

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 2705-037--Washington
Newhalem Creek Hydroelectric Project
Seattle City Light

February 23, 2024

VIA FERC Service

Mike Haynes
City Of Seattle, City Light Dept.
700 Fifth Avenue, Suite 3200, P.O. Box 3
Seattle, WA 98124-4023

Subject: Surrender Application Review: Request for Status Update on Water Quality Certification and CZMA Consistency Review

Dear Mr. Haynes:

This regards our review of the surrender application for the Newhalem Creek Hydroelectric Project No. 2705, filed on January 28, 2022. The project is located on Newhalem Creek, in Whatcom County, Washington, just west of the town of Newhalem.

On February 10, 2023, Commission staff issued a letter regarding certain requirements under section 401(a)(1) of the Clean Water Act and section 307(c)(3)(A) of the Coastal Zone Management Act (CZMA). Commission staff requested that you file: (1) a copy of any water quality certification (WQC) received from the Washington Department of Ecology; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification. Commission staff also requested that you submit a request for a CZMA consistency certification. On April 10, 2023, you submitted a response to our request, which stated that “[The Washington Department of] Ecology agrees that a waiver does not apply, and that City Light should postpone submission of these applications until the proposed action for decommissioning the Project is more clearly defined.”

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As you acknowledged in your April 10, 2023 response, before the Commission can act on your surrender application, a WQC must be obtained or waived from the state certifying agency,¹ and the state's CZMA agency must concur with your consistency certification.² We are aware that you have been consulting with the relevant resource agencies on your proposed decommissioning plan. However, since your April 10, 2023 response, you have not provided a timeframe for when your decommissioning plan will be more clearly defined such that you can request a WQC and CZMA consistency certification. Please file no later than 30 days following the issuance of this letter, an update on the status of the decommissioning plan and a timeline for submitting a request for a WQC and CZMA consistency certification from the Washington Department of Ecology.

We appreciate your assistance in this matter as we continue to review your surrender application. If you have any questions regarding this matter, please contact Diana Shannon at 202-502-6136 or diana.shannon@ferc.gov.

Sincerely,

MARK
CARTER

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by MARK CARTER
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Mark Carter
Deputy Director
Division of Hydropower Administration
and Compliance

¹ 33 U.S.C § 1341.

² 16 U.S.C. § 1456

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