

April 16, 2025

JEFF GARNETT
U.S. FISH AND WILDLIFE SERVICE
1009 COLLEGE STREET SUITE 215
LACEY, WA 98503

Dear Mr. Garnett,

Seattle City Light (City Light) proposes to surrender the Federal Energy Regulatory Commission (FERC) license (Project No. 2705) and decommission the Newhalem Creek Hydroelectric Project, and requests initiation of informal consultation under section 7(a)(2) of the Endangered Species Act (ESA). FERC designated City Light as its non-federal representative for the purpose of conducting informal consultation on the proposed action with the U.S. Fish and Wildlife Service and National Marine Fisheries Service pursuant to the regulations at 50 C.F.R. § 402.08 implementing section 7 of the ESA on July 8, 2021.

City Light has determined that the proposed activity may affect but is not likely to adversely affect the gray wolf, Canada lynx, grizzly bear, North American wolverine, marbled murrelet, northern spotted owl, and bull trout, and has no effect or is not likely to adversely affect their critical habitat if so designated. The proposed activity will have no effect on the yellow-billed cuckoo, Mount Rainier white-tailed ptarmigan, and whitebark pine or their critical habitat if so designated. The proposed activity will not jeopardize the continued existence of the monarch butterfly and Suckley's cuckoo bumble bee and will not destroy or adversely modify proposed critical habitat if so designated. The supporting analysis is provided in the attached Biological Assessment (BA). City Light notes that some of the effects determinations in the attached BA have been revised since the BA's initial filing with FERC as an accompaniment to the Surrender of License Application on January 28, 2022, and a later version filed in response to FERC's Additional Information Request on December 12, 2022. The BA filed with FERC for the latter was an update that included an analysis of the full removal alternative (in addition to the partial removal alternative) and the potential effects to the monarch butterfly and North American wolverine.

The effect determinations in the previous BA versions were conservative due to a lack of comparable data, but since these 2022 filings, new science has become available that is pertinent to the proposed action. The attached BA has been updated with effect determinations that reflect this new literature. Paired with the findings of City Light's 2023 geomorphology report (*Newhalem Dam Decommissioning Geomorphology Considerations*, Dube, 2023), this new science indicates that turbidity downstream of the dam will be similar to levels experienced during typical flood events under baseline conditions. Further, "brief spikes" in turbidity observed in other dam removals described in the BA's cited literature are unlikely since Newhalem Creek is a run-of-the-river dam with a small reservoir and coarser

sediment. Thus, a “not likely to adversely affect determination” is more appropriate. The attached BA has also been updated to include ESA listings since 2022.

City Light has used the best scientific and commercial data available to complete the analysis provided in the BA and requests your concurrence with the determinations. Please feel free to reach out to Shelly Adams at (425) 891-1765, or shelly.adams@seattle.gov, if you have any questions.

Sincerely,

Shelly Adams
Decommissioning Project Manager
Seattle City Light

Attachment: 2025 Biological Assessment and Essential Fish Habitat Assessment, Newhalem Creek
Hydroelectric Project

April 16, 2025

CODY PAYNE
NATIONAL MARINE FISHERIES SERVICE
OREGON-WASHINGTON COASTAL DIVISION
1201 NE LLOYD BLVD, SUITE 1100
PORTLAND, OR 97232

Dear Mr. Payne,

Seattle City Light (City Light) proposes to surrender the Federal Energy Regulatory Commission (FERC) license (Project No. 2705) and decommission the Newhalem Creek Hydroelectric Project, and requests initiation of informal consultation under section 7(a)(2) of the Endangered Species Act (ESA). FERC designated City Light as its non-federal representative for the purpose of conducting informal consultation on the proposed action with the U.S. Fish and Wildlife Service and National Marine Fisheries Service pursuant to the regulations at 50 C.F.R. § 402.08 implementing section 7 of the ESA on July 8, 2021.

City Light has determined that the proposed activity may affect but is not likely to adversely affect Puget Sound steelhead and Puget Sound Chinook salmon or their critical habitat. The supporting analysis is provided in the attached Biological Assessment (BA). City Light notes that some of the effects determinations in the attached BA have been revised since its initial filing with FERC as an accompaniment to the Surrender of License Application on January 28, 2022, and a later version filed in response to FERC's Additional Information Request on December 12, 2022. The BA filed with FERC for the latter was an update that included an analysis of the full removal alternative (in addition to the partial removal alternative) and the potential effects to the monarch butterfly and North American wolverine.

The effect determinations in the previous BA versions were conservative due to a lack of comparable data, but since these 2022 filings new science has become available that is pertinent to the proposed action. The attached BA has been updated with effect determinations that reflect this new literature. Paired with the findings of City Light's 2023 geomorphology report (*Newhalem Dam Decommissioning Geomorphology Considerations*, Dube, 2023), this new science indicates that turbidity downstream of the dam will be similar to levels experienced during typical flood events under baseline conditions. Further, "brief spikes" in turbidity observed in other dam removals described in the BA's cited literature are unlikely since Newhalem Creek is a run-of-the-river dam with a small reservoir and coarser sediment. Thus, a "not likely to adversely affect determination" is more appropriate. The attached BA has also been updated to include ESA listings since 2022.

City Light has used the best scientific and commercial data available to complete the analysis provided in the BA and requests your concurrence with the determinations. Please feel free to reach out to Shelly Adams at (425) 891-1765, or shelly.adams@seattle.gov, if you have any questions.

Sincerely,

Shelly Adams
Decommissioning Project Manager
Seattle City Light

Attachment: 2025 Biological Assessment and Essential Fish Habitat Assessment, Newhalem Creek
Hydroelectric Project

Subject: FW: [EXTERNAL] Re: Newhalem Creek Decommissioning - Support for ECY 401 WQC Request

From: Garnett, Jeffrey A <jeffrey_garnett@fws.gov>

Sent: Thursday, July 10, 2025 2:25 PM

To: Cody.Payne <Cody.Payne@noaa.gov>; Waters, Megan <Megan.Waters@seattle.gov>

Cc: Adams, Shelly <Shelly.Adams@seattle.gov>; Holloway, Becky E. <becky.holloway@hdrinc.com>; Craig, Nancy <nancy.craig@hdrinc.com>

Subject: RE: [EXTERNAL] Re: Newhalem Creek Decommissioning - Support for ECY 401 WQC Request

Megan,

USFWS supports NMFS and the request for formal consultation. While effects of sediment to bull trout may be limited, effects may not be entirely discountable or insignificant. However, like NMFS, we should be able to use a condensed Biological Opinion for this consultation, which should help streamline the consultation timeline. I appreciate your understanding; please let me know if I can answer any questions.

Jeff

Jeffrey Garnett (he/him)

U.S. Fish and Wildlife Service

1009 College St. SE, Suite 215, Lacey, WA 98503

jeffrey_garnett@fws.gov | 360-701-6838

Subject: FW: [EXTERNAL] Re: Newhalem Creek Decommissioning - Support for ECY 401 WQC Request

From: Cody Payne - NOAA Federal <cody.payne@noaa.gov>
Sent: Tuesday, July 8, 2025 2:53 PM
To: Waters, Megan <Megan.Waters@seattle.gov>
Cc: Garnett, Jeffrey A <jeffrey_garnett@fws.gov>; Adams, Shelly <Shelly.Adams@seattle.gov>; Holloway, Becky E. <becky.holloway@hdrinc.com>; Craig, Nancy <nancy.craig@hdrinc.com>
Subject: [EXTERNAL] Re: Newhalem Creek Decommissioning - Support for ECY 401 WQC Request

Hi Megan,

I apologize for my belated response, I was on annual leave from June 26 through the July 4 holiday.

After discussing the project with my supervisory staff, we determined that **the project will require formal consultation** due to potential effects from downstream sediment transport. However, due to the high quality and thoroughness of the biological assessment provided by Seattle City Light, the project qualifies for a condensed biological opinion (BiOp). As you may be aware, condensed BiOps are considerably shorter than full BiOps, and help to streamline and expedite the process considerably (though we cannot guarantee a truncated timeframe given current work demands and staffing availability).

I recognize and apologize for the additional complication that a formal consultation entails, as I know the request must be made through the Federal Energy Regulatory Commission (FERC); however, given the potential effects the project may have on ESA-listed species and critical habitat, formal consultation is necessary to ensure that we (NMFS) do our due diligence in fulfilling our duties.

In regard to the Clean Water Act section 401 water quality certification, I am unsure of what is being requested, but I can acknowledge having reviewed the points listed in your email and having discussed the key issues over the course of our two prior meetings.

Please note that acknowledgement of having reviewed/discussed those points does not entail exemption of take of ESA-listed species from those project elements on behalf of NMFS. Take exemptions are issued through the consultation process, and in completing that process, NMFS may determine that changes or provisions to those project elements are necessary for such an exemption. (I know this is repeat information for you, but feel it is important to mention in my response.)

Please don't hesitate to reach out to me with any other questions or if there is anything I can help with at this time.

Best regards,

Cody