

**Skagit Watershed Council – Final Notes**  
**Meeting of the Board of Directors, via Zoom**  
**November 4<sup>th</sup>, 2021, 10am to Noon**

(Underline indicates decision point; \***Bold indicates action item**) ([video recording link here](#))

**Attending:** John Stein (Chair), Andrew Bearlin, Brendan Brokes, Bill Blake, Peter Browning, Devin Smith, Michael Kirshenbaum, Jon Vanderheyden, Holli Watne (notes), Richard Brocksmith

**Guests:** Laura Blackmore (PSP Executive Director), Hannah Liss (PSP ERC), Jack Fiander (SSIT counsel), Brian Lanouette (USIT), and David Hawkins (USIT counsel)

**Call to Order** 10:00 am

- Introductions, quorum achieved.
- Approved Agenda. Motion by Michael, second by Bill, approved unanimously with additions of adding decision point for resolution and Cedar Grove cost increase discussion.
- Approved Board Notes for September 2, 2021. Motion by Bill, second by Peter, approved as presented, unanimously.

**Old Business**

Local Integrating Organization (LIO):

- Puget Sound Partnership Executive Director Laura Blackmore joined us at the request of the Board of Directors to share the purpose of LIOs and how they are authorized and arranged. They are the local forum for agreeing on ecosystem recovery plans and their implementation. They are becoming more important as more resources are being dedicated to PS recovery, for instance NEP funds are increasing from \$33M/year to ~\$100M/year with federal bills currently under consideration.
- The program is building in more community and climate resilience, which Skagit needs.
- Action agenda moving towards increased commitment towards action and simplifying its work.
- Counties, cities, and Tribes work together to authorize founding of an LIO within any geographic area, with Leadership Council approving that recommendation. Federal contracting occurs by end of September each year, which would be our timeline to keep in mind. The Skagit Watershed is the only area in Puget Sound without a current LIO, which would include 3 counties, multiple cities and multiple Tribes. An essential step is a starting dialogue with the Tribes and Skagit County to see if there is support to proceed before widening that circle. One party suggested only Tribes with treaty rights be included in that consultation. \***Laura will reach out to those governments by letter and in-person to**

**continue to share information and answer questions. \*Devin and Peter discussed tribes and county working together on this topic.**

- In response to a question, Laura assured the Board that local interests are meant to drive the process.
- One party asked how NGOs fit into this structure and Laura answered that it is up to locals to make that decision for what works best for this ecosystem recovery program, and what is manageable locally. There are 10 other LIOs and each has a different structure. **\*Hannah will provide review of other LIO models out there.** Laura said it is intended that LIOs have a strong connection with the salmon recovery programs such as SWC and the co-managers. Partners are very important in implementation and community support, and silos and duplication problematic. Several examples in adjacent watersheds were discussed. **\*Brendan will follow-up on why Skagit stakeholders haven't participated in the WRIA 1 process and why Whatcom stakeholders haven't participated in the Baker and Skagit River process.**

Skagit County-Proposed Resolution:

- Skagit County proposed a resolution for SWC adoption that SCL commit to a regionally equitable investment in both fish passage and habitat enhancement.
- Peter: I'm not an expert in salmon or habitat. Salmon listed under Endangered Species Act in the Skagit are not meeting their resource recovery objectives. We need to listen better to what the treaty tribes are looking for. Seattle should pay as much as PSE pays for the Baker dams, and should structure that funding as a front-end capital investment. What I'm hearing needs to happen, with resources to help, is:
  1. Delta estuary restoration at scale
  2. Fish passage over SCL dams
- Peter: County values work of SWC and it should continue to perform its current roles, \*but need to clarify its role in terms of SCL mitigation funding.
- David: asks that Andrew not be part of this conversation, or specifically voting, due to conflict of interest.
- Andrew: I will abstain on voting and commentary but am available to answer questions. SCL submitted a letter last night from their administrator, and it is attached to these notes. Key points: It is appropriate to be having these conversations while we are going through the FERC process. We hear those calling on us to build fish passage, but it's not our call alone, nor timely as the results of the studies haven't been concluded yet. The studies and the licensing partners must agree that it is necessary, and then we will definitely implement the outcomes of the licensing process.
- Peter: This should be a discussion between leaders, decision makers, Seattle to Skagit County and Tribes. We'd like to elevate this discussion, including the new mayor.

- David: The resolution calls for supporting fish passage and equitable investment as goals. SCL can make that call today, though we recognize it won't happen immediately and so resolution doesn't require that.
- John Stein: But the resolution suggests most groups have already declared that fish passage is a priority strategy, which seem does seem immediate. Please clarify.
- David: Clarified it's not a priority in time and sequence, but a priority recovery strategy.
- Devin: The Tribes he works for believe much in the resolution makes sense. There are several concerns, starting with the appropriateness of this resolution within the SWC process that has historically engaged in voluntary restoration projects, not regulatory issues. SWC has only weighed in on one or two regulatory issues because there was full agreement on those specific matters, unlike this resolution.
- Jack: fish passage is not just regulatory.... It's key for restoration. Tribes and local government should be given greater weight or deference.
- Jon V: wouldn't this resolution be better suited to come from the county and tribes first then? What advantage comes from this coming for SWC given our traditional role?
- Peter: we're going to cities, tribes, communities, multiple sites... SWC is just one group that is getting this. This is not a regulatory issue it's a political and economic issue for our Valley.
- David: He counseled against taking a stand on Giant Copper, but that unanimous action by the Board now sets a precedent for what is appropriate. He feels that this resolution is consistent with the restoration goals of SWC. Doesn't see how this proposal is inconsistent with the goals of the organization.
- Jon V: This is a regulatory process being managed by FERC. It's also problematic for anyone to say that SCL should put in the same dollar amount as PSE when we don't know the full impacts or potential solutions and their costs yet. We should be cautious about saying that fish passage is the answer before we have the studies, as we may spend money before we know what the best way is to spend the money (e.g. may be better/cheaper solutions out there).
- Peter: I have a hard time believing this is not the best option.
- David: This isn't a binary choice, and so resolution shouldn't be saying that. If we could get more funding than we got from PSE, that would be great. And not all the money would go to fish passage. It is not in the context of the relicensing if the SWC states these as restoration priorities. We're not telling you to talk to FERC – we're asking you to support these two goals as priorities to mitigate the impacts that these dams have had on the river.
- Devin: A concern is that the PSE dams are in different geologic context, and it may well be that Seattle's dams are much more impactful and could require more mitigation. So setting a ceiling, or pre-determining the amount, is a concern, even if Seattle wants certainty soon.
- David: would not disagree with rewording the funding commitment, but we think that the PSE contribution is a good starting place. If the board is concerned about that, we can have

more dialog about that, but first wants support for the ideas and intent that is expressed in the draft resolution.

- Jack: what's been presented is a resolution, but it can be amended before adopted.
- Peter: yes, we see it as a floor, but main thing is to get adequate funding to help parties reach recovery through restoration.
- Jon V: What do we have in terms of policy on commenting. Commenting on fish passage studies would be appropriate and should be a target if the science supports that.
- Richard: the operating protocols in the organization are to avoid regulatory issues because there's usually not agreement on these issues. However, there is no hard policy or rule in our bylaws that says we can't. When the mining situation came about, we acted only because there was 100% agreement on the existential threat of an industrial copper mine in the upper watershed. It's at your discretion, but something that has been mutually avoided in the past.
- David: noted that he expressed concerns about signing the letter against the mine.
- Michael: appreciates the conversation and illuminating dialogue speaking to the role of SWC in this process. Doesn't doubt there is a version of this resolution that can be submitted speaking to the scientific process to find the most effective way forward to salmon recovery that would receive full support of the Board. It could speak to the funding and to the need to assess fish passage as a part of that process. We do need to think of the political ramifications of this decision as it seems to have been overly politicized. I would ask the commissioner to work with the board to revise this to something that is a position that everyone is comfortable with. There are statements that seem to attack work we've done in the past and member organizations and staff.
- Brendan: I'm landing in the same spot [as Michael that we aren't on the same page with this resolution yet]. From a comanager perspective, we absolutely agree that passage needs to be studied. I think it's a bit premature to say we know what the various priority strategies are and where money should go until that's done. It is a different system than Baker Lake for instance. I think it's appropriate for SWC to express support for this in some fashion. Let's not forget about other priority areas and habitat types (riparian, estuary, mid-river, lower tributary passage, etc) and the need for a full ecological perspective to get to recovery of endangered species. It's not SWC's place to state how much it should cost, but we can make a statement on commitment to evaluate impacts and fully mitigate them no matter the cost turns out to be. We need to get together and work some different versions of this document about those priorities.
- David: thanked Michael for his thoughtful words, and USIT are willing to work on the language of this document to capture something that the board is comfortable supporting. Regarding the science-driven approach: idea that science is somehow objective and unbiased, but this is not always successful. Impacted by decision process in the models

(which can be biased). Not suggesting that this is SCL's intent, but we are doing an independent study on fish passage that is relying on the science here as well. Engaging the same company that did the fish passage study on the Baker River. We think that Baker is a good system marker... similarity in species (especially sockeye)... evidence of sockeye traveling up to Nehalem. Sockeye were some of the most important fish to the Upper Skagit Tribe. We want SWC to recognize this is a priority going forward, and we are willing to share the results of our study to SWC.

- Brendan: appreciates that and thinks the issue of passage is not just for endangered species and we can get there so we need a statement that we can all agree on. The studies can be cherry-picked to show a trend that you want to show, but I hope that having the tribes at the licensing partner's table will help keep SCL and FERC on track.
- Peter: looking for a commitment for a "reasonable level of funding". In this context, this is a political not a regulatory discussion. The money is a key component... it doesn't have to be about a specific amount, but we want to make sure it's adequate to get to a pre-dam state.
- Devin: the two tribes he works for do not want to approve at this time. Concerns:
  - Regionally equitable seemed to be a cap, but maybe not after today's discussion.
  - Timing – in 18 months the results of many of the studies will become available – why do Upper Skagit and the County want to pass the resolution today?
  - What is the actual intent with fish passage – deciding that this is the best mitigation strategy before seeing the results of the study? Or is the actual interest making sure it's studied well?
- David would like Andrew to get off the call at this time. He has some info he'd like to share with the Board, but not ready for SCL to know about it.
- Devin: I wonder if the conversation is leading to a place that should be set up among tribal representatives and leaders. He isn't the best staff for Swinomish and Sauk-Suiattle for this discussion and the issues seem to be exceeding the SWC venue.
- Bill proposes setting up a new meeting to look over the proposal with the intention of tweaking the language to something that the board is comfortable in supporting.
- Michael agrees with Devin for tribes to meet on the language. We should also respect the integrity of the SWC Board of Directors and not ask someone to leave.
- John Stein: we want to reach a point of agreement on the document, and to do that we would need to meet, potentially as Bill suggested. **\*We are more likely to be effective if the three tribes meet before our board meets again to discuss mitigation funding and timing and fish passage specific language.**
- David: Asks for a draft by early December, to share with the tribes.

- Jack: an official meeting with the SSIT governing body has not happened to discuss this issue. These meetings happen monthly, the first Friday of the month. They cannot discuss this until that time. Devin agrees.
- Brendan: great idea that the three tribes have this conversation first, and that can inform the work group.
- John: I'm not sure it's possible that we could have a draft to share by early December... but we can shoot for it.
- Bill: agreed to have it on the December agenda and can act or not if the information exists.
- David: happy to reach out to other tribes to set up a zoom call with at least policy reps to discuss this in November. Form a work group to deal with this – John would be a part of this? He and Jack agree it should be government to government.
- Richard: Happy to set up a doodle poll for a work group, but it sounds like you all prefer it to be after Tribes met to get their guidance.

### **Executive Director's Report**

August and September Financial Report:

- Brendan reviewed both the financial reports and the retirement reconciliation contribution recommendation and would make a motion to approve both. Peter seconds and adopting them both passes unanimously.
- Federal 990 tax forms are available for review. **\*They will be submitted later this week.**

Skagit Science Series Planning:

- Group agrees this is an important topic and initiative for SWC.
- **\*Questions about which questions to answer and how to prioritize?**
- Desire to include many scientists to answer these questions, and many stakeholders to get the questions right.
- **\*Some board members willing to meet to discuss, plus our committee members.**

**Adjourn 12:22 pm**

Nov. 3, 2021

### **An Open Letter to our Partners**

Toward the end of last year, as the Skagit River Hydroelectric Project relicensing work was intensifying, I became aware that many of our partners in the process were experiencing Seattle City Light as hard to work with and non-responsive. That was especially true of the Tribes who hunt, fish, and live near our dams and powerhouses.

I feel strongly about the need to acknowledge mistakes, learn from them, and change course when needed. When we got the feedback that the process was not going well for our partners, we realized the need for change. We worked to reset our relationships with participating Tribes and agencies by making collaboration the centerpiece of the relicensing process. We also redoubled our commitment to go beyond basic dam mitigation and to improve the entire Skagit watershed and the salmon runs that have existed there for millennia.

We are at a pivotal moment in history. The City of Seattle gets approximately 20% of its power from the Skagit Project's three dams (Gorge, Diablo and Ross). Climate change makes this carbon-free resource vital to the people who depend on the electricity produced there; at the same time, hydropower is also part of today's solution to global climate change, which as we know is a real and immediate threat to life in the Northwest. According to the EPA's climate offset calculator, the Skagit Project generates enough clean electricity every year to avoid the CO2 emissions from burning nearly 2 billion pounds of coal.

It's also true that our infrastructure has a significant impact on the native lands and culture of the Upper Skagit Indian Tribe, the Swinomish Indian Tribal Community, and the Sauk-Suiattle Indian Tribe. The dams that power the Northwest are challenging for fish, particularly salmon. Access to plentiful stocks of all five salmon species is essential to the Tribes' health and way of life, and the combined effects of the dams, climate change, and the loss of habitat are threatening that way of life. I believe we have a moral obligation to do more to address our impacts, and I am committed to making sure that City Light meets that obligation.

After the reset, City Light worked collaboratively to revise our preliminary study plan and to prioritize the studies that were and are most important to our license partners. The results of those studies will inform the requirements that the Federal Energy Regulatory Commission (FERC) puts on our next license. In April, at the request of the Tribes and regulatory agencies, we committed to study the feasibility of fish passage, and to use study methods developed collaboratively with them. That research is being done right now, and the findings will be shared with all license participants.

The Skagit is one of the few systems of its size that does not have fish passage installed. The geography of the area led us (and many other scientists) to believe there were large boulders and falls that could

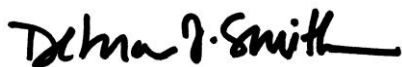
impede fish from moving upriver beyond Gorge Powerhouse. Based partly on that, parties to the current settlement agreement decided it was more beneficial to focus on flow management than fish passage. That was almost 30 years ago. That science has been called into question and we now recognize the value of performing additional studies using modern tools and methods.

We hear those who are calling on us to build fish passage **now**. However, this is not City Light's call. This is a decision that our partners, FERC, and City Light will make based upon the science developed as part of the study plan. To be clear, City Light **will** support and implement the outcomes of the relicensing process. To inform this important decision, we need to understand what the full impacts of fish passage would be on the environment we want to protect. Ecosystems are complex. We need to invest time and resources to develop the knowledge that our partners and FERC need to make sound decisions. That's the purpose of the study plan.

We've also heard from those who believe we should **immediately** commit to an equitable investment in both fish passage and habitat enhancement. We don't disagree with the need for investment, and in fact, our goal is to be equally – or more – effective in protecting fish populations and enhancing habitat. We fully expect that the studies we are collaboratively doing now will dictate what equitable means with respect to this project. The operating license that we hope to receive in 2025 will be responsive to the latest science and will consider all we've learned about climate change and fish impacts in the 30 years since the current license was issued. To assume that equitable is the same as what's been done elsewhere, is premature and potentially very wrong. The investment required by FERC could easily be greater than what was required for other comparable projects.

We are committed to doing what's right for the environment and the people of the region, especially by having respectful government-to-government relationships with Tribes and other affected communities. In the meantime, we will continue to work in partnership to build a clean energy future and a vibrant Skagit River ecosystem. There are some challenging issues on the horizon. Still, with a mutual commitment to collaboration, we can develop solutions the next generation can be proud of.

Take care and stay safe.

A handwritten signature in black ink that reads "Debra J. Smith". The signature is written in a cursive, flowing style with a long horizontal line extending to the right.

Debra J. Smith  
General Manager and CEO  
Seattle City Light