

## 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 PSAR Large Cap program's project list for funding received final approval by the Puget Sound Partnership's Leadership Council on October 8. All related project approvals and reviews have been completed. No further steps are needed; funding 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.*
  - A WRIA 1 tour for the Alaskan Pacific Salmon Commissioner was held on October 10 and included a tour of the Middle Fork Nooksack project site.
- **Design** –
  - A DRT meeting was held on October 24 in Bellingham to discuss and receive input on the final revision of preliminary design plans. Input will be incorporated into 90% design plans and planning documents scheduled to be completed in December.
  - The preliminary design milestone was completed upon receipt of DRT final preliminary design package comments on October 29.
- **Permitting** –
  - A WDFW Hydraulic Project Approval (HPA) application was submitted on September 21 and accepted on September 24. WDFW will review the application and make a HPA issuance determination within 45 days of submittal of a complete application. The City is actively engaged with WDFW to respond to comments in a timely manner and facilitate HPA review and issuance.
  - The results of a stream shade assessment were transmitted to DNR on October 10, related to the DNR Forest Practices – Class 4 Special Permit application. HDR clarified DNR Forest Practices flagging requirements and Alternate Plan needs for submittal of an application in early December.
  - A Water Quality Monitoring Report outline and project materials were submitted to the Department of Ecology's 401/Coastal Zone Management federal permit manager on October 4, 2018. On October 23, the permit manager informed the project team that project materials are being reviewed to make a decision on if Ecology would concur with the USACE nationwide permit conditions (NWP 27 and 12) for the Clean Water Act Section 401 Water Quality Certification, or if Ecology

- would process the project with an individual permit. *If Ecology's review is not expedited, or an individual permit process is required, the project's critical path permit timeline could be delayed.* The project team is preparing a Water Quality Monitoring Plan to provide Ecology with reasonable assurance water quality required conditions would be met without need for an individual permit.
- The City attended two USACE-led meetings with the Department of Archaeology and Historic Preservation, Nooksack Tribe, and the Washington Trust for Historic Preservation to progress development of a Memorandum of Agreement for dam removal, as part of the National Historic Preservation Act Section 106 consultation. The signed MOA is required prior to USACE-issuance of a nationwide permit verification letter under Section 404 of the Clean Water Act.
  - The draft project Fish Salvage Plan, Project Effectiveness Monitoring & Adaptive Management Plan, Geomorphic Assessment Technical Memorandum, and project design documents were updated and sent to the Services' River Restoration Team on October 16 to initiate formal review as part of PROJECTS (Joint Services ESA programmatic) consultation. A November 15 meeting is scheduled with the RRT.
  - The City met with the Whatcom County Planning and Development Services department to discuss potential building permit needs for the project. The building permit review process will occur expeditiously following shoreline review and approval.
  - HDR continued to make progress on development of the project Critical Areas Report, using the 60% design set to quantify impacts and develop ecological-based mitigation for temporary effects to the riparian and wetland buffers onsite.

## NOVEMBER 2018

- The 90% design phase commences in November and is scheduled to be completed in December. All final design and bid document deliverables are scheduled to be completed by the end of February 2019.
- DRT review and feedback on the preliminary design package will be addressed and incorporated into final design.
- WDFW is scheduled to issue the HPA permit.
- The City intends to submit a Shoreline Statement of Exemption application for the full project to Whatcom County on November 16.
- A draft Critical Areas Report will be submitted to Whatcom County with the Shorelines Exemption submittal.
- As part of ESA compliance through the PROJECTS programmatic, the Joint Services' RRT will formally review all related project plans, permitting, and design documents. RRT approval is anticipated by the end of November, and the ESA Section 7 consultation is anticipated to be completed for both NMFS and USFWS by end of 2018.