

## 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. A significant amount of funding has been secured towards the project. 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 Phase 2 design contract between the City and HDR, Inc was executed to progress the project through final design.
- **Permitting** –
  - A meeting with the USFWS, NMFS, and the USACE was held on May 2nd to discuss ESA responsibilities under Section 7. During the meeting, it was determined that the NOAA Restoration Center would be the federal lead for ESA, and the project is likely to be covered using a programmatic consultation. To achieve this, the project must meet specific criteria and must be reviewed by USFWS and NMFS staff for geomorphological, hydrologic, and fish passage design approval.
  - An introductory site visit with the USACE and Cultural Resources representatives from the Nooksack Tribe was held on May 16th. The Lummi Nation was invited, but did not attend. The Samish Tribe was invited, but declined participation. During the meeting and subsequent follow-up, the USACE determined it will lead the required federal consultation under Section 106 of the National Historic Preservation Act. The draft cultural resources report will be provided to the USACE in late June to initiate early consultation.
  - A pre-application meeting with Whatcom County was held on May 31<sup>th</sup>. A staff report detailing county permitting requirements will be provided in mid-June. Preliminary discussions indicate that the project may qualify for a shoreline exemption. The exemption is dependent upon WDFW's issuance of an HPA and a WDFW project support letter as a fish passage project. Therefore, sequencing of permitting submittals is critical and the exemption application cannot be processed until the HPA is issued.
  - HDR continued development of a SEPA compliance document. The document will be submitted to the City for review in June. SEPA lead status will be determined in June to initiate this consultation.
  - A pre-application project description document was prepared and submitted to the USACE for preliminary determination of project verification under the streamlined nationwide permit program. If the project cannot be covered under this program, it may be difficult to achieve in-water construction within the 2019 work window, in which case construction would be completed by 2020.

- **Funding –**
  - During negotiation of the Phase 2 design supplement in May, a significant funding gap for final design became apparent in the scoping process. We are pursuing additional funding in 2018 to supplement the overall design budget. Targeted funding includes the Pacific Salmon Commission, NOAA Community-Based Restoration Program, and funding re-appropriated to the National Fish and Wildlife Foundation from the NOAA Coastal Resiliency program.
  - Upon technical review of the project's PSAR Large Cap pre-proposal, we received confirmation the project has been recommended to move forward in the PSAR large capital process. The project was tiered very high and is predicted to need minimal revisions to compete successfully in the final review. A visit to the site by the WRIA 1 Combined Review Team was made on the afternoon of May 31<sup>st</sup> as part of the PSAR Large Cap Program. The review team appeared supportive of the project and most expressed high interest in its successful completion.
  - With the passage of the 2018 Omnibus Appropriations Act, several federal funding programs have received more limited funding than expected, or funds have been cut altogether (e.g., an important targeted source for design funding, the NOAA Coastal Resiliency program). We received confirmation that the project proposal to the USFWS National Fish Passage Program for \$50,000 to assist with final design and permitting was not awarded.
  - Due to limited funding available to WRIA 1 from the SRFB program, the City decided not to compete with other local projects and design funding was not pursued through this mechanism.
  - Several letters of support were requested from key partners as part of the PSAR Large Cap process. Letters of support have been received from the Nooksack Tribe, Lummi Nation, WDFW, and the WRIA 1 Management Team.

## JUNE 2018

- The project's Conceptual Alternatives Analysis Report will be published to the project webpage in June. This report includes basis of design information, conceptual design of the preferred alternative, and a ROM estimate of construction cost.
- The preferred alternative is being advanced to the 30% design level. 30% design and initial permit submittals (e.g., JARPA) are scheduled to be completed in July as part of the Phase 2 design work. All final design and bid document deliverables are scheduled to be completed in February 2019.
- A full proposal to the PSAR Large Cap program to cover remaining project cost will be submitted through PRISM by June 22<sup>nd</sup>, in compliance with proposal solicitation requirements.
- The City is awaiting word from Whatcom County on a decision confirming the SEPA lead entity status.