 1

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**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to the City Light Department; authorizing the Mayor or her designee to execute a Comprehensive Settlement Agreement, five Off-License Agreements, and other related agreements for purposes of relicensing The City of Seattle's Skagit River Hydroelectric Project before the Federal Energy Regulatory Commission; and ratifying and confirming certain prior acts.

WHEREAS, The City of Seattle (City) is required under the Federal Power Act (16 U.S.C. § 791-828(c)) to obtain a license from the Federal Energy Regulatory Commission (FERC) to operate the Skagit Hydroelectric Project (Skagit Project); and

WHEREAS, the City's 1995 FERC license to operate the Skagit Project expired on April 30, 2025; and

WHEREAS, the City Light Department (City Light) has been engaged in FERC's integrated licensing process for over seven years to obtain a new long-term license from FERC for the continued operation of the Skagit Project, including an active negotiation process involving Treaty Tribes, Canadian First Nations, federal and state regulatory bodies, environmental groups, neighboring communities, and other parties; and

WHEREAS, City Light is deeply committed to implementation of the Skagit Project that follows a holistic ecosystem approach balancing Tribal interests, carbon-free power generation, environmental cultural resources protection, and community interests; and

WHEREAS, the Skagit Project is located in the traditional homelands and territories of several Washington Treaty Tribes, including the Sauk-Suiattle Indian Tribe, Swinomish Indian Tribal Community, and Upper Skagit Indian Tribe, as well as Canadian First Nation Bands and Coalitions; and

WHEREAS, Puget Sound Chinook, steelhead, and bull trout are listed as threatened species under the federal Endangered Species Act (16 U.S.C. § 1531-1544) (ESA); and

WHEREAS, a new license for the Skagit Project issued by FERC will likely require implementation of new protection, mitigation, and enhancement measures to address the ongoing impacts of the Skagit Project on fisheries resources and aquatic habitats, including a fish passage program to address the impacts on ESA listed species and designated critical habitat; and

WHEREAS, a new FERC license will also require implementation of a Historic Properties Management Plan to ensure ongoing compliance with the federal National Historic Preservation Act, as amended (54 U.S.C. § 300101 et seq.) for management of project effects to Tribal cultural resources, including places of traditional, religious, and cultural importance; and

WHEREAS, a new FERC license will also require City Light to comply with Washington State water quality standards through a federal Clean Water Act (33 U.S.C § 1341) Section 401 Certification; and

WHEREAS, City Light is committed to operating the Skagit Project by managing river flows that provide flood risk management and dam safety, as well as supporting educational and recreational opportunities, and other public benefits; and

WHEREAS, license participants and City Light have a key interest in protecting the Skagit River watershed including wildlife, botanical, estuary, and mainstem habitats; and

WHEREAS, by Ordinance 126438 the City Council authorized City Light to establish and fund an early action Skagit Habitat Enhancement Program in anticipation of new license conditions to implement significant habitat and watershed improvements in the Skagit River watershed for ESA listed fish species; and

WHEREAS, City Light and the licensing participants have successfully concluded negotiations on terms and conditions for a Comprehensive Settlement Agreement and five Off-License Agreements (with three Tribes and two federal agencies), for a new 50-year operating license for the Skagit Project to be filed with FERC; and

WHEREAS, it is in the best interest of the City and City Light ratepayers that the City continue to own and operate the Skagit Project and relicense the project in accordance with the terms and conditions of the Comprehensive Settlement Agreement; NOW, THEREFORE,

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

Section 1. The Mayor or her designee is authorized to execute a Comprehensive Settlement Agreement, substantially in the form attached to this ordinance as Attachment 1, for the purpose of securing for the benefit of the City and its ratepayers a new license from the Federal Energy Regulatory Commission (FERC) to operate the Skagit River Hydroelectric Project.

Section 2. The Mayor or her designee is authorized to execute five Off-License Agreements, substantially in the form attached to this ordinance as follows:

A. Skagit River Hydroelectric Project (FERC Project No. 553) Off-License Agreement Between the City of Seattle and the United States Department of the Interior, National Park Service (Attachment 2);

B. Skagit River Hydroelectric Project (FERC Project No. 553) Off-License Agreement Between the City of Seattle and the United States Department of Agriculture, Forest Service (Attachment 3);

C. Skagit River Hydroelectric Project (FERC Project No. 553) Off-License Agreement by and between the Sauk-Suiattle Indian Tribe and the City of Seattle (Attachment 4);

D. Skagit River Hydroelectric Project (FERC Project No. 553) Off-License Agreement by and between the Upper Skagit Indian Tribe and the City of Seattle (Attachment 5); and

E. Skagit River Hydroelectric Project (FERC Project No. 553) Off-License Agreement by and between the Swinomish Indian Tribal Community and the City of Seattle (Attachment 6).

Section 3. The Mayor or her designee is further authorized to enter into related agreements that the Mayor or her designee views as best meeting the needs of the City Light Department and reasonably necessary to either implement the Comprehensive Settlement Agreement or secure a new license for the Skagit River Hydroelectric Project from the Federal Energy Regulatory Commission.

Section 4. Any act consistent with the authority of this ordinance taken prior to its effective date is ratified and confirmed.

Section 5. This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2026, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_

President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_ day of \_\_\_\_\_, 2026.

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Katie B. Wilson, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

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Scheereen Dedman, City Clerk

(Seal)

Attachments:

- Attachment 1 - Skagit Project Comprehensive Settlement Agreement
- Attachment 2 - National Park Service Off License Agreement
- Attachment 3 - United States Forest Service Off License Agreement
- Attachment 4 - Sauk Suiattle Indian Tribe Off License Agreement
- Attachment 5 - Upper Skagit Indian Tribe Off License Agreement
- Attachment 6 - Swinomish Indian Tribal Community Off License Agreement