

FEDERAL ENERGY REGULATORY COMMISSION
Washington, DC 20426

August 29, 2022

OFFICE OF ENERGY PROJECTS

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

Via FERC Service

**Subject: Scoping Document 1 for the Proposed Surrender and Decommissioning of
the Newhalem Creek Hydroelectric Project, P-2705-037**

To the Parties Addressed:

The Federal Energy Regulatory Commission (Commission) is currently reviewing Seattle City Light's proposal to surrender the license and decommission the Newhalem Creek Hydroelectric Project (Project No. 2705-037). The project is located on Newhalem Creek, near Newhalem, Whatcom County, Washington. The project occupies 6.56 acres within the Ross Lake National Recreation Area, which is managed by the National Park Service as part of the North Cascades National Park Complex.

On January 28, 2022, Seattle City Light filed an application for surrender of license and partial removal of project works for the Newhalem Creek Hydroelectric Project.

Seattle City Light proposes to decommission and remove the diversion dam and associated headworks structures, tailrace fish barrier, and certain overhead transmission lines. The rock shaft and power tunnel would be sealed, and the access road above elevation 840 feet would be decommissioned. The powerhouse, tailrace, and penstock would remain, and the powerhouse equipment would be de-energized. Electrical service to the powerhouse would remain to provide heating and lighting.

Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, Commission staff intends to prepare an Environmental Assessment (EA) to identify impacts that could result from Seattle City Light's proposal and any additional measures that may be warranted to help mitigate impacts from the licensee's proposal. To support and assist our environmental review, we are beginning the public scoping process to ensure that all pertinent issues are identified and analyzed, and that the EA is thorough and balanced.

We invite your participation in the scoping process and are circulating the attached Scoping Document (SD1) to provide you with information on the Newhalem Creek Hydroelectric Project. We are also soliciting your comments and suggestions on our preliminary list of issues and alternatives to be addressed in the EA. At this time, we do not anticipate holding public or agency scoping meetings. Instead, we are soliciting written comments, recommendations, and information on SD1.

SD1 is being distributed to the Commission's official mailing list (see section 8.0 of the attached SD1). If you wish to be added to or removed from the Commission's official mailing list, please send your request by email to FERCOnlineSupport@ferc.gov. In lieu of an email request, you may submit a paper request. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All written or emailed requests must specify your wish to be removed or added to the mailing list and must clearly identify the following on the first page: **Newhalem Creek Hydroelectric Project No. 2705-037.**

You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov.

Please review SD1 and, if you wish to provide comments, follow the instructions in section 5.0, Request for Information. If you have any questions about SD1, the scoping process, or how Commission staff will develop the NEPA document for this project, please contact Diana Shannon at (202) 502-6136 or diana.shannon@ferc.gov. The deadline for filing comments is **September 28, 2022**. The Commission strongly encourages electronic filings.

Enclosure: Scoping Document 1



SCOPING DOCUMENT 1

NEWHALEM CREEK HYDROELECTRIC PROJECT
APPLICATION FOR SURRENDER AND DECOMMISSIONING

WASHINGTON

PROJECT NO. 2705-037

Federal Energy Regulatory Commission
Office of Energy Projects
Division of Hydropower Administration and Compliance
Washington, DC

August 29, 2022



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SCOPING DOCUMENT 1

Newhalem Creek Hydroelectric Project No. 2705-037

1.0 INTRODUCTION

The Federal Energy Regulatory Commission (Commission or FERC), under the authority of the Federal Power Act (FPA),¹ licenses and oversees the operation of non-federal hydroelectric projects in the United States. Moreover, the FPA allows licensees to surrender existing licenses to the Commission and cease operation of their project.

The Newhalem Creek Hydroelectric Project is located on Newhalem Creek, near Newhalem, Whatcom County, Washington. The project began operation in 1921 to provide power for construction of the Skagit River Hydroelectric Project No. 553. The project occupies 6.56 acres within the Ross Lake National Recreation Area, which is managed by the National Park Service as part of the North Cascades National Park Complex (figure 1).

The project consists of a 45-foot-long by 10-foot-high concrete, overflow, diversion dam; a combination sluiceway/intake structure and small gatehouse at the dam; an unlined rock vertical shaft that conveys water from the intake to a 2,700-foot-long power tunnel; a 500-foot-long steel penstock that conveys water from the power tunnel to a wood-framed powerhouse with a double-overhung Pelton impulse turbine (2,250 kilowatts) connected to a single generating unit rated at 2,125 kilowatts; a 350-foot-long tailrace channel that discharges into the Skagit River over a concrete tailrace fish barrier; and a 7.2 kilovolt transmission line, consisting of overhead and buried cable, that connects to Gorge Powerhouse, part of the Skagit Hydroelectric Project No. 553. Article 402 of the license requires that the project operate in a run-of-river mode.

Under the Commission's regulations at 18 Code of Federal Regulations (C.F.R.) 6.1, an application for surrender of a project license, other than a minor license or transmission line, must be filed by the licensee in the same manner as the application for license. Pursuant to 18 CFR 6.2, a project license may be surrendered only when the licensee has fulfilled the obligations under the license as prescribed by the Commission and project lands are restored to a satisfactory condition.

¹ United States Code (U.S.C.) § 791(a)-825(r).

On January 28, 2022, Seattle City Light, licensee, filed an application for surrender of license and partial removal of project works for the Newhalem Creek Hydroelectric Project.

Seattle City Light proposes to decommission and remove the diversion dam and associated headworks structures, tailrace fish barrier and certain overhead transmission lines. The rock shaft and power tunnel would be sealed, and the access road above elevation 840 feet would be decommissioned. The powerhouse, tailrace, and penstock would remain, and the powerhouse equipment would be de-energized. Electrical service to the powerhouse would remain to provide heating and lighting.

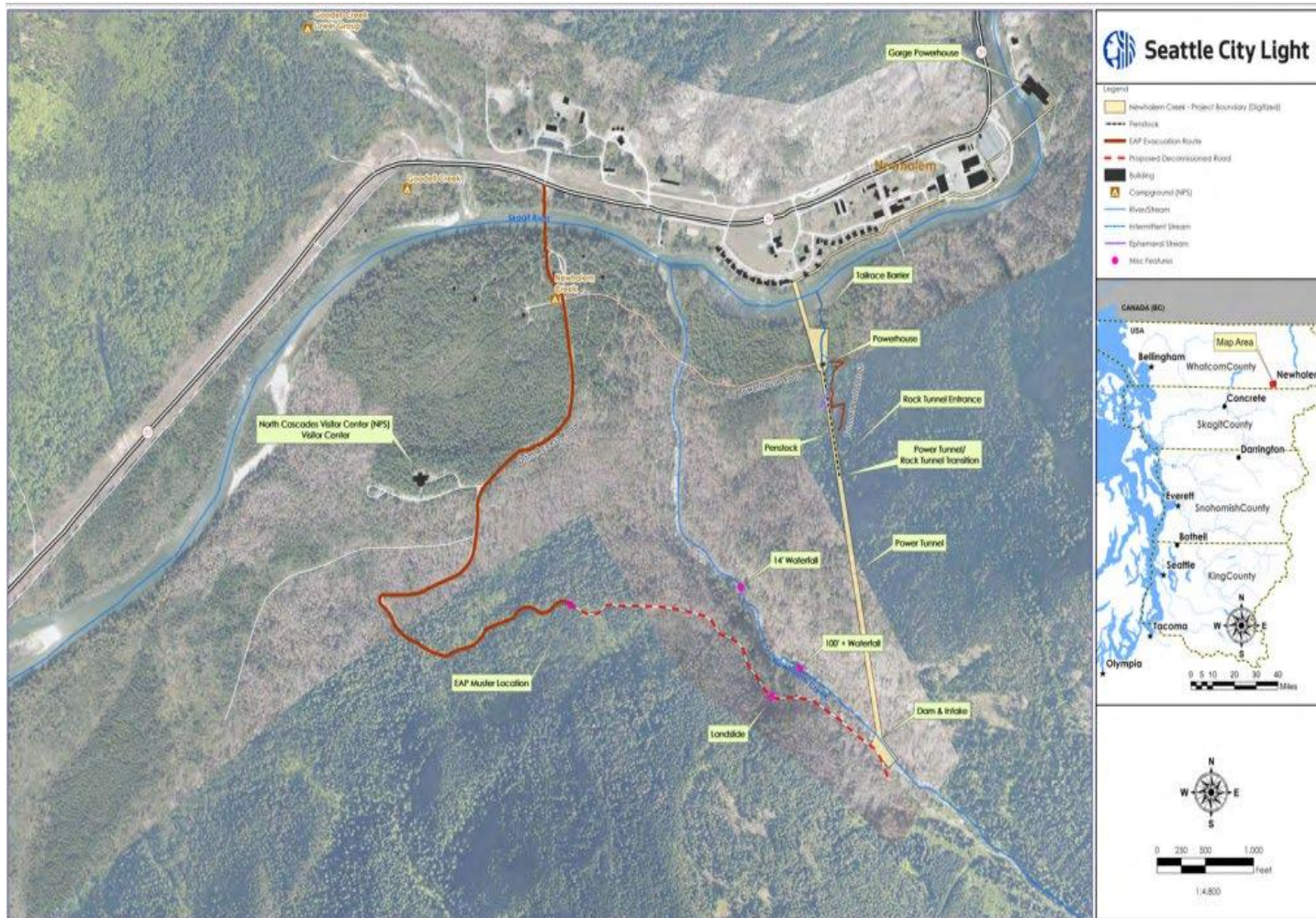


Figure 1. Newhalem Creek Hydroelectric Project, location of existing facilities (Source: license surrender application).

The National Environmental Policy Act of 1969 (NEPA),² the Commission's regulations, and other applicable laws require that we independently evaluate the environmental effects of surrendering the project license as proposed, as well as consider reasonable alternatives to the proposed action.³ The decision on whether to prepare an environmental assessment (EA) or an Environmental Impact Statement (EIS) will be made once we determine the scope of effects and measures under consideration. The Commission's scoping process will help determine the required level of analysis and satisfy the NEPA scoping requirements, irrespective of whether the Commission issues an EA or an EIS.

2.0 SCOPING

This Scoping Document 1 (SD1) is intended to advise all participants as to the proposed scope of the NEPA document and to seek additional information pertinent to this analysis. This document contains: (1) a description of the scoping process and schedule for the development of the NEPA document; (2) a description of the licensee's proposed action and alternatives to the proposed action; (3) a preliminary identification of environmental issues; (4) a request for written comments and information; and (5) a proposed outline.

2.1 PURPOSES OF SCOPING

Scoping is the process used to identify issues, concerns, and opportunities for enhancement or mitigation associated with a proposed action. In general, scoping should be conducted during the early planning stages of a project. The purposes of the scoping process are as follows:

- invite participation of federal, state and local resource agencies, Native-American Tribes, non-governmental organizations (NGOs), and the public to identify significant environmental and socioeconomic issues related to the proposed project;

² 42 U.S.C. §§ 4321 et seq.

³ On April 20, 2022, the Council on Environmental Quality (CEQ) issued a final rule, National Environmental Policy Act Implementing Regulations Revisions (Final Rule, 87 Fed. Reg. 23,453), which was effective as of May 20, 2022. Accordingly, Commission staff plans to prepare this EA in accordance with CEQ's new regulations..

- determine the resource issues, depth of analysis, and significance of issues to be addressed in the NEPA document;
- identify reasonable alternatives to the proposed action that should be evaluated in the NEPA document;
- identify how the project would or would not contribute to cumulative effects in the project area;
- solicit, from participants, available information on the resources at issue; and
- determine the resource areas and potential issues that do not require detailed analysis during review of the project.

2.2 SCOPING COMMENTS

Several opportunities will be available during the preparation of the NEPA document for the resource agencies, Native-American Tribes, NGOs, and the public to provide input. In addition to our public notice of the application soliciting comments, motions to intervene, and protests, issued on April 29, 2022, these upcoming opportunities for comment will occur:

- during the public scoping process when we solicit comments regarding the scope of the issues and analysis for the NEPA document; and
- after issuance of the NEPA document when we solicit written comments on the document;

At this time, we do not anticipate holding public or agency scoping meetings. However, we invite all interested agencies, Native-American Tribes, NGOs, and individuals to file written comments to assist us in identifying the scope of environmental issues that should be analyzed in the NEPA document. See section 5.0 below for instructions on filing written comments and information with the Commission.

Scoping commenters should provide information on issues and/or concerns as they pertain to the proposed license surrender and decommissioning of the Newhalem Creek Hydroelectric Project. It is advised that commenters review the surrender application and proposed decommissioning plan when preparing written comments. These documents may be viewed on the Commission's website (<https://www.ferc.gov>), using the "eLibrary" link. Enter the docket number, P-2705 for the Newhalem Creek Hydroelectric Project, to access the document. For assistance, contact FERC Online

Support at FERCOnlineSupport@FERC.gov or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. At this time, the Commission has suspended access to its Public Reference Room in compliance with the proclamation declaring a National Emergency concerning COVID-19, issued by the President on March 13, 2020.

Following the scoping comment period, all issues raised will be reviewed and decisions made regarding the level of analysis needed. If this preliminary analysis indicates that any issues presented in this Scoping Document have little potential for causing significant effects, the issue(s) will be identified and the reasons for not providing a more detailed analysis will be provided in the NEPA document.

If we receive no substantive comments on SD1, then we will not prepare a Scoping Document 2 (SD2). Otherwise, we will issue an SD2 to address substantive comments received during the scoping process. The SD2 will be issued for informational purposes only; no response will be required. The NEPA document will address recommendations and input received during the scoping process.

3.0 PROPOSED ACTION AND ALTERNATIVES

In accordance with NEPA, the environmental analysis will consider the following alternatives, at a minimum: (1) the applicant's proposed action; (2) the no-action alternative, and (3) alternatives to the proposed action.

3.1 APPLICANT'S PROPOSAL

The proposed action includes the removal of the diversion dam and associated headworks structures, tailrace fish barrier and certain overhead transmission lines. The rock shaft and power tunnel would be sealed, and the access road above elevation 840 feet would be decommissioned. The powerhouse, tailrace, and penstock would remain, and the powerhouse equipment would be de-energized. Electrical service to the powerhouse would remain to provide heating and lighting. Facility removal, as proposed, is planned to start within 24 months and to be completed within 48 months from the date of issuance of a decommissioning order.

The methods proposed to remove the facilities, as well as measures to restore land occupied by the facilities and reservoir and to minimize adverse effects on environmental resources, are detailed in the license surrender application.

3.2 ALTERNATIVES TO THE PROPOSED ACTION

As part of our review, the Commission will consider and assess reasonable alternatives, which include: alternatives that are technically and economically feasible; meet the purpose and need for the proposed action; and meet the goals of the applicant.⁴ Several Tribes, agencies and NGOs have recommended the removal of all above-ground project features including the penstock and powerhouse. We will evaluate this alternative in the NEPA document.

3.3 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY

At present, we propose to eliminate the following alternative from detailed study in the NEPA document.

3.3.1 Federal Government Takeover

In accordance with § 16.14 of the Commission's regulations, a federal department or agency may file a recommendation that the United States exercise its right to take over a hydroelectric power project with a license that is subject to sections 14 and 15 of the FPA. We do not consider federal takeover to be a reasonable alternative. Federal takeover of the project would require congressional approval. While that fact alone would not preclude further consideration of this alternative, there is currently no evidence showing that federal takeover should be recommended to Congress. No party has suggested that federal takeover would be appropriate, and no federal agency has expressed interest in operating the project.

4.0 SCOPE OF RESOURCE ISSUES

4.1 CUMULATIVE EFFECTS

According to the Council on Environmental Quality's regulations for implementing NEPA (40 C.F.R. 1508.7), a cumulative effect is the effect on the environment that results from the incremental effect of the action when added to other past, present and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative effects can

⁴ 40 C.F.R. §1508.1(z)

result from individually minor but collectively significant actions taking place over a period of time, including hydropower and other land and water development activities.

Based on information in the surrender application and preliminary staff analysis, we have not identified any resources that would be cumulatively affected by the proposed surrender and decommissioning of the Newhalem Creek Project.

4.2 RESOURCE ISSUES

In this section, we present a preliminary list of environmental issues to be addressed in the NEPA document. We identified these issues, listed by resource area, by reviewing the license surrender application and the Commission's record for the Newhalem Creek Hydroelectric Project. This list is not intended to be exhaustive or final but contains those issues raised to date that could have substantial effects. After the scoping process is complete, we will review the list and determine the appropriate level of analysis needed to address each issue.

4.3 GEOLOGY AND SOILS

- Effects of removal of the diversion dam and other project structures on soil stability in the project area.
- Effects of removal of the diversion dam on downstream transport of sediments currently deposited behind the dam.
- Potential effects of disturbing soils containing contaminants on aquatic and terrestrial biota.

4.4 AQUATIC RESOURCES

- Effects of removal of the diversion dam and other project structures and decommissioning of the access road on downstream water quality during and after removal.
- Effects of removal of the diversion dam, associated headworks structures, and the tailrace fish barrier on aquatic habitat for fish, mussels, and macroinvertebrates.
- Effects of removal of the diversion dam, associated headworks structures, and tailrace fish barrier on special status aquatic species including Chinook salmon and steelhead, which have been documented in the

lowermost 0.65 mile of Newhalem Creek, and bull trout, which may occur in the same reach.

- Effects of removal of the diversion dam, associated headworks structures, and the tailrace fish barrier on resident fish movements.

4.5 TERRESTRIAL RESOURCES

- Effects of removal of the diversion dam and other project structures and decommissioning of the access road on botanical communities and wildlife.
- Effects of removal of the diversion dam and other project structures and decommissioning of the access road on the introduction, establishment, and spread of invasive species.
- Effects of removal of the diversion dam and other project structures and decommissioning of the access road on special status plants and wildlife.
- Effects of removal of the diversion dam and other project structures on wetlands.

4.6 THREATENED AND ENDANGERED SPECIES

- Effects of removal of the diversion dam and other project structures and decommissioning of the access road on threatened or endangered species that may be found in the project area.

4.7 RECREATION AND LAND USE

- Effects of project deconstruction activities on public access, fishing, hiking, camping, and other recreational activities in the vicinity of the project.
- Effects of leaving the powerhouse and penstock intact on public access, fishing, hiking, camping, and other recreational activities in the vicinity of the project.

4.8 HISTORIC AND CULTURAL RESOURCES

- Effects of removal of the diversion dam and other project structures and decommissioning of the access road on properties that are included in or eligible for inclusion in the National Register of Historic Places (historic properties) including archaeological resources.
- Effects of removal of the diversion dam and other project structures and decommissioning of the access road on Tribal resources.
- Effects of leaving the powerhouse, tailrace, and penstock intact on historic properties and Tribal resources.

4.9 AESTHETIC RESOURCES

- Effects of removal of the diversion dam and other project structures and decommissioning of the access road on the visual and audible experience of visitors and residents in the project vicinity.

4.10 SOCIOECONOMICS

- Effects of removal of the diversion dam and other project structures on socioeconomics.

4.11 ENVIRONMENTAL JUSTICE

- Effects of removal of the diversion dam and other project structures on Environmental Justice communities.

4.12 AIR QUALITY

- Effects of project deconstruction activities on air quality.

5.0 REQUEST FOR INFORMATION

We are asking federal, state, and local resource agencies; Native-American Tribes; NGOs; and the public to forward to the Commission any information that will assist us in conducting an accurate and thorough analysis of the effects associated with the surrender and decommissioning of the Newhalem Creek Hydroelectric Project. The types of information requested include, but are not limited to:

- information, quantitative data, or professional opinions that help identify significant environmental issues;
- identification of, and information from any other environmental assessment, environmental impact statement, or similar environmental study (previous, ongoing, or planned) relevant to the proposed surrender and decommissioning of the Newhalem Creek Hydroelectric Project;
- existing information and any data that would help characterize existing environmental conditions and habitats and in the assessment of effects of project decommissioning on environmental resources;
- documentation showing why any resources should be excluded from further study or consideration.

The requested information and comments on SD1 may be filed electronically via the Internet no later than **September 28, 2022**. See 18 C.F.R. 385.2001(a)(1)(iii) and the instructions on the Commission's website <https://ferconline.ferc.gov/FERCOnline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be filed on paper. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Register online at <https://ferconline.ferc.gov/FERCOnline.aspx> to be notified via email of new filings and issuances related to these or other pending projects. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov.

Intervenors—those on the Commission's service list for this proceeding—are reminded that if they file comments with the Commission, they must also serve a copy of their filing on each person whose name appears on the official service list. Note that the list is periodically updated. The official service list can be obtained on the Commission's web site (<https://www.ferc.gov>)—click on Documents and Filing and click on eService—or call the Office of the Secretary, Dockets Branch at (202) 502-8715. In addition, if any party files comments or documents with the Commission

relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on the resource agency.

Any questions regarding this proceeding should be directed to Diana Shannon at (202) 502-6136 or via email at diana.shannon@ferc.gov. Additional information about the Commission may be obtained from the Commission's website, <https://www.ferc.gov>.

6.0 CURRENT PROCESSING SCHEDULE

At this time, we anticipate preparation of a draft and final EA. The EA will include our recommendations, as well as environmental protection and enhancement measures that should be part of any license surrender order issued by the Commission. The draft EA will include a 30 day comment period. All comments on the draft EA filed with the Commission will be considered in preparation of a final EA.

The major milestones, including those for preparing the EA, are as follows:

Major Milestone	Target Date
Scoping Comments Due	September 28, 2022
Draft EA Issued	March 2023
Draft EA Comments Due	April 2023
Final EA Issued	August 2023

If Commission staff determines that there is a need for additional information or additional scoping, the schedule may be modified. If this occurs, all subsequent milestones would be delayed by the time allowed for the licensee to respond to the Commission's request.

7.0 PROPOSED EA OUTLINE

The preliminary outline is as follows:

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8.0 MAILING LIST

The list below is the Commission’s official mailing list for the Newhalem Creek Hydroelectric Project (FERC No. 2705). If you want to receive future mailings for the Newhalem Creek Hydroelectric Project from the Commission and are not included on the list below, please send your request by email to FERCOnlineSupport@ferc.gov or by U.S. Postal Service mail to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All written and emailed requests to be added to the Commission’s mailing list must clearly identify the following on the first page: Newhalem Creek Hydroelectric Project No. 2705-037. You may use the same method if requesting removal from the mailing list.

Register online at <https://ferconline.ferc.gov/FERCOOnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, (202) 502-8659

Mailing list for the Newhalem Creek Hydroelectric Project No. 2705

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Michelle Vargo City of Seattle, City Light Department 700 Fifth Ave. Seattle, WA 98124	Kimberly Pate City of Seattle, City Light Department P.O. Box 34023 Seattle, WA 98124-4023	Jay Fields Department of Interior, Office of the Solicitor 805 SW Broadway, Suite 600 Portland, OR 97205
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<p>Jack Fiander Sauk-Suiattle Indian Tribe 5318 Chief Brown Lane, #93 Darrington, WA 98241</p>	<p>Ron Bates Seattle City Light P.O. Box 34023 Seattle, WA 98124-4023</p>	<p>Andrew Bearlin Seattle City Light 700 Fifth Ave, Suite 3200 Seattle, WA 98124</p>
<p>Chris Townsend Seattle City Light 700 5th Avenue, Suite 3341 Seattle, WA 98104</p>	<p>Matthew Love Seattle City Light 606 Columbia St. NW Ste 212 Olympia, WA 98501</p>	<p>Sharon L. White Seattle City Light 1 Thomas Circle NW, Suite 700 Washington, DC 20005</p>
<p>Stan Walsh Skagit System Cooperative P.O. Box 368 La Conner, WA 98257</p>	<p>William Ryan Skagit System Cooperative P.O. Box 368 La Conner, WA 98257</p>	<p>Amy Trainer Swinomish Indian Tribal Community 11404 Moorage Way La Conner, WA 98257</p>
<p>Bernard Burnham U.S. Bureau of Indian Affairs 911 NE 11th Ave. Portland, OR 97232-4128</p>	<p>Donald Sundeen U.S. Fish and Wildlife Service Attn: FERC Coordinator 911 NE 11th Ave. Portland, OR 97232-4169</p>	<p>Richard Roos-Collins Upper Skagit Indian Tribe The National Heritage Institute 100 Pine Street, Ste. 1550 San Francisco, CA 94111</p>
<p>Lauren Kirigin Washington Department of Fish and Wildlife 1125 Washington St. SE Olympia, WA 98504</p>	<p>Christine O. Gregoire Washington Office of Attorney General Washington Department of Ecology P.O. Box 40117 Olympia, WA 98504-0117</p>	<p>Neil Wise Washington Department of Fish and Wildlife P.O. Box 40100 Olympia, WA 98504-0100</p>
<p>Dawn Presler Mt. Baker-Snoqualmie National Forest P.O. Box 1107 Everett, WA 98206-1107</p>	<p>Patty Murray Senator 154 Russell Senate Office Building Washington, DC 20510</p>	<p>Governor of Washington P.O. Box 40002 Olympia, WA 98504-0002</p>
<p>U.S. Bureau of Land Management State Director P.O. Box 2965 Portland, OR 97208-2965</p>	<p>Washington, Department of Fish and Wildlife Chief, Habitat Division 600 N. Capitol Way Olympia, WA 98504-0001</p>	<p>Washington Utilities and Transportation Commission P.O. Box 47250 Olympia, WA 98504</p>
<p>Matt Aamot Whatcom County Planning and Development Services Dept. 5280 Northwest Dr., Ste. A Bellingham, WA 98226-9050</p>	<p>Whatcom County Planning Dept. 5280 Northwest Dr., Ste B Bellingham, WA 98226-9050</p>	<p>County of Whatcom Whatcom County Council 311 Grand Avenue, Courthouse Bellingham, WA 98225</p>