



Skagit County Board of Commissioners

Ron Wesen, First District

Kenneth A. Dahlstedt, Second District

Lisa Janicki, Third District

December 9, 2020

Jenny Durkan, Mayor
City of Seattle
P.O. 94749
Seattle, WA 91824-4749

RE: Federal Energy Regulatory Commission (FERC) Relicensing of Skagit Project

Mayor Durkan,

We write to express grave concern with the City of Seattle's approach to the ongoing relicensing of its three dams on the Skagit (the "Skagit Project"). It is our hope that Seattle will commit to an equitable salmon investment on the Skagit, to be deployed according to a coordinated salmon recovery plan led by Skagit tribes, with local government input and federal agency oversight. The failure to pursue this approach during Seattle's previous Skagit licensing process was a significant missed opportunity. This may be our last chance to save wild Skagit salmon and steelhead from extinction, as well as the orca that rely on them.

Pursuant to the 1855 Treaty of Point Elliott, the three Skagit tribes – Upper Skagit, Sauk-Suiattle and Swinomish – peaceably relinquished their claim to the land on condition that harvestable levels of salmon and steelhead would remain in perpetuity. A deal is a deal, not to mention the significant cost and regulatory burden the lack of treaty and non-treaty-harvestable salmon is creating for our community.

At the same time, Skagit County is legally responsible for comprehensive land use and shoreline planning in the Skagit, and, in concert with our junior taxing districts, we provide infrastructure and services to a diverse population in virtually the entirety of the Skagit ecosystem below the Skagit Project dams. One of the core objectives of our comprehensive planning has been to preserve the Skagit Valley's farmland, which feeds people across the country and is visited by tens of thousands of Seattle residents each year. We have only been able to accomplish this by sacrificing the extensive commercial development that Seattle has pursued, by adopting some of the nation's most restrictive farmland zoning.

As discussed below, Seattle's actions in the Skagit are undermining all of these objectives.

The Skagit Project blocks approximately 37% of the Skagit to fish passage, and it is far from clear that the Skagit dams are situated above natural barriers to anadromous species, notwithstanding Seattle's frequent claim to that effect, which has never been challenged before FERC or in court. The Skagit tribes, NOAA Fisheries, the Washington Department of Fish and Wildlife, the U.S. Fish & Wildlife Service, Skagit County and others are requesting study of fish passage into the upper basin. City Light continues to oppose this, belatedly offering to study fish passage only in the three-mile dewatered stretch below the lowest dam, Gorge. It is difficult to construe this as a good faith response to the fish passage study request.

The lack of fish passage is only part of the problem. In addition to blocking upstream and downstream fish passage, Seattle's dams prevent downstream sediment transport thus inhibiting habitat forming processes; prevent the downstream transport of large woody debris, thus depriving the river system of key habitat; fragment the genetics, causing wild genome degradation; cause channel incision and thus disconnection of tributaries; cause unnatural chemical and temperature conditions, and other diffuse, cumulative impacts that are difficult to quantify but plainly play a significant role in anadromous species' decline in the Skagit.

To the extent Seattle's dams are to continue to exist along with Skagit salmon, we must recognize that there are significant costs to be borne, given that the treaties, and the harvestable levels of salmon they require, are a perpetual obligation. The Upper Skagit Tribe has led an effort to gather the science and data to guide project mitigation efforts as necessary to restore all five wild salmon species native to the Skagit, and, in particular, the three Endangered Species Act-listed species: Chinook, Steelhead and Bull Trout. Much of the work will require local government's input and cooperation, as well as significant funding.

The average salmon investment by hydro operators around the Pacific Northwest is approximately \$650,000 per megawatt of power production potential. Perhaps the most closely analogous hydroelectric project is Puget Sound Energy's 170 mW Baker Project, located on the Baker River, a Skagit tributary, which involved a \$170 million salmon investment as a condition of its FERC license, equating to a **\$1 million/mW** salmon investment, which is paid by Skagit residents (including Skagit tribal members) through our electrical rates. This is working, with the Baker the only bright spot for treaty and non-treaty harvest on the Skagit.

When seeking its last FERC license in the 1990s, Seattle took the position that it should not be required to provide fish passage over its dams or otherwise improve habitat in the publicly-owned upper basin lands where its dams are located, instead deciding to focus habitat efforts on the private lands located downstream of its dams, in the lower basin, which is mostly farmland.¹ Neither Skagit County nor our farming community were consulted about Seattle's plan.

Since its last FERC license in 1995, Seattle has purchased approximately 11,000 acres of land in Skagit County, which Seattle, as a municipal entity, has removed from local tax rolls, effectively defunding our schools, fire departments, law enforcement, roads, and the like.²

Because there are a limited number of riparian properties available for purchase in any given year, much of the land acquired by Seattle has been upland property with no connection to salmon recovery. Furthermore, Seattle's acquisitions and activities are rendering it more difficult to comprehensively plan, deal with channel migration, and provide services and infrastructure. But our principal criticism is that Seattle's approach simply isn't working: since Seattle's last FERC license, three Skagit anadromous species have been listed under the U.S. Endangered Species Act, with two more under consideration.

By its own reporting to FERC, Seattle has spent a mere \$6.32 million on salmon recovery over the last 25 years pursuant to its 1995 license, with several additional million spent on voluntary projects and funds disbursed to various entities in our community, none of which includes any mandatory accountability systems by which to assess whether Seattle's salmon recovery measures in the Skagit have produced any benefit for salmon.

On Seattle's 652 mW project, this equates to less than \$10,000/mW in salmon investment, meaning that the people of the Skagit, through our power rates alone, are contributing more than 100 times as much to

¹ See, Letter from CEO Smith to Upper Skagit Indian Tribe, dated October 12, 2020

² To put this into context, there are approximately 88,000 acres of prime farmland in the Skagit.

salmon recovery on the Skagit as the people of Seattle, in apples-to-apples terms of total dollars per megawatt of production capacity.

In the course of the present relicensing, Seattle City Light is refusing to meaningfully address any of these issues, which is ultimately about avoiding salmon investment at the level required of all other dam operators in the Pacific Northwest.

Saving wild Skagit salmon and steelhead from extinction requires treating Seattle's forthcoming federal license as a holistic, coordinated salmon recovery plan – indigenous-led, with local government input and federal agency oversight, adequately funded by Seattle at level equal to what the people of the Skagit are currently funding. This is in Seattle's interest to pursue, as it is for the people and salmon of the Skagit. We look forward to dialogue.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**



Ron Wesen, Chair



Kenneth A. Dahlstedt, Commissioner



Lisa Janicki, Commissioner

cc: Jennifer Washington, Chair, Upper Skagit Indian Tribe
Steve Edwards, Chair, Swinomish Indian Tribal Community
Norma Joseph, Chair, Sauk-Suiattle Indian Tribe
Senator Maria Cantwell
Senator Patty Murray
Representative Rick Larsen
Governor Jay Inslee

