Seattle City Light

700 5th Ave. | P.O. Box 34023 | Seattle WA 98124-4023
TEL (206) 684-3000 TTY/TDD (206) 684-3225 FAX (206) 625-3709
seattle.gov/city-light
twitter.com/SEACityLight facebook.com/SeattleCityLight

VIA ELECTRONIC FILING

October 11, 2024

DEBBIE-ANNE A. REESE
ACTING SECRETARY
FEDERAL ENERGY REGULATORY COMMISSION
888 FIRST STREET NE
WASHINGTON, D.C. 20426

Re: Response to Comments on Environmental Assessment, Newhalem Creek Hydroelectric Project (Project No. 2705-037)

Dear Acting Secretary Reese,

On March 29, 2024, the Federal Energy Regulatory Commission (FERC) issued a Notice of Availability of Environmental Assessment (EA) for the proposed surrender and decommissioning of the Newhalem Creek Hydroelectric Project (Project). FERC established a 30-day public comment period, which it later extended to May 13, 2024. Comments were filed by the U.S. Department of the Interior (USDI) National Park Service (NPS), USDI U.S. Fish and Wildlife Service, USDI Bureau of Indian Affairs, Washington Department of Fish and Wildlife, Sauk-Suiattle Indian Tribe, Upper Skagit Indian Tribe, Conservation Groups,[1] American Whitewater, Historic Seattle, Washington Trust for Historic Preservation, and the State of Washington Department of Archaeology and Historic Preservation.

Seattle City Light (City Light) hereby provides its responses to comments on the EA, including a comment/response table and supporting documents. City Light has focused this filing on responding to substantive comments on FERC's EA. To the extent a stakeholder or Tribe provided background information to FERC in its comments, City Light did not respond to such information in the comment/response table.

City Light has been actively working to resolve outstanding issues with stakeholders and Tribes since issuance of the EA, including the following actions:

- Sent letters to Section 106 consulting parties summarizing effects to all historic properties based on results of the Archaeology Report, Historic Built Environment Report, and inquiries to Tribes on effects to traditional cultural properties;
- Met with the NPS to discuss questions on and resolution of its comments on the EA;

[1] Conservation Groups include American Rivers, American Whitewater, National Parks Conservation Association, North Cascades Conservation Council, Sierra Club – Washington State Chapter, The Wilderness Society, Trout Unlimited, and Washington Wild.

- Conducted an onsite meeting with stakeholders and the Upper Skagit Indian Tribe to review the 30% drawings for the dam removal and tailrace restoration design; and
- Met with Section 106 consulting parties to discuss adverse effects to cultural resources and potential mitigation.

As a result of these engagements and after consideration of EA comments, City Light has proposed to modify elements of its proposed action, as described in the attached comment/response table. Discussions will continue with the Section 106 consulting parties to work toward refinement and selection of an alternative as well as mutually agreeable mitigation for effects to historic properties. City Light will also work with stakeholders and Tribes to resolve any other outstanding issues identified in the attached comment/response table.

If you have any questions, please feel free to contact me at (206) 684-3117. City Light looks forward to continued engagement with FERC and other parties to surrender the license and decommission the Project facilities.

Sincerely,

Shelly Adams

Shelly Adams
Decommissioning Project Manager
Seattle City Light

Encl: City Light Comment Response Table to FERC's Draft EA and supporting documents

Cc: Diana Shannon, FERC

Seattle City Light Response to Intervenor Comments on FERC's Environmental Assessment of the proposed decommissioning of the Newhalem Creek Hydroelectric Project (FERC No. 2705-037) dated March 29, 2024

Comment #	Comment	City Light Response
U.S. Department of Interior National Park Service - Comment letter filed with FERC 5/13/2024		
NPS-3 Page 1	The only acceptable alternative to the NPS is a modified Full Removal Alternative. The NPS proposed modifications, retitled "Full Restoration Alternative", are described in detail in Enclosure 1. Enclosure 1 also includes the NPS additional comments and recommendations on the alternatives, the EA, and the decommissioning plan.	The alternatives are titled appropriately as they describe project actions. Calling it by the suggested title pre-supposes mitigation before effects to historic properties have been adequately assessed through the Section 106 process. Throughout the remainder of the decommissioning, City Light will continue to refer to it as the Full Removal Alternative.
NPS-4 Page 1	The Full Restoration Alternative will: ▪ Rehabilitate a traditional cultural property (TCP) eligible for the National Register; ▪ Meet environmental justice objectives by protecting and restoring cultural resources for tribal communities; ▪ Provide a private location for tribes to practice religious ceremonies, treaty-reserved rights, and to pass down cultural knowledge in an area that is highly significant to them; ▪ Restore upland forest, riparian, and floodplain habitat to a natural condition; ▪ Eliminate the effects of long-term maintenance of the facilities on terrestrial, aquatic, and TCPs; ▪ Eliminate the risk to firefighters to protect facilities from structural and wildland fires; and ▪ Eliminate the life cycle costs required to maintain and protect facilities.	City Light notes the absence of an objective to conserve historic resources, a standard of the Organic Act. The NPS is the appointed steward of the country's historic properties under the National Historic Preservation Act (NHPA), including historic districts, buildings, sites, battlefields, monuments, objects, and structures, in addition to traditional cultural properties (TCPs). City Light also notes that the Full Restoration Alternative does not include the removal of the NPS' recreational trails, campgrounds, roads, tender shack, and Visitor Center in the same area, and also within the TCP, which constitutes a much larger footprint than the powerhouse and penstock. To meet the objectives for "full restoration," and particularly a private place for cultural tribal practices, these NPS facilities would also warrant removal. In fact, the area containing the powerhouse and penstock is not private, it lies at the end of the busiest trail in the Ross Lake National Recreation Area (RLNRA), the Trail of the Cedars. The Trail of the Cedars received 18,303 users during a study conducted from May through September in 2022. The powerhouse is at the confluence between the Trail of the Cedars and the Linking Trail that provides access to the Newhalem Creek campground; these two contiguous trails are part of a larger 1-mile recreational corridor linking the town of Newhalem to another campground, more trails, and the NPS Visitor Center. The powerhouse is also located in the Front Country Management Zone, which the RLNRA General Management Plan (GMP) defines as having the highest level of development to provide a wide variety of high quality recreational and educational visitor opportunities and facilities for a range of visitor abilities. Throughout the proceeding, Tribes have not indicated to City Light an interest in using the powerhouse site for religious ceremonies. Lastly, the Full Restoration Alternative involves removal of the Hilfiker wall, which would eliminate all access to upper Newhalem Creek, landlocking and preventing the removal of over 8.5 miles of failing, unmaintained logging road infrastructure and its resulting potential impacts to fish, water quality, public resources, and TCP (see response to comment NPS-14c below). Thus, Newhalem Creek and the TCP would not be fully restored as the name of the alternative implies.
NPS-5 Page 1-2	The Federal Energy Regulatory Commission's regulations make clear that because this Project was constructed on lands of the United States, Seattle City Light (SCL) must restore those lands to a condition satisfactory to NPS [Citation: 18 CFR 6.2 states "*[w]here project works have been constructed on lands of the United States the licensee will be required to restore the lands to a condition satisfactory to the Department having supervision over such lands.*"]. The Full Restoration Alternative is the only alternative satisfactory to NPS.	City Light looks forward to continuing to work with the NPS on a mutually agreeable solution that balances effects, both adverse and beneficial, to all resources. City Light disagrees that NPS' Full Restoration Alternative would be consistent with the Organic Act, enabling legislation, and NPS policies due to the lack of consideration for all historic properties, a central component of all of these documents. When considering the appropriate restoration of the lands under the NPS jurisdiction, it is incumbent upon NPS to consider measures that provide the best reasonable and practicable balance among resource management choices that meets the interests of the American public. The Full Restoration Alternative is inconsistent with existing NPS management plans that govern the management of these federal lands that are under the supervision of NPS.
NPS-5a Page 1-2	SCL's use and occupation of NPS land for power development is conditioned upon, and only available under, Section 4(e) of the Federal Power Act (16. U.S.C. § 797 (e)). Once SCL's license is surrendered, there is no mechanism to facilitate SCL's proposed perpetual use and occupancy of NPS land. Once the Surrender Order becomes effective, SCL and SCL owned facilities will no longer be authorized to remain on NPS land. Therefore, all monitoring plans, management plans, and restoration actions must be approved by the NPS before decommissioning of the Newhalem Creek Hydroelectric Project may start.	There are other avenues in which nonfederal entities may utilize federal land, particularly when the uses are aligned with the purpose of the National Park system which is for the enjoyment, education, and inspiration of the public. City Light will continue to work collaboratively with the NPS on all monitoring and management plans.

Comment #	Comment	City Light Response
NPS-6 Page 2	The NPS does not agree that the Partial Removal alternative is necessary to mitigate the effects of decommissioning on historic properties. The Partial Removal, Full Removal, and Full Restoration alternatives will all adversely affect the National Register-listed Skagit River and Newhalem Creek Hydroelectric Projects Historic District (DT-66) through the removal of contributing historic properties. However, preservation of the penstock and powerhouse is not necessary for the continued existence of the historic district, which includes 58 contributing properties [Citation: Seattle City Light, DT-66 "The Skagit River and Newhalem Creek Hydroelectric Projects", National Register of Historic Places Updated Determination of Eligibility. Seattle, WA. December 21, 2010.]. Of these 58 properties, six are located within the Project area, but none of the six are individually eligible; instead, they derive their eligibility by contributing to DT-66. Additionally, we are aware that SCL is in the process of updating the DT-66 National Register Nomination and we have seen a draft with as many as 195 contributing properties [Footnote: SCL is in the process of updating the DT-66 National Register of Historic Places nomination. In accordance with the License Order and Historic Properties Mitigation and Management Plan in p-533, SCL updates the nomination every ten years, and the last update was complete in 2010. The NPS has seen a draft table that assigns a preliminary recommendation of "Contributing" to a total of 195 resources (an additional 137 contributing resources from the 58 determined in the 2010 version). The draft document is the Skagit Project and Newhalem Creek Hydroelectric Project National Register Nomination Update 2023 - Preliminary Eligibility Recommendations (DRAFT) dated July 25, 2023]. Given the district's size and likely expansion, the removal of only two additional contributing properties beyond SCL's preferred alternative will not significantly affect the integrity of the district as a whole. The public will still have ample interpretive opportunities to access, experience, and learn about hydropower development in the Upper Skagit.	Although all the alternatives involve effects to historic properties, it is worth noting that the effects between the alternatives vary significantly. For a summary of the effects from each alternative, City Light directs FERC to the "effects letter" distributed to the Section 106 consulting parties and filed on September 30, 2024. City Light strongly disagrees that the loss of "only two additional contributing properties beyond SCL's preferred alternative will not significantly affect the integrity of the district as a whole." Eligibility and significance of the historic district is not based solely on numbers. By definition, a historic district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. A district derives its importance from being a unified entity, even though it is often composed of a wide variety of resources. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties (National Register Bulletins 15 and 5). The Newhalem Creek Powerhouse and penstock are two of several contributing resources determined as eligible and thus listed in the National Register of Historic Places (NRHP), that cover different eras of development of the Skagit River and Newhalem Creek Hydroelectric Projects. Elimination of resources and ascertaining their impacts solely by the addition and subtraction of numbers of resources in a historic district fails to consider the historic contexts for the targeted resources and what they represent to the historic district. Furthermore, removing the Newhalem Creek Powerhouse and penstock, in addition to removing the dam and gatehouse as part of the preferred alternative, removes *all of* the contributing resources representing the *Newhalem Creek* part of the Skagit River and Newhalem Creek Hydroelectric Project Historic District (DT 66) and eliminates a significant part of the historic district. City Light also clarifies that contributing resources do not derive their eligibility from the historic district, rather the contributing resources add to the historical integrity that make the historic district significant. Each contributing element to a historic district has unique characteristics that add to the historical significance of the district, and the historic district is significant only because of its contributing elements. Suggesting triviality by removing "only two" contributing resources is a slippery slope to removing more contributing properties until the historic district no longer retains contributing properties sufficient to convey its significance. Lastly, the NRHP eligibility status of historic properties needs to consider historic properties as they are today, not in the future, using existing documents which include the 2010 Skagit River and Newhalem Creek Hydroelectric Projects (SRNCHP) historic district (DT66) nomination and the 2023 Newhalem Creek Historic Built Environment Report. City Light looks forward to continued consultation with the Section 106 consulting parties to discuss effects to historic properties resulting from the undertaking and appropriate mitigation for adverse effects.
NPS-7 Page 2	The powerhouse is not from the earliest period of hydropower development in the Skagit, which SCL prioritizes for preservation. The original powerhouse burned down in 1966, and SCL rebuilt it and the head works in 1969. The original Pelton turbines and generator were not destroyed by the fire and were re-installed in the new powerhouse. If agreed upon by SCL, the park, tribes, and the State Historic Preservation Office (SHPO), and through the National Historic Preservation Act Section 106 process and Cultural Resource Management Plan development, this equipment and portions of the other facilities could be retained and moved to the town of Newhalem to further enhance hydropower interpretation opportunities.	The Newhalem Creek Powerhouse is listed in the NRHP as a contributing resource to the SRNCHP historic district (DT66). Partitioning or compartmentalizing the age of the Newhalem Creek Powerhouse between the earliest (pre-fire) period versus the latter (post-fire) period fails to consider the powerhouse's history holistically and is not a consideration with the eligibility guidance provided in National Register Bulletin 15 - How to Apply the National Register Criteria for Evaluation. Furthermore, the 1991 Skagit River Historic Resources Mitigation and Management Plan (HRMMP), which applies to all contributing resources within the SRNCHP, does not distinguish between "earliest period" versus "later period" contributing resources; and with the passage of time, additional buildings or structures may be added to the Contributing Resource category as they reach 50 years of age, or as new information comes to light. Moving a historic property from its original location is considered an adverse effect since it removes it from the location where it gained its significance. This action typically results in delisting from the NRHP and is not compliant with the current Newhalem Creek Hydroelectric Project Historic Resources Mitigation and Management Plan (NCHP HRMMP). The NCHP HRMMP applies to that portion of the Newhalem Creek Project designated as a contributing resource within the SRNCHP Historic District. The NCHP HRMMP protects contributing resources through guidelines, review procedures, and mitigation measures, as well as ten "Project Preservation Standards," that govern changes to historic features of the Newhalem Creek Project. The Newhalem Creek Powerhouse, like every other resource

Comment #	Comment	City Light Response
		designated as contributing to the character of the historic district, calls for special consideration in matters of maintenance, use, and ultimate disposition. Without such special consideration, individual resources will incrementally lose their distinctive, character-defining features and the historic integrity of the district will erode. Lastly, this comment was made prematurely since some of the identification documents and City Light's "effects letter" that summarized effects to the TCP, built environment, and archaeology had not been developed. Thus, the comments did not consider the identified effects of the undertaking. Now that the effects letter has been distributed to all consulting parties, the next phase of Section 106 consultation, which City Light initiated on September 25, 2024, involves consulting with all parties to determine appropriate mitigation for adverse effects to historic properties. City Light will continue to consult with the Section 106 parties to develop appropriate mitigation for all adverse effects of the undertaking through the Section 106 consultation process.
NPS-8 Page 2-3	We strongly support the Upper Skagit Indian Tribe's position for the Full Restoration Alternative and concur that partial removal would have an adverse effect to the Tribe's TCP 45WH450. The integrity of the TCP largely depends on the historical character defined by natural landscape features, setting, and processes. Prior to the development of the hydropower project, these features of the historic character formed the basis for the Tribe's unique origin story and the basis for tribal members' spiritual and ceremonial practices. It is explicitly stated in the 45WH450 "Determination of Eligibility" that the historic built environment features, including dams, reservoirs, and their associated operational and maintenance facilities (i.e. Newhalem Powerhouse and penstock), diminish the integrity of the TCP (Mierendorf and Schuyler, 2019:15 [Citation: Mierendorf, Robert R. and Scott Schuyler "The Skagit River Gorge and Canyons, Whatcom County, Washington, 45WH450" National Register of Historic Places Determination of Eligibility. Upper Skagit Indian Tribe, Sedro- Woolley, WA, November 13, 2019.]). The National Register of Historic Places identifies three levels of significance – local, state, and national. TCP 45WH450 has a higher statewide significance with broader adverse effect implications than the locally significant historic district, DT-66. To that end, the NPS asserts the effects to 45WH450 should be given preference over the effects to DT-66; the Full Restoration Alternative will have direct, beneficial effects on an underrepresented resource with statewide significance.	The NPS appears to be the proponent of the Full Restoration Alternative; City Light has no documentation that the Upper Skagit Indian Tribe has requested this alternative. Regardless, City Light understands that the Upper Skagit Indian Tribe has requested full removal and that the area is significant to them. City Light has communicated with the Upper Skagit Indian Tribe regarding the effects of decommissioning to their TCP, and the Upper Skagit Indian Tribe provided City Light with a memo summarizing their TCP and effects to it from the presence of the historic built environment. City Light recognizes that there are varied historic properties within the Area of Potential Effects (APE) that may have differing and competing adverse effects and that there is an opportunity to restore their TCP. Neither the NHPA or the NRHP suggest that a historic property with a "statewide" level of significance outranks a historic property with a "local" level of significance. The NRHP is not a competition of worthiness between historic properties, and this line of reasoning could set a precedent leading to the inappropriate devaluing of local resources resulting in a deleterious effect on marginalized communities. Rather, the NHPA carried out by the NPS, is a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's cultural resources. Properties proposed for the NRHP may be significant at the local, state, or national level. The NRHP Criteria for Evaluation recognizes the wide variety of historic properties associated with our prehistory and history. City Light is committed to developing appropriate mitigation for all adverse effects of the undertaking through the Section 106 consultation process.
NPS-9 Page 3	Several federally recognized Indian tribes have expressed interest in establishing a location to carry out culturally significant activities and ceremonies in the upper Skagit Valley. The Upper Skagit Indian Tribe has informed the NPS that, should the Full Restoration Alternative be implemented, the restored location of the Newhalem Powerhouse is an ideal place for the Tribe to carry out traditional practices, including religious ceremonies and treaty-reserved fishing and gathering rights. The place name, "Newhalem," is derived from the Lushootseed word "daxwálib," the name of the most upriver indigenous longhouse community in this location. It is essential for the Upper Skagit Indian Tribe to practice their ceremonies in Newhalem as the location is highly significant to the Tribe. There are no other locations with privacy and river access this close to daxwálib.	Tribes have not expressed to City Light an interest in using the Newhalem Creek Powerhouse location to carry out religious ceremonies. City Light understands the need for practicing ceremonies in places that are significant, however, and is interested in hearing from the Tribes their ideas on mitigation now that we have reached that phase of the Section 106 consultation process. City Light notes that the preferred alternative removes the dam and other headworks components, thereby completely restoring Newhalem Creek for the Tribes to carry out their fishing and gathering rights. The preferred alternative also restores and improves fishing treaty rights by removing the tailrace fish barrier and restoring the channel for high-flow fish refugia. The presence of the powerhouse and penstock does not limit fishing or fish habitat; gathering is only limited by the relatively small footprint of the two structures. Regardless, City Light will explore with the Tribes opportunities to improve fishing and gathering, as well as practicing religious ceremonies if that is expressed as an interest during the mitigation phase. City Light also plans to work with the Tribes to incorporate culturally significant plants into the Restoration Plan and the Invasive Plants Management Plan.

Comment #	Comment	City Light Response
NPS-10 Page 3	The NPS also supports the Sauk-Suiattle Indian Tribe's request for the Full Restoration alternative and other recommendations outlined in their comments filed with the Commission. We agree with their comments on prioritizing culturally significant plants for inclusion in the restoration plans as this could help strengthen tribes' ability to practice their gathering treaty right. We also wish to emphasize our alignment with their desire to provide an area reserved for tribes at the site of the restored Powerhouse.	The Full Restoration Alternative appears to be the NPS' proposal, as City Light has no documentation of the Sauk-Suiattle Indian Tribe requesting this. City Light understands that the Sauk-Suiattle Indian Tribe is requesting full removal, however, and City Light looks forward to engaging with them further now that we have reached the mitigation phase of the Section 106 process. The preferred alternative restores 2.78 out of 2.94 acres of land. City Light plans to work with the Tribes to incorporate culturally significant plants into the Restoration Plan and the Invasive Plants Management Plan.
NPS-11 Page 3	On April 19, 2024, the NPS and Upper Skagit Indian Tribe met with the Washington State Department of Archaeology and Historic Preservation (DAHP or SHPO) staff including Rob Whitlam, Michael Houser, and Maddie Levesque. The parties met to discuss our preferred alternative and justification for the removal of additional historic properties to benefit the Upper Skagit Indian Tribe's TCP. DAHP agreed with our position and that the loss of the built environment properties could be easily mitigated. They expressed support for providing a place for tribes to practice their cultural traditions and to rehabilitate 45WH450.	City Light has been engaging in good faith with all parties since 2021. Notwithstanding, City Light, the project proponent and designated federal Section 106 lead, was not invited to the April 19, 2024 meeting. City Light has not been provided notes from the meeting and was informed that notes were not taken by DAHP, so City Light lacks sufficient context to respond to the statement that the complete loss of the Newhalem Creek historic built environment "could be easily mitigated". City Light looks forward to collaborative engagement in the Section 106 process in the future.
NPS-12 Page 3	For the City of Seattle, the establishment of the Newhalem Hydroelectric Project initiated a legacy of extracting resources from the Skagit Valley that led to the economic prosperity of Seattle. However, for the indigenous communities, who were disposed of their land, it was the beginning of a period of cultural upheaval and marginalization. The Skagit Valley does not need the partial remains of a hydroelectric project to tell the same or similar story due to the presence of the three other complete and functioning hydroelectric properties within the *same* historic district and townsite of Newhalem. The upper Skagit River Valley is saturated with these types of historic properties, and excessive focus has been given to hydroelectric history. It is time to elevate the stories and significance of indigenous historic properties to allow tribal communities to reconnect with traditional places and resources that are sacred to them. We encourage the City of Seattle and FERC to support the cultural needs of the Tribes and balance the stories told in and about the human history of the Skagit River Valley.	City Light has been consulting with affected Tribes under Section 106 as FERC's designee. We understand the deep connection that the Tribes have to this land and the damaging effects of colonization from both City Light and the NPS. Again, we are committed to creating mitigation strategies through ongoing consultation that convey this complicated history. The term "partial remains" is not a term of art used in the historic built environment field. Typically, "if a structure has lost its historic configuration or pattern of organization through deterioration or demolition, it is usually considered a "ruin" and is categorized as a "site." (National Register Bulletins 15 and 4.) The Newhalem Creek Hydroelectric Project as it stands today is not in ruins but is a contributor to the SRNCHP. The NCHP covers eras and locations unique from the other three hydroelectric facilities (Gorge, Diablo, and Ross) which are spread along a 6-mile stretch, and collectively convey the development of hydroelectric power at the local, state, and national level. The upper Skagit River Valley's physical characteristics encouraged the development of certain types of historic properties (e.g., hydroelectric facilities by public and private companies) over others. City Light supports the inclusion of other perspectives regarding the history of the upper Skagit River Valley.
NPS-14 Page 5	**Enclosure 1 - EA Comments and Recommendations** **NPS Changes to the Proposed Action: Full Restoration Alternative (Full Removal Alternative with NPS Modifications)** The NPS requests that FERC incorporate the Full Restoration Alternative into the Final EA and License Order and identify it as the Preferred Alternative. The Full Restoration Alternative consists of the Full Removal Alternative with the following modifications:	It is unnecessary to rename what is essentially the Full Removal Alternative at 90% design, except for removal of the Hilfiker wall and the concrete retaining wall, the former of which City Light declines to remove as part of any decommissioning action, and the latter should not be removed if the Hilfiker wall remains. Refer to the reasoning for leaving the Hilfiker wall and concrete retaining wall on Newhalem Creek Road[1], provided in NPS-14c below.
NPS-14a Page 6	▪ Retain the road and bridge from the Newhalem Campground to the Powerhouse.	City Light has not proposed to remove the Newhalem Creek bridge as it serves as a component of the Linking Trail and provides access to the Rock Shelter Trail from the Newhalem Creek campground. City Light has agreed to decommission the road from the Rock Shelter Trail to the Newhalem Creek Powerhouse if the Full Removal Alternative is selected, although the road to the Newhalem Creek Powerhouse is outside of the FERC Project Boundary and was not constructed by City Light.

[1] During the surrender proceeding, City Light has referred to the Newhalem Creek Road as the "dam access road"; however, Newhalem Creek Road has been the name consistently used by the NPS and City Light in public documents since the 1980s, and will be used henceforth.

Comment #	Comment	City Light Response
NPS-14b Page 6	▪ Evaluate for removal the Penstock, penstock thrusts, walk way, and cradles located in the tunnel.	Noted.
NPS-14c Page 6	▪ Remove the following facilities (see Enclosures 3 and 4, for images of these facilities): ▪ Hilfinker wall and associated access road; ▪ Cement retaining wall associated with the access road; ▪ All above and below ground power lines, power poles, power pole anchors, and associated underground vaults; ▪ All transformers and cement bollards; ▪ Above ground penstock, penstock thrusts, and cradles; ▪ Electrical cables and conduit attached to penstock saddles and telephone line laying on the ground adjacent to the penstock; ▪ Viewing platform constructed of treated lumber on the lower portion of the penstock; ▪ Six-inch diameter PVC pipe adjacent to the penstock; ▪ Rock retaining fencing and posts above the penstock tunnel entrance; ▪ Telephone, circuit breaker, lights, and six-inch PVC pipe inside of the penstock tunnel; and ▪ Electrical conduit, lights, telephone line, and anchors in the penstock tunnel.	City Light is not proposing to remove the Hilfiker wall and concrete retaining wall on the Newhalem Creek Road, which are currently located outside the FERC Project Boundary. In the Surrender of License Application (Surrender Application), City Light proposed, and throughout the proceeding has maintained, to retain the Hilfiker wall because it is in the landslide path and its removal would be difficult, dangerous, and create a significant amount of disturbance. Removal of the Hilfiker wall and concrete wall would also eliminate pedestrian access to the upper Newhalem Creek drainage due to the steep surrounding terrain. A detailed description of the danger and disturbance involved in removing the Hilfiker wall is provided in Attachment 1. In its Surrender Application, City Light proposed to decommission the Newhalem Creek Road (leaving the Hilfiker wall and concrete retaining wall), but in light of new information has since reconsidered its proposal. The road was built by the U.S. Forest Service (USFS) after the Project's construction, between 1943 and 1948. The culverts and concrete retaining wall were also likely installed by the USFS during their tenure, as City Light has no records (drawings, specifications, etc.) indicating City Light installed them. The road is not within the FERC Project Boundary or on land owned by City Light, but on land administered by the NPS, who inherited the road in 1968 when the land transferred from National Forest to NPS administration. Since then, the Newhalem Creek Road has been shared by multiple parties, including NPS visitors, NPS staff, City Light, and U.S. Geological Survey (USGS). In fact, the Newhalem Creek Trail at the end of the road was popular in 1985 when the Hilfiker wall was built, and the parking lot by the dam served as the trailhead. The NPS actively managed the road during this time and the NPS Superintendent authorized construction of the Hilfiker wall on September 19, 1985 based on review of the drawings, and specifically "in accordance with the plans shown on Drawing Number D-28792". The NPS benefited from construction of the wall for decades and maintained the Newhalem Creek Trail up until the 2015 Goodell Creek wildfire. In fact, all parties benefited from continued use of the road for decades after the wall was built, including NPS visitors, City Light, and USGS until a landslide blocked all access in late 2019/early 2020. A detailed description of the road's use and the trail's popularity around the time of wall construction and citations for the references mentioned above is provided in Attachment 2. Since City Light's comments on the EA were filed, City Light's knowledge of the land above the Newhalem Creek Dam has also changed and City Light now understands that it would be irresponsible to decommission the Newhalem Creek Road from the Skagit Project muster point to the dam. This is because the Newhalem Creek Road is part of a larger system of orphaned logging roads constructed by the USFS with failing, unmaintained infrastructure that continues for 4.9 miles above the dam into the Newhalem Creek headwaters; additionally, there are over 3.6 miles of secondary orphaned roads branching from the mainline logging road. Along this section of orphaned roads, there is a 110-foot concrete bridge with 234 feet of guardrail and steel pipe handrails spanning Newhalem Creek (see photo to the left), as well as failing and undersized corrugated metal culverts, ditches, fill, and other infrastructure. Most of this infrastructure occurs in the Stephen Mathers Wilderness Area, which initiates just upstream of the Newhalem Creek Dam. These roads either traverse the Channel Migration Zone or steep, mid-slope terrain above Newhalem Creek. Without water management and maintenance of the infrastructure, along with the outdated construction technique, there is potential for erosion, landslides and other mass wasting events, including catastrophic failures that can entirely block Newhalem Creek and impede fish passage. Relics from the road system may also negatively impact public resources and the TCP when delivered to streams and public resources below. A description of the infrastructure, photos, and an analysis of the road and associated environmental hazards is found in Attachment 3, *Newhalem Creek Orphaned Road Assessment* (Herrera Environmental Consultants, 2024).  *Relic 110-foot concrete bridge spanning Newhalem Creek upstream of the Newhalem Creek dam.*

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		Decommissioning the first three-quarters of a mile of an 8.5-mile logging road system is not consistent with best practice because it would prevent access to address issues resulting from the failing infrastructure and would landlock 8.5 miles of road infrastructure in a Wilderness Area, permanently preventing its restoration and achievement of its untrammeled objectives. Because this alternative would leave an extensive network of failing logging roads and their associated environmental impacts in perpetuity, Newhalem Creek would not be fully restored; thus, City Light believes naming it the "Full Restoration Alternative" is unsuitable. According to the Washington Department of Ecology (Ecology), managers of federal reserves have a responsibility "to manage its lands and activities to meet or exceed state water quality standards" as well as meet the intent of state laws in place to protect the environment. In recognition of the adverse impacts of forest roads on water quality, since 2000, the USFS and Ecology have had a renewing Memorandum of Agreement to achieve state water quality by complying with state Forest Practices Rules (Washington Administrative Code [WAC] 222), specifically to stabilize and maintain all forest roads to a level that meets the objectives established for roads in WAC 222-24-010. WAC 222-24-010 requires proper abandonment of orphaned roads, proper road design, prevention of mass wasting, no-net-loss of fish habitat, and other protections of public resources applicable to the logging roads above Newhalem Creek Dam. If the land was still under USFS administration, the orphaned roads above the dam would have been properly decommissioned, or have a plan in place to do so, because permanently landlocking unmaintained and failing forest roads does not meet the intent of WAC 222 and does not protect future water quality and public resources in the state of Washington. Because future access is needed, City Light is revising its proposal to a "road storage plan" rather than a road decommissioning plan. Road storage is a term and prescription used by the USFS when there are future access needs, but no current needs. Road storage would not remove major elements necessary for future access, like the Hilfiker wall or the concrete wall, but involves applying treatments as necessary to prevent natural resource damage while in storage similar to the previously proposed road decommissioning plan. City Light anticipates the road storage plan to include removing culverts and restoring natural drainages; utilizing natural regeneration and/or seeding; and controlling invasive species. City Light plans to develop the specifics of the road storage plan collaboratively with the NPS.
NPS-16 Page 6	The Full Restoration Alternative is necessary to restore NPS lands consistent with the Organic Act, the Ross Lake Recreation Area (ROLA) Enabling Legislation, and NPS policies which require the restoration of NPS lands to natural conditions for ecological and traditional cultural purposes (see Enclosure 2).	City Light disagrees that NPS' Full Restoration Alternative would be consistent with the Organic Act, enabling legislation, and NPS policies due to the lack of consideration for all historic properties, a central component of all of these documents. City Light directs FERC to City Light's July 1, 2022 Response to Intervenor Comments, comment #2, and City Light's September 28, 2022 Response to Scoping Document 1, in the section titled "Response to NPS' August 30, 2022 FERC Filing." Additionally, permanently leaving the 8.5 miles of logging road infrastructure intact above the dam does not restore NPS lands to natural conditions.
NPS-17 Page 6	As described in the cover letter, this alternative emphasizes the protection of TCP 45WH450 and promotes the use of traditional cultural practices. Retaining the road from the Rock Shelter Trailhead to the Powerhouse will enable vehicle access for tribal use (namely transporting tribal elders).	The NPS' proposed alternative does not consider the value of all historic properties. The Partial Removal Alternative restores fishing treaty rights and all but 0.16 acres of ancestral uplands where Tribes can practice their cultural traditions. The Tribes have not communicated an interest to City Light in using the powerhouse site for religious ceremonies. As noted above, City Light is committed to developing mitigation for adverse effects to all historic properties through the Section 106 process.
NPS-18 Page 6	The alternative will meet environmental justice objectives and reduce the effects to recreation.	In addition to the recreational impacts of full removal outlined in FERC's EA, the NPS' proposed alternative also results in significant effects to recreation from doubling the amount of construction noise and disturbance during removal of the Hilfiker wall, as well as a loss in pedestrian access to upper Newhalem Creek; please refer to the discussion and attachments in comment NPS-14c. Furthermore, the powerhouse site is not a private place for the Tribes, as it is located at the intersection of the Trail of the Cedars, which is the busiest trail in the RLNRA with over 18,000 visitors annually, and the Linking Trail that connects the Trail of the Cedars to campgrounds and other recreational facilities. If this area is to be restricted from the public to allow for Tribal privacy, it would be a significant impact to recreation and inconsistent with the recreational goals the area is designated for in the RLNRA GMP. Removal of the powerhouse would also impact recreation because the building is currently an interpreted resource, within a popular recreational corridor, that contributes to a primary "Interpretive Theme" important to the park's significance (see response to comment NPS-19 below). Regarding environmental justice objectives, FERC's environmental justice analysis was conducted following relevant Executive Orders and related directives. There are many potential alternatives that would meet FERC and other federal environmental justice objectives. City Light views the preferred alternative as best balancing a multitude of objectives and interests. City Light is fully committed to consultation with and input from Tribes with environmental justice interests in the Project vicinity.

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NPS-19 Page 6	Removing the additional facilities will ensure the land is restored consistent with NPS policies and 18 C.F.R. 6.2. With surrender of the FERC license, these facilities no longer serve a purpose and should be removed to not impair NPS land, water, and resources.	The Newhalem Creek Powerhouse currently serves a purpose that includes recreation, education, and interpretation, and would continue to serve these purposes under the Partial Removal Alternative. The Newhalem Creek Powerhouse occurs along the Trail of the Cedars and has four interpretive signs in front of all three windows, with specialized interior lighting that illuminates the double Pelton wheel generating units, allowing visitors to view the equipment at all times of the day. The preferred alternative would improve and expand upon the existing interpretation at this facility, including updating the signage, allowing guided tours inside the facility, and updating the viewing platform with interpretive signage at the penstock behind the powerhouse. City Light disagrees that leaving the currently interpreted, historic facility intact would constitute impairment, and counters that its removal could constitute impairment. Impairment is an impact that harms the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values. An impact could constitute impairment if it affects a resource or value whose conservation is: 1) necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, or 2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, among others[2]. According to the NOCA Foundation Document (2012): **The purpose of the RLNRA is to complement North Cascades National Park and conserve the scenic, natural, and cultural values of the Upper Skagit River Valley and surrounding wilderness, <u>including the hydroelectric reservoirs and associated developments</u>, for outdoor recreation and education** [emphasis added]. Because "legislation guides the purpose of the park unit," to develop the above RLNRA purpose statement, the Foundation Document provides that the NPS analyzed both the 1968 enabling legislation and the 1988 Washington Park Wilderness Act, the latter in which Congress reaffirmed the importance of hydropower, specifically citing the Newhalem Creek Hydroelectric Project. As hydropower is a defining feature in the above purpose statement, the NPS determined in the Foundation Document that preserving the hydropower landscape is critical to maintaining the significance of the RLNRA and achieving the RLNRA's purpose. Thus, "Hydropower Landscapes" was designated as one of the eleven "Fundamental Resources and Values" of the RLNRA. Additionally, Culture and History was established as a Fundamental Resource and Value, specifically including those historic resources that chronicle early utilization and exploration of the landscape by homesteaders, miners, trappers, tourism, and industry[3]. In addition to being a Fundamental Resource and Value, the Foundation Document and GMP have also designated "Hydropower Landscapes" as one of its "primary" "Interpretive Themes." "Interpretive Themes" are guided by park significance statements, which originate from legislation and purpose. Interpretive themes connect park unit resources to relevant ideas, meanings, concepts, contexts, beliefs, and values. They support the desired interpretive outcome of increasing visitor understanding and appreciation of the significances of the park's resources. According to the GMP and the Foundation Document, the basis for the "Hydropower Landscapes" interpretive theme in the RLNRA is as follows: *[Page 18] The story of creating one of the last great wilderness parks in the lower 48 states and the ongoing struggle about how to provide for wilderness preservation, a national park experience, and Seattle City Light's needs for hydropower development began with the creation of North Cascades National Park Complex and continued through the landmark Federal Energy Regulatory Commission (FERC) negotiation and settlement. The story continues today as the needs for electricity, heritage preservation, and recreation evolve."* As the first hydroelectric project in what is now the RLNRA, and thus the beginning of the story leading to the sweeping hydroelectric landscapes that characterize the RLNRA today, retention of the powerhouse is integral to communicating this primary interpretive theme. Removal of the Newhalem Creek Powerhouse would also remove a primary Interpretive Theme that the public expressed strong support for (see comment response to AW-13 below), and could constitute impairment to two of the eleven RLNRA Fundamental Resources and Values. City Light requests that in accordance with Management Policies 2006, section 1.4.7, the NPS consider the impacts of its proposal and prepare a determination that the activity will not lead to an impairment of park resources and values. If found that removing the powerhouse and penstock does not constitute impairment, impacts are likely "unacceptable" as defined by section 1.4.7.1,

[2] NPS Non-impairment Determinations supplemental guidance to the NEPA Handbook, per Director's Order No. 12.
[3] (RLNRA GMP 2012 and NOCA Foundation Document 2012)

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		because impacts are avoidable and inconsistent with the RLNRA's values, and diminish opportunities for current or future generations to enjoy, learn about, or be inspired by these resources or values.
NPS-20 Page 6	Many of the elements NPS requests to be removed were not specifically addressed in SCL's decommissioning report or FERC's EA. The EA describes the Full Removal Alternative as removing all above-ground features but does not include some above-ground features in the description. We are providing a detailed list of the above and below-ground elements to be removed to ensure clarity on the Full Restoration Alternative.	NEPA is meant to be conducted early in the planning process to address concerns before design proceeds to later stages, so EAs inherently do not include this level of detail. City Light's 90% drawings will cover all of the elements desired by the NPS, except for removing the Hilfiker wall and the concrete wall (see response to comment NPS-14c).
NPS-21 Page 6-7	The NPS also requests that impacts associated with the removal of the penstock and any supporting structures in the tunnel need to be evaluated to determine if the short-term negative impacts of a removal action outweigh the long-term beneficial impacts of removal.	Noted.
NPS-21a Page 7	As part of this evaluation, we request that the compounds used to treat the wood cradles, walkway planks, and the extent of any soil contamination in the tunnel should be determined. (Enclosure 3, Figure 7).	The potential for soil contamination was evaluated in the Environmental Evaluation Report (EER) provided to the NPS on June 30, 2023. The EER concluded that no potential environmental concerns are present. City Light received no comments from the NPS on the document. A copy of the EER was filed with FERC on May 13, 2024.
NPS-22 Page 7	The NPS does not support the disposal of concrete or the use of slurry for transporting debris into the vertical portion of the power tunnel and requests that all concrete be removed from NPS land and disposed of offsite. Disposing of concrete in the tunnel would effectively turn the power tunnel into a dump site. Use of slurry to transport material would have potential water quality impacts. If the tunnel must be filled, we recommend using native material from the landslide adjacent to the headworks access road.	Slurry was not proposed for disposal onsite. City Light offered to place 50 cubic yards of concrete rubble into the tunnel to minimize impacts to recreation from noise and disruption from numerous truck trips as there would be no impacts to water quality from the concrete rubble sealed inside the tunnel. Notwithstanding, City Light does not oppose disposing the material offsite.
NPS-23 Page 8-9	**Modifications and Additions to the Proposed Management and Monitoring Plans** Since the management plans were not included in the EA, the NPS requests as a condition of the Surrender Order that the NPS be given the authority to approve all monitoring plans, management plans, and restoration actions before implementation. NPS approval will be necessary to ensure that lands are restored to a condition satisfactory to the NPS—the federal land management agency.	The process to develop and finalize decommissioning management plans will proceed as specific details of various decommissioning elements are confirmed. City Light has engaged and will continue to collaborate with NPS on the development of all management plans and decommissioning activities; however, City Light disagrees that NPS shall approve all plans and restoration actions before implementation. The NPS will have opportunity to raise concerns with FERC when FERC approves the plans.
NPS-25 Page 9	**Invasive Plant Management Plan** We support the objectives outlined for this plan in the EA, recommend using the Lower Klamath Management Plan as a template, and request additional objectives to: 1. Delineate and map a Vegetation Management Area (VMA) to document where the plan will be implemented. This area should include 1) a minimum 50-meter buffer that extends beyond the FERC project boundary, 2) all existing and potential new roads, trails and access points that are required to access the FERC project where equipment and personnel could reasonably come into contact with and transport invasive propagules (this would exclude all currently paved roads), and 3) areas used to stage equipment and materials.	City Light respectfully disagrees that the Lower Klamath River Management Plan (i.e., the "Reservoir Management Plan") is an appropriate template for this small, run-of-the-river project. The Lower Klamath River decommissioning is orders of magnitude larger than this project and far more complex in terms of land use and habitat. The Lower Klamath River dam removals will result in large areas below the ordinary high water marks of the reservoirs devoid of vegetation. In addition, there are extensive areas adjacent to the upland, wetland, and riparian habitat restoration areas dominated by invasive plants with annual and biennial life cycles that produce prodigious amounts of seeds, which present a significant challenge to establishment of desirable native riparian, wetland, and upland vegetation during the plant establishment period. In summary, the invasive plant populations at the Lower Klamath River Project are extensive and propagule pressure is very high. Proposed restoration areas at the Newhalem Creek Hydroelectric Project are relatively small and adjacent areas are surrounded by native plant communities with relatively sparse invasive plant populations and thus low invasive plant propagule pressure. As a result, there is a much lower threat to establishment of native plant communities from invasive plants in the North Cascades National Park Complex compared to the Lower Klamath River Project, and seed rain from intact native forest types will result in the natural regeneration and regrowth of desirable native vegetation.

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	2. Include consultation with interested tribes on the protection of plants with cultural values and the extent of the VMA in this plan and the Restoration Plan. 3. Include measures for prevention, early detection and rapid response, control, and monitoring of non-native and invasive plant species identified by the NPS and those on the current noxious weed list for Whatcom County in the VMA. 4. Complete a survey prior to the initiation of decommissioning activities to document the distribution and abundance of the invasive plants within the VMA to establish a baseline of existing conditions. 5. Implement and ensure compliance with Best Management Practices (BMPs) to prevent the introduction and spread of invasive plants during all phases of construction and restoration activities as described in the EA. This may include treatments prior to disturbing the road bed as part of decommissioning and would be done in consultation with the NPS. 6. Implement and ensure compliance with BMPs to minimize impacts to non-target plants (with an emphasis placed on tribally important plants) in the VMA and prevent impacts to non-target organisms in riparian and aquatic habitat. 7. Suppress invasive plants in the VMA to prevent their spread until the successful completion of the Restoration Plan. 8. Establish performance criteria based on the relative frequency of non-native plants measured as the percentage of all nonnative plants present relative to native species[5] to evaluate the implementation of the Invasive Plant Management Plan. 9. Conduct repeatable surveys with documented levels of effort of the VMA on an annual basis to determine the distribution, abundance, and frequency of invasive plants. 10. Successfully conclude implementation of the plan when the Restoration Plan objectives are met and the relative frequency of native vegetation represents a minimum of 98% plant cover in the VMA.	That said, City Light anticipates that the Newhalem Creek Hydroelectric Project's Invasive Plants Management Plan will bear numerous resemblances to the Lower Klamath River's Reservoir Management Plan, and other restoration plans, developed and implemented under FERC's decommissioning jurisdiction, but it will be developed collaboratively with the NPS based on the site's specific conditions and needs. Similarities to the Lower Klamath River will likely include identification of target plants, removal methods, performance standards, and monitoring.
NPS-26 Page 10	**<u>Restoration Plan</u>** The NPS agrees with FERC's determination on the scope and components of this plan. We also recommend using the Lower Klamath Management Plan[5] as a template for the plan and request additional objectives to: 1. Consult intervening tribes on the species of plants that are reseeded and planted and other aspects of the plan. 2. Focus on restoration efforts that promote the natural recruitment and establishment of native plants.	City Light has prepared and successfully implemented habitat restoration plans in collaboration with the NPS and Tribes at the Skagit River Hydroelectric Project at several project sites located adjacent to the Newhalem Creek Hydroelectric Project. As noted above, the Lower Klamath River Reservoir Management Plan is not an appropriate template for this much smaller and less complex restoration project. Rather, City Light will develop the Newhalem Creek Hydroelectric Project's Restoration Plan collaboratively with the NPS based on the site's conditions and needs. The Restoration Plan will include appropriate and measurable quantitative performance standards, annual monitoring using accepted standard methods, and incorporation of culturally significant plants. An adaptive management approach will be used that identifies specific actions to be taken if monitoring demonstrates restoration is not meeting interim performance standards or does not appear to be on a trajectory to meet final performance standards. However, it is unreasonable to expect that restoration areas will attain the structure and diversity of reference forest types in such a short period of time. The best

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	3. Plant shrubs and trees in sensitive areas or in locations where natural recruitment may take longer than 10 years. 4. Establish performance criteria for tree and shrub density based on a percentage of densities observed in representative target plant communities found in the VMA. 5. Establish performance criteria for vegetation cover that includes herbaceous and woody species and is calculated as the inverse of bare ground encountered along line-intercepts. 6. Successfully conclude implementation of the plan when: a. Shrub and tree density criteria represent 70% of upland and 85% of riparian plant densities in representative reference communities. b. Vegetation cover criteria for disturbed ground is 95% (excluding roads, parking areas, trails, and potential campsites).	scenario is to demonstrate that the restoration areas are on a trajectory to continue to develop into native forest types similar to those in adjacent areas and effectively managing invasive plants is a key part of that process.
NPS-27 Page 10	**Sediment and Erosion Control Plan** The NPS supports the decision to forgo the construction of a grade control structure in Newhalem Creek if adequate monitoring and adaptive management strategies are incorporated into this plan.	Noted. Regarding the title of this section, and references throughout, City Light has standard contractual documents and state and local permits with documents that are titled similarly to "Sediment and Erosion Control Plan" that are geared toward controlling construction stormwater runoff. To avoid confusion, City Light respectfully requests that FERC and others reference "Sediment and Erosion Control Plan" or similar only in relation to managing construction stormwater runoff and not fluvial geomorphological processes outside of the contractor's control. City Light plans to combine most of the sediment transport and fish barrier monitoring proposed by the NPS in this comment, as well as most of the water quality monitoring proposed later in the NPS' letter, as the "Geomorphology and Fish Habitat Monitoring Plan."
NPS-28 Page 10	Monitoring needs to be conducted to confirm the assumptions of the lower bounding estimate of stream bed erosion described in Dube 2023 and on pages 12-14 of the EA are met and to determine if road decommissioning actions are adequately mitigating the impacts of the slope failure associated with the headworks access road.	The concerns raised by the NPS regarding streambed erosion upstream of the dam site prompted development of the Geomorphology Report (Dube 2023), which was primarily focused on downstream effects of any resulting sediment deposits on fish habitat. City Light believes that the focus should remain on downstream effects to fish habitat resulting from dam removal rather than confirming whether the upper/lower bounding assumptions are correct. That said, City Light subsequently met with the NPS regarding this comment and understands that downstream fish habitat is also the NPS' focus. Based on this understanding, City Light agrees to replace its fish barrier monitoring plan proposed in its May 13, 2024 FERC filing with the NPS' monitoring actions #1-#5 in comment NPS-31 below, and to incorporate the actions into the Geomorphology and Fish Habitat Monitoring Plan. Regarding the second part of this comment, however, City Light's proposed decommissioning will not address the slope failure (i.e., landslide) other than possibly adding drainage because City Light is not responsible for the naturally occurring landslide. Roadway storage activities will consist of removing existing culverts, restoring natural drainages, allowing for natural regeneration and/or replanting, and controlling invasive species above the Skagit Emergency Action Plan (EAP) muster site. City Light plans to collaboratively work with the NPS if there is interest in other road storage elements. See response to comment NPS-43 below.
NPS-29 Page 10	The NPS finds that three years of monitoring to assess the impacts of erosion in Newhalem Creek after dam removal will be insufficient. The geomorphic response of dam removal on stream bed and bank erosion will happen during high flow events that have decadal recurrence intervals. This is supported by the findings from the geomorphology report developed for this project and cited in the EA (page 12) which describes a re-adjustment that happens slowly over a long time frame. This report (Dube 2022) states, "*Because of the coarse nature of the streambed (cobble/boulder/gravel), the re-adjustment to the new base level would likely take place relatively slowly, over decadal or longer time scale following the initial channel adjustment close to the*	City Light agrees to monitor the elements associated with the Geomorphology and Fish Habitat Monitoring Plan (#1-#5 in comment NPS-31) for this timeframe, up to a period of no longer than 10 years. If a 5-year event or greater occurs and an adverse effect to anadromous fish barriers or holding-pool habitat has not been detected, then monitoring would cease.

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	diversion structure." Therefore, we request, that monitoring continue until at least two flood events over 1,500 cfs (2-year flood, Dube 2022) and one flood event over 3,200 cfs (5-year flood, Dube 2022) have occurred in Newhalem Creek over three separate years.	
NPS-30 Page 10	We agree with Commission staff that monitoring should include an assessment of "*barriers to fish passage that may develop due to sediment movement that have the potential to impede the passage of salmon, steelhead, bull trout or Dolly Varden into or within the lower 0.65-mile section of Newhalem Creek*." In addition to this, we also request that monitoring be conducted prior to deconstruction activities and after the high flow events previously described.	City Light previously agreed to conduct fish barrier monitoring, and proposed a plan, in its comments filed on May 13, 2024. Regardless, based on a meeting on August 26, 2024 that clarified the NPS' objectives, City Light agrees to replace its plan with the elements NPS proposes in #1-#5 within comment NPS-31. These elements will be incorporated into the Geomorphology and Fish Habitat Monitoring Plan. City Light will work collaboratively with the NPS to develop the plan.
NPS-31 Page 11	We also request [Sediment and Erosion Control Plan] monitoring activities include: 1. Cross sectional measurements of wetted widths and depths (including thalweg depth) at no less than five equally spaced transects on the alluvial fan of Newhalem Creek where it enters the Skagit River; 2. Measurements of the maximum longitudinal distance the Newhalem Creek alluvial fan extends into the Skagit River; 3. Photographs depicting the habitat features of the alluvial fan; 4. Annual measurements of residual pool depths for all channel spanning pools within the lower 0.65-mile section of Newhalem Creek; 5. Annual measurements of sediment particle sizes and embeddedness using Wolman pebble counts (n = 250/site) conducted in riffle habitat at two locations: 1) below the Newhalem Creek bridge and 2) between the Newhalem Creek Bridge and the falls; and 6. An assessment stream bed and bank erosion at two locations: 1) above the falls and 2) at the site where the slope failure intersects with the stream below the falls.	City Light met with the NPS on August 26, 2024 to clarify NPS' objectives related to elements #1-#5. City Light understands that the NPS' objectives are to monitor the development of fish passage barriers or deposition that adversely affects or alters the function of holding-pool fish habitat. City Light agrees to monitor for these objectives and will incorporate elements #1-#5 into the Geomorphology and Fish Habitat Monitoring Plan. City Light will work collaboratively with the NPS to finalize the plan. Regarding element #6, City Light is not responsible for the naturally occurring landslide but is open to monitoring below the falls during the time period associated with the Geomorphology and Fish Habitat Monitoring Plan to assist the NPS in evaluating site conditions. During the meeting with the NPS on August 26, 2024, City Light and the NPS agreed that in-person monitoring above the falls is unnecessary and dangerous due to the lack of access; thus, City Light plans to conduct qualitative remote camera monitoring or something similar.
NPS-32 Page 11	If [Sediment and Erosion Control Plan] monitoring indicates that erosion of the streambed and/or banks (including the toe of hill slope failure associated with dam access road) are causing impacts to fish movement in and out of Newhalem Creek, decreasing residual pool depths, increasing fine sediment and embeddedness, and/or increasing turbidity (see Water Quality Plan) we request the plan include an adaptive management strategy that provides the opportunity for intervenors to evaluate stream conditions and work with the licensee to implement measures to mitigate the impacts or to extend monitoring actions to determine if the impacts will naturally resolve.	As part of the Geomorphology and Fish Habitat Monitoring Plan, City Light agrees to develop recommendations for actions to be taken to protect aquatic resources based on monitoring results and to consult with the NPS and applicable agencies on recommendations.
NPS-33 Page 11	**<u>Road Decommissioning Plan</u>** The Dam Access Road work will require truckloads of material to be transported down the NPS road and over the bridge crossing the Skagit River. The NPS supports FERC's determination on page 5 of the EA, "*Identify any roadway repairs, safety measures, or road closures needed during the decommissioning, including closure of the one-lane bridge that provides access to the project from State Route 20*."	Protection and control of pedestrian, bicycle, and vehicle traffic during construction operations will be maintained in accordance with the City of Seattle's 2023 Standard Specifications, Section 1-10.2; the specific elements of the plan are detailed in Section 1-10.2(5): https://www.seattle.gov/documents/departments/spu/engineering/specifications-plans/2023-standard-specifications.pdf. This plan will be developed by the contractor after award, as the plan must be specific to the means and methods of construction. City Light can provide a copy of the Contractor's Traffic Control Plan to the NPS once it has been reviewed by City Light. Specific measures needed by the NPS, additional to the Standard Specifications, may be included in the traffic control plan if conveyed to City Light in advance of

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		contractor procurement. As the drawings are developed, City Light will try to anticipate any roadway repairs, road closures, or safety measures that the contractor may need and alert the NPS.
NPS-34 Page 11	In addition to this, the NPS requests the Road Decommissioning Plan identify any roadway repairs, safety measures, or road closures needed for the decommissioning process to prevent and mitigate damage along roads and bridges that may occur because of dam removal and road decommissioning activities.	See response to comment NPS-33 above.
NPS-35 Page 11	The NPS requests that all culverts are removed, natural drainage restored, and road ditches are filled.	City Light will work with the NPS to develop a road storage plan that addresses future access needs.
NPS-36 Page 11	The road surface should be scarified first with the excavated material placed on the cut slope as appropriate to maintain or improve stability of the site and long-term drainage.	Noted. See response to comment NPS-37 below.
NPS-37 Page 11	When decommissioning the road, the NPS recommends that microtopography features are created to help facilitate native plant regeneration on the scarified roadbed.	City Light will work with the NPS to develop a road storage plan that addresses future access needs.
NPS-38 Page 11	We also request organic material be added to a depth of four inches on top of mineral soil surfaces to facilitate natural regeneration.	City Light will work with the NPS to develop a road storage plan that addresses future access needs.
NPS-39 Page 11	The [Road Decommissioning] plan should also include restoration actions for the stream crossing that incorporates temporary erosion control and plantings.	City Light will work with the NPS to develop a road storage plan that addresses future access needs.
NPS-40 Page 11	We request water bar spacing be done in consultation with the NPS and follow the guidelines outlined in the Washington Department of Natural Resources (WADNR) BMPs (WADNR 2006), within WAC 222-24-052(3). Water bar density should be increased on either side of the landslide and anywhere on the roadbed that currently exhibits tension cracks.	Noted.
NPS-41 Page 11-12	In relation to the stream crossing that is to be day-lighted on the road the following points will apply as per WAC 222-24-052(3): ▪ A completed Forest Practices Application (FPA/N) from WADNR may be required. A Hydrologic Project Approval (HPA) from Washington Department of Fish and Wildlife (WDFW) may be required.	City Light will obtain all necessary permits needed to complete agreed upon habitat restoration.
NPS-41a Page 12	▪ Re-establish the natural streambed as close to the original location as possible and so it matches the up and downstream width and gradient characteristics.	City Light will work with the NPS to develop a road storage plan that addresses future access needs.
NPS-41b Page 12	▪ Place all excavated material in stable locations.	Excavated material from the removal of the culverts will either be off-hauled or placed elsewhere on site in a stable location.
NPS-41c Page 12	▪ Leave stream channels and side slopes at a stable angle.	Re-establishment of streambed will be designed at stable angles. Excavated channel side slopes shall not exceed a grade of 2 H: 1 V.
NPS-42 Page 12	Matching the grade from inlet to outlet of the stream should be done to mitigate head cutting or placement of energy dissipaters. Placement of slash in a flume-based design as per the 2023 report prepared for the Washington State Department of Transportation (WSDOT) is not appropriate since it has only been tested on slopes of less than or equal to 4% (Fourty et al, 2023) and these conditions are likely not achievable at this site. If grade cannot be matched, SCL should consult	Stream channel design will aim to minimize slope across the roadway as is feasible based upon the surrounding topography and minimize the use of energy dissipaters. Should energy dissipation be required, dissipation alternatives shall be presented to the NPS.

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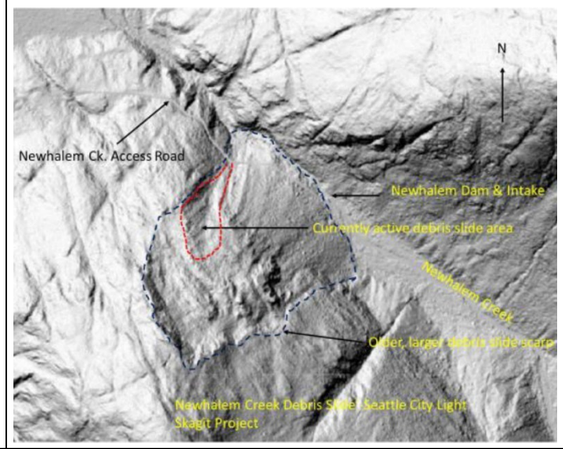
	with the NPS on appropriate energy dissipaters.	
NPS-43 Page 12	NPS also requests that the impacts of the landslide/hill slope failure caused by the road should be mitigated by removal of the concrete retaining wall, all or part of the Hilfinker wall (working in cooperation with the NPS and tribal parties to determine the best approach), restoring natural drainage to these slopes, and contouring the slope to match existing natural topography.	City Light is not responsible for the naturally occurring slope failure and did not construct the road. The slope failure is a smaller, more active area of a much larger, less active landslide geomorphic feature. The accumulation zone of the larger landslide is characterized as a debris slide fan that entered the Newhalem Creek drainage, which blocked the pre-slide drainage and diverted the flow to the northeast side of the drainage where Newhalem Creek currently flows. Newhalem Creek Road is located within the distal, debris fan toe area (accumulation zone) of this older landslide debris (Golder 2021; see figure to the left).  As provided in City Light's response to comment #NPS–14C, City Light did not construct the road or the concrete retaining wall. Multiple parties were regularly using the road through the landslide and benefited from City Light's installation of the Hilfiker wall, including the NPS, who authorized construction of the wall in accordance with the drawings. Removal of the concrete retaining wall can likely be done safely, but City Light did not construct it, and its removal would eliminate access to upper Newhalem Creek to address the failing logging roads, so City Light respectfully declines conducting this action.
NPS-44 Page 12	Landslide debris that must be cleared from the road to access the site can be temporarily stored on-site. The material then can be used to fill drainage ditches and contour the slope of the scarified roadbed and parking lot when appropriate.	Based on discussion at the meeting with the NPS on April 30, 2024, debris material can be stored temporarily or permanently at the parking lot area near the dam headworks. Thus, City Light understands this comment to mean that initially the parking lot can be used to store the material, then some of this material can be used to fill drainage ditches, and the remainder can be left in the parking lot. City Light intends to restore this parking lot (commensurate with the NPS' future access needs), but City Light notes that this large gravel parking lot was primarily used as the NPS' Newhalem Creek Trailhead, not for City Light operations.
NPS-45 Page 12	Leaving the Hilfinker wall in place represents an unacceptable risk of a catastrophic failure when these structures become overloaded by landslide debris as the rebar lattice deteriorates. This potential for a large release of material into Newhalem Creek due to these constructed conditions could have major adverse impacts to the aquatic life and culturally significant values of Newhalem Creek. The NPS finds this risk and potential burden of having to mitigate the impacts of a failure unacceptable. Removing the Hilfinker wall and re-establishing natural drainage and contour of the slope is a reasonable mitigation and will result in the best outcome for the natural and cultural resources in lower Newhalem Creek.	Please refer to Attachment 1 referenced in NPS-14c for a summary of the danger and environmental impacts of removing the Hilfiker wall, and the unlikelihood of a catastrophic failure with the wall left in place.
NPS-46 Page 12	**Additional Recommended Plans and Best Management Practices** **<u>Water Quality Monitoring and Management Plan</u>** The NPS also recommends that SCL develop a Water Quality Monitoring and Management Plan. The purpose of the plan is to describe the methodology and procedures SCL will implement to evaluate water quality conditions associated with decommissioning. This information will be needed to assess project-related effects and to inform adaptive management actions to protect aquatic resources including ESA listed Bull Trout, Steelhead, and Chinook. The [Water Quality Monitoring and Management] plan should include	A water quality monitoring plan will be developed for implementation during construction pursuant to Section 401 Water Quality Certification requirements and will be submitted with the permit application to Ecology. Regarding longer term water quality monitoring, City Light and the NPS decided during a meeting on August 26, 2024, that pH monitoring was unnecessary since concrete would not be disposed of into the power tunnel (although City Light disagrees that water quality would have been an issue, see response to comment NPS-22). City Light agrees to monitor temperature and turbidity at one location downstream and will work collaboratively with the NPS to develop this action further in the Geomorphology and Fish Habitat Monitoring Plan. City Light also agrees to conduct monitoring until two 2-year and one 5-year flood events have occurred, up to a period of no longer than 10 years. If a 5-year event or greater occurs and an adverse effect to anadromous fish barriers or holding-pool habitat has not been detected, then monitoring would cease.

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	continuous hourly measurements of water temperature, pH, and turbidity measured on a year-round basis until a minimum of two 1,500 cfs and one 3,200 cfs magnitude flows have occurred over three separate years. Adding these parameters to USGS gaging station 12178150 would likely be a cost-effective means of fulfilling these requirements.	City Light is unsure of the exact method or frequency of temperature and turbidity monitoring but understands the NPS' objectives and will work with the NPS to find a mutually agreeable option as the Geomorphology and Fish Habitat Monitoring Plan is collaboratively developed.
NPS-48 Page 12-13	**Soundscape Protection Best Management Practices** As part of the decommissioning plan, to protect soundscapes, SCL should conduct on-site noise monitoring and make real-time adjustments to operations, if necessary, in consultation with the NPS on a weekly basis. The recommended noise abatement measures include: ▪ Limit construction noise to 8 AM to 5 PM to reduce effects to visitors in the Newhalem Campground; ▪ Use of the best available noise-control techniques wherever feasible; ▪ Eliminate equipment idling unless necessary for safety or mechanical reasons; ▪ Use hydraulically or electrically powered impact tools when feasible; ▪ Locate temporary noise sources as far from sensitive uses as possible; ▪ Install mufflers and sound attenuation devices on equipment and employ special purpose pads; liners, and enclosures to reduce noise.	City Light agrees to the NPS' proposed abatement measures, so long as "when feasible" is added to the last bullet. City Light respectfully declines conducting noise monitoring, however, since conventional equipment will be used that have readily available noise level information to understand effects; with implementation of these BMPs, noise would be appropriately mitigated to the extent practicable.
NPS-50 Page 13	**Partial Removal Alternative** The Partial Removal Alternative is not acceptable to NPS. Once the Surrender Order becomes effective, SCL and SCL owned facilities will no longer be authorized to remain on NPS land, and under 18 C.F.R. § 6.2 SCL is required to restore the lands to a condition satisfactory to NPS. However, to fully respond to the concerns raised in FERC's EA NPS submits the following comments.	See City Light's response to comments NPS-5a, NPS-16, and NPS-19.
NPS-51 Page 13	**Decommissioning Plan** The NPS requests that SCL and FERC develop additional measures as part of the Decommissioning Plan to address the penstock's long-term maintenance, stability, and vegetation management. (See the environmental effects analysis section for more information).	See response to comment NPS-56.
NPS-52 Page 13	**Fire Protection Plan** If the powerhouse and penstock are left in place SCL will need to develop a Fire Protection Plan to address structural and wildfire risk and any associated protection measures for the remaining facilities. The plan should be developed in consultation with interested parties and approved by the NPS.	City Light intends to have further conversation with the NPS about this topic if the preferred alternative is selected.

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NPS-53 Page 13	**<u>Hazard Tree Protection and Reforestation Plan</u>** If the powerhouse and penstock are left in place SCL will need to develop a plan to manage hazard trees, preserve culturally modified tress, and plant trees to maintain the complex stand structure that is characteristic of late successional forests. The plan should include a 1:1 replacement of cut trees.	Noted; however, City Light would only manage trees that were an immediate threat to the facility, which is quite different than City Light's management of hazard trees for operational purposes. City Light will work with the NPS and other Section 106 consulting parties to determine which, when, or if any trees should be managed. See response to comment NPS-56.
NPS-54 Page 13	**<u>Issues Not Considered</u>** The NPS recommends that the EA analyze and include mitigation measures to address the following issues for the Partial Removal Alternative: ▪ Fire protection of powerhouse and other remaining facilities,	Noted, see response to comment #NPS-52.
NPS-54a Page 13	▪ Hazard tree management around powerhouse and penstock, and	Noted, see response to comment #NPS-53.
NPS-54b Page 13	▪ Slope stability and long-term maintenance of penstock that may require clearing for ground access.	The slope is well vegetated and does not exhibit signs of erosion or other slope instability; thus, slope instability in the future is not anticipated. See response to comments NPS-56 through NPS-62.
NPS-55 Page 14	**<u>Insufficient and Inaccurate Information and Analysis</u>** <u>Diversion Dam Access Road</u> On page 17 the EA states: "*City Light (2022g) states that the failing road conditions are caused by slope instability in an active landslide area and by original road construction methods*." This conclusion by SCL omits several critical factors that are relevant in determining their responsibility for the current conditions of the slope instability at this location. These factors include that SCL: ▪ Used this road to reconstruct the existing concrete headworks in 1969 and then continued to use the road and maintain the road to maintain and operate the existing facilities. Including repairs to the headworks following a flood in 1980; ▪ Did not maintain appropriate slope drainage above the Hilfinker wall or install erosion control measures throughout their use of the road; ▪ Removed material from the toe of the slope failure (adjacent to the road) which likely increased the rate of slope unravel; ▪ Constructed the Hilfinker wall as documented by SCL in 1985 (Enclosure 4).	The current conditions of the road are not the result of City Light's actions nor are they City Light's responsibility, as NPS owns the road, used the road, and managed the road (see responses to comments NPS-43 and NPS-14c, respectively). The current debris slide area observable from the road is a smaller part of a larger, active landslide geomorphic feature. The Hilfiker wall was constructed in 1985 to repair the roadway after another debris slide event damaged the existing roadway. Slope drainage was included as part of the Hilfiker wall construction and there were no recorded drainage or erosion issues prior to the debris slide. The source material for the landslide debris appears to be remobilized glacial drift deposits and the current active slide is likely due to differential erosion of landslide debris matrix sediments and the undermining of boulders and clasts within the deposit. This inherent erosion along the slopes above the Hilfiker wall may have been accelerated by increased runoff due to the 2015 Goodell Creek wildfire.
NPS-56 Page 14	<u>Penstock long-term stability</u> The Partial Removal Alternative of the EA and Decommissioning Plan is deficient in addressing the penstock's long-term maintenance, stability, and the impacts of vegetation management. Factors that were not assessed include: 1) the effects of precipitation and soil erodibility on penstock stability, 2) existing condition of above ground penstock cradles and supporting structures, 3) corrosion of concrete penstock cradles, and 4) impacts to terrestrial habitat related to hazard tree management. When combined, these factors indicate that the long-term stability of the penstock will require significant levels of	As the FERC EA describes in Section 3.2: under the proposed alternative, "[r]outine vegetation maintenance along the penstock would cease, which would result in the restoration of the adjacent corridor to forested habitat. Vegetation would be removed only in the immediate footprint and only as necessary to repair or paint the penstock. Painting of the penstock would occur approximately every 10 to 20 years." The penstock is well vegetated currently, and erosion is not occurring, so it is unlikely that erosion would occur in the future when vegetation maintenance will cease and forested conditions are present, affording the hillslope even further protection. Most of the saddles that would be exposed to the elements were recently replaced according to a robust design with lasting materials (see response to comment NPS-56ab below). As provided in response to comment NPS-53, City Light would only manage trees that were an immediate threat to the facility and would work with the Section 106 consulting parties to determine which situations would require tree management, if any. City Light has trained staff who manage trees year-round using recognized BMPs for personnel safety. As provided in response to comment NPS-57, City Light has not limited penstock painting to every 10-20 years. City Light would not repaint according

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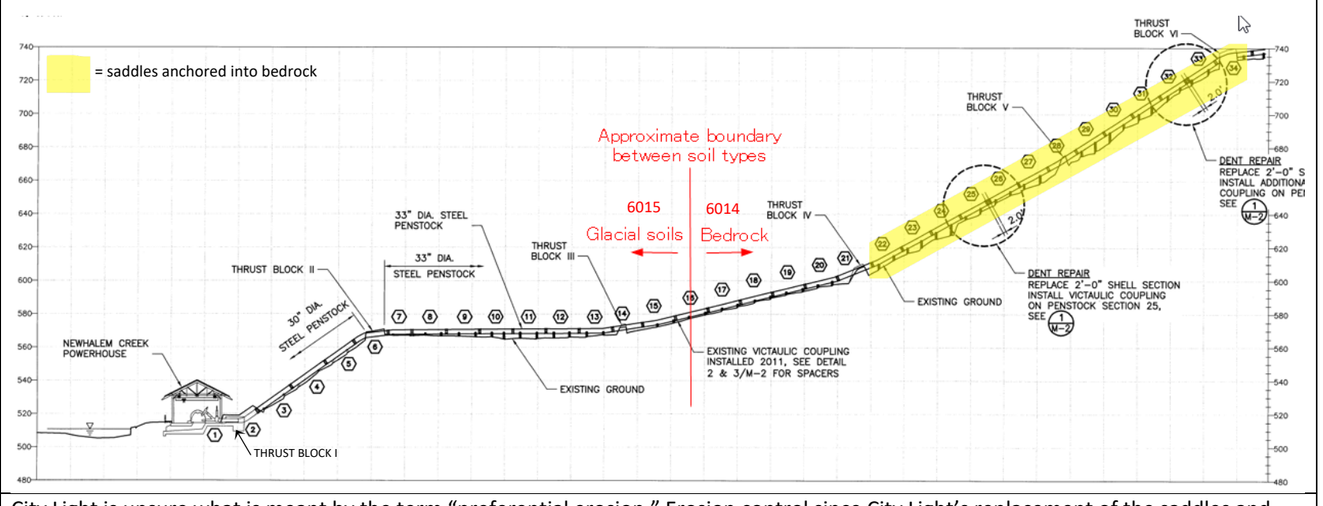
	maintenance to ensure the integrity of the structures, negatively impact forest structure and wildlife habitat, and place personnel at unnecessary risk when managing hazard trees.	to a prescribed timeframe but would utilize onsite painting staff to assess the need based on the penstock's condition to preserve the integrity of the structure. City Light believes the above is a credible plan for future maintenance of the penstock based on knowledge of the penstock's history and current conditions. Impacts from erosion would be negligible and effects to the forest structure and wildlife habitat would only be to the 3-foot-wide footprint of the penstock for its approximate 700-foot length outside of the adit.
NPS-56ab Page 14	The penstock and its associated saddles are placed on steep slopes in two sections of their length below the tunnel. The upper section of the penstock is constructed over more stable soils and bedrock (Map Unit Symbol 7003, Figures 1 and 2) however, the lower section above the Powerhouse is composed of loose glacial deposits (Map Unit Symbol 6015, Figures 1 and 2) which is the area of greatest concern due to its high erodibility.	City Light notes that there are inconsistencies between the conclusions in this comment and NPS-58a below and clarifies that the penstock and saddles only occur in soil units #6015 (at the lower end of the penstock) and #6014 (at the upper end of the penstock). In this comment, the NPS states that the upper end of the penstock lies on stable soils, whereas #NPS-58a states that the upper end of the penstock is in soils with high erosion potential. In fact, soil unit # 6015 is primarily Tricouni (50%) and Ragged (25%) soils, which have erodibility factors (Kf) of 0.28 and 0.20 respectively. Tricouni is moderately susceptible to erosion and Ragged is low susceptibility. Thus, a moderate-to-low susceptibility is a more accurate starting place before considering the positive factors like the healthy vegetation cover and gentle slope. Soil unit #6014 is similar, composed of 40% Thorton with a moderate erosion susceptibility (Kf = 0.32) and 25% Ragged with low susceptibility as described above. The saddles constructed on steep slopes in soils with higher erosive potential, which is still only low-to moderate erosion, are anchored into bedrock. The penstock saddles were constructed in 2016 with rebar reinforced concrete. Each saddle was either built on top of bedrock and secured to the bedrock with rock anchors, or on top of a 6'-6" x 4' x 10" concrete foundation with a minimum depth of 1'-6". City Light is confused that there is concern over the lower half of the penstock. Although this location is indeed composed of glacial deposits, most of the lower penstock is situated on level ground, with only a small segment, less than 80 feet, on sloping ground (see figure below), with substantial concrete thrust blocks (mounted on level ground) stabilizing it on each end. Dead, hydraulic, seismic, snow and wind loads were considered when designing the saddles. City Light is not concerned about the stability of the penstock. 
NPS-56c Page 14	In addition, the cradles above the Powerhouse are not deeply buried and many of them have exposed bases that are exhibiting preferential erosion beneath them. Untreated logs were placed parallel with these cradles that exhibit rot, erosion, and movement (Figures 8 -10, Enclosure 3).	City Light is unsure what is meant by the term "preferential erosion." Erosion control since City Light's replacement of the saddles and soil removal in 2016-2017 has been highly successful, and there is now nearly 100% cover of grass, forbs, and shrubs established around the base of each saddle. The "untreated logs" are erosion control measures installed during the saddle replacement project to prevent erosion, and were left in place as designed to deteriorate over time as they blended into the environment and created habitat. The NPS' photo depicts one small patch, representing 1 square foot of erosion under a coir log surrounded by vegetation taken prior to the spring green-up. City Light walked the length of the penstock on June 26, 2024 and was unable to locate this spot or anything similar, and did not find any signs of erosion along the penstock. Photos of the general area are below, identified by the presence of old coir logs that are

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		still functioning to slow runoff from bedrock. City Light took photos and video of the penstock and can provide upon request. City Light also conducted its annual Erosion Control Monitoring per the Engineering Evaluation/Cost Analysis (EE/CA) requirement and found no discernible erosion. The report was provided to the NPS on August 1, 2024 and no comments were received. The report is also provided in Attachment 4. See response to comment NPS-56ab for a discussion of the saddle's robust engineering design and positioning on bedrock foundation.   *Two photos looking up and down the penstock in the area containing old coir logs referenced by the NPS that exhibit no discernible erosion. The dark area in the foreground of the picture on the right is bedrock.*
NPS-56d Page 14	The high amount of precipitation (79 inches/year measured at the closed weather station) causes slope run-off that will continue to undercut these saddles on this steep slope necessitating short and long-term maintenance.	There is currently no undercutting of the saddles. The high amount of precipitation does not mean that the saddles are unstable or that the slope requires maintenance. In fact, there is currently negligible erosion. The slope has nearly 100% vegetation coverage except in areas where there are outcrops of bedrock (see photo below). Even after the wildfire in 2015 and saddle reconstruction and soil removal in 2016-2017, the slope does not exhibit erosion and vegetation has completely recovered. Further, surface runoff in the upper portion of the penstock follows the topographic relief and flows downslope to the northwest away from the penstock. It eventually flows back toward, and under, the penstock via a small, gravel-filled ephemeral stream. Runoff generated on the slope immediately behind the powerhouse flows down the hillside toward the parking area. It is anticipated the localized flow patterns, heavy vegetation on site, and strength of embeddedness of the concrete saddles will be resistant to erosion. City Light does not anticipate future erosion or vegetation maintenance on this slope if the penstock is left in place. If the penstock is removed, vegetation will be removed and soils will be disturbed; thus there will be some amount of maintenance required.

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NPS-57 Page 14	Under the Partial Removal Alternative, maintenance for the penstocks is limited to painting every 10 to 20 years. If the penstock remains, there will be continued erosion and slope stability issues under the penstock cradles where slopes are more than 40 percent, which will threaten the integrity and function of the penstock.	See responses to comments NPS-56ab through NPS-56d above. The slopes are covered with vegetation, and there is no erosion or stability issues after 100 years in service despite a wildfire and significant disturbance related to soil removal operations and replacement of the saddles. No erosion is anticipated in the future. City Light has not limited penstock painting to every 10-20 years. In the Surrender Application, City Light provided the probable timeframe in which painting might occur to assist in FERC's determinations of effects. City Light would not repaint according to a prescribed timeframe but would utilize onsite painting staff to assess the need based on its condition to preserve the integrity of the structure.
NPS-58a Page 15-16	The following points are noteworthy about the soil units #6015 and #6014, which are mapped below the penstock. Both have a rating of "high" for risk regarding their corrosion of concrete. This rating "pertains to potential soil-induced electrochemical or chemical action that corrodes or weakens concrete (NRCS 2012)". Both soil units have a slope/erodibility rate of 0.95 and are ranked as "severe" for erosion hazard. As per the soil survey "numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the specified aspect of forestland management (1.0) and the point at which the soil feature is not a limitation (0.00) (NRCS 2012)".	The quoted Natural Resources Conservation Service (NRCS) 2012 text was altered, changing the definition and context of the referenced numerical ratings. The word "land" was substituted with "forestland"; it should read "*numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the specified aspect of land management (1.0) and the point at which the soil feature is not a limitation (0.00)*" (emphasis added). The ratings are meant "to plan the use and management of soils for" specific land uses (not forestland) and to "identify the limitations that affect specified uses and indicate the severity of those limitations." The ratings the NPS references are from Table 15 and are the ratings for the hazards of erosion on roads and trails. The "severe" erodibility the NPS references is classified for "roads and trails" conditions, which assumes the entire area has been stripped of vegetation and is fully exposed to rain/wind, which does not accurately describe the conditions at the site (see photos above). In fact, according to Table 15, units 6014 and 6015 both have moderate slope/erodibility hazard (see Table 15 from NRCS 2012 below). The hazard of erosion assumes "50 to 75 percent of the soil surface has been exposed by different types of disturbance." For well-

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		vegetated areas, like the area surrounding the penstock (see photo above), the hazard would be lower. This is consistent with the erodibility factors ("K factor") of the composition soils for 6014 and 6015, which range from 0.10 to 0.32, indicative of low-to-moderate erosion susceptibility (Table 24 of the NRCS 2012 report). Table 15.—Hazard of Erosion and Suitability for Roads—Continued Map symbol and soil name | Pct. of map unit | Hazard of erosion: Rating class and limiting features | Value | Hazard of erosion on roads and trails: Rating class and limiting features | Value | Suitability for roads (natural surface): Rating class and limiting features | Value 6015: Tricouni | 50 | Moderate: Slope/erodibility | 0.50 | Severe: Slope/erodibility | 0.95 | Poorly suited: Slope 1.00; Rock fragments 0.50 Ragged | 25 | Moderate: Slope/erodibility | 0.50 | Severe: Slope/erodibility | 0.95 | Poorly suited: Slope 1.00; Rock fragments 0.50 Easy | 15 | Moderate: Slope/erodibility | 0.50 | Moderate: Slope/erodibility | 0.50 | Poorly suited: Slope 1.00; Rock fragments 0.50 6014: Thorton | 40 | Moderate: Slope/erodibility | 0.50 | Severe: Slope/erodibility | 0.95 | Poorly suited: Slope 1.00; Rock fragments 0.50 Ragged | 25 | Moderate: Slope/erodibility | 0.50 | Severe: Slope/erodibility | 0.95 | Poorly suited: Slope 1.00; Rock fragments 0.50 Ledeir | 15 | Moderate: Slope/erodibility | 0.50 | Severe: Slope/erodibility | 0.95 | Poorly suited: Slope 1.00; Low strength 1.00 In addition, the erosion hazard ratings for units 6014 and 6015 are based on average slopes in the area, which are generally steeper than at the penstock site. Most of the sections of penstock on steeper slopes have foundations entirely on and bolted into bedrock, which makes them unsusceptible to destabilization by soil erosion (see drawing in NPS-56ab above). The flatter areas in the center of the penstock are significantly flatter and would be less susceptible to erosion than the average rating for the area implies. Based on these factors, City Light does not believe that soil erosion presents a serious risk to penstock support stability. Lastly, the risk of concrete corrosion is low. New concrete saddles were constructed in 2016, replacing all but four of the saddles, leaving two wooden saddles above the upper thrust block near the adit (thrust block VI from the drawing in NPS-56ab) and two concrete saddles above the thrust block at the top of the slope just above the powerhouse (thrust block II from the drawing in NPS-56ab). As part of the saddle replacement project, the native soils which contained contaminants of concern were removed from around all of the replacement saddles, thus removing the potential risk of corrosion to concrete. The new concrete saddles were backfilled with mineral aggregate Type 17 (a common bank run gravel often used as a structural, compactable fill material on city projects) and revegetated with native plants.
NPS-59 Page 16	Additionally, over time, trees will grow adjacent to the penstock saddles, and this will impact their ability to support the penstock especially when trees tip, exposing root balls and undermining the soil adjacent to the saddles on steep slopes. In addition, hazard trees will	The penstock was designed for pressurized, dynamic, hydraulic flow associated with hydroelectric operations, so the penstock is over-engineered for supporting a non-pressurized, 33- and 30-inch metal pipe on a hillslope. There are 54 concrete saddles supported by six large concrete thrust blocks spaced evenly among the saddles (two wooden saddles remain, but would not be affected by the hillslope as they are on flat ground above and adjacent to thrust block VI). Most of the saddles on steep slopes are mounted to bedrock (see drawing

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	eventually fall on the penstock damaging its integrity. These hazards also exist for the section of the penstock built on the flat slope.	in NPS-56ab). Thus, when trees adjacent to the penstock eventually grow large enough to tip over, the bedrock-mounted saddles on the steep slopes would not be uprooted. If this scenario happened in the low-gradient areas where saddles are buried, or if a tree fell on the penstock, the penstock would largely remain intact and stable due to the substantial support provided by the closely spaced saddles and thrust blocks. The need for repairs to the penstock would be assessed in coordination with the NPS and Tribes.
NPS-60 Page 16	Another hazard not evaluated is the potential rockfall damage from the slopes above. The current system of a chain link fence above the tunnel is insufficient for rockfall protection, and the NPS cannot maintain rockfall protection above the penstock where it exits the tunnel (Figures 11 and 12 in Enclosure 3).	City Light does not anticipate keeping the small rockfall fence, the purpose of which is unknown (i.e., perhaps to protect workers, evacuees per the EAP, or infrastructure). Due to the small size, it was likely to protect people from smaller rockfall. There are no known records of rockfall damaging the penstock in the last 100 years. The need for repairs to the penstock would be assessed in coordination with the NPS and Tribes.
NPS-61 Page 16	Some of the saddles still in place at the upper part of the penstock were not replaced in 2016; they are made of wood (likely treated with hazardous substances) and are eroded. Therefore, their integrity to hold up the penstock is questionable due to the construction material type, even though the slope angle is very shallow at this location. They will eventually rot and require replacement to maintain the function and support of the penstock (Enclosure 3, Figure 12).	Of the 56 saddles, only two saddles on the flat grade at the top of the penstock before entering the adit are still composed of wood, and they are adjacent to and supported by thrust block VI. The two saddles on the level ground above the powerhouse near thrust block II, although not replaced in 2016, are composed of concrete. Thus, should the two remaining wooden saddles eventually rot, it should not be problematic toward supporting the penstock. Also, City Light will not be using the functional capacity of the penstock but will focus on its interpretive potential as a contributing resource to the historic district (DT66). The need for repairs to the penstock would be assessed in coordination with the NPS and Tribes.
NPS-62 Page 16	Since these slopes lack the long-term stability to support the penstock, the saddles will eventually shift, sediment will move downslope, and contaminants may be exposed by erosional processes or tree tipping as the forest is allowed to mature around the penstock. Therefore, the NPS disagrees with FERC's conclusion on page 18 of the EA, "By retaining the penstock, soil disturbance along the penstock route would be minimal, and no negative effects would occur." Our assessment indicates that leaving the penstock and penstock cradles in place will require significant amounts of maintenance to manage erosion, corrosion of the concrete penstock saddles, and to manage hazard tress (which have a large habitat value and should be left standing) to prevent undermining of the cradles due to tree tipping and structural damage to the penstock itself. Under the Partial Removal Alternative the burden to maintain the penstock and cradles would fall on the NPS which we find unacceptable.	See responses to comments NPS-56ab through NPS-61; City Light is not concerned about the long-term stability of the penstock, erosion, or corrosion. The slope has supported the penstock for over 100 years without erosional issues. Most of the concrete penstock saddles that are on a hillslope are mounted to bedrock; it would be nearly impossible for the penstock in these areas to shift. If sediment moves downslope, it would be unrelated to the penstock's presence as there is no ground disturbance proposed and there is currently no shifting of soils or incidents of erosion. If trees fall down exposing soils, this would be independent of the presence of the penstock and would be entirely the result of nature. Thus, it is unreasonable to request City Light to manage erosion under natural circumstances unrelated to the presence of the penstock. The Surrender Application provided that trees would only be removed if immediately growing under or adjacent to the penstock; i.e., where the tree's growth could physically push against the penstock. These trees would be removed or treated before reaching a height of falling. Trees prevented from growing within the 33-inch footprint of the penstock would be insignificant in a climax stage forest. Lastly, throughout various filings, City Light has maintained that City Light, not the NPS, will be responsible for the future upkeep and maintenance of the penstock.
NPS-63 Page 16	**<u>Tunnel Drainage and Stability</u>** It is unclear how much runoff will occur once the diversion dam is removed and the upper end of the penstock tunnel blocked. This is an important point to understand for tailrace restoration and slope stability below the tunnel exit. Currently, there is outflow from the tunnel that is not captured by the penstock and instead travels out a small pipe onto the slope. This amount of drainage is small and is currently poorly managed by SCL since it is allowed to travel to the base of the penstock saddles instead of over a bedrock surface to disperse erosion. This small amount of drainage could be managed with some erosion control and flow direction to avoid adverse impacts to the surrounding soil and geology.	There are two pipes originating from the tunnel; one is a 6-inch plastic pipe that has no water discharging from it, and the other is a 6-inch metal pipe that has a trickle of water discharging from it. The water from the metal pipe trickles onto a large rock where it then drains in a dispersed fashion amongst dense vegetation and follows the topography to the opposite side of the slope, away from the penstock (see photos below). There is no erosion at the point of discharge or anywhere along the penstock from the discharge of this pipe. City Light has a video of the water trickling onto the rock among dense vegetation that can be provided upon request.

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		 **Photo 1 (left to right): Red arrow points to the end of the 6-inch metal pipe discharging into dense vegetation on the opposite side of the slope from the penstock. Photo 2: Red arrow points to trickle of water discharging from pipe. Photo 3: Red arrow points to the rock that the trickle lands on. Photo 4: Penstock with no signs of erosion in vicinity of pipe (the pipe is outside of the photo, beyond where the red arrow is pointing, discharging to the opposite side of the slope that the penstock is on).** In fact, City Light's management of erosion on the steep hillslope around the penstock has been highly successful, contrary to the comment indicating mismanagement. There are numerous erosion control measures in place that are effectively managing runoff and preventing erosion despite the following events: 1) the entire area burned in 2015 eliminating all hillslope vegetation, 2) the area was disturbed from replacing the penstock saddles and removing soil in 2016-2017, and 3) there is a significant amount of high energy runoff from bedrock onto soil. In fact, the NPS' photos capture several of the erosion control measures in place (described as "untreated logs") that are still working to disperse high energy, natural runoff from rainwater falling on bedrock. These biodegradable wattles, as well as water bars, vegetative filtration, and temporary seeding were among the sources of control, runoff, and conveyance treatment BMPs employed. This includes areas where runoff is generated on exposed bedrock, such as that depicted in NPS comment letter photographs where the rope is visible lying on the ground. The NPS photos depict nearly 100% vegetation coverage (although the photos were taken while the vegetation was dormant) except for one small, 1 square-foot, bare patch below a coir log; however, there is no erosion downslope from that point. City Light walked the entire penstock and can confirm that there is nearly 100% vegetation coverage, no exposed saddles at risk of being undermined, and no discernible erosion (see photo 4 above). A video of the penstock and vicinity can be provided upon request. The source of water emanating from the penstock tunnel is natural seepage through cracks in the bedrock that drips into the tunnel. The proposed removal of the diversion dam and plugging of the power tunnel will eliminate any potential for streamflow from Newhalem Creek to enter the tunnel. Thus, the only source of water into or out of the tunnel will continue to be natural seepage through cracks in the bedrock and there is unlikely to be any change in the amount of runoff emanating from the tunnel.

Comment #	Comment	City Light Response
NPS-64 Page 16	**<u>Tunnel Leakage and Penstock Conveyance of Water.</u>** On page 17 of the EA, FERC concludes that continuing to direct tunnel leakage through the penstock, under the proposed alternative, would provide the highest level of protection against erosion and potential risks from contaminants that are in the soil near the penstock. We find that routing water through the penstock might minimize erosion but would also preclude colonization and utilization of this resource for aquatic and riparian organisms. In addition, the high amount of bedrock along the slope of the upper portion of the penstock where it exits the tunnel would not likely be highly impacted by this surface water. Below this point the surface water can be directed into an existing intermittent stream or be allowed to infiltrate into the groundwater, where it contacts the glacial deposits and be expressed as surface water as it joins the current stream at the base of the slope. Removing contaminants within the soils below the penstock saddles is the preferred option to protect health and safety.	The amount of flow captured by the penstock from groundwater inflow into the unlined portion of the power tunnel is estimated at 3-5 gallons per minute and conveyed to the outlet at the tailrace. This water becomes part of the intermittent surface flow, and subsurface flow, in the tailrace creek where it supports aquatic and riparian organisms. The potential benefit of returning this nominal intercepted flow by removing the penstock to contribute to intermittent flow in the ephemeral stream for colonization and use by aquatic and riparian organisms would be negligible and likely have no measurable benefit. The majority of the contributing area to the intermittent streamflow in the ephemeral stream, to which such flow would be directed, is undeveloped and contribution from the intercepted flow inside the unlined portion of the penstock tunnel likely represents a very small fraction (<1%) of the total water budget to the ephemeral stream.
NPS-65 Page 17	**<u>Soils and Contaminants</u>** We dispute a determination in the EA that full removal would present more risks from hazardous substances than partial removal (Section 6.3.1.2, p. 18). A thorough sampling and evaluation of the nature and extent of contamination should be completed prior to vacating or removing any structures, even if that means cutting or drilling down to the soil layers below the structures. In the long-term, Commission staff expect a permanent beneficial effect from removing any soils containing hazardous materials during construction, and we concur. SCL already proposes to remove structures that may have caused the contamination, so removing additional structures, one of which has already had a removal action (penstock saddles), should not be an issue. The more structures that are removed and media restored, the better it is for human health and the environment.	The EER, prepared at NPS' request, comprised an environmental site assessment of all Project operational activity centers (excluding the penstock since it had already been evaluated under the EE/CA). The EER consisted of a survey, interview with City Light staff, review of documentation and historical records, and evaluation thereafter. No potential environmental concerns or potential for legacy hazardous materials were identified. The EER was provided to the NPS for review and comment, and City Light received no comments. City Light filed a copy of the EER with comments on FERC's EA on May 13, 2024. Soil removal is not part of the proposed action, and no additional soil removal is recommended per the EE/CA that was prepared as part of a non-time-critical removal action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for the NPS, the lead federal agency under CERCLA. The EE/CA recommended no further soil be removed (i.e., the No Action Alternative) because contaminant concentrations that remained in the soil after the 2017 removal action related to penstock repair do not pose unacceptable risk to people or ecological receptors. Furthermore, no additional sampling or evaluation of contamination of the penstock area is warranted, as the penstock site has been investigated, characterized, and fully analyzed by risk assessments and other requirements per the EE/CA. The EE/CA is the basis for selecting what is intended to be a final, permanent response action to address human health risk, ecological risk, and all applicable and relevant regulations at the site. The NPS made the EE/CA and Administrative Record supporting the EE/CA available for public comment for 30 days, starting on January 10, 2023. On September 25, 2023, the NPS issued an Action Memorandum recommending the No Action Alternative because risks to public health or welfare or the environment were addressed by the previous removal action. The NPS North Cascades National Park Complex approved the EE/CA on October 31, 2023, and the NPS Environmental Compliance and Cleanup Division Chief ratified it on February 21, 2024.
NPS-66 Page 17	While the EA identifies short-term sediment mobilization and downstream transport in both the partial and full dam removal alternatives, it does not address the potential for contamination from toxic concentrations of mineral or organic chemicals (e.g., mercury, polychlorinated biphenyls (PCBs) or the need to remove or contain these chemicals to prevent downstream contamination [Citation: Congressional Research Service. "Dam Removal: The Federal Role."]. Given that impounded sediments may be found to contain contaminants, there may be an even greater need to keep them from migrating downstream until restoration efforts are complete. Given this, the NPS recommends, prior to removal of the dam structures, that impounded sediments be tested for contaminant constituents and, if present, be first remediated (removed) before dam removal	There is no reason to suspect toxic concentrations of mineral or organic chemicals behind the dam from City Light's operations. As described in NPS-65, the EER was completed in response to the NPS' request for a complete environmental site assessment of the existing footprint (excluding the penstock) to determine whether any potential environmental liability exists from City Light's operations. Considering the minor chemical storage and the absence of exterior painted surfaces at the gatehouse, as well as the lack of indication of spills or stored materials, the EER concluded that no potential environmental concerns related to current or historical operations or conditions are present at the headworks and no further sampling is required. Furthermore, City Light notes that this is a small "run-of-the-river" dam that was built in 1969 and City Light has been removing sediment from behind the dam and placing it downstream for decades as required by the FERC license. It is doubtful that any "legacy" sediment remains as it would with a traditional hydroelectric dam and reservoir. City Light agrees with the EA that the Spill Plan, to be developed, will address any risks during decommissioning.

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	begins.	
NPS-67 Page 17	SCL asserts that it has begun its sampling efforts to assess whether contamination exists; however, this information was not provided in the EA. The NPS requests that SCL send sampling and analysis plans and results to the NPS for approval. We also request that the wood penstock saddles, wood walkway, and soils in the penstock tunnel be assessed for contaminants.	As provided in response to comments NPS-21a, NPS-65 and NPS-66, the potential for soil contamination was evaluated in the EER per the NPS' request. There were no potential environmental concerns related to current or historical operations or conditions and no further sampling is required. The EER was provided to the NPS for its review on June 30, 2023. No comments were received, so a second request for comments was made on August 29, 2023. No comments were received. The EER was filed with FERC on May 13, 2024 with City Light's comments on the EA.
NPS-68 Page 17	SCL will continue to be liable for cleanup should the structures be removed or destroyed due to wildfire after the area is removed from FERC's hydropower boundary. None of the work actions in the EA or decommission plans will release SCL from future responsibility. As the current landowner, the NPS requests that FERC hold SCL as the responsible party to complete full removal of all structures with a history of contamination or that present a future source of contamination in event of wildfire.	Regarding facilities other than the penstock that could be removed, the EER determined that there are no potential environmental concerns related to current or historical operations or conditions (outside of the penstock); therefore, there is no future environmental liability for these other facilities after the structures are removed.
NPS-69 Page 17-18	**<u>Cultural Resources</u>** The Newhalem area is rich in pre-contact cultural history, and evidence of indigenous use of the area is abundant. There is likely much more in the area that we have yet to identify. The NPS disagrees with the following statement on page 56 of the EA, *"According to City Light's 1992 license application, no archaeological evidence of the Upper Skagit village that was located near the Newhalem Project remains, and it is likely that any associated cultural materials have long since eroded and been redeposited downstream*."	City Light noted the same in its comments on the EA.
NPS-70 Page 18	SCL initiated two new historic property inventories for the decommissioning project to identify properties potentially affected by the undertaking (Bush et al. 2024; Lentz and Tavel 2024) but has not filed these draft inventories with FERC. As a consequence, the effects analysis in the Historic Built Environment section is inadequate because FERC did not have the newest data before releasing the EA.	The historic property inventory reports have since been completed and filed with FERC (September 30, 2024), along with a letter summarizing effects to historic properties from the decommissioning. As FERC's designee, City Light will assess effects in consultation with Tribes and NPS and will develop mitigation for adverse effects to historic properties.
NPS-71 Page 18	The NPS requests that FERC update the EA and its effects analysis with the latest historic property inventories. In our review of the draft inventories, the NPS identified some crucial findings relevant to the EA analysis. The Historic Built Environment section should: ▪ identify six contributing and three non-contributing resources in the Project, ▪ describe the historic district DT-66 significance as local significance, and ▪ identify that all six contributing resources are not individually eligible.	City Light filed the effects letter and all reports on September 30, 2024, so FERC had not yet seen this document when it developed its EA. Since mitigation for adverse effects will be completed through the Section 106 process, City Light does not see the need for FERC to update its analysis unless a final EA is issued.
NPS-72 Page 18	Table 2 compares the changes by decommissioning alternatives to the six contributing resources of DT-66. As described in the cover letter, DT-66 has 58 contributing resources. According to a draft update to the nomination currently underway by SCL, of the 254 individual entries listed, 195 are preliminarily determined to be contributing, 28 noncontributing, 17 unevaluated, 10 to be determined, and 4 delisted.	The DT-66 National Register nomination is in the process of being updated under the terms of a separate FERC license. The NPS does not have the most up to date information on this process, but will be provided a draft for review when ready. The historic built environment report developed for this project accurately summarizes current contributing resources.

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NPS-73 Page 18	Archeological sites are abundant in the Area of Potential Effect. The updated SCL inventory by Bush et al. 2024 identified two additional archeological sites that FERC did not include in the EA. Archeological site 45WH477 should be included in the analysis. The site is highly significant to the tribes and within close proximity to the Project. Archeological site 45WH1029 was determined ineligible under criteria D but is being added as a contributing resource to TCP 45WH1029 by the Upper Skagit Indian Tribe.	City Light assumes that NPS meant to say that 45WH1029 "…is being added as a contributing resource to TCP 45WH450 by the Upper Skagit Indian Tribe." During consultation with the Tribe, City Light understands that the Tribe included the archaeological sites in the vicinity within its TCP 45WH450. City Light filed the final archaeological inventory report with FERC, along with other Section 106 documents, on September 30, 2024. Note that the two archaeological sites identified in the inventory are historical and not associated with 45WH450.
NPS-75 Page 18	Additionally, the Swinomish Indian Tribal Community recorded a TCP on the Project lands. This information is in the public summary of the TCP Inventory for the Skagit Hydropower Relicensing docket P-553-000. This potentially eligible historic property has not been considered in the assessment, and the Tribe should be directly consulted with to determine the undertakings' effects. On page 59 in the TCP section the effects on the Swinomish Indian Tribal Community TCP are not discussed. Consultation with the Tribe is necessary to evaluate the effects. It is unclear if other Tribes' TCPs are on the Project lands as well.	City Light recognizes that the Project vicinity holds traditional and longstanding significance to many Tribes. City Light has consulted with the Swinomish Indian Tribal Community and other affected Tribes to identify places of traditional importance within the APE. To date, only the Upper Skagit Indian Tribe has identified TCPs within the project. City Light notes that the Newhalem Creek Hydroelectric Project is under a separate license from the Skagit River Hydroelectric Project, which has a broader project footprint. The referenced document identifies the Skagit River watershed as a property of traditional and religious importance to the Swinomish Indian Tribal Community. However, to date, the Swinomish Indian Tribal Community has not provided historic property information to DAHP or the City that specifically identifies a TCP as a historic property.
NPS-77 Page 19	FERC and SCL must consult with the Upper Skagit Indian Tribe and all other tribes who are interested in the area to ensure that archeological resources are protected. FERC and SCL should also consult with the NPS and the Washington SHPO. Page 58 only acknowledges consultation with the USIT, "*However, City Light acknowledges that decommissioning could disturb previously unidentified archaeological resources located in an unsurveyed area between the diversion dam and the tailrace fish barrier and indicates consultation with the USIT continues regarding mitigation for adverse effects*." SCL must consult with the Upper Skagit Indian Tribe and all other tribes that identify as having an interest in the area for the development of the CRMMP. The NPS and the Washington State SHPO must also be consulted. "*Commission staff finds that development of a CRMMP, as proposed, in consultation with the USIT, would serve to adequately mitigate for any realized adverse effects to archaeological resources*."	City Light has been consulting with affected Tribes, NPS, and DAHP throughout the project pursuant to Section 106. Please see the summary of consultation that City Light provided in comments filed in response to the FERC EA. Further consultation has occurred with all consulting parties since then, including requests for comments on all historic property identification documents; direct engagement with all Tribes to request information regarding any TCPs in the APE; multiple phone calls discussing the Upper Skagit Indian Tribe's TCP and adverse effects to it; and meeting with all consulting parties to discuss alternatives and adverse effects to all historic properties.
NPS-79 Page 19	The NPS also requests that FERC further analyze the effects of the Full Removal and Full Restoration alternatives on all Historic Property types. The integrity of TCP 45WH450 largely depends on the historic character defined by natural landscape features, setting, and processes. Prior to the development of the hydro project, these features of the historic character formed the basis for the Tribe's unique origin story and the basis for tribal members' spiritual and ceremonial practices. The 45WH450 Determination of Eligibility explicitly stated that the historic built environment features, including dams, reservoirs, and their associated operational and maintenance facilities (e.g. Newhalem Powerhouse and penstock), diminish the TCP's integrity (Mierendorf and Schuyler, 2019, "The Skagit River Gorge and Canyons, Whatcom County, Washington, 45WH450" National Register of Historic Places Determination of Eligibility.).	Noted. Effects of the full removal alternative were addressed in the historic built environment report, the archaeological survey report, and a memo from the Upper Skagit Indian Tribe filed on September 30, 2024. Adverse effects to all historic properties will be addressed through Section 106 consultation.

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NPS-80 Page 19	Furthermore, 45WH450 has statewide significance with broader adverse effect implications than the locally significant historic district, DT-66. The effects to 45WH450 should be given preference over the effects to DT-66 and the Full Restoration Alternative will have direct, beneficial effects to an underrepresented resource with statewide significance.	See response to comment NPS-8. Neither the NHPA or the NRHP suggest that a historic property with a "statewide" level of significance outranks a historic property with a "local" level of significance. The NRHP is not a competition of worthiness between historic properties, and this line of reasoning could set a precedent leading to the inappropriate devaluing of local resources resulting in a deleterious effect on marginalized communities. Rather, the NHPA carried out by the NPS, is a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources. Properties proposed for the NRHP may be significant at the local, state, or national level. The NRHP Criteria for Evaluation recognizes the wide variety of historic properties associated with our prehistory and history.
NPS-81 Page 19-20	Page 60 of the EA states, "*According to the USIT, the only appropriate mitigation for potential effects of decommissioning on TCP 45WH450 is the complete removal of the Newhalem Project powerhouse and penstock. We agree that this would return the project area closer to its preproject condition. In turn, this could improve fishing, hunting, and gathering activities by the Sauk-Suiattle Indian Tribe, Swinomish Tribe, and the USIT that are rights-secured by the 1855 Treaty of Point Elliot. However, removal of these structures would result in greater adverse effects to the Skagit River and Newhalem Creek Hydroelectric Projects Historic District than would occur under the proposed action*." The NPS strongly disagrees with the notion that an adverse effect to a locally significant resource, which is one of 58 contributing properties, would be greater than the adverse effect to the TCP 45WH450 with statewide significance, which is an entirely unique resource tied to a tribe's religion, origin story, cultural practices and identity.	It seems that NPS has misunderstood FERC's statement. City Light believes that FERC was conveying the complex and conflicting adverse effects on all historic properties within the project. FERC's statement was that the Full Removal Alternative would have a greater adverse effect on the historic district DT66 than the preferred alternative. FERC did not state that the adverse effect to the historic district is greater than the adverse effect to the TCP. Through consultation, City Light will develop mitigation for adverse effects to all historic properties within the project.
NPS-84 Page 20	Protecting treaty rights and preserving Indigenous sacred sites are priorities of NPS leadership and should be reflected in the EA's effects analysis and preferred alternative. The NPS's comments and selection of the Full Restoration Alternative in the Newhalem Surrender project are consistent with the above mentioned executive orders and memoranda. While recognizing FERC as an independent agency, the NPS encourages FERC to voluntarily adhere to these executive orders. FERC has equity goals defined in its equity plan and can further two actions that are directly relevant to the Newhalem Decommissioning Project: Strengthen Tribal Engagement and Consultation, and Ensure Hydropower Licensing Policies and Processes are Consistent with Environmental Justice. Working with our tribal partners, FERC and the NPS can uphold and protect tribal resources.	FERC's environmental justice analysis was conducted following relevant Executive Orders and directives. City Light is fully committed to consultation with and input from Tribes that have traditionally used the Project vicinity.
NPS-85 Page 23	**<u>Environmental Justice</u>** American Indian tribes have been dispossessed of their lands and forcibly relocated to areas beyond the one-mile radius used to identify minority populations for environmental justice. The Newhalem Hydroelectric project was located within one mile of an Upper Skagit Indian Tribe village site in Newhalem (Upper Skagit Indian longhouse community daxwálib) (Collins 1974 pg17). Project effects to the Tribe's daxwálib community were described in SCL's 1990 TCP study for the Skagit hydro project (Blukis Onat 1990:93-94); the ethnographer noted project impacts may have necessitated the relocation of a number of traditional properties including the major village and fishing location at	FERC and City Light have consulted, and continue to consult under applicable cultural resources laws, with the Upper Skagit Indian Tribe, the Swinomish Indian Tribal Community, and the Sauk-Suiattle Indian Tribe. All three Tribes have participated in the decommissioning process and City Light anticipates continued consultation and important input from Tribes throughout this proceeding.

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	Newhalem. Descendants of this village live within the Upper Skagit Indian Tribe and may also live in the Swinomish Indian Tribal Community or Sauk-Suiattle Indian Tribe.	
NPS-86 Page 24	The NPS maintains that the Partial Removal Alternative will have a disproportionate effect upon Indian tribes whose traditional village was in Newhalem, and their voices should be given preference. The environmental justice analysis does not consider them. It is unlikely that the retention of historic-era buildings in the Partial Removal Alternative is benefitting them. The Full Restoration Alternative, which restores the natural environment, would likely benefit tribal communities, but consultation with them is needed to understand the effects fully. The Full Restoration Alternative would help enable the Upper Skagit Indian Tribe to reconnect with their cultural practices and religious ceremonies. Again, consultation with the Tribe will be necessary to understand the effects to this environmental justice group fully.	FERC's environmental justice analysis was conducted following relevant Executive Orders and directives. City Light is fully committed to continued consultation with Tribes who have traditionally used the Project vicinity. City Light also notes that the Full Restoration Alternative is inappropriately named, as it does not remove the abundance of NPS facilities in the same area and would landlock over 8.5 miles of legacy logging road infrastructure that will degrade water quality and fish habitat and contribute relic infrastructure to the Tribe's TCP. See response to comment NPS-14c.
NPS-87 Page 24	**Recreation** In previous comments, the NPS recommended that the NEPA document evaluate the effects on the removing the road from the Rock Shelter trailhead to the powerhouse under the full removal alternative. After further evaluating the effects on cultural resources, environmental justice, and recreation, the NPS recommends retaining this road and trail, to facilitate easier tribal access for traditional practices and reduce effects on recreation.	Noted. City Light proposed to leave the road under the Partial Removal Alternative but has agreed to decommission the road from the Newhalem Creek Powerhouse to the Rock Shelter under the Full Removal Alternative, although the road to the Newhalem Creek Powerhouse is outside of the FERC Project Boundary and was not constructed by City Light.
NPS-88 Page 25	Removing the road from the Rock Shelter trailhead to the powerhouse would still enable public access to the popular Newhalem area trails. The Trail of Cedars would still be accessible from the footbridge at Newhalem. The Rock Shelter Trail could be accessed from the east through Newhalem Campground. Removal of the road would impact visitors' ability to experience a loop trail.	City Light does not fully understand this comment but believes that the NPS is interested in retaining recreational connectivity, which City Light is also interested in. City Light will work with the NPS on this shared interest irrespective of the selected alternative.
NPS-89 Page 25	**Permit for Use of Lands Outside of the FERC Boundary** Because they will utilize NPS lands beyond the FERC boundary for removal activities under all action alternatives, SCL will need an NPS special use permit from North Cascades National Park Complex for temporary use of those lands during the construction activities. The park looks forward to working with SCL on the process of obtaining this permit and suggests that they initiate the process as soon as FERC issues the final EA and Surrender Order.	City Light understands that a special use permit may apply for temporary access outside of the FERC Project Boundary to decommission facilities within the Project Boundary and will engage with the NPS on this at the appropriate time.
NPS-90 Page 26	**Enclosure 2 - NPS Laws and Policies** The NPS draws on the following key laws and policies when examining the Newhalem Surrender alternatives and ensuring the NPS lands are restored satisfactorily. • NOCA Enabling Legislation • NPS Organic Act	It is notable that the Washington Park Wilderness Act of 1988 and Chapter 6 of the NPS Management Policies 2006 are missing from Enclosure 2. The Washington Park Wilderness Act of 1988: 1) reaffirmed the importance of hydropower and FERC's authority following the 1968 enabling legislation, specifically citing the Newhalem Creek Hydroelectric Project, and 2) established the Stephen Mather Wilderness Area in portions of the RLNRA. Most of the identified and anticipated logging road infrastructure described in NPS-14c, including the 110-foot concrete bridge and approximately 7.75 miles of other logging road infrastructure, occur in the Stephen Mather

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	• NPS 2006 Management Policies	Wilderness Area. Chapter 6 of the NPS Management Policies 2006, accordingly, directs the NPS how to designate and manage Wilderness Areas. A Wilderness Area should be undeveloped and retain its primeval character and influence without permanent improvements or human habitation. The area should also generally appear to have been affected primarily by the forces of nature, with the imprint of humans' work substantially unnoticeable. Wilderness Areas should be protected and managed so as to preserve its natural conditions (Chapter 6 of the Management Policies). The 2006 NPS Management Policies do consider logged areas eligible as wilderness if the effects of these activities are substantially unnoticeable, or their wilderness character could be maintained or restored through appropriate management actions. The Stephen Mather Wilderness Area Wilderness Management Plan (1989) provides that the first Management Goal and Objective is "to manage the Wilderness environment so as to conserve, maintain, enhance or restore the wilderness natural resources and those ecological relationships and processes that would prevail were it not for human influences." Another Management Goal and Objective is "to pass the wilderness natural resources and spirit of the North Cascades on to the next generation unimpaired." Decommissioning the Newhalem Creek Road from the EAP muster point to the dam would permanently retain all 8.5 miles of logging road infrastructure, and could result in failures that impact fish and water quality. Thus, the management objective, which is to restore the wilderness' natural resources and ecological processes that would have prevailed if not for human influence, could not be achieved, and could potentially leave this part of the Wilderness Area impaired for future use and enjoyment.
NPS-91 Page 26	**Key Laws Governing Park Management** **Public Law 90-544: Enabling Legislation, Signed into law by President Lyndon Baines Johnson, October 2, 1968** Sec. 201. In order to provide for the public outdoor recreation use and enjoyment of portions of the Skagit River and Ross, Diablo, and Gorge Lakes, together with the surrounding lands, and for the conservation of the scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Ross Lake National Recreation Area (hereinafter referred to in this Act as the "recreation area"). The recreation area shall consist of the lands and waters within the area designated "Ross Lake National Recreation Area" on the map referred to in section 101 of this Act. SEC. 401. The Secretary shall administer the park in accordance with the Act, of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), as amended and supplemented. Sec. 402. (a) The Secretary shall administer the recreation areas in a manner which in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment: and (3) such management, utilization, and disposal of renewable natural resources and the continuation of such existing uses and developments as will promote or are compatible with, or do not significantly impair, public recreation and conservation of the scenic, scientific, historic. or other values contributing to public enjoyment. In administering the recreation areas, the Secretary may utilize such statutory authorities pertaining to the administration of the national park system, and such statutory authorities otherwise available to him for the conservation and management of natural	City Light appreciates the NPS including this enabling legislation for the RLNRA. It is an important focus on the basic purpose and statutory setting of the RLNRA from its inception. First, it is notable that the RLNRA was created to provide for (in this order): 1) public outdoor recreation benefits (such as interpretive trails), 2) conservation of historic and other values, and 3) public enjoyment compatible with historic and other values. The FERC alternative for decommissioning helps NPS achieve these fundamental purposes in the RLNRA. Second, it is significant that the RLNRA enabling legislation acknowledges and affirms the Federal Power Act and the authority of what is now FERC (formerly Federal Power Commission).

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	resources as he deems appropriate for recreation and preservation purposes and for resource development compatible therewith. SEC. 505. Nothing in this Act shall be construed to supersede, repeal, modify, or impair the jurisdiction of the Federal Power Commission under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), in the recreation areas.	
NPS-92 Page 26	**Organic Act of 1916** The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purposes of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. (16 USC 1)	See response to NPS-16.
NPS-93 Page 27	**General Authorities Act of 1970 and the 1978 "Redwood amendment"** *General Authorities Act of 1970* and *Redwood Amendment of 1978*: Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined in section 1c of this title, shall be consistent with and founded in the purpose established by section 1 of this title [the Organic Act provision quoted above], to the common benefit of all the people of the United States. (16 USC 1a-1)	The preferred alternative is in conformance with NPS' directive to promote and regulate the RLNRA to the common benefit of all the people of the United States. FERC's preferred alternative restores natural systems, protects historic structures, and supports sustainable access to and use of RLNRA resources by all. City Light agrees that the Redwood Amendment (i.e., the Redwood Expansion Act of 1978) is a relevant law to cite, because the Redwood Expansion Act added 38,000 acres of logged land to the Redwood National Park and provided funding and directed the NPS to develop a watershed restoration program primarily to restore the effects of the legacy logging roads left behind. This indicates that it is important to Congress to remove legacy logging roads in the National Park system. Redwoods National Park has had a program in place since the enactment of the Redwood Amendment to remove logging roads to restore the landscape and stop large landslides from continuing to happen as a result of the roads. According to the Redwoods National Park, "logging roads and culverts are not designed to last decades without constant maintenance. Our winter storms can be very powerful, wet, and long lasting. There have been occasional times when these storms have washed away sections of old logging roads where they failed because of rusty culverts, or bad drainage along the seldom use dirt roads. The result of this has been that hillsides have eroded, and the resulting landslides have torn away hundreds of downstream old-growth redwoods, and dumped millions of tons of dirt, debris, and sediment into creeks and rivers. These massive surges in sediment then bury streams, and cause a loss of habitat for many riparian/river species" (https://www.nps.gov/redw/learn/nature/loggingroads.htm). The logging roads incorporated into Redwood National Park are similar to the Newhalem Creek logging roads above the dam, as they "were generally designed to achieve the extraction of the planned harvest area at the lowest cost, without regard to long-term maintenance or environmental impacts. Haul truck roads without proper drainage can become saturated and cause landslides; where roads cross streams without adequate drainage structures, they can become plugged, saturated, and fail directly into the stream" (https://www.nps.gov/redw/learn/historyculture/thenandnow6.htm).

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NPS-94 Page 27	**NPS Management Policies 2006** 1.4.3 The NPS Obligation to Conserve and Provide for Enjoyment of Park Resources and Values ▪ The fundamental purpose of the national park system, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with a mandate to conserve park resources and values. This mandate is independent of the separate prohibition on impairment and applies all the time with respect to all park resources and values, even when there is no risk that any park resources or values may be impaired. NPS managers must always seek ways to avoid, or to minimize to the greatest extent practicable, adverse impacts on park resources and values. ▪ The fundamental purpose of all parks also includes providing for the enjoyment of park resources and values by the people of the United States...Congress, recognizing that the enjoyment by future generations of the national parks can be ensured only if the superb quality of park resources and values is left unimpaired, has provided that when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant. This is how courts have consistently interpreted the Organic Act. 1.4.4 The Prohibition on Impairment of Park Resources and Values ▪ While Congress has given the Service the management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the National Park Service. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them. 1.4.5 What Constitutes Impairment of Park Resources and Values ▪ The impairment that is prohibited by the Organic Act and the General Authorities Act is an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values. An impact would be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, or key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or identified in the park's general management plan or other relevant NPS planning documents as being of significance. ▪ If there would be an impairment, the action must not be approved.	City Light appreciates that management of the RLNRA requires NPS to balance often competing and sometimes conflicting resources and values. It is well established that the Organic Act itself and policies enacted to implement it perpetually challenge NPS to find the balance between preservation and enjoyment, current and future visitors, natural places and historically significant built environments, and so on. FERC's preferred alternative for decommissioning the Project achieves consistency with the NPS Management Policies by ordering the removal of features that impede natural, healthy processes and restoration of affected areas while preserving identified historic properties and avoiding implementation of mitigation measures that would potentially spawn new and undesirable impacts to resources and values. FERC's preferred alternative also includes preservation of present and future opportunities for enjoyment of resources present in the RLNRA. This includes preservation and interpretation of historic properties, pedestrian trails in a natural setting, and re-establishment of a free-flowing Newhalem Creek. Please see the response to comment NPS-19.

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	▪ If it is determined that there is, or will be, an impairment, the decision-maker must take appropriate action, to the extent possible within the Service's authorities and available resources, to eliminate the impairment. The action must eliminate the impairment as soon as reasonably possible, taking into consideration the nature, duration, magnitude, and other characteristics of the impacts on park resources and values, as well as the requirements of the National Environmental Policy Act, National Historic Preservation Act, the Administrative Procedure Act, and other applicable laws.	
NPS-94c Page 28	1.4.7.1 Unacceptable Impacts ▪ The Service will do this by avoiding impacts that it determines to be unacceptable. These are impacts that fall short of impairment, but are still not acceptable within a particular park's environment. Park managers must not allow uses that would cause unacceptable impacts; they must evaluate existing or proposed uses and determine whether the associated impacts on park resources and values are acceptable. ▪ Therefore, for the purposes of these policies, unacceptable impacts are impacts that, individually or cumulatively, would be inconsistent with a park's purposes or values, or impede the attainment of a park's desired future conditions for natural and cultural resources as identified through the park's planning process, or create an unsafe or unhealthful environment for visitors or employees, or diminish opportunities for current or future generations to enjoy, learn about, or be inspired by park resources or values, or unreasonably interfere with park programs or activities, or an appropriate use, or the atmosphere of peace and tranquility, or the natural soundscape maintained in wilderness and natural, historic, or commemorative locations within the park.	If after a determination it is found that removing the powerhouse and penstock does not constitute impairment, impacts are likely "unacceptable" because impacts to the powerhouse and penstock are avoidable and inconsistent with the RLNRA's values, and diminish opportunities for current or future generations to enjoy, learn about, or be inspired by these resources or values. See response to comment NPS-19.
NPS-94d Page 28	1.4.7.2 Improving Resource Conditions within the Parks ▪ The Service will also strive to ensure that park resources and values are passed on to future generations in a condition that is as good as, or better than, the conditions that exist today. In particular, the Service will strive to restore the integrity of park resources that have been damaged or compromised in the past.	City Light questions whether removing the Hilfiker wall, and landlocking over 8.5 miles of failing, unmaintained logging roads leaves park resources and values in a condition that is as good as, or better than, the conditions that exist today. See response to comment NPS-19.
NPS-94e Page 28	1.5 Appropriate Use of the Parks ▪ When proposed park uses and the protection of park resources and values come into conflict, the protection of resources and values must be predominant.	Noted. See response to comment NPS-19.
NPS-94g Page 28-29	4.1.5 Restoration of Natural Systems ▪ The Service will reestablish natural functions and processes in parks unless otherwise directed by Congress. ▪ Impacts on natural systems resulting from human disturbances include the introduction of exotic species; the contamination of air, water, and soil; changes to hydrologic patterns and sediment transport; the acceleration of erosion and sedimentation; and the disruption of natural processes. The Service will seek to return such disturbed areas to the natural conditions and processes characteristic of the ecological	Noted. See response to comment NPS-14c.

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	zone in which the damaged resources are situated. The Service will use the best available technology, within available resources, to restore the biological and physical components of these systems, accelerating both their recovery and the recovery of landscape and biological community structure and function. Efforts may include, for example removal of contaminants and nonhistoric structures or facilities restoration of abandoned mineral lands, abandoned or unauthorized roads, areas overgrazed by domestic animals, or disrupted natural waterways and/or shoreline processes restoration of native plants and animals	
NPS-94h Page 29	4.4.2.4 Management of Natural Landscapes ▪ Landscape and vegetation conditions altered by human activity may be manipulated where the park management plan provides for restoring the lands to a natural condition. Management activities to restore human-altered landscapes may include, but are not restricted to removing constructed features, restoring natural topographic gradients, and revegetating with native park species on acquired inholdings and on sites from which previous development is being removed; restoring natural processes and conditions to areas disturbed by human activities such as fire suppression; rehabilitating areas disturbed by visitor use or by the removal of hazard trees; and maintaining open areas and meadows in situations in which they were formerly maintained by natural processes that now are altered by human activities.	Noted. See response to comment NPS-14c.
NPS-94j Page 29	5.3.1 Protection and Preservation of Cultural Resources ▪ The National Park Service will employ the most effective concepts, techniques, and equipment to protect cultural resources against theft, fire, vandalism, overuse, deterioration, environmental impacts, and other threats without compromising the integrity of the resources.	Noted.
U.S. Department of the Interior National Park Service – Comment letter filed with FERC 5/13/2024 as PRIVILEGED, Cover letter only included here		
NPS-95 Page 1	The National Park Service submits the following documents to be considered under the Surrender of the Newhalem Hydroelectric Project (p-2705-037). The NPS has utilized these documents in our review of the project effects and requests that these be considered in FERC's Final EA and Surrender Order. These documents are being submitted as privileged because they contain sensitive information, are in draft and not ready for final distribution, or contain information about resources from a different Project that may not be suitable for wider distribution.	These documents were provided to NPS as consulting parties under Section 106. Note that the Bush et al. 2024 report was in draft form. The final version along with other Section 106 documentation and a letter summarizing the contents of all identification reports was filed with FERC on September 30, 2024.
NPS-96 Page 1	**PRIVILEGED**. Seattle City Light (SCL). 2024 (Draft) Lentz, Corey, and January Tavel. Evaluation of the Historic Built Environment for the Newhalem Creek Hydroelectric Project Decommissioning, Newhalem, Whatcom County, Washington. January. (ICF 103729.0.003.01). Prepared by ICF, for Seattle City Light, Seattle, WA.	The final report along with all other identification documents were filed with FERC on September 30, 2024.
NPS-97 Page 1	**PRIVILEGED**. SCL. 2024 Skagit Hydroelectric Project (p-553). Cultural Resource-04 Inventory of Historic Properties with Traditional Cultural Significance Study Summary Report, Public-Facing Summary.	This document was developed for the larger Skagit River Hydroelectric Project relicensing. While the Newhalem Creek Hydroelectric Project is within that project's larger APE, the document that was developed for the Skagit River Hydroelectric Project is much broader than what is necessary for this project. The City has consulted with the Upper Skagit Indian Tribe regarding their identified TCP (45WH450) and has received documentation regarding effects to the TCP from the Newhalem Creek Decommissioning Project.

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NPS-98 Page 1	**PRIVILEGED**. SCL. 2024 (Draft) Bush, Kelly R., Emma S. Dubois, Madison N. Henley and Leah Koch-Michael. Cultural Resources Survey Report: Newhalem Creek Hydroelectric Decommissioning Project, Newhalem, Whatcom County, Washington. Prepared for SCL.	This draft document was provided to NPS as a consulting party. The draft submitted by NPS does not include a response to the Upper Skagit Indian Tribe's comments, which were provided to the City on May 13, 2024. The final report along with all other identification documents were filed with FERC on September 30, 2024.
United States Department of the Interior Fish and Wildlife Service – Comment letter filed with FERC 5/10/2024		
USFWS-2 Page 1	The EA recommends partial decommissioning of the Project as proposed by City Light. For reasons outlined below related to ecological and cultural issues, the U.S. Fish and Wildlife Service (USFWS) does not support the proposed action and instead advocates for a modified Full Removal Alternative. This modified Full Removal Alternative, hereafter called the Full Restoration Alternative, will: - Rehabilitate a traditional cultural property (TCP) eligible for the National Register; - Meet environmental justice objectives by protecting and restoring cultural resources for tribal communities; - Provide a private location for tribes to practice religious ceremonies, treaty-reserved rights, and to pass down cultural knowledge in an area that is highly significant to them; - Restore upland forest, riparian, and floodplain habitat to a natural condition; - Eliminate the effects of long-term maintenance of the facilities on terrestrial, aquatic, and TCPs; - Minimize fire risk and eliminate the risk to firefighters to protect facilities from structural and wildland fires; and - Eliminate the life cycle costs required to maintain and protect facilities.	USFWS comments largely reflect verbatim NPS comments filed May 13, 2024 and therefore most of City Light's responses will refer to NPS comment responses above. See response to comment NPS-4. City Light reminds the USFWS, as an agency of the federal government, of its duty per the NHPA to consider all cultural resources, including historic buildings and structures, and believes it inappropriate to comment on activities outside its mission and program goals until the historic properties (including historic, archaeological, and tribal) are identified and evaluated, and informed decisions are made pursuant to Section 106 of the NHPA as well as other legal requirements, regulations, and professional standards.
USFWS-3 Page 2	The Full Restoration Alternative consists of the Full Removal Alternative with the following modifications: - Retain the following facilities: o The road and bridge from the Newhalem Campground to the Powerhouse. - Evaluate the following facilities for removal: o Penstock, penstock thrusts, and cradles located in the tunnel. - Remove the following facilities: o Hilfiker wall and associated access road; o All above and below ground power lines, power poles, power pole anchors, and associated underground vaults; o All transformers and cement bollards; o Above ground penstock, penstock thrusts, and cradles; o Electrical cables and conduit attached to penstock saddles and telephone line laying on the ground adjacent to the penstock; o Viewing platform constructed of treated lumber on the lower portion of the penstock; o Six-inch diameter PVC pipe adjacent to the penstock; o Rock retaining fencing and posts above the penstock tunnel entrance; o Telephone, circuit breaker, lights, and six-inch PVC pipe inside of the penstock tunnel; and o Electrical conduit, lights, telephone line, and anchors in the	See response to comment NPS-14.

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	penstock tunnel.	
USFWS-4 Page 2	**Modifications and Additions to the Proposed Management and Monitoring Plans:** Since final management plans were not included in the EA and given that the Project is situated entirely on National Park Service (NPS) land, the USFWS believes the NPS should be granted the authority to approve all monitoring plans, management plans, and restoration actions before implementation as a condition of the Surrender Order. Approval from the NPS will be necessary to ensure that lands are restored to a condition satisfactory to the NPS and in accordance with the regulations NPS is committed to uphold (e.g., Organic Act of 1916). We provide the following comments and revisions to the proposed management and monitoring plans and ask FERC to include these changes as Surrender Order conditions.	See response to comment NPS-23.
USFWS-5 Page 2	**Road Decommissioning Plan** The USFWS requests that all culverts are removed, natural drainage restored, and road ditches are filled. The road surface should be scarified first with the excavated material placed on the cut slope as appropriate to maintain or improve stability of the site and long-term drainage. When decommissioning the road, we recommend that microtopography features are created to help facilitate native plant regeneration on the scarified roadbed. We also request organic material be added to a depth of four inches on top of mineral soil surfaces to facilitate natural regeneration. The plan should also include restoration actions for the stream crossing that incorporates temporary erosion control and plantings.	See responses to comments NPS-35 through NPS-39.
USFWS-5a	The USFWS also requests that the impacts of the landslide/hill slope failure caused by the road should be mitigated by removal of the concrete retaining wall, all, or part of the Hilfiker wall (working in cooperation with federal, state, and tribal partners to determine the best approach), restoring natural drainage to these slopes, and contouring the slope to match existing natural topography.	See response to comment NPS-43.
USFWS-6 Page 2-3	Leaving the Hilfiker wall in place represents an unacceptable risk of a catastrophic failure when these structures become overloaded by landslide debris as the rebar lattice deteriorates. This potential for a large release of material into Newhalem Creek due to these constructed conditions could have major adverse impacts to the aquatic life, including bull trout, and culturally significant values of Newhalem Creek. The risk and potential burden of having to mitigate the impacts of a failure is unacceptable to the USFWS. Removing the Hilfiker wall and re-establishing natural drainage and contour of the slope is a reasonable mitigation and will result in the best outcome for the natural and cultural resources in lower Newhalem Creek.	See response to comment NPS-45.
USFWS-7 Page 3	**Sediment and Erosion Control Plan** The USFWS supports the decision to forgo the construction of a grade control structure in Newhalem Creek so long as adequate monitoring	See responses to comments NPS-27 through NPS-29.

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	and adaptive management strategies are incorporated into this plan. We concur that the large bedrock/boulder features upstream of the dam will likely serve as a natural grade control. That said, monitoring should be conducted to confirm the assumptions of the lower bounding estimate of stream bed erosion described in Dubé 2023 and on page 12-14 of the EA are met and if road decommissioning actions adequately mitigate impacts of the slope failure. As such, three years of monitoring to assess the impacts of sediment transport in Newhalem Creek after dam removal will be insufficient. The effects of dam removal on stream bed and bank erosion will happen during high flow events that have decadal recurrence intervals. The findings from the geomorphology report developed for this project and cited in the EA (page 12), describes a re-adjustment that happens slowly over a long-time frame. Dubé 2023 states, "*Because of the coarse nature of the streambed (cobble/boulder/gravel), the re-adjustment to the new base level would likely take place relatively slowly, over decadal or longer time scale following the initial channel adjustment close to the diversion structure*." Therefore, we request, that monitoring continue until at least two flood events over 1,500 cfs (2-year flood, Dubé 2023) and one flood event over 3,200 cfs (5-year flood, Dubé 2023) have occurred in Newhalem Creek over three separate years.	
USFWS-8 Page 3	We agree with FERC that monitoring should include an assessment of "*barriers to fish passage that may develop due to sediment movement that have the potential to impede the passage of salmon, steelhead, bull trout or Dolly Varden into or within the lower 0.65-mile section of Newhalem Creek*."	See response to comment NPS-30.
USFWS-9 Page 3-4	We also request the monitoring be conducted prior to deconstruction activities and after two 2-year and one 5-year flood event to include: 1. Cross sectional measurements of wetted widths and depths (including thalweg depth) at no less than five equally spaced transects on the alluvial fan of Newhalem Creek where it enters the Skagit River; 2. Measurements of the maximum longitudinal distance the Newhalem Creek alluvial fan extends into the Skagit River; 3. Photographs depicting the habitat features of the alluvial fan; 4. Annual measurements of residual pool depths for all channel spanning pools within the lower 0.65-mile section of Newhalem Creek; 5. Annual measurements of sediment particle sizes and embeddedness using Wolman pebble counts (n = 250/site) conducted in riffle habitat at two locations: 1) below the Newhalem Creek bridge and 2) between the Newhalem Creek Bridge and the falls; and 6. An assessment stream bed and bank erosion at two locations: 1) above the falls and 2) at the site where the slope failure intersects with the stream below the falls.	See response to comment NPS-31.
USFWS-10 Page 4	If monitoring indicates that erosion of the streambed and/or banks (including the toe of hill slope failure associated with dam access road) are causing impacts to fish movement in and out of Newhalem Creek, decreasing residual pool depths, increasing fine sediment and	See response to comment NPS-32.

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	embeddedness, and/or increasing turbidity (see Water Quality Plan), we request the plan include an adaptive management strategy that provides the opportunity for intervenors to evaluate stream conditions and work with the licensee to implement measures to mitigate the impacts and/or to extend monitoring actions to determine if the impacts will naturally resolve.	
USFWS-11 Page 4	**Restoration Plan** The USFWS agrees with FERC's determination on the scope and components of this plan. We also strongly recommend that intervening tribes be consulted on the species of plants that are reseeded and planted. We support the Sauk-Suiattle Indian Tribe's comments filed with FERC on prioritizing culturally significant plants for inclusion in the restoration plans as this could help strengthen tribes' ability to practice their gathering treaty right.	See responses to comments NPS-26 and SSIT-10.
USFWS-11a	We also agree with the Sauk-Suiattle Indian Tribe that a restoration plan should include snag retention to provide wildlife habitat. Restoration efforts should also promote the natural recruitment of native plants to the North Cascades Lowland Forest ecoregion.	Noted.
USFWS-12 Page 4	**Additional Recommended Plan** **Water Quality Monitoring and Management Plan** The USFWS recommends that City Light develop a Water Quality Monitoring and Management Plan. The purpose of the plan is to describe the methodology and procedures City Light will implement to evaluate water quality conditions associated with decommissioning. This information will be needed to assess project-related effects and to inform adaptive management actions to protect aquatic resources including ESA listed bull trout, steelhead, and Chinook salmon. The plan should include continuous hourly measurements of water temperature, pH, and turbidity measured on a year-round basis until a minimum of two 1,500 cfs and one 3,200 cfs magnitude flows have occurred over three separate years. Adding these parameters to USGS gaging station 12178150 would likely be a cost-effective means of fulfilling these requirements.	See response to comment NPS-46.
USFWS-13 Page 4-5	**Comments on the Environmental Effects Analysis** **Power Tunnel** The USFWS requests that impacts associated with the removal of the penstock and any supporting structures in the tunnel (i.e., conduit, telephone line, wood cradles) be evaluated to determine if the short-term negative impacts of a removal action outweigh the long-term beneficial impacts of removal. As part of this evaluation, we request that the compounds used to treat the wood cradles, walkway planks, and the extent of any soil contamination in the tunnel be determined.	See responses to comments NPS-21 through NPS-21a.
USFWS-13a Page 4-5	We support leaving the lower end of the penstock tunnel open to allow for wildlife, colonization, including bats. However, ensuring that contaminant sources within the tunnel are mitigated would be necessary to reduce adverse impacts to wildlife utilizing the tunnel.	Noted. See response to comment NPS-65 regarding contaminants; the EER concluded that no potential environmental concerns are present.
USFWS-14	The USFWS does not support the disposal of concrete or the use of	See response to comment NPS-22.

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Page 5	slurry for transporting debris into the vertical portion of the power tunnel and requests that all concrete be removed from the Project and disposed of offsite. Disposing of concrete in the tunnel would effectively turn the power tunnel into a dump site, and use of slurry to transport material would have potential water quality impacts. If the tunnel must be filled, we recommend natural material from the landslide adjacent to the headworks access road.	
USFWS-15 Page 5	**Penstock Long-Term Stability** The Partial Removal Alternative of the EA and Decommissioning Plan fails in fully addressing the penstock's long-term maintenance, stability, and the impacts of vegetation management. Factors that were not assessed include: 1) the effects of precipitation and soil erodibility on penstock stability, 2) existing condition of above ground penstock cradles and supporting structures, 3) corrosion of concrete penstock cradles, and 4) impacts to terrestrial habitat related to hazard tree management. When combined, these factors indicate that the long-term stability of the penstock will require significant levels of maintenance to ensure the integrity of the structures, negatively impact forest structure and wildlife habitat, and place personnel at unnecessary risk when managing hazard trees.	See response to comment NPS-56.
USFWS-15a Page 5	Under the Partial Removal Alternative, the only maintenance City Light proposed for the penstocks is painting every 10 to 20 years, which the USFWS finds to be severely deficient.	See response to comment NPS-57. For transparency and assistance in determining effects, the Surrender Application provided a probable timeframe in which painting would occur based on the past maintenance schedule and the exceptional condition that the 100-year old penstock is in; painting was not limited to this frequency. City Light has a full-time painting crew stationed in Newhalem that regularly inspect the conditions of coatings on facilities and would paint no more or less than what is required to preserve the integrity of the structure.
USFWS-16 Page 5	The penstock and its associated saddles are located on steep slopes below the power tunnel. The cradles above the powerhouse are not deeply buried and many of them have exposed bases that already exhibit erosion beneath them. If the penstock remains, we expect continued erosion and slope stability issues under the penstock cradles where slopes are more than 40 percent, which will threaten the integrity and function of the penstock. Despite the assertion in Page 9 of the EA stating, "*no detailed soil survey has been done in the Newhalem Creek area,*" a soil survey of the project area was published by the NRCS [Citation: Natural Resources Conservation Service. Soil Survey of North Cascades National Park Complex. 2012. Washington, USDA NRCS.]. Soil types found underlaying the penstock saddles (Map Units 6014 and 6015 in Figures 1 and 2 below) are ranked "high" for corrosion of concrete and "severe" for erosion hazard. Therefore, slope run-off from precipitation events will continue to undercut and degrade these saddles on this steep slope necessitating short and long-term maintenance.	There is no discernible erosion around the penstock and there are no foreseeable stability issues, risk of corrosion, or existence of soils rated as "severe" for erosion hazard. See responses to comments NPS-56 through NPS-62.
USFWS-17 Page 6-7	**Figure 2. Soil Map Legend, NRCS Report, 2012**. Additionally, over time, trees will grow adjacent to the penstock saddles, impacting their ability to support the penstock especially when trees tip, exposing root balls and undermining the soil adjacent	See responses to comments NPS-53, NPS-59, and NPS-60.

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	to the saddles on steep slopes. In addition, hazard trees will likely fall on the penstock damaging its integrity and function. These hazards also exist for the section of the penstock built on the flat slope. Rockfall also has a considerable potential to damage the penstock and saddles.	
USFWS-18 Page 7	FERC concluded on page 18 of the EA that "by retaining the penstock, soil disturbance along the penstock route would be minimal, and no negative effects would occur." The USFWS disagrees with this assessment and anticipates the penstock saddles will eventually shift due to unstable soils. As a result, the penstock and penstock saddles will either fall into disrepair, littering the natural landscape, or require significant amounts of maintenance (far beyond painting) to manage erosion and corrosion of the saddles and to manage hazard trees (which have a considerable habitat value) to prevent structural damage to the penstock itself.	See response to comment NPS 62.
USFWS–18a Page 7	Additionally, the continued presence of the penstock and saddles, as well as the anticipated maintenance (e.g., saddle reconstruction, hazard tree removal, and associated noise disturbance) will disrupt normal movement patterns and behaviors of wildlife. Furthermore, the penstock and saddles diminish the indigenous cultural value of the area (see below). For all these reasons, USFWS supports the removal of the penstock, saddles, and associated infrastructure as part of the Full Restoration Alternative.	Maintenance of the penstock would be minimal. There are no foreseeable plans for saddle reconstruction as they have recently been built and are of a robust design (see responses to comments NPS-56ab, NPS-58, and NPS-59). Hazard trees would only be removed if they were an immediate threat to the facility. City Light would work with the Section 106 consulting parties to determine which situations would require tree management, if any (see responses to comments NPS-53, NPS-56, and NPS-59 regarding hazard trees). Noise disturbance from maintenance would be negligible; there would only be noise to wildlife approximately every 10 to 20 years and would likely only include handheld equipment for weedwacking and painting. City Light understands that the configuration of structures can affect wildlife use patterns. It is well known that long linear features like pipelines have a notable effect on the migration patterns of herding animals like caribou; roads also influence wildlife movement, especially by smaller mammals and amphibians. However, City Light does not agree that the penstock has a significant effect on wildlife movement in the area. First, the above ground section of the penstock is only 700 feet long and the area does not support herding species of wildlife. Second, the area underneath and along the penstock is vegetated and provides cover and forage. Third, the penstock is elevated, from 6 inches to 6 feet above the ground. Amphibians and small mammals can easily move along or under the entire penstock. Larger mammals can move around within a short distance or under the many sections that are 3-6 feet above the ground surface. There is significant evidence of bear and deer use in the area. Lastly, City Light cautions USFWS' support of the NPS' "Full Restoration Alternative" as it supports landlocking over 8.5 miles of orphaned roads above the Newhalem Creek Dam, effectively *preventing* the full restoration of Newhalem Creek. These orphaned logging roads contain a 110-foot concrete bridge with 234 feet of guardrail spanning Newhalem Creek, as well as failing and undersized corrugated metal culverts, ditches, fill, and other infrastructure. Much of the logging roads traverse steep mid-slope terrain and streams rated as Type F, N, or Unknown. Without water management and maintenance of the infrastructure, along with USFS' outdated construction technique, there is potential for erosion, landslides and other mass wasting events, including catastrophic failures that can entirely block Newhalem Creek and impede fish passage. These events may adversely affect Bull Trout and its critical habitat downstream, as well as resident trout upstream and downstream, particularly when the 110-foot concrete bridge fails. Relics from the road system may also negatively impact public resources when delivered to streams and public resources below.
USFWS-19 Page 7	**<u>Soils and Contaminants</u>** We do not concur with the determination on Page 18 of the EA that "*Full removal of the project would present more risks from hazardous substances to human health and ecological receptors than City Light's proposed partial removal of the project. In addition to the risks discussed above, removal of the penstock and powerhouse would disturb soils containing hazardous substances to be transmitted*	See response to comment NPS-65. Also, there are no soils with high soil erodibility around the penstock (see response to comment USFWS-16). It is unlikely that disturbance would occur if the penstock were left in place, as the penstock saddles have not shifted in over 100 years and are unlikely to shift due to the majority of the concrete saddles firmly rooted on bedrock (see responses to comments NPS-56 through NPS-62 and USFWS-16). There is no reason to expect that the penstock or concrete saddles would fall into disrepair or require significant amounts of maintenance if re-coated within the proper timeframe. As provided in response to comment NPS-62, mature trees would not be removed but would be managed by removing saplings or young trees immediately under or adjacent to the penstock, in which the tree's growth when older could physically push against the penstock.

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	directly or indirectly to humans, plants, and animals in the area. Commission staff finds this disturbance of soils would result in moderate, temporary adverse effects." As stated above, USFWS has substantial reason to believe soil disturbance will occur, via high soil erodibility and lack of penstock/saddle maintenance, along the penstock even if left in place. In the long-term, FERC staff expect a permanent beneficial effect from removing any soils containing hazardous materials during construction, and we concur. The more structures that are removed and media restored, the greater the benefit for human health and the environment. A thorough sampling and evaluation of the nature and extent of contamination should be completed prior to removing any structures. City Light already proposes to remove structures that may have caused contamination; removing additional structures should not be an issue.	
USFWS-20 Page 7-8	The EA mentions that "*removal of the diversion dam (including the sluiceway and intake), gatehouse, and pedestrian bridge, under both the proposed action and the full dam removal alternative, would in the short-term mobilize the sediment in the impoundment and transport it downstream."* The EA does not address the issue that *"the potential of sediment being contaminated with potentially toxic concentrations of mineral or organic chemicals (e.g., mercury, polychlorinated biphenyls [PCBs]) is a consideration for a dam removal project. If removing a dam releases impounded sediments that may be contaminated at levels above background levels for the river system, then those sediments may need to be removed or contained to prevent downstream contamination*. [Citation: Congressional Research Service. "Dam Removal: The Federal Role." Updated March 15, 2024. Accessed at: Dam Removal: The Federal Role (congress.gov)." Given that impounded sediments may be found to contain contaminants, there may be an even greater need to keep them from migrating downstream until restoration efforts are complete. Therefore, we recommend that sediments be tested for contaminant constituents prior to removal of the dam structures. If present, contamination would need to be remediated prior to dam removal and the release of sediments downstream.	See response to comment NPS-66.
USFWS-21 Page 8	**<u>Electrical Service Line to the Powerhouse</u>** The Partial Removal Alternative proposes to retain the overhead electrical service line across the Skagit River to the powerhouse. Despite City Light's proposal to install line markers to "reduce the risk of [avian] collisions, …some collisions, at low frequency are still likely to occur." The USFWS believes avian collisions with overhead powerlines, even in a reduced frequency, is unacceptable, especially given that the powerline's sole purpose on the landscape is to support a feature (the powerhouse) that severely diminishes a traditional cultural property (see Cultural Resources comments below). Additionally, the EA analysis fails to account for wildfire risk that the powerlines pose from arcing. For these reasons, the USFWS supports	City Light is committed to minimizing potential adverse effects to avian species from the retention of the existing power lines to support the continued maintenance of the historic Newhalem Creek Powerhouse and provide public interpretative information and tours following the license surrender. While a small number of local resident mergansers, great-blue herons, ducks and passerine species fly along the river and the riparian zone crossed by the wires, the potential avian collision risk is quite low due to the limited bird activity along this section of the Skagit River, the fact that it is not in a migratory corridor used by large numbers of birds, and the lines being below the surrounding tree canopy heights. There have been no records of bird collisions with the wires from either power interruptions or from City Light staff in Newhalem directly observing events, even though staff are trained to observe and report avian mortality. The proposed installation of line markers is an effective mitigation measure to further reduce risk to birds. It is rare that a 2- or 3-phase electrical line would arc, and it would not happen under normal operating conditions; it is even more improbable considering the line comprises only a few hundred feet over the river before becoming buried again on each side, thus not traversing through flammable trees.

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	removal of the overhead powerlines and associated poles as a part of the Full Restoration Alternative.	City Light is consulting with the Upper Skagit Indian Tribe regarding adverse effects to its TCP 45WH450 through the Section 106 process and looks forward to working with the USFWS to protect, conserve, and enhance fish, wildlife, plants, and their habitats.
USFWS-22 Page 8	**<u>Cultural Resources</u>** The EA states that removal of the powerhouse and penstock *"would result in greater adverse effects to the Skagit River and Newhalem Creek Hydroelectric Projects Historic District than would occur under the proposed action."* While we agree that adverse effects to the historic district would occur, it ignores the proportionality of effect to the historic district as a whole and the outsized historical presence of hydropower compared to indigenous history and culture of the Skagit Valley. Other than the No Action Alternative, all alternatives would adversely affect the Skagit River and Newhalem Creek Hydroelectric Projects Historic District (DT-66). The Newhalem Creek powerhouse and penstock, however, only comprise two properties within the 58-property district. Furthermore, portions of the powerhouse and/or penstock (e.g., Pelton turbine) could be moved to the Newhalem townsite to provide interpretive opportunities for the public access and learn about the role of hydropower in the Skagit Valley. Therefore, FWS does not agree that the retention of the powerhouse and penstock under the Partial Removal Alternative is necessary to mitigate effects of decommissioning on historic properties.	See responses to comments NPS-6, NPS-7, NPS-81. Adverse effects to all historic properties will be evaluated through the Section 106 process with all consulting parties. As stated earlier, this comment mischaracterizes the Skagit River and Newhalem Creek Hydroelectric Projects historic district. The Full Removal Alternative would eliminate every contributing property related to the Newhalem Creek Hydroelectric Project, thereby eliminating one of the two historic district's named hydroelectric projects. City Light looks forward to working with the USFWS to protect, conserve, and enhance fish, wildlife, plants, and their habitats.
USFWS-23 Page 8	Comparatively, the Partial Removal Alternative would have an adverse effect of greater magnitude to the Upper Skagit Indian Tribe's TCP 45WH450. The integrity of the TCP is almost entirely defined by the pre-developed natural environment which formed the basis of the Tribe's unique origin story and is integral for tribal members' spiritual and ceremonial practices. It is explicitly stated in the 45WH450 "Determination of Eligibility" that the historic built environmental features, including dams, reservoirs, and their associated operational and maintenance facilities (e.g., Newhalem Powerhouse and penstock), diminish the TCP's integrity (Mierendorf and Schuyler, 2019:15[Citation: Mierendorf, Robert R. and Scott Schuyler "The Skagit River Gorge and Canyons, Whatcom County, Washington, 45WH450" National Register of Historic Places Determination of Eligibility. Upper Skagit Indian Tribe, Sedro- Woolley, WA, November 13, 2019]).	See response to comment NPS-8. As noted throughout, City Light is committed to the Section 106 process which includes evaluation of and mitigation for adverse effects to all historic properties, through consultation with affected Tribes, NPS, and DAHP. The USFWS is not a consulting party in this process, but City Light looks forward to working with the USFWS to protect, conserve, and enhance fish, wildlife, plants, and their habitats.
USFWS-24 Page 9	Therefore, we strongly support the Upper Skagit Indian Tribe's position for the Full Restoration Alternative and concur that partial removal has an adverse effect to the Tribe's TCP 45WH450.	See response to comment NPS-8. City Light is not aware that the Upper Skagit Indian Tribe has requested the Full Restoration Alternative, although City Light understands the Upper Skagit Indian Tribe has requested the Full Removal Alternative. City Light cautions USFWS' support of the NPS' "Full Restoration Alternative" as it supports landlocking over 8.5 miles of orphaned roads above the Newhalem Creek Dam, effectively preventing the full restoration of Newhalem Creek and potentially adversely affecting Bull Trout and its critical habitat, as well as resident salmonids. See the last paragraph of USFWS-18a.
USFWS-25 Page 9	Several federally recognized Indian tribes have expressed interest in a location to carry out culturally significant activities and ceremonies in the upper Skagit Valley. Thus, we support the Full Restoration Alternative as means to provide tribes with a location to carry out	See responses to comments NPS-9 and NPS-10.

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	religious ceremonies and treaty-granted fishing and gathering rights. Retaining the road and bridge from the Newhalem Campground to the powerhouse site will enable tribal access for these purposes.	
USFWS-26 Page 9	The establishment of the Newhalem Creek Hydroelectric Project contributed to the economic prosperity of Seattle while marginalizing indigenous communities and disposing them of their land. Retaining the partial remains of the Project to convey hydropower's legacy in the Skagit Valley is redundant and overshadows the indigenous history that preceded it. The Skagit Hydroelectric Project's three functioning dams and the historic district that it resides in adequately depicts hydropower's role in the history of the area. The Full Restoration Alternative provides an opportunity to honor the indigenous history of the upper Skagit Valley and allow tribal communities to reconnect with traditional places and resources that are sacred to them. We challenge City Light and FERC to support an outcome that strengthens tribal trust treaty rights, responds to the cultural needs of the Tribes, and balances the stories told in and about the human history of the Skagit River Valley.	See responses to comments NPS-9 and NPS-12.
United States Department of the Interior Bureau of Indian Affairs– Comment letter filed with FERC 5/9/2024		
BIA-5 Page 2	The EA describes the proposed action (Partial Removal) through which Seattle City Light proposes to decommission and remove some of the Project features, but retain certain features considered to be historically important. It also includes three alternatives: 1.) Full Removal; 2.) Proposed Action (Partial Removal) with Staff-recommended Measures; and 3.) the No-Action Alternative. In the BIA's view, any alternative other than Full Removal falls short in several ways. These other alternatives do not appear to consider the rehabilitation of any pertinent traditional cultural properties eligible for the National Register. There is no standard for meeting environmental justice objectives by protecting and restoring cultural resources for tribal communities. Those alternatives do not appear to support the creation of a place where tribes come to practice their cultural traditions. Lastly, there is no consideration for the restoration of upland forest, riparian, and floodplain habitat to a natural pre-Project condition, as referenced above. NPS has repeatedly flagged these concerns to FERC and advocated for Full Removal with certain modifications. Given that the Project occupies the lands of NPS, BIA strongly supports Full Removal consistent with the principles raised above and with NPS' comments on the EA and its alternatives.	City Light respectfully disagrees that "These other alternatives do not appear to consider the rehabilitation of any pertinent traditional cultural properties eligible for the National Register." The preferred alternative removes a dam and other headworks, fully restoring Newhalem Creek to support fishing treaty rights, and restores 2.78 acres of the 2.94 acres of ancestral uplands where Tribes can practice their cultural traditions. Additionally, the preferred alternative removes the tailrace fish barrier, which further restores fishing treaty rights, as well as floodplain and riparian habitat. Leaving the NRHP-listed, historic powerhouse and penstock in place only reserves 0.16 acres for preservation of other cultural resources and does not affect fishing treaty rights any more than the existing NPS trails and campgrounds within the same area. City Light is working with the Upper Skagit Indian Tribe through the Section 106 process to mitigate for any adverse effects to its TCP. Regarding environmental justice, FERC's environmental justice analysis was conducted following relevant Executive Orders and directives. City Light is fully committed to consultation with and input from Tribes who have traditionally used the Project vicinity.
BIA-6 Page 2	The EA also contains an additional, mis-guided discussion of the proposed action and subsequent alternatives. Section 6.3 of the EA states, "we discuss the effects of the proposed action and alternatives on environmental resources. For each resource, we first describe the affected environment, which is the existing condition and baseline against which we measure effects." We do not believe FERC's depiction of the "existing condition" to be an accurate one. The	FERC uses existing conditions as the baseline for evaluating effects of Project decommissioning on the environment, including to historic properties. *See, e.g.*, Final Environmental Impact Statement for Klamath Project License Surrender and Decommissioning at 2-75 (Aug. 26, 2022) "The No-Action Alternative represents existing conditions and serves as the baseline for evaluating the effects of the licensee's proposed action." The undertaking at issue in this proceeding is the decommissioning of the facility, not its construction.

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	"existing condition" should not be the baseline against which effects should be measured. Instead, the "baseline" should be a determination of what measures should be taken to restore the land and waters within the project boundary to a state which reflects the time before the Project was constructed in 1921. We conclude that the Full Removal Alternative, if modified to include the principles discussed above, would serve as the best strategy for minimizing effects to trust resources resulting from the proposed action and restoring the site of the Project back to its historical pre 1921 condition. We herein refer to this alternative as the "Full Restoration Alternative," as proposed by the NPS for this proceeding.	
BIA-8 Page 2	First, we think FERC's characterization of the vegetative resources in the Project area as "a few large Douglas fir and western red cedar trees with an understory consisting of a variety of shrubs, ferns, other herbaceous perennial, and mosses, common species include sword fern, salal, red huckleberry, and vine maple" is overly simple and fails to note resources of cultural significance to the area's Tribes. We agree with the Sauk-Suiattle Tribe's recommendation that the Project area should be surveyed by tribal persons with indigenous knowledge of plants of cultural significance.	City Light will work with the affected Tribes to incorporate culturally significant plants into the Restoration Plan.
BIA-9 Page 3	To better assist in the restoration of the Project area, cultural resources staff of the interested tribes should be consulted to ensure a "mix of appropriate native plant species" to be included in the revegetation of the project area.	City Light will coordinate with the affected Tribes to develop a Restoration Plan that promotes the establishment of a mix of appropriate native plant species.
BIA-11 Page 3	While we are encouraged by the results of this analysis it is unclear whether these conclusions are based on the proposed action and associated alternatives, let alone the Full Restoration Alternative. The development and implementation of a Sediment and Erosion Control Plan (Plan) is identified as an element of the proposed action in the EA. This Plan is vague at best and refers to including a "summary of construction BMPs [Best Management Practices], typical detail drawings, and limits of construction." We find this vagueness to be concerning and request that the final development of the Plan include specific provisions to minimize the impact of any contaminants that may be disturbed or become mobilized in water resources during the implementation of the proposed action to ensure complete restoration of the project area perpetuates a pre-1921 condition.	The NPS' Full Restoration Alternative is essentially the Full Removal Alternative at 90% design, except it would remove the Hilfiker wall and concrete retaining wall on Newhalem Creek Road, which would landlock over 8.5 miles of unmaintained, failing logging roads above the Newhalem Creek Dam, which would effectively *prevent* the full restoration of Newhalem Creek. These orphaned logging roads contain a 110-foot concrete bridge with 234 feet of guardrail spanning Newhalem Creek, as well as failing and undersized corrugated metal culverts, ditches, fill, and other infrastructure. Much of the logging roads traverse steep mid-slope terrain and cross streams typed as fish bearing in several locations. Without water management and maintenance of the infrastructure, along with USFS' outdated construction technique, there is potential for erosion, landslides and other mass wasting events, including catastrophic failures that can entirely block Newhalem Creek and impede fish passage. Relics from the road system may also adversely affect the Upper Skagit Indian Tribe's TCP when delivered to streams below. More information can be found in NPS-14c. Perpetuation to a pre-1921 condition is not a reasonable or achievable decommissioning goal. First, FERC's decommissioning process does not contemplate jurisdiction over decommissioning outcomes in perpetuity. Second, in this case, numerous influences outside City Light's control have and will continue to define the condition of the Project area. Human-caused and natural wildfires, public recreation use of these NPS-administered lands, movement of material in an existing active landslide, climate change, and other events have and will continue to cumulatively affect the Project area. Lastly, NEPA is meant to be conducted early in the planning process to address concerns before design proceeds to later stages, so EAs do not normally include the level of detail needed for a Sediment and Erosion Control Plan (which City Light will call a Stormwater Pollution Prevention Plan (SWPPP) consistent with Washington State Construction Stormwater General Permit requirements). The level of detail in the design necessary to develop a meaningful SWPPP does not come until at least 60% design. In the interim, City Light directs the BIA to the numerous stormwater BMPs that were provided in the Surrender Application. Further, the SWPPP will be developed consistent with the requirements specified in the Washington State Department of Ecology's Construction Stormwater General Permit (CSGP) and the City of Seattle's 2023 Standard Specifications (CoS Specifications). The information and BMPs that will be included in the

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		SWPPP, in accordance with the CSGP can be found here: https://ecology.wa.gov/regulations-permits/permits-certifications/stormwater-general-permits/construction-stormwater-permit. The information and BMPs that will be included in the SWPPP in accordance with the CoS Specifications can be found here, in Section 8-01.3(2)A: https://www.seattle.gov/documents/Departments/SPU/Engineering/specifications-plans/2023-Standard-Specifications.pdf. If the BIA has specific BMPs that are not included in either of these manuals, they can be provided to City Light for discussion. City Light plans on developing a draft SWPPP at 60% design, to be adopted and potentially changed by the contractor based on their means and methods. The final SWPPP can be provided to the BIA for review.
State of Washington Department of Fish and Wildlife – Comment letter filed with FERC 5/13/2024		
WDFW-5 Page 2-3	**COMMENTS AND RECOMMENDATIONS** **WDFW Supports for National Park Service Modifications to the Full Removal Alternative:** WDFW supports the recommendations by the National Park Service (NPS), the Upper Skagit Indian Tribe (USIT), and the Sauk-Suiattle Indian Tribe (SSIT) for the modifications to the Full Removal Alternative, hereafter called the Full Restoration Alternative. The Full Restoration Alternative mostly increases the removal of project features as proposed in Full Removal Alternative	The Full Removal Alternative is the Full Removal Alternative at 90% design, except it would remove the Hilfiker wall and concrete retaining wall on Newhalem Creek Road, which landlocks over 8.5 miles of unmaintained, failing logging roads above the Newhalem Creek Dam, preventing the full restoration of Newhalem Creek. These orphaned logging roads contain a 110-foot concrete bridge with 234 feet of guardrail and 110-feet of steel pipe rails spanning Newhalem Creek, as well as failing and undersized corrugated metal culverts, ditches, fill, and other infrastructure. Much of the logging roads traverse steep mid-slope terrain and cross several Type F streams, as well as Type N and untyped streams. Without water management and maintenance of the infrastructure, along with USFS' outdated construction technique, there is potential for erosion, landslides and other mass wasting events, including catastrophic failures that can entirely block Newhalem Creek and impede fish passage. These events may adversely affect resident fish the entire length of Newhalem Creek as well as anadromous fish downstream. Relics from the road system may also negatively impact public resources when delivered to streams and public resources below. See response to comment NPS-14c.
WDFW-6 Page 3	The Full Restoration Alternative also removes: - All above and below ground power lines, power poles, power pole anchors, and associated underground vaults; - All transformers and cement bollards; - Above ground penstock, penstock thrusts, and cradles; - Electrical cables and conduit attached to penstock saddles and telephone line laying on the ground adjacent to the penstock; - Viewing platform constructed of treated lumber on the lower portion of the penstock; - Six-inch diameter PVC pipe adjacent to the penstock; - Rock retaining fencing and posts above the penstock tunnel entrance; - Telephone, circuit breaker, lights, and six-inch PVC pipe inside of the penstock tunnel; and Electrical conduit, lights, telephone line, and anchors in the penstock tunnel.	These are elements that would be included in the Full Removal Alternative at 90% design.
WDFW-7 Page 4	The largest number of infrastructure removals would restore the most fish and wildlife habitat in the long term. Although SCL touts the small acreage of their proposed remaining infrastructure, the long linear nature of the penstocks and their supports have a much greater effect than a small rectangular area of impact. The remaining infrastructure impedes a fuller restoration of the area.	City Light understands that the configuration of structures can affect wildlife use patterns, however City Light believes in this case the impact is minor. See response to comment USFWS-18a. In the larger picture of Project decommissioning, habitat benefits and needs should be balanced with other resources, including historic properties. The preferred alternative provides significant benefits to fish and wildlife habitat by removing the diversion dam and headworks from Newhalem Creek, restoring 2.78 acres of terrestrial habitat, and avoiding removal of large trees. City Light appreciates WDFW's interest in the largest number of infrastructure removals, and notes that removing the Hilfiker wall and concrete retaining wall would prevent the future removal of 8.5 miles of failing, unmaintained logging road infrastructure in the Newhalem drainage, including a 110-foot concrete bridge with 110 feet of steel pipes and 234 feet of guardrail spanning Newhalem Creek, as well as failing and undersized corrugated metal culverts, ditches, fill, and other infrastructure. See response to comment NPS-14c.

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WDFW-8 Page 4	With the great reduction of old-growth stands and mature habitat in the area from the 2015 wildfire, SCL can conduct a more complete restoration and infrastructure removal with fewer impacts to habitat due to the great amount of early seral (recently disturbed) habitat. As a good steward of the land, SCL should initiate the full restoration process, before it surrenders the land back to the NPS. The NPS will likely manage much of the area for future mature forests. SCL's removal of most of the infrastructure would advance this process. The Federal Energy Regulatory Commission's regulations charge the utility that constructed the Project on lands of the United States, SCL, with the responsibility to restore the lands to a condition satisfactory to the landowner, NPS. 18 CFR 6.2 states, "[w]here project works have been constructed on lands of the United States the licensee will be required to restore the lands to a condition satisfactory to the Department having supervision over such lands."	Historic cultural resources are also environmental resources, so by preserving historic cultural resources and maintaining them as interpretive facilities City Light is being a good steward. The preferred alternative avoids impacts associated with removal of the penstock and powerhouse, resulting in a smaller footprint for decommissioning activities. This will allow continued maturation of the Project lands affected by the 2015 Goodell Creek wildfire. While City Light has no information about NPS' plans for the Project lands to be removed from FERC jurisdiction, City Light does understand that NPS is charged with protecting and interpreting a broad array of resources that includes forests and historic properties among others. The vicinity of the Newhalem Creek Powerhouse is one the areas within the RLNRA where NPS focuses visitor use and interpretation. The RLNRA visitor center and campground are nearby, and numerous interpretive walking and hiking trails are in the area. Preservation of the Newhalem Creek Powerhouse and penstock is compatible with current NPS management of the vicinity.
WDFW-9 Page 4-5	**Obtaining a Hydraulic Project Approval:** WDFW recommends that SCL acquire a Hydraulic Project Approval (HPA) for all work within and near Newhalem Creek and the intermittent creek that serves as the tailrace. Washington State (State) law (RCW 77.55) requires parties planning hydraulic projects in or near State waters to acquire an HPA from the WDFW. This would include most marine and fresh waters. An HPA would ensure that the project proponent would construct a project in a manner that protects fish and its aquatic habitats. WDFW would recommend that SCL apply for an HPA during the consultation process before the construction of each specific restoration project.	A Joint Aquatic Resources Permit Application and supporting documentation including design plans will be provided to WDFW for an HPA in the future. City Light conducted site visits, including the tailrace restoration area, with WDFW permitting specialists on June 3 and September 13, 2024.
WDFW-10 Page 5	**Return of the Tailrace to a Natural Stream:** WDFW supports SCL's removal of the fish tailrace barrier. WDFW also recommends that SCL restore the tailrace to a natural stream, through the removal of all concrete, rip rap, and other unnatural armoring.	As part of its restoration objective to create high-flow refugia to the tailrace, City Light intended to remove all of these materials. However, WDFW area habitat biologists and other parties expressed potentially retaining riprap where removal would adversely affect well established riparian vegetation, such as around the roots of existing trees. City Light will work with the parties to determine which unnatural materials should remain, if any.
WDFW-11 Page 5-6	The Ceasing of Maintenance to County Line Pond No. 3 for Salmon Releases: SCL states, "In response, City Light [SCL] states that it continues to occasionally conduct road and culvert maintenance as needed for County Line Pond No. 3, although Washington DFW [WDFW] has not used this facility in recent years. City Light [SCL] proposes to discontinue maintenance for County Line Pond No. 3, once the Newhalem Project license is surrendered." Frankly, WDFW does not agree with this statement. WDFW has released summer Chinook Salmon (*Oncorhynchus tshawytscha*) in County Line Pond No. 3 (Pond No. 3) for the last 30 years. WDFW uses Pond No. 3 for the release of an indicator stock, so this site represents a high priority release site and one that must remain consistent from year to year during the releases. In addition, WDFW may use this site to start a Chum Salmon (*Oncorhynchus keta*) volitional release program. In the last many years, the Skagit Chum Salmon population has steadily decreased in an alarming manner. WDFW highly recommends that SCL reconsider its position on the maintenance of the Pond No. 3 critical release site for Skagit salmon populations. WDFW would like to continue the use of this release site and would hope that SCL would continue to maintain access to Pond No. 3 on its	Maintenance of County Line Pond No. 3 was a license condition to mitigate impacts to fish from operation of the hydroelectric project. Once Project operations cease and the license is surrendered, there is no longer a nexus for City Light to maintain County Line Pond No. 3.

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	property to help Skagit salmon populations.	
WDFW-12 Page 6	**Mitigation for Power Tunnel:** WDFW would support SCL's construction of a gate across the power tunnel entrance. WDFW would recommend that SCL erect a gate that allows access to bats.	The preferred alternative includes installing a gate across the power tunnel entrance that accommodates bat ingress and egress.
WDFW-13 Page 6	**Invasive Plant Management Plan**: SCL proposed five years of monitoring before ceasing invasive plant maintenance. SCL would prepare an annual monitoring report that would document completed maintenance, identify future maintenance needs, and provide digital images of restoration areas. FERC recommended three years. WDFW recommends that SCL should base the length of monitoring on a target of non-native or noxious weed percentage of cover. SCL should create contingency plans to implement additional actions, if it does not successfully meet non-native or noxious weed coverage targets by time deadlines. WDFW recommends that SCL create targets of non-native or noxious weed percentage coverage on each site, for example, <25% after one year and <5% after three years. SCL should re-treat, plant native plant species, and monitor again in one or two growing seasons, wherever it does not meet these targets. When SCL meets the non-native or noxious weed vegetative percentage cover at deadlines, it can quit monitoring. In the end, the NPS would approve of the restoration of the land and the targets for success. SCL should consult with WDFW during the creation of the management plans with approval by the NPS.	City Light's Invasive Plants Management Plan will include specific performance standards for non-native and invasive plant cover. The restoration plan and Invasive Plants Management Plan will include contingency measures that can be implemented to achieve agreed upon, specified performance standards for non-native and invasive plants. Maintenance actions will be identified in annual monitoring reports prepared as part of annual monitoring activities to demonstrate attainment of agreed upon, specified performance standards. In addition to cultural, mechanical, or chemical control, maintenance or contingency measures could include seeding or planting more native plants to help achieve performance standards for non-native and invasive plant cover. City Light expects to work with WDFW, NPS, and others to develop an Invasive Plants Management Plan that is reasonable and commensurate with the size and complexity of this Project and relatively high likelihood that proposed habitat restoration and invasive plant management will be successful. Ultimately, FERC will approve the plans.
WDFW-14 Page 7	**Sediment and Erosion Control Plan:** WDFW supports NPS comments on the Sediment and Erosion Plan and the comments of the slow movement of sediment in Newhalem Creek that would affect the monitoring timing. Dube (2021) states, "Because of the coarse nature of the streambed (cobble/boulder/gravel), the re-adjustment to the new base level would likely take place relatively slowly, over decadal or longer time scale following the initial channel adjustment close to the diversion structure." WDFW supports the NPS' proposal that the monitoring would continue until at least two flood events, one over 1,500 cfs, a 2-year flood (Dube 2021), and one flood event over 3,200 cfs, a 5-year flood (Dube 2021), have occurred in Newhalem Creek over three separate years. WDFW agrees with FERC that monitoring would include an assessment of "barriers to fish passage that may develop due to sediment movement that have the potential to impede the passage of salmon, steelhead, bull trout or Dolly Varden into or within the lower 0.65-mile section of Newhalem Creek."	See responses to comments NPS-28 through NPS-30.
WDFW-15 Page 7	**Special Status Wildlife (and their habitat)**: Special Status Wildlife should include the State of Washington's Priority Habitat and Species (PHS) list. SCL has excluded this, along with Table 5 information in the same section. WDFW recommends that SCL complete the effects analysis of the decommissioning by the inclusion of the analysis of the Priority Species and their Priority Habitat. SCL should also include Table 5 heading, with a table of information.	Comment noted. City Light always considers WDFW's priority habitats and species in developing habitat restoration and management plans. Placement of large woody debris and creation of or retaining snags as special habitat features are included where practicable. We look forward to developing a restoration plan in collaboration with WDFW that is consistent with priority habitat and species management recommendations for all species.

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WDFW-16 Page 7-8	WDFW looks forward to additional review of the entire project during the decommissioning process and before our Area Habitat Biologist issues an HPA. SCL should feel free to contact me with any questions, especially to provide additional information on WDFW's comments and recommendations. Please do not hesitate to call me at (360) 466-9245.	City Light conducted an onsite meeting with WDFW's area habitat biologist on June 3, 2024 and again on September 13, 2024. 30% drawings were provided to WDFW on September 13, 2024. A Joint Aquatic Resources Permit Application and supporting documentation including design plans will be provided to WDFW for an HPA in the future.
Sauk-Suiattle Indian Tribe - Comment letter filed with FERC 4/26/2024		
SSIT-7 Page 3-4	It is acknowledged that following surrender of the Project license the National Park Service must manage the site in accordance with the National Park Service Organic Act of 1916. However, as per the Constitution, the obligation of the United States to restore the land to its treaty-time state supersedes that—meaning the Project area must be restored to a condition which does not impair treaty rights. The reservation of treaty usufructuary rights sites customarily occupied by tribes operates as an interest in land, i.e. an easement: They imposed a servitude upon every piece of land as though described therein…and the right was intended to be continuing against the United States and its grantees as well as against the state and its grantees. [Citation: *United States v. Winans*, 198 U.S. 371 (1905).]	The preferred alternative removes a dam and other headworks, fully restoring Newhalem Creek to support fishing treaty rights, and restores 2.78 acres of the 2.94 acres of ancestral uplands where Tribes can practice their cultural traditions. Additionally, the preferred alternative removes the tailrace fish barrier, which further restores fishing treaty rights, as well as floodplain and riparian habitat.
SSIT-9 Page 4	Section 6.3 of the EA states "we discuss the effects of the proposed action and alternatives on environmental resources. For each resource, we first describe the affected environment, which is the existing condition and baseline against which we measure effects." The "existing condition" should not be the baseline against which effects should be measured. Instead, the "baseline" should be a determination of what measures should be taken to restore the land and waters within the Project boundary to a state which reflects its pre-1921 condition.	See response to comment BIA-6.
SSIT-10 Page 4-5	Vegetation is discussed in section 6.3.3.1 (page 25) and only cursorily identifies a few large Douglas fir and western red cedar trees with an understory consists of a variety of shrubs, ferns, other herbaceous perennials, and mosses (common species include sword fern, salal, red huckleberry, and vine maple). What is lacking is a survey of vegetation within the Project Area performed by tribal persons with indigenous knowledge of plants of cultural significance. Pacific Northwest tribal people utilize and consume a wide variety of plant species which might not be of significance to an outside observer or, in the absence of identification, might be erroneously classified as an invasive species. In the absence of such a cultural survey for plants of indigenous significance, at a minimum one should consult Erna Gunther's landmark thesis on the *Ethnobotany of Western Washington; the Knowledge and Use of Indigenous Plants by Native Americans,* University of Washington Press (1973).	The Invasive Plants Management Plan will target plant control of positively identified Class A or Class B weeds listed by the County Noxious Weed Board of Whatcom County; species identified by the NPS as ornamental species that have escaped from historical cultivation in Newhalem, also known as "First Priority Species" (NPS 2011); or other non-native species recommended, assessed, and agreed to by City Light. City Light will consult Erna Gunther's thesis on the *Ethnobotany of Western Washington; the Knowledge and Use of Indigenous Plants by Native Americans,* University of Washington Press (1973). City Light will also work with the Sauk-Suiattle Indian Tribe to develop the Invasive Plants Management Plan, including provisions for the protection of culturally significant plants.
SSIT-11 Page 5	It is obvious that the licensee, in order to construct its project, cleared much of the land for its buildings, roads and operational structures,	The Restoration Plan will be developed in collaboration with the affected Tribes and is anticipated to employ a monitored natural recovery approach that relies on natural succession processes to restore native forest types. Seeding, or planting of native plants found in

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	including power lines and transmission towers. Stands of trees, comparable to what was extant prior to 1921 should be planted—including to provide shade for anadromous and nonanadromous fish which inhabit Newhalem Creek. Where possible standing dead trees or "snags" should be left during the demolition processes to provide roosts and nests for bird species.	adjacent areas may be used to augment or facilitate natural succession processes. Where possible, standing dead trees or "snags" will be left in place to provide roosts and nests for bird species.
SSIT-12 Page 5	On page 28 of the Environmental Assessment, it was recommended that the licensee coordinate with the Park Service to tailor a mix of appropriate native plant species for each restoration area. There should also be coordination with the Cultural Resources staffs of the Upper Skagit and Sauk- Suiattle Tribes to insure that they, too, have input into what is a "mix of appropriate native plant species" to be included in revegetation of the restoration area.	Noted. City Light plans to consult with all affected Tribes and develop the Restoration Plan in collaboration with them and the NPS to develop appropriate vegetation restoration activities that includes protection of culturally significant plants.
SSIT-13 Page 5-6	Page 53 of the EA states that: Under the proposed action (partial decommissioning), the powerhouse and penstock remain and provide visitors an easily accessible area to learn and view historical structures in the original context, which may give visitors a better understanding of the continuum of history in the Skagit Valley. The full removal alternative should be adopted, according to which all above-ground structures would be removed. Retaining these structures does not "give visitors a better understanding" of the "continuum of history in the Skagit Valley. At most, it conveys the message that the continuum of history in the Skagit Valley commenced when "useful" structures were placed on these lands which the previous tribal inhabitants left vacant and merely wandered over for their subsistence purposes rather than appropriating them for industrial development or cultivation. Leaving these remnants of colonization informs nothing about the history in the Skagit Valley. The Valley's continuum of history did not commence in 1921. Their removal may make way for the establishment and construction of an interpretive or visitor's center which presents more *balanced* information about the Newhalem area which gives presentation of tribal views of the history of the Skagit Valley, a view too often missing. Contrary to information presented in most Pacific Northwest history texts, this region was not "discovered", nor did the region's history start, when British captains George Vancouver, Captain Cook, Peter Puget or Spaniard Juan De Fuca, arrived in the Eighteenth Century.	Noted. "Continuum" of history in this context does not suggest that history started with the powerhouse, rather, the powerhouse is part of the story of the land.
SSIT-14 Page 6	On Page 56, the EA states that there is no archaeological evidence of an Upper Skagit village near the Newhalem Project. The "evidence" of existence of the village exists in the Oral History of the Lushootseed people, which has been transmitted mouth-to-ear from generation to generation since Time Immemorial. Elders and traditional leaders of the interested tribes should be consulted. After doing so, in all likelihood, the site will be identified and should be provided a perimeter of protection against desecration or vandalism—regardless of whether	Noted. City Light also commented that there are archaeological sites in the vicinity of the Project that are direct evidence of the Upper Skagit village.

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	there are visible remnants or physical “evidence” of where it was.	
SSIT-16 Page 6	The Sauk-Suiattle Indian Tribe does not support the disposal of concrete or the use of slurry for transporting debris into the vertical portion of the power tunnel and request that all concrete be removed and disposed of offsite.	Slurry was not proposed for disposal onsite. City Light offered to place 50 cubic yards of concrete rubble into the tunnel to minimize noise and disruption from truck trips. However, as noted in response to comment NPS-22, City Light agrees to dispose the material offsite.
Upper Skagit Indian Tribe - Comment letter filed with FERC 5/24/2024 (See letter pages 8-9 for full citations)		
USIT-9 Page 2	After removal of the diversion dam, full and proper decommissioning of the road should include complete removal of any walls that are currently supporting the road along the section being decommissioned. There has been extended conversation especially regarding the merits of removing or leaving the Hilfiker wall supporting the road across the debris slide. Leaving the wall in place will cause non-native material to persist on site and eventually move into the creek. Introduction of non-native material constitutes an adverse effect to the historic character of the Tribe’s TCP District (45WH450) through loss of integrity of setting, materials, feeling, and association. The adverse effect is exacerbated in streams with introduced non-native materials and road debris or contaminated with oil or petroleum products (from decades of vehicular traffic) because such streams are viewed as impure and unsuitable for the traditional religious practice of ceremonial bathing in pure water. Removing the wall will be easier in its current condition and will avoid deferring the burden to future managers to mitigate the environmental degradation and impact to cultural resources.	City Light respectfully declines removing the Hilfiker wall and concrete retaining wall on the Newhalem Creek Road because its removal would be difficult, dangerous, create a significant amount of disturbance, and would landlock over 8.5 miles of failing, unmaintained logging road infrastructure that includes a 110-foot concrete bridge spanning Newhalem Creek. See response to comment NPS-14c. It is unlikely that there will be anything more than de minimis amount of oil on the road over the landslide since this is not a major transportation corridor and cars have not regularly parked at this location.
USIT-10 Page 3	The presence of the wall creates an unusual balance of gradients and forces that will continue to evolve over time into an increasingly unstable condition. Some efforts can be made to avoid loading the wall with additional debris by sloping the road surface downslope, however, the wall presents an unnaturally steep condition that may itself fail once internal reinforcements have become too weak to support the structure. Over time, portions of road and backfill material along with any remaining steel will erode into the creek. Observations that support this concern include undermining at the base of the wall, tension cracks forming on the outboard side of the wall and evidence of slope creep downhill of the wall (Vavrek 2021).	The wall structure is anticipated to erode away differentially, as portions of the wall reinforcement corrode and erosive pathways form through the road. The negative impacts of this type of failure mode should be weighed against the potential impacts of construction activities in the landslide area, including mitigation efforts required to create a safe work environment with tight space constraints. See Attachment 1 in response to comment NPS-14c.
USIT-11 Page 3	It is unlikely that colluvium along the base will provide lasting support or bury the wall because it would have to maintain a slope much greater than the native slope to do so. More likely, any accumulation at the base of the wall will contribute to slope motion, causing additional strain to the wall.	It is unclear how accumulation at the base of the wall could contribute to slope motion. Any accumulation at the base of the wall will provide a resisting force against slope or foundation failures of the wall where the stresses will be greatest. Regardless, there is no plan to add or remove soil (other than potentially to clear the road for initial construction access) in this area. Planting is being considered to help stabilize the soil in this area if it can be established.
USIT-12 Page 3	The dominant mode of instability at this site is likely debris fall as freeze-thaw cycles loosen material and fines are gradually eroded away from the slide’s head and lateral walls during the rainy season. The natural cohesion of the material within the slide area is stable where it is in place. The matrix supported material holds together well	Instability of the slope is a complex issue with multiple potential failure modes. Sandy and silty materials near the surface are removed by erosive transport from surface water flows during precipitation events. More slide-like instability events can occur when the soils become saturated and have reduced strength due to lower effective stress. Slide-like instability can also occur during dry conditions due to mechanical disturbance that vibrates or loosens the near-surface soils that otherwise temporarily hold unnaturally steep slopes due to their very dense in-situ state. Any soil slope steeper than roughly 40 degrees is susceptible to this type of instability as newly-exposed

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	enough to form a steep erosional surface, around 40-45°, extending out of the debris cone that has accumulated on the road. Around the perimeter walls of the slide, the slope is up to 70° (Vavrek 2021). The slope holding ability is further demonstrated by photos of the original construction that show a steep side cut across the slide that was safely maintained during operations.	soils experience stress release, loosen, and lose strength. Rockfall is also an issue, where rocks held within this soil matrix can topple or slide due to mechanical disturbance, erosion of the retaining matrix, or loss of soil strength due to saturation. Each of these failure modes must be considered and mitigated (if necessary) for construction to safely proceed in the area of the Hilfiker wall. Mitigation efforts will necessarily create additional impacts to the area by increasing the footprint of construction and requiring additional disturbances including increased earthworks, rock scaling, mobilization of additional heavy equipment, dramatically increased truck traffic, and a lengthened construction schedule. See response to comment NPS-14c.
USIT-13 Page 3	Native material removed from the site should be stored somewhere stable but can also be used appropriately in decommissioning and restoration activities. As much as possible, it can be used to backfill the void caused by removal of the wall.	City Light anticipates storing and using native materials when appropriate for use in decommissioning activities.
USIT-14 Page 3	***[6.3.1.2 Environmental Effects]/Tunnel Leakage*** The penstock should be removed due to its adverse effect to the Tribe's TCP District (45WH450) and the ongoing maintenance that will be required.	Noted, but maintenance will be minimal. See response to comment NPS-56.
USIT-15 Page 3	We agree that building a road to remove the penstocks will be environmentally impactful, however, the penstocks were emplaced without the use of a road and there are several options to remove them without the need to build a new road. These options need to be considered more seriously.	City Light agrees with this comment if the Full Removal Alternative is selected, but it is worth noting that the methods used 100 years ago may not be feasible today. Also, only methods that can be conducted safely by the contractor will be utilized.
USIT-16 Page 3	The conveyance of water from the tunnel is an issue that needs to be addressed. The Tribe's preference is to prevent leakage within the tunnel and to know more about the leakage to assess if prevention is feasible. Other mitigation that could be acceptable includes finding a maintenance- free way to disperse water safely onto the slope without causing excessive erosion or directing it into existing drainage channels. We agree that the appropriate mitigation will depend on the flow magnitude.	Noted per the Full Removal Alternative. Per the Partial Removal Alternative, see response to comment NPS-63.
USIT-17 Page 4	***[6.3.1.2 Environmental Effects]/Disturbance of Soil Containing Contaminants*** Where there is potential for soil contamination resulting from the project, the nature and extent of contamination should be evaluated prior to any deconstruction or earth moving activities. Any contaminated soils associated with the project should be removed and the spread of contamination should be addressed rather than leaving contaminants in the soil for future generations.	See response to comment NPS-65.
USIT-22 Page 5	Page 56, last sentence of the 1st full paragraph, that begins with "According to Seattle City Light's 1992 FERC license application for the Project, no archaeological evidence…." This is factually incorrect for several reasons. Since 1975 archaeological sites have been recorded in the project vicinity, beginning with site 45WH64, a fishing site at Goodell Cr. and several others that the surveyor (Grabert 1975) attributed to the Upper Skagit Indian village described by ethnographer June Collins (1974); a subsequent survey was conducted in 1984 that confirmed the presence of the sites. The results of these surveys were reviewed in a publicly-available report (Mierendorf 1986) following its release by the NPS, well-before SCL's license application	Noted. City Light provided similar comments to FERC regarding the presence of archaeological sites in the vicinity.

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	in 1992. In 1991, NPS excavations at the Goodell Cr. Site recovered artifacts associated with salmon bones from intact alluvial deposits buried two meters deep and radiocarbon dated to over 600 years old. The site was subsequently assessed for significance and documented as meeting National Register eligibility criteria (Mierendorf 1998). In the mid-1990s NPS archaeologists investigated a rock shelter located in the project area, which uncovered artifacts associated with mountain goat bones that were radiocarbon dated to 1500 years old; the National Register eligibility of the site was documented in 1997 (Mierendorf 1997). More recently, archaeological studies in Newhalem, specifically, the monitoring of SCL's remodeling of Gorge Inn in Newhalem, revealed artifacts associated with the village remains, which are now recorded as archaeological site 45WH497 (Early et al. 2014). These sites and others too numerous to mention are listed as contributing resources to the USIT's TCP District (45WH450) (Upper Skagit Indian Tribe 2019). What is clear today, and was clear in 1992, is that the vicinity of Newhalem, on both sides of the Skagit River, and along the lower reaches of its tributaries of Goodell and Newhalem Creeks, is an archaeologically sensitive area due to a high probability of encountering archaeological remains. For the above reasons, the USIT disputes the sentence's claim that cultural remains associated with the village have been eroded and washed downstream. That false claim is contradicted by the results decades of local archaeological research.	
USIT-24 Page 6	***[6.3.6.1 Cultural and Historic Resources/Affected Environment]/Identified Cultural Resources/Archeological Resources*** Page 57, 2nd full paragraph: acknowledges that decommissioning could disturb unknown archaeological sites and recommends that SCL consult with the USIT to establish a CRMMP to mitigate any adverse effects to archaeological sites. To date, the USIT has not been approached by SCL for the purpose of establishing a CRMMP.	If necessary, a Cultural Resources Mitigation and Management Plan (CRMMP) CRMMP will be developed with consulting parties through the Section 106 process. The Tribe will be an integral part of developing mitigation measures for effects to historic properties and ultimately any CRMMP that may be necessary.
USIT-25 Page 6	***6.3.6.2 Environmental Effects/Effects of Partial Decommissioning on Archaeological and Built Resources and Traditional Cultural Properties*** Page 58, 1st full paragraph: The USIT strongly disputes the claim made in here that the TCP and other historic properties will lose federal protections afforded under the NHPA; in fact, federal protections under the NHPA will continue under the ongoing administrative jurisdiction of the NPS.	Noted. City Light made a similar comment in its response to the EA.
American Rivers, American Whitewater, National Parks Conservation Association, North Cascades Conservation Council, Sierra Club – Washington State Chapter, The Wilderness Society, Trout Unlimited, Washington Wild (Conservation Groups) - Comment letter filed with FERC May 13, 2024		
CG-3 Page 1-2	The basis of our opposition to the Proposed Action results from two significant concerns with the Environmental Assessment: The Proposed Action of Partial Removal is inconsistent with federal Standards for Tribal Consultation specifically directing that "information obtained from	As FERC's designated non-federal representative for Section 106 consultation, City Light has been regularly consulting with affected Tribes since the initiation of the surrender proceeding. Consultation with Tribes is ongoing and confidential. Since the organizations who have signed this letter are not consulting parties to the Section 106 process, their knowledge of the details of this consultation is very

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	Tribes be given meaningful consideration, and agencies should strive for consensus with Tribes or a mutually desired outcome [Citation: Uniform Standards for Tribal Consultation, Memorandum for the Heads of Executive Departments and Agencies, 87 FR 74479, November 30, 2022,].” The preferred alternative fails this basic commitment to recognize the unique, legally affirmed Nation-to-Nation relationship between Tribes in the Skagit River basin and the United States. The Upper Skagit Indian Tribe (USIT) states that “City Light should pursue full removal of all Project infrastructure including the powerhouse, trailrace, and penstock,” as “full removal is the only course for adequately protecting the USIT’s cultural resources and treaty rights [Citation: At Page 1 of Attachment 1, Upper Skagit Indian Tribe’s Motion to Intervene and Comments on License Surrender Application].” The Sauk-Suiattle Tribe states that “the only lawful, and moral, alternative to adopt is full removal of all above-ground and submerged structures related to the Project [Citation: At Page 6, Comments of Sauk-Suiattle Indian Tribe of Washington on Environmental Assessment for Application to Surrender License for the Newhalem Creek Hydroelectric Project].” The Environmental Assessment asserts that full removal of the Project would eliminate the locational context of historical facilities but fails to recognize that keeping these facilities sacrifices an opportunity to restore a site that has cultural significance for area Tribes with its own locational context.	limited. City Light will continue to consult with Tribes, NPS, and DAHP through the Section 106 process to develop mitigation for adverse effects to all historic properties.
CG-4 Page 2	The Proposed Action of Partial Removal is inconsistent with 18 CFR § 6.2 stating as follows: “where project works have been constructed on lands of the United States the licensee will be required to restore the lands to a condition satisfactory to the Department having supervision over such lands and annual charges will continue until such restoration has been satisfactorily completed.” The Project is located entirely on federal lands within Ross Lake National Recreation Area, a National Park System unit, and the agency has requested that “analysis identify the complete removal alternative as the preferred alternative [Citation: United States Department of the Interior, National Park Service submits comments re Surrender Application for the Newhalem Creek Hydroelectric Project].”	See responses to comments NPS-4, NPS-5, and NPS-19.
CG-6 Page 3	The Proposed Action as analyzed in the Environmental Assessment fails to adequately apply Standards for Tribal Consultation and is inconsistent with Federal Power Act requirements to restore lands to a condition satisfactory to the managing agency.	As FERC’s Section 106 non-federal representative, City Light has been formally consulting with affected Tribes since the outset of the surrender process. We will continue to meaningfully consult with Tribes through project completion. Further, the organizations signatory to this letter are not privy to the confidential consultations that City Light has been conducting under Section 106. City Light hopes that the organizations signatory to this letter will patiently support the Section 106 consultation process. See response to comment CG-3.
CG-7 Page 3	The Proposed Action inappropriately emphasizes retention and interpretation of industrial facilities that have come at the expense of Tribes whose cultural resources and connection to the landscape has long been ignored.	City Light is addressing adverse effects to all historic properties through the Section 106 process and will continue to consult with Tribes.
American Whitewater - Comment letter filed with FERC May 13, 2024		
AW-5 Page 2	On March 19, 2024, the Commission published an Environmental Assessment that analyzed Seattle City Light’s proposal and recommended a Proposed Action for Partial Removal with Staff-Recommended Measures. American Whitewater opposes the Proposed Action as inconsistent with federal Standards for Tribal Consultation as well as 18 CFR § 6.2 requiring restoration of project lands “to a condition satisfactory to the Department having supervision over such lands.”	See responses to comments CG-4 and CG-6.

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AW-6 Page 3	The Sauk-Suiattle Tribe has stated that "the only lawful, and moral, alternative to adopt is full removal of all above-ground and submerged structures related to the Project [Citation: At Page 6, Comments of Sauk-Suiattle Indian Tribe of Washington on Environmental Assessment for Application to Surrender License for the Newhalem Creek Hydroelectric Project]."	See response to comment CG-3.
AW-7 Page 3	The Upper Skagit Indian Tribe (USIT) has stated that "City Light should pursue full removal of all Project infrastructure including the powerhouse, trailrace, and penstock," as "full removal is the only course for adequately protecting the USIT's cultural resources and treaty rights [Citation: At Page 1 of Attachment 1, Upper Skagit Indian Tribe's Motion to Intervene and Comments on License Surrender Application under P-2705]."	See response to comment CG-3.
AW-8 Page 3	The National Park Service has stated that it is "our priority to restore the project area to a natural, pre-project condition to the fullest extent possible [Citation: United States Department of the Interior, National Park Service submits comments re Surrender Application for the Newhalem Creek Hydroelectric Project]," and not leave an open-ended commitment for maintenance of the powerhouse.	City Light will leave no "open-ended commitment for maintenance of the powerhouse;" City Light's commitment to maintaining and managing retained historic facilities has been addressed multiple times throughout its many filings with FERC. City Light plans to work with the NPS to develop a plan to be expressed in contractual or permit agreements for City Light's continued maintenance and management of historic properties retained as part of the Partial Removal Alternative.
AW-9 Page 3	American Whitewater believes the Full Removal Alternative is the only alternative that respects Tribal Treaty rights and obligations to restore project lands to a condition satisfactory to the National Park Service.	Noted.
AW-10 Page 3	**Specific Comments on the Environmental Assessment** *3.5 Proposed Action* The staff-recommended measure for three years of monitoring post-dam removal for fish passage barriers in the lower 0.65-mile section of Newhalem Creek is inadequate.	See response to comment NPS-30.
AW-11 Page 3-4	*6.3.1.2 Environmental Effects; Streambed Profile and Sediment Mobilization* Based on additional information provided by Seattle City Light that the risk of far-reaching head cutting is low [Citation: Updated Decommissioning Geomorphology Considerations], we continue to support natural regrading of the stream channel alignment following dam removal without a constructed grade control structure. As noted in our previous comments [Citation: Comments of American Whitewater on Scoping Document 1], we participated in the site visit on September 12, 2022 and witnessed evidence of large boulders and bedrock features representing persistent grade control features that would appear likely to dissipate the rate and extent of head cutting. We concur with the Commission staff finding that only minor short-term adverse effects would occur due to streambed mobilization associated with dam removal. We concur that a constructed grade control structure would disturb the natural system, run counter to project restoration goals, and represent an unnecessary expense and maintenance obligation. A constructed grade control structure would be unnecessary given the existence of large boulders that form persistent grade controls. While we concur with the recommendation to develop a monitoring plan for sediment accumulation, we believe that monitoring for three years post removal is inadequate. Staff recommend assessing whether additional surveys need to be continued after three years based on monitoring results, but no	Noted. See response to comment NPS-30.

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	criteria are provided for how this assessment would be done.	
AW-12 Page 4	*6.3.3.2 Effects on Vegetation* The Environmental Assessment states that it is not Commission practice to retain jurisdiction over projects for a "long period of time" after a surrender order is issued, and the staff recommendation proposed to reduce vegetation monitoring for five years to three years. It is unclear how a long time period is defined. We believe three years is inadequate.	City Light will finalize a Restoration Plan and an Invasive Plant Management Plan in consultation with NPS and other parties as directed by FERC; the plans will include the time horizon for any monitoring to be conducted.
AW-13 Page 4	*6.3.5.2 Environmental Effects* Analysis by staff contends that full removal of the Project would remove the locational context provided by the existing historical facilities and interpretive displays as well as trails and important history of this area. Commission staff further assert that they find the powerhouse and penstock are "historical focal points" for the trail but provide no evidence or documentation for this finding. In our direct experience talking to users of the trail, we find that the primary focal point is the opportunity to hike along the river in a forested setting. We disagree that retaining the powerhouse would preserve recreational activities; to the contrary, removing the powerhouse would enhance recreational opportunities.	Seattle City Light conducted a visitor survey for the Skagit River Hydroelectric Project (P-553) relicensing in 2022. Visitor surveys conducted in the Newhalem area intercepted visitors in the parking areas in town. The Trail of the Cedars and Ladder Creek Trail do not have dedicated trailheads, so users would access the trail from one of the three parking areas in Newhalem. The survey data for the Newhalem parking areas indicated that "hiking" was the #1 primary activity for visitors surveyed (43% for the Main St/SR 20 parking area & 52% for the Gorge PH parking area). Trail of the Cedars is an interpretive/educational trail with 28 interpretive displays/stations dispersed throughout the trail. Thus, the trail is primarily focused on providing interpretation and education related to not only the biology/ecology of the area, but also the history of the Skagit River including the construction of hydropower, flooding, and even panels specific to the Newhalem Creek Powerhouse. So, American Whitewater's anecdotal report that the "primary focal point is the opportunity to hike along the river in a forested setting" is likely a narrow, unrepresentative report as the trail is clearly an interpretive-focused amenity, and the river access and views are limited to short sections of the trail. Also, the "forested" setting is thick vegetation with little to no views beyond the dense forest. There are glimpses of the river, but those are sporadic and not expansive or overly picturesque. Further, the other trail in Newhalem (Ladder Creek Falls Trail) is also an interpretive/educational trail that focuses on the development of the Skagit River Hydroelectric Project, the demand for electricity, etc. As such, the two trails in Newhalem are focused on interpretation and education and the Newhalem Creek Powerhouse is part of that educational/interpretive experience, including on the Trail of the Cedars. The entire Newhalem setting is focused on hydroelectric development including the residences, halls, switchyard, Gorge powerhouse, dining hall, etc. The Newhalem Creek Powerhouse and Project is part of this network and history that is explained throughout Newhalem, particularly on the trails. It would be different if the Newhalem Creek Powerhouse was the only hydroelectric development in the area and removing that would return the entire Newhalem area back to a natural setting. Lastly, as provided in City Light's response to FERC's Scoping Document 1 filed on September 28, 2022, the public expressed support for providing for historic and interpretive resources such as the Newhalem Creek Powerhouse during the extensive public involvement process that accompanied the Environmental Impact Statement (EIS) for development of the 2012 RLNRA GMP. Specifically, there was strong public support for interpreting the history of hydropower. According to the NPS' summary of public scoping comments in the RLNRA Final GMP and EIS, Volume II, Chapter 7: [Page 191 and 192] *There was strong support for an increase in interpretation of cultural resources within Ross Lake NRA, including the history of the hydroelectric projects and Native American history and use… The public also expressed interest in increased interpretation of Seattle City Light activities such as facility tours and interpretation of hydroelectric history.*
AW-14 Page 4-5	American Whitewater supports full removal of the project and believes information on historical facilities can be documented through reporting and photographic documentation. A more complete story of the original powerhouse, destroyed by fire in 1966, could then be told through new interpretive materials. The Historic American Engineering Record of the Skagit River Hydroelectric Project is an example of the type of report and interpretive materials that could be developed for the Newhalem Project [Citation: Skagit Power Development: A Record of the Skagit River Hydroelectric Project, Historic	City Light is evaluating adverse effects to all historic properties and with consulting parties will develop appropriate mitigation for any adverse effects.

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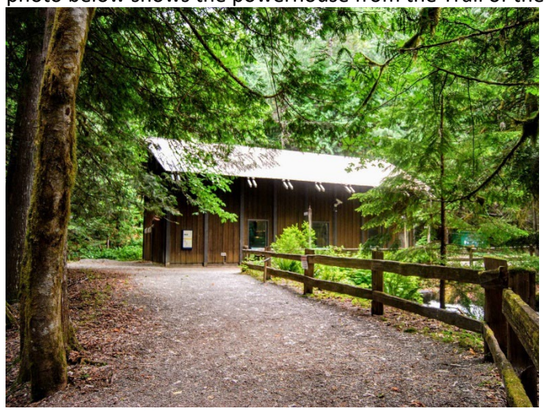
	American Engineering Record (HAER Report No. WA-24), published by National Park Service for Seattle City Light, 1998.]. This approach would tell a completer and more informative story than a building, that is not even the original structure, left in the forest at the expense of opportunities to restore the forested setting and the locational context of areas important to local Tribes.	
AW-15 Page 5	6.3.6.2 Environmental Effects: Archaeological and Built Resources and Traditional Cultural Properties We disagree with the assessment that retention of the Newhalem Creek Powerhouse and penstock represent important interpretive elements that would "balance" natural and cultural resources. The original powerhouse began generating in 1921 but was destroyed by fire in 1966 and the new powerhouse building does not include the historical elements of the original structure. We support full removal with detailed reporting and photographic documentation of affected structures as well as development of new interpretive materials.	See response to comment AW-14.
AW-16 Page 5	We disagree with the assertion that the removal of the powerhouse would result in loss of current recreational resources. The powerhouse is an industrial structure out of character with the setting of the trail that runs along the south shore of the Skagit River. Removing the powerhouse would enhance the quality of the overall recreational experience. Individuals recreating in the vicinity of the Newhalem powerhouse are seeking a respite from the developed facilities of Newhalem in a forested setting. Full removal would improve the overall quality of this experience.	City Light strongly disagrees that the powerhouse is out of character with the setting of the Trail of the Cedars, from which the Skagit River is barely visible (see response to comment AW-13). In fact, the powerhouse is constructed of cedar and "[T]the powerhouse and intake structure, at the request of the National Park Service, are of a rustic design to harmonize with their forest surroundings."[4] The photo below shows the powerhouse from the Trail of the Cedars, exhibiting its intended harmony with the natural environment.  *Source: https://www.simplyawesometrips.com/new-blog/one-day-north-cascades-national-park-complex* The Newhalem Creek Powerhouse is a currently interpreted resource along the Trail of the Cedars; it has four interpretive signs in front of all three windows, with specialized interior lighting that illuminates the double Pelton wheel generating units, allowing visitors to view the equipment at all times of the day. The preferred alternative would improve and expand upon the existing interpretation at this facility, including updating the signage, allowing guided tours inside the facility, and updating the viewing platform with interpretive signage at the penstock behind the powerhouse. Removal of the currently interpreted powerhouse is an adverse impact to recreation and interpretative resources. The powerhouse resides in the "North Cascades Highway Corridor" as defined by the RLNRA Management Plan. In this corridor, "[t*]he NPS will provide improved day-use opportunities along the North Cascades Highway, such as dayhiking, water recreation, and increased interpretive, educational, and hands-on stewardship experiences for visitors with a range of abilities and interests who desire a variety of recreational activities*." The powerhouse is 1/4-mile from the North Cascades Highway, and 1/3-mile along the Trail of the Cedars, providing direct

[4]Newhalem Creek Hydroelectric Project FERC License Application. 1969. Exhibit R – Recreation. Page 28.

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		access from Newhalem, which according to the GMP is the "hub" and "starting point" for "ranger-led and self-directed resource immersion activities". The powerhouse is situated at the confluence of two trails within an existing, 1-mile long, interconnected recreational corridor beginning in Newhalem and ending at the NPS Visitor Center. Pursuant to the GMP, recreation in the RLNRA is managed by providing for "*a mix of recreational activities and resource-focused activities while minimizing impacts through education and the use of defined high use areas*." Newhalem is a high-use area, as it is the "hub" and "starting point" as provided in the previous paragraph. The GMP further provides that opportunities are provided "*along the North Cascades Highway corridor for visitors with a wide range of interests and abilities… such as… increased interpretive services*." This interconnected recreational corridor provides educational and interpretative opportunities covering natural and cultural history, from ancestral Tribal use at the Rock Shelter Trail, to the beginnings of the region's hydropower exhibited at the powerhouse, to current management as a National Recreation Area provided at the North Cascades Visitor Center. The powerhouse also lies within the Hydroelectric Zone, which is completely contained by the Front Country management zone, the latter of which the GMP states that "Ross Lake NRA will be a platform and classroom for education about the resources and history of North Cascades ecosystem," stating that "structured and unstructured activities, including self-guided exploration, discovery, and fun… focused in the Frontcountry Zone." It further provides that "The NPS will develop, conduct, and evaluate interpretive and educational programs" and "will work with partners, including NCI and SCL [City Light], to develop, deliver, and evaluate the programs so that they convey a broad range of interpretive themes." Finally, the GMP provides that "[t]he NPS will develop a more collaborative relationship with Seattle City Light to introduce visitors to the variety of activities and information available in the area and ensure visitors receive consistent information and messages, which could include developing additional programming and exhibits that tell about the history and operations of hydropower and the Skagit Project." The GMP does not call for wilderness respites in the North Cascades Highway Corridor, certainly not 1/4 -mile from the highway and 1/3-mile from Newhalem, the "hub" of immersion activities. There are plentiful opportunities for a wilderness respite elsewhere in the Park within a short distance. The GMP makes clear that exhibits such as the powerhouse, describing the history and operations of hydropower, are an important and relevant interpretive resource, and that the NPS looks to City Light as a partner to provide these opportunities. The Full Removal Alternative would eliminate an existing interpretive opportunity in a widely used recreational corridor within the front country and North Cascades Highway Corridor on the most popular trail in the Park. Completely removing the first hydropower plant in the RLNRA would eliminate an important chapter of the RLNRA and would disconnect visitors from context and history of a primary Interpretive Theme for which the public has expressed strong support (refer to comment AW-13). Lastly, removing all elements of the Newhalem Creek Hydroelectric Project eliminates an Outstandingly Remarkable Value, "history," that was included in the NPS' proposal to include Newhalem Creek as a Wild and Scenic River.
AW-17 Page 5	**CONCLUSION** American Whitewater strongly supports the Full Removal Alternative where all aboveground Project features including the penstock, powerhouse, and powerlines would be removed. The Proposed Action as analyzed in the Environmental Assessment fails to adequately apply Standards for Tribal Consultation and is inconsistent with Federal Power Act requirements to restore lands to a condition satisfactory to the managing agency. The Proposed Action inappropriately emphasizes retention and interpretation of industrial facilities that have come at the expense of Tribes whose cultural resources and connection to the landscape has long been ignored.	See responses to comments NPS-5, CG-4, CG-6, and AW-16.

Comment #	Comment	City Light Response
Historic Seattle - Comment letter filed with FERC May 24, 2024		
HS-1 Page 1	Thank you for the opportunity to submit comments on the proposed Newhalem Creek Surrender of License. Historic Seattle provided comments in 2022, and we wish to reiterate those comments here. Historic Seattle advocates for historic places and pursues our mission, "Saving meaningful places to foster lively communities," through our work in education, advocacy and preservation. Historic Supports the decommissioning of the hydroelectric generation system on Newhalem Creek, as long as the historic structures are retained and maintained to tell the story of this historic resource. It is significant as the initial project in the massive Skagit River Hydroelectric Project. To accomplish this, all the historic structures which convey this history should be preserved, including the powerhouse, penstock, AND the gatehouse. Doing so will allow for a complete interpretation of this significant project. Losing the gatehouse would mean that a visitor would not be able to understand the complete story of this resource.	City Light agrees that components of the Project hydroelectric system are important historic structures. Nonetheless, City Light has concluded that the benefits to Newhalem Creek and related aquatic resources of removal of the dam and all related Project headworks outweigh the benefit of preserving them. Furthermore, additional research has shown that the gatehouse was reconstructed in the 1980s after a significant flood and is not itself historic.
Washington Trust for Historic Preservation - Comment letter filed with FERC May 29, 2024		
WT-1	On behalf of the Washington Trust for Historic Preservation, I am writing regarding Seattle City Light's application to surrender its license for the Newhalem Creek Hydroelectric Project: Project No. 2705-037. Originally constructed in 1921, the Newhalem Creek Hydroelectric Project is significant for its association with the growth and development of the Newhalem townsite and for its representation of hydroelectric development efforts in the Upper Skagit River Valley. This early project also served as a pre-cursor to the ensuing large scale hydroelectric projects that now comprise the Skagit River Hydroelectric Project, as power generated from the initial Newhalem Creek project was utilized to build the Gorge Dam and Powerhouse. The Newhalem Creek Project has been effectively dormant since 2010, when it was shut down for power generation due to equipment maintenance needs. Functionally obsolete, Seattle City Light is seeking to decommission the project before the license expires in 2027. Yet the entire project complex – including the diversion dam, power tunnel, penstock, and powerhouse – are listed in the National Register of Historic Places as contributing elements of the Skagit River and Newhalem Creek Hydroelectric Projects Historic District.	Noted.
WT-2	The Environmental Assessment conducted for the Application for Surrender of License by Seattle City Light includes partial removal as the Proposed Action. This alternative would see the diversion dam removed and the power tunnel sealed but would retain the penstock and powerhouse. While it will be disappointing to lose elements of the Newhalem Creek Hydroelectric Project listed in the National Register of Historic Places, when considered overall the trade-off with restoration of habitat and natural stream processes must be taken into consideration. Original construction of the dam resulted in specific adverse impacts to the natural landscape and to an area eligible for listing in the National Register as a Traditional Cultural Property District. Removal of the dam can hopefully serve to mitigate the adverse impacts resulting from original construction. But given the historic significance of the Newhalem project overall, we believe it is important to retain the penstock and	Noted.

Comment #	Comment	City Light Response
	the powerhouse. We believe both elements of the project retain enough integrity to adequately convey their significance of early hydroelectric power development, and they can do so within the context of the larger Skagit River and Newhalem Creek Historic District.	
WT-3	The EA notes that a Cultural Resources Mitigation and Management Plan (CRMMP) will be developed based on several factors. Our hope is this plan will include documentation of historic features slated for removal. Perhaps more importantly, we encourage enhancement of interpretive opportunities for those National Register-listed elements that remain on site, specifically the powerhouse and penstock. The physical presence of the powerhouse and penstock are critical for present interpretation efforts, which can be bolstered with new documentation/information about the Newhalem Creek Hydroelectric Project and its connection to the overall Skagit Hydroelectric Project.	Noted.
WT-4	But interpretation of these elements alone does not go far enough. We recognize the presence of several Tribal Communities since Time Immemorial within the Upper Skagit River Valley, along with the adverse impacts and cultural erasure resulting from the Newhalem Creek Hydroelectric Project and the much larger Skagit Hydroelectric Project that followed. Interpretation efforts for the Newhalem Creek Hydroelectric Project should include content covering the impact the project has had on Tribes since its inception.	Noted.
WT-5	While we generally concur with the Staff-Recommended Measures identified with the Proposed Action of Partial Removal, we do want to make one distinction with the recommendation to follow guidance outlined in the publication Preservation Brief 31: Mothballing Historic Structures. Seattle City Light has indicated its commitment to maintain the powerhouse and the interpretive elements in perpetuity. While some components of Preservation Brief 31 may be relevant for the powerhouse, based on Seattle City Light's commitment, the scenario does not seem to be a full-scale mothballing of the powerhouse. In short, whatever measures are taken as part of the de-commissioning, they should be restrained enough to enable meaningful interpretation to take place at the resource.	Noted.
WT-6	Despite the loss of historic resources identified in the EA associated with the Proposed Action, it offers a reasonable and achievable balance when considering the lifetime of the project. Natural, cultural and historic resources are important elements of the environment, and we believe a fair balance is being struck in this instance. Thank you for the opportunity to comment.	Noted.
State of Washington Department of Archaeology and Historic Preservation - Comment letter filed with FERC June 5, 2024		
DAHP-2	DAHP disagrees and does not support the actions proposed within the EA. After meeting and listening to the perspectives from both the Upper Skagit Indian Tribe (USIT) and National Park Service (NPS) it is DAHP's opinion that a modified full removal alternative, as described in NPS's letter to the Federal Energy Regulatory Commission (FERC) dated March 29, 2024, would be the preferred action and should be strongly considered by Seattle City Light (SCL) and the FERC.	City Light believes that this letter from DAHP is premature for this stage in the Section 106 process. The letter represents a discussion in a meeting that City Light was not invited to and did not know had occurred until this letter was filed with FERC. City Light has since followed up with DAHP to ask for meeting notes, which they did not have, and to ask what DAHP's role in this process would be going forward. DAHP indicated that its role in the Section 106 process was as an impartial party. City Light believes that DAHP's letter is predicated on a misunderstanding of NPS' modified Full Removal Alternative, which is similar to the Full Removal Alternative at 90% design except that the NPS proposal removes the Hilfiker wall and the concrete retaining wall, landlocking failing and unmaintained logging road infrastructure above the dam. Furthermore, DAHP's letter seems to assume adverse effects and appropriate mitigation prior to continued consultation between City Light and consulting parties. City Light has been

Comment #	Comment	City Light Response
		consulting in good faith with all consulting parties since the initiation of this project and will continue to do so through project completion.
DAHP-3	The decommissioning project at Newhalem Creek requires a heavier focus on minimizing the effects of the Traditional Cultural Property District 45WH450 at the expense of adverse effects on the built environment. The Skagit River and Newhalem Creek Hydroelectric Project Historic District has numerous contributing resources, which are currently being expanded with a National Register Amendment. The loss of these two resources, while an adverse effect, would not heavily impact the integrity of the remainder of the district. DAHP sees the full removal option as a necessary solution to minimize the harmful past effects on the TCP when the powerhouse and penstock were built.	DAHP concurred with the eligibility recommendations of the historic built environment report in a letter dated February 20, 2024, contrary to what it has indicated in this letter that "the loss of these two resources…would not heavily impact the integrity of the remainder of the district." Furthermore, while an amendment to the National Register nomination for DT66 is underway, for the decommissioning, it is only appropriate to evaluate resources based on existing information: the 2010 National Register nomination and the historic built environment report conducted for this project. See also responses to comments NPS-6, NPS-8, NPS-11, NPS-12, and BIA-6. We look forward to further Section 106 consultation with DAHP and the other consulting parties.

RESPONSE TO COMMENTS ON FERC'S ENVIRONMENTAL ASSESSMENT FOR APPLICATION TO SURRENDER LICENSE NEWHALEM CREEK HYDROELECTRIC PROJECT

ATTACHMENT 1

HILFIKER WALL REMOVAL IMPLICATIONS

Photo 1. View of the Hilfiker wall, present day.

Removal of the Hilfiker wall is dangerous because the wall, being approximately 200' long x 20' high and composed of 1-foot wire mesh layers, would take weeks to months to remove. While conducting the work, large boulders could fall onto the worksite from the active landslide, as well as from the hillslope above the landslide. Equipment would be required to work beneath the landslide for prolonged periods, creating vibrations, which increases the risk of boulders dislodging from above. Moreover, the work itself could trigger a landslide. While removing the landslide material to uncover the Hilfiker wall, particularly the base of the Hilfiker wall, the excavator operator would need to be skilled in "feeling" between the landslide debris and competent soil, taking care not to disturb the competent soil and triggering a landslide.

To limit the hazards from falling rocks, extensive scaling of the landslide and the hillslope above the landslide would be required. Boulders may need to be anchored with cables. The contractor may also need to install a large rockfall fence, drilling holes into bedrock and installing permanent anchor bolts. Scaled boulders would likely knock over trees and result in a large volume of boulders and finer sediment discharged to Newhalem Creek below. It is also likely that by scaling large boulders, other boulders would be exposed, leading to further unraveling of the slope and discharges to Newhalem Creek. If structural mitigation efforts like cable anchors or rockfall fences are required, some components like rock anchors would remain in place permanently.

Photo 2. View of the landslide above the Hilfiker wall.

Removal of the Hilfiker wall would require approximately 340 dump trucks to remove the material. This is more than double the amount of truck trips than the preferred or full removal alternatives (both

requiring 162 truck trips) and triples the amount of truck trips required for the project, for a total of 502 truck trips. Due to the steep slopes with no available turnaround, all 340 dump trucks would have to drive in reverse from the EAP muster point, approximately ½-mile, adding additional hazards to drivers.

Removing the Hilfiker wall would double the construction period and the number of construction seasons because the Hilfiker wall must be removed in the dry season subsequent to dam removal, the latter of which occurs during low flow at the end of the dry season, pushing the Hilfiker wall removal out to the following year. As a result, visitors would be exposed to noise and truck traffic for two summers, in an area containing numerous trails and two campgrounds. Removing the wall also doubles the period in which wildlife would be exposed to noise.

These worker hazards and environmental impacts are unnecessary because there is little risk of catastrophic failure of the wall. The Hilfiker wall is constructed of approximate 1-foot layers of steel wire mesh connected by a wire mesh face, 200 feet long and 20 feet tall at the highest point. For the wall to fail, the wire mesh would have to fail. Because the saturation state of the soil has a large effect on corrosion rate, the rebar would degrade differentially across the wall, with areas of concentrated saturation or flow corroding much more quickly. The differential corrosion of the Hilfiker wall reinforcement would most likely result in multiple small failures across the wall, spread out over a long time horizon (up to 1,000 years). Failures in this scenario would look like flow channels cut vertically across the wall, eroding it backwards towards the slope and slowly enlarging over time. Sediment discharged to Newhalem Creek in this failure scenario would be episodic in nature as channels enlarge during precipitation events and transport sediment downslope toward Newhalem Creek. Rather than failing in one, large catastrophic event, it is more likely that the wall would degrade and slowly fail in smaller sections over a long timeframe, discharging material unremarkably over time to Newhalem Creek.

Whereas it is uncertain whether impacts would occur at all if the wall was left in place, removal of the wall increases the risk of triggering a landslide and discharging sediment to Newhalem Creek, and may also result in greater disturbance to the slope, permanent marks to the landscape, loss of trees, and greater impacts to recreation and wildlife.

RESPONSE TO COMMENTS ON FERC'S ENVIRONMENTAL ASSESSMENT FOR APPLICATION TO SURRENDER LICENSE NEWHALEM CREEK HYDROELECTRIC PROJECT

ATTACHMENT 2

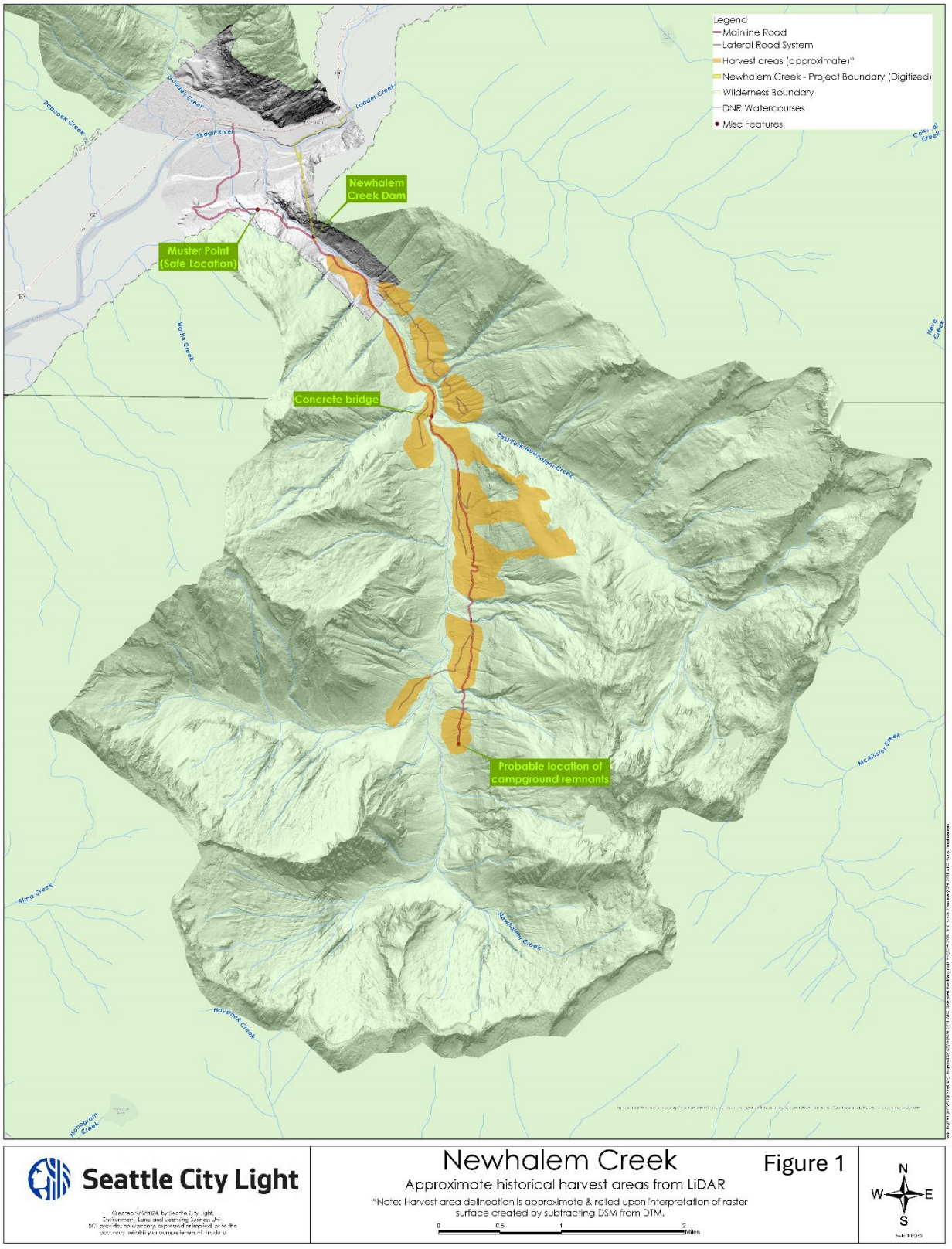
HISTORY OF NEWHALEM CREEK ROAD USE

In 1921, the Newhalem Creek dam and gatehouse were constructed using materials onsite, accessed by the Gatehouse Trail on the east side of the creek. The U.S. Forest Service (USFS) constructed the Newhalem Creek Road for use as a logging road on the opposite side of the creek sometime after June 24, 1943, just after Franklin D. Roosevelt issued the order to harvest the Newhalem Creek drainage to support the World War II effort, and sometime before 1948 when the logging road was captured in a City Light drawing[1,2,3]. Logging continued in the Newhalem Creek and its East Fork drainage from then until at least 1964, likely ending by 1968 when the land was transferred to the National Park Service (NPS).[4,5] The obviously logged areas during this period based on LiDAR is estimated at 876 acres, but this estimate is likely low as logging in the East Fork Drainage is more difficult to detect (Figure 1).

In 1969, one year after the land became part of the Ross Lake National Recreation Area, the road was consistently used by the U.S. Geological Survey (USGS), City Light, and the NPS. The USGS routinely administered a gage above the dam and had been doing so since 1961. City Light used the road to replace the dam and gatehouse in 1969 and used it for dam maintenance and inspections thereafter. The NPS intended the road for public use, which is documented in the Project's 1969 FERC license application, within the Recreation Facilities map (Exhibit R) that identified the road as a "Motor Nature Trail" …" proposed for development by the NPS." The 1970 NPS North Cascades Master Plan also proposed its use as a "motor nature road," even considering placement of a group camp along the road.

By 1985, when the Hilfiker wall was constructed, the road was still consistently used by USGS, City Light, and the NPS, but was also now regularly used by NPS visitors. The Newhalem Creek Trail, accessed by the Newhalem Creek Road, had become popular, and the gravel area adjacent to the dam served as a parking lot for the trailhead. Newhalem Creek Camp, a backcountry camp containing a fireplace and toilet, was located up the trail.[6,7] The NPS maintained the Newhalem Creek Trail beginning at the diversion, and regularly patrolled the road up to the diversion, checking the diversion area for signs of unauthorized activities such as overnight camping.[8]

[1] 1108 Roosevelt to Marvin H. McIntyre, Secretary to the President, Washington, June 24, 1943 [13:OF 446:T]
[2] 1107 Lyle F. Watts, Chief, Forest Service, to Roosevelt, Washington, June 18, 1943 [13:OF 446:TS]
[3] Seattle City Light. Drawing A-2600-S.
[4] Prospectus for a North Cascades National Park. North Cascades Conservation Council. 1963.
[5] The Wild Cascades. February – March 1964. North Cascades Conservation Council. 1964.
[6] Supplemental Environmental Information Request Response, Skagit River Hydroelectric Project. Seattle City Light. 1989.
[7] Newhalem Creek Project Initial Consultation Report, pg. 44, Seattle City Light. 1990.
[8] Newhalem Creek License Application, Exhibit E, Seattle City Light. 1992.


Legend
Mainline Road
Lateral Road System
Harvest areas (approximate)*
Newhalem Creek - Project Boundary (Digitized)
Wilderness Boundary
DNR Watercourses
Misc Features
Newhalem Creek Dam
Muster Point (Safe Location)
Concrete bridge
Probable location of campground remnants
Skagit River
Ladder Creek
Bacon Creek
Babcock Creek
Colonial Creek
Hozomeen Creek
East Fork Newhalem Creek
McAllister Creek
Alma Creek
Haystack Creek
Monogram Creek
Seattle City Light
Newhalem Creek
Approximate historical harvest areas from LiDAR
*Note: Harvest area delineation is approximate & relied upon interpretation of raster surface created by subtracting DSM from DTM.
Figure 1
N
W
E
S

As the land manager responsible for the roadway, the NPS Superintendent authorized construction of the Hilfiker wall on September 19, 1985 "in accordance with the plans shown on Drawing Number D-28792" and without further obligation. The 1985 State Environmental Policy Act Checklist, prepared by City Light for construction of the Hilfiker wall, described consistent public recreational use and NPS management of the road, providing that construction of the Hilfiker wall would "prevent public vehicular access to the road-end parking area during construction. A temporary parking area will be designated by the Park Service farther down the valley." Popularity of the Newhalem Creek Trail (accessed by the Newhalem Creek Road) can be gleaned from its inclusion on the Highway Corridor Visitor Activity Site map in the NPS 1988 General Management Plan. Other NPS publications publicized the [Upper] Newhalem Creek Trail, including the 1988 "The North Cascades Challenger" and the 1994 "Popular Trails," the latter of which identified a campground at the end of the trail.

After the wall was constructed, the NPS continued to manage the Newhalem Creek Road as documented in the 1990 Project Initial Consultation Report, with the road being "closed to vehicles by a washout and by Park Service policy a short distance beyond the diversion dam and gatehouse".[7] The NPS 2012 Environmental Impact Statement and General Management Plan documented its continued multi-purpose use decades after the wall's construction, providing that "the Newhalem Creek Road is a 1.5-mile gravel road that provides access to the Newhalem Creek Trail, a USGS gauging station, and the diversion structure for Seattle City Light's Newhalem Creek Hydroelectric Project." In 2012 and in the few years following, City Light employees continued to regularly observe vehicles parked at the trailhead. The NPS maintained the trail into 2015, but after an assessment following the 2015 Goodell Creek Wildfire occurred, the NPS decided to stop maintaining the trail. City Light understands that the horse corrals and camp with toilet at the end of the trail were regularly used by the NPS trail crew when conducting maintenance. [9] After the wildfire, the trail was maintained by independent parties such as volunteers with the Washington Trails Association (WTA), as provided in the trail's trip reports on the WTA website.

In the winter of 2019/spring of 2020 a landslide on Newhalem Creek Road, located approximately ¼-mile below the dam, blocked access for all parties to upper Newhalem Creek. In response, City Light decided to surrender the license, and the road was blocked at the EAP muster point to prevent vehicular access to the landslide. NPS visitors significantly reduced trail use, likely due to the danger of crossing the landslide, lack of trail maintenance, and longer hike, according to WTA trail comments. Additionally, the USGS decided to move its gage to the Newhalem Creek bridge below the landslide.

[9] Mike Wheeler, a City Light employee, in discussion with the author, September 9, 2024, regarding onsite conversations with the NPS trail crew on their way to assess the trail, and follow-up conversations with the trail crew later.

RESPONSE TO COMMENTS ON FERC'S ENVIRONMENTAL ASSESSMENT FOR APPLICATION TO SURRENDER LICENSE NEWHALEM CREEK HYDROELECTRIC PROJECT

ATTACHMENT 3

NEWHALEM CREEK ORPHANED ROAD ASSESSMENT

HERRERA
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TECHNICAL MEMORANDUM

Date: October 10, 2024

To: Shelly Adams, Seattle City Light

From: Wayne Watne, Herrera Environmental Consultants

Subject: Newhalem Creek Orphaned Road Assessment

Introduction

Seattle City Light (SCL) requested that Herrera Environmental Consultants, Inc. (Herrera) assess portions of Newhalem Creek Road, above Newhalem Creek Dam, located within North Cascades National Park (NCNP) in the upper Skagit River watershed near Newhalem, Washington (Figure 1). Seattle City Light has submitted to surrender its license for the Newhalem Creek Hydroelectric Project (FERC No. 2705) to the Federal Energy Regulatory Commission (FERC). As part of the surrender process, decommissioning the Newhalem Creek Road to the dam is being considered as one of the proposed alternatives. One of the concerns about decommissioning the proposed section of road is that there are several miles of road and associated infrastructure above the proposed decommissioned section that would be landlocked, preventing access and eliminating any means to address impacts to land, water, the environment, and public safety caused by relic forest roads left upon the landscape. Risk of environmental impacts from failed infrastructure on these landlocked "orphaned roads" are incompatible with the land management policies of underlying land ownerships.

Herrera has prepared this memorandum for SCL to assess environmental concerns associated with decommissioning the lower portion of Newhalem Creek Road. This memo describes environmental concerns on historic forest roads, the Newhalem Creek Road Network, road use and status, existing conditions, and environmental risks; it also provides a discussion relating to decommissioning the proposed section of Newhalem Creek Road.

2200 Sixth Avenue, Suite 1100 | Seattle, WA 98121 206.441.9080 herrerainc.com

Background

The timber industry constructed an extensive network of logging roads throughout the Pacific Northwest, often penetrating deep into upper portions of watersheds. Extracting forest products was the primary focus; concerns for water quality, fish passage, maintaining natural hydrology, and unstable slopes were largely neglected. Areas along major streams were more conducive to road construction, because they had lower gradients and fewer deep canyons to cross and required less earthwork. Steep secondary road systems were constructed to gain access to high elevation timber above the streams. Organic material was used as fill and decomposed over time, often causing significant landslides.

Environmental laws in the 1970s began to address forest road construction impacts to public resources and public safety, including the need to address older forest roads that had been neglected or abandoned. Road decommissioning was used to restore some older roads to a more natural state, especially those with high maintenance needs or environmental impacts. Many roads became inaccessible due to failed infrastructure or overgrown vegetation and were left to become orphaned roads.

There are generally two classifications of forest roads that have not been used for extended periods of time: orphaned roads and abandoned (or decommissioned roads). An orphaned road is a road or railroad grade that the forest landowner has not used for forest practices activities since 1974.

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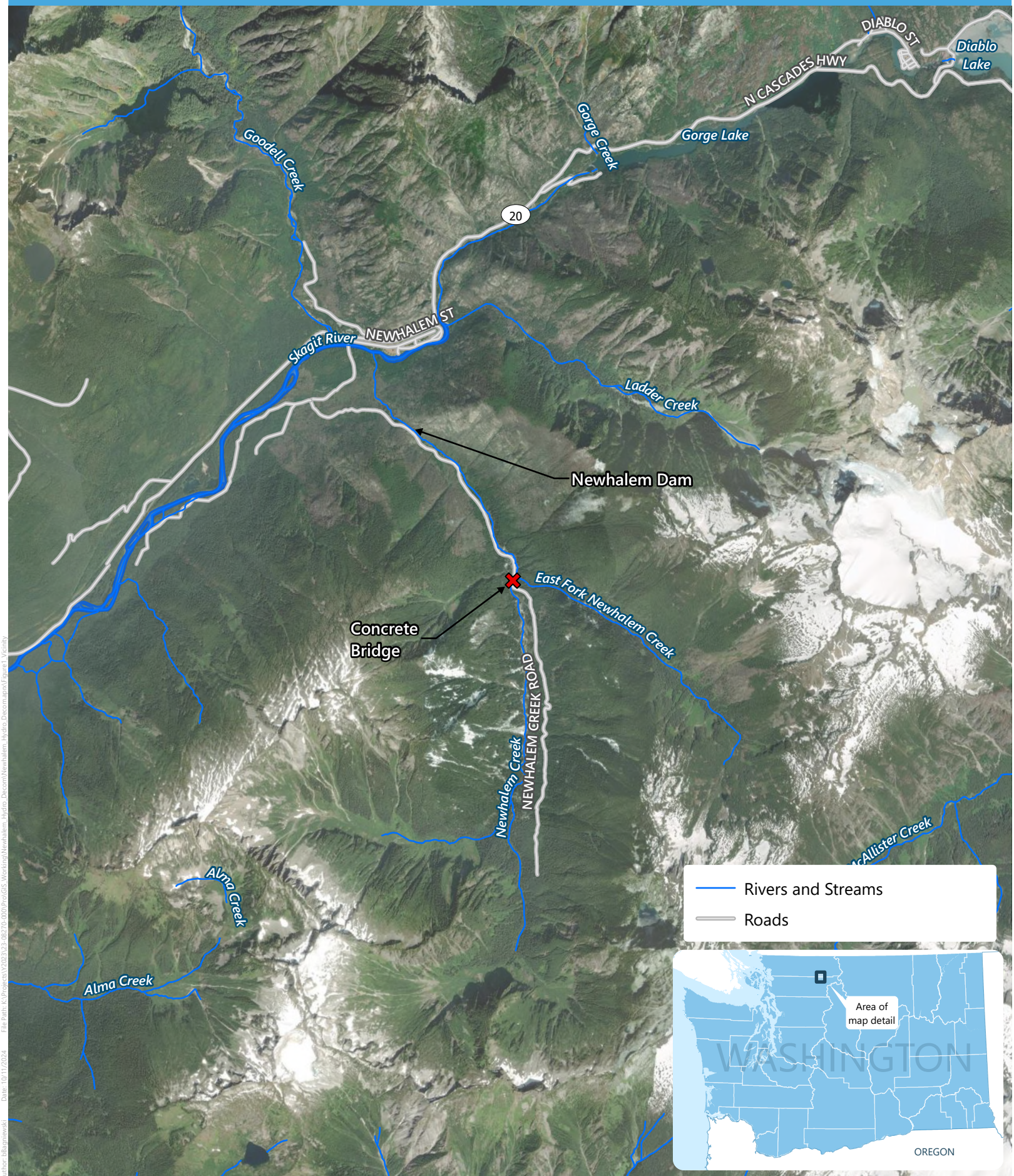
Figure 1.
Newhalem Creek Road Vicinity Map.



Produced by Herrera Environmental Consultants (herrerainc.com) | Sources: NPS, USGS, WADNR, Skagit County, Whatcom County, Esri (Imagery)

0 0.5 1 2 Miles

Many of these roads are overgrown or closed off but have not satisfied the abandonment (decommissioning) process (WAC 222-24-052(4)). As a result, they have often been left on the landscape without having resource concerns addressed. Orphaned roads were constructed with various levels of quality and may, in some instances, pose a risk to human health and safety, capital improvements, aquatic resources, and wildlife (DNR 1987). Decommissioned (abandoned) roads are roads that have been decommissioned in accordance with the procedures of WAC 222-24-052(3), which is a prescriptive method that addresses resource concerns and undergoes a review to determine and address areas of concern.

Forest road practitioners looking to decommission forest roads have a specific methodology to address and minimize past or future resource impacts. The Mount Baker-Snoqualmie National Forest does not have specific protocols for decommissioning forest roads, but it generally adheres to standards and guidelines under the Northwest Forest Plan (J. Gilman, personal communication, February 6, 2024). While the Washington State Department of Natural Resources (DNR) does not have jurisdiction on federal lands, they do have a well-established method for the process of abandonment or decommissioning orphaned forest roads (WAC 222-24-052(3) and WAC 222-24-052(4)). The DNR road decommissioning (abandonment) has been used on state-owned, industrial and private forest roads throughout Washington State. The DNR road decommissioning (abandonment) prescriptions typically includes the following:

- Take inventory of and assess the road in its entirety for risk to public resources or public safety.
- Prioritize and evaluate resource issues or concerns.
- Avoid landlocking areas that are further up road systems that have not been corrected.
- Remove water crossing structures and fill on all seasonal and perennial streams.
- Restore fish passage on fish-bearing streams.
- Ensure abandoned roads are left in a condition suitable to control erosion and maintain water movement within wetlands and natural drainages.
- Remove, scarify, and revegetate the road prism, if needed.
- Leave ditches in a suitable condition to reduce erosion.
- Block the road from vehicular traffic.

Accessing and addressing high risk infrastructure on orphaned road systems is a major concern.

Environmental Issues on Historic Forest Roads

Many of the environmental impacts of unmaintained forest roads are well understood. Of the various forestland management activities, road management poses the greatest risk of ecosystem disturbance, as revealed by degradation of water quality. Some roads were not built in the best locations, or they were constructed and maintained using designs not acceptable by today's standards. In the past, when roads were constructed adjacent to streams, drainage was intentionally designed to dump stormwater runoff and sediment into the channels (Lloyd and Swift 1999). Early road construction used materials readily available to construct log stringer bridges (Figure 2), or log puncheon crossings, similar to a short log bridge with a wooden running surface, or as fill to cross wetlands. Log stringer bridges consisted of large diameter logs spanning the channel and cabled together, secured with large spikes, and capped with a running surface of milled beams (also held in place with large spikes). Log puncheon crossings were constructed similar in nature to small log stringer bridges typically over smaller drainages. It is common for log puncheon structures to have deep fill over the top or a large sediment wedge of material stored upslope of the structures.

Figure 2. Typical Log Stringer Bridge.

Undersized culverts frequently become blocked with woody material and bedload material and prevent fish passage due to higher flow velocities. As log stringer bridges, log puncheon crossings, or culvert crossings become plugged or failed, steel or concrete culverts would often be placed on top of the relic structure (Figure 3).

Figure 3. Typical Stacked Culverts.

Concrete fords were common, especially in streams known for debris flows. Migrating stream channels would frequently undermine roads, resulting in large amounts of road fill and landslide material sliding into streams. Steep sections of roads were often constructed using cut-and-fill and side-cast road construction.

These road construction practices resulted in organic material being used as fill that, over time, decomposed and failed. Road construction often overlooked water management where ditches intercepted groundwater from cut slopes, redirected streams out of natural channels, and concentrated flows into other channels. Steeper road sections frequently had ditches that concentrated, redirected, or increased energy of ditchwater. Unmaintained ditches filled in over time, blocking or filling log puncheon

crossings, culverts, and cross drains; the ditches often directed water onto the road surface, which caused road surface erosion and sent water onto areas not suitable for high concentrations of water. Water was often directed onto areas of fill or into adjacent stream drainages without hydraulic capacity for the additional flows.

There is an increased risk of landslides on unmanaged forest roads. Landslides occur when organic materials in cut and fill road sections decompose and unmanaged water saturates unstable slopes or is redirected into streams incapable of handling additional flow. Undersized, plugged, or failed log puncheon crossings or culverts can trigger large debris torrents.

Road failures on upper road systems often create a cascading effect on the road systems below. This cascading effect occurs when an upper road in a system fails. The resulting debris flow accumulates material and energy as it moves downslope and can have catastrophic impact, often destroying roads or road crossings or delivering debris flow materials to streams. In some cases, streams receiving debris flows become blocked and, when breached, continue to have devastating impacts to the stream channel below.

Along stream valleys, roads were frequently constructed over alluvial fans, depositional landforms where steep narrow channels enter lower gradient reaches and deposit larger substrate, logs, and organic material. Alluvial fans can vary, depending on sediment and wood loading from steep stream reaches, and can change significantly with individual storm events. Culverts around the lateral margins of alluvial fans are often buried, and they require frequent maintenance. Alluvium and woody material continue to fill historic channels, often creating new channels and increasing flows to culverts and cross drains or log stringer and puncheon crossings along portions of the road near the alluvial fan. Culverts on unmaintained orphaned roads on or near alluvial fans can be washed from the road prism and carried downstream when unmaintained culverts or ditches become plugged or when water velocities increase from redirected stream channels.

Newhalem Creek Road Network

The Newhalem Creek Road is an example of the United States Forest Service (USFS) pioneering roads deep into steep terrain on the west side of the North Cascade Mountain range from the 1950s to 1970s. The Newhalem Creek Road is a 7-mile mainline road, beginning at an elevation of 480 feet at the intersection with SR 20 west of Newhalem, Washington. The road climbs in elevation for 2 miles, passing Newhalem Creek Dam at an elevation of 1040 feet, and continues 4.9 miles to a campground at the termination of the road at an elevation of 2300 feet. Above Newhalem Creek Dam, sections of the road closely follow Newhalem Creek before crossing a 117-foot by 17-foot concrete bridge to the east side of Newhalem Creek, near the confluence with the East Fork (EF) of Newhalem Creek. From the bridge, the road begins to increase in elevation, traversing as a mid-slope road along the east side of the Newhalem Creek valley toward the southern end of the road located at the Newhalem Creek Campground. Several miles of secondary road networks climb to steep areas above the mainline to provide access to timber high above the creek along both sides of Newhalem Creek. There appear to be two secondary road crossings of Newhalem Creek: one located north of the concrete bridge and one upstream of the concrete bridge (Figure 4).

Road Use and Status

The USFS continued logging and road construction in the Newhalem Creek drainage until turning the land over to the National Park Service (NPS) with the establishment of the NCNP in 1968. It is not known what level of road maintenance occurred under NPS management. Eventually, the road was closed, and it has since been used as a hiking trail (SCL 1990). Above Newhalem Creek Dam, the Newhalem Creek Road may have been used as a motor nature road, or a road to provide public access for recreation, after the NCNP was created in 1968. It was depicted as a road and described as a planned motor nature road in the 1970 NCNP Master Plan, but at some point, the NCNP closed the road to vehicles a short distance beyond the diversion dam due to a washout (SCL 1990). Since then, the road above the dam has only been used as a hiking trail. Newhalem Creek Road was used to access Newhalem Creek Dam until a landslide blocked access in late 2019 or early 2020.

Newhalem Creek Road has three sections of road use status (Figure 4). The section from SR 20 to the muster point is an active forest road. The section from the muster point to Newhalem Creek Dam is the section SCL has proposed for decommissioning. Above Newhalem Creek Dam, the road has not been used for forest practices since the creation of the NCNP and is an orphaned road. The road system remains largely intact, with untreated ditches, culverts, cross drains, and at least one channel spanning concrete bridge remaining on the road network. The orphaned road portion has an unknown number of potential environmental concerns that have not been inventoried or addressed.

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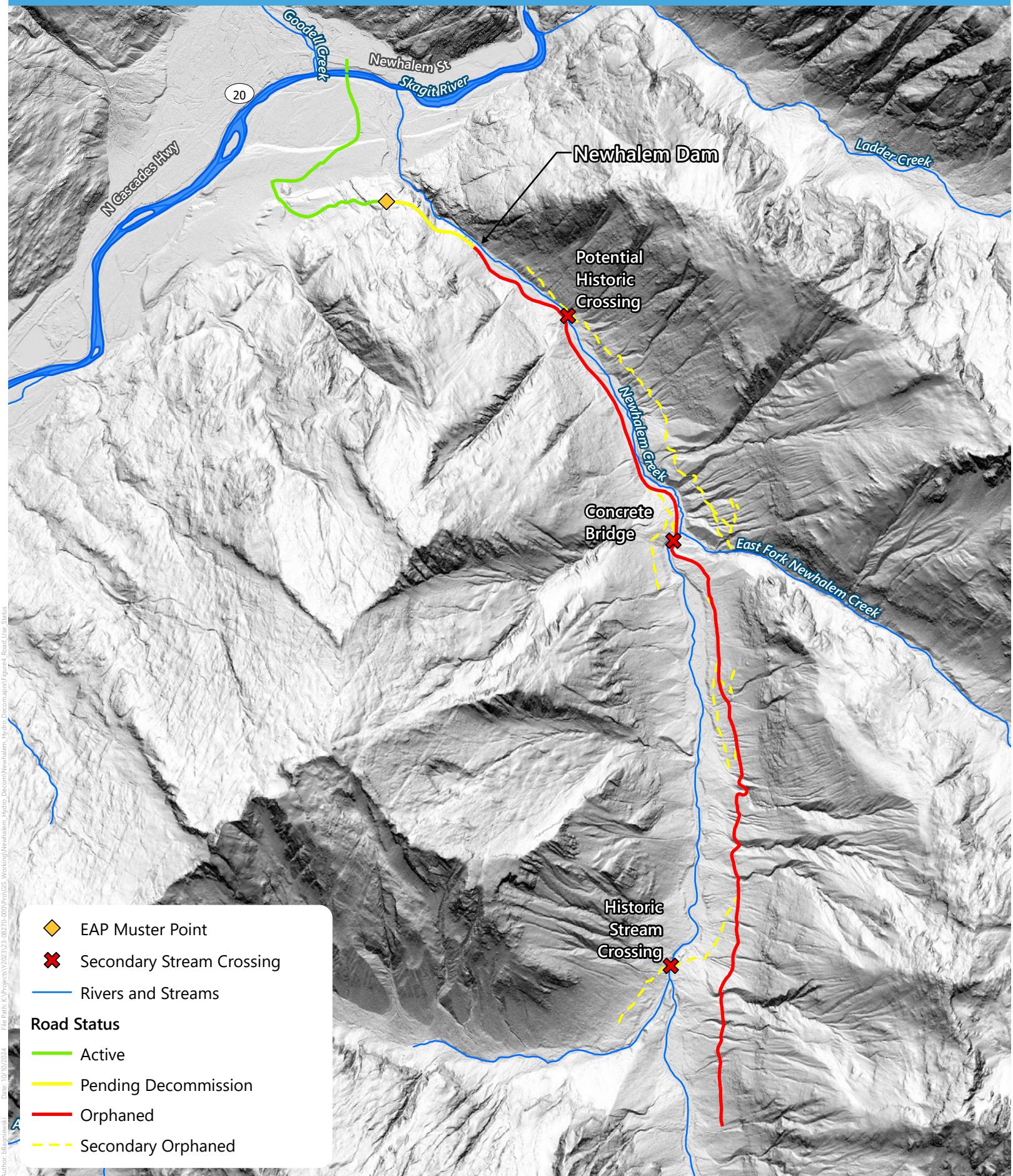
Figure 4.
Newhalem Creek Road Use Status.



Produced by Herrera Environmental Consultants (herrerainc.com) | Sources: USGS, WADNR

0 1,250 2,500 5,000 Feet

File Path: K:\Projects\Y2023\23-08270-000\Pro\GIS_Working\Newhalem_Hydro_Decom\Newhalem_Hydro_Decom.aprx\Figure4_Road_Use_Status
Date: 10/10/2024
Author: bBagniewski

Existing Conditions

To evaluate existing conditions, Herrera conducted a desktop review of existing information on the entire Newhalem Creek road network and a review of a site reconnaissance visit of the lower portion of the road. Desktop review consisted of reviewing the DNR Forest Practice Application Review System (FPARS) online mapping tool, the Northwest Indian Fish Commission (NWIFC) Statewide Integrated Fish Distribution (SWIFD), Google Earth, and publicly available LiDAR information.

Seattle City Light staff conducted reconnaissance of the 2.3 miles of Newhalem Creek Road immediately above Newhalem Creek Dam on July 25, 2024. The reconnaissance stopped short of the higher gradient sections between the bridge and road termination at the campground and did not include secondary road systems. During the visit, several issues were observed, including undersized and failing culverts with inlets plugged or buried, a potential failing log stringer bridge, water running down the road prism, and multiple culverts located near Newhalem Creek. The main feature noted was a 117-foot-long by 17-foot-wide concrete bridge with missing protective armoring (Figure 5) and an unmaintained bridge deck with growing vegetation (Figure 6).

For the purposes of this report, the analysis of the road will be divided into three sections: the lower section from Newhalem Creek Dam upstream to the concrete bridge, the section from the bridge upstream to the campground at the termination of the road, and secondary road systems. These sections are above the section proposed for decommissioning.

Newhalem Creek Dam to Bridge

From Newhalem Creek Dam to the concrete bridge near the confluence with East Fork Newhalem Creek, the road follows the Newhalem Creek drainage near the base of a steep hillslope and several alluvial fans. Lack of use had allowed the road to become a vegetated trail following the orphaned road prism. This section of the road has a 5.3 percent gradient with 350 feet of elevation gain over 2 miles. This portion of the road follows Newhalem Creek closely, often along the southern edge of the Channel Migration Zone (CMZ) and in places is a low gradient, stream-adjacent parallel road. The FPARS mapping tool showed this section of Newhalem Creek Road having four stream crossings mapped as Type F (Fish bearing) streams and one mapped as a Type U (Unknown) stream. Three Type F streams may be seasonal fish habitat; the other is Newhalem Creek. The status of these crossings is unknown, although the wide concrete bridge spanning Newhalem Creek appears to have lost rip-rap armor around both bridge abutments (Figure 5).

The Type F streams in this section come from steep, narrow channels and transition from high gradient to low gradient. This reduces the stream's ability to transport bedload and woody materials, forming alluvial fans as shown in Figure 7. This section of road is located north of the alluvial fans near Newhalem Creek.

Figure 5. Concrete Bridge and Abutment over Newhalem Creek.

Figure 6 Unmaintained Bridge Deck.

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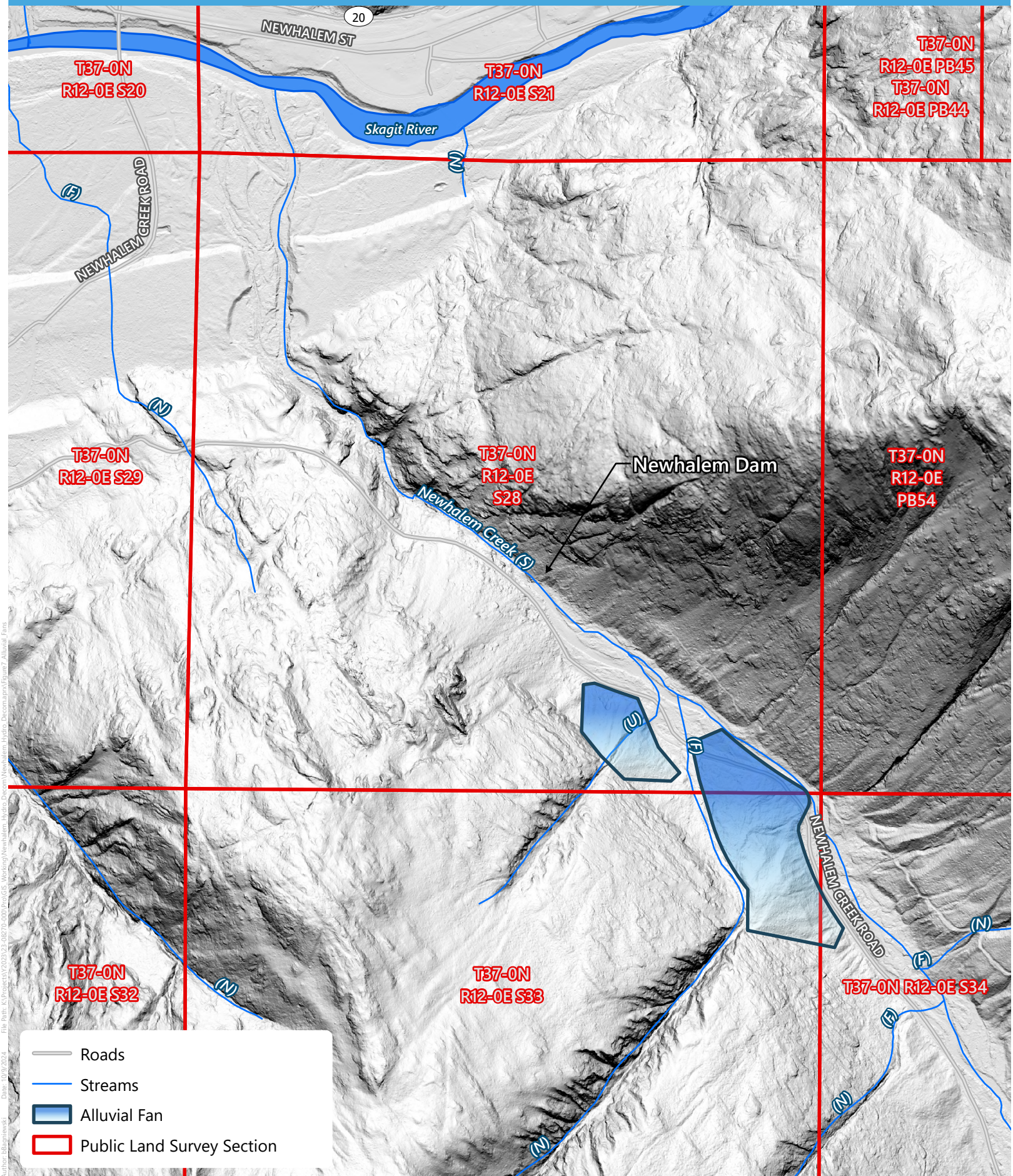
Figure 7.
Newhalem Creek Road Alluvial Fans.



Field reconnaissance showed several culverts and partially buried culverts in this section, as well as what may have been an old log stringer or puncheon crossing. Several structures were likely missed due to overgrown vegetation, being buried, or being covered with materials from unmaintained ditches. Log stringer crossings, puncheon crossings, or culverts would be expected at most areas of low topographic relief. Figure 8 shows potential locations of unmapped culverts or cross drains near alluvial fans, as represented by the gray dots.

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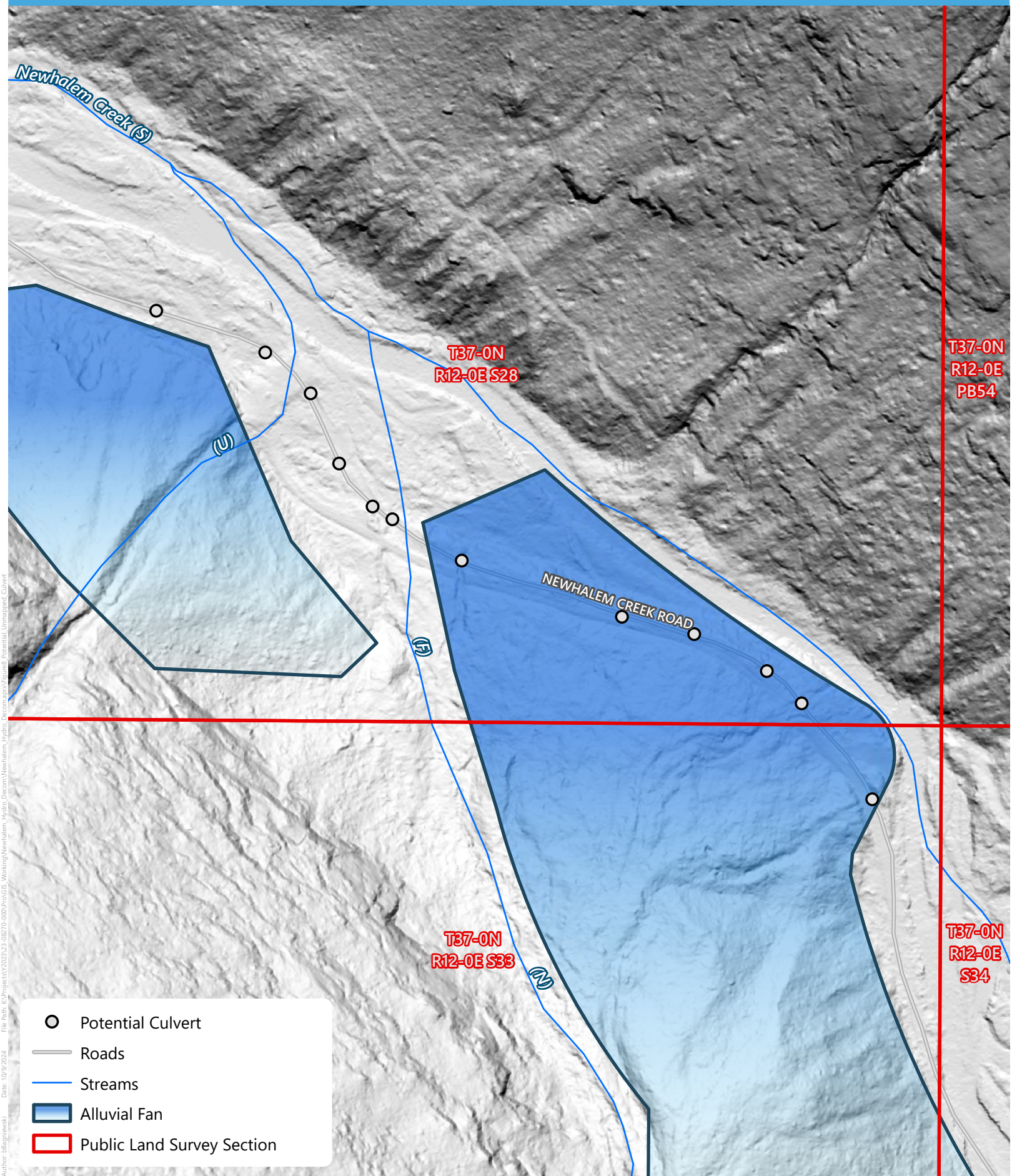
Figure 8. Potential Unmapped Culvert and Cross Drain Locations Near Alluvial Fans.



Produced by Herrera Environmental Consultants (herrerainc.com) | Sources: WA DNR, Whatcom County

0 75 150 300 Feet

File Path: K:\Projects\Y2023\23-08270-000\ProvGIS_Working\Newhalem_Hydro_Decom\Newhalem_Hydro_Decom.aprx\Figure8_Potential_Unmapped_Culvert
Date: 10/9/2024
Author: bBagniewski

Bridge to Road Termination

The field reconnaissance reviewed only a short section of Newhalem Creek Road beyond the bridge. The remainder of the review above this road section comes from desktop review and analysis.

Above the confluence with East Fork Newhalem Creek, much of the road is constructed as a mid-slope road traversing steep terrain lying within the rain-on-snow- or snow-dominated elevations of the watershed. Road systems and infrastructure at these elevations can have significant hydrological responses to rain-on-snow events that can lead to catastrophic road failures, landslides, debris torrents, or culvert or bridge failures and can have significant impacts to public resources or safety.

The section beyond the bridge remains low elevation gain for a short distance and then increases as a mid-slope road climbing a steep hillside, approaching 2,300 feet in elevation at the road's termination. This 3-mile section of road has an 8.3 percent slope and crosses multiple unmapped stream drainages and four mapped, Type N (Non-fish bearing) streams. Increased road gradients increase the need for cross drains, to avoid erosion of ditches and compromising of the road prism. As noted earlier, areas of low topographic relief frequently have culverts or cross drains. As road gradient increases, the frequency of culverts and cross drains typically increases. The increased road gradient and frequency of culverts increase failure risk and resource damage potential. Figure 9 includes potential locations of unmapped culverts or cross drains, shown as gray dots along a section of steep slope. Larger drainages may have bridges, log stringer bridges or, in areas of frequent debris torrents, concrete fords. Similar to the section from Newhalem Creek Dam to the bridge, lack of use has left this section of road as a trail, with a lot of vegetation growing in the road prism and unmaintained ditches present along the upstream side of the road. Similar conditions would be expected for the secondary networks above.

Note that a significant tributary, with a large alluvial deposit just upstream of the bridge, is forcing Newhalem Creek to the east and undermining a section of road, as seen in Figure 10. It is unknown if this was the original road or may be a secondary road that failed. A road to the northeast bypasses that area, possibly constructed as a result of a road failure.

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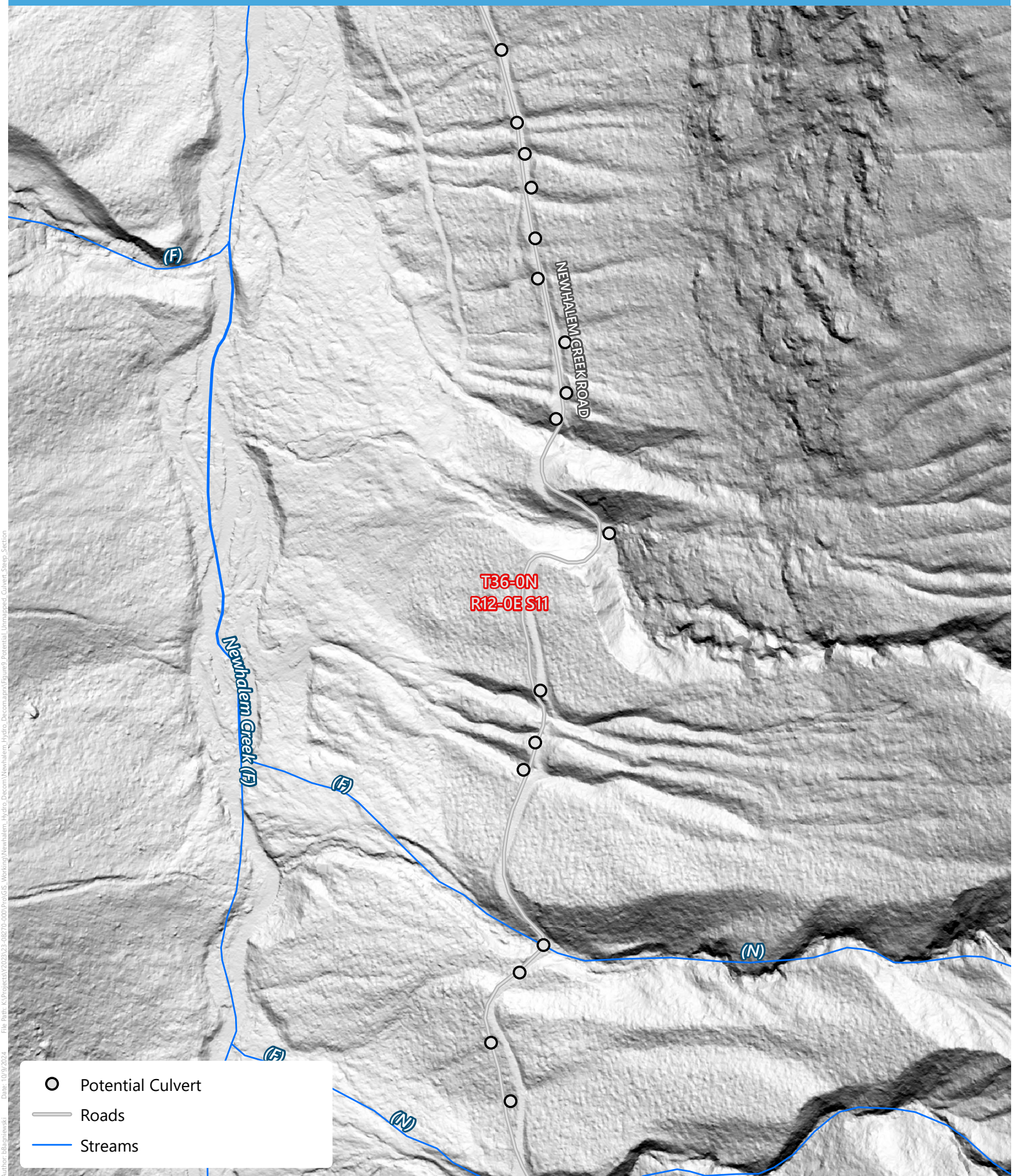
Figure 9. Potential Unmapped Culvert and Cross Drain along a Steep Section of Newhalem Creek Road.



Produced by Herrera Environmental Consultants (herrerainc.com) | Sources: WA DNR, Whatcom County

0 125 250 500 Feet

File Path: K:\Projects\Y2023\23-08270-000\ProjGIS_Working\Newhalem_Hydro_Decom\Newhalem_Hydro_Decom.aprx\Figure9_Potential_Unmapped_Culvert_Steep_Section
Date: 10/9/2024
Author: bBagniewski

Secondary Roads

In addition to Newhalem Creek Road, the section between Newhalem Creek Dam and the termination of the road has at least 3.5 miles of several secondary road systems. Steep sections of secondary roads above Newhalem Creek Road were likely constructed using cut and fill or side-cast road construction techniques with multiple switchbacks, each having a turning point along steep valley walls. These turning points are areas where side-cast construction was prevalent, with organic material commonly being used as fill. Log stringer and puncheon crossings would likely have been used on low-use roads and, as they failed or filled in, would be likely locations for stacked culverts. Secondary roads appear to have crossed multiple highly environmentally sensitive areas, with one appearing to have crossed Newhalem Creek upstream of the concrete bridge and another downstream of the concrete bridge. The status of these crossings is unknown.

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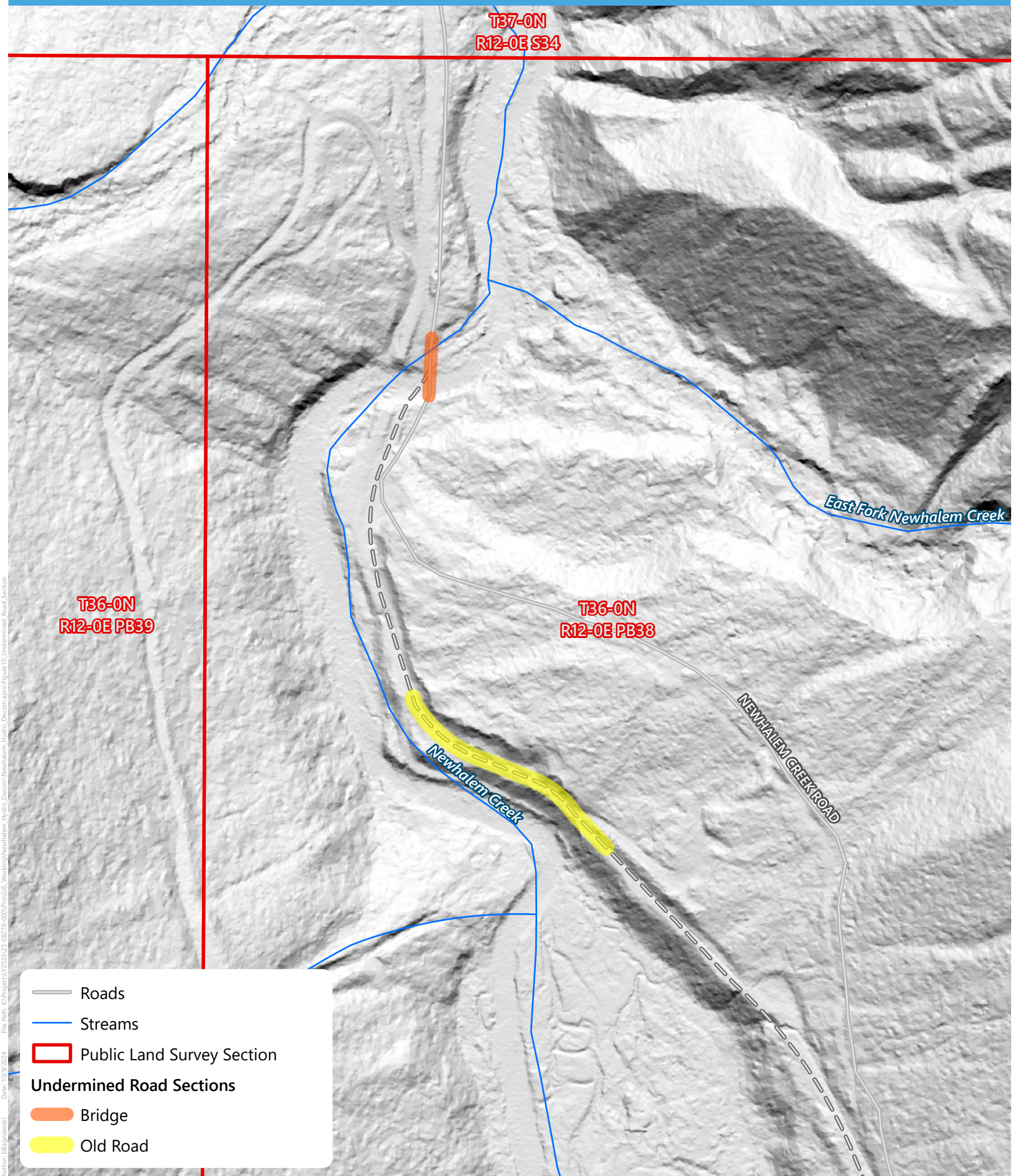
Figure 10.
Undermined Road Section Upstream of Concrete Bridge.



Environmental Risk

It is not known how many historic features remain in the road network above Newhalem Creek Dam and what level of risk these features are to public resources. The condition and integrity of these structures will continue to degrade over time. Many of the structures may be buried or plugged, and many may have failed entirely or will fail over time. The potential for anthropogenic-caused public resource impacts appears to be prevalent along the entire road system.

The reconnaissance visit by SCL staff demonstrated that much of the road prism and associated infrastructure are either failed or compromised. Further up the road network, there appear to be multiple sections of unstable or over-steepened cut and fill road sections, cross drains, log stringer crossings, puncheon crossings, culverts, or bridges, as well as miles of secondary roads that (to Herrera's knowledge) have not been inventoried or evaluated for potential impacts to public resources. The three Type F streams may be seasonal fish habitat. These crossing locations were not evaluated for fish passage, and they may limit fish use above the crossings.

The concrete bridge over Newhalem Creek appears to be the most significant piece of infrastructure on the road network. The bridge appears to be structurally sound at this time, although it appears that armor around the abutments has been compromised or washed away. Eventually, this bridge structure will fail and impact public resources. Impacts from this bridge failing would be significant. Failing bridges typically fail at high flows or in response to large accumulations of woody material becoming trapped on the bridge. Log jams and woody material are more prone to accumulate on exposed bridge abutments along the thalweg and outside meander bend in the stream. The loss of such a large structure into Newhalem Creek would have significant impacts to the aquatic environment. Recovery of failed bridges requires significant resources and often requires encroachment through riparian areas and into the stream. Risk from upstream debris flows places an elevated level of risk on the bridge structure. Decades old cut and fill or side cast road construction increases the potential for mass-wasting events or landslides that can deliver sediments or block the stream.

There is a lack of water management; there are undersized or plugged culverts, log stringer crossings, and puncheon crossings, as well as neglected ditches. These situations result in potential for water to overtop road sections, causing erosion on the road surface, delivering water to unstable or over-steepened road sections, or transferring water from one drainage to another. Any of these events can compromise road infrastructure within that drainage or deliver sediments to streams. Bridges, log stringer crossings, puncheon crossings, and culverts contain materials that are not found in the natural environment. Many of these materials, such as concrete, rebar, steel culverts, and cables, will last for centuries.

Areas around alluvial fans and areas of steep topography represent areas of elevated risk for culvert failure and potential debris flows. Culverts along Newhalem Creek Road may be washed into the creek as it naturally migrates within the CMZ, where portions of the road are located. The era of road construction would have likely used log stringer bridges or log puncheon crossings for many of the stream crossings. Any of these features failing poses a risk to environmental resources.

Discussion

Decommissioning the proposed section of Newhalem Creek Road below Newhalem Creek Dam would prevent future access to the concrete bridge and result in infrastructure that will eventually fail. Without addressing remaining culverts, water management, unstable slopes, and associated infrastructure, 5 miles of Newhalem Creek Road, plus 3.5 miles of secondary orphaned roads, will become landlocked. Preventing access to upper portions of the road network limits future ability to correct, restore, or mitigate impacts from failed road infrastructure. Landlocking road systems with known log stringer and puncheon crossings, bridges, culverts, and areas where water management have not been addressed goes against standard recommendations for road decommissioning and does not follow conventional road decommissioning prescriptions applied throughout western Washington

Much of the orphaned road section is in steep topography, in the rain-on-snow- or snow-dominated elevations. Environmental risk is high, with potential for significant impacts to the terrestrial and aquatic environment, as discussed in the previous section. It is unknown if there has been an inventory or evaluation of the roads, infrastructure, or areas with large amounts of cut and fill or side cast road construction that is likely to cause landslides. Several issues observed during the field reconnaissance clearly demonstrated that there is a considerable number of failing, blocked, or partially buried corrugated steel culverts that have been left in place and that water is being intercepted by ditch lines and then flowing directly into streams. The 117-foot concrete bridge has lost much of the armor around the abutments. The bridge deck has not been maintained, and vegetation and small shrubs have become established on it. Drainage from the bridge has been compromised. Rain and snow melt drains toward the ends of the bridge deck, compromising the road approaches to the bridge.

The corrugated steel culverts have exceeded their expected lifetime of 15–25 years (USDA/FS 1997). As they fail, water management becomes more of a concern. Water may become ponded upslope of roads, creating large impoundments that compromise the road prism and eventually fail. Uncontrolled water may run across the road prism or in ditch lines, causing additional erosion. Uncontrolled water may also be deposited on areas of fill or be redirected into channels incapable of handling additional flows. Each of these scenarios can lead to a catastrophic failure. In some cases, the uncontrolled water may continue downslope, taking out additional roads and culverts or blocking streams. Debris flows from upstream become more of a concern for the bridge as armor and banks around bridge abutments are scoured away, allowing logs to wrap around the abutment(s). Ultimately, some, or all of this bridge will fail. The section of road and riverbank that is being undermined (Figure 8) just upstream of the bridge will continue. This could lead to a significant amount of road fill, trees, and woody material deposited into the creek, with potential to negatively impact the bridge abutments just downstream.

As mentioned above, concrete, steel and other unnatural materials will last centuries. Much of the failing infrastructure has the potential to enter Newhalem Creek or associated tributaries. Extracting these materials comes at a significant cost in time, resources, and impact to the natural environment. Fully decommissioning and landlocking roads eliminates future access that is necessary to address these concerns. Restoring access through the decommissioned section to address environmental impacts requires a significant investment in both time and cost, and it diminishes the benefits of the original road

decommissioning. One must regard the ramifications of decommissioning roads with careful consideration of preventing future access.

An alternative to road decommissioning is a process known as road storage, which is frequently used by the USFS (USDA/FS 2018). Roads put into storage are similar to decommissioned roads in many ways. Water management and issues preventing delivery to unstable sections along the road system are addressed, allowing natural processes to occur without jeopardizing the road prism or environment. Culverts in streams and cross drains are removed, allowing fish passage and mobilized woody material and bedload to pass. Unstable slopes are pulled back, and materials are hauled to a safe location. Rather than removal and scarification of the road prism, it is left in place, often allowing natural plant regeneration and establishment. In many ways, roads placed in storage offer similar environmental protection, as decommissioned roads yet do not fully landlock the orphaned road system above.

Given the high environmental risk from the bridge and other road infrastructure, putting this road into storage may present a better alternative than decommissioning. Landlocking infrastructure, such as a 117-foot concrete bridge that will fail over time, should be carefully evaluated against the underlying landowner policies or land stewardship principles. Parties reviewing the potential for decommissioning a portion of Newhalem Creek Road below Newhalem Creek Dam, as originally presented by SCL, should carefully consider the costs, risks, and potential environmental impacts of eliminating future access.

References

Gilman, Jeremy, Fisheries Biologist, USDA/FS Mount Baker Snoqualmie National Forest. Personal communication with Wayne Watne, Herrera Environmental Consultants, Inc. February 6, 2024.

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USDA/FS. 1997. Relief Culverts. USFS. Forest Service Technology & Development Program. Publication 9777 1812- SDTDC. October.

RESPONSE TO COMMENTS ON FERC'S ENVIRONMENTAL ASSESSMENT FOR APPLICATION TO SURRENDER LICENSE
NEWHALEM CREEK HYDROELECTRIC PROJECT

ATTACHMENT 4

ANNUAL EROSION MONITORING REPORT –
NEWHALEM PENSTOCK POST-EE/CA MONITORING

Erosion Monitoring Form - Newhalem Penstock Post-EE/CA Monitoring

Date: July 29, 2024 Weather: Partly sunny with showers

Location within Site: The area around the entire penstock was inspected for signs of erosion, particularly the areas around the ephemeral and intermittent streams.

Reason for Monitoring: (circle) Annual Monitoring/Other _____

Activities Completed: Annual erosion monitoring

Visual Observation of Changed Conditions? (circle): **Y** (**N**) Since When: 2023

If **Y**, Describe: _____

Any Erosion Observed? (circle): **Y /** (**N**) Since When: 2023

If **Y**, Describe: _____

Were Photos Taken (circle): (**Y**)**/ N** If **Y**, Where filed? Project file folder

Other Field Observations/General Field Notes/Comments: There was no evidence of erosion. Soils around the penstock have been stabilized by dense native plants, including bracken fern, lady fern, thimble berry, graminoids, and bryophytes as shown in attached images.

Were any Management Activities Conducted (circle): **Y /** (**N**) If **Y**, Describe below: _____

Field Inspector Signature: Scott Luchessa

Field Documentation File Location: _____

Environmental Affairs Division Contact: Jason Hamilton, Manager Environ. Management & Compliance

Other Notes: No uncontrolled erosion was observed. Minor erosion was present in small areas around a few of the upper saddles where seasonal surface flow is generated during precipitation on top of exposed bedrock. Dense vegetation and angular rock placed to reduce surface water velocities in the ephemeral stream channel effectively control erosion.

Ephemeral stream on the west side of the penstock near Thrust Block III (TB III) from on top of the penstock.

Ephemeral stream on the west side of the penstock near TB III (see saddle replacement drawing).from on top of the penstock

Looking north at ephemeral stream path on angular rock placed for erosion control on the west side of the penstock.

Looking down at ephemeral stream path on angular rock placed for erosion control near TB III. Note dense vegetation and plant debris.

Ephemeral stream path on angular rock placed on east side of the penstock. Note absence of soil erosion.

Ephemeral stream at notched log where it enters the intermittent stream. Note remnants of plastic-wrapped wattle (arrow).

Ephemeral stream crossing under the penstock between saddles 17 & 18 (see attached penstock saddle replacement drawing for saddle #s).

Dense vegetation downslope of exposed bedrock near TB IV (see attached penstock saddle replacement drawing).

Dense vegetation on and downslope of exposed bedrock. Note TB IV with vertical, black pipe on top.

Surface water path during the wet season (arrow) on top of exposed bedrock.

Looking at ferns, graminoids, and bryophytes near the top of the penstock where surface water flow is sometimes present and generated from on top of exposed bedrock during the wet season.

NW 1/4 SEC. 28, T. 37 N., R. 12 E. W.M.
WHATCOM COUNTY, WASHINGTON

LEGEND

- REBAR AND CAP–FOUND
- (TOS) TOP OF SADDLE
- TREE LINE
- APPROXIMATE ORDINARY HIGHWATER MARK (OHWM) OF INTERMITTENT STREAM
- (#) EXISTING SADDLE TO REMAIN
- (#) SADDLE TO BE REPLACED

BASIS OF BEARING

WASHINGTON STATE PLANE
NORTH ZONE

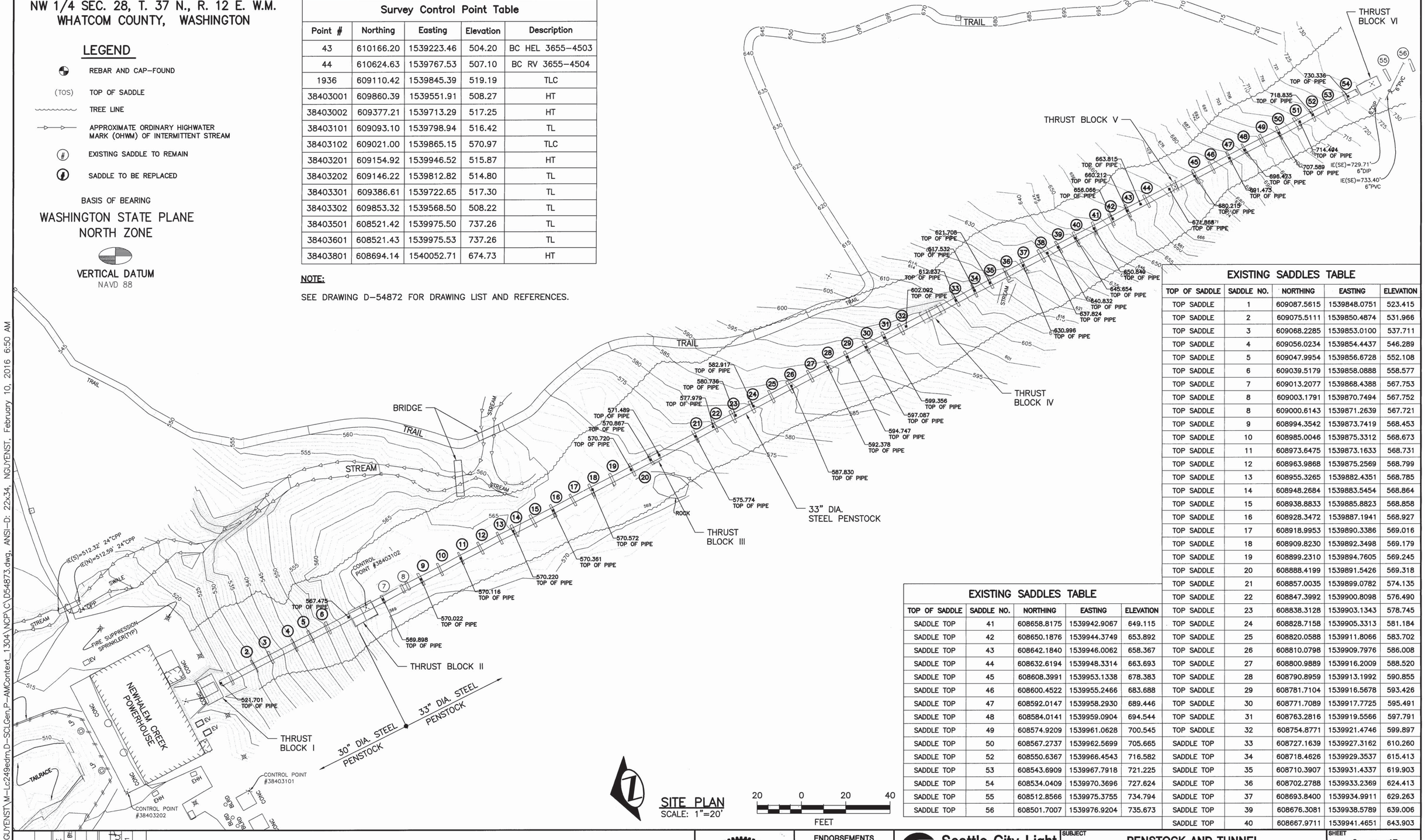
VERTICAL DATUM
NAVD 88

Survey Control Point Table

Point #	Northing	Easting	Elevation	Description
43	610166.20	1539223.46	504.20	BC HEL 3655–4503
44	610624.63	1539767.53	507.10	BC RV 3655–4504
1936	609110.42	1539845.39	519.19	TLC
38403001	609860.39	1539551.91	508.27	HT
38403002	609377.21	1539713.29	517.25	HT
38403101	609093.10	1539798.94	516.42	TL
38403102	609021.00	1539865.15	570.97	TLC
38403201	609154.92	1539946.52	515.87	HT
38403202	609146.22	1539812.82	514.80	TL
38403301	609386.61	1539722.65	517.30	TL
38403302	609853.32	1539568.50	508.22	TL
38403501	608521.42	1539975.50	737.26	TL
38403601	608521.43	1539975.53	737.26	TL
38403801	608694.14	1540052.71	674.73	HT

NOTE:

SEE DRAWING D–54872 FOR DRAWING LIST AND REFERENCES.



SITE PLAN
SCALE: 1"=20'

20 0 20 40
FEET

EXISTING SADDLES TABLE

TOP OF SADDLE	SADDLE NO.	NORTHING	EASTING	ELEVATION
TOP SADDLE	1	609087.5615	1539848.0751	523.415
TOP SADDLE	2	609075.5111	1539850.4874	531.966
TOP SADDLE	3	609068.2285	1539853.0100	537.711
TOP SADDLE	4	609056.0234	1539854.4437	546.289
TOP SADDLE	5	609047.9954	1539856.6728	552.108
TOP SADDLE	6	609039.5179	1539858.0888	558.577
TOP SADDLE	7	609013.2077	1539868.4388	567.753
TOP SADDLE	8	609003.1791	1539870.7494	567.752
TOP SADDLE	8	609000.6143	1539871.2639	567.721
TOP SADDLE	9	608994.3542	1539873.7419	568.453
TOP SADDLE	10	608985.0046	1539875.3312	568.673
TOP SADDLE	11	608973.6475	1539873.1633	568.731
TOP SADDLE	12	608963.9868	1539875.2569	568.799
TOP SADDLE	13	608955.3265	1539882.4351	568.785
TOP SADDLE	14	608948.2684	1539883.5454	568.864
TOP SADDLE	15	608938.8833	1539885.8823	568.858
TOP SADDLE	16	608928.3472	1539887.1941	568.927
TOP SADDLE	17	608918.9953	1539890.3386	569.016
TOP SADDLE	18	608909.8230	1539892.3498	569.179
TOP SADDLE	19	608899.2310	1539894.7605	569.245
TOP SADDLE	20	608888.4199	1539891.5426	569.318
TOP SADDLE	21	608857.0035	1539899.0782	574.135
TOP SADDLE	22	608847.3992	1539900.8098	576.490
TOP SADDLE	23	608838.3128	1539903.1343	578.745
TOP SADDLE	24	608828.7158	1539905.3313	581.184
TOP SADDLE	25	608820.0588	1539911.8066	583.702
TOP SADDLE	26	608810.0798	1539909.7976	586.008
TOP SADDLE	27	608800.9889	1539916.2009	588.520
TOP SADDLE	28	608790.8959	1539913.1992	590.855
TOP SADDLE	29	608781.7104	1539916.5678	593.426
TOP SADDLE	30	608771.7089	1539917.7725	595.491
TOP SADDLE	31	608763.2816	1539919.5566	597.791
TOP SADDLE	32	608754.8771	1539921.4746	599.897
SADDLE TOP	33	608727.1639	1539927.3162	610.260
SADDLE TOP	34	608718.4626	1539929.3537	615.413
SADDLE TOP	35	608710.3907	1539931.4337	619.903
SADDLE TOP	36	608702.2788	1539933.2369	624.413
SADDLE TOP	37	608693.8400	1539934.9911	629.263
SADDLE TOP	39	608676.3081	1539938.5789	639.006
SADDLE TOP	40	608667.9711	1539941.4651	643.903

EXISTING SADDLES TABLE

TOP OF SADDLE	SADDLE NO.	NORTHING	EASTING	ELEVATION
SADDLE TOP	41	608658.8175	1539942.9067	649.115
SADDLE TOP	42	608650.1876	1539944.3749	653.892
SADDLE TOP	43	608642.1840	1539946.0062	658.367
SADDLE TOP	44	608632.6194	1539948.3314	663.693
SADDLE TOP	45	608608.3991	1539953.1338	678.383
SADDLE TOP	46	608600.4522	1539955.2466	683.688
SADDLE TOP	47	608592.0147	1539958.2930	689.446
SADDLE TOP	48	608584.0141	1539959.0904	694.544
SADDLE TOP	49	608574.9209	1539961.0628	700.545
SADDLE TOP	50	608567.2737	1539962.5699	705.665
SADDLE TOP	52	608550.6367	1539966.4543	716.582
SADDLE TOP	53	608543.6909	1539967.7918	721.225
SADDLE TOP	54	608534.0409	1539970.3696	727.624
SADDLE TOP	55	608512.8566	1539975.3755	734.794
SADDLE TOP	56	608501.7007	1539976.9204	735.673

C:\BC–Work–Space\NGUYENST\M–Lc249edm,D–SCLGen,P–AMContext_1304\NCP\C\D54873.dwg, ANSI–D: 22x34, NGUYENST, February 10, 2016 6:50 AM

ONE INCH AT FULL SIZE

REVISIONS

REV	DATE	IMAGE
DRAWN BY:	CHECKED BY:	APPROVED BY:
WORK ORDER #:		
DESCRIPTION		
0	1/15/2016	
STN	DJR	
WORK ORDER #: 1305691–01		
ISSUE FOR BID.		

DAVID JAMES ROMAN — STATE OF WASHINGTON — 24218 — REGISTERED PROFESSIONAL ENGINEER
2/10/16

ENDORSEMENTS

SIGNATURE	DATE
DRAWN: S.NGUYEN	1/15/2016
CHECK:	2-10-16
DESIGN: DJR	2/10/16
CHECK: PDL	2/10/16

Seattle City Light
Power Production & Substations

APPROVED FOR SEATTLE CITY LIGHT

DATE 2/10/2016

SUBJECT: PENSTOCK AND TUNNEL
LOCATION: NEWHALEM CREEK POWERHOUSE
TITLE: NEWHALEM PENSTOCKS SADDLE REPLACEMENTS EXISTING CONDITION

SHEET 2 OF 15
CLASS \ SHEET C-2
DRAWING NO. D-54873
SCALE 1"=20'
REV. NO. 0