

ENVIRONMENTAL ASSESSMENT SUMMARY AND FINDING OF NO SIGNIFICANT IMPACT

**FOR THE PROPOSED NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION,
NATIONAL MARINE FISHERIES SERVICE, NORTHWEST FISHERIES SCIENCE CENTER MUKILTEO
PROPERTY TRANSFER PROJECT**

Environmental Assessment Summary

BACKGROUND

The National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS), Northwest Fisheries Science Center (NWFS) operates a network of research stations throughout the Pacific Northwest. The NWFS Mukilteo Research Station located at 802 Front Street, on the shoreline of Possession Sound in the City of Mukilteo (City), Washington, was one of five NWFS research stations until the Mukilteo facilities were decommissioned and demolished in 2022.

The NWFS has determined that the subject property is no longer needed to execute their Mission, and in 2022 the main building (laboratory and offices) as well as various outbuildings were decommissioned and demolished.

In accordance with the National Defense Authorization Act (NDAA) for FY 2002, NOAA is required to transfer the subject property to the Port of Everett when it is no longer needed for NOAA Mission execution. The conveyance includes all right, title, and interest of the parcel. *(Section 2866 of the Military Construction Authorization Act for Fiscal Year [FY] 2001), as amended by Section 2858 of the National Defense Authorization Act for FY 2002 (Public Law 107-107).*

PURPOSE AND NEED

The purpose of the Proposed Action is to convey the subject property out of Federal ownership to the Port of Everett consistent with the NDAA for FY 2002. The NDAA legislation states that NOAA shall convey all right and title to the subject property to the Port of Everett.

The need for action results from the cessation of operation of the former Mukilteo Research Station and the NDAA for FY 2002, which requires to convey the subject property to the Port of Everett when it is no longer needed for NOAA Mission execution. The conveyance includes all right, title, and interest of the parcel.

PROPOSED ACTION

NOAA's Proposed Action involves the conveyance of the subject property to the Port of Everett. The Proposed Action involves conveyance of the property, a portion of which is within a designated flood hazard area, to a nonfederal entity. This Proposed Action does not involve a change in land use. Should the Port of Everett propose a change to the existing land use, the Port

would need to comply with applicable Washington State laws and regulations regarding potential impacts to floodplains and coastal zone management, and would potentially need to obtain permits from Federal, State, or local agencies (e.g., U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service, Washington Department of Ecology (Ecology), and/or the City of Mukilteo) depending on the nature of future actions at the site. Additionally, because there are known cultural resources present at the property and because the provisions of Section 106 of the National Historic Preservation Act would not apply to a nonfederal entity, an Historic Preservation Covenant would be included in the conveyance documents that provide protections to avoid, minimize, or resolve adverse effects to cultural resources.

Alternatives Considered

Alternative 1 - Preferred Alternative

The Preferred Alternative involves the conveyance of the subject property to the Port of Everett, Washington, as required by the NDAA. The subject property consists of the 1.1-acre upland parcel that formerly contained the Mukilteo Research Station, as well as approximately 2 acres of adjacent tidelands out to the extreme low tide bathymetric contour line at -6 feet North American Vertical Datum of 1988 (NAVD88) (see Figure 2-3).

A portion of state submerged lands underlying the most seaward portion of the existing pier is currently used by NOAA under federal navigational servitude. A 510-foot by 60-foot segment of Front Street adjacent to and south of the upland parcel was used by NOAA for parking and utilities, per a reservation held by NOAA in its current Quitclaim Deed.

The Preferred Alternative would require the preparation of a new quitclaim deed which conveys NOAA interests to the property to the Port of Everett. As part of the transfer, NOAA would relinquish its use of the reservation for ingress and egress for utilities over the adjacent segment of Front Street. NOAA would no longer use the federal navigational servitude over tidelands beyond the extreme low tide contour, and it is understood that use of the portion of the pier that extends beyond the 2nd class tidelands would require the Port, as a non-federal entity, to obtain a tidelands lease from the State of Washington, Department of Natural Resources.

The conveyance documents would include a Conveyance Term Sheet which will outline the terms of the conveyance and will include all the documents relevant to the conveyance. In the conveyance documents, an Historic Preservation Covenant and other covenants, restrictions, and conditions will be included. The Historic Preservation Covenant would include legally enforceable conditions to ensure the long-term preservation of the property's historic significance to include a requirement to consult with affiliated federally recognized Tribal governments as well as the Washington Department of Archaeology and Historic Preservation (DAHP). A copy of the draft Historic Preservation Covenant is included in Appendix A.

Alternative 2 – Excess Property

Alternative 2, the Excess Property Alternative would involve transferring the subject property to the federal General Services Administration (GSA), to arrange for the eventual conveyance of the property for the highest and best use using its authorities. This alternative would occur should the transfer of the property be declined by the Port of Everett. When disposing of federal property, the GSA Office of Real Property Disposal follows a process mandated by Federal Law and Executive Orders.

No-Action Alternative

Under the No-Action Alternative, NOAA would retain ownership of the subject property and maintain existing conditions. The property would be preserved (i.e., placed in a condition intended to limit deterioration and ensure public safety). No permanent employment would result and only maintenance associated with caretaker operations would be conducted. No demolition or construction activities would occur.

The No-Action Alternative is not viable as it would not exercise the statutory authority contained in the special legislation to convey the property.

Alternatives Considered and Rejected

NOAA originally proposed to construct a replacement research station facility at the subject property, as detailed in the Environmental Assessment prepared for that proposed action in 2019 (NOAA 2019). However, in 2021 NOAA revised their proposed action to include only the demolition of all upland structures and removal of seawater intake pipelines and discharge pipelines and decided to abandon the previously proposed redevelopment action due to fiscal budgetary constraints. The research activities being undertaken at the subject property were transferred to other NOAA facilities in the region, and the existing facilities were demolished in 2022 due to safety and other operational considerations.

The budgetary constraints that ultimately led to NOAA's abandonment of the redevelopment action in 2021 are still a factor, such that a rebuild/redevelopment alternative was not considered for further analysis.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

NOAA prepared an Environmental Assessment (EA) analyzing the proposed action in conformance with procedural requirements of the National Environmental Policy Act (NEPA). The document adheres to requirements of NOAA Administrative Order 216-6A, Environmental Review Procedures for Implementing the NEPA (amended April 2016) and the Companion Manual for NOAA Administrative Order 216-6A.

Based on an evaluation of the proposed action's effect on the human environment, it was determined that no significant impacts would result.

The EA analyzed the following topics:

- Land Use
- Geological Resources
- Water Resources and Hydrological Processes
- Air Quality
- Recreational Resources
- Cultural Resources
- Flora and Fauna
- Wetlands
- Floodplains
- Coastal Zone Management
- Farmlands
- Noise
- Transportation
- Utilities and Solid Waste
- Visual Resources
- Hazardous Materials
- Public Services
- Cumulative Effects

No anticipated environmental impacts were identified in relation to the No-Action Alternative. Table 1 summarizes the anticipated environmental impacts to environmental resources identified in the Final EA for each action alternative. No mitigation measures for either of the action alternatives are required to support this Finding of No Significant Impact.

Table 1 Summary of Environmental Impacts

Resource	Alternative 1 (Preferred)	Alternative 2 (Excess Property)
Land Use	Direct: None Indirect: Minor to Moderate, possibly Beneficial	Direct: None Indirect: Minor to Moderate, possibly Beneficial
Geological Resources	Direct: None Indirect: Negligible to Minor	Direct: None Indirect: Negligible to Minor
Water Resources & Hydrological Processes	Direct: None Indirect: Minor to Moderate, possibly Beneficial	Direct: None Indirect: Minor to Moderate, possibly Beneficial
Air Quality	Direct: None Indirect: Negligible to Minor	Direct: None Indirect: Negligible to Minor
Recreational Resources	Direct: None Indirect: Negligible to Moderate, possibly Beneficial	Direct: None Indirect: Negligible to Moderate, possibly Beneficial
Cultural Resources	Direct: None Indirect: Negligible to Minor	Direct: None Indirect: Negligible to Minor
Flora and Fauna	Direct: None Indirect: Negligible to Moderate, possibly Beneficial	Direct: None Indirect: Negligible to Moderate, possibly Beneficial

Resource	Alternative 1 (Preferred)	Alternative 2 (Excess Property)
Wetlands	Direct: None Indirect: None, possibly Beneficial	Direct: None Indirect: None, possibly Beneficial
Floodplains	Direct: None Indirect: Negligible to Moderate	Direct: None Indirect: Negligible to Moderate
Coastal Zone Management	Direct: None Indirect: Negligible to Moderate, possibly Beneficial	Direct: None Indirect: Negligible to Moderate, possibly Beneficial
Farmlands	Direct: None Indirect: None	Direct: None Indirect: None
Noise	Direct: None Indirect: Negligible to Moderate	Direct: None Indirect: Negligible to Moderate
Transportation	Direct: None Indirect: Negligible to Moderate, possibly Beneficial	Direct: None Indirect: Negligible to Moderate, possibly Beneficial
Utilities and Solid Waste	Direct: None Indirect: Negligible to Moderate	Direct: None Indirect: Negligible to Moderate
Visual Resources	Direct: None Indirect: Negligible to Moderately Beneficial	Direct: None Indirect: Negligible to Moderately Beneficial
Hazardous Materials	Direct: None Indirect: Negligible to Moderate, possibly Beneficial	Direct: None Indirect: Negligible to Moderate, possibly Beneficial
Public Services	Direct: None Indirect: Negligible to Moderate	Direct: None Indirect: Negligible to Moderate

PUBLIC REVIEW

On October 18, 2024, NOAA published a Notice of Availability (NOA) of the Draft EA on the NOAA website and also in the classified sections (print and online) of the Everett Daily Herald newspaper and in the Mukilteo Beacon newspaper. The Draft EA was made available for public comment from October 18, 2024 through November 27, 2024, which exceeds the NOAA recommended 30-day period. No public comments were received during the public review period.

AGENCY AND TRIBAL CONSULTATION

NOAA coordinated with federal, state, and local agencies with jurisdiction by law or special expertise over the Proposed Action to inform the issues to be addressed in the EA.

NOAA initiated contact with federally recognized tribes on February 2, 2024 and invited further comment on the Proposed Action. An initial consultation meeting was held on March 15, 2024.

Agencies and federally recognized tribes were sent a copy of the NOA on October 18, 2024 and invited to comment on the Draft EA during the 30-day minimum review period. An additional consultation meeting was held on November 19, 2024. No agency or tribal comments were received during the public review period.

Finding of No Significant Impact

The Council on Environmental Quality (CEQ) guidance states that the determination of significance using an analysis of effects requires examination of both context and intensity, and lists ten criteria for intensity (40 CFR 1508.27). In addition, NOAA Administrative Order (NAO) 216-6A, Section 6.01(b) 1 – 11, provides eleven criteria, the same ten as the CEQ guidance and one additional for determining whether the impacts of a proposed action are significant. Each criterion is discussed below with respect to the proposed action and considered individually as well as in combination with the others.

1. *Can the proposed action reasonably be expected to cause both beneficial and adverse impacts that overall may result in a significant effect, even if the effect will be beneficial?*

No. The Preferred Action is not expected to result in a significant beneficial or adverse effect. The EA analyzes associated environmental consequences of the Preferred Alternative based on established standards and criteria. Analysis for each of the following topics and resource areas were undertaken: Land Use, Geological Resources, Air Quality, Water Resources and Hydrological Processes, Recreational Resources, Cultural Resources, Flora and Fauna, Wetlands, Floodplains, Coastal Zone Management, Farmlands, Noise, Transportation, Utilities and Solid Waste, Visual Resources, Hazardous Materials, Public Services, and Cumulative Effects. No effects were found to be significant.

2. *Can the proposed action reasonably be expected to significantly affect public health or safety?*

No. Public health and safety effects are not expected to be significant. There are no changes proposed to physical conditions or operations at the project site; therefore, significant effects to public health and safety are not anticipated.

3. *Can the proposed action reasonably be expected to result in significant impacts to unique characteristics of the geographic area, such as proximity to historic resources or prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas?*

No. There are no known prime farmlands or wild and scenic rivers in proximity to the project site. The proposed action would avoid any disturbance below the higher high tide line of the coastal zone, or within wetlands or floodplains. There are known cultural resources present at the property; however, because the provisions of Section 106 of the National Historic Preservation Act would not apply to a nonfederal entity, an Historic Preservation Covenant will be included in the conveyance documents that would provide protections to avoid, minimize, or resolve adverse effects to cultural resources from the conveyance of the property to a nonfederal entity. Therefore, significant impacts to unique characteristics of the geographic area are not

anticipated.

4. *Are the proposed action's effects on the quality of the human environment likely to be highly controversial?*

The Preferred Alternative would involve no changes proposed to physical conditions or operations at the project site; therefore, no adverse effects to the human environment would result that are expected to be highly controversial.

5. *Are the proposed action's effects on the human environment likely to be highly uncertain or involve unique or unknown risks?*

No. The Preferred and Alternative Actions would have no direct effects on the human environment. Indirect effects (from potential future redevelopment of the site by others) were evaluated in the EA assuming reasonable, worst-case conditions.

6. *Can the proposed action reasonably be expected to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration?*

No. The proposed action consists of the transfer of property in accordance with the NDAA. The Preferred Alternative is clearly defined and limited in scope and extent. It would neither be a catalyst or precedent for other future actions by NOAA or others that would result in significant effects, nor would it influence a future action under consideration. Future actions at the project site by the future property owner would be determined through separate planning processes.

7. *Is the proposed action related to other actions that when considered together will have individually insignificant but cumulatively significant impacts?*

No. The Preferred Alternative is not reliant upon or connected to other actions, nor is it relied upon for the occurrence of other actions. For each of the subject areas analyzed in the EA, the contribution of the Preferred Alternative to a potentially cumulatively significant impact is not considerable, provided the recommended mitigation measures and best management practices are implemented. Therefore, the Preferred Alternative will not result in a significant cumulative impact to the human environment.

8. *Can the proposed action reasonably be expected to adversely affect districts, sites highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

No. The Preferred Alternative is not expected to result in significant adverse impacts to NHRP-listed or eligible historic resources or result in the loss or destruction of significant scientific, cultural, or historical resources during construction and operation. There are known cultural resources present at the property. However, because the provisions of Section 106 of the National Historic Preservation Act would not apply to a nonfederal entity, an Historic Preservation Covenant will be included in the conveyance documents that would provide protections to avoid, minimize, or resolve adverse effects to cultural resources from the conveyance of the property to a nonfederal entity. NOAA met with the Washington Department of Archaeological and Historical Preservation (DAHP) on March 15 and 27, April 24, August 28, and November 19, 2024 to discuss the proposed action and provisions of the Historic Preservation Covenant. A letter requesting concurrence with the recommended finding of no historic properties affected was submitted to the State Historic Preservation Officer (SHPO) on December 4, 2024. As of January 23, 2025, no response from SHPO has been received by NOAA and no consulting parties have objected to the proposed action. Therefore, pursuant to 36 CFR 800.5(c) and 800.5(c)(1), NOAA intends to implement the undertaking consistent with the agency's finding of no adverse effect in accordance with 36 CFR 800.5(d)(1).

9. *Can the proposed action reasonably be expected to have a significant impact on endangered or threatened species, or their critical habitat as defined under the Endangered Species Act of 1973?*

No. The Preferred Alternative would involve no changes proposed to physical conditions or operations at the project site; therefore, no direct adverse effects to special status species or their critical habitats are anticipated. Future redevelopment of the property by the future owner would be subject to applicable federal, state, and local laws and regulations, such as Washington's State Environmental Policy Act, which would require potential impacts to special status species and habitats from the redevelopment project to be identified, avoided and/or mitigated.

10. *Can the proposed action reasonably be expected to threaten a violation of federal, state or local law or requirements imposed for environmental protection?*

No. The effect of the Preferred Alternative on the human environment has been analyzed relative to applicable Federal, state, and local environmental laws or regulations. No regulatory violations or other significant environmental effects are expected to result.

11. *Can the proposed action reasonably be expected to result in the introduction or spread of a non-indigenous species?*

No. The Preferred Alternative would involve no changes proposed to physical conditions or operations at the project site; therefore, no opportunities to introduce or spread non-indigenous species would result.

Determination

In view of the information present in this document and the analysis contained in the supporting NOAA Environmental Assessment for its proposed action, it is hereby determined that the undertaking of the Mukilteo Property Transfer Project will not significantly impact the quality of the human environment. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an environmental impact statement for this action is not necessary.

Deirdre Reynolds Jones
Chief Administrative Officer
National Oceanic & Atmospheric Administration

Date