

FINDING OF NO SIGNIFICANT IMPACT (FONSI)
Neah Bay Outer Breakwater Repair Project
NEPA ID: EAXX-202-0-G3P-1739872841
Neah Bay, Clallam County, Washington

The U.S. Army Corps of Engineers, Seattle District (USACE) conducted an environmental analysis in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended. The Draft Environmental Assessment (EA) dated February 2025 for the Neah Bay Outer Breakwater Repair Project addresses the continued protection of Neah Bay, the Makah marina, and the U.S. Coast Guard Station opportunities and feasibility in Neah Bay, part of the Makah Indian Reservation in Clallam County, Washington.

The Final EA, incorporated herein by reference, evaluated various alternatives to provide protection to the town of Neah Bay, Makah marina, and U.S. Coast Guard Station from winter storm damage. One Federal action requiring NEPA compliance is analyzed in the EA summarized below.

Proposed Action: The Preferred Alternative is Outer Breakwater Repairs. Under this alternative all 8,000 feet of the outer breakwater will be repaired in 200–500-foot sections to its authorized dimensions from -5 feet mean lower low water (MLLW) to +18 feet MLLW with a slope of 1.5:1 horizontal to vertical and a 25-foot crest width. Repairs will be on the outer layer of the structure and use armor rocks, 14 tons median size, and chinking rock, 3-10 tons median size. The project will be conducted using an excavator with a thumb attachment to place rocks 1 foot or less from the structure. All work below the high tide line will be restricted to the in-water work window, 16 July to 15 February, and low tides will be prioritized during rock placement below the high tide line when possible.

Alternatives: In addition to a “no action” plan, one alternative was evaluated. The alternative involved outer breakwater repairs. For all alternatives, the potential effects were evaluated as appropriate. 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

	Insignificant effects	Insignificant effects as a result of mitigation*	Resource unaffected by action
Benthic Invertebrates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cultural Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fish	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Invasive Species	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Threatened and Endangered Species	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vegetation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Insignificant effects	Insignificant effects as a result of mitigation*	Resource unaffected by action
Wetlands	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wildlife (mammals and birds)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aesthetics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Socioeconomic	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Health and Safety	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recreation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water Quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transportation and Traffic	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sediments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land Use, Utilities, and Infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous, Toxic, and Radioactive Waste	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hydraulics and Geomorphology	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Groundwater	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Quality and Noise	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geology and Soils	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Impact Minimization: All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. Best management practices (BMPs) as detailed in the EA will be implemented, if appropriate, to minimize impacts. Impact and avoidance measures include restricting work to daylight hours, installing temporary erosion controls, keeping a spill containment kit on site during all construction activities, and only working within the project footprint. Additionally, all work below the high tide line will be restricted to the in-water work window from 16 July to 15 February.

Mitigation: No compensatory mitigation is required as part of the proposed action.

Public Review: Public review of the Draft EA and FONSI for the Neah Bay Outer Breakwater Repair project occurred for 30 days from February 18, 2025 to March 17, 2025. All comments submitted during the public review period have been responded to in Appendix H of the Final EA and considered in this FONSI.

Treaty Tribes: The Makah Indian Tribe of the Makah Indian Reservation was contacted regarding the project and USACE will continue to coordinate throughout the project to meet Tribal Treaty obligations. Comments were received and responded to in writing and in a staff-to-staff meeting.

Compliance:

a. Endangered Species Act:

The National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) are responsible for the Endangered Species Act of 1973 (ESA). USACE evaluated potential effects to endangered species in a Biological Assessment (BA) and determined the proposed action may affect but is not likely to adversely affect Southern Resident killer whale and their critical habitat and green sturgeon and their critical habitat. The project also may affect, but is not likely to adversely affect Chinook salmon, summer chum salmon, eulachon, bull trout, steelhead, humpback whale, and marbled murrelet but would have no effect on their critical habitat. Coordination with the USFWS and NMFS was initiated through the submission of the BA on 24 July 2024. USACE received concurrence from NMFS on 29 October 2024 and from USFWS on 13 March 2025.

b. Magnuson-Stevens Fishery Conservation and Management Act:

The BA also contained USACE's determination that the proposed action may adversely affect Essential Fish Habitat (EFH) for federally managed fish species in the project area. NMFS concurred with no conservation recommendations on 29 October 2024.

c. Coastal Zone Management Act:

USACE has determined the proposed project is consistent to the maximum extent practicable with the enforceable policies of the State of Washington Coastal Zone Management Program (CZMP). USACE provided a Coastal Zone Management Act (CZMA) Consistency Determination outlining this determination to the Washington Department of Ecology on 21 November 2024. On 26 December 2024, Ecology concurred that USACE is consistent with the Washington CZMP.

d. Clean Water Act:

USACE determined that the proposed repairs are exempt from section 404 of the Clean Water Act (CWA). The proposed project does not include fill regulated under Section 404 because the repairs meet the parameters of the maintenance exemption under Section 404(f)(1)(B) (33 U.S.C. 1344(f)(1)(b), 33 CFR 323.4(a)(2)).

Section 402 of the CWA is triggered when a construction site would have greater than 1 acre of ground disturbance. The proposed action exceeds 1 acre of ground disturbance. A Storm Water Pollution Prevention Plan will be prepared, and an application would be submitted to the EPA for coverage under the EPA Construction General Permit prior to construction.

e. National Historic Preservation Act:

On November 8, 2024, USACE initiated consultation with the Makah Indian Tribe because the proposed project is located entirely within the Makah Indian Reservation. An Area of Potential Effect (APE) letter was provided to the Tribe on November 8, 2024, May 7, 2025, and again on December 18, 2025. To date, the Makah Indian Tribe has not responded to the APE consultation letters.

On January 22, 2026, USACE sent a Determination of Findings letter to the same contacts as the third APE letter. The letter included a commitment to continue consultation regarding the staging area, which will be determined closer to the time of repairs.

A USACE staff archaeologist has conducted a records search and literature review of the Washington Information System for Architectural and Archaeological Records Data. The literature review and records search revealed there are no properties determined eligible or listed in the National Register of Historic Places or the Washington State Historic Site Register, and no recorded cultural resources within the current APE. There are two archeological sites within a 1-mile radius of the APE.

Based on the results of our efforts to identify historic properties within the APE, USACE has determined that the primary maintenance and access road construction on the breakwater will result in no adverse effects per 36 CFR § 800.4(d)(1).

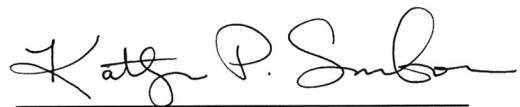
USACE remains committed to continued coordination and consultation with the Tribe to identify and select staging areas that will avoid impacts to culturally significant areas for the duration of the project. USACE will continue consultation regarding any future project amendments, as conditions warrant. Section 106 consultation is ongoing with the Makah Indian Tribe. Based on available information to date, USACE anticipates completion of the consultation process regarding the current APE on or before February 23, 2026. Additionally, consultation for any staging areas will be completed prior to project implementation and the approval of the expenditure of any Federal funds on project.

f. Other Significant Environmental Compliance:

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed.

Finding: All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives. Based on the analysis presented in the EA, which has incorporated or referenced the best information available; the reviews by other Federal, State, and local agencies, and Tribes; input of the public; and the review by my staff; it is my determination that the recommended plan would not cause significant effects on the quality of the human environment. Therefore, preparation of an Environmental Impact Statement is not required.

17 Feb 2026
Date



KATHRYN P. SANBORN, PhD, PE, PMP
COL, EN
Commanding