

SPENCER ISLAND ECOSYSTEM RESTORATION
PUGET SOUND & ADJACENT WATERS SNOHOMISH
COUNTY, WASHINGTON

Appendix F

Draft Finding of No Significant Impact



**US Army Corps
of Engineers®**
Seattle District

PUGET SOUND
NEARSHORE
ECOSYSTEM RESTORATION PROJECT



Washington Department of
FISH and WILDLIFE

DRAFT

DRAFT FINAL FINDING OF NO SIGNIFICANT IMPACT (FONSI)

Spencer Island Ecosystem Restoration Project

Snohomish County, WASHINGTON

The U.S. Army Corps of Engineers, Seattle District (USACE) has written an environmental analysis in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended. The Draft Environmental Assessment (EA) dated February 2026, for the Spencer Island Ecosystem Restoration Project addresses flood plain connectivity issues and improves fish habitat in the Snohomish River Estuary near Everett, Washington.

The Draft EA, incorporated herein by reference, evaluates various alternatives to restore natural hydrologic processes at Spencer Island. This Draft EA tiers from the analysis in the integrated Feasibility Report/Environmental Impact Statement (FR/EIS) for Puget Sound Nearshore Ecosystem Restoration Project (PSNERP), and its associated Record of Decision (ROD), which evaluated various alternatives that would address ongoing long-term and large-scale ecosystem degradation within the study area (USACE 2016, 2017). There is one major federal action requiring NEPA compliance and analyzed in the EA summarized below.

Proposed Action (recommended alternative): The recommended alternative is the High Restoration Alternative (#8). This alternative would remove levees to help reconnect tidal processes in the channels, marshes, and floodplains at Spencer Island. Construction work will be conducted above and below the ordinary high-water mark (OHWM). Restoration work under this alternative is summarized in Section 3 of the Draft EA and is hereby incorporated by reference.

Alternatives: In addition to a “no action” plan (#1), nine alternatives were evaluated, including the recommended alternative (#8), High Restoration. The other alternatives include the (#2) Minimum Restoration (Original alternative evaluated in PSNERP IFR/EIS for Spencer Island), (#3) Low Restoration, (#4a) Interior Channel Restoration, (#4b) Interior Channel Restoration with Bridges, (#5a) Partial South Cross Dike Lowering Restoration, (#5b) Partial South Cross Dike Lowering Restoration With Bridges, (#6a) Maximum Dike Lowering Restoration, (#6b) Maximum Dike Lowering Restoration with Bridges. . Of these, four alternatives were carried forward as part of the focused array of alternatives: the (#1) No Action, (#2) Minimum Restoration, (#5a) Partial South Cross Dike Lowering Restoration, and (#8) High Restoration (the recommended plan) Alternatives. See Section 3 of the Draft EA for alternative formulation and selection. A summary assessment of the potential effects of the recommended plan are listed in Table 1:

Table 1. Summary of Potential Effects of the Proposed Action

Resources	Insignificant effects	Insignificant effects because of mitigation*	Resource unaffected by action
Vegetation	X		
Navigation			X

Resources	Insignificant effects	Insignificant effects because of mitigation*	Resource unaffected by action
Water Resources	X		
Geology and Soils	X		
Wetlands	X		
Threatened and Endangered Species	X		
Fish and Wildlife	X		
Cultural Resources			X
Hazardous, Toxic, and Radiological Waste	X		
Air Quality and Noise	X		
Land Use, Utilities, and Infrastructure			X
Recreation	X		

Impact Minimization: All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan (Section 4). Best management practices, as detailed in Section 5.1.3 the Draft EA, would be implemented to minimize impacts. Measures include grading and excavating the existing levee crown to restore floodplain connectivity, minimize construction related impacts to protected salmon, mitigating impacts to vegetation, and to limit the dispersal on invasive species.

Mitigation: No compensatory mitigation is proposed for this action because no long-term loss of wetlands would occur, adverse effects to ESA-listed species would be negligible and temporary, and no significant impacts to commercially important species or protected marine mammals would occur. The overall project purpose is for substantial ecosystem benefits to improve current degraded conditions.

Public Review: The USACE is seeking comments on the environmental impact of the proposed action as outlined in the Draft EA/FONSI. The USACE will consider all submissions received during the comment period. The nature or scope of the proposal may be changed upon consideration of the comments received. If significant effects on the quality of the human environment are identified and cannot be mitigated for, the USACE will initiate an Environmental Impact Statement (EIS) and afford all the appropriate public participation opportunities attendant to an EIS.

Treaty Tribes: The Sauk-Suiattle Indian Tribe, Snoqualmie Indian Tribe, Skagit River System Cooperative, Stillaguamish Tribe of Indians of Washington, Tulalip Tribes of Washington, and the Confederated Tribes and Bands of the Yakima Nation were contacted regarding the

DRAFT

restoration work and the USACE will continue to coordinate throughout the project to meet Tribal Treaty obligations. All tribes have been notified about the project and the Tulalip Tribe has been involved in designing the project through the Snohomish County Technical Working Group.

Compliance:

a. Endangered Species Act:

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) are responsible for administering the Endangered Species Act of 1973 (ESA). The project qualifies under the Regulatory Fish Passage and Restoration Programmatic Biological Opinion (FPRP III) due to its restoration components. The USACE evaluated potential effects to ESA-listed species and initiated ESA consultation by submitting a Supplemental Project Information Form to the FPRP III to NMFS and USFWS on July 1, 2025. NMFS concurred with the USACE's determinations on July 14, 2025, and USFWS concurred on July 30, 2025. The USACE's effects determinations for ESA-listed species are summarized in Table 2 below. Although FPRP III requires three years of vegetation monitoring, the USACE will conduct maintenance, monitoring, and adaptive management for a period of ten years post-construction in coordination with the nonfederal sponsor, the Washington Department of Fish and Wildlife.

Table 2. Summary of species listings, critical habitat status, effects determinations for ESA-listed species and designated critical habitat. Determinations include No Effect, Not likely to Adversely Affect (NLAA), and May Effect, and is Likely to Adversely Affect (LAA).

Species	Listing	Critical Habitat	Species Effect Determination	Critical Habitat Determination
Puget Sound Chinook salmon (Oncorhynchus tshawytscha)	Threatened	Designated	LAA	LAA
Puget Sound steelhead (Oncorhynchus mykiss)	Threatened	Designated	LAA	LAA
Coastal/Puget Sound bull trout (Salvelinus confluentus)	Threatened	Designated	LAA	LAA
Pacific eulachon (southern DPS) (Thaleichthys pacificus)	Threatened	Designated; does not occur in action area	LAA	No Effect
Green sturgeon (southern DPS) (Acipenser medirostris)	Threatened	Designated; does not occur in action area	NLAA	No Effect

Species	Listing	Critical Habitat	Species Effect Determination	Critical Habitat Determination
Southern Resident killer whale (<i>Orcinus orca</i>)	Endangered	Designated; does not occur in action area	NLAA	NLAA
Yelloweye Rockfish (<i>Sebastes ruberrimus</i>)	Threatened	Designated; does not occur in action area	NLAA	NLAA
Bocaccio Rockfish (<i>Sebastes paucispinis</i>)	Endangered	Designated; does not occur in action area	NLAA	NLAA
Northwestern Pond Turtle (<i>Actinemys marmorata</i>)	Proposed Threatened	Not Designated	No Effect	No Effect
Marbled murrelet (<i>Brachyramphus marmoratus</i>)	Threatened	Designated; does not occur in action area	NLAA	NLAA
Suckley's Cuckoo Bumble Bee (<i>Bombus suckleyi</i>)	Proposed Endangered	Not Designated	No Effect	No Effect

b. Magnuson-Stevens Fishery Conservation and Management Act:

The USACE determined that the proposed action may adversely affect Essential Fish Habitat (EFH) for Chinook, coho (*O. kisutch*) and pink (*O. gorbuscha*) salmon. The USACE has concluded EFH consultation under the FRPR III Programmatic as described in the ESA section above.

c. Clean Water Act:

The recommended plan includes the discharge of fill material in waters of the United States, requiring consideration under Section 404 of the Clean Water Act. The project would be constructed in accordance with Nationwide Permit 27, Aquatic Ecosystem Restoration, Enhancement, and Establishment Activities, thus meeting the Section 404(b)(1) requirements. The project would be constructed in compliance with all general and regional conditions associated with the nationwide permit.

The work proposed at Spencer Island will comply with Section 401 of the CWA. USACE plans on submitting an individual water quality certificate package to the Washington State Department of Ecology at 65% design. The Section 401 compliance pathway has been

DRAFT

discussed at multiple site visits with the regional point of contact from Ecology. All applicable conditions of the water quality certification will be implemented in order to minimize adverse impacts to water quality. Section 402 of the CWA is triggered when a construction site would have greater than 1 acre of ground disturbance. Proposed restoration work at Spencer Island exceeds the 1 acre of ground disturbance threshold. As a federal operator, the Corps will seek verification from the Environmental Protection Agency for Section 402 activity. The Corps will ensure that the appropriate permits and authorizations under the CWA are obtained prior to commencing construction.

d. Coastal Zone Management Act:

The Coastal Zone Management Act (CZMA) of 1972 as amended (16 U.S.C. §1451-1464) requires Federal agencies to conduct activities in a manner that is consistent to the maximum extent practicable with the enforceable policies of the approved State Coastal Zone Management (CZM) Program, which includes certain state laws. The Corps will submit the federal CZMA consistency determination with the water quality certification request to the Washington Department of Ecology with the required information to be developed during the preconstruction engineering and design phase. All conditions of the consistency determination consistent with the CZMA shall be implemented in order to minimize adverse impacts to the coastal zone.

e. National Historic Preservation Act:

USACE initiated consultation with the Washington State Historic Preservation Officer (SHPO) on the undertaking's Area of Potential Effects (APE) on March 1, 2023, and February 6, 2024. The SHPO agreed with USACE's APE delineation on February 6, 2024. USACE consulted with the Sauk-Suiattle Indian Tribe, the Snoqualmie Indian Tribe, the Swinomish Indian Tribal Community, the Stillaguamish Tribe of Indians, the Tulalip Tribes, and the Confederated Tribes and Bands of the Yakama Nation on March 1, 2023, and February 6, 2024. To date, USACE has not received a response from any Tribes. USACE completed a survey of the APE in which four cultural resources were identified. Upon their evaluation, USACE submitted a finding of no historic properties affected to the SHPO on March 7th, 2024. SHPO concurred with USACE's determination of eligibility for all four cultural resources and finding of effect on June 4th, 2024, with the stipulation of an inadvertent discovery plan.

Draft Determination:

a. Summary of Impacts and Compliance:

Impacts of the proposed work are anticipated to be minor, short-term, and temporary. This project has not completed Clean Water Act, or Coastal Zone Management Act compliance. However, conclusion of the Corps' responsibilities under Sections 401, 402, 404, and CZMA will occur before construction, and will involve further coordination with both the Washington Department of Ecology and the EPA during the preconstruction engineering and design phase. The project complies with the National Historic Preservation Act and the USACE has

coordinated the work with the Washington SHPO and affected Indian Tribes.

Draft District Engineer's Conclusion: All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives. Based on the analysis presented in the Draft EA, which has incorporated or referenced the best information available; the reviews by other Federal, state and local agencies, Tribes; input of the public; and the review by my staff, it is my anticipated determination that the recommended plan would not cause significant adverse effects on the quality of the human environment and does not require preparation of an environmental impact statement.

Date

Kathryn P. Sanborn, PhD, PE, PMP
Colonel, Corps of Engineers
District Commander