

## 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 (\$30M), full funding for the #1 project (MF Nooksack) on the PSAR Large Cap list, and partial funding for the #2 project (Dungeness Floodplain). *We encourage all project partners and supporters to vocalize support to the Legislature for full PSAR funding of the Large Cap project list.*
- **Design** –

A 90-percent design plan DRT meeting was held on January 10<sup>th</sup>. Final comments solicited in plan review and in the meeting will be addressed and incorporated into final design plans to be completed in February.
- **Permitting** –
  - *Northwest Clean Air Agency Demolition Notification*: Issued on January 8.
  - *DNR Forest Practices Permit*: Issued on January 11.
  - *WDFW Hydraulic Project Approval (HPA)*: Issued on January 15.
  - *USACE National Historic Preservation Act (NHPA) Section 106 consultation*: The Section 106 Memorandum of Agreement was executed by the Corps on January 4, completing the consultation process. The stipulations established during the consultation will be implemented in accordance with the MOA.
  - *Joint Services Programmatic (PROJECTS) ESA Section 7 consultation and MSA*: Delayed. Consultation was on schedule to be completed in early January. The federal government shutdown created a 5-week delay for processing of federal permits. Upon the federal government reopening, processing for consultation approval was re-initiated.
  - *USACE CWA 404*: Delayed, resulting from permit dependencies impacted by the federal government shutdown. Nationwide Permit verification issuance is dependent upon completion of the ESA Section 7 consultation.
  - *Department of Ecology CWA 401 and Coastal Zone Management Consistency*: Ongoing. ECY has been reviewing project submittals. Several questions were received, and responses provided to ECY.

# MF Nooksack River Fish Passage Project

## Update #17

January  
2019

- *ECY NPDES Construction Stormwater General Permit Notice of Intent*: An electronic Notice of Intent (NOI) was submitted to Ecology for construction stormwater discharge. The City published the required public notices for this NOI on January 4 & January 11, initiating a 30-day public review period.
- *Whatcom County Shoreline Exemption Permit*: The project is under review; shoreline exemption issuance is pending receipt of a letter of support from WDFW Management relative to agency approval of project as fish habitat enhancement project per RCW 90.58.147.

### February 2018

- 100% Design deliverables are on schedule for completion.
- NPDES Construction Stormwater General Permit – project coverage verification issuance is anticipated.
- ECY continues review and processing of CWA 401 water quality certification (WQC) and CZM consistency determination. WQC issuance and CZM determination is pending.
- The USFWS and NMFS are targeting completion of the ESA Section 7 consultation prior to the potential of another federal government shutdown on Feb 15.
- It is anticipated the USACE CWA 404 nationwide permit verification will be issued shortly after ESA Section 7 consultation is complete, potentially by the end of February.
- WDFW issuance of a letter of project support to Whatcom County allowing for completion of the Shoreline Exemption Permit is anticipated in early February.