

## OVERVIEW

The City of Bellingham (City), in coordination 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

- **Design** –
  - A Design Review Team (DRT) meeting was held on August 1 in Bellingham to review and refine design plans. Comments from DRT members were received. DRT input will be incorporated into updated design plans and planning documents, forthcoming in October. All final design and bid document deliverables are scheduled to be completed by February 2019.
- **Permitting** –
  - In response to SEPA Checklist submittal to Whatcom County (SEPA lead agency), the county issued a Determination of Non-Significance for the project, and a 14-day comment period from August 14-27 was posted. The public comment period has ended; the SEPA appeal period for the DNS will end on September 6, 2018. Assuming no appeals, the SEPA process will be complete following the appeal period.
  - The Joint Aquatic Resources Permit Application (JARPA) and attachments were submitted to the USACE, WA Dept of Ecology, and DNR in conjunction with permitting for in-water work, and the DNR authorization for aquatic land use.
  - The USACE verified that the JARPA was complete and expects to process the project under Nationwide Permits (NWP) 27 and 12. The USACE will notify the Dept of Ecology of the intended verification of the project under the NWP program, which may streamline Ecology's review under Section 401 of the Clean Water Act.
  - A draft Fish Salvage Plan related to dewatering and fish relocation during construction was distributed for DRT biologist review and provided to the USFWS ESA consultation liaison for the project.
  - The project core team, in coordination with the USFWS ESA consultation liaison, completed a draft Action Notification Form to initiate ESA Section 7 review by both NMFS and USFWS. Related, the USFWS liaison held a meeting with the joint-Services Restoration Review Team to confirm project eligibility under an existing programmatic ESA consultation that covers dam removal projects. This confirmation provides support for a streamlined ESA consultation pathway, and anticipated completion of ESA Section 7 consultation to meet the project schedule for in-water work in 2019.

- The project core team completed supplemental draft documents for the programmatic ESA consultation review, including a draft Project Effectiveness Monitoring and Adaptive Management Plan, River Restoration Analysis Tool project review, and PROJECTS (programmatic consultation) checklist.
- **Funding –**
  - The Pacific Salmon Commission continues to negotiate the 10-year update to the Pacific Salmon Treaty. The project is a top priority project in that negotiation.
  - The Salmon Recovery Funding Board review of the project's #1 ranked PSAR Large Cap application was completed.

### SEPTEMBER 2018

- HDR's Internal QA/QC of the preliminary design phase is scheduled to commence September 28 and be completed by October 12.
- The PSAR Large Cap program's final project ranking will be confirmed September 27. Currently, the project is ranked #1 for funding, pending sufficient appropriation from the WA State Capital Budget to the PSAR program in 2019.
- AR will be amending an existing contract with the Resources Legacy Fund that will provide an additional \$200,000 from the Open Rivers Fund program to assist in covering a design funding gap incurred in negotiation of the design Phase 2 contract with HDR, Inc.
- A draft project Fish Salvage Plan, Project Effectiveness Monitoring & Adaptive Management Plan, Geomorphic Assessment Technical Memorandum, and project design documents will be sent to the USFWS and NMFS for initial review as part of PROJECTS (Joint Services ESA programmatic) consultation.
- A WDFW Hydraulic Project Approval (HPA) application draft will be prepared.
- A DNR Forest Practices – Class 4 Special Permit application will be drafted in coordination with DNR staff.
- A site visit for staffers to the Congressional delegation and Governor Inslee's Office is being held on September 17. The purpose of the visit is to increase legislative staff familiarity with the project.