



## Skagit County Board of Commissioners

Ron Wesen, First District

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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.