

## OVERVIEW

The City of Bellingham (City), with American Rivers (AR) and partners, is planning a multi-benefit project on the Middle Fork Nooksack River. The project aims to improve fish passage for three ESA-listed Puget Sound threatened anadromous fish species by removing the diversion dam while maintaining water supply diversion at the site. The project is currently in the design and permitting phase. For more project information, including a description of the project's Partner Advisory Committee (PAC) and Design Review Team (DRT), visit <https://www.cob.org/services/environment/restoration/middlefork/>.

## THIS MONTH

- **Funding** –
  - Construction funding for the project through the PSAR Large Cap program is pending legislature appropriation to the PSAR program. *We encourage all project partners and supporters to vocalize support of the PSAR fund and project to the Legislature and throughout the capital budget process.*
- **Design** –
  - Responses to comments received from the 60% DRT meeting were developed and discussed with pertinent parties. Input will be incorporated into 90% design plans and planning documents scheduled to be completed in December.
  - A Fish Passage Assessment TM was completed on 11/29/18. This TM accompanies further explains hydraulic modeling and expectations related to fish passage through the restored channel after dam removal.
- **Permitting** –
  - The design team prepared responses to WDFW comments received in the 60% DRT meeting. A hold was placed on WDFW's HPA permit timeline for the project while responses were being developed. Responses were sent to WDFW on 11/2/18, with additional follow up information transmitted on 11/8/18 and 11/30/18.
  - The City submitted a Shoreline Statement of Exemption application for the project to Whatcom County on 11/16/18. The Critical Areas Report included with this application package quantifies project impacts and outlines ecological-based mitigation for effects to the riparian and wetland buffers onsite.
  - The Department of Ecology began review of the JARPA documents submitted on August 3, 2018. Based on review of the submittal, Ecology issued a determination letter on 11/19/2018 that requires an individual 401 Water Quality Certification and Individual Coastal Zone Management Consistency Determination for this project. Public Notice for comments on the Section 401 WQ and CZM Consistency was issued by Ecology on 11/27/2018; the comment period will end on 12/18/18.
  - A call was held with Department of Ecology's 401/Coastal Zone Management federal permit manager on 11/9/18 and several questions from initial JARPA review were documented. A response package was sent to ECY on 11/30/18, including a Draft

Water Quality Monitoring Report, Critical Areas Report, and other supporting project documents.

- Two USACE-led meetings were held with the City, Department of Archaeology and Historic Preservation, Nooksack Tribe, and the Washington Trust for Historic Preservation to progress development of a MOA for dam removal, as part of the NHPA Section 106 consultation. Much progress was made, and the MOA is nearly finalized.
- Related to the PROJECTS (Joint Services ESA programmatic) consultation schedule for the project, a River Restoration Team (RRT) meeting was held on 11/15/18. The PROJECTS Action Notification and Completion Form was submitted on 11/21/18, starting the formal 30-day RRT review period. The Joint Services' RRT is now formally reviewing the project plans, permitting, and design documents for ESA Section 7 consultation.
- The Department of Natural Resources (DNR) was consulted on 11/27/18 to confirm field flagging requirements prior to submittal of the Forest Practices Application/Notification package.

## **DECEMBER 2018**

- Release of the Governor's budget is expected in December and will confirm next steps in execution of the project's funding strategy.
- The 90% design plans and documents are on schedule to be completed on December 21. A 90% DRT meeting will be held on January 10<sup>th</sup> for final design feedback. Final design and bid document deliverables are scheduled to be completed by the end of February 2019.
- WDFW is scheduled to issue a HPA permit.
- As part of ESA compliance through the PROJECTS programmatic, RRT approval is anticipated by the end of December, and the ESA Section 7 consultation is anticipated to be completed for both NMFS and USFWS by end of January 2019.
- The City is scheduled to present the draft Section 106 MOA to City Council on 12/3/18 for council authorization for the Mayor's future signature. The USACE is anticipating issuance of a signature-ready draft of the MOA in December for routing to and signature of all consulting parties in January 2019.
- The Forest Practices Application/Notification is scheduled to be submitted to DNR on December 13. Onsite flagging will be completed on December 4.