

## 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** –
  - The Governor's proposed budget for the 2019-21 biennium included \$42.5 million for the Puget Sound Acquisition and Restoration (PSAR) program. This amount includes base funding for local WRIA projects, including full funding for the #1 project on the PSAR Large Cap list (MF Nooksack), and partial funding for the #2 project (Dungeness Floodplain). While this is great news for our project, we *encourage all project partners and supporters to vocalize support to the Legislature for more PSAR funding to support additional Large Cap projects.*
- **Design** –
  - HDR submitted 90% design plans to the City on December 21. Design plans and relevant planning documents were distributed to the DRT on December 28<sup>th</sup> for review in advance of a DRT meeting scheduled for January 10<sup>th</sup>.
- **Permitting** –
  - An update to the project JARPA was submitted to the USACE, Department of Ecology, Department of Natural Resources and WDFW on 12/28/18.
  - *WDFW Hydraulic Project Approval (HPA):* A call was held on 12/10/18 to discuss remaining design questions. Several documents were sent to WDFW on 12/20/18 to further inform HPA review, including a MFN Fish Passage Discussion Summary and a MFN Operations Summary.
  - *Whatcom County Shoreline Exemption Permit:* The application for the project is under review by Whatcom County. 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.
  - *Department of Ecology CWA 401 and Coastal Zone Management Consistency:* The public comment period for Section 401 Water Quality and CZM Consistency ended on 12/18/18. Only one public comment was received from the Waldron Island, WA community in support of the project.
  - Whatcom Environmental Services completed a hazardous materials survey of the dam structure on 12/6/18.

- *USACE National Historic Preservation Act (NHPA) Section 106:*
  - The Bellingham City council was presented with the draft Section 106 MOA on 12/3/18 and received council authorization for the Mayor to enter into the agreement.
  - Two USACE-led meetings were held to progress development of a MOA for dam removal, as part of the NHPA Section 106 consultation. The MOA was finalized, and the USACE issued a signature-ready draft for signatures of consulting parties (City, Department of Archaeology and Historic Preservation, Nooksack Tribe, and the Washington Trust for Historic Preservation) on 12/14/18. The City Mayor signed the agreement on 12/18/18; the other consulting parties are anticipated to sign the agreement in January 2019.
- *Joint Services ESA programmatic (PROJECTS) consultation:* The formal 30-day River Restoration Team (RRT) review period was completed on 12/21/18.
- *DNR Forest Practices Permit:* Onsite flagging was completed on December 4. The Forest Practices Application/Notification package was submitted to DNR on December 13.
- The City initiated development of applications for: Whatcom County Planning and Development Services, building permits, and Notice of Intent for construction stormwater discharge.

## **JANUARY 2018**

- A 90% DRT meeting will be held on January 10<sup>th</sup> for final design feedback. Final design and bid document deliverables are on schedule to be completed by the end of February 2019.
- Building permit applications will be submitted to Whatcom County.
- City will submit electronic Notice of Intent to Ecology for construction stormwater discharge.
- WDFW Hydraulic Permit approval is anticipated.
- Completion of the ESA Section 7 consultation with NMFS and USFWS is anticipated.
- Signature on the Section106 MOA by all consulting parties is anticipated.
- DNR Forest Practices Permit approval is anticipated.
- Whatcom County will complete review of the full project for purposes of the Shoreline Exemption permit.