FINAL
ENVIRONMENTAL ASSESSMENT

National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Northwest Fisheries Science Center

Mukilteo Property Transfer Project

Mukilteo, Washington

Prepared for:

National Oceanic and Atmospheric Administration

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Notice of Redactions: This document contains redactions in accordance with the revocation of certain Executive Orders. Specific sections have been removed, as they are no longer applicable under current policy.

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EXECUTIVE SUMMARY

The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) Northwest Fisheries Science Center (NWFSC) has determined that the facilities at its Mukilteo Research Station are no longer needed for execution of the NWFSC mission. Therefore, pursuant to the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2002 (Public Law [P.L.] 107-107), NMFS proposes conveyance of the property to the Port of Everett (Port). The conveyance includes all right, title, and interest of the parcel in accordance with the NDAA. NOAA has determined that the transfer of the property outside of federal ownership is not covered by a Categorical Exclusion (CatEx) and therefore an Environmental Assessment (EA) is the appropriate level of documentation under the National Environmental Policy Act (NEPA).

The former Mukilteo Research Station is located at 802 Front Street (formerly 10 Park Avenue) in Mukilteo, Snohomish County, Washington, approximately 25 miles north of Seattle. The subject property consists of an approximately 1.1-acre upland parcel to the northeast of the Front Street/Park Avenue intersection, within Section 33, Township 29 North, Range 4 East, and Section 4, Township 28 North, Range 4 East, Willamette Meridian, Snohomish County, Washington, as well as approximately 2 acres of adjacent tidelands extending into Possession Sound to the north (see Figure 2-2).

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 non-federal entity. This Proposed Action does not involve land use change. 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 non-federal entity, a Historic Preservation Covenant would 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 non-federal entity.

This environmental assessment analyzed the topics indicated below in Table ES-1 for two action alternatives for the Proposed Action (Alternative 1 – Preferred Alternative and Alternative 2 – Excess Property) and a no-action alternative (Alternative 3 – No Action). No significant impact would result from either of the action alternatives, as defined in this document, and summarized in Table ES-1. No mitigation measures or best management practices are required for either of the action alternatives; however, if the consultation process that the future owner must undertake in accordance with the Preservation Covenant identifies potential adverse effects to cultural resources from proposed future redevelopment activities, mitigation options would be developed through that consultation process and may be guided by a project Memorandum of Agreement, where specific mitigation measures would be detailed. The No-Action Alternative would have no impacts.

Table ES-1: Summary of Environmental Impacts

Resources	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
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

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ACRONYMS

µg/m^3	micrograms per cubic meter
AADT	Annual Average Daily Traffic
APE	Area of Potential Effects
ASTM	American Society of Testing and Materials
BFE	base flood elevation
BMPs	best management practices
BNSF	Burlington Northern Santa Fe (Railroad Tracks)
BP	Before Present
CAA	Clean Air Act
CatEx	Categorical Exclusion
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CFR	Code of Federal Regulations
City	City of Mukilteo
CLOMR	Conditional Letter of Map Revision
CO	carbon monoxide
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
CZMP	Coastal Zone Management Program
DAHP	Washington Department of Archaeology and Historic Preservation
dB	decibels
DB	Downtown Business
dBA	A-weighted decibel
DFSP	defense fuel storage point
DPS	Distinct Population Segment
E1UBL	estuarine subtidal unconsolidated bottom subtidal
E2AB	estuarine intertidal aquatic bed
EA	Environmental Assessment
Ecology	Washington State Department of Ecology
EDNA	Environmental Designation for Noise Abatement
EFH	Essential Fish Habitat
EO	Executive Order
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FIRMs	Flood Insurance Rate Maps
FONSI	Finding of No Significant Impact
FR	Federal Register
FY	Fiscal Year
GCR	General Conformity Rule
gpm	gallons per minute
GSA	General Services Administration
HAZWOPER	Hazardous Waste Operations and Emergency Response Standards
HDX	germicidal bleach
HVAC	heating ventilation and air conditioning
ID	Identification
JARPA	Joint Aquatic Resource Permit Application
km	kilometer

LOMR	Letter of Map Revision
LU5a	Waterfront Master Plan
LU5b	public access to the waterfront
LU5c	pedestrian-oriented amenities
M	magnitude
MHHW	Mean Higher High Water
MLLW	Mean Lower Low Water
MMC	Mukilteo Municipal Code
MMPA	Marine Mammal Protection Act
MTCA	Model Toxics Control Act
MW	megawatts
NAAQS	National Ambient Air Quality Standards
NAVD	North American Vertical Datum
NAVD88	North American Vertical Datum of 1988
NDAA	National Defense Authorization Act
NEPA	National Environmental Policy Act
NHD	National Hydrographic Dataset
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Eliminations System
NRHP	National Register of Historic Places
NWFSC	Northwest Fisheries Science Center
NWI	National Wetlands Inventory
OHWM	Ordinary High Water Mark
OS	Open Space
OSHA	Occupational Safety and Health Administration
P.L.	Public Law
PBC	Public Benefit Conveyance
PM	particulate matter
PM_{10}	coarse PM, aerodynamic diameter less than or equal to 10 microns.
$PM_{2.5}$	fine PM, aerodynamic diameter less than or equal to 2.5 microns
Port	Port of Everett
ppb	parts per billion
ppm	parts per million
PSCAA	Puget Sound Clean Air Agency
PVC	polyvinyl chloride
RCRA	Resource Conservation and Recovery Act of 1976
RCW	Revised Code of Washington
SEPA	State Environmental Policy Act
SHPO	State Historic Preservation Office
SMA	Shoreline Management Act
SMP	Shoreline Master Program
SnoPUD	Snohomish County Public Utility District No. 1
SR	State Route
SWPPP	Stormwater Pollution Prevention Plan
U.S.	United States
UBC	Uniform Building Code
USACE	U.S. Army Corps of Engineers
USAF	United States Air Force
USC	U.S. Code

USFWS	U.S. Fish and Wildlife Service
USN	unconsolidated shore regularly flooded
UST	underground storage tank
VOC	volatile organic compounds
WAC	Washington Administrative Code
WDFW	Washington State Department of Fish and Wildlife
WISAARD	Washington Information System for Architectural and Archaeological Records Data
WMU	Waterfront Mixed Use
WSDOT	Washington State Department of Transportation

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1 PURPOSE AND NEED

1.1 INTRODUCTION

1.1.1 Overview

The National Marine Fisheries Service (NMFS) is one of several Line Offices within the National Oceanic and Atmospheric Administration (NOAA), a branch of the United States (U.S.) Department of Commerce. NMFS is informally known as NOAA Fisheries. NOAA Fisheries has six science centers and five regional headquarters nationally and is responsible for the stewardship and management of the nation's living marine resources and their habitat within the U.S. exclusive economic zone. The NMFS Northwest Fisheries Science Center (NWFSC) conducts leading-edge data acquisition, research and analyses that provide the foundation for management decisions to protect, recover, restore, and sustain ecosystems and living marine resources in the Pacific Northwest. It also supports the NOAA Fisheries West Coast Regional Office and other agencies in managing more than 90 commercially important fish species; recovering over 30 threatened and endangered fish and marine mammal species; and identifying coastal and ocean health risks (NOAA 2023). In addition to the NWFSC regional headquarters and laboratory located in the Montlake neighborhood of Seattle, Washington, NWFSC operates a network of research stations throughout the Pacific Northwest (see Figure 1-1). The NWFSC 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 NWFSC research stations until the Mukilteo facilities were decommissioned and demolished in 2022. The Mukilteo Research Station property is located roughly 25 miles north of Seattle and approximately 10 miles southwest of Everett.

NMFS determined that the facilities at the Mukilteo Research Station were no longer needed for execution of the NWFSC mission. Therefore, pursuant to the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2002 (Public Law [P.L.] 107-107), NMFS proposes conveyance of the property to the Port of Everett (Port). The conveyance includes all right, title, and interest of the parcel in accordance with the NDAA. NOAA has determined that the transfer of the property outside of federal ownership is not covered by a Categorical Exclusion (CatEx) and therefore an Environmental Assessment (EA) is the appropriate level of documentation under the National Environmental Policy Act (NEPA).

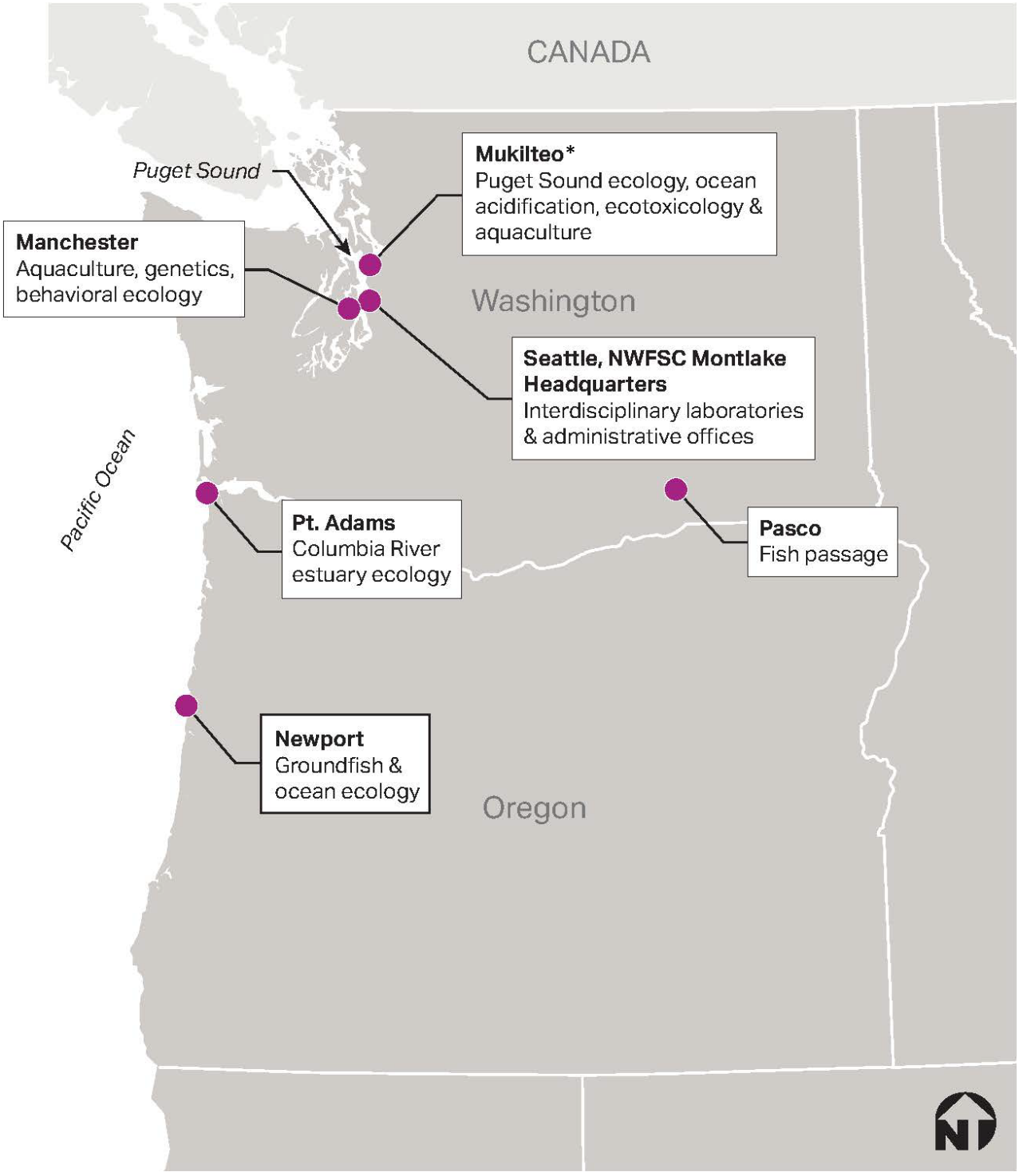


Figure 1-1 NWFSC Regional Office (Seattle) and Research Stations

* Mukilteo Research Station closed in 2021.

1.1.2 Background

The Mukilteo Research Station was one of five NWFSC research stations and was located on the shoreline of Possession Sound in the City of Mukilteo, Washington. The Mukilteo Research Station consists of the parcel of land situated at 10 Park Avenue at the intersection of Front Street, City of Mukilteo, County of Snohomish, State of Washington 98275, designated as Tax Parcel No. 00596901600000, containing an area of approximately 1.1 acres of uplands, as well as approximately 2 acres of adjacent tidelands extending into Possession Sound to the north (the subject property).

The NWFSC 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 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).*

The subject property is located on a portion of a former 22-acre decommissioned fuel depot tank farm property. This larger property to the immediate south and east has been undergoing redevelopment by others, including relocation of the Mukilteo Ferry Terminal, construction of a Sounder Commuter Rail station, and a downtown revitalization effort by the City of Mukilteo. The NWFSC Mukilteo Research Station main building (demolished in 2022) was originally constructed in 1943 by the U.S. Navy as a military barracks, and then transferred to the U.S. Air Force in 1951 to be used as part of the fuel storage depot. The subject was leased to the NWFSC in 1972, then transferred to NOAA in 2013 as part of a tank farm property transfer between the U.S. Air Force and the Port of Everett (NOAA 2007).

1.2 PROPOSED ACTION

The NOAA's Proposed Action involves the conveyance of the subject property to the Port of Everett, as described in detail in Section 2.1, Alternative 1 – Preferred Alternative. The Proposed Action involves conveyance of the property, a portion of which is within a designated flood hazard area, to a non-federal entity. This Proposed Action does not involve land use change. 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 (NHPA) would not apply to a non-federal entity, a Historic Preservation Covenant would 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 non-federal entity.

1.3 PURPOSE AND NEED

1.3.1 Purpose

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.

1.3.2 Need

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.

2 ALTERNATIVES

This section describes two action alternatives for the Proposed Action (Alternative 1 – Preferred Alternative and Alternative 2 – Excess Property) and a no-action alternative (Alternative 3 – No Action).

2.1 ALTERNATIVE 1 – PREFERRED ALTERNATIVE

2.1.1 Location and Land Use

The subject property is located at 802 Front Street (formerly 10 Park Avenue) in Mukilteo, Snohomish County, Washington (see Figure 2-1 and Figure 2-1), approximately 25 miles north of Seattle. The subject property consists of an approximately 1.1-acre upland parcel to the northeast of the Front Street/Park Avenue intersection, within Section 33, Township 29 North, Range 4 East, and Section 4, Township 28 North, Range 4 East, Willamette Meridian, Snohomish County, Washington, as well as approximately 2 acres of adjacent tidelands extending into Possession Sound to the north (see Figure 2-2).

The subject property is managed by the NMFS NWFSC and was previously used for its Mukilteo Research Station, which consisted of a main building for laboratory and sea water tanks, offices, and shop operations, and smaller outbuildings that were used for saltwater fish rearing, storage, and related uses. All of these facilities were decommissioned and demolished in 2022, with the exception of subsurface utilities and other remnant infrastructure, and the existing pier which extends into the tidelands of the adjacent Possession Sound.

2.1.2 Description of 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, a Historic Preservation Covenant and certain 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.

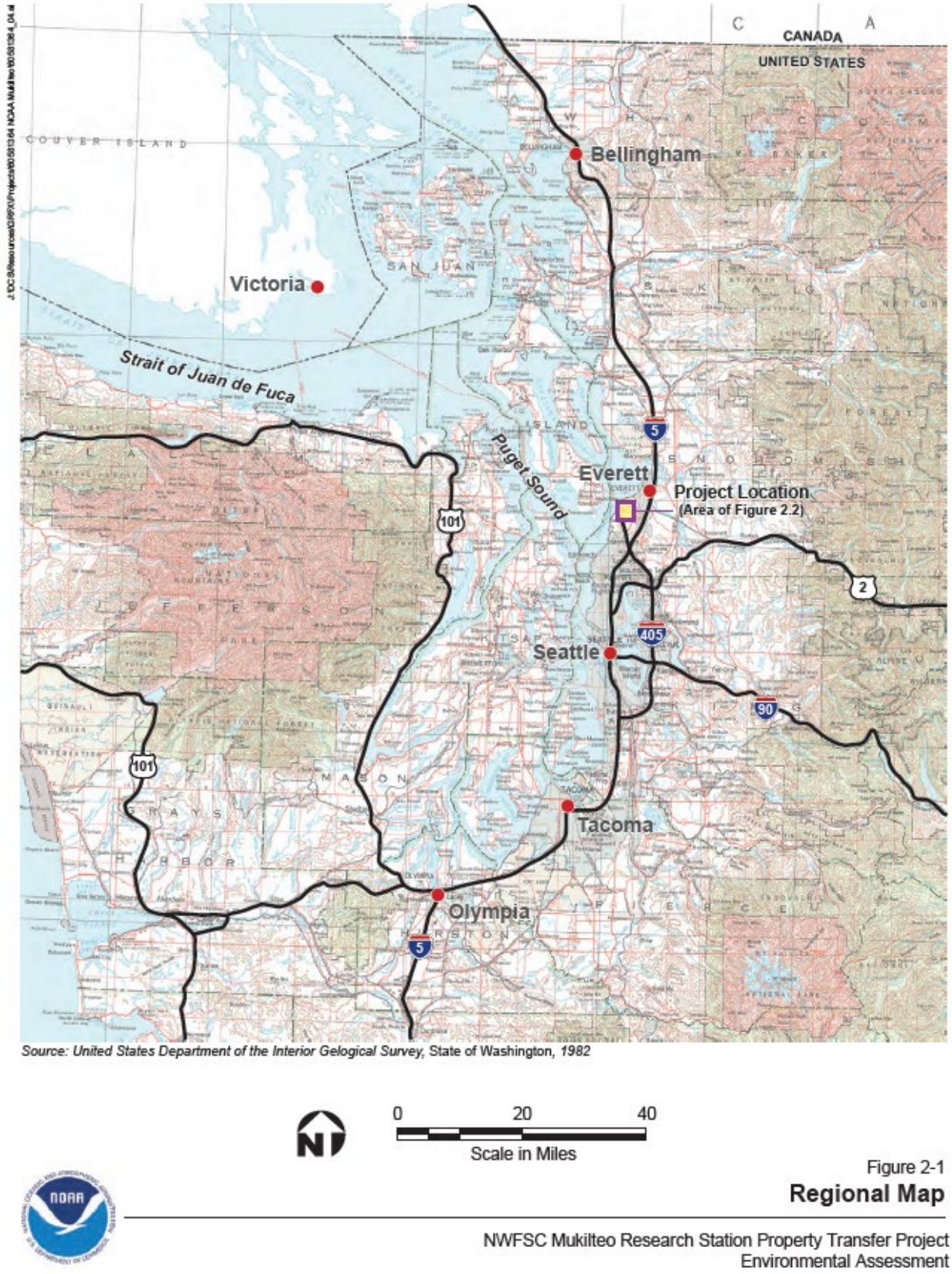
2.1.3 Anticipated Future Use of the Subject Property

Whilst the future use of the subject property following its transfer out of NOAA ownership is not part of the federal action and is outside of the control of NOAA, information regarding the anticipated future use and development of the subject property by the Port of Everett, based on publicly available information and consultation with Port staff, is included within this EA for the purposes of public disclosure and in order to evaluate potential indirect environmental effects of the proposed action.

In 2022, the Port of Everett, in partnership with the City of Mukilteo, led a new waterfront development visioning effort to establish a unified vision for approximately 26 acres of undeveloped Mukilteo shoreline properties, including the subject property (Port of Everett 2023). The study area for the visioning effort stretches from Mukilteo's Lighthouse Park (approximately 1,800 feet west of the subject property) to Edgewater Beach (approximately 3,000 feet east). The Port convened a stakeholder working group to develop a vision statement and a set of guiding principles for redevelopment of the area, which were revised in response to a wider public outreach effort and approved by the Port of Everett and Mukilteo City Council. The vision statement and guiding principles were then used to develop conceptual artist renderings to indicate what future redevelopment of the area could look like. Excerpts from the Port's visioning process are contained in Appendix B. The overall concept is to develop a vibrant waterfront with access to the water, walking trails, dining, culture, and a place to enjoy magnificent views of the sea, islands, and mountains. It is anticipated that any future redevelopment of the subject property would involve demolition and removal of the existing NOAA pier, given its dilapidated condition.

The Port and City are currently working to determine how a formal partnership will be structured to move the proposed development forward and intend to develop a waterfront development plan, which would provide more detail regarding alternative scenarios for redevelopment of the area, identify a preferred alternative, and include an implementation strategy. Any future development of the subject property by the Port of Everett, either as part of the waterfront development plan or otherwise, would be subject to applicable federal, state, and/or local regulations and permitting requirements.

Based on a meeting with Port staff in April 2024, it is understood that redevelopment of the property would include raising the level of the site and constructing shoreline protection, along with creation of a public shoreline promenade (Lefeber, pers. comm. 2024)



Source: United States Department of the Interior Gelogical Survey, State of Washington, 1982

Figure 2-1 Regional Map

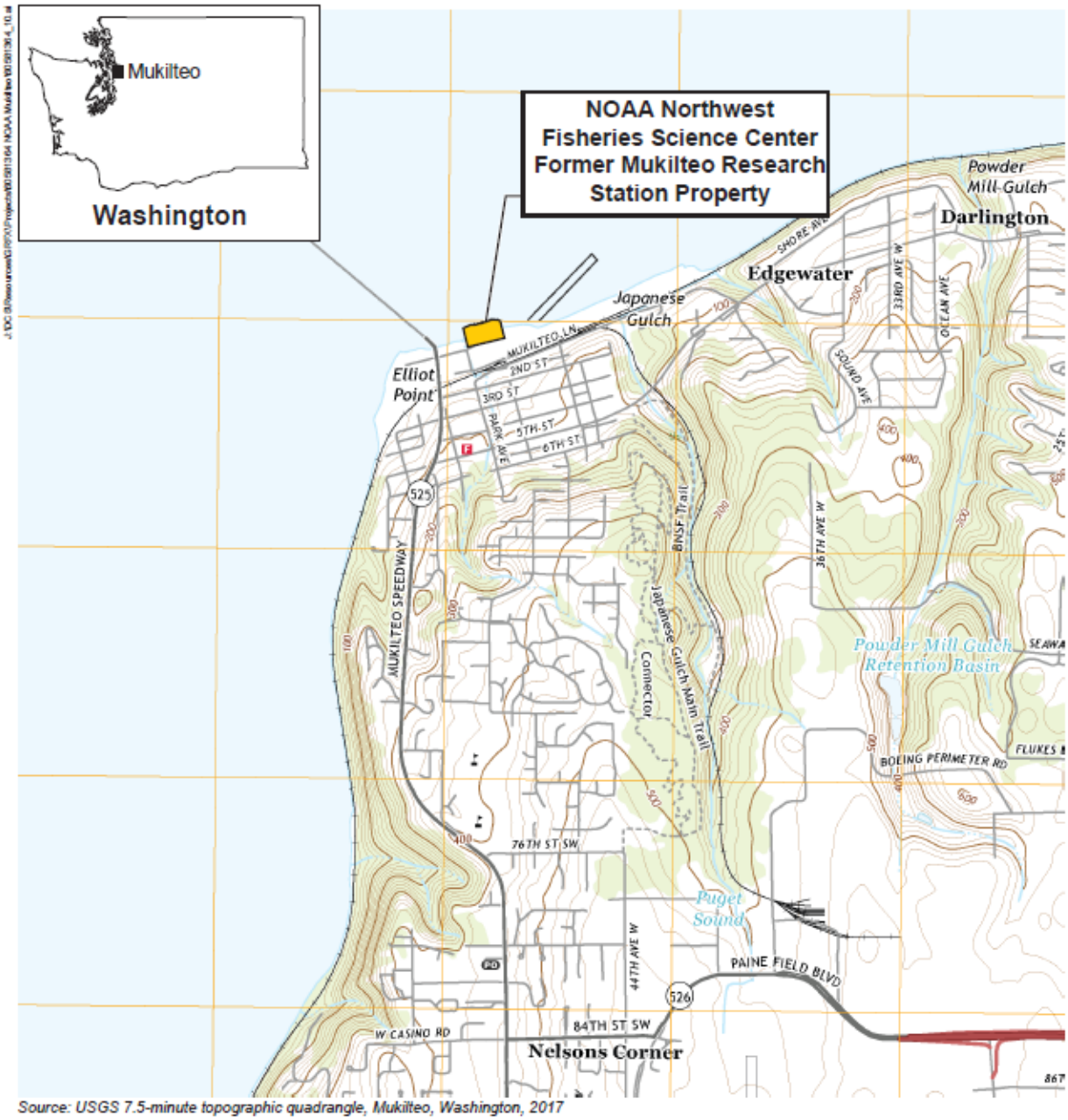


Figure 2-2 Project Area and Vicinity Map

Figure 2-3 NOAA Property and Site Boundary

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SCREENCHECK DRAFT

2.2 ALTERNATIVE 2 – EXCESS PROPERTY

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 (EOs); however, not every property goes through the same disposal process. If a federal agency no longer needs a property to carry out its program responsibilities, it reports this property as "excess" to its needs. GSA first offers excess property to other federal agencies. If another federal agency identifies a need, the property can be transferred to that agency.

If there is no further need for the property within the federal government, the property is determined "surplus" and may be made available for other uses through a Public Benefit Conveyance (PBC), transfer for homeless use, negotiated sales for public use, or public sales based on GSA's determination of the property's highest and best use.

If a property is suitable to assist the homeless, according to the Department of Housing and Urban Development, GSA must first offer the property as a homeless conveyance before any other public uses can be considered. As a PBC, the property can be substantially discounted in price (up to 100 percent reduction in fair market value) if it is used for a qualified public use.

Future use of the subject property under this alternative would vary depending on the future property owner. Due to the speculative nature of any such future use, information regarding potential future uses under this alternative is not included in the EA.

2.3 ALTERNATIVE 3 – NO-ACTION

Under the No-Action Alternative for the Proposed Action, 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. However, in accordance with NEPA, this alternative is evaluated as it provides a baseline for analysis.

2.4 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 within this EA.

3 EXISTING ENVIRONMENT

The subject property is located within Section 33, Township 29 North, Range 4 East, and Section 4, Township 28 North, Range 4 East, Willamette Meridian, Snohomish County, Washington. The City of Mukilteo zoning designation for the subject property and adjacent areas to the south and north is Waterfront Mixed Use (WMU). The property includes approximately 1.1 acres of uplands as well as 2-acres of adjacent tidelands including a shoreline beach and embankment, intertidal areas and submerged aquatic lands of Possession Sound.

The upland portion of the subject property is relatively flat with a ground surface at elevation 13 to 16 feet NAVD88 and is separated from the beach and intertidal areas by a sparsely covered riprap-covered embankment. The top of the embankment has an elevation of 13 to 14 feet NAVD88, and slopes downward to the north at approximately 7 to 30 degrees (12 to 60 percent) toward the beach and tidelands. The intertidal portion of the subject property slopes gently (approximately 10 percent slope) toward the north-northwest.

Most areas at and near the project site contain surficial fill material underlain by loose native deposits that would likely be subject to hazards such as spreading and liquefaction during a major seismic event. Groundwater at the subject property has been confirmed at depths ranging from 7 to 13 feet below ground surface. Groundwater flow is inferred to be northerly toward Possession Sound and is expected to be tidally influenced. Possession Sound and the Brewery Creek outfall are the only surface water bodies in the immediate vicinity of the project site. No other waterbodies, including wetlands, are located in the immediate vicinity.

More detailed information regarding the existing environment at and around the subject property is provided within the “Affected Environment” subsection for each of the environmental topics evaluated in Sections 4.1 through 4.17 of this EA.

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4 AFFECTED RESOURCES AND ENVIRONMENTAL CONSEQUENCES

This section describes the affected resource environment and anticipated environmental consequences from implementation of the Alternative 1 (Preferred), Alternative 2 (Excess Property), and the No-Action Alternative, and any mitigation measures that would avoid, reduce, or minimize any adverse effects of the Proposed Action.

The Companion Manual for NOAA Administrative Order 216-6A (NOAA 2017) and Council on Environmental Quality (CEQ) guidance identify three types of effects that should be evaluated in environmental reviews: (i) direct effects, which are "caused by the action and occur at the same time and place"; (ii) indirect effects, which are "caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable"; and (iii) cumulative effects, which result from "the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions." Indirect effects should be considered as part of direct effects for all projects. As used in NEPA, the term "significant" requires considerations of both *context* and *intensity* as defined below:

Context means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, interests, and the locality. Significance varies with the setting of the Proposed Action. For instance, in the case of a site-specific action, significance would usually depend on the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

Intensity refers to the severity of impact. Responsible federal officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

- Impacts that may be both beneficial and adverse. A significant effect may exist even if the federal agency believes that on balance the effect will be beneficial.
- The degree to which the Proposed Action affects public health or safety.
- Unique characteristics of the geographic area such as proximity to historic or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
- The degree to which the effects on the quality of the human environment are likely to be highly controversial.
- The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
- The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
- Whether the action is related to other actions with individually insignificant, but cumulatively significant, impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

- The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (NRHP) or may cause loss or destruction of significant scientific, cultural, or historical resources.
- The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973 (ESA).
- Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

For this analysis, the intensity of an impact is assessed in terms of change or degree of change in a resource condition. Common characterizations used include the degree of change from existing conditions or effects to managed or scarce resources, often expressed as the relative area of impact, measured units of change, differences in levels of use, etc. Terminology used for depicting the overall magnitude of impact include:

- No Effect—The Proposed Action would not cause a detectable change.
- Negligible—The impact would be at the lowest level of detection; the impact would not be significant.
- Minor—The impact would be slight but detectable; the impact would not be significant.
- Moderate—The impact would be readily apparent; the impact would not be significant.
- Major—The impact would be clearly adverse or beneficial; the impact has the potential to be significant.

These levels of potential effect can consider duration, geographic extent, and the potential likelihood to occur, as indicated below:

- Duration—How long the impact would be expected to occur or last, measured in length of time. Common characterizations are short-term, long-term, permanent, etc.
- Geographic extent—Where the impact would be expected to occur geographically in the project area. Common characterizations for this Proposed Action are largely local or regional in nature.
- Potential to occur (likelihood)—How probable the impact would be. Common characterizations include the likelihood of the impact if the project were to be permitted, or probability of occurrence based on the results of analysis. Common characterizations are unlikely, possible, probable, or certain to occur.

4.1 LAND USE

This section describes the current land use at the subject property and analyzes whether the Proposed Action would conflict with terrestrial and aquatic land-use, zoning or other special use designations. The description of existing setting and evaluation of the impacts is based on review of published information from affected federal, state and local governments. Land use designations and land management decisions are guided by state law and local comprehensive plans which specify the allowable types and locations of present and future land use. Designations for land use are typically made by the local jurisdiction through management plans and associated policies, ordinances, and regulations, unless the property is owned by a state or federal agency.

4.1.1 Regulatory Setting

Federal

Public Buildings Amendments
The Public Buildings Amendments of 1988, 40 U.S. Code (USC) 3312 requires a federal agency to comply with a nationally recognized model building codes and consideration of state and local zoning laws. Applicable national standard codes, such as electrical, life safety, and plumbing codes are required to be implemented when constructing structures or altering any federal property. The Public Buildings Amendments also stipulates that federal agencies consider state or local zoning, consult with appropriate officials, and make plans available upon request. State and local government may make recommendations and the federal agency should give due consideration to those recommendations and local conditions. However, no action, fine or penalty may be brought against the Federal Government for failure to meet the requirements of this Public Law, or for failure to carry out any State or local government recommendation.

State

Article XVII State of Washington Constitution
At Statehood in 1889, Article XVII of the state of Washington's constitution gave the state ownership of the "beds and shores of all navigable waters in the state." These state-owned submerged and aquatic lands are managed by the state DNR Aquatic Resources Division, who issues aquatic land leases with which funds are reinvested to restore aquatic ecosystems, protect the health and productivity of aquatic resources, and fund local projects that create public access to aquatic lands and the state's aquatic reserves.

Washington State Growth Management Act.
Washington State's Growth Management Act (Revised Code of Washington [RCW] 36.70A) of 1990 requires state and local governments to manage statewide growth by identifying urban growth areas and preparing comprehensive plans, capital improvement programs, and development regulations. The Growth Management Act requires infrastructure (transportation, water, sewer, and other urban services) to achieve population and employment targets established by the regional and local comprehensive plans.

The Growth Management Act also specifies that transportation projects be identified and constructed concurrent with future development projects.

Coastal Zone Management Program
Ecology administers Washington's Coastal Zone Management Program (CZMP), which applies to all lands and waters in Washington's coastal counties, including Snohomish County where the project is located. The coastal zone extends seaward from the shoreline three nautical miles. As a federal action, the proposed project is subject to the federal consistency provision of the Coastal Zone Management Act (CZMA) and the state's CZMP, as discussed in Section 4.10, *Coastal Zone Management*.

Washington State Shoreline Management Act
The state of Washington Shoreline Management Act (SMA) was passed by the Washington Legislature in 1971 and adopted by voters in 1972. Its overarching goal is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." There are three basic SMA policy areas: Shoreline use, environmental protection, and public access. The SMA requires all counties and most towns and cities with shorelines to develop and implement Shoreline Master Programs. The law also defines Ecology's role in reviewing and approving local programs. The City of Mukilteo has a state-approved Shoreline Master Program (SMP).

Washington State Environmental Policy Act
The State Environmental Policy Act (SEPA) process identifies and analyzes environmental impacts associated with local and state governmental decisions, such as issuing permits for private projects, constructing public facilities, or adopting regulations, policies, and plans. Environmental review under SEPA requires consideration of the effects of a project on land use, including effects to adjacent and nearby land uses, impacts to agricultural or forestry land uses, consistency with applicable zoning and land use designations and other applicable land use plans, and whether the project would displace people.

Local

City of Mukilteo Comprehensive Plan 2035
The City of Mukilteo's Comprehensive Plan 2035 was adopted by the City Council on October 5, 2015 and amended on June 4, 2018 and February 2021. It provides goals and policies to guide growth and development in the city (City of Mukilteo 2021). The Comprehensive Plan is a 20-year policy plan and, consistent with the Growth Management Act requirements, includes land use, transportation, housing, capital facilities, utilities, economic development, and environmental elements. Because there are only a very few undeveloped parcels in the City, the plan's focus is on sustaining and enhancing existing built areas rather than on managing rapid growth. Future development will primarily be infill and redevelopment and not new development of vacant land. The quality of development is governed by codified regulations found in Mukilteo Municipal Code (MMC), the tool by which Comprehensive Plan policies are implemented.

Public and semi-public spaces that attract people of all generations and allow for public access to the waterfront, should be developed (LU5b). Redevelopment of Mukilteo's waterfront should include

exceptional pedestrian and recreation facilities that include a waterfront promenade and a chain of waterfront parks, and a visitor dock, all with pedestrian-oriented amenities (LU5c).

City of Mukilteo Shoreline Master Program
The Washington State SMA is a state-mandated cooperative program of shoreline planning with local government and state responsibilities (RCW 98.58.050). Under the SMA, the Mukilteo SMP was originally adopted in 1974, with a comprehensive update and revision in 2011, and further revisions made in 2019, which became effective on January 2, 2020 (City of Mukilteo 2020). The SMP's jurisdiction includes the "shorelands" or "shoreland area" along the City of Mukilteo's shoreline which extend landward for 200 feet in all directs as measured on a horizontal plane from the ordinary high water mark (OHWM). Development within the SMP jurisdiction shall comply with the requirements of the SMP and Mukilteo Municipal Code Chapter 17B.

City of Mukilteo Downtown Waterfront Master Plan
The City of Mukilteo Downtown Waterfront Master Plan, adopted in 2016, describes a revitalized waterfront which includes: urban street front with local businesses, looped pedestrian promenade, bike lanes and playful waterfront uses (City of Mukilteo 2016). It reflects the direction of the Shoreline Master Program, including the recent relocation of adjacent Washington State ferry terminal, and addresses the operations and maintenance of city facilities envisioned for the waterfront. Subsequent land use decisions for the waterfront would typically need to conform to the recommendations in the adopted Waterfront Master Plan (LU5a).

City of Mukilteo Municipal Code
While NOAA, as a federal agency, is not strictly subject to local land use regulation, Mukilteo Municipal Code Chapter 17B.16.210 contains planning goals, presented as development regulations, for redevelopment of the subject property.

4.1.2 Affected Environment

The City of Mukilteo zoning designation for the subject property and adjacent areas to the south and north is Waterfront Mixed Use (WMU) (City of Mukilteo 2018). Mixed-use designations typically allow for more than one category of land use. Property immediately to the west is zoned Downtown Business and consists of a hotel, restaurants, residential condominiums, and an art shop, with Lighthouse Park farther to the west. Property immediately to the east of the subject property is designated as Parks/Open Space and is currently an unimproved City-owned parcel. Further to the east is the Mukilteo Ferry Terminal, operated by the Washington State Department of Transportation (WSDOT). Approximately 0.4 mile east is the city of Everett. The nearest Residential zoning designation is located approximately 500 feet to the south-southeast beyond 1st Street and Mukilteo Lane (City of Mukilteo 2021).

Development regulations intended for redevelopment of the subject property are described in city code Chapter 17B.16.210 as follows:

- Scientific materials and equipment shall be sufficiently enclosed, screened, and secured so as to preclude unauthorized access.

- Facility development shall provide public visual and physical access to the shoreline. Facilities shall be designed to accommodate the pedestrian promenade as adopted as part of the 1995 Mukilteo Multimodal Master Plan for redevelopment or future master plans as adopted by the city of Mukilteo.
- Facility redevelopment shall include public use of existing, rehabilitated, or new piers; said public use may only be limited due to security or safety issues.
- NOAA facility redevelopment may site public and educational activities along the public promenade at the corner of Park Avenue or at the corner of Front and Park Avenue. (Ord. 1295 § 10 (Exhibit 1B) (part), 2011)

More broadly, the City's Aquatic Urban and Aquatic Urban Conservancy environments are described in MMC Chapter 17B.12.040 and were established to protect, restore, and manage the unique characteristics and resources of the areas 200 feet off-shore of the ordinary high-water mark. Of these two aquatic environment areas, the waterfront containing the subject property and adjacent shoreline uses is within the Aquatic Urban Area, which extends from the City's eastern limit to the southern end of Lighthouse Park.

Adjacent to the south boundary of the subject property, a portion of the Front Street right-of-way is currently under the control of NOAA (per a reservation held by NOAA in its Quitclaim Deed) and its use authorized under an Unopened Right-of-way Use Permit, which allows for certain construction and permanent use of a privately maintained roadway within unopened or unmaintained city road rights-of-way. Road improvements authorized by unopened right-of-way use permits are designed and constructed in accordance with the City of Mukilteo development standards for the number of parcels to be accessed by the proposed improvements, per Ord. 1329 § 6 (Exh. A) (part), 2013: Ord. 315 § 8, 1978 (formerly 12.08.060).

Portions of the subject property include certain critical areas, as regulated by the City in Chapters 17B.52 through 17B.52D. "Critical areas" are those areas possessing slopes in excess of forty percent or areas containing unstable soils or other geologic hazards; natural drainage ways or ravines; areas of special flood hazard; areas of critical recharging effect on aquifers used for potable water; or areas that have been identified as providing significant wildlife habitat by the Washington State Department of Fish and Wildlife (WDFW), wetland areas, or those areas defined as shorelines of Mukilteo, the state, or of statewide significance. Critical areas potentially present at the site are the slope of berm above the beach, areas where existing soil has potential to be subject to liquefaction or lateral spreading, a portion (approximately 15 percent) of the NOAA upland property within the 1 percent chance flood elevation, and marine habitat within submerged lands under the regulatory purview of various agencies.

As described in MMC Chapter 17B.12.020, entitled Urban Waterfront and Urban Waterfront Park Shoreline Environments, the Urban waterfront encompasses the waterfront mixed-use and downtown business zoning district. The purpose of the urban waterfront designation is to provide for development and redevelopment of high-intensity, water-oriented (water enjoyment or water-related) commercial and recreational activities, transportation, and essential public facilities, while protecting existing ecological functions and improving ecological functions in areas that have been previously degraded.

Under the 2020 SMP, the shoreline designation of upland portions of the subject property is Urban Waterfront, and Aquatic Urban in the tidelands and Possession Sound (City of Mukilteo 2020). This designation includes the upland property 200 feet inland from the OHWM and the aquatic/marine tidelands and water areas out to the edge of the City of Mukilteo's legal jurisdiction at the middle of Possession Sound.

4.1.3 Environmental Consequences

Alternative 1: Preferred Alternative

Direct Effects
Conveyance of the project site to the Port of Everett would have no direct effect on land use, as there would be no physical changes at the site and no changes to the current use of the site.

Indirect Effects
Indirect impacts relating to land use from conveyance of the property to the Port of Everett would depend on the ultimate use and redevelopment of the property by the Port. Future redevelopment in accordance with the Port's recent waterfront visioning process (Port of Everett 2023) is likely to include removal of the dilapidated NOAA pier, and development of new commercial land uses such as retail and restaurants, cultural/educational facilities, and recreational facilities such as coastal walkways and enhanced shoreline access. As discussed above, development of the property is required to comply with city code Chapter 17B.16.210, which regulates allowable uses on the Project site, and Chapter 17B.12.040, which is intended to protect, restore, and manage the unique characteristics and resources of the areas 200 feet off-shore of the ordinary high-water mark. The overall concept of the Port's waterfront visioning process is to develop a vibrant waterfront with access to the water, walking trails, dining, culture, and a place to enjoy views of the sea, islands, and mountains. The Port and City are currently working to determine how a formal partnership will be structured to move the proposed development forward and intend to develop a waterfront development plan, which would provide more detail regarding alternative scenarios for redevelopment of the area, identify a preferred alternative, and include an implementation strategy.

Any future redevelopment of the subject property by the Port would be subject to the Washington SEPA, which would require the Port to identify any project-specific impacts relating to land use and provide mitigation, if necessary, to reduce potential impacts. Furthermore, any redevelopment would also need to comply with local land use regulations and requirements such as city code Chapter 17B.12, Chapter 17B.16.210, and Chapters 17B.52 through 17B.52D.

Because of the robust framework of state and local regulations that would apply to any future development of the subject property by the Port, the indirect effects relating to land use from transfer of the property to the Port under the Preferred Alternative would be negligible to moderate, and possibly beneficial in the long-term.

Alternative 2: Excess Property

Direct Effects
Conveyance of the subject property to GSA to arrange for the eventual conveyance of the property for the highest and best use using its authorities would have no direct effect on land use as there would be no physical changes at the site and no changes to the current use of the site.

Indirect Effects
Indirect impacts relating to land use from conveyance of the subject property to GSA would depend on the ultimate use and/or redevelopment of the property by the eventual landowner. Whilst it would be speculative to predict the future use and redevelopment of the site under such conditions, future land uses could be similar to those described for the Preferred Alternative or could include other federal or public uses.

If the future landowner were a federal entity, any future proposed action would be subject to the same provisions of NEPA as NOAA currently has to comply with, which would require the federal entity to identify any project-specific land use impacts and provide mitigation, if necessary, to reduce those potential impacts. Any future proposed action by a federal landowner would need to comply with the CZMA (as discussed further in Section 4.10 below), which would require the federal owner to ensure that the proposed action is consistent with the enforceable policies of Washington's CZMP, which includes land use policies within the City's Shoreline Management Plan.

If the future landowner were a non-federal entity, any future redevelopment would be subject to SEPA and other applicable state and local laws and regulations, as described for Preferred Alternative above.

As such, indirect effects to recreational resources from transfer of the property to GSA under the Excess Property Alternative would be negligible to moderate, and potentially beneficial.

Alternative 3: No-Action

Under the No-Action Alternative, the project site would continue to be owned and maintained in its current condition by NOAA. No demolition or construction activities would occur on the property and no new land uses would be introduced. Therefore, implementation of the No-Action Alternative would have no direct or indirect effects to land use.

4.1.4 Mitigation Measures

No mitigation measures are required for the Preferred Alternative, Excess Property Alternative, or the No Project Alternative.

4.2 GEOLOGY AND SOILS

This section describes the existing geological setting of the subject property and surrounding areas and analyzes the potential effects of the Proposed Action pertaining to geological resources and soils. Project-

related impacts typically associated with geology and soils may include effects to geological resources such as mineral resources or protected geologic features, or effects from hazards such as landslides, erosion, fault rupture, seismic shaking, liquefaction, sinkholes and subsidence. Some geological hazards can be reduced or mitigated by engineering, design, or modified construction practices so that risks to health and safety are acceptable. The following geological hazards are discussed within this section:

Landslide Hazards: Areas prone to landslides, soil failure and/or subsidence resulting in movement of fill, soil, rock, or other geologic strata.

Erosion Hazards: Areas where soils may experience severe to very severe erosion due to construction activity. The susceptibility to erosion is generally a function of soil type, topography, wave or tidal action, occurrence of groundwater seepage or surface runoff, and the built environment.

Seismic Hazards: Areas subject to severe risk of earthquake damage from ground rupture, ground shaking, soil liquefaction, or tsunamis. Earthquakes are driven by geological processes which produce stresses in the earth's crust (plate tectonics). Seismic hazards can include the following:

- Ground rupture is a visible breaking and displacement of the Earth's surface along the trace of the fault, which may be of the order of several feet in the case of major earthquakes. Therefore, ground rupture only occurs along an active fault trace.
- The most damaging effect of an earthquake is strong shaking at the ground surface. It is well observed that the presence of soft soils on top of bedrock amplifies the ground surface shaking during an earthquake, therefore ground shaking during an earthquake is strongest in areas of soft, unconsolidated soils, such as artificial fills, in river valleys or along shorelines of bays and lakes. Ground shaking can occur far from the earthquake source. A method for characterizing the ground-motion amplifying effects has been developed and modified since 1994. In 1997, the simplified site class groupings were adopted by the International Code Council in the Uniform Building Code (UBC) and are referred to as National Earthquake Hazard Reduction Program site classes.
- Liquefaction is a phenomenon in which strong earthquake-generated ground shaking cause soil to rapidly lose its strength and temporarily behave like liquid or quicksand. Liquefaction typically occurs in artificial fills and in areas of loose granular soils that are saturated with water, such as low-lying coastal areas, lakeshores, and river valleys. Lateral spreading is a related phenomenon that involves lateral displacement of large, intact blocks of soil down gentle slopes or toward a steep free face such as a stream bank or coastal margin, due to liquefaction of a shallow underlying deposit during an earthquake.
- Tsunamis are destructive waves that can be caused by coastal or submarine landslides or volcanism, but they are most commonly caused by large submarine earthquakes. Tsunamis are generated when these geologic events cause large, rapid movements in the sea floor that displace the water column above, generating a series of high-energy waves that radiate outward. Offshore tsunamis can strike adjacent shorelines within minutes and

also cross the ocean at speeds as great as 600 miles per hour to strike distant shores. The potential impacts of a tsunami include the adverse effects of temporary inundation by the tsunami wave and damage/injury caused by debris carried by the wave.

4.2.1 Regulatory Setting

Federal

Federal Land Policy and Management Act
The Federal Land Policy and Management Act of 1976 (P.L. 94-579) requires that the public lands be managed in a manner that protects the "… quality of scientific …" and other values, which includes paleontological resources such as fossils. Paleontological resources may also be protected by the Antiquities Act or the Archaeological Resources Protection Act.

State

Washington State Department of Natural Resources
DNR is charged with administering many statewide rules as they pertain to harvesting and protecting the state's natural resources. DNR's Geology and Earth Resources Division regulates geologic activities that take place throughout the state pertaining to: oil and gas, geothermal activities, metals, mining and milling, and surface mining reclamation. DNR also monitors, assesses, and informs the public, planners, and municipal officials about the known risks associated with Washington's earthquakes, landslides, and volcanoes to reduce the human and financial costs of natural disasters.

DNR also establishes and manages nearly 120,000 acres within Natural Resources Conservation Areas The majority of Natural Resources Conservation Areas protect outstanding examples of ecosystems, habitats, and landscapes, but some also protect geologic sites of importance.

Washington State Environmental Policy Act
The SEPA process identifies and analyzes environmental impacts associated with local and state governmental decisions, such as issuing permits for private projects, constructing public facilities, or adopting regulations, policies, and plans. Environmental review under SEPA requires consideration of the effects of a project on geological resources and soils in the context of geologically hazardous and seismic hazard areas, topography and slope steepness, soil types and uses, soil stability and erosion, and earth disturbance.

Local

Snohomish County Growth Management Act Comprehensive Plan
Snohomish County adopted a Mineral Resource Overlay on February 1, 2006, as part of its Growth Management Act Comprehensive Plan, which designates and protects land containing mineral resources of long-term significance. The Mineral Resource Overlay designation combines other land use designations and is intended to limit mineral activity to areas within the Mineral Resource Overlay, and

restrict intense rural land uses within the Mineral Resource Overlay to preserve future access to the mineral resources.

City of Mukilteo Municipal Code
Under City of Mukilteo Critical Areas Regulations (MMC Chapter 17.52) critical areas review is typically required to conduct work in critical areas and their buffers within the City of Mukilteo. Critical areas include, but are not limited to, geologically hazardous areas and seismic hazard areas.

4.2.2 Affected Environment

The upland portion of the subject property is relatively flat with a ground surface at elevation 13 to 16 feet NAVD88 and is separated from the beach and intertidal areas by a sparsely covered riprap embankment. The top of the embankment has an elevation of 13 to 14 feet NAVD88, and slopes downward to the north at approximately 7 to 30 degrees (12 to 60 percent) onto the beach and tidelands. Approximately 400 feet to the south of the project site (south of the railroad) is a steep escarpment, sloping upwards toward the south.

Groundwater was encountered at upland portions of the subject property at depths ranging from 7 to 13 feet below ground surface during a 2018 geotechnical investigation (AECOM 2019a). Groundwater at the site is tidally influenced, flowing northwards at low tide and reversing direction at high tide to flow south (FTA and WSDOT 2013). The tidal range at the nearby NOAA Everett tidal gauge is between +9.1 NAVD88 (Mean Higher High Water [MHHW]) to -2.04 NAVD88 (Mean Lower Low Water [MLLW]), with the highest astronomical tide recorded at +11.2 NAVD88 in 1983 (AECOM 2019b).

Published geological information indicates that the project site contains Holocene artificial fill and modified land, underlain by Quaternary alluvium and Pleistocene glacial deposits (DNR 2018a). Site-specific geotechnical investigations (AECOM 2019a) identified the following three subsurface strata at the project site:

- Stratum 1 (upper): 3 to 15 feet thick fill material, comprised of loose to medium-dense, brown to dark brown, silty sand and gravel.
- Stratum 2: 20 to 25 feet thick loose to medium dense sand with varying amounts of silt and gravel.
- Stratum 3 (lower): medium dense to dense sand and gravel with varying silt content underlays the project site to maximum depth explored in geotechnical borings.

The site-specific report also reviewed boring logs from other nearby projects, which indicated that both very loose and very dense soil conditions can be expected in the vicinity of the project site.

Ecology's Coastal Atlas mapping tool indicates that the project site is classified as "modified" slope stability, indicating that slopes are highly modified by human activity and include areas of significant excavation or filling; and that the westernmost portion of the project site is typically subject to eastward

littoral drift,[1] while the easternmost portion of the project site has no appreciable drift (Ecology 2018). Unstable soils at the project site are generally limited to the area of the beach and coastal embankment. Erosion associated with tidal action and/or storm events occurs periodically. The coastal embankment is armored with riprap that is failing in several sections—several riprap stones have sloughed off and were observed on the beach during a 2018 site visit (AECOM 2019b).

In the Pacific Northwest, oceanic crust is being pushed beneath the North American continent along a major boundary parallel to the coast of Washington and Oregon. This boundary, known as the Cascadia Subduction Zone, lies approximately 50 miles offshore and extends from the middle of Vancouver Island in British Columbia past Washington and Oregon to northern California. The Puget Sound area is in a high seismicity region in the western U.S., with regional ground-motion hazard governed by the following:

- Great magnitude ($M > 8$) earthquakes on the interplate portion of the Cascadia Subduction Zone;
- Large magnitude ($6 < M < 7.5$) earthquakes on the intraplate portion of the Cascadia Subduction Zone, at depths ranging between approximately 40 kilometer (km) and 90 km; and
- Moderate to large magnitude shallow crustal earthquakes, including those events capable of occurring in known active faults, such as the Seattle and South Whidbey Island faults.

The closest Holocene-active fault to the project site is the South Whidbey Island fault zone, the closest known strand of which is mapped approximately 2,500 feet south of the project site (DNR 2018a).

According to hazard maps of Snohomish County, Washington (Palmer et al. 2004a, 2004b) prepared by the state DNR, the project site has a moderate to high liquefaction susceptibility, and is designated as Site Class D under the National Earthquake Hazard Reduction Program.[2] Site specific investigation concluded that the project site has significant susceptibility to liquefaction due to the presence of its proximity to the beach-edge slope topography and the combination of loose to medium dense soils, and estimated liquefaction-induced settlement could range from 2 to 5 inches in granular soils (AECOM 2019a).

The DNR Geologic Information Portal does not identify the project site as being susceptible to landslides (DNR 2018a). However, there is reportedly potential for offshore landslides nearby due to the relatively loose nature of submarine beach deposits and steep slope inclination offshore (FTA and WSDOT 2013). Although the DNR portal does not map the subject property as being within a tsunami inundation model area, this is likely due to the limited extent of such modeling, rather than the absence of risk—the coastline further northwest of the project site is within a modeled area and is shown as susceptible to coastal inundation during a magnitude 7.3 event on the Seattle Fault (Walsh et al. 2014; DNR 2018a).

[1] Littoral drift is the term used for the transport of non-cohesive sediments, i.e., sand and gravel, along the foreshore and the shoreface due to the action of breaking waves and the longshore currents.

[2] Site class B represents a soft rock condition, where earthquake shaking is neither amplified or reduced by the near-surface geology. Site classes C, D, and E represent increasingly softer soil conditions which result in a progressively increasing amplification of ground shaking. Site class provides only a general guide to areas where shaking will be the strongest and where the potential damage to buildings and other structures may be elevated because of soil effects. Site class does not incorporate other factors affecting the actual severity of ground shaking, such as the magnitude of the earthquake and distance from the epicenter.

There are no protected mineral resources near the project site, with the closest permitted surface mining site approximately 2.8 miles to the east (DNR 2018a). There are no Natural Resource Conservation Areas or other protected geologic sites in the vicinity of the project site (DNR 2018b).

4.2.3 Environmental Consequences

Alternative 1: Preferred

Direct Effects
Conveyance of the project site to the Port of Everett would have no direct effect to geology and soils, as there would be no physical changes at the site that could potentially exacerbate the risk of geological hazards such as seismic ground shaking, liquefaction, or landslides, and no excavation or fill that could potentially change soil conditions or increase erosion at the site.

Indirect Effects
Due to the lack of mineral resources or protected geologic features at or near the project site, there would be no indirect effects of potential future redevelopment of the site by the Port under the Preferred Alternative on mineral or geological resources.

Indirect impacts relating to geological hazards and soil erosion from conveyance of the property to the Port of Everett would depend on the ultimate use and redevelopment of the property by the Port. Future redevelopment in accordance with the Port's recent waterfront visioning process (Port of Everett 2023) could involve substantial earthwork and construction of buildings and other structures on the project site and adjacent land parcels.

With respect to seismic hazards, the South Whidbey Island fault zone passes onshore just south of the project site, with the nearest known fault trace approximately half a mile away, so impacts from fault rupture would not be anticipated at the site, however there is potential for high levels of seismic ground shaking, and associated liquefaction and/or differential settlement which could impact future development that might occur on the site.

Although the project site is not mapped as being within a tsunami inundation area, extrapolation of tsunami modelling results from the nearby Everett area indicates that inundation depths of up to 6 feet could be anticipated at the project site during a 7.3 magnitude event on the Seattle fault (Walsh et al. 2014). A tsunami could also be generated by offshore landslides. The potential impacts of a tsunami at the project site and adjacent waterfront would include the adverse effects of temporary inundation by the tsunami wave and damage/injury caused by debris carried by the wave. It is understood that future development of the site by the Port would include raising the level of the site and construction of shoreline protection (Lefeber, pers. comm. 2024), which would be anticipated to reduce the potential for tsunami inundation compared to existing conditions.

Any future redevelopment of the property by the Port would be subject to SEPA, which would require the Port to identify any project-specific impacts relating to geological hazards and soil erosion and provide mitigation, if necessary, to reduce potential impacts. Such redevelopment would also be required to

comply with the seismic design standards of the UBC, which includes measures to ensure that structures can withstand the maximum expected ground shaking, liquefaction, and differential settlement without catastrophic failure. While complete avoidance of any damage may not be feasible, incorporation of industry-standard seismic design measures in accordance with current UBC standards, and implementation of recommendations from site-specific geotechnical investigations for final building foundation and soil improvement designs would result in potential impacts from strong seismic ground shaking, liquefaction, or differential settlement to be less than significant. Future redevelopment of the site by the Port would not be expected to exacerbate the potential for seismic ground shaking, which is a function of the location of the epicenter, the size of the event, and the underlying geological formations, none of which would be changed by future redevelopment activities. Site specific geotechnical reports would be required prior to the construction of new structures, which would include recommendations to reduce the impacts of liquefaction or differential settlement.

With respect to soil erosion, future redevelopment of the site involving disturbance of more than 1 acre would be required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) construction general permit, which would require preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) which would include best management practices (BMPs) to limit soil erosion from stormwater runoff during construction, and would also be subject to local grading permit requirements.

Because there are no mineral or geological resources present at the site and because any future redevelopment of the site under the Preferred Alternative would be required to comply with SEPA, the seismic design standards of the UBC and the erosion control requirements of the NPDES general construction permit or local grading permit, indirect impacts of the Preferred Alternative to geological and soil resources, or from geological hazards would be negligible to minor.

Alternative 2: Excess Property

Direct Effects
As described for Alternative 1, conveyance of the project site to GSA to arrange for the eventual conveyance of the property for the highest and best use using its authorities would have no direct effect to geology and soils, as there would be no physical changes at the site that would exacerbate the risk of geological hazards such as seismic ground shaking, liquefaction, or landslides, and no excavation or fill that could potentially change soil conditions at the site.

Indirect Effects
Indirect impacts relating to geological hazards and soil erosion would depend on the ultimate use and/or redevelopment of the property by the eventual landowner. Whilst it would be speculative to predict the potential future use and redevelopment of the site under such conditions, the potential impacts of such redevelopment would be anticipated to be similar to those described for the Preferred Alternative.

If the future landowner were a federal entity, any future proposed action would be subject to the same provisions of NEPA as NOAA currently have to comply with, which would require the federal entity to

identify any project-specific impacts relating to geological resources and hazards, and to provide mitigation, if necessary, to reduce potential impacts.

If the future landowner were a non-federal entity, any future redevelopment would be subject to SEPA and other applicable federal, state, and local laws and regulations, including permits, as described for Preferred Alternative above.

As such, indirect effects to geology and soils from transfer of the property to GSA under the Excess Property Alternative would be negligible to minor.

Alternative 3: No-Action

Under the No-Action Alternative, the project site would continue to be owned and maintained in its current condition by NOAA. No demolition or construction activities would occur on the property. Therefore, implementation of the No-Action Alternative would have no effects on geology and soils in the short term. However, if the coastal riprap continues to degrade over the long term, additional erosion of upland areas of the site could occur.

4.2.4 Mitigation Measures

No mitigation measures are required for the Preferred Alternative, Excess Property Alternative, or the No Project Alternative.

4.3 WATER RESOURCES AND HYDROLOGICAL PROCESSES

This section describes existing water resources and hydrological process at the subject property and surrounding areas and analyzes the potential effects of the Proposed Action pertaining to water resources and hydrological processes. Water resources include both surface water features, such as lakes, oceans, and creeks, and groundwater. Hydrologic processes influencing these features include but are not limited to evaporation, infiltration, transpiration, runoff, storage, and tidal flux. Impairments to water quality are also analyzed here. Project-related impacts typically associated with water resources and hydrological processes may include alteration of discharge, flow timing, and flow duration (such as increased area of impervious surface); changes to flow pattern and hydrologic connectivity (such as development that physically blocks or diverts natural flows), including tidal processes; and point or non-point discharge of pollutants.

4.3.1 Regulatory Setting

Federal

Section 404 Clean Water Act
A USACE Individual Permit or Nationwide Permit is required under Section 404 of the Clean Water Act (CWA) prior to discharge of dredged or fill material into the waters of the U.S., including special aquatic sites such as wetlands (see Section 4.8). Under Section 404, the limit of USACE jurisdiction for tidal

waters of the U.S. is seaward of the high tide line. For non-tidal waters, jurisdiction includes relatively permanent, standing, or continuously flowing waterbodies.

Section 401 CWA Water Quality Certification
U.S. Environmental Protection Agency (EPA) has delegated authority to Ecology for reviewing a project and issuing a Section 401 CWA Water Quality Certification when the agency has reasonable assurance that the applicant's project will comply with state water quality standards and other aquatic resource protection requirements under Ecology's authority. The Section 401 Certification can cover both the construction and operation of a proposed project. Applying for a federal permit or license to conduct any activity that might result in a discharge of dredge or fill material into water or jurisdictional wetlands or excavation in water or jurisdictional wetlands triggers Section 401 review. Conditions of the Section 401 Certification become conditions of the Federal permit or license. Ecology must receive a copy of the USACE Permit or Nationwide Permit authorization letter prior to making a Section 401 Certification decision.

Section 10 Rivers and Harbors Act
A USACE Individual Permit or Nationwide Permit under Section 10 of the Rivers and Harbors Act of 1899 is required prior to the accomplishment of any work in, over, or under navigable waters of the U.S., or which affects the course, location, condition or capacity of such waters. Under Section 10, the limit of USACE jurisdiction is the mean high water line.

National Pollution Discharge Elimination System Permit Program
Under Title 40, Part 122 of the Code of Federal Regulations (CFR), the EPA administers the NPDES program nationwide. Construction site operators are required to obtain an NPDES Construction Stormwater General Permit if they are engaged in clearing, grading, and excavating activities that disturb one or more acres and discharge stormwater to surface waters of the state.

State

Shoreline Management Act
The SMA (RCW 90.58) provides a statewide framework for managing, accessing, and protecting Washington's significant shorelines (e.g., rivers, lakes, and coastal waters). See Section 4.1.1 for more discussion of this statute.

Washington State Growth Management Act
The state's Growth Management Act requires that counties and cities in Washington periodically review and update their Critical Areas Ordinances, one element of which is a Critical Aquifer Recharge Area chapter. Guidance includes but is not limited to that provided by Ecology on their Critical Aquifer Recharge Areas web page (https://ecology.wa.gov/Water-Shorelines/Water-quality/Groundwater/Protecting-aquifers/Critical-aquifer-recharge-areas).

Washington State Hydraulic Code
Construction projects within waters of the state of Washington are regulated by the WDFW under the State Hydraulic Code (WAC 220-660) and sections of the state's RCW Title 77, Chapter 55 Hydraulic

Project Approval. Under RCW 77.55, a WDFW Hydraulic Project Approval is required prior to conducting any work that uses, diverts, obstructs, or changes the natural flow or bed of any of the salt or fresh waters of state. This includes bed reconfiguration, all construction or other work waterward, under and over the ordinary high water line, including dry channels, and may include projects landward of the ordinary high water line such as shoreline stabilization.

Washington State Water Pollution Control Act (RCW 90.48)
The Washington State Water Pollution Control Act mandates that the quality of the state's waters is not degraded by industry or other activities to ensure that beneficial uses of water are not harmed, including public health; domestic, commercial, industrial, agricultural, recreational, livestock or other uses; and wildlife, fish, bird, and aquatic life use. Ecology, working in cooperation with the federal government, is given jurisdiction to regulate sources of pollution discharge (e.g., liquid, gas, solids, radioactive or toxic substances, etc.) that harms the physical, chemical or biological properties of streams, lakes, rivers, ponds, inland waters, saltwater, water courses, and other surface and groundwaters. To this end, Ecology, in part, sets water quality standards, monitors water quality, issues permits for discharge to waters (e.g., wastewater treatment, industrial activity), works to control nonpoint-sources of pollution (e.g., stormwater, agriculture), and enforces penalties for non-compliance.

Water Quality Standards for Surface Waters of the State of Washington (WAC 173-201A)
Pursuant to RCW 90.48, Ecology is empowered to establish water quality criteria and standards for antidegradation of surface waters of the state for the purpose of protecting beneficial uses. The beneficial uses of waterbodies are designated and numeric and narrative criteria (e.g., temperature, taste, color, turbidity, odor) are defined for each waterbody. Ecology considers existing and potential uses and the natural water quality potential of the waterbody in determining uses and criteria.

Washington State Environmental Policy Act
The SEPA process identifies and analyzes environmental impacts associated with local and state governmental decisions, such as issuing permits for private projects, constructing public facilities, or adopting regulations, policies, and plans. Environmental review under SEPA requires consideration of the effects of a project on water resources and hydrologic processes including surface water bodies, surface water diversion, groundwater withdrawal or discharge to groundwater, drinking water, discharge of waste to surface or groundwater, filling or other disturbance of waterways, and water runoff and drainage.

Local

City of Mukilteo Shoreline Management Plan
A Shoreline Substantial Development Permit from the City of Mukilteo is required to develop on or near waters of the state including upland areas landward for 200 feet from the ordinary high water mark (including floodways and contiguous floodplain areas 200 feet from such floodways) and all wetlands and river deltas associated with streams, lakes, and tidal waters.

City of Mukilteo Municipal Code
Under City of Mukilteo Critical Areas Regulations (MMC Chapter 17.52) critical areas review is typically required to conduct work in critical areas and their buffers within the City of Mukilteo. Critical areas include, but are not limited to wetlands, aquifer recharge areas, and frequently flooded areas.

Snohomish County Standards for Construction Stormwater Pollution Prevention Plan
This Plan applies to selecting the BMPs and stormwater pollution prevention measures for construction activities that require a permit or approval from the Snohomish County Department of Planning and Development Services. The County code for Water Pollution Control, 7.53 Snohomish County Code, requires that no contaminated stormwater be discharged from a site. This rule outlines a process to establish the level of planning to obtain construction approval, and approval of development permits from Snohomish County. NPDES permits (administered by Ecology) and regulations for Construction Stormwater Pollution Prevention (administered by the County) require that a SWPPP be prepared for land disturbing activities.

4.3.2 Affected Environment

Surface Water

Possession Sound and the Brewery Creek outfall are the only surface water bodies in the immediate vicinity of the subject property. No other waterbodies, including wetlands, are located on the subject property or in the immediate vicinity (Ecology 2024a).

Possession Sound
Possession Sound is a large marine waterbody located between Whidbey Island and the central Puget Sound mainland. Possession Sound connects to the main body of Puget Sound to the south and with Saratoga Passage and Port Susan to the north. The subject property includes approximately 2 acres of Possession Sound tidelands (at and above MLLW). The tideland and shoreline substrates at and near the subject property consist of a mix of sand, gravel, and cobble backed by a low-lying embankment hardened with riprap. This hardened embankment has likely constrained shoreline processes driven by tidal action and currents, such as sediment transport in the upper tidal zone. The riprap has collapsed in some areas and erosion of the embankment is occurring.

Beneficial uses and water quality standards for Possession Sound defined by Ecology (WAC 173-201A-612) (Ecology 2024b) are for Shellfish Harvesting; Aquatic Life: extraordinary quality; Recreation: primary contact recreation; Water Supply: domestic, industrial, agricultural, stock; and Miscellaneous: wildlife habitat, harvesting, commerce and navigation, boating, and aesthetics. The extraordinary quality designation means that the area is suitable for salmonid and other fish migration, rearing, and spawning; clam, oyster, and mussel rearing and spawning; and crustacean and other shellfish (crabs, shrimp, scallops, etc.) rearing and spawning. The “extraordinary water quality” designation imposes certain restrictions on activities affecting water quality as they relate to preventing degradation to aquatic life, shellfish, and recreation. Possession Sound is included on the 2012 Washington State Water Quality Assessment list, prepared under Section 303(d) of the CWA. Water quality standards set the total

maximum daily load, or the maximum amount of a pollutant allowed to be released into a waterbody above which degradation of beneficial uses occur.

Marine waters in proximity to the subject property receive numerous pollutants from non-point sources which have degraded water quality and beneficial uses (Ecology 2024b). In 2009, criterion for Shellfish Harvesting use was exceeded for six toxic chemicals (Benz[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[k]fluoranthene, Chrysene, Polychlorinated Biphenyls) based on a tissue sample of mussel (*Mytilus* sp.) adjacent to the subject property (Ecology 2024b). This resulted in designation of this area as a Category 5 - 303d listed waterbody. Possession Sound within the subject property was also designated in 2015 as Category 5 - 303d listed for exceeding Shellfish Harvesting use criterion for Bacteria – Enterococci. In 2010, criterion was exceeded for Bacteria – Fecal coliform in marine waters near the outfall of Brewery Creek but data was insufficient for 303d listing. Possession Sound is also part of the Puget Sound Nutrient Source Reduction Project to address dissolved oxygen, dissolved inorganic nitrogen, and total organic carbon pollutants. The sources of these pollutants entering Possession Sound are varied and likely from nonpoint sources.

Prior to the demolition of the former Mukilteo Research Station, seawater from various laboratory research tanks was discharged via polyvinyl chloride (PVC) pipe onto the rip rap boulders in the upper beach area before traveling as sheet flow to Possession Sound. In 2009, the EPA determined that the existing seawater circulation system's 600-gallons per minute (gpm) discharge did not qualify as a "point source" subject to regulation under EPA's NPDES General Permit for Federal Aquaculture Facilities. This was because the NWFSC Mukilteo Research Station did not meet the thresholds for coverage under the permit which are 20,000 pounds of fish produced per year and 5,000 pounds of food fed in a calendar month of maximum feeding as well as discharging for at least 30 days per year (EPA 2009). No hazardous chemicals that could enter waterbodies are currently stored on the site.

Brewery Creek

According to the National Hydrographic Dataset (NHD) (Ecology 2024a; DNR 2024; USFWS 2024a; WDFW 2024b), Brewery Creek is an intermittently flowing stream that originates in the upland area south of the subject property and drains residential areas and most of downtown Mukilteo. In its upper reach the stream channel flows in a relatively steep ravine. The drainage flattens considerably as it enters a culvert and flows for over 800 feet under railroad tracks, 1st Street, and the downtown waterfront area before discharging to Possession Sound. Discharge is through a 24-inch-diameter outfall at the west margin of the subject property. In contrast to the NHD, the MMC (MMC 17B.52C.080) classifies Brewery Creek as a Type 4(H) perennial non-fish habitat stream from 2nd Street to 5th Street and a Type 5, seasonal, non-fish habitat stream upstream of 5th Street (City of Mukilteo 2024a). Habitat is likely limited by the barrier effect of the existing pipe outfall, flow issues, or other reasons. It is unclear if this stream qualifies as non-wetland water of the U.S. subject to regulation by the USACE under Section 404 of the CWA. The water quality of Brewery Creek has not been assessed and beneficial uses reflect those of the receiving body (see above description for Possession Sound). Previous studies conducted for the City of Mukilteo determined that oil from the former ferry vehicle holding area west of the project site entered Brewery Creek. Other pollutants typically found in urban runoff (e.g., heavy metals, hydrocarbons, and synthetic organic compounds) are also likely affecting water quality in Brewery Creek (FTA & WSDOT

2013), entering the stream through storm drains. Flows of streams like Brewery Creek, located in small, urbanized watersheds with large areas of impervious surface, are typically characterized by short-duration stormwater runoff pulses followed by minimal or intermittent flows.

Japanese Gulch
Japanese Gulch is a perennial stream that discharges to Possession Sound approximately 0.5 mile east of the subject property. The City of Mukilteo identifies the portion of Japanese Creek Gulch north of 5th Street as Type 3, waters that provide fish and wildlife habitat, south of 5th Street and north of 71st Place as Type 4, perennial, non-fish habitat stream, and south of 71st Street as a Type 5, seasonal, non-fish habitat stream (MMC 17B.52C.080) (City of Mukilteo 2024a). Buffer areas for Japanese Gulch as established under MMC 17.52C.090 do not overlap with the project site.

Groundwater

Groundwater levels at the subject property are highly influenced by tidal conditions and can range from +6.1 feet above mean lower low water at low tide to +11.3 feet above mean lower low water at high tide. The subject property overlies the Intercity Plateau Aquifer, but the aquifer is not used for drinking water in the immediate vicinity of the site. At low tide, groundwater in the vicinity of the site flows north, but at high tide groundwater flow reverses direction and flows south. Groundwater in the area is recharged by infiltration of rainwater and groundwater flow from the hills and upland areas south of the project site (FTA and WSDOT 2013).

Soils and groundwater underlying portions of the project site were contaminated with petroleum hydrocarbons and heavy metals by past activities at the Mukilteo Tank Farm. Following remediation activities between 1997 and 2002, monitoring results showed that soil, groundwater, surface water, and marine sediment on the project site were in compliance with all provisions of the Ecology-approved compliance monitoring plan (FTA and WSDOT 2013). However, subsequent subsurface investigations encountered remnant petroleum and other contaminants in soils on the project site. See Section 4.16, *Hazardous Materials*, for additional details regarding the potential for the Preferred Alternative to impact soil and groundwater conditions at the project site.

Stormwater

Most of the 1.1-acre upland area of the subject property is currently paved surfaces and compacted gravel where vehicles operated or structures with concrete flooring once stood (at least 0.8 acres) (Google Earth 2024). These areas are considered impervious surface where stormwater would not infiltrate and instead runoff as untreated sheet flow directly to Possession Sound or the limited areas of grass on the property. There was a valve-controlled drain along the curbed northern edge of the paved eastern portion of the subject property that allowed inspection of water before it was discharged to a vegetated and gravel-surfaced area. The functional status of this drain after demolition is not known and it could not be located during the January 2024 site visit.

4.3.3 Environmental Consequences

Alternative 1: Preferred

Direct Effects
Conveyance of the subject property to the Port of Everett would have no direct effect to water resources or hydrological processes, as there would be no physical changes at the site resulting from this action.

Indirect Effects
Indirect effects to water resources or hydrological processes from conveyance of the property to the Port of Everett would depend on the ultimate use and redevelopment of the property by the Port. Future redevelopment in accordance with the Port's recent waterfront visioning process could involve substantial earthwork and construction on the project site, pier removal, removal of underground utilities, construction of buildings and public walkways, replacement of the existing riprap embankment with a seawall and waterfront esplanade, and possible Brewery Creek/estuary restoration (Port of Everett 2023). Such activities could have temporary impacts to stormwater quality during construction and could involve excavation or placement of fill within jurisdictional waters, alteration of drainage patterns, and/or changes to the area of impervious surface at the project site which might affect stormwater runoff characteristics. If the existing pier and other remnant structures were to be removed from the intertidal and tidal areas of the property, or if new in-water structures and/or a new sea wall were to be constructed there could be temporary adverse impacts to water quality within Possession Sound if adequate measures are not taken to avoid or minimize such impacts.

However, any such redevelopment by the Port would be subject to SEPA, which would require the Port to identify any project-specific impacts relating to water resources or hydrological processes and provide mitigation, if necessary, to reduce potential impacts. Future development would also have to comply with applicable federal, state, and local laws and regulations (as described in the Regulatory Setting subsection, above), including preparation of a SWPPP under the NPDES Construction General Permit for construction activities and/or permits from USACE and/or Ecology for work within jurisdictional waters. Provisions of the Mukilteo Municipal Code such as the Critical Areas Ordinance and Shoreline Substantial Development Permit would also apply.

The robust framework of federal, state, and local regulations that would apply to any future development of the subject property by the Port could reduce or mitigate indirect effects to water resources or hydrological processes under the Preferred Alternative during construction. However, redevelopment would likely result in potential indirect effects could be, at minimum, moderate during and after construction, but potentially beneficial in the long term due to improved stormwater management and restoration of hydrological processes.

Alternative 2: Excess Property

Direct Effects
Conveyance of the project site to GSA, to arrange for eventual conveyance of the property for the highest and best use using its authorities, would have no direct effect to water resources or hydrological processes, as there would be no physical changes at the site resulting from this action.

Indirect Effects
Indirect effects to water resources or hydrological processes resulting from conveyance of the project site to GSA would depend on the ultimate use and/or redevelopment of the property by the eventual landowner. It would be speculative to predict the future use and redevelopment of the site under such conditions, but the potential impacts on hydrological process and water resources are anticipated to be similar to those described for the Preferred Alternative.

If the future landowner were a federal entity, any future proposed action would be subject to the same provisions of NEPA, the Clean Water Act, and other federal regulations as NOAA currently have to comply with, which would require the federal entity to identify any project-specific impacts relating to water resources or hydrological processes and provide mitigation, if necessary, to reduce potential impacts, and to obtain the relevant permits and comply with permit conditions as applicable.

If the future landowner were a non-federal entity, any future redevelopment would be subject to SEPA and other applicable federal, state, and local laws and regulations, including permits, as described for the Preferred Alternative above.

As such, indirect effects to water resources or hydrological processes from transfer of the property to GSA under the Excess Property Alternative could be minor to moderate.

Alternative 3: No-Action

Under the No-Action Alternative, the project site would continue to be owned and maintained in its current condition by NOAA. No demolition or construction activities would occur on the property. Therefore, implementation of the No-Action Alternative would have no impact to water resources or hydrological processes in the short term. However, if the coastal riprap continues to degrade over the long term, additional erosion of upland areas of the site could cause water quality impacts and/or changes to local coastal processes.

4.3.4 Mitigation Measures

No mitigation measures are required for the Preferred Alternative, Excess Property Alternative, or the No Project Alternative.

4.4 AIR QUALITY

This section describes existing air quality characteristics in the vicinity of the subject property and analyzes the potential effects of the Proposed Action pertaining to air quality. Air quality is described as the concentration of various pollutants in the atmosphere, generally expressed in units of parts per million (ppm) or micrograms per cubic meter ($\mu g/m^3$). Short-term or long-term effects on air quality are determined by the type and cumulative amount of pollutants emitted into the atmosphere from various sources, the size and topography of the air basin, and the prevailing meteorological conditions. The significance of a pollutant concentration is determined by comparing it to federal and/or state ambient air quality standards. These standards represent the maximum allowable atmospheric concentrations that may occur and still protect public health and welfare with a reasonable margin of safety.

4.4.1 Regulatory Setting

Federal

Clean Air Act
The Clean Air Act (CAA) of 1970 (42 USC 7401 et seq.), as amended in 1977 and 1990, is the core federal statute governing air pollution. In addition to federal regulations, the CAA provides states with the authority to regulate air quality within state boundaries.

National Ambient Air Quality Standards (NAAQS)
The EPA, in Title 40, CFR Chapter 50, establishes NAAQS for six principal criteria pollutants, including: particulate matter (PM), sulfur dioxide, carbon monoxide (CO), nitrogen dioxide, ozone, and lead. Under these regulations, PM is further regulated classified into two categories: coarse PM, having an aerodynamic diameter less than or equal to 10 microns (PM_{10}); and fine PM, having an aerodynamic diameter less than or equal to 2.5 microns ($PM_{2.5}$). The NAAQS sets two levels of standards for each criteria pollutant, primary standards which were developed to protect public health and secondary standards developed to protect public welfare. While the EPA sets and regularly reviews the NAAQS, states are responsible for attaining and maintaining the standards.

Areas that meet the NAAQS standard for a criteria pollutant are designated as being in attainment while areas where criteria pollutant levels exceed the NAAQS are designated as nonattainment. The nonattainment classifications for CO and PM_{10} are further divided into moderate and serious categories. Ozone nonattainment areas are further classified based on the severity of the pollution problem, as basic, marginal, moderate, serious, severe, or extreme. A maintenance area is an area that has recently been re-designated as an attainment area from a former nonattainment area. However, during the maintenance period, most of the CAA rules for a nonattainment area are still applicable to a maintenance area.

General Conformity Rule
The EPA promulgated a General Conformity Rule (GCR) (Section 110 of the CAA and Title 40 CFR Part 51.853) that requires responsible federal agencies to make a determination of conformity with the State Implementation Plan. Each federal action within a nonattainment or maintenance area must be reviewed to determine whether it (1) qualifies for an exemption listed in the GCR; (2) results in emissions that are

below GCR *de minimis* emissions thresholds; or (3) would produce emissions above the GCR *de minimis* thresholds applicable to the specific area, requiring a detailed air quality conformity analysis.

Mobile Source Air Pollution Control Requirements
Mobile source air pollution control requirements for gasoline and diesel on-road engines are codified in 40 CFR 80, 40 CFR 85, and 40 CFR 86. Under these provisions, the EPA initially established Tier 1, and later Tier 2, emissions standards for the purpose of minimizing emissions from these sources. These more stringent emission standards have applied to the aforementioned types of motor vehicles operating on any fuel, since 2004. These reductions are intended to provide for cleaner air and greater public health protection provisions for non-road diesel engines are codified in 40 CFR 89 and 40 CFR 90. Starting in 1996, non-road engines became subject to EPA's increasingly stringent Tier I through Tier 4 emissions standards, depending on model year and engine size. These requirements are imposed on the manufacturers of these mobile sources rather than on owners or operators.

State

Washington State General Regulations for Air Pollution Sources (WAC 173-400)
Establishes technically feasible and reasonably attainable standards and establishes rules generally applicable to the control and/or prevention of the emission of air contaminants.

Washington State Controls for New Sources of Toxic Air Pollutants (WAC 173- 460)
Establishes the systematic control of new or modified sources emitting toxic air pollution to prevent air pollution, reduce emissions, and maintain air quality that will protect human health and safety.

Washington State Ambient Air Quality Standards (WAC 173-476)
Establishes the maximum acceptable levels in the ambient air for PM, lead, sulfur dioxide, nitrogen dioxide, ozone, and CO.

Washington State Clean Air Act (RCW 70.94)
Establishes the public policy to preserve, protect, and enhance the air quality for current and future generations. Establishes rules to preserve acceptable air quality and levies penalties for violations.

Washington State Environmental Policy Act
The SEPA process identifies and analyzes environmental impacts associated with local and state governmental decisions, such as issuing permits for private projects, constructing public facilities, or adopting regulations, policies, and plans. Environmental review under SEPA requires consideration of the effects of a project on air quality related to emissions and odors.

Local

Puget Sound Clean Air Agency Regulations
The subject property falls under the jurisdiction of the Puget Sound Clean Air Agency (PSCAA). This agency monitors air pollution and has various regulations (most recently updated in June 2022), which

pertain to operating permits, outdoor burning, emission standards, non-road engines, construction-related air emissions, and other aspects of air quality.

4.4.2 Affected Environment

Meteorological Conditions

Located in the Puget Sound basin, meteorological conditions at the subject property are characterized by a marine climate with cool, moist winds coming off the ocean. Temperature inversions can occur throughout the greater Puget Sound area at various times of the year when stable atmospheric conditions trap and concentrate pollutants near the surface. In most cases, inversions have an upper lid at an altitude between 1,000 and 3,000 feet, occur during the night, and break up by early afternoon. The subject property is at sea level and subject to temperature inversions.

During the summer, winds typically tend to be light and variable (less than 10 miles per hour). Persistent high-pressure cells often dominate summer weather, creating stagnant air conditions. This weather pattern can contribute to photochemical smog formation and concentration of PM from wildfire smoke. Because of its location north of the major urban centers of Seattle and Tacoma and northerly winds during the summer months, the Mukilteo area generally experiences fewer instances of stagnant air.

Although the Puget Sound lowland is the most densely populated and industrialized area in Washington, there is sufficient wind most of the year to disperse air pollutants. Air pollution is usually most noticeable in the late fall and winter, under conditions of clear skies, light wind, and a sharp temperature inversion, when particulates and CO from wood stoves and vehicle sources can be trapped close to the ground. Ecology and the PSCAA (PSCAA 2024) issues a daily Air Quality Index using forecast meteorology and real-time pollutant monitoring (Ecology 2024; PSCAA 2024). If poor dispersion persists for more than 24 hours, PSCAA can declare an air pollution episode or local impaired air quality.

Regional Air Quality

For air quality, the study area for the Proposed Action encompasses the four-county urban area of King, Kitsap, Pierce, and Snohomish Counties. Air quality in the study area is managed by EPA, Ecology, and the PSCAA. The Puget Sound area encompasses a large portion of the Everett-Seattle-Tacoma urban area, including surrounding communities such as Mukilteo.

For the last 3 years of summarized monitoring data (2020–2022) for Snohomish County, days of Good air quality ranged from 272 to 301 days each year, Moderate air quality ranged from 61 to 92 days, and Unhealthy air quality (all categories) ranged from 1 to 10 days (PSCAA 2024). In 2019, monitors in Snohomish County exceeded the PSCAA standard for $PM_{2.5}$ (25 $\mu g/m^3$) for 11 days during the winter. The $PM_{2.5}$ standard was exceeded in the region for 11 days in September 2020 and 8 days in July 2021 due to wildfire smoke which resulted in Unhealthy air quality days (including 1 day of Very Unhealthy in 2020). Except for four Unhealthy days during the heat wave of 2021, ozone levels have mostly remained below the standard (70 parts per billion [ppb]). Ozone levels declined in 2020 due to decreased vehicle traffic during the COVID-19 pandemic. Concentrations of other pollutants have also typically remained

below health standards during the last 3 years. Due to long-term efforts to reduce air pollution, the Puget Sound region is currently in attainment for all criteria pollutants (Ecology 2024).

4.4.3 Environmental Consequences

Preferred Alternative

Direct Effects
Conveyance of the subject property to the Port of Everett would have no direct effect to air quality, as there would be no physical changes at the site resulting from this action, and no new temporary or permanent emissions sources would be introduced to the site.

Indirect Effects
Indirect effects to air quality from conveyance of the property to the Port of Everett would depend on the ultimate use and redevelopment of the property by the Port. Future redevelopment in accordance with the Port's recent waterfront visioning process (Port of Everett 2023) could involve substantial earthwork and construction on the project site, which could generate construction-related emissions such as fugitive dust and tail-pipe emissions from construction equipment and trucks. Future land uses could also include new sources of emissions such as generators, boilers, and operational traffic.

However, any such redevelopment by the Port would be subject to SEPA, which would require the Port to identify any project-specific impacts relating to air quality and provide mitigation, if necessary, to reduce potential impacts. Future development would also have to comply with applicable federal, state, and local laws and regulations (as described in the Regulatory Setting subsection, above) such as the Clean Air Act and Washington State Clean Air Act. Furthermore, adherence to applicable rules and regulations set forth by the PSCAA and implementing typical fugitive dust reduction Best Management Practices and tailpipe emission reduction measures would reduce construction-related emissions.

Because of the robust framework of federal, state, and local regulations that would apply to any future development of the subject property by the Port, indirect effects to air quality from transfer of the property to the Port under the Preferred Alternative would be negligible to minor.

Alternative 2: Excess Property

Direct Effects
Conveyance of the project site to GSA, to arrange for eventual conveyance of the property for the highest and best use using its authorities, would have no direct effect to air quality, as there would be no physical changes or new emissions sources at the site resulting from this action.

Indirect Effects
Indirect effects to air quality resulting from conveyance of the project site to GSA would depend on the ultimate use and/or redevelopment of the property by the eventual landowner. It would be speculative to predict the future use and redevelopment of the site under such conditions, but the potential impacts on air quality are anticipated to be similar to those described for the Preferred Alternative.

If the future landowner were a federal entity, any future proposed action would be subject to the same provisions of NEPA, the Clean Air Act, and other federal regulations as NOAA currently have to comply with, which would require the federal entity to identify any project-specific impacts relating to air quality and provide mitigation, if necessary, to reduce potential impacts, and to obtain relevant permits and comply with permit conditions as applicable.

If the future landowner were a non-federal entity, any future redevelopment would be subject to SEPA and other applicable federal, state and local regulations and permits, as described for the Preferred Alternative above.

As such, indirect effects to air quality from transfer of the property to GSA under the Excess Property Alternative would be negligible to minor.

Alternative 3: No-Action

Under the No-Action Alternative, the project site would continue to be owned and maintained in its current condition by NOAA. No demolition or construction activities would occur on the property and no new or increased temporary or permanent emissions sources would be introduced to the site. Therefore, implementation of the No-Action Alternative would have no effect to air quality.

4.4.4 Mitigation Measures

No mitigation measures are required for the Preferred Alternative, Excess Property Alternative, or the No Project Alternative.

4.5 RECREATIONAL RESOURCES

This section describes the current recreational resources at the subject property and analyzes the potential effects of the Proposed Action on recreational resources. Recreational resources provide outdoor recreational opportunities and enhance and encourage wellbeing. These resources include public and community facilities, natural areas and associated improvements such as picnic areas, campgrounds, historical and educational sites, and trails that are designated for public outdoor recreational use. Common recreational activities in Washington include visiting national, state, and local established parks and beaches, fishing and boating, camping and hiking, hiking, and visiting local events and businesses (State of Washington 2023).

4.5.1 Regulatory Setting

Federal

There are no federal regulations pertaining to recreational resources that are applicable to the Proposed Action. Note that federal regulations pertaining to the coastal zone and recreational activities within, are presented in Section 4.10, Coastal Zone Management, below.

State

Washington State Environmental Policy Act
The SEPA process identifies and analyzes environmental impacts associated with local and state governmental decisions, such as issuing permits for private projects, constructing public facilities, or adopting regulations, policies, and plans. Environmental review under SEPA requires consideration of the effects of a project on informal or designated recreational opportunities and uses.

Local

City of Mukilteo Comprehensive Plan 2035
The City of Mukilteo's Comprehensive Plan 2035 (City of Mukilteo 2021) provides goals and policies to guide growth and development in the city, including policies relation to recreational land use. Public and semi-public spaces that attract people of all generations and allow for public access to the waterfront, should be developed (LU5b). Redevelopment of Mukilteo's waterfront should include exceptional pedestrian and recreation facilities that include a waterfront promenade and a chain of waterfront parks, and a visitor dock, all with pedestrian-oriented amenities (LU5c).

4.5.2 Affected Environment

The closest recreational resource to the subject property is the Mukilteo Community Beach Park beach access stairway, an amenity located immediately west of the subject property. Mukilteo Community Beach Park is designated as Public Open Space and is used by the public, including scuba divers and others, to access the beach, tidelands, and/or to enter the water from the shoreline. Two additional shoreline recreational resources designated as Public Open Space are located along Front Street east of the subject property including Japanese Gulch Creek (approximately 1,500 feet) and Edgewater Beach (approximately 2,500 feet). Japanese Gulch Creek is an underdeveloped parcel and is used as an access point to the beach. Japanese Gulch Creek, Edgewater Beach and its adjacent parking lot are amenities used by the public to access informal recreational activities along the beach including scuba diving and/or to entering the water from the shoreline. The parcel immediately east of the subject property is identified in the City's 2016 Downtown Waterfront Master Plan as a future recreational area, the Central Waterfront Park (City of Mukilteo 2016).

A public pier is located approximately 350 feet west of the subject property and is used for recreational fishing, crabbing and sightseeing. Barbara Brennan Dobro Memorial Park, located on Mukilteo Lane, is located approximately 515 feet southeast of the subject property on the south side of the Burlington Northern Santa Fe (BNSF) railroad tracks. The memorial park is small and consists of one picnic table surrounded by flora including a historic pear tree, known as the Fowler Pear Tree Park. Lower Japanese Gulch trail head is located approximately 1,500 feet east of the subject property. The trail is approximately 0.25 miles long and serves as a connection to a larger network of trails found in the Japanese Gulch Conservation Area approximately 0.5 miles from the subject property.

Mukilteo Lighthouse Park, located at 602 Front Street, is approximately 1,000 feet west of the subject property. The park is designated as a Public Park and was constructed in the 1950s on filled tidelands.

The 14-acre site is managed in accordance with the Lighthouse Park Master Plan adopted by the City of Mukilteo in 2004 (City of Mukilteo 2004). On the park grounds is the historic Mukilteo Light Station, which is available for touring and special events. Mukilteo Lighthouse Park includes access to Mukilteo Beach and encompasses a self-guided walking tour trail highlighting historical aspects of the natural and human history of the region. A boat launch ramp and parking area are also available to the public and is used periodically by NOAA using small craft stored at the NWFSC Mukilteo Research Station.

Other recreational resources in the City of Mukilteo within a half mile or less and south of the railroad tracks include Roseville Community Center, Lower Japanese Gulch trail head, Centennial Park, and Japanese Gulch Conservation Area.

4.5.3 Environmental Consequences

Alternative 1: Preferred

Direct Effects
Conveyance of the project site to the Port of Everett would have no direct effect to recreational resources as there would be no physical changes at the site that would physically affect existing recreational resources or increase demand for recreational opportunities.

Indirect Effects
Indirect impacts relating to recreational resources from conveyance of the property to the Port of Everett would depend on the ultimate use and redevelopment of the property by the Port. Future redevelopment in accordance with the Port's recent waterfront visioning process (Port of Everett 2023) could involve substantial construction of buildings and other structures on the project site, including a possible waterfront promenade, small boat moorage, dive access and other improvements.

In the short term, such construction activities could require temporary closure of the adjacent beach access staircase, and construction-related traffic congestion in the area could temporarily impact access to the public pier further west. In the long term, future redevelopment of the property by the Port would be expected to result in a net improvement to shoreline access, given that the guiding principles developed during the visioning process include principles related to enhancement of shoreline access for boating, fishing, and other recreational facilities, and creation of a safe and accessible environment that emphasizes walkability.

In any case, any future redevelopment of the subject property by the Port would be subject to SEPA, which would require the Port to identify any project-specific impacts relating to recreational resources and provide mitigation, if necessary, to reduce potential impacts. Furthermore, any redevelopment would also need to comply with the City's Shoreline Management Program which also prioritizes maintenance and enhancement of shoreline access.

Because of the robust framework of state and local regulations that would apply to any future development of the subject property by the Port, the indirect effects to recreational resources from transfer

of the property to the Port under the Preferred Alternative would be negligible to minor in the short term, and minor to moderately beneficial in the long-term.

Alternative 2: Excess Property

Direct Effects
Conveyance of the subject property to GSA to arrange for the eventual conveyance of the property for the highest and best use using its authorities would have no direct effect to recreational resources as there would be no physical changes at the site that would affect recreational resources.

Indirect Effects
Indirect impacts relating to recreational resources from conveyance of the subject property to GSA would depend on the ultimate use and/or redevelopment of the property by the eventual landowner. Whilst it would be speculative to predict the potential future use and redevelopment of the site under such conditions, any such use or redevelopment would be expected to have similar temporary impacts on nearby recreational resources as described for the Preferred Alternative. In the long term, impacts to recreational resources would depend on the level to which the future development of the subject property enhanced or limited shoreline access.

If the future landowner were a federal entity, any future proposed action would be subject to the same provisions of NEPA as NOAA currently have to comply with, which would require the federal entity to identify any project-specific impacts relating to recreational resources and provide mitigation, if necessary, to reduce potential impacts.

If the future landowner were a non-federal entity, any future redevelopment would be subject to SEPA and other applicable state and local regulations, as described for the Preferred Alternative above, including the City's Shoreline Management Program which prioritizes maintenance and enhancement of shoreline access.

As such, indirect effects to recreational resources from transfer of the property to GSA under the Excess Property Alternative would be negligible to moderate, and potentially beneficial.

Alternative 3: No-Action

Under the No-Action Alternative, the project site would continue to be owned and maintained in its current condition by NOAA. No demolition or construction activities would occur on the property. Therefore, implementation of the No-Action Alternative would have no direct or indirect effects to recreational resources; but this alternative would also avoid the long-term beneficial impact to shoreline access that the Preferred Alternative is anticipated to have and the Excess Property Alternative may have.

4.5.4 Mitigation Measures

No mitigation measures are required for the Preferred Alternative, Excess Property Alternative, or the No Project Alternative.

4.6 CULTURAL RESOURCES

This section describes known cultural resources at the subject property and surrounding areas and analyzes the potential effects of the Proposed Action pertaining to cultural resources. For the purposes of this EA, cultural resources are buildings, sites, structures, objects, districts, artifacts, and landscapes that are considered to have historical or cultural value. Hence, cultural resources include resources that may not have been evaluated yet for inclusion in the NRHP. Under NEPA, impacts to all types of cultural resources are considered regardless of their NRHP status. Cultural resources can include, but are not limited to:

- Historic Properties, defined as "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP maintained by the Secretary of the Interior. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria" (36 CFR 800.16), and as used in Section 106 of the NHPA.
- Native American cultural items such as human remains, funerary items, sacred objects, and objects of cultural patrimony.
- Archaeological resources, which include pre-contact (i.e., dating to the period in North America predating the arrival of Euro-Americans) and historic-era (dating from the post-contact era) archaeological sites, as well as historic-era standing buildings, structures, and objects.
- Cultural uses of the natural environment, such as ceremonial or other religious use of places, plants, animals, and minerals. These types of resources can include Native American sacred sites that may or may not be considered as Traditional Cultural Properties, cultural landscapes, ethnographic landscapes, and historic landscapes.

4.6.1 Regulatory Setting

Federal

National Historic Preservation Act

Separate from NEPA, NOAA must comply with Section 106 of the NHPA (16 USC Section 470) and its implementing regulations (36 CFR 800). These regulations require federal agencies to consider the effects of their actions on historic properties. The regulations require federal agencies to identify historic properties within an Area of Potential Effects (APE), determine if an undertaking will constitute an adverse effect to identified historic properties, and seek to resolve any adverse effects.

Cultural Resources that have not been evaluated for inclusion in the NRHP are evaluated using criteria listed in 36 CFR 60. Cultural Resources can be determined eligible for inclusion in the NRHP if they possess integrity, the capacity to convey their significant historic associations, and meet one of four criteria listed in Title 36, CFR 60:

> The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and:
>
> (a) are associated with events that have made a significant contribution to the broad patterns of our history; or
>
> (b) are associated with the lives or persons significant in our past; or
>
> (c) embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
>
> (d) have yielded, or may be likely to yield, information important in prehistory and history.

Cultural resources are typically evaluated for inclusion in the NRHP if they are at least 50 years old, or if the resources have achieved significance within the past 50 years. If NRHP-eligible resources are identified, then federal agencies are directed to take measures to avoid or minimize adverse effects, and to afford the Advisory Council on Historic Preservation, consulting parties, and the public an opportunity to comment on potential effects to historic properties.

Other Federal Laws

Numerous other laws, regulations, and EOs protect cultural resources. The American Indian Religious Freedom Act of 1978 (42 USC Section 1996) requires that federal agencies consider the effects of their actions on cultural resources that are of religious significance to Native Americans and Alaska Natives. Native American and Alaska Native graves, burial grounds, and associated funerary objects on federally managed lands are protected by the Native American Graves Protection and Repatriation Act (25 USC Sections 3001-3013).

EO 13007: Indian Sacred Sites

EO 13007: Indian Sacred Sites of 1996 directs federal agencies to allow Native Americans to worship at sacred sites located on federal property and to avoid adversely affecting such sites to the extent practicable. The Antiquities Act of 1906 (16 USC Section 431) establishes penalties for damage and destruction of antiquities and allows for designation of historic landmarks on federal lands. The Archaeological Resources Protection Act of 1979 (16 USC Section 470) establishes a permit process on public and Native American lands and provides penalties for violations and damages to archaeological sites. EO 13287-Preserve America directs federal agencies to build partnerships with local governments, Indian tribes, and the private sector to preserve cultural resources, and improve the stewardship of cultural resources.

State

Indian Graves and Records (RCW 27.44)
Washington state law protects Native American graves and burial grounds, encourages voluntary reporting of these sites when discovered, and mandates a penalty for disturbance or desecration of such sites.

Archaeological Sites and Resources (RCW 27.53)
RCW 27.53 governs the protection and preservation of archaeological sites and resources and establishes the Washington DAHP as the administering agency for these regulations.

Abandoned and Historic Cemeteries and Historic Graves (RCW 68.60)
RCW 68.60 protects and preserves abandoned and historic cemeteries, historic graves, and skeletal human remains.

Shoreline Management Act (RCW 90.58)
The SMA provides a statewide framework for managing, accessing, and protecting Washington's significant shorelines (e.g., rivers, lakes, and coastal waters), including the consideration of significant cultural resources in these areas.

Washington State Environmental Policy Act
The SEPA process identifies and analyzes environmental impacts associated with local and state governmental decisions, such as issuing permits for private projects, constructing public facilities, or adopting regulations, policies, and plans. Environmental review under SEPA requires consideration of the effects of a project on historical and cultural preservation including buildings, structures, or sites over 45 years of age listed or eligible for listing in registers; landmarks and evidence of Indian or other historic use or occupation of a site (e.g., artifacts, burial sites); and other areas of cultural importance. SEPA also requires an explanation of methods used to assess potential impacts to historical and cultural resources.

Local

City of Mukilteo Comprehensive Plan 2035
The City of Mukilteo's Comprehensive Plan 2035 (City of Mukilteo 2021) provides goals and policies to guide growth and development in the city, including policies relating to historical and cultural resources.

4.6.2 Affected Environment

The purpose of this section is to describe cultural resources within the APE, which is a geographic area that may be directly or indirectly affected by the Preferred Alternative, and therefore, comprises the affected environment for cultural resources. Effects could be the direct result of ground disturbances (direct), visible or audible disturbances, or changes in public access, visual intrusions, traffic patterns, or land use (indirect) as a result of the Preferred Alternative.

Information presented herein is based on a review of data on file at the restricted-access Washington Information System for Architectural and Archaeological Records Data (WISAARD) managed by DAHP. This restricted-access, searchable Geographic Information System database depicts locations of previously recorded archaeological sites, cultural resource surveys conducted after 1995, NRHP properties, Washington Heritage Register resources, Heritage Barn Register resources, and cemeteries. A variety of historic maps and aerial photographs were also reviewed, as well as data publicly available on the internet.

Area of Potential Effects

The APE describes the areal extent of where potential direct and indirect impacts to cultural resources could occur as a result of the Preferred Alternative. The APE for the Preferred Alternative, which defines the Affected Environment, is currently considered to include the approximately 3.1-acre NWFSC Mukilteo Research Station; refer to Figure 4-1. The direct APE includes the 1.1-acre upland parcel and approximately 2 acres of tidelands. The indirect APE is intended to encompass effects on landscapes and viewsheds. From the literature reviewed, there has been no historic viewshed interest, and given that the project area was formerly an industrial area, port, and tank farm that has been dramatically altered, the development of the waterfront would not substantively affect the existing historic setting. DAHP agreed with the APE by letter dated January 31, 2024.

Cultural Setting

Several cultural chronologies have been developed to understand the prehistory and cultural development of Natives peoples in the Puget Sound region. During the Paleoindian period, human occupation of the Puget lowlands may have occurred as early as 12,000 years before present (BP) (Carlson 1990; Nelson 1990). Few archaeological sites have been identified in the region that date to this period, with the exception of isolated finds, consisting of fluted projectile points, in upland settings on Whidbey Island and the Kitsap Peninsula (Stein et al. 2004; Miss et al. 2008).

Figure 4-1 Cultural Resource Area of Potential Effects.

Note: The buildings visible on this aerial are no longer present.

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During the early and middle Holocene, sea levels began to stabilize and evidence for occupation of the region includes archaeological sites in upland settings in the Puget basin and Strait of Juan de Fuca. This period is referred to as the Early period and dates from approximately 8,000 BP to 5,000 BP. Artifact assemblages found in the Puget lowlands during this period are called Olcott and are characterized by large leaf-shaped and stemmed points, scrapers, and cobble tools (Carlson 1990). The Middle period dates from approximately 5,000 BP to 2,500 BP, and is characterized by increased population density across western Washington and socio-economic complexity. The subsistence economy included a diversity of marine and riverine resources, which became more accessible as a result of sea-level stabilization. Ground stone implements, as well as bone and antler tools, appear in both coastal and inland sites after 5,000 BP (Ames and Maschner 1999). The Late period dates from approximately 2,500 BP to Euro-American contact in the early nineteenth century. The period is characterized by full-scale development of marine-oriented cultures on the Pacific coast, a mixed marine and terrestrial economy along the shores of Puget Sound, and inland terrestrial mammal and riverine fishing (Ames and Maschner 1999; Miss et al. 2008). Communities congregated at river confluences and along tidewater shorelines in permanent or semi-permanent winter villages, and cedar plank houses are well-represented in the archaeological record (Ames and Maschner 1999).

The Project area and its vicinity lies within the traditional territory of the Snohomish, who represent but one of over 50 Southern Coast Salish tribal groups that traditionally frequented the Puget Sound Basin (Suttles and Lane 1990: Fig. 1). The Snohomish, whose name is said to mean “a large number of people” generally, resided at the mouth of the Snohomish River and upriver to present-day Monroe. They also resided on the southern tip of Camano Island, located across the Sound to the north, and on Whidbey Island located opposite Mukilteo. The Mukilteo vicinity, the name meaning “a good place to camp” in the native Salish language, was well known historically as a gathering place for local Native American people. The area likely witnessed interactions between the Snohomish and neighboring Native American peoples. These groups included the Snoqualmie who lived inland and upstream along the Snohomish and Snoqualmie Rivers and their tributaries; the Suquamish, who traditionally occupied northern Kitsap peninsula; the Duwamish, who lived further south near present-day Seattle and the Duwamish River valley; and the Swinomish, Lummi, Skagit, and other tribal communities living on the islands and mainland to the north (Miss et al. 2008).

In 1850, the U.S. Congress passed the Donation Land Claim Law, which provided land grants to current residents of the Oregon territory and encouraged migration to the region. Euro-American settlers moved onto land that was important for the subsistence patterns of Native peoples. In 1853, Washington Territory was established as a separate entity from the Oregon Territory with the provision that the United States had the right to regulate Indian land, property, and other rights (Tulalip Tribes 2009). Isaac Ingalls Stevens was appointed as the first territorial governor and was also named ex officio Superintendent of Indian Affairs. Stevens had a mandate to establish treaties with the Native peoples of Washington. In the winter of 1854-1855, Stevens held a number of treaty-making sessions with various Native American groups throughout western Washington. Point Elliott was selected as the site for one of these meetings. On January 22 and 23, 1855, Governor Stevens met with 2,500 to 3,000 Native Americans of the northeast Puget Sound region, including representatives of the Snohomish as well as the Snoqualmie, Skopahmish (Muckleshoot), Stillaguamish, Skagit, Lummi, Suquamish, Sauk, Suiattle, Duwamish, and

other tribes. The treaty assured payment to the tribes; retention of hunting, fishing, and shellfish gathering rights; and services in exchange for aboriginal lands (Miss et al. 2008). The treaty also established several reservations. The Snohomish were to join the Snoqualmie, Stillaguamish, and Skykomish on the Tulalip Reservation, and the Sammamish relocated to either the Port Madison Reservation or the Tulalip Reservation. Smaller reservations were established for the Swinomish and Lummi on the Skagit and Nooksack Rivers (Miss et al. 2008).

The first Euro-American settlements in Mukilteo were established soon after the Point Elliott Treaty council. By 1858, Jacob D. Fowler and his partner Morris Frost filed land claims in Mukilteo and established a trading post, store, saloon, hotel, and post office along the waterfront. For a time, Mukilteo was the only trading post between Seattle to the south and Penn's Cove on Whidbey Island across the Sound and was primarily frequented by Native peoples (Rinck and Boggs 2010). Fowler was responsible for changing the town's name from Point Elliott to Mukilteo (Riddle 2007). During this early historic occupation, the sand spits were stabilized with riprap, fill, jetties, and dikes, which may have partially removed or damaged evidence of buried precontact archaeological deposits or Native American occupation on the sand spits (Rinck 2016).

Between 1860 and 1930, Mukilteo's economy was dominated by logging and lumber processing. In 1903, the Mukilteo Lumber Company established a mill on the waterfront; and in 1909, it was acquired by the Crown Lumber Company, which operated until 1930. Structural remains associated with the Crown Lumber Company may be encountered within the fill deposits at the subject property (Rinck 2016).

The growth of new industries also led to increased shipping traffic to Mukilteo, and the federal government established a lighthouse and fog signal at Point Elliott in 1906. After 1940, the Project area was filled with local sand and gravel to its current elevation. During World War II, the Crown Lumber Company waterfront property was sold to the U.S. Army, which established the Mukilteo Explosive Loading Terminal. In 1951, the United States Air Force (USAF) acquired the Army property, and constructed the 20-acre Mukilteo Tank Farm that was used as a jet fuel storage and transfer facility. In 1972, the NWFSC Mukilteo Research Station began upland operations on 1.1 acres east of Park Avenue in the northwest portion of the property. The Tank Farm ceased operations in 1989, and the USAF removed the aboveground storage tanks from the property in 1999 (FTA 2013). In 2013, the USAF transferred 1.1 acres of the Mukilteo Tank Farm to the U.S. Department of Commerce for continuing operation of the NWFSC Mukilteo Research Station.

Cultural Resources

The project site occurs within two historic properties that are eligible for listing in the NRHP: the Mukilteo Shoreline Treaty Site (45SN393) and the Old Mukilteo Townsite (45SN404). The Point Elliott Treaty Site (45SN108), which consists of the location of the historic marker, is located on the east side of the Mukilteo State Park near the lighthouse. The boundaries for the three sites are not definitive, and newly identified archaeological resources associated with the sites could extend into the project area. Several cultural resources investigations have been previously conducted within the project area (Miss et al. 2008; Butler et al. 2020). Archaeological monitoring of four geotechnical drilling (bores) was negative

for cultural resources (Rinck 2016; AECOM 2018), as were 20 post holes excavated along the southern boundary of the property (AECOM 2023). However, archaeological monitoring during excavation of petroleum-contaminated soils following demolition of the former Mukilteo Research Station facilities encountered a pre-contact shell midden at approximately 5 feet below the surface, which was determined to be an extension of the existing Mukilteo Shoreline Treaty Site 45SN393 (AECOM 2023). In addition, a sparse historic debris scatter (comprising four artifacts) was encountered between 2 and 4 feet below ground surface during the same excavation. This newly recorded site (RS-S01) was determined to be not significant under NRHP Criteria A, B, C or D (AECOM 2023).

Site 45SN393, the Mukilteo Shoreline Site

Site 45SN393, the Mukilteo Shoreline Site, was originally identified in 2005 during monitoring of geotechnical investigations for the Mukilteo Multimodal Ferry Terminal Project (Kaehler et al. 2006), and a portion of the archaeological site is located in the current project area. The precontact shell midden was identified in a dark, organic-rich sandy matrix in soil samples between 2 and 8 feet below surface (Reetz and Lewarch 2005). Additional geotechnical studies extended the site boundaries along the Mukilteo waterfront and past the Mukilteo Lighthouse (Miss et al. 2008). Portions of the midden retain integrity, while other sections of the site are historically disturbed. The site was occupied over the past 1,000 years and contains stratified midden with at least one pit feature, a lithic assemblage of flakes and tools, and modified and unmodified faunal material from shellfish, fish, birds, and mammals. Botanical remains, datable charcoal, pendants, and beads were also identified. Site 45SN393 has been determined eligible for listing in the NRHP under Criterion D. Cultural materials associated with 45SN393 may be encountered within the southern portion of the subject property.

Site 45SN404, the Mukilteo Townsite

Site 45SN404, the Mukilteo Townsite, was identified along Park Avenue between First and Front Streets during archaeological monitoring for the Port of Everett's Satellite Rail/Barge Transfer Facility (Schumacher 2005). During monitoring, historic artifacts and features associated with the Crown Lumber Company store and butcher shop that date between 1900 and 1938 were identified (Shong 2006). The site boundary was later expanded to include the entire Mukilteo Townsite because evidence of additional commercial entities was observed (Ferland et al. 2010). The Mukilteo Townsite has been determined eligible for listing in the NRHP under Criteria A and D. Archaeological deposits associated with 45SN404 may be identified in the southwest corner of the subject property.

Site 45SN108, the Point Elliott Treaty Site

Site 45SN108, the Point Elliott Treaty Site, is a culturally important place that has not been clearly determined to have an archaeological component (Miss et al. 2008). The site boundary includes the cuspate foreland landform on which the Treaty signing occurred, and yet unidentified archaeological materials within this boundary may be affiliated with the Treaty period. The Point Elliott Treaty was commemorated three times in the City of Mukilteo. On May 2, 1931, the Daughters of the American Revolution) erected the Point Elliott Treaty Monument (45SN372), a granite slab with a bronze plaque, commemorating the event at Lincoln Avenue and Third Street (Kessler 2004). In 1953, the Veterans of Foreign Wars installed a commemorative bench in Mukilteo State Park, about a half mile northwest of the Daughters of the American Revolution monument. While the bench is no longer at the beach, the remnant

plaque is now encased in a kiosk on the east side of the park near the lighthouse (Kessler 2004). The location was listed in the Washington Heritage Register in 1973, and another marker, designated 45SN108, was placed in the park by Washington State Parks and Recreation and is encased in the same kiosk as the Veterans of Foreign Wars marker. Site 45SN108 is eligible for listing in the NRHP under Criteria A, B, and D. A NRHP nomination was submitted, but the nomination was reverted because the park could not be verified as the location where the Treaty was signed (Kessler 2003, 2004).

Mukilteo Explosive Loading Terminal Barracks and Associated Buildings
The Mukilteo Explosive Loading Terminal Barracks and supporting buildings and structures, previously located within the subject property were decommissioned and demolished in 2022 after NWFSC determined that the Mukilteo Research Station property was no longer needed to execute their Mission. In 2011, the barracks were evaluated and determined to be ineligible for listing on the NRHP. The supporting buildings and structures were also evaluated and determined ineligible for listing in the NRHP. DAHP concurred with these determinations on December 19, 2011 (Holstine and Forsman 2011).

4.6.3 Environmental Consequences

Alternative 1: Preferred

Direct Effects
The subject property contains known archaeological resources that are eligible for listing on the NRHP. However, because the Preferred Alternative includes no physical changes at the site and no ground disturbance, there would be no direct impacts to these known resources.

No historic-age buildings or structures are present on the Mukilteo Research Station property. Therefore, there is no potential for adverse effects to historic buildings or structures from the Preferred Alternative.

Indirect Effects
NOAA is responsible under Section 106 of the NHPA to determine in consultation with the DAHP and other consulting parties whether the proposed transfer of the subject property to the Port of Everett, would adversely affect the archaeological resources on the property. The proposed transfer out of federal ownership and control to the Port of Everett would be subject to a permanent Preservation Covenant, which would reduce the indirect environmental impacts of such a transfer to less than significant per 32 CFR 989.22(c). Further under NHPA, a finding of no adverse effect under Section 800.5 is appropriate for the Preferred Alternative since the Preservation Covenant provides adequate and legally enforceable conditions to ensure the long term preservation of the property's historic significance as exemplified in Section 800.5(a)(2)(vii). Consultation with the State Historic Preservation Office (SHPO) has been initiated (see Section 5 below) and will be completed prior to completing this EA.

Indirect impacts to cultural resources from conveyance of the property to the Port of Everett would depend on the ultimate use and redevelopment of the property by the Port. Future redevelopment in accordance with the Port's recent waterfront visioning process (Port of Everett 2023) could involve substantial earthwork and construction of buildings and other structures on the project site, which would have the potential to disturb the known archaeological resources at the subject property. As described

previously, the Port has indicated that future redevelopment would include raising the level of the site and construction of shoreline protection (Lefeber, pers. comm. 2024), which, in addition to providing greater protection for existing buried resources at the site from coastal erosion, would also reduce the potential for construction-related and future disturbance of soils at depths where cultural materials such as the Mukilteo Shoreline Site (45SN393) midden or artifacts from the Mukilteo Townsite (45SN404) have previously been encountered.

During consultation with federally recognized tribes, concern was also expressed regarding potential indirect impacts from redevelopment of the site on Treaty fishing areas within Possession Sound, e.g., due to the use of construction-related vessels such as barges or by increasing the number of recreational vessels in the area post-construction (see Section 5 below), which might damage tribal fishing gear; or due to potential construction of new overwater structures in Treaty fishing areas.

Any future redevelopment of the project site would be subject to SEPA, which would require the Port to identify any project-specific impacts relating to cultural resources and provide mitigation, if necessary, to reduce potential impacts. Any future redevelopment of the project site by the Port would also be required to comply with the Preservation Covenant that ensures continuation of federal protections of cultural resources and consultation in manner that mirrors the requirements of Section 106, even though the property would no longer be under federal ownership. Redevelopment of the site would also likely require federal permits under the Clean Water Act and/or Rivers & Harbors Act, which would trigger the USACE to complete the Section 106 consultation process prior to issuing any permit for the project.

If, through the Section 106 process (or covenant provisions that mirror the requirements of Section 106), potential adverse effects to cultural resources were identified from the Port's future redevelopment project, mitigation options would be developed through the Section 106 process and may be guided by a project Memorandum of Agreement, where specific mitigation measures would be detailed. Any prospective Memorandum of Agreement would dictate the specific mitigation for impacts to cultural resources for the future redevelopment of the subject property by the Port.

Any future redevelopment of the site by the Port under the Preferred Alternative would be required to

1. comply with SEPA and 27.53 RCW
2. comply with the requirements of the Preservation Covenant,
3. undertake consultation and mitigations (if required) as part of the consultation process contained in the Preservation Covenant,

Furthermore, if the Port's redevelopment requires a USACE permit, the Section 106 process would be required and would parallel the protections contained in the Preservation Covenant.

Due to these considerations, the indirect impacts of transferring ownership of the property out of federal ownership to the Port of Everett (the Preferred Alternative) to cultural resources would be negligible to minor.

Alternative 2: Excess Property

Direct Effects
Conveyance of the subject property to GSA to arrange for the eventual conveyance of the property for the highest and best use using its authorities would have no direct effect to archaeological resources, because there would be no physical changes at the site and no ground disturbance. Since there are no historic-age buildings or structures on the subject property, there is no potential for adverse effect to historic buildings or structures from this alternative.

Indirect Effects
Indirect impacts relating to cultural resources from conveyance of the subject property to GSA would depend on the ultimate use and/or redevelopment of the property by the eventual landowner. While it would be speculative to predict the potential future use and redevelopment of the site under such conditions, any such use or redevelopment would be expected to have similar potential impacts to cultural resources as described for the Preferred Alternative.

If the future owner were another federal entity, then the new owner would be required to comply with NEPA and Section 106 for any future proposed action at the site, in the same way that NOAA is currently required to.

If the future owner were a non-federal entity, they would also be required to comply with a GSA-imposed permanent Preservation Covenant applied to the property that ensures continuation of protections of cultural resources at the subject property in perpetuity. Any proposed redevelopment proposal of the property by a non-federal entity would also be required to comply with SEPA, as described for Alternative 1 above.

Because the future owner (whether federal or non-federal) would be required to comply with the provisions of Section 106 or a Preservation Covenant, inclusive of consultations and mitigations (if required), no significant impacts to cultural resources are anticipated from future redevelopment of the site by the future landowner.

As such, the indirect impacts from transfer of the property to GSA under the Excess Property Alternative to cultural resources would be negligible to minor.

Alternative 3: No-Action

Under the No-Action Alternative, transfer of the subject property would not occur. NOAA would continue to maintain the property to prevent deterioration. No significant direct or indirect impacts to cultural resources are anticipated because there would be no physical changes or soil disturbance at the subject property.

4.6.4 Mitigation Measures

Alternative 1: Preferred

No mitigation is required for NOAA's proposed action under the Preferred Alternative.

Note that if, through the Section 106 process that the Port must undertake in accordance with the Preservation Covenant, potential adverse effects to cultural resources were identified from the Port's future redevelopment project, mitigation options would be developed through the consultation process included in the Preservation Covenant and may be guided by a project Memorandum of Agreement, where specific mitigation measures would be detailed. Any prospective Memorandum of Agreement would dictate the specific mitigation of impacts on cultural resources for the Port's future redevelopment of the property.

Alternative 2: Excess Property

No mitigation is required for NOAA's proposed action under the Excess Property Alternative.

Note that if, through the Section 106 process that the future landowner must undertake (either as a federal entity, or in accordance with the Preservation Covenant if the future landowner is a non-federal entity), potential adverse effects to cultural resources were identified from the future landowner's redevelopment project, mitigation options would be developed through the Section 106 process or the Preservation Covenant's consultation process and may be guided by a project Memorandum of Agreement, where specific mitigation measures would be detailed. Any prospective Memorandum of Agreement would dictate the specific mitigation of impacts on cultural resources for the future landowner's redevelopment of the property.

Alternative 3: No-Action

No mitigation measures are required for the No Action Alternative.

4.7 FLORA, FAUNA, AND HABITATS

This section describes biological resources at the subject property and surrounding areas and analyzes the potential effects of the Proposed Action pertaining to biological resources. Biological resources include aquatic and terrestrial flora and fauna, as well as habitats upon which they depend. The potential effects of the proposed action on both rare or sensitive species and commonly occurring species, and their habitats, are assessed.

4.7.1 Regulatory Setting

Federal

Endangered Species Act
Federally listed threatened and endangered species are those listed for protection under the federal ESA. The U.S. Fish and Wildlife Service (USFWS) and the NMFS jointly administer the ESA and are also responsible for the listing of species (i.e., the labeling of a species as either threatened or endangered). The USFWS has the primary management responsibility for terrestrial and freshwater species, while NMFS has primary responsibility for marine species and anadromous fish species (species that migrate from saltwater to freshwater to spawn). The ESA allows the designation of geographic areas as critical habitat for threatened and endangered species as well as the protection from "take." "Take" is defined under the ESA as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Section 7(a)(2) of the ESA requires federal agencies to consult with USFWS and NMFS to ensure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat of such a species.

Magnuson-Stevens Fishery Conservation Management Act
The Magnuson-Stevens Fishery Conservation Management Act, as amended by the Sustainable Fisheries Act of 1996 (P.L. 104-267), requires that regional Fishery Management Councils, through federal Fishery Management Plans, describe and identify Essential Fish Habitat (EFH) for each federally managed species; minimize, to the extent practicable, adverse effects on such habitat caused by fishing; and identify other actions to encourage the conservation and enhancement of such habitats. Congress defines EFH as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity" (16 USC 1802[10]). The term "fish" is defined in the Magnuson-Stevens Fishery Conservation Management Act as "finfish, mollusks, crustaceans, and all other forms of marine animals and plant life other than marine mammals and birds." The regulations for implementing EFH clarify that "waters" include all aquatic areas and their biological, chemical, and physical properties, while "substrate" includes the associated biological communities that make these areas suitable fish habitats (50 CFR 600.10). Habitats used at any time during a species' life cycle (i.e., during at least one of its life stages) must be accounted for when describing and identifying EFH.

Marine Mammal Protection Act
The Marine Mammal Protection Act (MMPA) of 1972 established, with limited exceptions, a moratorium on the "taking" of marine mammals in waters or on lands under U.S. jurisdiction. The term "take," as defined in Section 3 of the MMPA, means "to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill" any marine mammal. "Harassment" was further defined in the 1994 amendments to the MMPA, which provided two levels of "harassment," Level A (potential injury) and Level B (potential behavioral disturbance).

Section 101(a) (5) of the MMPA directs the Secretary of the Department of Commerce to allow, upon request, the incidental (but not intentional) taking of marine mammals by U.S. citizens who engage in a

specified activity (exclusive of commercial fishing), if certain findings are made and regulations are issued. Permission will be granted by the Secretary for the incidental take of marine mammals if the taking will have a negligible impact on the species stock and will not have an immitigable adverse impact on the availability of such species or stock for taking for subsistence uses.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918 is the primary U.S. legislation established to protect migratory birds. Migratory birds are any species or family of birds that live, reproduce, or migrate within or across international borders at some point during their annual lifecycle. The Migratory Bird Treaty Act protects and prohibits the "take" of over 800 species of birds. "Take" is defined under 50 CFR 10.12 as to pursue, hunt, shoot, wound, kill, trap, capture or collect or the attempt of any of these of migratory birds unless permitted by regulation.

Bald and Golden Eagle Protection Act

The bald eagle (*Haliaeetus leucocephalus*) and golden eagle (*Aquila chrysaetos*) are afforded federal protection by the Bald and Golden Eagle Protection Act. This law prohibits anyone from taking, possessing, or transporting a bald eagle or golden eagle, or the parts, nests, or eggs of such birds, without prior authorization. This includes inactive nests as well as active nests. "Take" means to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, or disturb. "Disturb" is further defined as to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available: (1) injury to an eagle; (2) a decrease in its productivity, by substantially interfering with the normal breeding, feeding, or sheltering behavior; or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.

Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act intends to protect fish and wildlife resources and minimize negative impacts on habitat. When water resource development activities may affect, control or modify streams or bodies of water, federal agencies involved are required to consult with USFWS and State wildlife agencies to develop measures to protect wildlife and develop and improve habitat.

State

Washington State Growth Management Act

The state's Growth Management Act requires that counties and cities in Washington periodically review and update their Critical Areas Ordinances, one element of which are Fish and Wildlife Habitat Conservation Areas. Guidance includes but is not limited to WDFW's Priority Habitats and Species list.

Washington State Hydraulic Code

The State Hydraulic Code (WAC 220-660) and associated sections of the state's RCW Title 77, Chapter 55 Hydraulic Project Approval intends to protect fish and their habitat from development activities that may harm fish directly or indirectly by damaging or destroying their habitat. Any project that will use, divert, obstruct or change the natural flow or bed of state waters must obtain Hydraulic Project Approval through a permit issued by the Washington Department of Fish and Wildlife. State waters include all natural marine and fresh waters. A Hydraulic Project Approval application or Joint Aquatic Resource

Permit Application (JARPA) form must be submitted along with complete project plans and proof of SEPA compliance.

Washington State Environmental Policy Act
The SEPA process identifies and analyzes environmental impacts associated with local and state governmental decisions, such as issuing permits for private projects, constructing public facilities, or adopting regulations, policies, and plans. Environmental review under SEPA requires consideration of the effects of a project on plants, birds, mammals, fish, other species, and critical habitat conservation areas, including Threatened and Endangered species, invasive species and noxious weeds, vegetation types and disturbance to vegetation, and animal migration.

Local

City of Mukilteo Municipal Code
Under City of Mukilteo Critical Areas Regulations (MMC Chapter 17.52) critical areas review is typically required to conduct work in critical areas and their buffers within the City of Mukilteo. Critical areas include, but are not limited to, fish and wildlife habitat conservation areas. The critical area regulations intend to avoid or minimize impacts to habitat conservation areas within the city and enhance degraded habitats and streams. "Though not all of these habitats occur in Mukilteo, the regulations provide protection for the following conservation areas: habitats with which state or federally designated endangered, threatened, and sensitive species have a primary association; state priority habitats and areas associated with state priority species; habitats and species of local importance; naturally occurring ponds under twenty acres (lakes greater than twenty acres are covered under the shoreline regulations); lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; state natural area preserves and natural resource conservation areas; areas of rare plant species and high quality ecosystems; and land useful or essential for preserving connections between habitat blocks and open space" (MMC 17.52C.030).

City of Mukilteo Comprehensive Plan 2035
The City of Mukilteo's Comprehensive Plan 2035 (City of Mukilteo 2021) provides goals and policies to guide growth and development in the city, including policies relating to biological resources and their habitats.

4.7.2 Affected Environment

To evaluate the potential impacts of the project alternatives on biological resources, the affected environment has been defined as those species known to occur in the project vicinity or likely to occur given the presence of suitable habitat and known distribution in the general area.

A field reconnaissance of the subject property and vicinity was conducted by AECOM biologists in July and August 2018. The field reconnaissance included an assessment of plant communities; fish and wildlife habitats; potential wetlands and other waters; potential special status species and associated habitats; and noxious weeds at the project site. The study area for the analysis in this section includes the both the upland and tidal portions of the subject property. The project vicinity includes areas within 1

mile of the subject property and well within the geographic extent of the physical, chemical, and biological effects that may result from the Preferred Alternative. For this assessment of conditions after demolition and removal of buildings associated with the former Mukilteo Research Station, recent aerial and street view imagery was examined (imagery date September 1, 2022; Google Earth 2024) and an additional field reconnaissance was conducted by an AECOM biologist in January 2024 to confirm current conditions.

Habitats at the Subject Property

Historically, the project vicinity included conifer forests typical of the western hemlock (*Tsuga heterophylla*) forest zone in the Puget Sound lowlands (Franklin and Dyrness 1988). Most of these native conifer forests have been converted to residential, industrial, and commercial areas. The project site includes two general habitats: Developed Urban Environment and Marine Nearshore (City of Mukilteo 2024a; Ecology 2024a). The site includes the lower reach/outfall of Brewery Creek which is piped.

Developed Urban Environment
Most of the uplands of the subject property as well as the project vicinity are classified as developed urban environment. Prior to demolition, the site was Developed Urban Environment consisting of main facilities, a seawater pump system, and small outbuildings. Some of these man-made structures provided wildlife habitat elements similar to those of cavities, caves, cliffs, and ledges. Currently, vegetation is sparse and limited to a small, narrow grassy area along the southern property fence line, and patches of ruderal vegetation between paved and graveled areas or in cracks in the pavement. These areas are representative of recently disturbed areas within the Developed Urban Environment. Plants present in these upland areas are primarily introduced forb and grass species, including patches of Himalayan blackberry (*Rubus bifrons*) growing along fence lines and on riprap.

Brewery Creek
The outfall to Brewery Creek is present on the subject property. The creek from the outfall upstream to 2nd Street is piped and considered non-fish habitat. Brewery Creek is not day-lighted at the site. The outfall is in the tidal zone and is exposed on the beach at different tides. There is no continuous surface connection to Possession Sound. During the 2018 site visit, the outfall was approximately 90 percent buried by sediment, whereas at the time of the 2024 field visit the outfall was approximately 10 percent buried in sediment. These attributes, in addition to the culvert length are barriers to fish movement upstream. No riparian habitat is present.

Marine Nearshore and Deepwater
In the subject property, the shoreline faces north to northwest. The property contains approximately 500 linear feet of shoreline. The shoreline represents the edge of an area of historic fill and is mostly hardened with riprap and concrete blocks. Sections of riprap have dislodged and eroding shoreline is visible. Pieces of large wood have been deposited near the top of the riprap from recent large storm events. Compared to gravel-dominated substrate observed in 2018, sand is currently the predominant substrate in the upper intertidal zone and within lower riprap areas. Recent storms and construction of the new ferry terminal may be contributing to changes in shoreline deposition. The Marine Nearshore habitat also includes

riparian areas (limited to ruderal vegetation (predominantly Himalayan blackberry) on top of the riprap), tidal portions of streams and rivers (such as the outfall of Brewery Creek), and shallow waters out to a depth where sunlight no longer supports marine vegetation (typically approximately -30 feet NAVD88 in depth). Deepwater marine habitat extends below and beyond -30 feet NAVD88 in depth. The National Wetlands Inventory (NWI) classifies marine nearshore shallow water and deepwater habitats in the project area as estuarine subtidal unconsolidated bottom subtidal (E1UBL) (USFWS 2024b). Other than scattered pickleweed (*Salicornia* spp.) near the top of the riprap, no estuarine salt marsh communities, or significant populations of rooted submerged aquatic vegetation (e.g., eelgrass, kelp) are present. Eelgrass was only observed in the wrack line and as dislodged floating leaves during the January 2024 site visit.

The subject property also includes several man-made structures along the shoreline. A pier, 6 feet wide and 250 feet long, is present. The pier deck is wooden for the first 150 feet and then constructed of concrete to its end. Large pieces of wood and concrete have fallen off the pier and are embedded in the substrate. The beach also includes remnants of a rescue boat launch, exposed concrete rails outline the abandoned boat ramp, and some derelict piles.

The dominant macroalgae observed in the intertidal zone at the project site are sea lettuce (*Ulva* spp.) and rockweed (*Fucus distichus*), with scattered patches of Turkish washcloth/black tar spot (*Mastocarpus papillatus*) on the larger cobble substrates of the upper beach. Sea lettuce is a common item in the diets of some polychaete worms, crustaceans (amphipods and crabs), and snails. It is also an important food for wintering flocks of Brant (*Branta bernicla*).

In 2007, a county-wide eelgrass survey that included the entire length of the Mukilteo shoreline was conducted for Snohomish County (Bailey et al. 2007). The 2007 Snohomish County survey extended along the shoreline from approximately the Silver Cloud Inn eastward almost to the Mount Baker Terminal, and included the subject property. In 2005 and 2011, eelgrass surveys were conducted for the Mukilteo Multimodal Project that included areas between the former ferry terminal to the west and the Mount Baker Terminal to the east (FTA and WSDOT 2013). No eelgrass was documented at the subject property during any of these surveys, although small patches were mapped in the near vicinity.

The August 2018 site visit was conducted at an extreme low tide and no eelgrass was observed. During that field visit, recreational divers were out in the marine nearshore and out near the pier and stated that substrate offshore was loose sand and gravel with shell fragments and did not observe eelgrass. In addition, NOAA divers have observed bottom conditions in the adjacent submerged lands over the years and report the area generally has a sandy bottom with very little complex habitat. A few derelict crab pots and former pier pilings were present, with larger rocks in shallow areas and little else below -15 feet North American Vertical Datum (NAVD) 88 (Andrews 2018). During the January 2024 site visit, eelgrass was only observed in the wrack line and as dislodged floating leaves; however, the tidal level during that site visit was not extremely low.

Habitats in the Vicinity

Habitat in the project vicinity is primarily Developed Urban Environment and Marine Nearshore but also includes Mixed Conifer-Deciduous Forest, Streams, and Freshwater Wetlands (City of Mukilteo 2024a; WDFW 2024b).

Developed Urban Environment
Surrounding development west of the subject property along the Mukilteo waterfront includes restaurants, a hotel, condominiums, and roadways and parking lots. Development to the east and south of the project site includes the Washington State Ferries Mukilteo Ferry Terminal (and associated roads and parking), former USAF Mukilteo Tank Farm Facilities, BNSF Railway corridor, and Sound Transit Sounder Train Station. Upslope from the rail corridor are residential neighborhoods. Several parks along the Mukilteo waterfront provide beach access.

Mixed Conifer-Deciduous Forest
This habitat is characterized by Douglas fir (*Pseudotsuga menziesii*) with other tree species such as red alder (*Alnus rubra*) and bigleaf maple (*Acer macrophyllum*). Patches of mixed conifer-deciduous forest are present in Brewery Gulch about 0.2 mile south of the project site and in Japanese Gulch, 0.4 mile east of the project site. The middle reach of Japanese Gulch is within a Biodiversity Area and Corridor (WDFW 2024b). The Biodiversity Area and Corridor site name is Japanese Gulch Ravine and is described as an undeveloped ravine with a small creek that provides refuge for mammals and birds impacted by development of surrounding area.

Streams and Riparian
As previously stated, Brewery Creek discharges to Possession Sound through a 24-inch diameter concrete outfall at the west end of the subject property. The creek flows south-north through the City of Mukilteo and is relatively steep in its upper reach but flattens noticeably where it is piped under the Burlington Northern Railway and downtown waterfront area. As discussed previously, the lack of a continuous surface connection to Possession Sound, sediment cover at the outfall (on the subject property), and culvert length are barriers to fish movement upstream. The City of Mukilteo classifies Brewery Creek as a Type 4, perennial, non-fish habitat stream from 2nd Street to 5th Street and a Type 5, seasonal, non-fish habitat stream upstream of 5th Street (MMC 17B.52C.080) (City of Mukilteo 2024a). Riparian habitat is adjacent to this Type 5 reach. Buffer areas for Brewery Creek as established under MMC 17.52C.090 do not overlap with the subject property. Previous studies conducted for the City of Mukilteo determined that oil from the former ferry holding area west of the project site is entering Brewery Creek. Other pollutants typically found in urban runoff (e.g., heavy metals, hydrocarbons, and synthetic organic compounds) are also likely affecting water quality in Brewery Creek (FTA and WSDOT 2013).

Japanese Gulch Creek discharges to Possession Sound approximately 0.5 mile from the project site. The creek flows south-north through the City of Mukilteo to Possession Sound and is relatively steep in its upper reaches. The watershed receives runoff from the Paine Field airport and associated development. Japanese Gulch Creek is piped under the Burlington Northern Railway. The City of Mukilteo identifies the portion of Japanese Creek Gulch north of 5th Street as Type 3, waters that provide fish and wildlife

habitat, south of 5th Street and north of 71st Place as Type 4, perennial, non-fish habitat stream, and south of 71st Street as a Type 5, seasonal, non-fish habitat stream (MMC 17B.52C.080) (City of Mukilteo 2024a). Riparian habitat is adjacent to the non-piped reaches. Buffer areas for Japanese Creek Gulch as established under MMC 17.52C.090 do not overlap with the project site.

Freshwater Wetlands

AECOM biologists familiar with regional wetland indicators completed a site visit in July 2018, to gather information about site conditions, and to determine if non-tidal wetlands existed on or adjacent to the subject property. An additional site visit was conducted in January 2024 to confirm current conditions. No indicators of wetland habitat were observed on the subject property during the site visits. The top of the riprap has very little grass and is dominated by Himalayan blackberry. The site is not within the buffer of any wetland. The nearest mapped freshwater wetlands to the project site are a 0.12-acre freshwater pond and a 1.76-acre freshwater forested/scrub-shrub wetland associated with Japanese Creek approximately 0.5 mile to the southeast of the project site (City of Mukilteo 2024a; DNR 2024; Ecology 2024a; USFWS 2024b; FTA and WSDOT 2013). The project site is outside of the buffer for these wetlands.

Marine Nearshore and Deepwater

The project area is located on the shoreline of Possession Sound. Historically, prior to hardening of shorelines, the area supported coastal beach and dune habitats with patches of salt marsh. Currently, nearly all of the Mukilteo waterfront shoreline is hardened with riprap. However, beaches with sand, fine gravel, and large woody debris occur west of the subject property in the vicinity of the former ferry terminal site and extend westward to Lighthouse Park. Sub-tidal marine waters in the vicinity are mapped as estuarine and marine deepwater habitats (USFWS 2024b). Areas approximately 0.25 miles east and west of the subject property are classified by the NWI as estuarine intertidal aquatic bed/unconsolidated shore regularly flooded [E2AB/USN]) (City of Mukilteo 2024a; DNR 2024; Ecology 2024a; USFWS 2024b).

Aquatic plant surveys conducted for the WSDOT Mukilteo Multimodal Project (FTA and WSDOT 2013) identified two dozen aquatic plant species. The most common of the larger aquatic plants are sugar wrack (*Laminaria saccharina*), iridescent seaweed (*Sarcodiotheca* sp.), and sea lettuce. Although some kelp is present in the project vicinity, no major kelp beds (ribbon or bull kelp) occur. Eelgrass surveys have been conducted along the Mukilteo shoreline in past years and eelgrass has been documented growing west and east of the subject property from approximately -0.10 feet MLLW to -18.40 feet MLLW (Ecology 2024a). The online eelgrass data viewer shows eelgrass occurrence extending southwest along the shoreline starting at Mukilteo Lighthouse Park, and east of the project site, east of the Mount Baker Terminal (Ecology 2024a).

In 2007, a county-wide eelgrass survey that included the entire length of the Mukilteo shoreline was conducted for Snohomish County (Bailey et al. 2007), and in 2005 and 2011 eelgrass surveys were conducted for the Mukilteo Multimodal Project between the former ferry terminal to the west and the Mount Baker Terminal to the east (FTA and WSDOT 2013). During the 2005 survey, small patches of eelgrass were found west and east of the former tank farm (FTA and WSDOT 2013). During the 2011

survey, one small patch of eelgrass (less than one square foot) was identified just east of the former Mukilteo ferry terminal to the west of the subject property (FTA and WSDOT 2013).

Plants

The terrestrial portion of the subject property is mostly paved or disturbed gravel and soil, with only small patches of vegetation surrounding paved areas and former building foundations. The majority of the terrestrial plant species at the project site are non-native. The marine shoreline is a sand dominated beach with few vascular plants along the riprap. Native algae species are present in the intertidal zone.

Special Status Plant Species and Vegetation Communities
The Washington Natural Heritage Program does not have any current or historical records of special status plant occurrences within 2 miles of the project site (DNR 2024). The Washington Natural Heritage Program database identifies one fair quality bigleaf maple – red alder / sword fern – fringecup plant community 0.6 mile southeast of the project site (DNR 2024). No special status plant species or suitable habitats were observed during the subject property visits in July/August 2018 or in January 2024.

Noxious Weeds
Noxious weeds are nonnative, invasive plant species that threaten agriculture, rangelands, waterways, parks, wildlife, public health and safety, and general ecological health and diversity of native ecosystems. Noxious weed infestations are the second leading cause of wildlife habitat degradation.

The Washington Noxious Weed Control Board provides a list of noxious weed species that require control, eradication, or monitoring (WNWCB 2023). Class A noxious weeds are nonnative species with a limited distribution within the state and require eradication to reduce the potential of becoming more widespread. Class B noxious weeds are regionally abundant but may have limited distribution in some counties. Class C noxious weeds are already widely established, but placement on the state list allows counties to enforce local control if desired.

Noxious weed species observed during the field surveys are listed in Table 4-1. No Class A weeds were observed during the site visits. Two Class B weeds and six Class C weed species were observed at the project site. English holly (syn. feral holly; *Ilex aquifolium*), a Monitor species, was also observed. As most of the project area is unvegetated, the populations of noxious weeds are relatively small.

Table 4-1 Noxious Weed Observations at the Project Site

Scientific Name	Common Name	Status
Buddleja davidii	butterfly bush	Class B
Cirsium vulgare	bull thistle	Class C
Convolvulus arvensis	field bindweed	Class C
Geranium robertianum	herb-Robert	Class B
Hedera helix	English ivy	Class C
Hypericum perforatum	St. Johnswort	Class C
Hypochaeris radicata	common catsear	Class C
Rubus bifrons (syn. *R. armeniacus*)	Himalayan blackberry	Class C

Fish

General Fish

The distribution and abundance of fishes depends greatly on the physical and biological conditions of the marine environment, such as salinity, temperature, dissolved oxygen, population dynamics, predator and prey interaction oscillations, seasonal movements, reproduction strategy, life length, and recruitment success (Helfman et al. 2009). Puget Sound is home to 253 fish species (Pietsch and Orr 2015).

Possession Sound is in the migratory path of several anadromous salmonid species and supports many resident fish species. These are found primarily in marine deepwater habitats in depths of -30 to -50 feet MLLW. An underwater video survey was conducted at the adjacent Mukilteo Ferry Terminal in 2004 and found the most abundant fish species was surfperch (*Damalichthys vacca*) (FTA and WSDOT 2013). The subject property is within WDFW Fishery Management Area 8-2 (Ports Susan and Gardner), which supports several tribal, commercial, and recreational fisheries (WDFW 2024a). Tribal members have historically harvested marine organisms from the project vicinity (FTA and WSDOT 2013).

Special Status Fish Species in Study Area

Special status species are rare species or species listed as Endangered or Threatened at the federal or state level. A number of special status fish species have been documented, or could occur, at the project site and vicinity (NOAA 2022; WDFW 2023; WDFW 2024b) and EFH has been designated for salmon, pelagic, and ground fish (NOAA 2021) (Table 4-2). The Washington Priority Species list for Snohomish County (WDFW 2023) includes numerous Puget Sound marine deepwater fish for which suitable habitat is not likely to occur at the subject property or for which local distribution information is lacking. The following table includes only those Priority Species that have been documented at or in the near vicinity of the subject property.

Federally Listed Species

Bull Trout

The Coastal-Puget Sound distinct population segment (DPS) of bull trout (*Salvelinus confluentus*) was listed as threatened under the ESA in 1999 (64 Federal Register [FR] 58910). The Puget Sound DPS encompasses all of Puget Sound and extends north to the Canadian border. Bull trout use the project site primarily for migration and foraging. The closest natal river for bull trout is the Snohomish River, approximately 6 miles to northeast of the project site. Bull trout are likely to be found along shorelines at the project site (USFWS 2024a).

An acoustic tagging and tracking study within the Snohomish estuary and adjacent nearshore areas indicates that subadult and adult bull trout enter the lower estuary and marine nearshore area by early to mid-April. Bull Trout presence in the estuary occurs through mid-summer, after which the fish begin moving back to freshwater (FTA and WSDOT 2013), including the entire shoreline within the project site boundary.

Table 4-2 Special Status Fish Species

Species	Status Federal, State	Critical Habitat	Occurrence in the Project Vicinity
Federal Endangered Species Act, State Listed Species			
Bull trout *Salvelinus confluentus*	FT, SC	Critical habitat occurs in the project vicinity.	Documented
Chinook salmon *Oncorhynchus tshawytscha* Puget Sound ESU	FT	Critical habitat occurs in the project vicinity.	Documented
Steelhead *Oncorhynchus mykiss* Puget Sound DPS	FT	Not designated in the project vicinity	Documented
Bocaccio *Sebastes paucispinis* Puget Sound/Georgia Basin DPS	FE	Critical habitat occurs in the project vicinity.	Documented
Yelloweye rockfish *Sebastes ruberrimus* Puget Sound/Georgia Basin DPS	FT	Critical habitat occurs in the project vicinity.	Likely
Green sturgeon *Acipenser medirostris* Southern DPS	FT	Not designated in the project vicinity	Unlikely
Magnuson-Stevens Act Essential Fish Habitat			
Salmon (Chinook, coho, pink) EFH	N/A	N/A	Present
Coastal Pelagic Species EFH	N/A	N/A	Present
Groundfish EFH	N/A	N/A	Present
Priority Species			
Coho salmon *Oncorhynchus kisutch*	Priority Species	N/A	Documented
Pacific sand lance *Ammodytes hexapterus*	Priority Species	N/A	Documented

DPS = Distinct Population Segment, EFH = Essential Fish Habitat. ESU = Evolutionarily Significant Unit; FE = Federal Endangered, FT = Federal Threatened, N/A = not applicable; SC = State Candidate; Magnuson-Stevens Act = Magnuson-Stevens Fishery Conservation and Management Act
Sources: NOAA 2021; NOAA 2022; WDFW 2024b.

USFWS designated bull trout critical habitat in 2005 (75 FR 63898) and redesignated it in September 2010 (75 FR 63898). In marine nearshore areas of Puget Sound, which includes shorelines at the project site, critical habitat extends from the MHHW line to -33 feet MLLW (USFWS 2024a).

Chinook Salmon

The Puget Sound ESU of Chinook salmon (*Oncorhynchus tshawytscha*) was listed as threatened under the ESA in 1999. Chinook salmon use estuary, nearshore, and ocean habitats to different extents based on life history stages. Spawning and juvenile rearing occurs in rivers and streams, with migration to saltwater for feeding, growth, and maturation (NOAA 2024). Time spent in saltwater can vary by population. The diet and habitat use of out-migrating ocean-type Chinook salmon varies geographically and seasonally.

Juveniles entering saltwater are generally highly dependent on estuary habitats. The range of Puget Sound ESU Chinook salmon includes nearshore habitat adjacent to the subject property (NOAA 2022).

The NMFS designated critical habitat for Puget Sound Chinook in 2005 (70 FR 52629) which includes waters adjacent to the subject property (NOAA 2022).

Steelhead Trout

The Puget Sound DPS of steelhead (*Oncorhynchus mykiss*) was listed as threatened under the ESA in May 2007 (72 FR 26722). The DPS includes steelhead from river basins of the Strait of Juan de Fuca, Puget Sound, and Hood Canal, Washington (NOAA 2022). They exhibit a complex suite of life history traits and can be anadromous or freshwater residents (NOAA 2024). The species spawns in freshwater and may spawn more than once. Those that are anadromous can spend up to 7 years in freshwater prior to undergoing the physiological and biological changes required to transition to saltwater, and then spend up to 3 years in saltwater prior to first spawning. Spawning occurs in the mainstem of the Upper Snohomish River and major tributaries to the Snohomish River basin.

The NMFS designated critical habitat for Puget Sound steelhead in 2016 (81 FR 9251). However, critical habitat for the species does not occur in the project area or the immediate vicinity (NOAA 2022).

Bocaccio

Bocaccio (*Sebastes paucispinis*) were listed as endangered under the ESA on April 28, 2010 (75 FR 22276). NMFS completed a 5-year review on April 5, 2016 that resulted in no change in listing status (NMFS 2016). Bocaccio are large piscivorous rockfish in eastern Pacific coastal waters ranging from Alaska to Baja California. Most commonly, bocaccio occur from Oregon to California and were once common on steep walls of Puget Sound.

In the Puget Sound region, adult bocaccio seem to be limited to areas around Tacoma Narrows and Point Defiance (NMFS 2016). There is little information about their use of the project vicinity. Historically, bocaccio have been documented in the project vicinity (Miller and Borton 1980).

NMFS has designated critical habitat for bocaccio on November 13, 2014 (79 FR 68042) which is present at the project site (NOAA 2022).

Yelloweye Rockfish

Yelloweye rockfish (*Sebastes ruberrimus*) were listed as threatened under the ESA on April 28, 2010 (75 FR 22276). NMFS completed a 5-year review on April 5, 2016 that resulted in no change in listing status (NMFS 2016). This species is rare in Puget Sound south of Admiralty Inlet, and little is known about their presence at the subject property. According to surveys, the further south in Puget Sound, the lower the potential for yelloweye rockfish presence or use. This is likely due to fewer areas of rocky habitat in southern Puget Sound. Yelloweye rockfish have historically been observed in Possession Sound (Miller and Borton 1980).

NMFS has designated critical habitat for yelloweye rockfish on November 13, 2014 (79 FR 68042) which is present at the project site (NOAA 2022).

Green Sturgeon

The Southern DPS of green sturgeon (*Acipenser medirostris*) was listed as threatened under the ESA on April 7, 2006 (71 FR 17757). Green sturgeon are not frequently observed near the subject property (NMFS 2021). A few adults and subadults have been incidentally captured in fisheries harvests, and two Southern DPS green sturgeon were observed south of Whidbey Island in 2006 (FTA and WSDOT 2013), not far from the project site.

NMFS designated critical habitat for Southern DPS green sturgeon in 2009 (74 FR 52300). However, the critical habitat designation does not include Puget Sound or any portion of the project area (NOAA 2022).

State Listed Species

The State of Washington maintains a species of concern list for any species native to Washington State that is threatened with extinction (endangered), likely to become endangered within the foreseeable future (threatened), vulnerable or declining in numbers (sensitive), or species under review for possible listing in any of those categories (candidate). The only state listed fish is the bull trout (Coastal-Puget Sound DPS), designated as a candidate species (WDFW 2023).

Essential Fish Habitat

EFH is defined by the Magnuson-Stevens Fishery Conservation and Management Act in Section 3 (104-297) as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." Possession Sound and offshore waters of the project site are designated as EFH for groundfish, coastal pelagic species, and salmon (Chinook, coho, pink) (Table 4-2) (NOAA 2021).

Priority Habitat and Species

The Priority Habitat and Species Program fulfills one of WDFW's most fundamental responsibilities by providing relevant conservation information on important fish, wildlife, and habitat resources in Washington (WDFW 2023; WDFW 2024b). The subject property and vicinity encompass the Puget Sound Nearshore Priority Habitat. There are two priority fish species documented in the vicinity of the subject property (Table 4-2), as discussed below.

Pacific Sand Lance

Pacific sand lance (*Ammodytes hexapterus*) is an important forage fish for salmonids and several other species. WDFW Priority Habitat and Species data (WDFW 2024b) show Pacific sand lance spawning beaches adjacent to the subject property. Pacific sand lance typically spawn from late November to late February, with peak spawning in mid-January. The distribution of eggs on the upper beach is between +6 feet and +8 feet MLLW, but some eggs at approximately +4 feet MLLW (FTA and WSDOT 2013).

Coho Salmon

Coho salmon (*Oncorhynchus kisutch*) typically spend 1 to 2 years rearing in streams and rivers before beginning their migration to sea. Because of their larger size when entering saltwater, coho are generally considered less dependent on estuarine rearing than Chinook salmon. Coho salmon travel through estuaries more rapidly, using deeper waters along shorelines. Coho smolts tend to move through the marine nearshore later in the spring than do other salmon and are not observed in high numbers.

Wildlife

General Wildlife
Wildlife in the Developed Urban Environment encounter roads, vehicle traffic, ever-present background noise, artificial lighting, highly maintained landscaping, and humans and domesticated animals. Wildlife dispersal is limited, and conditions are dangerous. Because of these attributes, most wildlife species found in the project vicinity are birds and small mammals.

Birds

Typical birds found at the subject property and vicinity are ground-foraging species like the European starling (*Sturnus vulgaris*), house sparrow (*Passer domesticus*), and rock pigeon (*Columba livia*).

In general, urban parks are rapidly assuming a central role in the protection of native wildlife from urban-related disturbances (Johnson and O'Neil 2001). The maintained lawn at the Mukilteo Lighthouse Park provides habitat for flock-feeding species like American robin (*Turdus migratorius*), Brewer's blackbird (*Euphagus cyanocephalus*), European starling, and Canada goose (*Branta canadensis*) with the occasional presence of dark-eyed junco (*Junco hyemalis*), and song sparrow (*Melospiza melodia*).

Bird species that may use Marine Nearshore and Deepwater habitats on the project site include surf scoter (*Melanitta perspicillata*), Barrow's goldeneye (*Bucephala islandica*), common goldeneye (*Bucephala clangula*), horned grebe (*Podiceps auritus*), red-breasted merganser (*Mergus serrator*), double-crested cormorant (*Phalacrocorax auritus*), pelagic cormorant (*Phalacrocorax pelagicus*), pigeon guillemot (*Cepphus columba*), and red-necked grebe (*Podiceps nigricollis*). Seabird species observed at Mukilteo State Park during the 2017–2018 Puget Sound Seabird Survey that likely occur at the project site are summarized in Table 4-3 (Seattle Audubon Society 2018). During the January 2024 site visit, Barrow's goldeneye, horned grebe, and red-necked grebe were observed in the marine area of the property, and approximately 100 double-crested cormorants were observed on the pier.

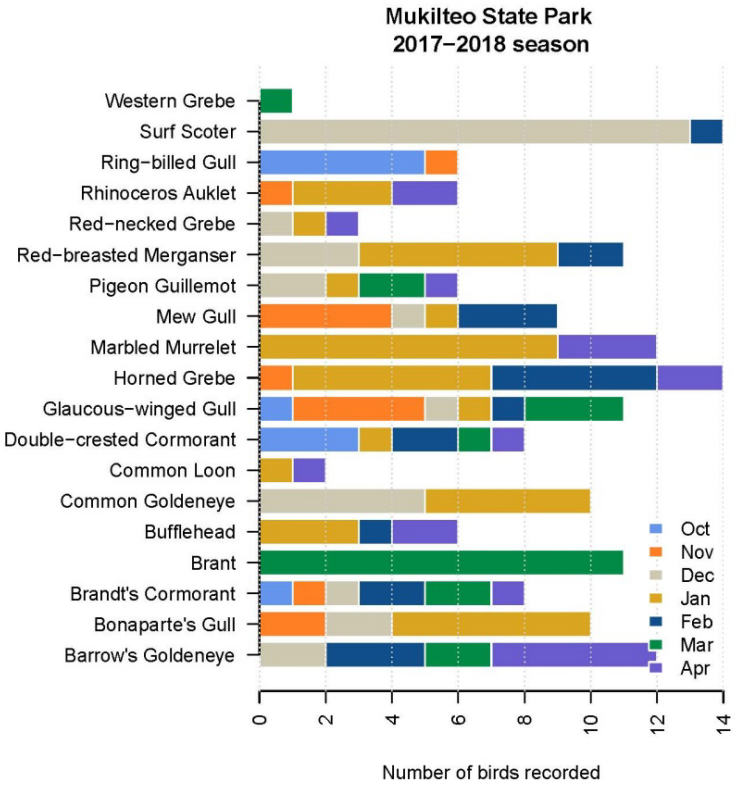
The Mixed Conifer-Deciduous Forest in the project vicinity favors cavity nesters, primarily house sparrow, European starling, and northern flicker (*Colaptes auratus*). Potential roosting and nesting habitat exists for raptors such as bald eagle (*Haliaeetus leucocephalus*), osprey (*Pandion haliaetus*), and red-tailed hawk (*Buteo jamaicensis*). A bald eagle was observed flying over the site during the January 2024 site visit.

Mammals

Small mammals in the Developed Urban Environment include Norway rat (*Rattus norvegicus*), black rat (*Rattus rattus*), and house mouse (*Mus musculus*). Other mammals using this habitat include squirrels (*Sciurus* spp.), raccoon (*Procyon lotor*), opossum (*Didelphis virginiana*), and long-tailed weasel (*Mustela frenata*).

River otter (*Lontra canadensis*) and marine mammals, primarily harbor seal (*Phoca vitulina richardsi*), utilize Marine Nearshore and Deepwater habitats.

Table 4-3 Puget Sound Seabird Survey, Mukilteo State Park, Species List



Source: Seattle Audubon Society, Puget Sound Seabird Survey, 2018.

Marine Invertebrates

Marine invertebrates observed at the project site on riprap, cobble, pile stubs, and around the pier include Pacific blue mussel (*Mytilus trossulus*) and acorn barnacle (*Balanus glandula*). Surveys conducted for the WSDOT Mukilteo Multimodal Project identified over 50 invertebrate species, including crabs, shrimp, barnacles, anemones, urchins, sea stars, clams, nudibranch, and octopus (FTA and WSDOT 2013).

Special Status Wildlife Species in Study Area

Special status species are rare species or species listed as Endangered or Threatened at the federal or state level. A number of special status wildlife species have been documented, or could occur, at the project site and vicinity (NOAA 2022; USFWS 2024a; WDFW 2023; WDFW 2024b) (Table 4-4).

Table 4-4 Special Status Wildlife Species

Species	Status Federal, State	Habitat and Occurrence in the Project Vicinity
Federal Endangered Species Act, State Listed Species		
Marbled murrelet *Brachyramphus marmoratus*	FT, SE	Foraging in Marine Nearshore and Deepwater habitat, no breeding areas (old growth forest) in project vicinity
Killer whale *Orcinus orca* Southern Resident DPS	FE, SE	Critical habitat occurs at the project site. Marine Deepwater habitat, September to May, infrequent
Humpback whale *Megaptera novaeangliae* Central America DPS Mexico DPS Hawaii DPS	SE FE FT Not Listed	Marine Deepwater habitat Year-round, rare Year-round, common Year-round, common
Harbor porpoise *Phocoena phocoena*	SC	Marine Deepwater, May-June peak, occasional
Common loon *Gavia immer*	SS	Marine Nearshore and Deepwater, documented
Western grebe *Aechmophorus occidentalis*	SC	Marine Nearshore and Deepwater, documented
Marine Mammal Protection Act		
Harbor seal *Phoca vitulina richardsi*	MMPA	Marine Nearshore and Deepwater, Year-round, common
Northern elephant seal *Mirounga angustirostris*	MMPA	Marine Nearshore and Deepwater, Year-round, rare
California sea lion *Zalophus californianus*	MMPA	Marine Nearshore and Deepwater, August to April, common
Steller sea lion *Eumetopias jubatus*	MMPA, Strategic, Depleted	Marine Nearshore and Deepwater, August to April, rare
Humpback whale *Megaptera novaeangliae*	MMPA, Depleted	Marine Deepwater, year-round, common
Killer whale *Orcinus orca* Transient	MMPA, Strategic, Depleted	Marine Deepwater, year-round, infrequent
Gray whale *Eschrichtius robustus*	MMPA, SS	Marine Deepwater, January to May
Minke whale *Balaenoptera acutorostrata*	MMPA	Marine Deepwater, September-January, occasional
Harbor porpoise *Phocoena phocoena*	MMPA, SC	Marine Deepwater, May-June peak, occasional
Dall's porpoise *Phocoenoides dalli*	MMPA	Marine Deepwater, October-February, occasional
Pacific white-sided dolphin *Lagenorhynchus obliquidens*	MMPA	Marine Deepwater, year-round, rare
Short-beaked common dolphin *Delphinus delphis*	MMPA	Marine Deepwater, year-round, rare

Species	Status Federal, State	Habitat and Occurrence in the Project Vicinity
Long-beaked common dolphin *Delphinus capensis*	MMPA	Marine Deepwater, year-round, rare
Bottlenose dolphin *Tursiops truncates*	MMPA	Marine Deepwater, year-round, rare
Bald and Golden Eagle Protection Act (BGEPA)		
Bald eagle *Haliaeetus leucocephalus*	BGEPA	Foraging in Marine Nearshore; nest documented in Japanese Gulch, 0.5 mile from project site
Priority Habitat and Species		
Great blue heron *Ardea Herodias*	Priority Species	Foraging in the Marine Nearshore; breeding area documented 0.5 mile from project site, near Japanese Creek
Dungeness crab *Cancer magister*	Priority Species	Marine Deepwater; documented
Puget Sound Nearshore	Priority Habitat	Marine Nearshore; documented
Hardshell Clam	Priority Habitat	Marine Nearshore; documented
Biodiversity Areas and Corridors	Priority Habitat	Mixed Conifer-deciduous Forest associated with Japanese Creek Gulch, 0.5 mile from project site
DPS = Distinct Population Segment, EFH = Essential Fish Habitat. ESU = Evolutionarily Significant Unit; FE = Federal Endangered, FT = Federal Threatened, MMPA = Marine Mammal Protection Act, SC = State Candidate; SE = State Endangered; SS = State Sensitive		

Endangered Species Act

Marbled Murrelet

Marbled murrelet (*Brachyramphus marmoratus*) was listed as threatened under the ESA in 1992 (57 FR 45328). They forage in marine waters of Puget Sound and nest in old-growth forests. The species is unlikely to nest in the project vicinity. The closest recorded marbled murrelet nest is more than 25 miles from the subject property (WDFW 2024b), and suitable nest trees do not exist in forested areas within 1 mile or more of the subject property.

Marbled murrelets are regularly seen foraging and resting near the existing ferry terminal and the lighthouse during spring and summer months (April through August) and intermittently at other times of the year (FTA and WSDOT 2013).

The USFWS designated critical habitat for marbled murrelet in 1996 (61 FR 26256) but critical habitat does not occur at the project site.

Southern Resident Killer Whale

NMFS listed the Southern Resident Killer Whale DPS as endangered under the ESA in November 2005 (70 FR 69903). This group of killer whales preys on many fish species, but predominantly feeds on salmon (NOAA 2024; Wiles 2004). Transient killer whales, which are not listed or proposed for listing under the ESA, occasionally enter Puget Sound and prey primarily on marine mammals, mostly harbor seals (Wiles 2004). Distribution of resident killer whales in the inland waters of Washington and British Columbia strongly correlates with areas of greater salmon abundance.

On November 29, 2006, NMFS designated critical habitat in Washington for Southern Resident Killer Whale (71 FR 69054). The designation covers approximately 2,560 square miles (6,630 square kilometers) of the inland waterways of Washington State more than 20 feet deep relative to extreme high water and encompasses all of Possession Sound (NOAA 2022).

Humpback Whale

The humpback whale was listed as endangered in 1973 (NOAA 2024). Humpback whales are common off the Washington coast but are occasionally observed in the inland waters of Puget Sound (NOAA 2022). Several humpback whales are sighted in Puget Sound in an average year. They are occasionally seen in deepwater habitat adjacent to the subject property; one humpback whale was photographed off the southern tip of Whidbey Island in April 2011.

Marine Mammal Protection Act

There are four species of pinnipeds that may be found in the vicinity of the subject property (NOAA 2022): Harbor seal (*Phoca vitulina richardsi*), northern elephant seal (*Mirounga angustirostris*), California sea lion (*Zalophus californianus*), and Steller sea lion (*Eumetopias jubatus*). The closest documented marine mammal haul-out is northwest of the subject property in Everett Harbor. There is a beach east of the project site that may be a potential haul-out area.

Ten cetacean species may move through the project vicinity in Marine Deepwater habitat (NOAA 2022): Killer whale (*Orcinus orca*) (Southern Resident and Transient), gray whale (*Eschrichtius robustus*), humpback whale (*Megaptera novaeangliae*), minke whale (*Balaenoptera acutorostrata*), harbor porpoise (*Phocoena phocoena*), Dall's porpoise (*Phocoenoides dalli*), Pacific white-sided dolphin (*Lagenorhynchus obliquidens*), long-beaked common dolphin (*Delphinus capensis*), short-beaked common dolphin (*Delphinus delphis*), and common bottlenose dolphin. (*Tursiops truncates*).

Bald and Golden Eagle Protection Act

There are two bald eagle (*Haliaeetus leucocephalu*s) nests in Japanese Gulch (WDFW 2024b) about 0.5 mile from the project site and use the marine nearshore habitat for foraging.

State Listed Species

The State of Washington maintains a species of concern list for any species native to Washington State that is threatened with extinction (endangered), likely to become endangered within the foreseeable future (threatened), vulnerable or declining in numbers (sensitive), or species under review for possible listing in any of those categories (candidate) (WDFW 2023). Three state listed marine mammals may occur in the subject property vicinity: Killer whale (Endangered), humpback whale (Endangered), and harbor porpoise (Candidate). Three state listed bird species have been observed foraging in Marine Nearshore and Deepwater habitat adjacent to the subject property: marbled murrelet (Endangered), common loon (*Gavia immer*) (Sensitive), and western grebe (*Aechmophorus occidentalis*) (Candidate).

Priority Habitats and Species

Great Blue Heron

The closest great blue heron breeding rookery is located 0.5 mile east of the subject property near the Japanese Gulch Fish Ladder (WDFW 2024b). Great blue heron typically forage in the Marine Nearshore habitat at low tide.

Dungeness Crab

Dungeness crab (*Cancer magister*) are common in the project vicinity and they were most abundant along the west side of the location of the former Tank Farm Pier where they were found burrowing into the sand (FTA and WSDOT 2013). A priority area is mapped in Deepwater habitat just north of the end of the subject property pier (WDFW 2024b).

Hardshell Clam

A priority area for hardshell clam species is mapped 0.6 mile east of the project site (WDFW 2024b).

Biodiversity Areas and Corridors

About 0.5 mile southeast of the subject property, the Japanese Gulch Ravine has been identified as a Biodiversity Area and Corridor (WDFW 2024b). Management notes for the area describe the habitat as an undeveloped ravine with a small creek that provides refuge for mammals and birds impacted by development of the surrounding area.

4.7.3 Environmental Consequences

Alternative 1: Preferred

Direct Effects

Conveyance of the subject property to the Port of Everett would have no direct effect to flora, fauna, or habitat, as there would be no physical changes at the site resulting from this action that could result in take of special-status or other protected species or adversely affect their habitats.

Indirect Effects

Indirect effects to flora, fauna, or habitat from conveyance of the property to the Port of Everett would depend on the ultimate use and redevelopment of the property by the Port. Future redevelopment in accordance with the Port's recent waterfront visioning process (Port of Everett 2023) could involve earthwork and construction on the subject property, which could disturb nesting birds and other special-status species. Given that only low-quality terrestrial habitat occurs at the subject property, effects to flora, fauna, or habitat from future redevelopment would likely be negligible in terrestrial areas. However, if the existing pier and other remnant structures within the intertidal and tidal areas of the property were to be removed or if the existing shoreline riprap were replaced with a sea wall structure or other shoreline protection system, there could be temporary adverse impacts to aquatic species due to temporary decrease in water quality and loss of substrate, and birds that use the pier for perching; however, in the long-term such removal may have minor to moderate beneficial impacts to aquatic habitats due to improved shoreline condition and function. If the future redevelopment required in-water construction activities

such as installation of new piles, the resulting underwater noise could also adversely affect marine mammal species if adequate measures were not taken to avoid or minimize such impacts.

However, any future redevelopment of the property by the Port would be subject to environmental impact assessment under SEPA and compliance with federal, state, and local laws and regulations (described in Regulatory Setting section) which would require the Port to identify any project-specific impacts relating to species listed under the ESA, marine mammals and fish, migratory birds, eagles, or critical areas and habitat, and obtain permits. Furthermore, any redevelopment that included work below mean high water would require permits from the USACE which also requires consideration of impacts to ESA-protected species. If identified impacts would be potentially significant, mitigation, avoidance, minimization, or compensatory mitigation measures would be required.

Because of the robust framework of state and local regulations that would apply to any future development of the subject property by the Port, the indirect effects to flora, fauna, and sensitive habitats from transfer of the property to the Port under the Preferred Alternative would be negligible to moderate in the short term, and potentially beneficial in the long-term.

Alternative 2: Excess Property

Direct Effects
Conveyance of the project site to GSA, to arrange for eventual conveyance of the property for the highest and best use using its authorities, would have no direct effect to flora, fauna, or habitat as there would be no physical changes at the site resulting from this action.

Indirect Effects
Indirect effects to flora, fauna, or habitat resulting from conveyance of the project site to GSA would depend on the ultimate use and/or redevelopment of the property by the eventual landowner. Whilst it would be speculative to predict the potential future use and redevelopment of the site under such conditions, any such use or redevelopment would be expected to have similar potential temporary impacts to flora, fauna, and habitat as described for the Preferred Alternative. In the long term, the potential for beneficial impacts to aquatic resources and habitats would depend on the level to which the future development of the subject property enhanced shoreline conditions.

If the future landowner were a federal entity, any future proposed action would be subject to the same provisions of NEPA as NOAA currently have to comply with, which would require the federal entity to identify any project-specific impacts relating to special status species and their habitats, and provide mitigation, if necessary, to reduce potential impacts. The future landowner would also have to comply with applicable federal, state, and local laws and regulations, including permits, as described for Preferred Alternative above.

If the future landowner were a non-federal entity, any future redevelopment would be subject to SEPA and other applicable state and local regulations, as described for the Preferred Alternative above.

As such, indirect effects to flora, fauna, and sensitive habitats from transfer of the property to GSA under the Excess Property Alternative would be negligible to moderate, and could potentially be beneficial in the long term.

Alternative 3: No-Action

Under the No-Action Alternative, the project site would continue to be owned and maintained in its current condition by NOAA. No demolition or construction activities would occur on the property. Therefore, there would be no impacts to flora, fauna or sensitive habitats in the short term. However, if the coastal riprap continues to degrade over the long term, additional erosion of upland areas of the site could cause water quality impacts that could potentially impact marine species and habitat.

4.7.4 Mitigation Measures

No mitigation measures are required for the Preferred Alternative, Excess Property Alternative, or the No Project Alternative.

4.8 WETLANDS

This section describes wetlands in the vicinity of the subject property and analyzes the potential effects of the Proposed Action pertaining to wetlands. Wetlands are defined by the USACE as "areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions." Wetlands provide numerous important functions and benefits to society, including water quality improvement, flood attenuation, shoreline stabilization, groundwater recharge and stream flow maintenance, ecosystem support, habitat, and others. How wetland habitats are legally considered and protected varies by federal, state, and local laws, rules, and regulations. At the federal level, wetlands areas must have indicators of hydrophytic vegetation, wetland hydrology, and hydric soils. These federally jurisdictional wetlands are also considered by state and local regulations, but these agencies may include a broader definition of wetlands where one of those indicators may be absent. Project-related impacts associated with wetlands are primarily physical dredging and filling, or disruptions to the hydrologic processes supporting wetlands (e.g., draining, diversion). This section analyzes the potential effects of the proposed project on wetlands specifically, while Section 4.3 analyzes closely related Water Resources and Hydrological Processes.

4.8.1 Regulatory Setting

Federal

EO 11990: Protection of Wetlands
EO 11990 (Protection of Wetlands) requires federal agencies to provide leadership and take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands. Each agency, to the extent permitted by law, must avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds there is

no practical alternative to such construction; or the Preferred Alternative includes all practical measures to minimize harm to wetlands that may result from such use. In making this finding the head of the agency may take into account economic, environmental and other pertinent factors. Each agency must also provide opportunity for early public review of any plans or proposals for new construction in wetlands. State and local agencies often codify similar requirements for compliance with permitting procedures.

Section 404 of the Clean Water Act
USACE regulates waters of the U.S., including wetlands, under Section 404 of the CWA. Under Section 404, the limit of USACE jurisdiction for tidal waters and wetlands of the U.S. is seaward of the mean higher high water line. For non-tidal waters and wetlands, jurisdiction includes relatively permanent, standing or continuously flowing waterbodies. Dredge or fill within jurisdictional wetlands requires federal authorization under Section 404 of the CWA. Federal authorization may be obtained using one or more Nationwide Permits or by obtaining and Individual Permit, depending on the extent of work within jurisdictional wetlands or other waters of the U.S. A JARPA, with relevant supporting studies (e.g., wetland delineation report) and a mitigation plan, is typically used to apply for federal authorization under Section 404 of the CWA to conduct dredge or fill activities in jurisdictional wetlands or other waters of the U.S.

Section 401 of the Clean Water Act
Section 401 of the CWA requires that activities permitted under Section 404 meet state water quality standards. Ecology is designated by statute as the state agency responsible for issuing this water quality certification in Washington, and the agency is required to review and certify that projects meet state standards. Applying for a federal permit or license to conduct any activity that might result in a discharge of dredge or fill into water or jurisdictional wetlands triggers Section 401 review. Conditions of the Section 401 Certification become conditions of the Federal permit. A JARPA is typically used to apply for state water quality certification under Section 401 of the CWA.

State

Washington State Water Pollution Control Act/Shoreline Management Act
Ecology regulates wetlands and streams in Washington State under the authority of the State Water Pollution Control Act and the SMA. These two state laws collectively define and limit permitted actions for Waters of the State. A JARPA is typically used to apply for regulatory approval for projects that impact wetlands.

Washington State Growth Management Act
The state's Growth Management Act requires that counties and cities in Washington periodically review and update their Critical Areas Ordinances, one element of which is a Wetlands chapter. For this regulatory purpose, counties and cities are required to use the definition of wetlands in RCW 36.70A.030(20).

Washington State Environmental Policy Act
The SEPA process identifies and analyzes environmental impacts associated with local and state governmental decisions, such as issuing permits for private projects, constructing public facilities, or

adopting regulations, policies, and plans. Environmental review under SEPA requires consideration of the effects of a project on wetlands including filling or dredging, water diversion, and discharge of waste or other materials to wetlands.

Local

City of Mukilteo Municipal Code
Under City of Mukilteo Critical Areas Regulations (MMC Chapter 17.52) critical areas review is typically required to conduct work in critical areas and their buffers within the City of Mukilteo. Critical areas include, but are not limited to, wetlands and frequently flooded areas. Chapter 17.52B of the MMC contains wetland management provisions (e.g., a critical area review) for any regulated activity (e.g., excavation, fill, draining, construction, disturbing vegetation) potentially affecting wetlands or their buffers.

City of Mukilteo Shoreline Management Plan
A Shoreline Substantial Development Permit from the City of Mukilteo is required to develop on or near waters of the state including upland areas landward for 200 feet from all wetlands and river deltas associated with streams, lakes, and tidal waters.

4.8.2 Affected Environment

No freshwater or intertidal estuarine wetlands are identified at the subject property in the NWI maps (USFWS 2024b), Priority Habitats and Species mapping (WDFW 2024b), Washington Natural Heritage data (DNR 2024), or in critical areas maps (City of Mukilteo 2024a). Soils mapped at the site are classified by the NRCS as “urban land” (NRCS 2024) which is land covered by streets, buildings, parking lots, and other structures that obscure or alter soils so that identification is not feasible.

Freshwater Wetlands
AECOM biologists familiar with regional wetland indicators completed a site visit in July 2018, to gather information about site conditions, and to determine if non-tidal wetlands existed on or adjacent to the subject property. No indicators of wetland habitat were observed on the subject property during the site visit. The site is not within the buffer of any wetland. The nearest mapped freshwater wetlands to the project site are a 0.12-acre freshwater pond and a 1.76-acre freshwater forested/scrub-shrub wetland associated with Japanese Creek approximately 0.5 mile to the southeast of the project site (City of Mukilteo 2024a; DNR 2024; USFWS 2024b; WDFW 2024b). The project site is outside of the buffer for these wetlands. An additional site visit was conducted in January 2024 to confirm current conditions.

Estuarine Wetlands
The subject property is located on the shoreline of Possession Sound. Marine areas within the subject property are mapped by the NWI as estuarine subtidal unconsolidated bottom (E1UBL; Ecology 2024a; USFWS 2024b). No intertidal estuarine wetlands were observed on the subject property during site visits. Intertidal areas are characterized by unconsolidated shore and lack aquatic and saltmarsh vegetation (except for a few scattered plants on the riprap). Historically, prior to hardening of shorelines, the area supported coastal beach and dune habitats with patches of salt marsh. Currently, nearly all the Mukilteo

waterfront shoreline is hardened with riprap and no salt marsh is present. Areas approximately 0.25 mile east and west of the subject property has mapped estuarine intertidal aquatic bed/unconsolidated shore regularly flooded [E2AB/USN]) wetlands (Ecology 2024a; USFWS 2024b).

4.8.3 Environmental Consequences

Alternative 1: Preferred

Direct Effects
Conveyance of the subject property to the Port of Everett would have no direct effect to wetlands, as there are no wetlands present at the subject property and there would be no physical changes at the site directly resulting from this action. As detailed in the EO 11988 and EO 11990 Memorandum (attached in Appendix D), because NOAA has determined that there are no wetlands present at the site, the full eight-step process detailed in NOAA's *Guidance on Compliance with the Implementing Procedures for Executive Orders 11988 and 11990* (NOAA 2012) is not required with respect to wetlands.

Indirect Effects
Because freshwater and estuarine wetlands are absent from the subject property, there would be no indirect adverse effects to wetlands from the Preferred Alternative. Future development activities by the Port of Everett, such as pier removal, possible improvements to the coastal embankment, or other activities within the intertidal zone could potentially include estuarine restoration, which could have a minor to moderate beneficial impact to wetlands.

Because the subject property would no longer be under federal ownership, the Port would not be subject to the provisions of EO 11990 Protection of Wetlands. As such, the Port would not be required to undertake the 8-step process outlined in EO 11990. However, the federal permitting requirements of the Clean Water Act would still apply to any development affecting jurisdictional waters.

Although wetlands are not present on the subject property, the Port would be subject to state regulations, including SEPA, which would require the Port to identify any project-specific impacts relating to saltwater and shorelines. If identified impacts would be potentially significant, mitigation, avoidance, minimization, or compensatory mitigation measures would be required. In addition, local regulations such as the Critical Area requirements of the MMC (described in the Regulatory Setting section above) would also apply.

Because wetlands are not present on the subject property and due to the robust federal, state, and local regulatory framework governing development within jurisdictional waters, transfer of the subject property to the Port of Everett under the Preferred Alternative would have no impacts to wetlands. Effects could potentially be beneficial if future redevelopment design included estuarine restoration.

Alternative 2: Excess Property

Direct Effects
Conveyance of the project site to GSA, to arrange for eventual conveyance of the property for the highest and best use using its authorities, would have no direct effect to wetlands as wetlands are lacking and there would be no physical changes at the site resulting from this action.

Indirect Effects
As described for the Preferred Alternative above, because wetlands are absent from the subject property, there would be no indirect effects to wetlands from the transfer of the subject property to GSA under the Excess Property Alternative.

Indirect effects from the Excess Property Alternative would depend on the ultimate use and redevelopment of the property by the future owner. Whilst it would be speculative to predict the potential future use and redevelopment of the site under such conditions, as described for the Preferred Alternative, any redevelopment that included estuarine restoration could have potential beneficial impacts to intertidal wetlands and shoreline conditions.

If the future owner were another federal entity, any future proposed action would be subject to the same provisions of NEPA as NOAA currently has to comply with, which would require the federal entity to identify any project-specific impacts relating to waters and wetlands, and provide mitigation, if necessary, to reduce potential impacts. Furthermore, any future federal landowner would also need to comply with EO 11990 just as NOAA currently does, and the federal permitting requirements of the Clean Water Act would also apply to any development affecting jurisdictional waters.

If the future owner were non-federal, they would not be required to undertake the 8-step process required by EO 11990, but significant impacts to wetlands and other jurisdictional waters would be avoided through the same robust federal, state, and local regulatory and permitting framework as described for the Preferred Alternative above.

As such, indirect effects to wetlands from transfer of the property to GSA under the Excess Property Alternative would be none or potentially beneficial.

Alternative 3: No-Action

Under the No-Action Alternative, the subject property would continue to be owned and maintained in its current condition by NOAA. No demolition or construction activities would occur on the property. Although the property would remain in federal ownership, the provisions of EO 11990 would not apply because no wetlands occur on the property and no physical changes to the site would occur, Therefore, implementation of the No-Action Alternative would have no direct effect to wetlands.

4.8.4 Mitigation Measures

No mitigation measures are required for the Preferred Alternative, Excess Property Alternative, or the No Project Alternative.

4.9 FLOODPLAINS

This section describes floodplains and related features in the vicinity of the subject property and analyzes the potential effects of the Proposed Action pertaining to floodplains and flood hazards. Floodplains are areas subject to flooding by tides and freshwater streams. A 100-year flood hazard area is the area with a flood elevation having a 1 percent chance of being equaled or exceeded each year. Potential effects to the hydrologic and habitat features of floodplains are addressed in sections 4.3 Water Resources and Hydrological Processes, 4.7 Flora, Fauna, and Habitats, and 4.8 Wetlands.

4.9.1 Regulatory Setting

Federal

EO 11988
The 100-year floodplain is an area with a flood elevation that has a 1 percent chance of being equaled or exceeded each year. It is also expected to occur, on average, once every 100 years. Although the name implies such a flood every 100 years, a 100-year flood could occur in any year. EO 11988, "Floodplain Management," dated May 24, 1977, requires that federal agencies locate facilities outside the 100-year or base floodplain unless there is no practicable alternative location.

If locating outside the floodplain is unavoidable, structures should be built so that the finished floor elevation is above the 100-year flood elevation as determined by the Federal Emergency Management Agency (FEMA) and depicted on their Flood Insurance Rate Maps (FIRMs), or the structures should be flood-resistant. Floodplain management is intended to minimize the potential for property damage and to maintain functions of the hydrologic cycle. EO 11988 and NOAA Floodplain Guidance, entitled *Guidance on Compliance with the Implementing Procedures for Executive Orders 11988 and 11990*, is applied to determine effects to these resources.

EO 11988 provides an eight-step process for proposed actions that might fall within a designated floodplain. The steps include: 1) Floodplain Determination; 2) Public Notification; 3) Identify and Evaluate Practicable Alternatives to Locating the Proposed Action in a Floodplain and/or Wetland; 4) Identify the Impacts of the Proposed Action; 5) Evaluate Measures to Reduce Potential Adverse Impacts of the Proposed Action; 6) Re-evaluate Alternatives to the Proposed Action; 7) Make the Final Determination and Present the Decision; and finally 8) Implement the Action (NOAA 2012).

State

Washington State Growth Management Act
The state's Growth Management Act requires that counties and cities in Washington periodically review and update their Critical Areas Ordinances, one element of which is a frequently-flooded-areas chapter. Frequently-flooded-areas include floodplains, as designated by the National Flood Insurance Program, and other areas subject to flooding that perform important hydrologic functions and may present a risk to people and property.

Washington State Environmental Policy Act
The SEPA process identifies and analyzes environmental impacts associated with local and state governmental decisions, such as issuing permits for private projects, constructing public facilities, or adopting regulations, policies, and plans. Environmental review under SEPA requires consideration of the effects of a project on 100-year floodplains.

Local

City of Mukilteo Shoreline Substantial Development Permit
A Shoreline Substantial Development Permit from the City of Mukilteo is required to develop on or near waters of the state including upland areas landward for 200 feet from the ordinary high water mark (including floodways and contiguous floodplain areas 200 feet from such floodways).

City of Mukilteo Municipal Code
Under City of Mukilteo Critical Areas Regulations (MMC Chapter 17.52) critical areas review is typically required to conduct work in critical areas and their buffers within the City of Mukilteo. Critical areas include, but are not limited to, frequently flooded areas. Any development proposed within (or partially within) a special flood hazard area is subject to the provisions of MMC Chapter 15.12, Flood Damage Prevention, which requires approval via a floodplain letter, programmatic floodplain development permit, or a floodplain development permit. For structures within a special flood hazard area, a preliminary floodproofing certificate is required by be prepared by a licensed engineer or architect. For proposals that would alter the base flood elevation or special flood hazard area boundaries, engineering documentation and analysis of the changes are required, and a letter of map change must be applied for from FEMA.

4.9.2 Affected Environment

To determine if the subject property falls within a coastal floodplain as defined by FEMA (i.e., 5-Year, 100-Year), AECOM reviewed FEMA flood hazard maps and Flood Insurance Study for the City of Mukilteo, which participates in the National Flood Insurance Program (City of Mukilteo 2024b). The current, effective 2020 FEMA flood hazard map (FIRM Panel Number 53061C1010F) is shown in Figure 4-2 (FEMA 2020). The map shows that the tidal area and western margin of the subject property have High Flood Risk and are in Zone AE (EL 13) (i.e., there is a 1 percent annual chance at a base flood elevation (BFE) of 13.0 feet NAVD88). The subject property is an area of old fill with an embankment

along the shoreline that is partially protected by riprap. The polygon mapped south of the subject property along 1st Street is also a high-risk zone with a lower BFE of 12.0 feet.

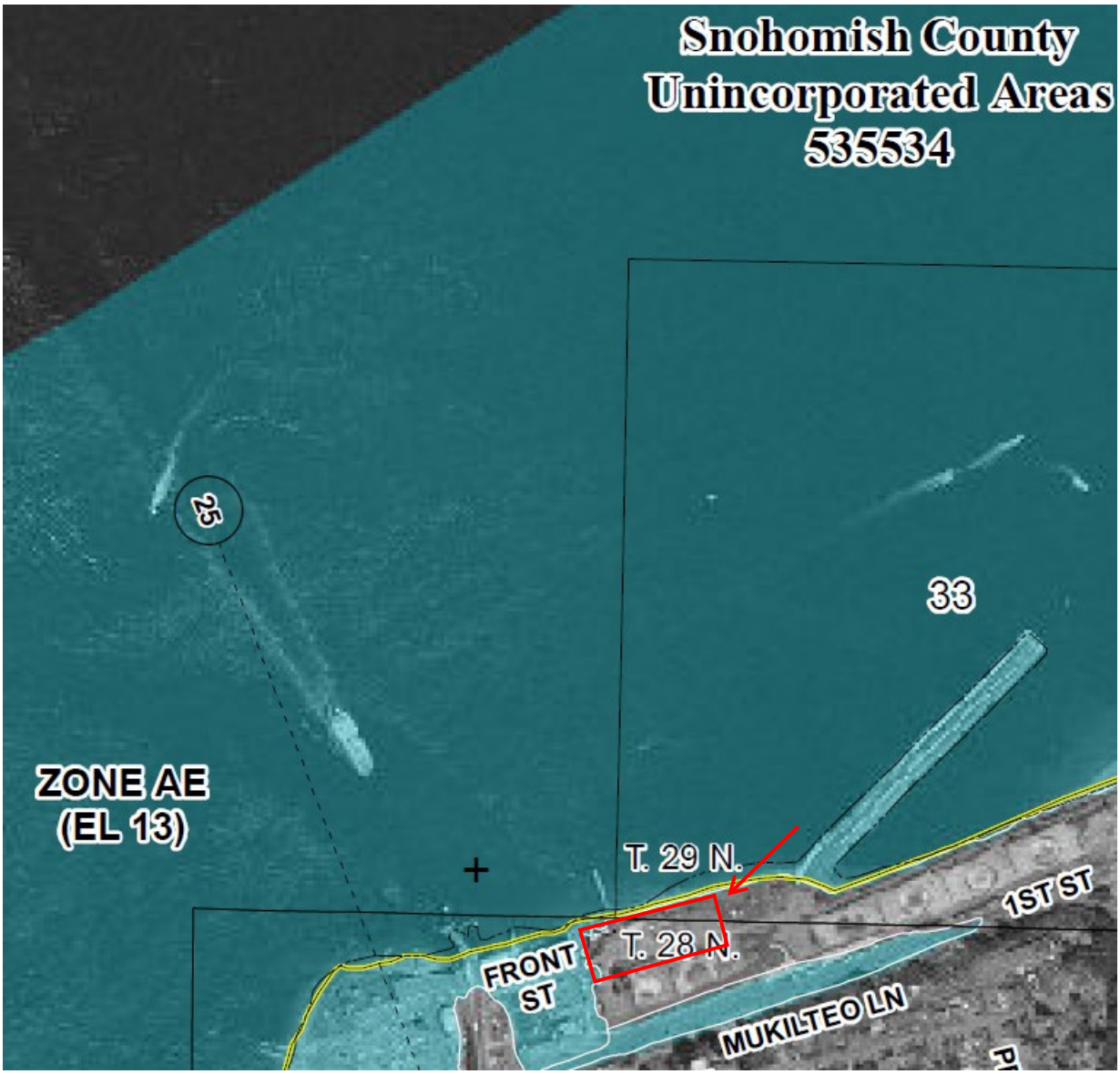


Figure 4-2 2020 Effective FEMA Flood Hazard Map

Note: A portion of the 2020 FEMA flood hazard map for the subject property (FIRM Panel Number 53061C1010F). The approximate 1.1-acre upland portion of the NWFSC Mukilteo Research Station is highlighted by the red box and arrow. The 100-Year BFE is 13 feet NAVD88 and includes the seaward portion and the western margin of the subject property. The polygon south of the subject property along 1st St has a BFE of 12 feet. Boundaries shown on figure are approximate and for reference only.

4.9.3 Environmental Consequences

Alternative 1: Preferred

Direct Effects
Conveyance of the subject property to the Port of Everett would have no direct effect to floodplains, as there would be no physical changes at the site directly resulting from this action, and no new structures, fill, or excavation within a floodplain that could affect base flood elevations and/or floodplain boundaries. Nonetheless, because the subject property is partially located within the 100-year floodplain, NOAA is following the eight-step process outlined in EO 11988 and NOAA's *Guidance on Compliance with the Implementing Procedures for Executive Orders 11988 and 11990* (NOAA 2012). See Appendix D.

Indirect Effects
Indirect effects to floodplains from conveyance of the property to the Port of Everett would depend on the ultimate use and redevelopment of the property by the Port. Future redevelopment in accordance with the Port's recent waterfront visioning process (Port of Everett 2023) could involve substantial earthwork and construction on the project site, pier removal, removal of underground utilities, construction of buildings and public walkways, and possible improvements to the coastal embankment. Many of these activities could occur within the 100-year floodplain, which could result in new structures at risk of flooding and/or could result in changes to the base flood elevation and/or floodplain boundaries. It is understood that future development of the site by the Port would include raising the level of the site and construction of shoreline protection (Lefeber, pers. comm. 2024), which would be anticipated to reduce the potential for flooding at the site compared to existing conditions.

Because the subject property would no longer be under federal ownership, the Port would not be subject to the provisions of 11988 Floodplain Management like the federal owner (NOAA) is currently. As such, the Port would not be required to avoid the location of facilities outside the 100-year base floodplain unless there is no practicable alternative location and would not be required to undertake the 8-step process outlined in EO 11988 if the redevelopment included actions within the floodplain.

However, unlike the federal government, the Port would be subject to state and local laws and regulations, including SEPA, which would require the Port to identify any project-specific impacts relating to floodplains. If identified impacts would be potentially significant, mitigation, avoidance, minimization, or compensatory mitigation measures would be required. Furthermore, the Port would also be subject to the Critical Area and Flood Damage Prevention requirements of the MMC (described in the Regulatory Setting section above). The Port would also be required to obtain the necessary federal, state, and local permits associated with any redevelopment, and to obtain a Conditional Letter of Map Revision/Letter of Map Revision (CLOMR/LOMR) from FEMA, if the project would alter floodplain boundaries.

Therefore, due to the robust state and local regulatory framework governing development within floodplains, transfer of the subject property to the Port of Everett under the Preferred Alternative would have a negligible to moderate indirect impact to floodplains.

Alternative 2: Excess Property

Direct Effects
Conveyance of the project site to GSA, to arrange for eventual conveyance of the property for the highest and best use using its authorities, would have no direct effect to floodplains as there would be no physical changes at the site resulting from this action.

Indirect Effects
Indirect effects to floodplains resulting from conveyance of the project site to GSA would depend on the ultimate use and/or redevelopment of the property by the eventual landowner. Whilst would be speculative to predict the future use and redevelopment of the site under such conditions, any such use or redevelopment could include actions within the 100-year floodplain, which would be expected to have similar potential impacts as described for the Preferred Alternative.

If the future owner were another federal entity, any future proposed action would be subject to the same provisions of NEPA as NOAA currently have to comply with, which would require the federal entity to identify any project-specific impacts relating to floodplains, and provide mitigation, if necessary, to reduce potential impacts. Furthermore, any future federal landowner would also need to comply with EO 11988 just as NOAA currently does.

If the future owner were non-federal, they would not be required to undertake the 8-step process required by EO 11988, but significant impacts to floodplains would be avoided through the same robust federal, state, and local regulatory and permitting framework as described for the Preferred Alternative above.

As such, transfer of the subject property to the GSA for eventual conveyance under the Excess Property Alternative would have a negligible to moderate indirect impact to floodplains.

Alternative 3: No-Action

Under the No-Action Alternative, the project site would continue to be owned and maintained in its current condition by NOAA. No demolition or construction activities would occur on the property. The property would remain in federal ownership such that the provisions of EO 11988 would still apply. Because there would be no physical changes or construction at the site, implementation of the No-Action Alternative would have no effect to floodplains in the short term. However, if the coastal riprap continues to degrade over the long term, additional erosion of upland areas of the site could reduce the ability of the site to withstand coastal flooding.

4.9.4 Mitigation Measures

No mitigation measures are required for the Preferred Alternative, Excess Property Alternative, or the No Project Alternative.

4.10 COASTAL ZONE MANAGEMENT

This section describes the coastal zone in the vicinity of the subject property and analyzes the potential effects of the Proposed Action on coastal zone management specifically relative to federal, state, and local laws and regulations addressing coastal resources. The hydrologic and habitat features of coastal zones are addressed in sections 4.3 Water Resources and Hydrological Processes, 4.7 Flora, Fauna, and Habitats, and 4.8 Wetlands.

4.10.1 Regulatory Setting

Federal

Coastal Zone Management Act
The CZMA was passed by Congress in 1972, as amended, and it authorizes certain coastal states to actively manage and protect coastal and shoreline resources from residential, recreational, commercial, and industrial uses. States have the primary role of managing coastal areas via an approved CZMP, which describes how the state will manage coastal uses and resources in the coastal zone.

The federal consistency provision of the CZMA provides that federal actions that have reasonably foreseeable effects on any land, water use, or natural resource of the coastal zone should be consistent, to the maximum extent practicable, with the enforceable policies of a coastal state's federally approved CZMP (discussed below). Known as the "effects test," a federal agency must determine whether there are such effects, and, if there are, the agency must submit a Federal Consistency Determination to the state. Federal consistency requirements are described in Section 307 of the CZMA and at 15 CFR Section 930.

State

Coastal Zone Management Program
Ecology administers Washington's CZMP. Washington's CZMP applies to all lands and waters in Washington's coastal counties, including Snohomish County where the Proposed Action is located, and extends from the shoreline seaward three nautical miles. While Federal and tribal lands are excluded from a state's coastal zone, the Proposed Action is subject to the federal consistency provision of the CZMA as discussed below.

Coastal Zone Management Federal Consistency Review
The federal CZMA authorizes states with approved CZMPs to review federal activities, projects which require a federal permit/license, or projects utilizing federal funding proposed in a state's coastal zone. The state process is known as federal consistency review and serves as a tool to manage coastal activities and resources and to facilitate coordination and cooperation with federal agencies. Generally, federal consistency requires that federal actions within and outside the coastal zone which have reasonably foreseeable effects on any coastal use (land or water) or natural resource of the coastal zone be consistent with the enforceable policies of a state's federally approved CZMP. The specific type of federal action will determine whether a consistency determination or certification is required.

Under Washington's CZMP, federal activities that could affect the coastal zone must comply with the enforceable policies within the following state laws and their implementing regulations (Ecology 2024c):

- State SMA (including local government shoreline master programs)
- State Water Pollution Control Act
- State Clean Air Act
- State Ocean Resources Management Act

Washington State Shoreline Management Act
The state of Washington SMA was passed by the Washington Legislature in 1971 and adopted by voters in 1972. Its overarching goal is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines." There are three basic SMA policy areas: Shoreline use, environmental protection, and public access. The SMA requires all counties and most towns and cities with shorelines to develop and implement Shoreline Master Programs. The law also defines Ecology's role in reviewing and approving local programs. The City of Mukilteo has a state-approved SMP.

Washington State Environmental Policy Act
The SEPA process identifies and analyzes environmental impacts associated with local and state governmental decisions, such as issuing permits for private projects, constructing public facilities, or adopting regulations, policies, and plans. Environmental review under SEPA requires consideration of the effects of a project on shoreline uses including consistency with the applicable shoreline master program.

Local

City of Mukilteo Shoreline Management Plan
Washington's SMA is implemented within the City of Mukilteo jurisdictional limits through the City of Mukilteo's approved SMP, contained in Title 17B (Shoreline Management Regulations) of the MMC (City of Mukilteo 2020).

4.10.2 Affected Environment

The subject property shoreline and tidelands on Possession Sound are within Washington's Coastal Zone (Ecology 2024c). They are within jurisdiction of the City of Mukilteo SMP (City of Mukilteo 2020), designated as Urban Waterfront and Aquatic Urban Environments. Coastal resources at the project site include shoreline, intertidal, and subtidal deepwater habitats (Ecology 2024a). Federally listed fish and wildlife and numerous other marine species use this habitat (see Section 4.7, *Flora, Fauna, and Habitats* for a complete description of coastal resources). The waters and shoreline of Possession Sound are designated as extraordinary water quality for aquatic life by Ecology which means that the area is potentially suitable for salmonid and other fish migration, rearing, and spawning; clam, oyster, and mussel rearing and spawning; and crustacean and other shellfish (crabs, shrimp, scallops, etc.) rearing and spawning (Ecology 2024b).

The subject property includes approximately 500 linear feet of shoreline. The shoreline represents the edge of an area of historic fill and is mostly hardened with riprap with sparse ruderal vegetation. There is a mixed sand-gravel-cobble beach, and tidelands extending down to the predicted extreme low tide line at -4.1 feet MLLW (DNR 2004). Sand and fine gravel deposition on the beach or in the intertidal zone is minimal. Pieces of large wood have been deposited at the bottom of the riprap. Subtidal waters extend seaward to a depth where sunlight no longer supports marine vegetation (typically approximately -30 feet NAVD88 in depth) and beyond.

The subject property also includes several man-made structures along the shoreline. A pier, 6 feet wide and 250 feet long, is present. The pier deck is wooden for the first 150 feet and then constructed of concrete to its end. Large pieces of wood and concrete have fallen off the pier and are embedded in the substrate. The beach also includes remnants of a rescue boat launch, exposed concrete rails outline the abandoned boat ramp, and some derelict piles. There are no remaining buildings on the subject property or adjacent property to the east. Commercial buildings of the Mukilteo waterfront are adjacent to the west.

4.10.3 Environmental Consequences

Alternative 1: Preferred

Direct Effects
Conveyance of the subject property to the Port of Everett would have no direct effect to coastal resources or coastal zone management, as there would be no physical changes at the site resulting from this action. However, the proposed action is subject to review and requirement of a coastal zone consistency statement under the CZMA. NOAA's consistency determination is included in Appendix C, for which Ecology concurrence was received on December 5, 2024.

Indirect Effects
Indirect effects to coastal resources from conveyance of the subject property to the Port of Everett would depend on the ultimate use and redevelopment of the property by the Port. Future redevelopment in accordance with the Port's recent waterfront visioning process (Port of Everett 2023) could involve substantial earthwork and construction on the project site, including removal of the dilapidated NOAA pier, and development of new commercial land uses such as retail and restaurants, cultural/educational land uses, and recreational facilities such as a waterfront esplanade and enhanced shoreline access. The overall concept is to develop a vibrant waterfront with access to the water, walking trails, dining, culture, and a place to enjoy views of the sea, islands, and mountains. Adverse impacts to the coastal zone could occur if the redevelopment were not consistent with the enforceable policies of the state's CZMP, but beneficial impacts could occur if the redevelopment is consistent, due to the utilization of an underutilized, vacant coastal property.

Because future actions by the Port are not federal actions, a Coastal Zone Management Act consistency determination would not be required for any future redevelopment by the Port. However, future redevelopment would be subject to SEPA, which would require the Port to identify any project-specific impacts relating to shoreline uses and compatibility with local zoning and land use programs such as the

SMP. If identified impacts would be potentially significant, mitigation, avoidance, minimization, or compensatory mitigation measures would be required.

In addition, non-federal actions are also required to comply with all of the applicable State regulations that the federal consistency determination considers, including the Washington State Shoreline Management Act, State Water Pollution Control Act, State Clean Air Act, and State Ocean Resources Management Act, as well as local regulations and programs such as the City of Mukilteo's Shoreline Management Program, contained in Title 17B (Shoreline Management Regulations) of the MMC and Shoreline Management Plan, which includes policies designed to limit impacts of coastal developments and ensure that the coastal zone prioritizes water-oriented commercial development, recreation, access, transportation, and other related human uses.

Because of the robust framework of state and local regulations that would apply to any future development of the subject property by the Port, the indirect effects relating to coastal zone management from transfer of the property to the Port under the Preferred Alternative would be negligible to moderate, and possibly beneficial in the long-term.

Alternative 2: Excess Property

Direct Effects
Conveyance of the project site to GSA, to arrange for eventual conveyance of the property for the highest and best use using its authorities, would have no direct effect to coastal resources. There would be no physical changes at the site resulting from the Excess Property Alternative. Similar to Alternative 1, the Excess Property Alternative is a federal action that would require a coastal zone consistency statement under the CZMA.

Indirect Effects
Indirect effects to coastal resources resulting from conveyance of the project site to GSA would depend on the ultimate use and/or redevelopment of the property by the eventual landowner. Whilst would be speculative to predict the future use and redevelopment of the site under such conditions, future construction activities and land uses could be similar to those described for the Preferred Alternative, or could include other federal or public uses.

If the future owner were another federal entity, any future proposed action would be subject to the same provisions of NEPA as NOAA currently have to comply with, which would require the federal entity to identify any project-specific impacts relating to coastal zone management, and provide mitigation, if necessary, to reduce potential impacts. Furthermore, any future federal landowner would also need to undertake the federal consistency determination process in accordance with the CZMA.

If the future owner were non-federal, they would not be required to undertake the federal consistency determination process in accordance with the CZMA, but significant impacts to coastal zone management and coastal resources would be avoided through the same robust federal, state, and local regulatory and permitting framework as described for the Preferred Alternative above.

As such, indirect impacts of transfer of the subject property to the GSA for eventual conveyance under the Excess Property Alternative to coastal zone management would be negligible to moderate.

Alternative 3: No-Action

Under the No-Action Alternative, the project site would continue to be owned and maintained in its current condition by NOAA. No demolition or construction activities would occur on the property. Therefore, implementation of the No-Action Alternative would have no adverse effect on coastal zone management. Furthermore, the potential beneficial effects of the Preferred Alternative would not occur, as this coastal zone property would remain vacant and underutilized.

4.10.4 Mitigation Measures

No mitigation measures are required for the Preferred Alternative, Excess Property Alternative, or the No Project Alternative.

4.11 FARMLANDS

This section describes farmland and agricultural use at the subject property and surrounding areas and analyzes the potential effects of the Proposed Action pertaining to farmland resources. The description of existing setting and evaluation of the impacts is based on review of published information from previous site records and the City of Mukilteo.

4.11.1 Regulatory Setting

Federal

Farmland Protection Policy Act, 1981
The Farmland Protection Policy Act became law in 1981 and is intended to minimize the impact of federal program actions from converting farmland to nonagricultural uses that would undermine economies in rural areas. Farmland includes prime farmland, unique farmland, and land of Statewide or local importance. The Farmland Protection Policy Act mandates federal agencies to examine if potentially adverse effects to prime or unique farmlands or farmlands of state or local importance would occur before approving any action that would irreversibly convert farmland to non-agricultural uses. The U.S. Department of Agriculture defines prime farmland as land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses, including cultivated land, pastureland, forest land, or other land (NRCS 2002).

For projects that have the potential to convert important farmland to non-farm use, U.S. Department of Agriculture Service Center uses a land evaluation and site assessment system to establish a farmland conversion impact rating score on proposed sites. This score is used as an indicator for the project sponsor to consider alternative sites if the potential adverse impacts on the farmland exceed the recommended allowable level. In instances where the conversion of prime farmland is necessary, the U.S. Department of Agriculture has created the Farmland Conversion Impact Rating system (NRCS 2002).

State

Washington State Environmental Policy Act
The SEPA process identifies and analyzes environmental impacts associated with local and state governmental decisions, such as issuing permits for private projects, constructing public facilities, or adopting regulations, policies, and plans. Environmental review under SEPA requires consideration of the effects of a project on farmlands including impacts to agricultural and forest lands of long-term commercial significance.

Local

There are no State or local regulations pertaining to farmlands that are applicable to the Proposed Action.

4.11.2 Affected Environment

The Preferred Alternative would take place on federally-owned land on the shores of Possession Sound, roughly 25 miles north of Seattle. The site has been previously developed and no agricultural activities take place on the site. The subject property is zoned as Waterfront Mixed Use (WMU) and is surrounded by land zoned as open space (OS), downtown business (DB), and Residential areas (City of Mukilteo 2018). The immediate area surrounding the site and within city limits are zoned as Open Space, Downtown Business, and Residential areas. Snohomish County intends to develop farmland across the county for future commercial use, but the closest proposed farmland district is roughly 4.7 miles east of the site.

4.11.3 Environmental Consequences

Alternative 1: Preferred

Conveyance of the subject property to the Port of Everett would have no direct or indirect effect to farmland resources as there are no farmland resources in the vicinity.

Alternative 2: Excess Property

Conveyance of the project site to GSA to arrange for the eventual conveyance of the property for the highest and best use using its authorities would have no direct or indirect effects to farmland resources as there are no such resources in the vicinity.

Alternative 3: No-Action

Under the No-Action Alternative, the project site would continue to be owned and maintained in its current condition by NOAA. There would be no direct or indirect effects to farmland resources as there are no such resources in the vicinity.

4.11.4 Mitigation Measures

No mitigation measures are required for the Preferred Alternative, Excess Property Alternative, or the No Project Alternative.

4.12 NOISE

This section describes the existing noise environment in the vicinity of the subject property and analyzes the potential effects of the Proposed Action pertaining to noise. Noise is typically characterized as unwanted sound. Environmental noise analysis typically compares project-attributed noise to existing or natural ambient sound based on applicable impact assessment criteria. The ambient sound level is a composite of sound from all sources, including natural background and anthropogenic sources. Point source noise originates from one or more sound sources that generally remain in one place for extended periods of time. They include most construction activities. Construction point source noise is commonly measured by maximum decibel (dB) level. Line source noise is generated by moving objects along a linear corridor, such as highway traffic on a busy road, and is typically estimated over longer time periods. The human-built environment (e.g., noise barriers) and natural factors, such as topographic shielding, ground surface hardness, vegetation, temperature, wind, and relative humidity, affect noise levels over distance.

4.12.1 Regulatory Setting

Federal

Noise Control Act and Quiet Communities Act
The federal Noise Control Act of 1972 required that all federal agencies administer their programs to promote an environment free of noise that would jeopardize public health or welfare. The Noise Control Act directed the EPA to identify acceptable noise limits under various conditions that would protect public health and welfare with an adequate margin of safety. These are guidance levels rather than enforceable standards or regulations. Section 4(b) of the federal Noise Control Act directs federal agencies to comply with applicable federal, state, and local noise requirements with respect to the control and abatement of environmental noise.

State

Washington Administrative Code
At the state level, Chapter 173-60 of the WAC establishes the maximum permissible noise levels for which noise from one property may intrude into another property. Land uses are assigned differing environmental designations for noise abatement (EDNA), such as residential (Class A), commercial (Class B), or industrial uses (Class C). EDNA's set noise level standards take into consideration the present, future, and historical usage, and the usage of adjacent lands. This regulation applies to noise that may propagate to adjacent properties. Regulations allow noise levels to be temporarily exceeded for certain brief periods without being in violation (WAC 173-60-040(2)(c)).

Washington State Environmental Policy Act
The SEPA process identifies and analyzes environmental impacts associated with local and state governmental decisions, such as issuing permits for private projects, constructing public facilities, or adopting regulations, policies, and plans. Environmental review under SEPA requires consideration of the effects of a project on different types of noise (traffic, construction, operation) relevant to existing noise levels, considered in the short-term and long-term.

Local

City of Mukilteo Municipal Code
Noise in the project area is typically subject to the MMC Chapter 8.18 (Noise Control). The city has adopted WAC 173-60 for the regulation of environmental noise with some modifications in the definition of nighttime for certain days of the week.

4.12.2 Affected Environment

Based on the City of Mukilteo's current zoning and land use designations (City of Mukilteo 2024c), the subject property is classified as a Class B EDNA. Commercial and recreational properties adjacent to the subject property along the waterfront are considered Class B EDNAs. Future commercial-mixed use development, public parks, and open space planned to the east and south of the subject property as part of the Mukilteo Downtown Waterfront Master Plan (City of Mukilteo 2016) are also Class B EDNAs. The Multimodal ferry and rail terminal are considered Class C EDNAs. The closest Class A EDNAs to the subject property are residential neighborhoods located approximately 450 feet to the south along 2nd Street, on the opposite side of the BNSF Railroad.

Ambient sound levels can be estimated based on population density. The population density in the City of Mukilteo is approximately 1,900 people per square mile. The estimated daytime ambient sound level in Mukilteo based on population density would be around 50 A-weighted decibel (Dba) (FTA 2006; WSDOT 2018). However, daytime sound levels in the project area are expected to be higher due to major nearby noise sources such as the Burlington Northern Railway and the WSDOT Multimodal Terminal. Rail activity is the most prominent noise source in the project area, with relatively continuous activity on four tracks that includes passing trains, idling, cars connecting and disconnecting, train horns, and train backup signals. The ferry terminal is the third most prominent noise source in the area with intermittent, though frequent (every 20-30 minutes) noise from ferry arrival and departure, vehicle loading and offloading, the ferry horn, and associated wave/wake action. Other noise sources in the project area that contribute to the overall background noise to a lesser extent include aircraft overflights (especially from Paine Field), vehicular traffic, and natural sources such as wind, waves, and birds.

Based on sound level measurements undertaken in October 2018, ambient sound levels in residential neighborhood and waterfront parks were generally between 49 and 58 dBA but ranged as high as 72 dBA closer to the railroad corridor (NOAA 2019).

4.12.3 Environmental Consequences

Preferred Alternative

Direct Effects
Conveyance of the subject property to the Port of Everett would have no direct noise effects, as there would be no physical changes at the site resulting from this action and no new or increased noise-generating activities such as construction activities, increased traffic, or new mechanical noise sources.

Indirect Effects
Indirect noise effects from conveyance of the property to the Port of Everett would depend on the ultimate use and redevelopment of the property by the Port. Future redevelopment in accordance with the Port's recent waterfront visioning process (Port of Everett 2023) could involve substantial earthwork and construction on the project site, which would generate temporary noise from construction equipment operating at the site as well as construction-related traffic on nearby public roads. Future land uses at the site could also include noise-generating components such as heating ventilation and air conditioning (HVAC) or other mechanical equipment, or potentially entertainment-related noise if outdoor performance space were included as part of the redevelopment.

Such redevelopment would be subject to SEPA, which would require the Port to identify any project-specific impacts relating to noise. If identified impacts would be potentially significant, mitigation, avoidance, minimization, or compensatory mitigation measures would be required. Future development would also have to comply with applicable state and local regulations (as described in the Regulatory Setting subsection, above). If temporary or permanent noise sources associated with the redevelopment would potentially exceed the maximum permissible noise limit for Class A and B EDNAs typical best management practices, or other mitigation measures, would be required.

Because of the robust framework of state and local regulations that would apply to any future development of the subject property by the Port, indirect noise effects from transfer of the property to the Port would be negligible to moderate.

Alternative 2: Excess Property

Direct Effects
Conveyance of the project site to GSA, to arrange for eventual conveyance of the property for the highest and best use using its authorities, would have no direct noise effects, as there would be no physical changes at the site resulting from this action and no new or increased noise-generating activities such as construction activities, increased traffic, or new mechanical noise sources.

Indirect Effects
Indirect noise effects resulting from conveyance of the project site to GSA would depend on the ultimate use and/or redevelopment of the property by the eventual landowner. Whilst it would be speculative to predict the future use and redevelopment of the site under such conditions, the noise generated by

construction activities and future land uses could be similar to those described for the Preferred Alternative.

If the future landowner were a federal entity, any future proposed action would be subject to the same provisions of NEPA as NOAA currently have to comply with, which would require the federal entity to identify any project-specific noise impacts and provide mitigation, if necessary, to reduce potential impacts.

If the future landowner were a non-federal entity, any future redevelopment would be subject to SEPA and other applicable state and local noise regulations, as described for the Preferred Alternative above.

As such, indirect noise effects from transfer of the property to GSA under the Excess Property Alternative would be negligible to moderate.

Alternative 3: No-Action

Under the No-Action Alternative, the project site would continue to be owned and maintained in its current condition by NOAA. There would be no physical changes at the site resulting from this alternative and no new or increased noise-generating activities such as construction activities, increased traffic, or new mechanical noise sources. Therefore, implementation of the No-Action Alternative would have no effect relating to noise.

4.12.4 Mitigation Measures

No mitigation measures are required for the Preferred Alternative, Excess Property Alternative, or the No Project Alternative.

4.13 TRANSPORTATION

This section describes the existing transportation network in the vicinity of the subject property and analyzes the potential effects of the Proposed Action pertaining to transportation. Transportation encompasses vehicle traffic, roads, railroads, airports, ferries, public transportation, bicycle and pedestrian movement, and related infrastructure and programs.

4.13.1 Regulatory Setting

Federal

There are no federal regulations pertaining to transportation that are applicable to the Proposed Action. The closest interstate highway is Highway 5, which is approximately 5 miles from the Proposed Action area.

State

Washington State Department of Transportation
The WSDOT is responsible for building, maintaining and operating the state's highway system and ferry system. Additionally, WSDOT works in partnership with other public agencies to maintain and improve local roads, railroads and airports, as well as supports alternatives to driving, such as public transportation, bicycles and pedestrian programs. WSDOT operates and maintains over 18,000 lanes miles of state highways and owns, operates, and maintains nearly 3,300 bridge structures (WSDOT 2024). The WSDOT also collects and maintains traffic data for state highways and develops long-term transportation related plans.

Washington State Environmental Policy Act
The SEPA process identifies and analyzes environmental impacts associated with local and state governmental decisions, such as issuing permits for private projects, constructing public facilities, or adopting regulations, policies, and plans. Environmental review under SEPA requires consideration of the effects of a project on transportation including impacts to existing roads and streets, pedestrian and bicycle facilities, state transportation facilities, water, rail, or air transportation, and public transit.

Local

City of Mukilteo Municipal Code
The City of Mukilteo is the governing authority for vehicles and traffic, as codified under Title 10 of the MMC, including transportation improvements under Chapter 10.26. The City of Mukilteo has adopted a Transportation Impact Fee program to ensure future development pays for a proportionate share of the cost to mitigate resulting impacts to the transportation system. The City's Complete Streets Policy (MMC Chapter 10.30) requires the City to scope, plan, design, construct, operate and maintain appropriate facilities for the safe accommodation of pedestrians, bicyclists, transit users, motorists, emergency responders, freight and users of all ages and abilities in all new construction, retrofit or reconstruction transportation projects.

City of Mukilteo Comprehensive Plan 2035
The City's Comprehensive Plan includes an inventory of transportation and transit systems, 20-year forecast of future traffic, pedestrian and bicycle components, and strategies to reduce vehicle use.

4.13.2 Affected Environment

The subject property is located at the northeast corner of Park Avenue and Front Street. South of that intersection, Park Avenue is a two-lane, north-south oriented local street with angle parking on the eastern side (with no sidewalk) and parallel parking (with sidewalk) on the west, which connects with First Street/State Route (SR) 525 approximately 200 feet south of the project site (Google Earth 2024). At its northern end, immediately adjacent to the subject property, Park Avenue terminates as the parking lot to the Mukilteo Community Beach Park. To the west of Park Avenue, Front Street is a two-lane east-west oriented street with sidewalks on both sides, angle parking on the north, and no parking on the south. To the east of Park Avenue, a non-public extension of Front Street borders the southern edge of the subject

property, which used to provide access to the site and adjacent tank farm property, but which is now gated and no longer used except for site related work.

The project area is the focal point for the Mukilteo area transportation hub. First Street/SR 525 is a four-lane east-west road extending east from the intersection with SR 525 (Mukilteo Speedway) and Lighthouse Avenue in the west. SR 525 terminates as a five-lane wide loading parking and unloading area for the Mukilteo-Clinton Ferry Terminal approximately 900 feet east of the subject property, while First Street continues east past the ferry terminal to Edgewater Beach Park. To the southwest of the subject property (bordered by Front Street, Park Avenue, SR 525/1st Street and Lighthouse Avenue) is a public parking lot. Public parking lots also extend along the south side of SR 525/1st Street east to the Mukilteo Sound Transit Station.

The BNSF Railway's Scenic Subdivision rail corridor runs parallel to and south of First Street/SR 525 and has five sets of tracks in the project vicinity, due to the presence of Mukilteo Station, approximately 400 feet southwest of the subject property. A rail spur provides access to the Port of Everett Mount Baker Terminal approximately 3,000 feet east of the subject property.

SR 525 is a major transportation corridor and is the only uninterrupted north-south vehicular route through the city of Mukilteo. Due to the city's topography, optional routes are severely limited. The largest source of traffic in Mukilteo (nearly 94 percent) is on SR 525 carrying traffic to and from the Mukilteo-Clinton ferry and Boeing Company's manufacturing plant at Paine Field airport in the City of Everett (also accessed by SR 526 southeast of the waterfront) (City of Mukilteo 2021). The Mukilteo-Clinton ferry terminal provides ferry access from Mukilteo, across Possession Sound Bay, to Island County. WSDOT has identified SR 525 and SR 526 in Mukilteo as Highways of Statewide Significance. Mukilteo is required to include SR 525 and SR 526 in its inventory of essential facilities. The City cannot deny development based on impacts to SR 525 and SR 526 because the two state routes in Mukilteo are excluded from local concurrency requirements.

Based on traffic monitoring, the Annual Average Daily Traffic (AADT; volume adjusted by seasonal and axle correction factors) for SR 525 near its junction with 2nd Street (southwest of the subject property), traffic grew by 16 percent from 2017 to 2018 with AADT at 11,861 (WSDOT 2024). AADT remained at a similar level in 2019 but dropped during 2020 due to COVID-19 closures. AADT recovered during 2021 to 10,585 but remained at levels 13 percent lower than the 2018 peak in 2022. Monitored at the ferry terminal, outbound ferry AADT was 5,370 in 2022 (WSDOT 2024). SR 525 traffic is forecasted to grow by over 13 percent by 2040 with nearly 85 percent of that increase originating from outside Mukilteo (City of Mukilteo 2021), resulting in significant traffic congestion.

4.13.3 Environmental Consequences

Preferred Alternative

Direct Effects
Conveyance of the subject property to the Port of Everett would have no direct effect on transportation, as there would be no changes at the site directly resulting from this action. As such, no new traffic would be generated and no changes to the existing transportation network would be required.

Indirect Effects
Indirect effects on transportation from conveyance of the property to the Port of Everett would depend on the ultimate use and redevelopment of the property by the Port. Future redevelopment in accordance with the Port's recent waterfront visioning process (Port of Everett 2023) could involve substantial construction on the project site and introduction of new land uses such as restaurants and recreational or cultural facilities.

In the short term, construction of such development would generate construction-related traffic such as trucks and construction worker commute traffic, which could cause temporary, localized congestion on local roadways and could require temporary lane or road closures on local streets near the subject property. Future redevelopment could also require the dedication of new public streets and/or pedestrian/cycle paths that could change the transportation network in the localized area. In the long term, the newly introduced land uses and improved desirability of the waterfront area would likely generate additional traffic and increase traffic volume on nearby roads which could cause congestion or adverse safety effects. However, redevelopment could also result in improved pedestrian and bicycle connectivity.

Any future redevelopment of the subject property by the Port would be subject to SEPA, which would require the Port to identify any project-specific impacts relating to transportation, including existing roads and streets, pedestrian and bicycle facilities, state transportation facilities, water, rail, or air transportation, and public transit. If potential impacts would be potentially significant, avoidance, minimization, or compensatory mitigation measures would be required to reduce potential impacts. Future development would also have to comply with applicable state and local regulations (as described in the Regulatory Setting subsection, above).

Because of the robust framework of regulations that would apply to any future development of the subject property by the Port, indirect effects on transportation from transfer of the property to the Port would be negligible to moderate, and potentially beneficial with respect to the pedestrian and bicycle network.

Alternative 2: Excess Property

Direct Effects
Conveyance of the project site to GSA, to arrange for eventual conveyance of the property for the highest and best use using its authorities, would have no direct effect on transportation, as there would be no changes at the site directly resulting from this action. As such, no new traffic would be generated and no changes to the existing transportation network would be required.

Indirect Effects
Indirect effects to transportation resulting from conveyance of the project site to GSA would depend on the ultimate use and/or redevelopment of the property by the eventual landowner. Whilst it would be speculative to predict the future use and redevelopment of the site under such conditions, the traffic generated by construction activities and future land uses could be similar to those described for the Preferred Alternative.

If the future landowner were a federal entity, any future proposed action would be subject to the same provisions of NEPA as NOAA currently have to comply with, which would require the federal entity to identify any project-specific transportation impacts and provide mitigation, if necessary, to reduce potential impacts.

If the future landowner were a non-federal entity, any future redevelopment would be subject to SEPA and other applicable state and local regulations, as described for the Preferred Alternative above.

As such, indirect effects to transportation from transfer of the property to GSA under the Excess Property Alternative would be negligible to moderate.

Alternative 3: No-Action

Under the No-Action Alternative, the project site would continue to be owned and maintained in its current condition by NOAA. No demolition or construction activities would occur on the property and no new uses would occur that would result in additional traffic generation or require changes to the transportation network. Therefore, implementation of the No-Action Alternative would have no effect on transportation.

4.13.4 Mitigation Measures

No mitigation measures are required for the Preferred Alternative, Excess Property Alternative, or the No Project Alternative.

4.14 UTILITIES AND SOLID WASTE

This section describes the current utilities and solid waste services at the subject property and evaluates potential impacts of the Proposed Action on such services. Utilities and solid waste consist of the systems that provide services such as water, energy, waste treatment, and communications to an area.

4.14.1 Regulatory Setting

Federal

There are no directly applicable federal regulations pertaining to effects of federal actions on local utilities and public services (i.e., solid waste disposal). Regulatory constraints related to the existing capacity and distribution of utility services is typically considered through local zoning or land use law.

While the federal government is not required to follow local regulations under the Public Building Amendments of 1988 (P.L. 100-678), they strive to assess potential effects of projects and conform to local requirements to the extent practicable.

State

Washington State Environmental Policy Act
The SEPA process identifies and analyzes environmental impacts associated with local and state governmental decisions, such as issuing permits for private projects, constructing public facilities, or adopting regulations, policies, and plans. Environmental review under SEPA requires consideration of the effects of a project on current and proposed utilities and solid waste such as energy (electrical, natural gas), solid waste, sewer and septic, and communications.

Local

City of Mukilteo Comprehensive Plan 2035
The City of Mukilteo's Comprehensive Plan 2035 was adopted by the City Council on October 5, 2015 and amended on June 4, 2018 and February 2021. It provides goals and policies to guide growth and development in the city (City of Mukilteo 2021), including goals and policies relating to utilities.

4.14.2 Affected Environment

Utility systems in Mukilteo include electric distribution, natural gas, water supply and distribution, wastewater treatment, solid waste facilities, and telecommunication systems. Mukilteo is serviced by multiple utility providers. Solid waste and refuse service is provided by the Waste Management of Washington Inc. Northwest Division for curbside collection of garbage, recycling, and yard/food waste for all residents and businesses. Water and wastewater services, electricity and natural gas services are provided by Mukilteo Water and Wastewater District, Snohomish County Public Utility District No. 1 (SnoPUD), and Puget Sound Energy, respectively.

SnoPUD has a service area of 2,200 square miles and has a generating capacity of 132 megawatts (MW) (SnoPUD 2023a). In 2022, the PUD sold 8.6 billion kilowatt-hours of electricity to its customers. Of that total, 45 percent of the electricity was consumed by residential customers, 27 percent by commercial customers, and 5 percent by industrial customers. The rest was resold to other utilities through the wholesale power market (SnoPUD 2023b).

An existing water manhole is located at Park Street. There is a sanitary sewer manhole located in front of the existing building. The existing natural gas line is located near the intersection of Park Street and Front Street. Telephone and cable telecommunications providers include Verizon and Comcast. Existing communications infrastructure is located at the corner of Park Street and Front Street.

4.14.3 Environmental Consequences

Alternative 1: Preferred

Direct Effects
Conveyance of the project site to the Port of Everett would have no direct effect to utilities and solid waste as there would be no physical changes at the site that would impact existing systems or result in changes to demand for utility or solid waste services.

Indirect Effects
Indirect impacts to utilities and solid waste management from conveyance of the property to the Port of Everett would depend on the ultimate use and redevelopment of the property by the Port. Future redevelopment in accordance with the Port's recent waterfront visioning process (Port of Everett 2023) could involve substantial construction of buildings and other structures on the project site, and introduction of new land uses such as restaurants or cultural and recreational facilities. These construction activities could require temporary, short-term interruptions of existing services to nearby properties during utility upgrades and/or new connections; whilst in the long term, the new land uses would increase demand for electric distribution, natural gas, water supply and distribution, wastewater treatment, solid waste facilities, and telecommunication systems. These impacts would not be expected to be significant, as the project site is in an urbanized area with established utility services. Although some upgrade of existing utility conveyances may be required to adequately serve future development at the property and adjacent sites, any such development would be subject to environmental review under SEPA and subject to local zoning and land use law, as described in the Regulatory Setting section above. The SEPA process would require the Port to identify any project-specific impacts relating to utilities and solid waste, and provide mitigation, if necessary, to avoid or reduce potential impacts.

Because of the robust framework of regulations that would apply to any future development of the subject property by the Port, indirect effects on utilities and solid waste from transfer of the property to the Port would be negligible to moderate.

Alternative 2: Excess Property

Direct Effects
Conveyance of the project site to GSA to arrange for the eventual conveyance of the property for the highest and best use would have no direct effect to utilities and solid waste as there would be no physical changes at the site that would impact existing systems or result in changes to demand for utility or solid waste services.

Indirect Effects
Indirect effects to utilities and solid waste systems resulting from conveyance of the project site to GSA would depend on the ultimate use and/or redevelopment of the property by the eventual landowner. Whilst it would be speculative to predict the future use and redevelopment of the site under such conditions, the potential impacts to utilities and solid waste from construction activities and future land uses could be similar to those described for the Preferred Alternative.

If the future landowner were a federal entity, any future proposed action would be subject to the same provisions of NEPA as NOAA currently have to comply with, which would require the federal entity to identify any project-specific utility and solid waste impacts and provide mitigation, if necessary, to reduce potential impacts.

If the future landowner were a non-federal entity, any future redevelopment would be subject to SEPA and other applicable state and local regulations, as described for the Preferred Alternative above.

As such, indirect effects to utilities and solid waste from transfer of the property to GSA under the Excess Property Alternative would be negligible to moderate.

Alternative 3: No-Action

Under the No-Action Alternative, the project site would continue to be owned and maintained in its current condition by NOAA. No demolition or construction activities would occur on the property. Therefore, implementation of the No-Action Alternative would have no direct or indirect effects to utility and solid waste resources.

4.14.4 Mitigation Measures

No mitigation measures are required for the Preferred Alternative, Excess Property Alternative, or the No Project Alternative.

4.15 VISUAL RESOURCES

This section describes the current visual character of the subject property and its surroundings and evaluates potential impacts of the Proposed Action on visual/scenic resources. Visual/scenic resources, such as, national, state or local parks, areas adjacent to designated wild and scenic rivers, and regionally scenic byways, routes or views from designated viewing areas have a social setting, which includes public expectations, values, awareness, and concern regarding visual quality. This social setting is addressed as "visual sensitivity," and is important to assessing how important a visual impact may be and whether or not it represents a significant impact.

4.15.1 Regulatory Setting

Federal

Federal Land Policy and Management Act of 1976
Federal Land Policy and Management Act, 43, USC Section 1701 (a)(8) states that public lands must be managed in a manner that will protect the quality of the scenic values. Additionally, Section 1701(c) identifies scenic values as a resource that should be managed by the public.

National Environmental Policy Act of 1969
While NEPA does not establish particular guidance for determining the significance of visual/aesthetic resources impacts, in 43 USC Section 4331(b)(2), it requires measures be taken to assure that esthetically pleasing surroundings are available for all Americans.

Bureau of Land Management's Visual Resource Management System
The Bureau of Land Management developed a system for analysis of visual effects on federal lands. This system is called Visual Resource Management, which involves inventorying scenic values and establishing management objectives for those values. While Visual Resource Management is typically applied to large federal landholdings requiring an EIS, these concepts can be applied to provide a basis for assessing effects within an EA for less expansive federal actions proposed on non-federal land parcels.

State

Washington State Environmental Policy Act
The SEPA process identifies and analyzes environmental impacts associated with local and state governmental decisions, such as issuing permits for private projects, constructing public facilities, or adopting regulations, policies, and plans. Environmental review under SEPA requires consideration of the effects of a project on visual resources including building height, exterior building materials, and whether the project would alter or obstruct views in the immediate vicinity.

Local

City of Mukilteo Municipal Code
While NOAA, as a federal agency, is not strictly subject to local land use regulation, Mukilteo Municipal Code Chapter 17B.25 provides design guidelines for new development in the Waterfront Mixed Use zone. The planning director makes urban design decisions based on the guidelines in Chapter 17B.25 to promote visual quality in these areas of the city.

4.15.2 Affected Environment

The subject property is located in the northernmost part of the City of Mukilteo, west of the city of Everett. The subject property is an east-west-oriented portion of the Possession Sound shoreline.

Major land uses along the shoreline with public views include the Mukilteo Lighthouse Park at the west end of the point. A condominium development, restaurants, and a hotel are between the lighthouse and Park Avenue. Directly to the west of the subject property is the unofficial Mukilteo Community Beach Park where there is public access to the beach. To the east are the Mukilteo Ferry Terminal and parking lot. The Puget Sound/Possession Sound shoreline is a main land formation which generally accommodates views parallel to the shoreline such as portions of the subject property and the pier (FTA and WSDOT 2013).

Directly to the south of the subject property are access lanes leading to the ferry terminal. Further south, to the east of Park Avenue, is the BNSF railroad and Sound Transit's Mukilteo Station, which includes

platforms and parking. The flat, low-lying area between the shoreline and the BNSF right-of-way is one distinct land formation (FTA and WSDOT 2013). The topography and buildings along the shoreline do offer views of distant landforms across Possession sound, such as the forested land mass in Island County and, further distant, Mount Baker. This low-lying area near the shore includes commercial developments mentioned above within a largely urban, shoreline environment limited in vertical extent by building height restrictions (primarily two-story structures).

The BNSF railroad generally forms the boundary between flat, low-lying coastal terrain and a steep, modest bluff to the south (FTA and WSDOT 2013). South of the BNSF railroad is an upland area with primarily single-family residential land uses bounded by SR 525 to the west and Park Avenue to the east. Fowler Pear Tree Park located in the Barbara Brennan Dobro Park located on Mukilteo Lane, is located southeast of the project site on the south side of the BNSF railroad tracks.

The viewshed includes public access areas such as public parks, trails and roadway viewpoints. The closest accessible public space to the subject property is the beach access immediately adjacent to the project site to the west. A pier is located approximately 350 feet east of the project site and is used for recreational fishing, crabbing and sightseeing. Barbara Brennan Dobro Memorial Park, located on Mukilteo Lane, is located approximately 515 feet southeast of the project site on the south side of the railroad tracks. Mukilteo Lighthouse Park is located on Front Street approximately 1,000 feet west of the subject property (City of Mukilteo 2004, 2016). Mukilteo Lighthouse Park includes access to Mukilteo Beach and also includes a trail (City of Mukilteo 2017).

Other resources in the City of Mukilteo, which may have public views of the Preferred Alternative, within a half mile or less and south of the railroad tracks include Rosehill Community Center, Lower Japanese Gulch trail head, Centennial Park, and Japanese Gulch Conservation Area. The Lower Japanese Gulch trail head is located approximately 1,500 feet east of the project site. The trail is approximately 0.25 mile long and serves as a connection to a larger network of trails found in the Japanese Gulch Conservation Area which is approximately 0.5 mile from the project site (City of Mukilteo 2017).

All of the facilities on the subject property associated with NOAA's former Mukilteo Research Station were decommissioned and demolished in 2022, with the exception of subsurface utilities and other remnant infrastructure, and the existing pier which extends into the tidelands of the adjacent Possession Sound. Currently, vegetation is sparse and limited to a narrow grassy area along the western property fence line, and patches of ruderal vegetation between paved and graveled areas or in cracks in the pavement. Therefore, the current physical condition of the subject property is not visually aesthetic.

The subject property faces Possession Sound to the north with views from ferry ships and Hat Island in the distance. To the west, public views include the unofficial Mukilteo Community Beach Park and the Mukilteo Fishing Pier. To the east, public views include the Ferry Terminal location. To the south, public views include the Sound Transit Mukilteo Station, Fowler Pear Tree Park, Rosehill Community Center, and Japanese Gulch Trail.

Security lighting exists along the pier, although its current operational status is unknown. Along the seashore side of the property are various pipes, tanks, and other equipment enclosed by a chain linked fence with barbed wire. The pier is fenced off and not available to the public.

4.15.3 Environmental Consequences

Alternative 1: Preferred

Direct Effects
Conveyance of the project site to the Port of Everett would have no direct effect to visual resources, as there would be no physical changes at the site as a result of the property transfer that could change the existing visual character of the area. Therefore, degradation of the existing aesthetic quality is not anticipated.

Indirect Effects
Indirect impacts relating to visual resources from conveyance of the property to the Port of Everett would depend on the ultimate use and redevelopment of the property by the Port. Future redevelopment in accordance with the Port's recent waterfront visioning process (Port of Everett 2023) is likely to include removal of the dilapidated NOAA pier, and development of new commercial land uses such as retail and restaurants, cultural and educational uses, and recreational facilities such as a waterfront promenade and enhanced shoreline access. The overall concept is to develop a vibrant waterfront with access to the water, walking trails, dining, culture, and a place to enjoy views of the sea, islands, and mountains. This development would be required to comply with City of Mukilteo Municipal Code Chapter 17B.25, which provides design standards for property zoned WMU. Chapter 17B.25 includes design standards that encourage smaller scale buildings and a vibrant sidewalk environment. It includes standards for overall architectural design, building form, landscaped design, pedestrian walkways, building materials, and building massing. Although the redevelopment is likely to change the visual character of the area, such impacts are likely to be beneficial compared to the existing vacant lot with chain link fencing, and dilapidated pier and riprap embankment that are currently present at the site.

Any future redevelopment of the subject property by the Port would be subject to SEPA, which would require the Port to identify any project-specific impacts relating to visual resources and provide mitigation, if necessary, to reduce potential impacts. Furthermore, any redevelopment would also need to comply with local land use regulations and requirements pertaining to visual resources such as City of Mukilteo Municipal Code Chapter 17B.25.

Because of the robust framework of state and local regulations that would apply to any future development of the subject property by the Port, the indirect effects relating to visual resources from transfer of the property to the Port under the Preferred Alternative would be negligible to moderately beneficial.

Alternative 2: Excess Property

Direct Effects
As described for Alternative 1, conveyance of the project site to GSA to arrange for the eventual conveyance of the property for the highest and best use using its authorities would have no direct effect to visual resources, as there would be no physical changes at the site.

Indirect Effects
Indirect effects to visual resources resulting from conveyance of the project site to GSA would depend on the ultimate use and/or redevelopment of the property by the eventual landowner. Whilst it would be speculative to predict the future use and redevelopment of the site under such conditions, the types of construction activities and future land uses could be similar to those described for the Preferred Alternative or could include other federal or public uses.

If the future landowner were a federal entity, any future proposed action would be subject to the same provisions of NEPA as NOAA currently have to comply with, which would require the federal entity to identify any project-specific impacts to visual resources and provide mitigation, if necessary, to reduce potential impacts.

If the future landowner were a non-federal entity, any future redevelopment would be subject to SEPA and other applicable state and local regulations, as described for the Preferred Alternative above.

As such, indirect effects to visual resources from transfer of the property to GSA under the Excess Property Alternative would be negligible to moderately beneficial.

Alternative 3: No-Action

Under the No-Action Alternative, the project site would continue to be owned and maintained in its current condition by NOAA. No demolition or construction activities would occur on the property. Therefore, implementation of the No-Action Alternative would not change the existing visual character of the area; therefore, degradation of the existing aesthetic quality is not anticipated.

4.15.4 Mitigation Measures

No mitigation measures are required for the Preferred Alternative, Excess Property Alternative, or the No Project Alternative.

4.16 HAZARDOUS MATERIALS

This section describes the existing hazardous materials and known contamination at the subject property and its surroundings and evaluates potential impacts of the Proposed Action relating to hazardous materials and contamination. For the purposes of this analysis, the terms “hazardous materials” and “hazardous waste” refer to substances defined as hazardous by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 USC Section 9601, et seq., as

amended, and the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), 42 USC Sections 6903-6992, as amended. In general, these include substances that, because of their quantity, concentration, or physical, chemical, or infectious properties, may present substantial risk to public health, welfare, or the environment if released. The area of potential effect encompasses areas that could potentially be exposed if activities on the subject property release hazardous materials or waste.

4.16.1 Regulatory Setting

Federal

Comprehensive Environmental Response, Compensation and Liability Act
The EPA is responsible for implementing and enforcing federal laws and regulations pertaining to hazardous materials, including hazardous wastes. Key legislation includes the CERCLA, as amended by the Superfund Amendments and Reauthorization Act and the Emergency Planning and Community Right-to-Know Act. Hazardous materials storage and reporting requirements, known as Tier II Requirements, have been delegated to the States by the EPA.

Resource Conservation and Recovery Act
The RCRA requires that any hazardous waste generated during site redevelopment will need to be transported, treated, or disposed of in accordance with regulations which require the hazardous waste (referred to as dangerous waste under Washington State law) be tracked using a Uniform Hazardous Waste Manifest (EPA Form 8700-22). Sites that generate over 220 pounds of hazardous waste, or that accumulate over 2,200 pounds of hazardous waste at any one time, require a RCRA Site Identification Number and filing of an application (referred to as Dangerous Waste Site Identification Form) with Ecology.

US Department of Labor, Occupational Safety and Health Administration
The Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor is responsible for implementing and enforcing federal laws and regulations that address worker health and safety. OSHA requires training for those using or otherwise handling hazardous materials. Training is to include procedures for personal safety, hazardous-materials storage and handling, and emergency response.

OSHA has developed Hazardous Waste Operations and Emergency Response Standards (HAZWOPER) to protect workers at hazardous sites. In general, workers involved in the investigation and/or cleanup of contaminated sites need to have completed the appropriate HAZWOPER training. The HAZWOPER 40-hour training is required for contractors involved with site earthwork during construction or involved in the cleanup operations at hazardous waste sites.

Code of Federal Regulations, Titles 29 and 40
Regulations in CFR Title 29 include requirements to manage and control exposure to lead-based paint and asbestos-containing materials. OSHA is the agency responsible for assuring worker safety in the workplace, including safety during construction activities that may result in exposure to hazardous

materials. Federal OSHA also has an asbestos survey requirement under Title 29 CFR, which require facilities to take all necessary precautions to protect employees and the public from exposure to asbestos.

The removal and handling of asbestos-containing materials is governed primarily by EPA regulations under CFR Title 40. The regulations require that the appropriate State agency be notified before any demolition, or before any renovations, of buildings that could contain asbestos or asbestos-containing materials above a specified threshold.

State

Underground Storage Tank Regulations (WAC 173-360)
Owners and operators of underground storage tank (UST) systems must comply with the Washington State regulations which govern the installation, operation and closure of USTs (known or discovered). The regulatory requirements for releases from regulated UST systems containing petroleum products are outlined in this regulation. In general, regulated UST systems include any tank or combination of tanks and connecting piping storing over 110 gallons of regulated hazardous substances (including gasoline and diesel fuel). There is an exemption for heating oil tanks with a capacity of 1,100 gallons or less. UST systems that were not operated after January 1, 1974, and were removed before May 8, 1986, do not need to comply with UST system requirements. However, the reporting and cleanup of releases from these and other exempt UST systems must still comply with Model Toxics Control Act (MTCA).

Model Toxics Control Act (WAC 173-340)
The MTCA requires cleanup actions at a site where any of the following conditions exist:

- Free product (light non-aqueous phase liquid) is identified in groundwater;
- Hazardous substances are present in groundwater exceeding the MTCA groundwater cleanup standards established for the site;
- Hazardous substances are present in the soil exceeding the MTCA soil cleanup standards established for the site; and
- Hazardous substances are present in other media (e.g., surface water, sediment, indoor air, etc.) in excess of applicable MTCA cleanup standards for that media.

Cleanup actions at petroleum-contaminated sites must comply with the cleanup standards described in WAC 173-340-700 through 173-340-760 and requirements for the selection of cleanup actions in WAC 173-340-350 through 173-340-390. The MTCA cleanup regulations specify certain threshold and other requirements as minimum requirements that all cleanup actions must meet. Cleanup actions must (WAC 173-340-360) protect human health and the environment; comply with cleanup standards; comply with applicable state and federal laws; use permanent solutions to the maximum extent practicable; provide for a reasonable restoration time frame; provide for compliance monitoring; and consider public concerns.

The MTCA cleanup regulations do not require a permit from Ecology to cleanup a site. However, excavations, soil treatment, and other activities related to site cleanups may require permits from local planning, building, health, or fire departments, as well as regional air pollution control authorities and

state agencies other than Ecology. Any soil excavation work would be required to conform with MTCA regulations.

Sediment Management Standards (WAC 173-204)
Petroleum-contaminated sites impacting marine or freshwater sediments also need to comply with Sediment Management Standards. The Aquatic Lands Cleanup Unit provides guidance on sediment contamination investigations and development of site-specific cleanup levels.

Dangerous Waste Regulation (WAC 173-303)
The State's Dangerous Waste Regulation (WAC 173-303) defines dangerous waste and outlines specific requirements for the generation, treatment, storage, and disposal of dangerous wastes. Dangerous wastes can be transported only to specifically permitted facilities for treatment, storage, or disposal. Soils and groundwater contaminated by releases from regulated USTs are exempt from most of the dangerous waste regulations under WAC 173-303-071(3)(t). However, the contents of tanks, and petroleum contaminated soils generated by other petroleum cleanups, are not exempt from the dangerous waste regulations.

Waste materials generated during investigation and/or cleanup actions performed during site redevelopment (e.g., soil foundation earthwork and dewatering) are potentially subject to designation as a hazardous waste/dangerous waste under WAC 173-303. It is possible that volatile organic compounds (VOCs), lead, polychlorinated biphenyls, and polycyclic aromatic hydrocarbons typically present in petroleum wastes and products, and petroleum contaminated soils, could trigger designation of these materials as a hazardous waste.

Solid Waste Handling Standards (WAC 173-350)
Petroleum-contaminated soils that are not classified as dangerous wastes under WAC 173-303 are regulated under the Solid Waste Handling Standards (WAC 173-350). This rule applies to the handling of contaminated soil when removed from a site complying with MTCA cleanup regulations.

Water Quality Regulations (WAC 173-220)
State law requires a water quality discharge permit if water from a petroleum contaminated site is discharged to surface water or groundwater. There are four options for discharge of contaminated water from cleanup sites:

a) Treatment and discharge to surface water. Discharge of contaminated water from a point source to State surface waters (including storm drains), requires a NPDES permit. Applications must be submitted no later than 180 days prior to the planned commencement of discharge. Rules governing these types of discharges require monitoring and reporting of effluent quality and providing treatment for wastewater. Construction and cleanup activities that disturb the land and result in stormwater leaving the site and discharging to surface water also require a construction stormwater permit.

b) Pretreatment and discharge to sanitary sewer. Discharges to a municipal sewer system require a pretreatment permit (WAC 173-216). These permits are either issued by

Ecology, or by the local treatment system operator (Snohomish County/Mukilteo Water and Wastewater District).

c) Treatment and discharge to ground and groundwater. Discharges to ground and groundwater, whether contained on-site or released off-site, may require a State Waste Discharge Permit. These permits are issued by Ecology's regional offices. Local conditions and the method of discharge and containment will determine the need for the permit. Applications must be submitted at least 60 days prior to discharge.

d) Transport to a permitted industrial wastewater treatment. Contaminated pump water, purge water, or extracted groundwater can also be stored on-site and transported to a facility permitted to receive industrial wastewaters. For water designated as Dangerous Waste, a permitted, hazardous waste treatment facility must be used. If dewatering is required during the future site foundation installation activities, the pumped water will require appropriate handling, treatment, and disposal/discharge.

Water Resources Program (WAC 173-160)
Requirements for the installation/construction and decommissioning of resource protection wells, as defined under RCW 18.104, are regulated under WAC 173-160. This includes soil borings, soil gas sampling wells, groundwater monitoring wells, groundwater extraction wells, product recovery wells and vapor extraction wells. These types of wells must be constructed in compliance with these regulations.

A temporary water right permit under RCW 90.03.250 is required if total pumping on the site during well development, sampling, or treatment exceeds 5,000 gallons on any single day.

Water Quality Standards for Surface Waters (WAC 173-201A)
Water quality standards for surface waters of the state of Washington are established by Ecology under WAC 173-201A, consistent with public health and public enjoyment of the waters and the propagation and protection of fish, shellfish, and wildlife. Possession Sound (directly adjacent to the project site) is classified by Ecology as an "extraordinary water quality" waterbody (WAC 173-201A-612). This designation means that the area is potentially suitable for salmonid and other fish migration, rearing, and spawning; clam, oyster, and mussel rearing and spawning; and crustacean and other shellfish (crabs, shrimp, scallops, etc.) rearing and spawning. This designation has specific water quality standards designed to protect aquatic life, shellfish, recreation, and miscellaneous uses.

General Safety and Health Standards
The Washington State Department of Labor and Industries administers workplace safety and health regulations. For contaminated site cleanup, in addition to core workplace safety requirements, there are additional specific requirements for site safety plans, characterization, monitoring, and employee training. The most relevant regulations include WAC 296-24 General Safety and Health Standards; WAC 296-62 General Occupational Health Standards; WAC 296-155 Safety Standards for Construction Work; and WAC 296-843 Hazardous Waste Operation.

Washington State Environmental Policy Act
The SEPA process identifies and analyzes environmental impacts associated with local and state governmental decisions, such as issuing permits for private projects, constructing public facilities, or adopting regulations, policies, and plans. Environmental review under SEPA requires consideration of the effects of a project on environmental health including hazardous materials (stored or used on site during or after project development), flammable or explosive material risks, spill risk, hazardous waste production, current or past site contamination, underground liquid or gas pipelines, and emergency response needs.

Local

Snohomish County Standards for Construction Stormwater Pollution Prevention Plan
This Plan applies to selecting the BMPs and stormwater pollution prevention measures for construction activities that require a permit or approval from the Snohomish County Department of Planning and Development Services. The County code for Water Pollution Control, 7.53 Snohomish County Code, requires that no contaminated stormwater be discharged from a site. This rule outlines a process to establish the level of planning to obtain construction approval, and approval of development permits from Snohomish County. NPDES permits (administered by Ecology) and regulations for Construction Stormwater Pollution Prevention (administered by the County) require that a SWPPP be prepared for land disturbing activities.

4.16.2 Affected Environment

Chemicals and Hazardous Waste at the subject property

Until closure of the former Mukilteo Research Station, NOAA staff and contractors used, stored, and handled chemicals and generated hazardous waste since NOAA operations began in the early 1970s (approximately 50 years). No spills or releases into the environment associated with operational chemical use were reported, other than a small diesel spill near the emergency generator of the main facility building which occurred in 2016 (AECOM 2018). Additional discussion regarding cleanup efforts associated with this spill is provided below under “Contaminated Soil and/or Groundwater” subheading.

A Phase I Environmental Site Assessment prepared in 2018 identified remnant hazardous substances and petroleum products within the subject property, primarily associated with the main building, Quonset huts, and in a hazardous materials shed (AECOM 2018). The hazardous materials shed had a raised floor that covered a recessed area that served as secondary containment in the event of release of stored chemicals and wastes. A variety of chemicals were stored at the subject property, including cleaning chemicals, hydrochloric acid, sodium hydroxide, isopropanol, refrigerants, herbicides, formalin, magnesium perchlorate, sodium phosphate, ethanol, HDX (germicidal bleach), Argentyne (an iodine disinfectant), oil/lubricants, and diesel (AECOM 2018).

The former Mukilteo Research Station was a conditionally exempt, small-quantity generator of hazardous wastes, and as such, did not have a RCRA Site ID Number (McElhany, pers. comm., 2018). The quantity and type of wastes generated varied on a yearly basis but was under the conditionally exempt generators

limit of 220 pounds per month. These wastes contained ethanol/methanol, gasoline, oil-based paint, cadmium chloride/methylene chloride, and mercuric chloride in seawater.

Hazardous Building Materials

Asbestos containing materials and lead-based paint associated with the former Mukilteo Research Station buildings were abated and disposed of prior to/during the 2022 demolition activities. The existing pier and its pilings contain creosote-treated timber.

Contaminated Soil and/or Groundwater

The NOAA subject property and immediately adjacent land to the east and south were historically used by the U.S. Army as an ammunition shipping point, and later by the USAF as a DFSP, which included a bulk fuel tank farm. The information is also summarized in a Phase I Environmental Site Assessment prepared for the subject property (AECOM 2018). It describes the history of uses at the property and surrounding area; details previous environmental investigations and the findings of a regulatory database search; and identifies Recognized Environmental Conditions.[3]

Potential residual contamination associated with the historic uses of the area by the U.S. Army and USAF exists on the eastern portion of the subject property. Remedial actions were undertaken for the former USAF DFSP property (including the subject property) and a No Further Action designation was granted in 2006 by Ecology (Facility Site ID 2721). Subsequent investigations in 2006, 2007, 2013, 2016 and 2018 detected residual contamination in the eastern half of the subject property and extending up-gradient (south) and cross-gradient (east). This contamination appears to be primarily associated with the prior fuel tank farm operations (Ecology Facility Site ID 6222435; status “cleanup started”). The contaminants of concern include petroleum hydrocarbons, VOCs, polycyclic aromatic hydrocarbons, and metals. Concentrations of gasoline-range total petroleum hydrocarbons, benzene, xylenes, lead, and/or mercury exceeded applicable cleanup levels. Diesel range petroleum hydrocarbons were detected in groundwater adjacent to the northeast of the subject property at a concentration exceeding the applicable cleanup level (AECOM 2018). Prior investigations also documented contaminant seeps in the intertidal area of Possession Sound adjacent to and east of the subject property. Although additional remedial actions were undertaken on adjacent properties to the south and east of the subject property in conjunction with the recent Multimodal Ferry Terminal project, residual contamination could still be present beneath the subject property from near the ground surface to approximately 25 feet in depth in some areas.

Former remediation system vaults containing wells were identified throughout the subject property. Several underground features associated with the historical U.S. Army and USAF operations were identified on maps and plans of the subject property during the Phase I Environmental Site Assessment.

[3] The American Society of Testing and Materials (ASTM) Standard Practice for Environmental Site Assessments (Standard E1527-13) defines a Recognized Environmental Condition as: the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment (ASTM 2013).

While some features are known to have been removed from the property (e.g., a gas pump, grease pits, slop tank, heating oil UST, and truck-loading racks), closure documentation for most of these features were not available. The potential exists that residual soil or groundwater contamination may be present in the vicinity of these former site features, or that the features themselves may still be present (e.g., two oil-water separators; fuel lines associated with the former truck loading racks; a 2,300-gallon drain tank/UST; two gasoline USTs; and underground firefighting foam solution lines). Figure 4-3 shows the approximate location of historic features at the subject property, which may or may not still be present and/or may have caused localized residual contamination. In addition, creosote from the pilings of the existing pier may have leached into surrounding tidal/intertidal sediments.

In 2016, a 50- to 60-gallon spill of diesel fuel occurred at the Mukilteo Research Station main building's emergency generator and impacted soils in the crawl space under the western edge of the building (AECOM 2023). Approximately 6.2 tons of petroleum contaminated soil were removed as part of the initial clean up action; however, due to constraints to remediation caused by limited access beneath the building, diesel-impacted soils remained. The residual diesel contamination in soil resulted in the subject property being included on the Ecology list of Confirmed and Suspected Contaminated Sites (Ecology Facility Site ID 3425). After demolition of the building in 2022, additional excavation (approximately 34 tons) occurred to remove all soil above clean-up levels (AECOM 2023) and a No Further Action letter was issued by the Pollution Liability Insurance Agency (PLIA 2023).

See Section 4.2, Geology and Soils, and Section 4.3, Water Resources and Hydrological Processes for more information on the affected environment pertaining to these subjects, which also influence hazardous materials and contamination.

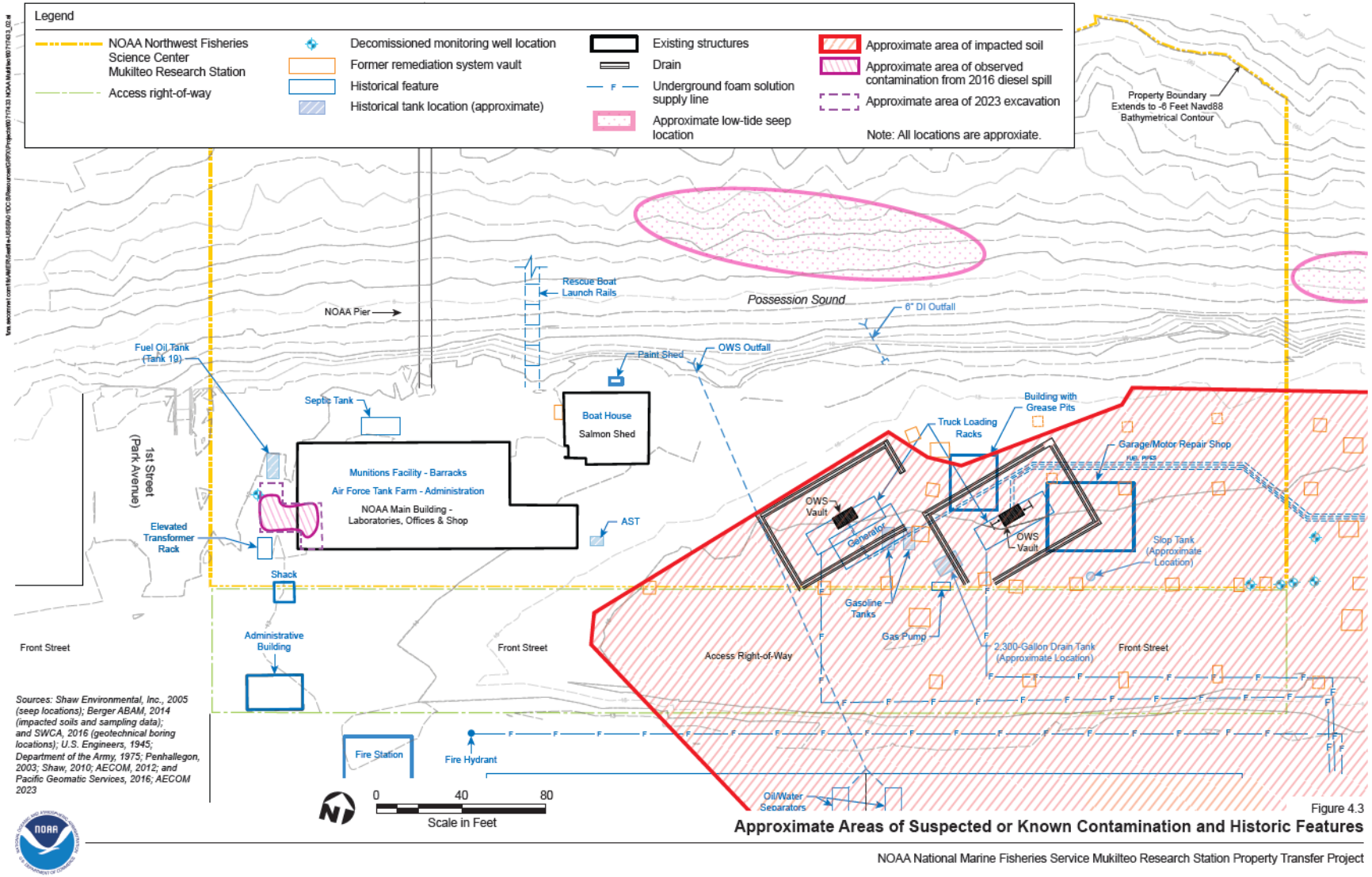


Figure 4-3 Approximate Areas of Suspected or Known Contamination and Historic Site Features

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4.16.3 Environmental Consequences

Alternative 1: Preferred

Direct Effects
Conveyance of the property to the Port of Everett would have no direct effect to hazardous materials, as there would be no physical changes at the site resulting from this action. As such, there would be no new hazardous materials introduced to the site, and no disturbance of existing soils or groundwater as a direct result of the Preferred Alternative.

Indirect Effects
Indirect effects to hazardous materials from conveyance of the property to the Port of Everett would depend on the ultimate use and redevelopment of the property by the Port. Future redevelopment in accordance with the Port's recent waterfront visioning process could involve substantial earthwork and construction on the project site, including removal of the pier and underground utilities, construction of buildings and public walkways, and replacement of the existing riprap embankment with a seawall and waterfront promenade (Port of Everett 2023). If these activities disturbed areas of residual contamination or encountered remnant utilities such as USTs or fuel lines, remobilization of contaminants could occur, resulting in a release to the environment or exposure of construction workers or the general public, if adequate precautions are not taken. However, construction activities would be expected to result in an overall net benefit, as any residual contamination encountered during construction would be removed. For example, removal of the existing pier pilings could release creosote-contaminated sediments into the water column during removal operations, temporarily affecting water quality, but would be expected to provide an overall net benefit in the long-term because the creosote pilings would no longer be present. Excavation activities and driving new piles (if needed) would have potential to allow migration of contaminants from shallower soils to deeper soils and/or groundwater by creating preferential pathways.

Future construction activities themselves would be anticipated to use small quantities of typical construction-related hazardous materials such as fuels, lubricants, adhesives, and paints, which have potential to be spilled. Future land uses at the site following redevelopment by the Port are unlikely to involve large quantities of hazardous materials, but could result in the storage, use, and handling of typical commercial-grade cleaning or maintenance supplies.

Any future redevelopment of the subject property by the Port would be subject to SEPA, which would require the Port to identify any project-specific impacts relating to hazardous materials. If potential impacts would be potentially significant, avoidance, minimization, or compensatory mitigation measures would be required to reduce potential impacts. Future construction activities and land uses would also have to comply with applicable federal, state and local regulations (as described in the Regulatory Setting subsection, above), including MTCA (WAC 173-340), Sediment Management Standards (WAC 173-204) and Dangerous Waste regulations (WAC 173-303) pertaining to contaminated soils and sediments, as well as OSHA and Washington State Department of Labor and Industries regulations to protect workers through hazard communication and provision of adequate training.

Because of the robust framework of federal, state, and local regulations that would apply to any future development of the subject property by the Port, indirect effects relating to hazardous materials from transfer of the property to the Port would be negligible to moderate, and potentially beneficial in the long term.

Alternative 2: Excess Property

Direct Effects
Conveyance of the project site to GSA, to arrange for eventual conveyance of the property for the highest and best use using its authorities, would have no direct effect to hazardous materials because there would be no physical changes at the site resulting from this action. As such, there would be no new hazardous materials introduced to the site, and no disturbance of existing soils or groundwater as a direct result of the Excess Property Alternative.

Indirect Effects
Indirect effects to hazardous materials resulting from conveyance of the project site to GSA would depend on the ultimate use and/or redevelopment of the property by the eventual landowner. Whilst it would be speculative to predict the future use and redevelopment of the site under such conditions, the types of construction activities and future land uses could be similar to those described for the Preferred Alternative or could include other federal or public uses.

If the future landowner were a federal entity, any future proposed action would be subject to the same provisions of NEPA as NOAA currently have to comply with, which would require the federal entity to identify any project-specific impacts to hazardous materials and provide mitigation, if necessary, to reduce potential impacts, as well as complying with applicable federal, state, and local regulations.

If the future landowner were a non-federal entity, any future redevelopment would be subject to SEPA and other applicable federal, state and local regulations, as described for the Preferred Alternative above.

As such, indirect effects to hazardous materials from transfer of the property to GSA under the Excess Property Alternative would be negligible to moderate.

Alternative 3: No-Action

Under the No-Action Alternative, the project site would continue to be owned and maintained in its current condition by NOAA. No demolition or construction activities would occur on the property. Therefore, implementation of the No-Action Alternative would have no adverse effect to hazardous materials in the short term. In the long term, if the coastal riprap continues to degrade, additional erosion could occur in upland areas of the site that may have residual contamination from former U.S. Army activities.

Furthermore, the potentially beneficial net benefits associated with removal of creosote-treated timber pilings form the nearshore, and/or removal of residual contamination or remnant utilities from upland areas, which may occur with Alternatives 1 or 2 would not occur under the No-Action Alternative.

4.16.4 Mitigation Measures

No mitigation measures are required for the Preferred Alternative, Excess Property Alternative, or the No Project Alternative.

4.17 PUBLIC SERVICES

This section describes the public services available in Mukilteo that may be affected by the Proposed Action. The public services discussed in this section include law enforcement, fire service, emergency medical service, and the Mukilteo School District.

4.17.1 Regulatory Setting

Federal

There are no directly applicable federal regulations pertaining to public services that are applicable to the Proposed Action.

State

Washington State Environmental Policy Act
The SEPA process identifies and analyzes environmental impacts associated with local and state governmental decisions, such as issuing permits for private projects, constructing public facilities, or adopting regulations, policies, and plans. Environmental review under SEPA requires consideration of the effects of a project on public services including direct changes to physical facilities or the operations of public service providers, and potential changes in the demand for or quality of the public services.

Local

City of Mukilteo Comprehensive Plan 2035
The City of Mukilteo's Comprehensive Plan 2035 was adopted by the City Council on October 5, 2015 and amended on June 4, 2018 and February 2021. It provides goals and policies to guide growth and development in the city (City of Mukilteo 2021), including goals and policies relating to public services.

4.17.2 Affected Environment

Law Enforcement, Fire, and Emergency Medical Services

The Washington State Patrol and the City of Mukilteo Police Department provide police and patrol services in the City of Mukilteo. State Patrol officers provide traffic control along SR 525. The police department employs 35 officers and provides full-service law enforcement agency including animal control, crime prevention, patrol services and investigations (City of Mukilteo 2018a). There are five divisions within the police department: administrative division, patrol division, traffic, special operations

division, and the community services division. The Mukilteo Police Department is located at 10500 47th Place West, approximately 3.6 miles to south of the subject property site.

The City of Mukilteo Fire Department provides fire suppression, rescue, and emergency medical services in the City of Mukilteo. The fire department employs 30 personnel who respond from two stations. Each station has three personnel on duty 24/7. As part of a county-wide mutual aid agreement coordinated through Snohomish County Emergency Management Services, adjacent jurisdictions provide backup emergency response to the City of Mukilteo. The Mukilteo Fire Station 24 is located at 700 5th Street is the nearest fire station to the subject property, approximately 0.4 miles south. This fire station has one engine and one medic with an engine on reserve (Mukilteo 2018b).

Schools

The Mukilteo School District serves approximately 15,000 students living in Mukilteo and south Everett (Mukilteo School District 2023). The Mukilteo Elementary School and Olympic View Middle School are the nearest schools located approximately 1.5 miles south of the subject property.

4.17.3 Environmental Consequences

Alternative 1: Preferred

Direct Effects
Conveyance of the project site to the Port of Everett would have no direct effect to public services as there would be no physical changes at the site. As such, there would be no new land uses that would change the demand for public services in the area and no construction activities that could potentially cause temporary impacts to the provision of such services.

Indirect Effects
Indirect impacts relating to public services from conveyance of the property to the Port of Everett would depend on the ultimate use and redevelopment of the property by the Port. Future redevelopment in accordance with the Port's recent waterfront visioning process (Port of Everett 2023) could involve substantial construction on the project site which could temporarily impact access for police and emergency services due to detours and lane/road closures. In the long term, future redevelopment could increase demand for public services such as fire, police, and schooling in the long term due to increased population and assets within the area.

Such impacts would be expected to be minor, as any such development would be subject to environmental review under SEPA and subject to local zoning and land use laws, including building code and fire code provisions. The SEPA process would require the Port to identify any project-specific impacts relating to public services and provide mitigation, if necessary, to avoid or reduce potential impacts.

Any future redevelopment of the subject property by the Port would be subject to the SEPA, which would require the Port to identify any project-specific impacts relating to public services and provide mitigation,

if necessary, to reduce potential impacts. Furthermore, any redevelopment would also need to comply with local land use regulations and requirements pertaining to public services, as described above in "Regulatory Setting."

Because of the robust framework of state and local regulations that would apply to any future development of the subject property by the Port, the indirect effects relating to public services from transfer of the property to the Port under the Preferred Alternative would be negligible to moderate.

Alternative 2: Excess Property

Direct Effects
Conveyance of the project site to GSA to arrange for the eventual conveyance of the property for the highest and best use using its authorities would have no direct effect to public services as there would be no physical changes at the site that would change demand for, or disrupt provision of, such public services.

Indirect Effects
Indirect effects to public services resulting from conveyance of the project site to GSA would depend on the ultimate use and/or redevelopment of the property by the eventual landowner. Whilst it would be speculative to predict the future use and redevelopment of the site under such conditions, the potential impacts to public services from construction activities and future land uses could be similar to those described for the Preferred Alternative.

If the future landowner were a federal entity, any future proposed action would be subject to the same provisions of NEPA as NOAA currently have to comply with, which would require the federal entity to identify any project-specific impacts to public services and provide mitigation, if necessary, to reduce potential impacts.

If the future landowner were a non-federal entity, any future redevelopment would be subject to SEPA and other applicable state and local regulations, as described for the Preferred Alternative above.

As such, indirect effects to public services from transfer of the property to GSA under the Excess Property Alternative would be negligible to moderate.

Alternative 3: No-Action

Under the No-Action Alternative, the project site would continue to be owned and maintained in its current condition by NOAA. No demolition or construction activities would occur on the property and no new land uses would be introduced. Therefore, implementation of the No-Action Alternative would have no direct or indirect effects to public services.

4.17.4 Mitigation Measures

No mitigation measures are required for the Preferred Alternative, Excess Property Alternative, or the No Project Alternative.

4.18 CUMULATIVE EFFECTS

This section describes the potential for cumulative effects (i.e., additive or interactive effects) that would result from the incremental impact of the Proposed Action, when added to other past, present, and reasonably foreseeable future actions (regardless of the agency or person undertaking such actions). Reasonably Foreseeable Future Actions are those actions that are reasonably certain to occur in the project area based on funded projects with existing plans. In accordance with 40 CFR 1508.7 and as detailed in Council for Environmental Quality guidance entitled *Considering Cumulative Effects Under NEPA*, agencies should analyze the potential cumulative effects that may occur when considering a proposed action "added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions."

4.18.1 Cumulative Projects

The following recent past, present, and foreseeable actions have been identified within the vicinity of the Proposed Action:

- NOAA NMFS Mukilteo Research Station Demolition (completed 2022) at the subject property.
- WSDOT Mukilteo Multimodal Ferry Project, including construction of the new Mukilteo Ferry Terminal approximately 900 feet east of the subject property (completed 2020) and associated waterfront and access improvements, and removal of former ferry terminal (completed 2020) approximately 500 feet west of the subject property.
- City of Mukilteo, SR 525 Sidewalk Improvements. Construct sidewalks along the east side of SR 525 between 2nd and 3rd Streets. Status: Completed (City of Mukilteo Public Works 2024).
- City of Mukilteo, 5th Street Pedestrian and Bicycle Improvements. Pedestrian and bicycle improvements along 5th Street as identified in the City's BTW Plan. Status: TBD (City of Mukilteo Public Works 2024).
- WSDOT, SR 525 Spur Vic to Mukilteo Ferry Terminal – HMA Paving and ADA Compliance. Status: Preconstruction (WSDOT 2024a).
- WSDOT, SR 525 Mukilteo Bridge Over Railroad – Bridge Replacement. Status: Preconstruction (WSDOT 2024b).
- City of Mukilteo, SRS Construction Reasonable Use Permit for Single-Family Residence, approximately 1,000 feet south of the subject property. Publicly notified November 9, 2022 (City of Mukilteo Planning and Development 2024).

- City of Mukilteo, Pittman Two-Lot Short Plat subdivision with associated clearing and grading, approximately 1,000 feet southwest of the subject property. Publicly notified February 16, 2023 (City of Mukilteo Planning and Development 2024).
- City of Mukilteo, 514 Washington Attached Accessory Dwelling Unit, approximately 2,000 feet south of the subject property. Publicly notified November 29, 2023 (City of Mukilteo Planning and Development 2024).

As discussed in Section 2.1.3 in relation to anticipated future use of the subject property under the Preferred Alternative, the Port of Everett, in partnership with the City of Mukilteo, led a waterfront development visioning effort to establish a unified vision for approximately 26 acres of undeveloped Mukilteo shoreline properties, including the subject property, stretching from Mukilteo's Lighthouse Park to Edgewater Beach (Port of Everett 2023). This process is in preliminary stages, with no formal plan yet developed or adopted for the redevelopment.

4.18.2 Cumulative Consequences

Alternative 1: Preferred

The Preferred Alternative would have no direct impacts with respect to any of the environmental topics evaluated in Sections 4.1 through 4.17, and therefore would not directly contribute to any cumulative environmental impacts.

The Preferred Alternative would also not have any indirect impacts to farmlands, due to the lack of farmland resources in the vicinity. Therefore, the Preferred Alternative would not contribute to any indirect cumulative impacts to this resource.

The indirect impacts of the Preferred Alternative with respect to other environmental topics range from negligible to moderate, and in some cases could be potentially beneficial. Due to the uncertainty involved regarding the nature of future redevelopment of the subject property by the Port, it is difficult to evaluate the contribution that such future actions may make to cumulative effects in the area. However, given that the Port intends to develop a waterfront master plan for the 26-acre area that includes the subject property, and because the development of that master plan would be subject to the provisions of SEPA and other applicable federal, state, and local regulations as described throughout Sections 4.1 through 4.17 of this EA, the overall cumulative effect of the Port's future redevelopment of the subject property, in conjunction with other past, present and future developments in the vicinity is anticipated to have an overall beneficial impact to most environmental resource areas in the long term. Any short term potential adverse cumulative impacts associated with the redevelopment of the waterfront would be identified through the SEPA process for the waterfront master plan and/or individual projects in accordance with the master plan, and appropriate avoidance measures or mitigation would be identified to reduce cumulative impacts.

Therefore, conveyance of the subject property to the Port of Everett under the Preferred Alternative would not have any significant cumulative impacts.

Alternative 2: Excess Property

Similar to that described for the Preferred Alternative, the Excess Property Alternative would not directly contribute to any cumulative environmental impacts and would not indirectly contribute to cumulative impacts to farmland resources.

The indirect impacts of the Excess Property Alternative with respect to other environmental topics range from negligible to moderate, and in some cases could be potentially beneficial. Even greater uncertainty is present regarding the nature of future use of the subject property under this alternative than for the Preferred Alternative, as the future landowner could be another federal entity or a non-federal entity. However, as described in Sections 4.1 through 4.17 above, there is a robust federal, state, and local regulatory framework in place that would require any future landowner to either undertake NEPA (for federal actions) or SEPA (for non-federal actions) to evaluate environmental impacts of the future use and redevelopment of the subject property, including cumulative impacts and implement appropriate avoidance measures or mitigation to reduce cumulative impacts.

Therefore, conveyance of the subject property to the GSA to arrange for the eventual conveyance of the property for the highest and best use using its authorities, under the Excess Property Alternative would not have any significant cumulative impacts.

Alternative 3: No Action

Under the No-Action Alternative, the project site would continue to be owned and maintained in its current condition by NOAA. No demolition or construction activities would occur on the property and no new land uses would be introduced. Therefore, implementation of the No-Action Alternative would have no direct cumulative effects to any environmental resource topics.

However, because the subject property is a key waterfront parcel within the 26-acre area that the Port is currently planning to redevelop as part of a future waterfront master plan, the maintenance of existing conditions at the vacant, underutilized subject property may adversely impact the ability of the Port to redevelop the area in the most efficient and effective manner. This could lead to adverse environmental impacts. For example, if the parcels on either side of the subject property were developed by the Port with a seawall and waterfront promenade, yet the subject property remained in its current state with its dilapidated pier and eroding riprap embankment, the adjacent seawalls could potentially be undermined and/or coastal erosion rates at the subject property could increase due to the changed coastal geomorphology.

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5 COMMUNITY INVOLVEMENT

The Draft EA was made available for public and agency review and comment during a 30-day minimum public review period beginning Friday October 18, 2024 and ending on Wednesday November 27, 2024. An announcement in the Public Notices section of the Everett Daily Herald was posted on Friday October 18, 2024, and in the Mukilteo Beacon on Wednesday October 23, 2024. This included both print and electronic editions for the purpose of notifying the public of the availability of the Draft EA on a NOAA website, and instructions were provided for accessing a printed copy.

No written comments were received during the public review period from the general public, or from tribal representatives or public agencies (see Sections 5.1 and 5.2 below). Therefore, no substantive changes have been made to the Draft EA – only minor edits have been made to reflect the public notification and consultation process and to correct minor typographical errors.

5.1 TRIBAL CONSULTATION

NEPA calls for federal agencies to invite the participation of any affected federally recognized Native American tribe in the environmental review process. In addition, Government-to-Government Relationship with Tribal Governments, guided by a Presidential Memorandum dated September 23, 2004 and EO 13175 dated November 6, 2000, require that federal agencies observe a government-to-government relationship with federally recognized tribal governments.

NOAA initiated contact with the following federally recognized tribes on February 2, 2024 (see Appendix E) and invited further consultation on the Proposed Action:

- Lummi Nation
- Muckleshoot Indian Tribe
- Samish Indian Nation
- Sauk-Suiattle Indian Tribe
- Snoqualmie Indian Tribe
- Stillaguamish Tribe of Indians of Washington
- Suquamish Indian Tribe of the Port Madison Reservation
- Swinomish Indian Tribal Community
- Tulalip Tribe
- Upper Skagit Indian Tribe

A written response was received by the Suquamish Indian Tribe on March 7, 2024, expressing concern regarding indirect impacts of the proposed action on Treaty fishing rights (see Appendix E).

NOAA invited all of the above-listed tribes to virtual meeting on March 15, 2024, which was attended by representatives from the Lummi Nation, Snoqualmie, Stillaguamish, and Suquamish tribes (as well as representatives from the City of Mukilteo, Port of Everett, and Washington Department of Archaeology and Historic Preservation [DAHP]).

A copy of the Draft EA (including the draft preservation covenant) was sent for review and comment to all of the above-listed tribes, and NOAA invited all of the above-listed tribes to an additional consultation meeting on November 19, 2024, during the public comment period for the Draft EA. This meeting was attended by representatives from the Samish, Snoqualmie, Suquamish, and Tulalip tribes, as well as representatives from the Port of Everett and DAHP. No concerns regarding the content of the Draft EA or draft preservation covenant were raised during the meeting, and no written comments were received following the meeting.

5.2 AGENCY CONSULTATION

As described above, the City of Mukilteo, Port of Everett, and Washington DAHP attended the virtual consultation meeting with NOAA on March 15, 2024. NOAA also met separately with DAHP on March 27, 2024 and with the Port on April 24, 2024, and with both DAHP and the Port on August 28, 2024 to discuss the proposed action and proposed covenant provisions. DAHP and the Port also attended the consultation meeting held during the Draft EA public review period on November 19, 2024.

The following federal, state, and local agencies were sent an electronic copy of the Draft EA and invited to review and comment on the document during the 30-day minimum public review period:

- NOAA National Marine Fisheries Service
- U.S. Army Corps of Engineers
- U.S. Environmental Protection Agency
- U. S. Fish and Wildlife Service
- Washington State Department of Archaeology and Historic Preservation
- Washington State Department of Ecology
- Washington State Department of Fish and Wildlife
- Washington State Department of Natural Resources
- Washington State Department of Transportation
- Snohomish County
- City of Mukilteo
- Port of Everett

No comments were received from public agencies during the Draft EA public review period. NOAA received concurrence from Ecology regarding the CZMA Consistency Determination on December 5, 2024 (see Appendix C).

6 SUMMARY OF IMPACTS, MITIGATION, AND REGULATORY REVIEWS

Table 6-1 below summarizes the anticipated impacts for the Preferred Alternative (Alternative 1), the Excess Property Alternative (Alternative 2), and the No Action Alternative (Alternative 3). No mitigation measures were identified for any of the alternatives evaluated.

Table 6-1 Summary of Anticipated Impacts for all Alternatives

Resources	Alternative 1 (Preferred)	Alternative 2 (Excess Property)	No Action Alternative
Land Use	Direct: None Indirect: Minor to Moderate, possibly Beneficial	Direct: None Indirect: Minor to Moderate, possibly Beneficial	None
Geological Resources	Direct: None Indirect: Negligible to Minor	Direct: None Indirect: Negligible to Minor	None
Water Resources and Hydrological Processes	Direct: None Indirect: Minor to Moderate, possibly Beneficial	Direct: None Indirect: Minor to Moderate, possibly Beneficial	None
Air Quality	Direct: None Indirect: Negligible to Minor	Direct: None Indirect: Negligible to Minor	None
Recreational Resources	Direct: None Indirect: Negligible to Moderate, possibly Beneficial	Direct: None Indirect: Negligible to Moderate, possibly Beneficial	None
Cultural Resources	Direct: None Indirect: Negligible to Minor	Direct: None Indirect: Negligible to Minor	None
Flora and Fauna	Direct: None Indirect: Negligible to Moderate, possibly Beneficial	Direct: None Indirect: Negligible to Moderate, possibly Beneficial	None
Wetlands	Direct: None Indirect: None, possibly Beneficial	Direct: None Indirect: None, possibly Beneficial	None
Floodplains	Direct: None Indirect: Negligible to Moderate	Direct: None Indirect: Negligible to Moderate	None
Coastal Zone Management	Direct: None Indirect: Negligible to Moderate, possibly Beneficial	Direct: None Indirect: Negligible to Moderate, possibly Beneficial	None
Farmlands	Direct: None Indirect: None	Direct: None Indirect: None	None
Noise	Direct: None Indirect: Negligible to Moderate	Direct: None Indirect: Negligible to Moderate	None
Transportation	Direct: None Indirect: Negligible to Moderate, possibly Beneficial	Direct: None Indirect: Negligible to Moderate, possibly Beneficial	None
Utilities and Solid Waste	Direct: None Indirect: Negligible to Moderate	Direct: None Indirect: Negligible to Moderate	None
Visual Resources	Direct: None Indirect: Negligible to Moderately Beneficial	Direct: None Indirect: Negligible to Moderately Beneficial	None

Resources	Alternative 1 (Preferred)	Alternative 2 (Excess Property)	No Action Alternative
Hazardous Materials	Direct: None Indirect: Negligible to Moderate, possibly Beneficial	Direct: None Indirect: Negligible to Moderate, possibly Beneficial	None
Public Services	Direct: None Indirect: Negligible to Moderate	Direct: None Indirect: Negligible to Moderate	None

No permits or approvals are required for NOAA's Proposed Action under the Preferred Alternative, Excess Property Alternative, or No Action Alternative; however various federal, state, and/or local permits may be required for future redevelopment of the subject property by the Port of Everett (Preferred Alternative) or by another federal or non-federal entity (Excess Property Alternative).

7 CONCLUSION

The findings of this EA indicate that no significant effects would result from implementation of the Proposed Action, using either the Alternative 1 (Preferred Alternative), Alternative 2 (Excess Property Alternative) or Alternative 3 (No-Action Alternative). Based on this analysis, a FONSI is warranted.

NOAA held a 30-day minimum public comment period for agencies and the public to review and submit written comments on the content and findings in the Draft EA. The comment period was completed on Wednesday November 27, 2024. No comments were received during the public review period and no substantive changes have been made to the EA since the Draft EA was published, other than minor edits to reflect the public notification and review process.

Based on the information contained in this Final EA, NOAA will make a decision whether to issue a FONSI or any other action.

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APPENDICES

Appendix A: Draft Historic Preservation Covenant

Appendix B: Port of Everett and City of Mukilteo Waterfront Visioning Information

Appendix C: CZMA Consistency Determination

Appendix D: Executive Order 11988 and 11990 8-Step Process Memorandum

Appendix E: Outreach and Correspondence

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APPENDIX A: DRAFT HISTORIC PRESERVATION COVENANT

APPENDIX B: PORT OF EVERETT AND CITY OF MUKILTEO WATERFRONT VISIONING INFORMATION

APPENDIX C: COASTAL ZONE MANAGEMENT ACT CONSISTENCY DETERMINATION

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APPENDIX E: OUTREACH AND CORRESPONDENCE

APPENDIX A: DRAFT HISTORIC PRESERVATION COVENANT

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HISTORIC PRESERVATION COVENANT

[EXHIBIT XXX TO THE QUITCLAIM DEED]

SECTION I: Covenant by Grantee

A. In furtherance of fulfilling the Grantor's trust responsibilities and obligations to federally-recognized Indian Tribes and under the National Historic Preservation Act of 1966 (NHPA), codified at sections 100101 *et seq*. of title 54, United States Code, the Grantee, by acceptance of this Deed, covenants and agrees, for itself, its heirs, its successors and assigns, and for every successor in interest to the historic properties, or any part thereof, on the real property (Property) conveyed by this Deed, that it will abide by each of the following covenants, each of which will be a covenant running with the land (referred to collectively herein as the "Preservation Covenant"). The term "Grantee" includes its heirs, its successors and assigns, and every successor in interest.

B. The overarching intent of this Preservation Covenant is to honor and protect the historical and cultural resources of Tribal communities associated with the Property. This Preservation Covenant serves as a proactive measure to preserve the intrinsic value of the land and its historical significance, recognizing the profound connection between the Indian Tribes and their ancestral territories. It is designed to ensure that all development activities on the Property are conducted with respect for Tribal history and in consultation with Indian Tribes.

C. Consistent with the intent articulated in B, above, where there are questions regarding any terms or procedures identified in this covenant that are not specifically defined herein, parties should refer to the regulatory provisions at 36 CFR Part 800, as they may be amended, which govern the Protection of Historic

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Properties.

D. Definitions.

Consult/Consultation: means the act/process of seeking, discussing, and considering the views of other participants as early as possible before project initiation and before irreversible decisions are made, and, where feasible, seeking agreement regarding matters arising within the process discussed within this Preservation Covenant. Consultation shall mirror the process set forth in 36 CFR Part 800. The Grantee shall make a good faith effort to consult with the Washington State Department of Archaeology and Historic Preservation (DAHP), Indian Tribes, and other consulting parties per 36 CFR 800.2(c)5. Consultation need not result in agreement between all parties on all matters but shall be performed in a manner to engage and address concerns and shall be documented as a part of the consultation administrative record.

Historic Property: as defined in 36 CFR 800.16(I), means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior under the evaluation criteria in 36 CFR Part 60. This term includes artifacts, records, and remains that are related to and located within such properties. The term also includes properties of traditional religious and cultural importance to an Indian Tribe and that meet the National Register criteria.

Indian Tribe: as defined in 36 CFR 800.16(M), means an Indian tribe, band, nation, or other organized group or community, including a native village, regional corporation, or village corporation, as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

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Secretary of the Interior (SOI) Qualified Staff: means personnel (including consultants) meeting the Secretary of the Interior's Professional Qualification Standards published at 36 CFR Part 61, as it applies to archaeology.

Undertaking: means a project, activity, or program taking place in whole or in part on Property covered by this Preservation Covenant. This includes, but is not limited to, activities such as demolition, construction, grading, alteration, or rehabilitation occurring on the Property.

E. Covenant Applicability. This covenant applies to Historic Properties located within or partially within the Property and all artifacts, cultural materials, features, and so on, which are directly related thereto. If there is a Federal nexus (e.g., a federal permit, federal funding, etc.) for an Undertaking, then Section 106 of NHPA (Section 106) applies in accordance with existing federal laws and regulations. If there is no federal nexus for an Undertaking (or a portion of an Undertaking), the intent of this covenant is to apply a process that mirrors Section 106, including as it may be amended, in addition to existing state laws and regulations.

SECTION II: Consultation with Tribes Regarding Properties Eligible for National Register Listing.

A. The Grantee must undertake Consultation with Indian Tribes when any Undertaking may affect Historic Properties (as defined in Section I.D above) and/or historical archaeological resources and archaeological objects (as defined within Revised Code of Washington (RCW) 27.53.030). The determination as to whether an Undertaking on the Property has the potential to affect Historic Properties and/or historical archaeological resources and archaeological objects should be undertaken by SOI Qualified Staff and documented for the administrative record

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and retained by the Grantee.

B. Grantee will conduct the Consultation in a manner that mirrors the consultation process set forth in 36 CFR 800, including as it may be amended.

C. The Grantee, in consultation with DAHP and Indian Tribes, may establish a list of agreed-upon activities that may occur at the Property that do not have the potential to affect Historic Properties and/or historical archaeological resources and archaeological objects. If all consulting parties agree to the list, additional Consultation shall not be required prior to the Grantee undertaking listed activities at the Property. This list activities shall be retained as a part of the administrative record retained by the Grantee.

SECTION III: Archaeological Resource Preservation.

The Grantee will comply at all times with the following:

A. Consistent with the requirements of Section 106, the Grantee will, prior to any proposed Undertaking, perform Consultation to identify Historic Properties potentially affected by the Undertaking and assess its effects; and seek ways to avoid, minimize, or mitigate any adverse effects on the Historic Properties located on the Property following a process that mirrors the process set forth in 36 CFR 800. Further, the Grantee will not undertake any demolition, construction, alteration, or rehabilitation on the Property that would affect any significant scientific prehistoric or historical-period archaeological data without first consulting with the DAHP.

B. The Grantee will use SOI Qualified Staff to develop or review proposed projects and work requirements for any Undertaking that may: (i) affect portions of any archaeological resource(s) on the Historic Property; or (ii) damage, deface, or destroy any historic or prehistoric archaeological resource or site, or remove any

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archaeological object from such site (as defined in Ch 27.53 RCW). The Grantee also will use SOI Qualified Staff to facilitate any necessary consultation with the DAHP and any potentially affected Indian Tribe(s).

C. The Grantee will require that appropriate project planning personnel, including but not limited to the assigned project manager of any Undertaking contemplated in this Section III(B), complete Section 106 training as provided by DAHP, the Advisory Council on Historic Preservation, or other provider approved by DAHP.

D. The Grantee shall require that appropriate construction personnel working on the Property, including all personnel involved in ground-disturbing activities, shall have completed Archaeological Awareness training presented by SOI Qualified Staff prior to working at the Property. Training will familiarize construction personnel with the types of archaeological resources that may be encountered during construction and will also outline the steps to be followed in the event of an archaeological or human remains discovery during construction.

E. The Grantee will ensure that no person, firm, corporation, or any agency or institution subject to Grantee's control knowingly removes, alters, digs into, or excavates by use of any mechanical, hydraulic, or other means; damages, defaces, or destroys any archaeological resource; or removes any archaeological object from such resource (as defined in Chapter 27.53 RCW) on the Property without first obtaining a permit in accordance with Chapter 27.53 RCW, et seq. from the DAHP or its successor agency. The terms of the permit issued by DAHP will be consistent with this covenant to the extent authorized by law and will be issued only after consultation with any potentially affected Indian Tribe(s). If an excavation is part of a federal undertaking (as defined in 36 CFR 800.16), the federal agency will consult with DAHP and any potentially affected Indian Tribe(s)

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pursuant to Section 106 of the NHPA and its implementing regulations, and, with DAHP's concurrence, a Memorandum of Agreement (MOA) or Programmatic Agreement (PA) entered pursuant to the NHPA may stand in lieu of the state permit.

F. Upon receipt of a completed permit application form or draft MOA for archaeological excavation of an archaeological site, Native American cairn or grave, or the removal of glyptic or painted records, it is expected that DAHP, at least thirty days before issuing such a permit or signing an MOA, will notify any potentially affected Indian Tribe(s) that may consider the site to be of historic or cultural significance in accordance with WAC 25-48-070, Notification to Indian Tribes. Further in accordance with WAC 25-48-070, upon request, and during the thirty-day period, it is expected that DAHP will meet with official representatives of any potentially affected Indian Tribe(s) that desires to meet, to discuss the Indian Tribe's interests, including, but not limited to, the proposed excavation methods. DAHP will consider comments received from tribal representatives in the issuance or denial of the permit and permit terms and conditions and that mitigation measures requested by the tribal representatives, including stipulations pertaining to the disposition of human remains, will be incorporated into the terms and conditions of the permit in accordance with 25 U.S.C. 3002 and RCW 27.44.040(1). If required by permit terms, the Grantee will take reasonable steps to allow reburial of any Native American human remains and associated archaeological objects discovered on the Property in a timely manner. If the human remains and/or associated objects are not Native American, the human remains and associated objects found on the Property will be transferred or reburied in a timely manner in accordance with permit terms or with state law

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(RCW 68.60.055) and at the expense of the Grantee. Until human remains and associated objects are transferred to State authorities, the Grantee will be responsible for all expenses associated with the appropriate transfer, disposition, or curation of the remains and associated objects. Prior to their ultimate curation, all artifacts collected during the course of these investigations will be catalogued, processed, and analyzed in a DAHP-approved facility.

G. If any Historic Properties are inadvertently discovered, Grantee shall ensure that work within 100 feet of the discovery ceases immediately, and that the discovery is protected in place with a perimeter safety barrier and identified as an environmentally sensitive resource. The Grantee will immediately notify DAHP and obtain permits, as necessary, before work resumes.

H. In consultation with DAHP, Grantee will curate any excavated archaeological object(s) (as defined in Chapter 27.53 RCW), whether inadvertently discovered or discovered during a permitted excavation, consistent with the provisions of 36 CFR Part 79, at a federally accredited repository, with preference given to an Indian Tribe if that Tribe has such a repository. The Grantee will be responsible for expenses and fees associated with the proper handling, disposition, and curation of any excavated archaeological object(s).

SECTION IV: Inadvertent Discovery of Human Remains.

A. The Grantee will ensure that any person who encounters or discovers skeletal human remains at the Property will act in accordance with RCW 27.44.055 and RCW 27.44.040 and will:

(i) Immediately cease any activity that may cause further disturbance;

(ii) Make a reasonable effort to protect the area from further disturbance; and

(iii) Report the presence and location of the remains to DAHP, the Coroner, and

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local law enforcement in the most expeditious manner possible.

B. If the local law enforcement agency and the Coroner determine that the skeletal human remains are not "Forensic remains" pursuant to RCW 68.50.010, it is expected that the Coroner will notify DAHP within two business days.

C. Pursuant to RCW 27.44.055, it is expected the State physical anthropologist will make an initial determination of whether non-forensic skeletal human remains are Native American or non-Native American to the extent possible based on the remains within two business days of notification of a finding of non-forensic remains. If the remains are determined to be Native American, it is expected that DAHP will notify all potentially affected Indian Tribes via certified mail to the head of the appropriate tribal government within two business days and contact the appropriate tribal cultural resources staff person. DAHP will have jurisdiction over such remains until provenance of the remains is established amongst the potentially affected Indian Tribes.

D. Persons disturbing Native American graves inadvertently, including disturbance through construction, mining, agricultural activity, or any other activity, will reinter the human remains under the supervision of the appropriate Indian Tribe(s).

E. Construction activity may resume after an inadvertent discovery of human remains only as provided by the permit terms and in accordance with applicable state law following consultation, as appropriate, with DAHP and each potentially affected Indian Tribe(s). For any Undertaking conducted pursuant to Section 106 and its implementing regulations, construction activity may resume after an inadvertent discovery of human remains only upon written notice from the appropriate federal agency supporting the Undertaking, following consultation, as appropriate, with DAHP and each potentially affected Indian Tribe(s).

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SECTION V: Enforcement.

A. The Grantee will allow the federal government and DAHP or its designee, at all reasonable times and upon reasonable advance notice to Grantee, to inspect the Property in order to ascertain whether Grantee is complying with the terms, conditions, and restrictions of this Preservation Covenant.

B. The Grantee acknowledges the right of the federal government, Indian Tribes, and the DAHP, in addition to any other rights and remedies available now or hereafter under the law, to seek enforcement of this Preservation Covenant in the event of a violation of any of the terms, provisions, or restrictions hereof. The Grantee further acknowledges the right of the federal government, Indian Tribes, and the DAHP to institute suit to enjoin any said violation or require the restoration to Historic Property, historic archaeological resource(s) or archaeological object(s), subject to the limitations set forth in Subsection V(C) below. Grantee further acknowledges the right of DAHP and/or the State of Washington to enforce the requirements of Chapter 27.53 RCW and Chapter 27.44 RCW. For avoidance of doubt and notwithstanding anything to the contrary herein, no party shall have the right to seek enforcement of this Preservation Covenant other than those specifically identified in this subsection.

C. Any dispute that arises under this Preservation Covenant shall be resolved according to the dispute resolution process set forth within this subsection. Grantee or any party entitled to seek enforcement of this Preservation Covenant under Section V(B) may initiate the dispute resolution process by providing a written notice of dispute to all other parties to the dispute. Within ten (10) business days after delivery of such notice, the parties' designated representatives shall schedule a meeting in person, virtually, or by telephone to attempt to resolve the dispute

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through good faith negotiations. If the parties to the dispute cannot resolve the dispute within thirty (30) days after the concluding date of such meeting, then the parties to the dispute agree to submit the dispute to mediation. The parties to the dispute will equally share the cost of mediation. If mediation is not successful, then any remaining party to the dispute may initiate an action in federal court. For any dispute which is not resolved at mediation and proceeds to court, the prevailing party shall be entitled to recovery of reasonable attorneys' fees and costs.

D. Nothing in this Preservation Covenant in any way impacts an Indian Tribe's treaty rights or reserved rights, including its ability to access and enjoy its adjudicated Usual and Accustomed fishing grounds and stations. Upon reasonable advance notice to Grantee by the governing body of any federally-recognized Indian Tribe that is a successor in interest to a signatory to the Point Elliott Treaty of 1855, as ratified in 1859, Grantee will grant designated representatives of any such Indian Tribe access to the Property at reasonable times to inspect the Property in order to assess whether Grantee is complying with the terms, conditions, and restrictions of this Preservation Covenant.

E. The Grantee acknowledges that any failure of DAHP, the federal government, or any Indian Tribe to exercise any right or remedy arising from this Preservation Covenant, or arising from other terms and provisions contained in the Deed or any applicable law, will not constitute a waiver by, or limitation upon, the right of DAHP, the federal government, or such Indian Tribe to exercise or use any other right or remedy at any future time.

F. The United States of America, or its designee, will have no affirmative duty to the Grantee or any successor in title to this Deed to enforce any of the foregoing covenants.

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G. The State law requirements of this Preservation Covenant shall not apply to any lands transferred back to federal ownership or to a federally recognized Indian Tribe.

H. If any provision of this Preservation Covenant or its application to any person or circumstance is held invalid, the remainder of this Preservation Covenant, or the application of the Preservation Covenant to other persons or circumstances, will not be affected.

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APPENDIX B: PORT OF EVERETT AND CITY OF MUKILTEO WATERFRONT VISIONING INFORMATION

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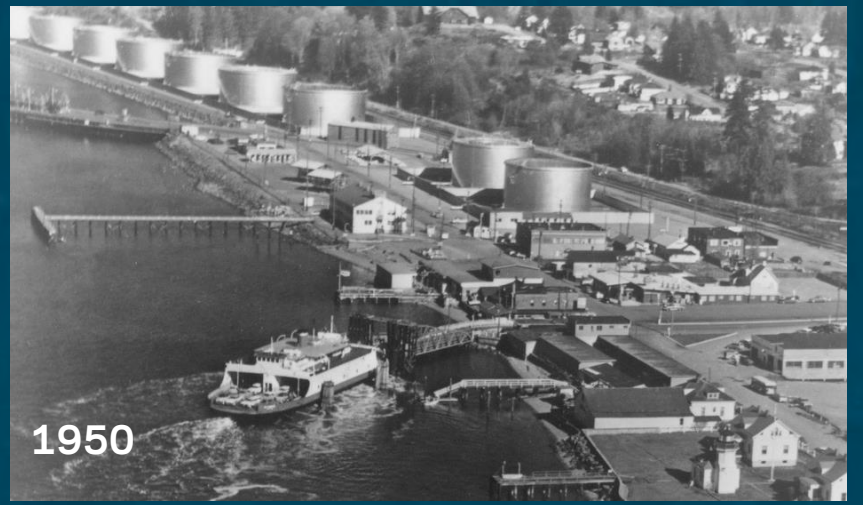
Mukilteo Waterfront Project Overview

February 2, 2022

Lisa Lefeber
Port of Everett
CEO/Executive Director

Mukilteo Waterfront – A Rich History



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Tank Farm Progress Timeline: 1989 - 2000

- ***1989:*** *Air Force operations conclude and clean-up begins*
- ***1995:*** *Mukilteo SEPA Programmatic EIS conducted by Washington State Ferries (WSF)*
- ***1998:*** *Mukilteo incorporates multimodal plan into comprehensive plan*
- ***1999:*** *Tank Farm Consortium MOU finalized*
- ***2000:*** *Congress passes legislation directing US Air Force to convey the 22-acre tank farm property to the Port for port and other compatible uses, such as multimodal uses*

2008

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Tank Farm Progress Timeline: 2001 - 2006

- ***2001:*** *Congress amends Federal legislation, directing U.S. Air Force to convey 1.1 acres to NOAA*
- ***2003:*** *Everett Port Commission authorizes conceptual analysis based on market opportunities*
- ***2004:*** *LMN Architects delivers market assessment and bulk concept feasibility report*
- ***2004/2006:*** *Joint Port Commission and Mukilteo City Council public meeting on the status of the tank farm redevelopment*

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Tank Farm Progress Timeline: 2006 - 2009

- ***2006:*** *Port Commission determines that no other development action will be taken until WSF has selected an alternative and Sound Transit has determined their needs*
- ***2006:*** *Site receives a "Clean Bill of Health" from Ecology*
- ***2006:*** *Beach access and physical Mount Baker Terminal pier construction substantially complete*
- ***2006:*** *Tribal/Asian Artifact Findings*
- ***2008:*** *Port opens Mount Baker Terminal for aerospace industry and Sound Transit opens light rail station*
- ***2009:*** *Air Force issues an initial Environmental Assessment of transfer*

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Tank Farm Progress Timeline: 2010 - 2012

- ***2010:*** *Air Force re-initiates Tribal consultation*
- ***2010:*** *WSF resumes planning efforts for ferry terminal relocation*
- ***2011-2012:*** *WSF and Air Force conduct environmental assessments*
- ***2012:*** *Port Commission adopts goals for project*
- ***March 2012:*** *WSF released the Draft EIS and took public comment*
- **May 2012:** WSF selected preferred alternative, known as Elliot Point 2
  - Preferred alternative facts
  - Total Cost: $120 million - $130 million
  - Funding (to date): $91 million
    - $29million in federal grants
  - Ferry route is busiest for vehicles and second busiest for ridership
    - More than 4 million passengers
- **November 2012:** Air Force completed Environmental Assessment of transfer

Port of Everett | nbbj | City of Mukilteo

Tank Farm Progress Timeline: 2013 – 2022

- ***2013:*** *Air Force transfers property to Port of Everett & NOAA*
- ***2016:*** *Port transfers land to project partners to support redevelopment vision (some by trade, some by fee) – if ferries didn't move forward, land would revert back to Port*
- ***2016:*** *Second Sounder platform opens*
- ***2020:*** *New Mukilteo Ferry Terminal Opens and Port's new fishing pier opens*
- ***2021:*** *NOAA cancels plans for new facility in Mukilteo; Port to regain ownership in site; former ferry landing returns to Port ownership*
- ***2022:*** *Port, City kick-off outreach for a revitalized Mukilteo Waterfront*

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Port Objectives with Mukilteo Tank Farm Acquisition

- *Support the relocation and construction of a new Mukilteo Ferry Terminal and Sound Transit Station*
- *Revitalize and open access to the Mukilteo Waterfront*
- *Ensure proper access and function of Mount Baker Terminal*
- *Ensure public access to Edgewater Beach*
- *Remediate historic contamination and liabilities (i.e. government pier removal)*

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Moving Mukilteo Forward

- *Since the Port transferred the land for redevelopment in 2016, more than 70% of the land has remained undeveloped and inaccessible to the public*
- *This was not the intent when the Port transferred the property; the Port's hope is that no additional time goes by without progress toward enhancing access to the waterfront as promised*
- *With more than 11 property owners over 26 acres, the waterfront needs a comprehensive development strategy to ensure a quality and highly accessible mixed-use waterfront*

Mukilteo Waterfront – What Now?

Revisioning

- *The Port of Everett is leading an effort, in partnership with the City of Mukilteo to help establish a unified vision for the undeveloped Mukilteo shoreline properties, including the former NOAA site that will soon be transferred back to the Port.*
- *The first step is to form a diverse stakeholder workgroup that represents the varied interests and attractions at the waterfront; this group is intended to be a small group representing the broad interests of the waterfront.*
- *The study area stretches from Lighthouse Park to Edgewater Beach.*
- *The Port has hired NBBJ, a Seattle architecture, planning and design firm, to help with this process and visioning planning through 2022.*
- *The first deliverable of this work will be to identify guiding principles for the redevelopment that ensure the character and community priorities be maintained with any development through a robust public process.*
- *Once the guiding principles are approved by the Port Commission and Mukilteo City Council, these principles will be used to guide the planning and design process for the future of the waterfront.*
- ***Planning timeline:** January 2022 to Fall 2022.*

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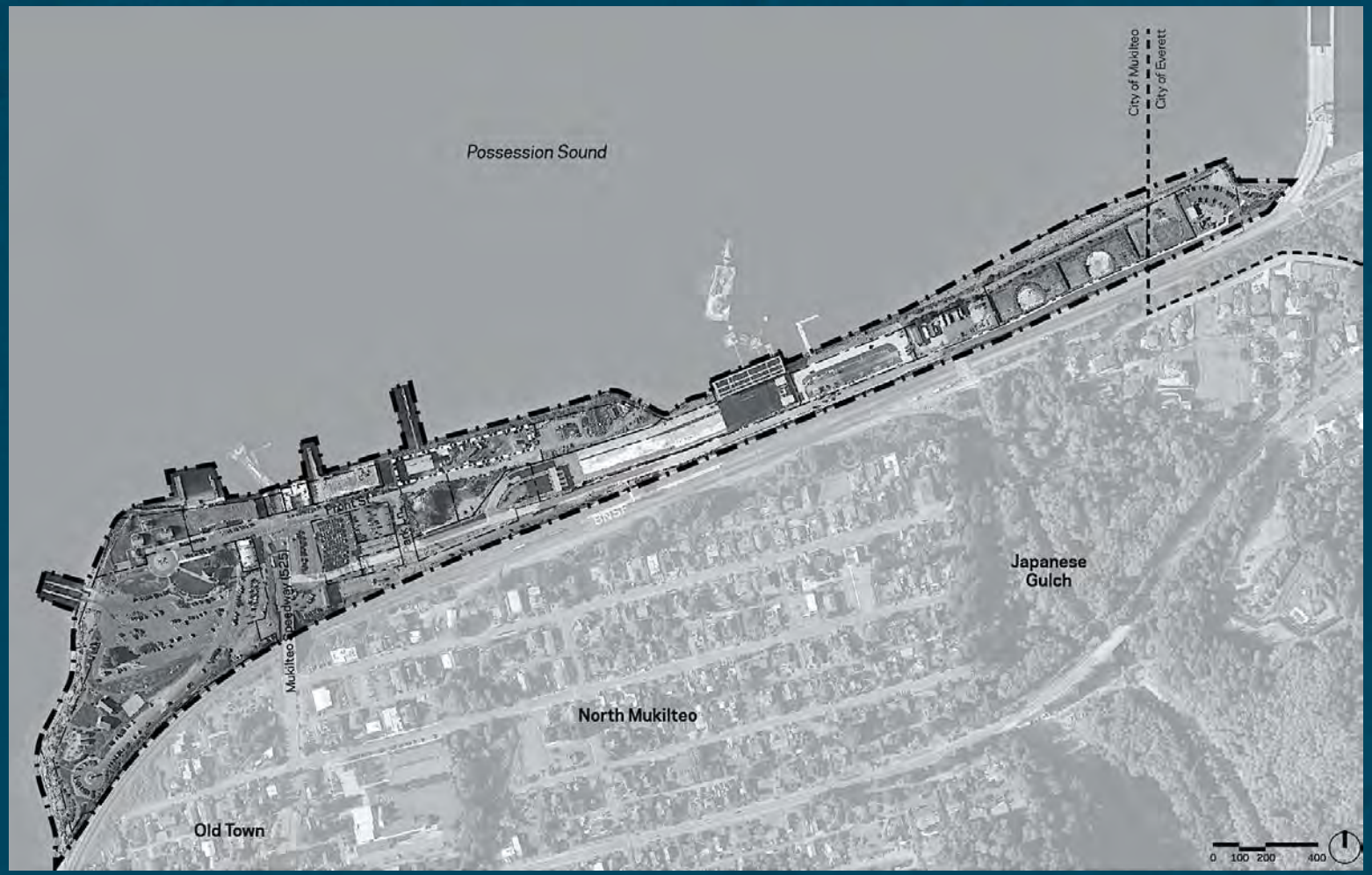
Mukilteo Waterfront – Study Area



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Mukilteo Waterfront – 11 Owners, 26 Acres

- **Port of Everett**
- **Municipal**
- **State of Washington**
- **Private Owners**

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What's Allowed Now?
Zoning Code & Massing Study

If each parcel is required to park its own program, ie, no shared parking or district parking program, expected development would likely be limited due to code required parking minimums.

Mukilteo Waterfront Drone Video

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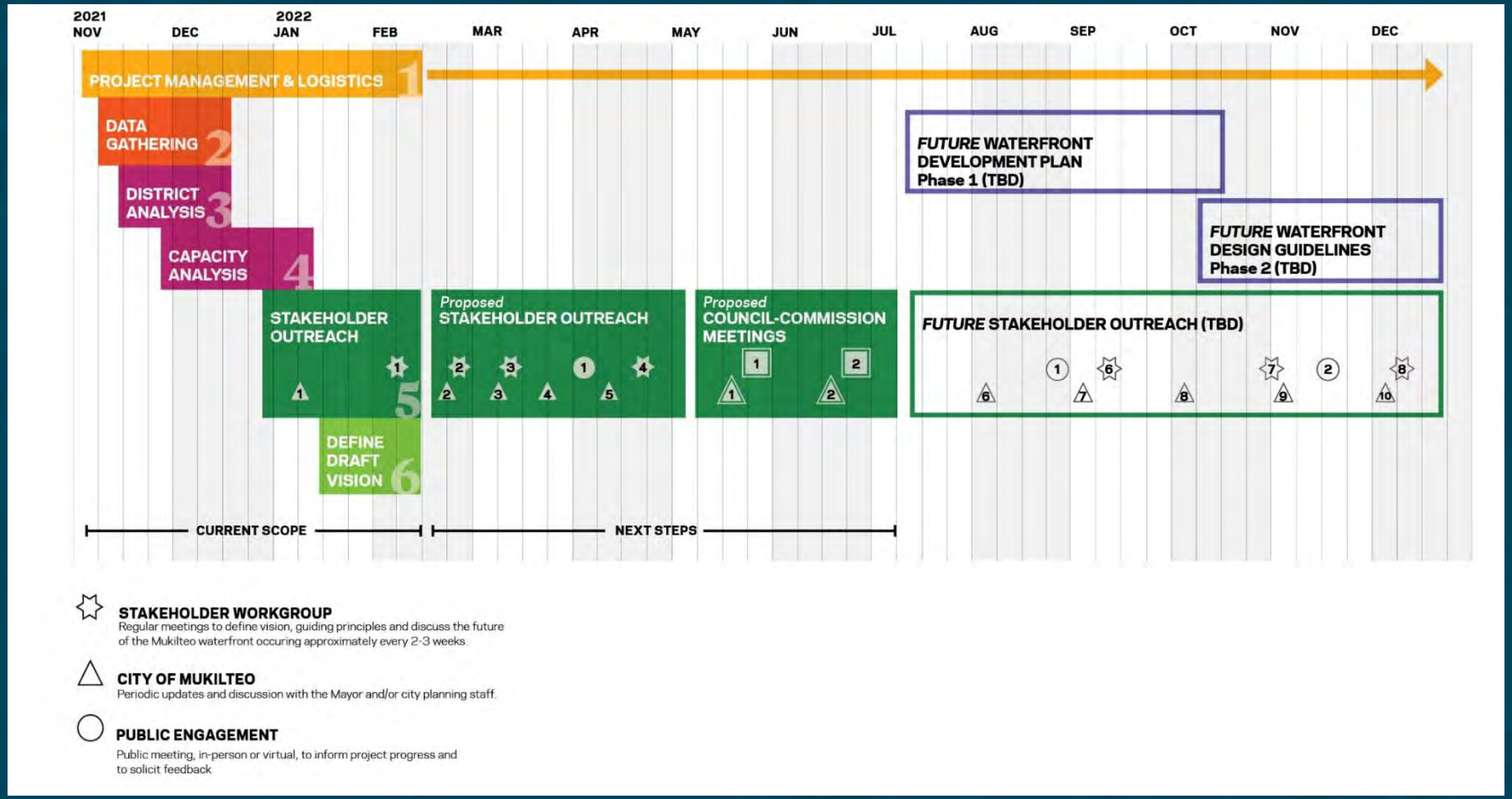
Mukilteo Waterfront – Proposed Process



Interim Public Access Improvements

2022-2023

- ***Parklet:*** *Renovating and revitalizing the former ferry landing next to Ivar's to provide visitors an outdoor dining area and enhanced public access at the waterfront.*

- ***NOAA site demolition:*** *As part of the transfer back to the Port, NOAA will be demolishing all of the structures which should provide an opportunity for interim access to the waterfront.*

- ***Promenade design and construction:*** *The Port is in talks with City leadership about taking on the grant funding, design and construction of the promenade between the Port's fishing pier and Edgewater Beach to enhance connectivity.*

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Next Steps

- *Public outreach and waterfront guiding principles*
- *Finalize Parklet design and begin construction*
- *Continue to work with NOAA on the site demolition and transfer to the Port*
- *Engage in discussions with the City on an agreement for taking on the promenade development; preserving grant funding*

MY Mukilteo WATERFRONT

Vision Statement

Mukilteo's waterfront is a welcoming and convenient gathering place. It provides a year-round mix of uses that promotes culture, recreation and entertainment. It offers easy access to the beach, businesses and wonders of the Salish Sea.

Guiding Principles

Authentically Mukilteo

Celebrate the unique attributes of the community, emphasizing the views and easy connections to the Salish Sea while improving the public environment and enhancing the waterfront experience.

Pedestrian-Friendly

Construct a safe and accessible environment for people that provides a 'front door' to the Mukilteo shoreline. The waterfront will emphasize walkability with the completion of the promenade and carefully designed sidewalks and multi-modal connections.

Thoughtful Parking

Develop a comprehensive and flexible parking strategy with a "park-once" approach that utilizes technology and attractive design to maximize waterfront accessibility for all users.

A Year-Round Destination

The Mukilteo waterfront is a unique regional asset. It is an attractive, vibrant district that meets the needs of residents and visitors, allowing businesses to prosper. It promotes a mix of uses that draw patrons during the day, evening and throughout the year.

Boating & Shoreline Access

Support a recreational waterfront that enhances access to the shoreline for a variety of activities, including boating and fishing.

Environmentally Responsible & Sustainably Minded

Integrate technology into new waterfront development to enhance the environment, create resilient infrastructure and encourage sustainable building practices to help mitigate the effects of climate change.

Celebrates Culture

Tell the important stories of our past and present. Honor the Snohomish Peoples, along with all who have lived, worked and thrived here by integrating art and interpretive signs.

Education Focused

Provide education opportunities for all generations to teach the cultural, environmental and historical significance of the Salish Sea, including the unique marine life.

A Transportation & Maritime Hub

Recognize the waterfront as a regional hub, including ferries, trains, buses, bikes, maritime facilities and other industry contributions to the economy. Balance community, tourism and operational needs for a seamless, shared use of the Mukilteo waterfront.

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Finalized July 2022

MY Mukilteo WATERFRONT

Waterfront Visioning

Open House & Community Survey Feedback

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Mukilteo Waterfront Today

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MY Mukilteo WATERFRONT

Conceptual Artist Rendering

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Front Street Today

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Waterfront Development Mixed-Use Area Today

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Tulalip Tribes Waterfront Site Today

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Future Site Development to be Determined by the Tulalip Tribes

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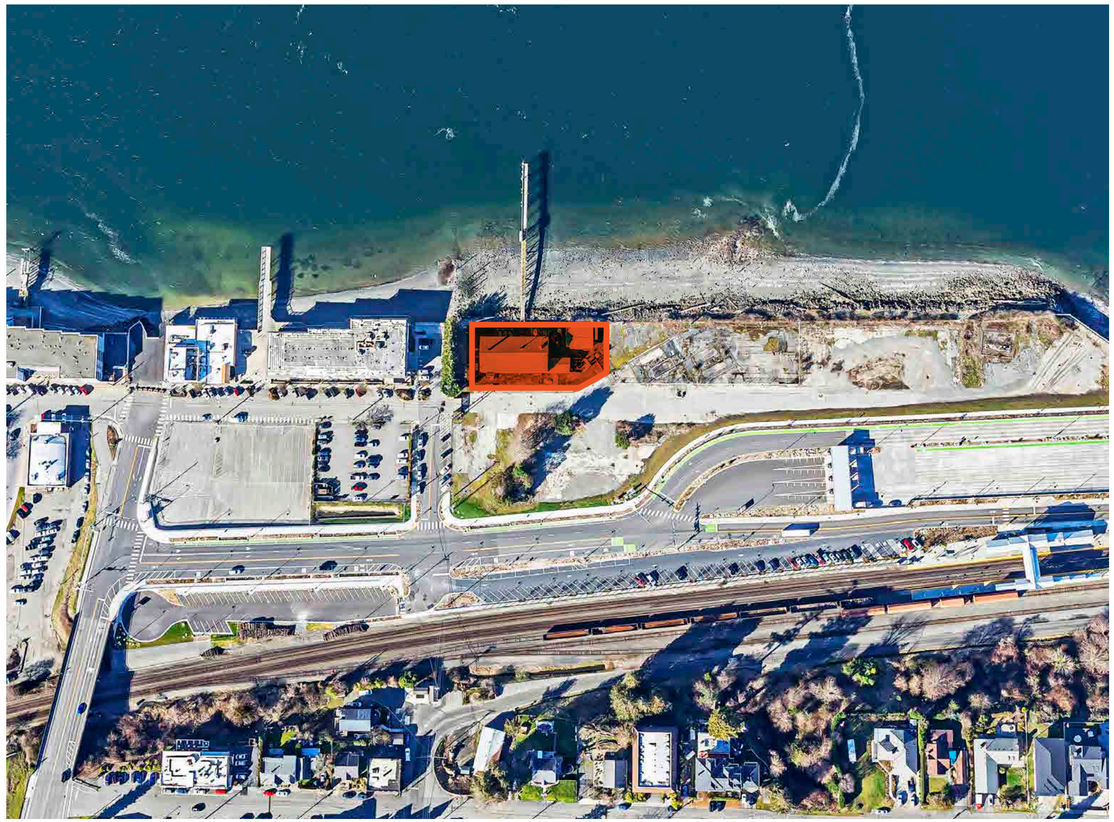
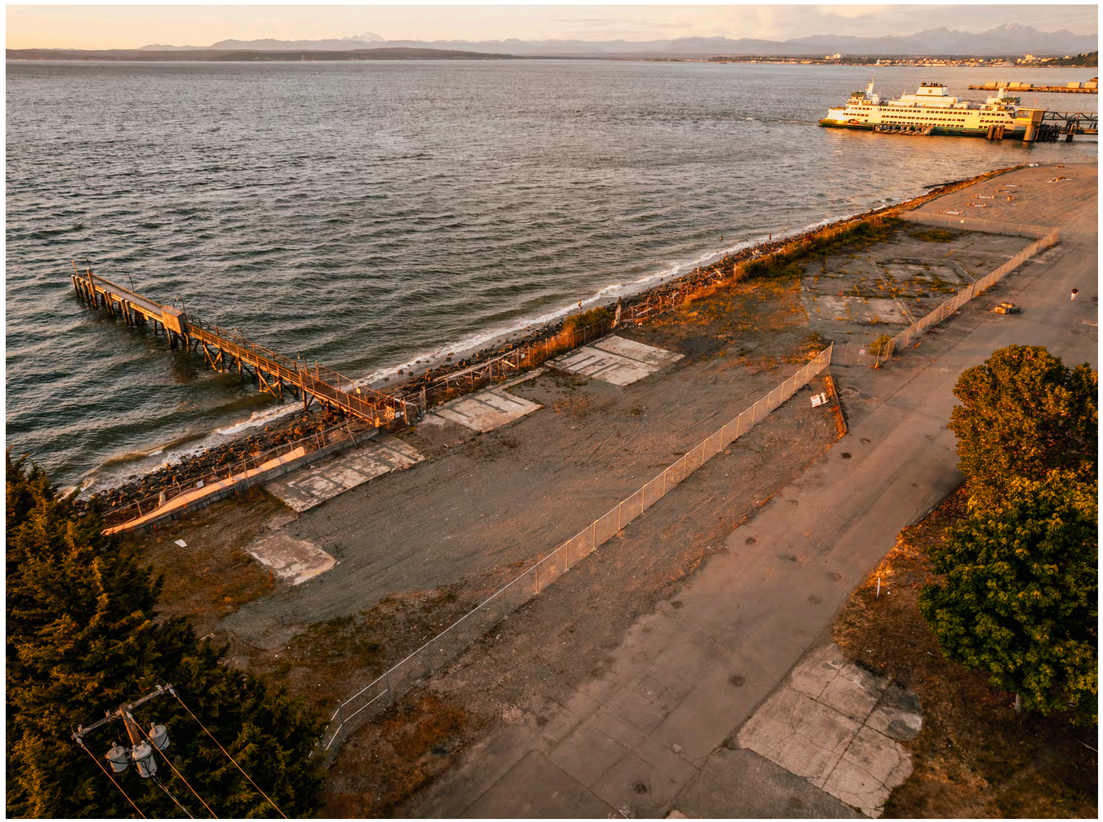
NOAA Transfer to Port



March 2022



June 2023

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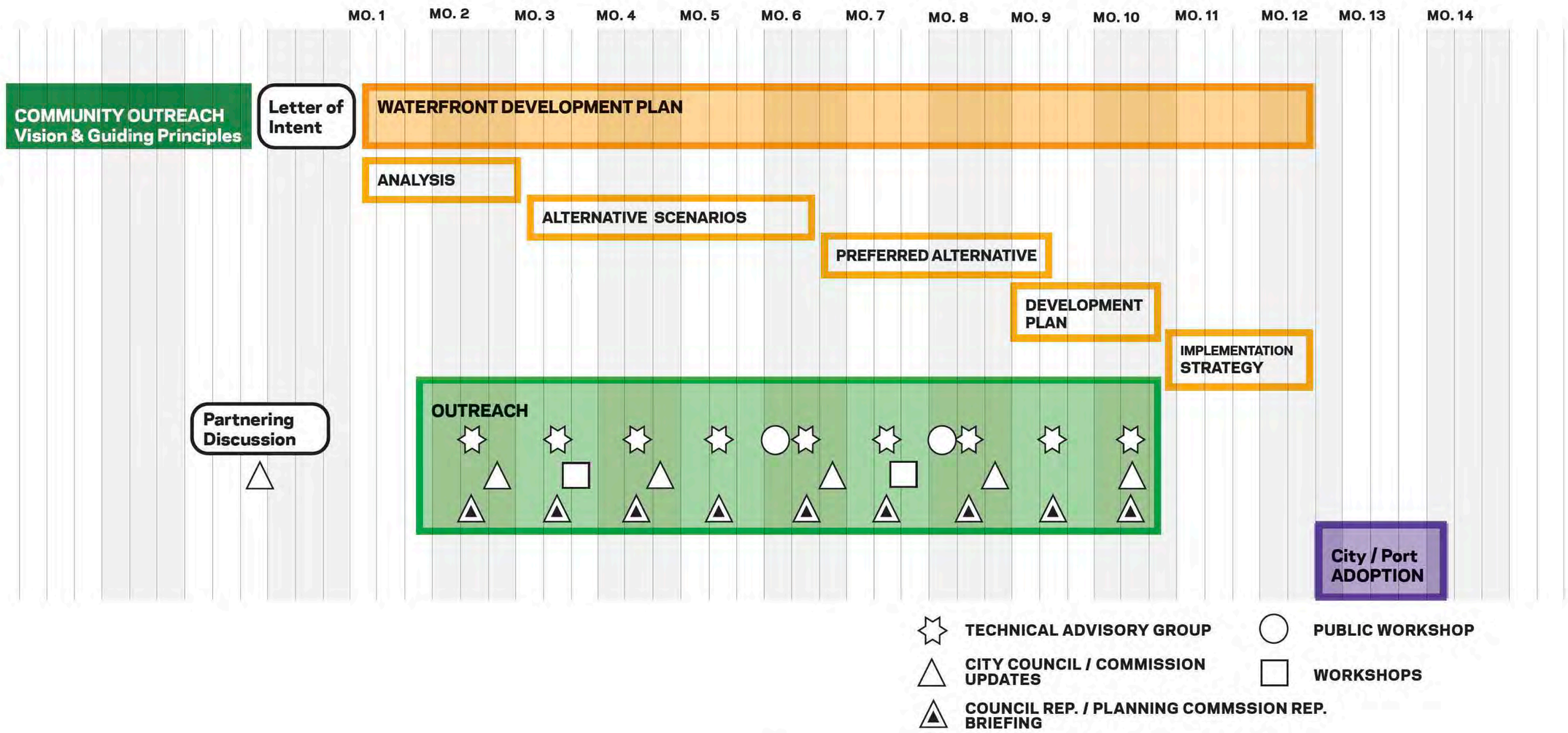
MY Mukilteo WATERFRONT

Next Steps: Recommended Waterfront Planning Process



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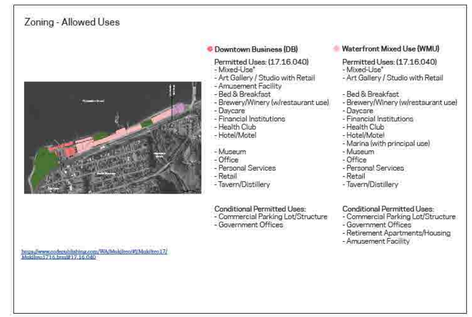
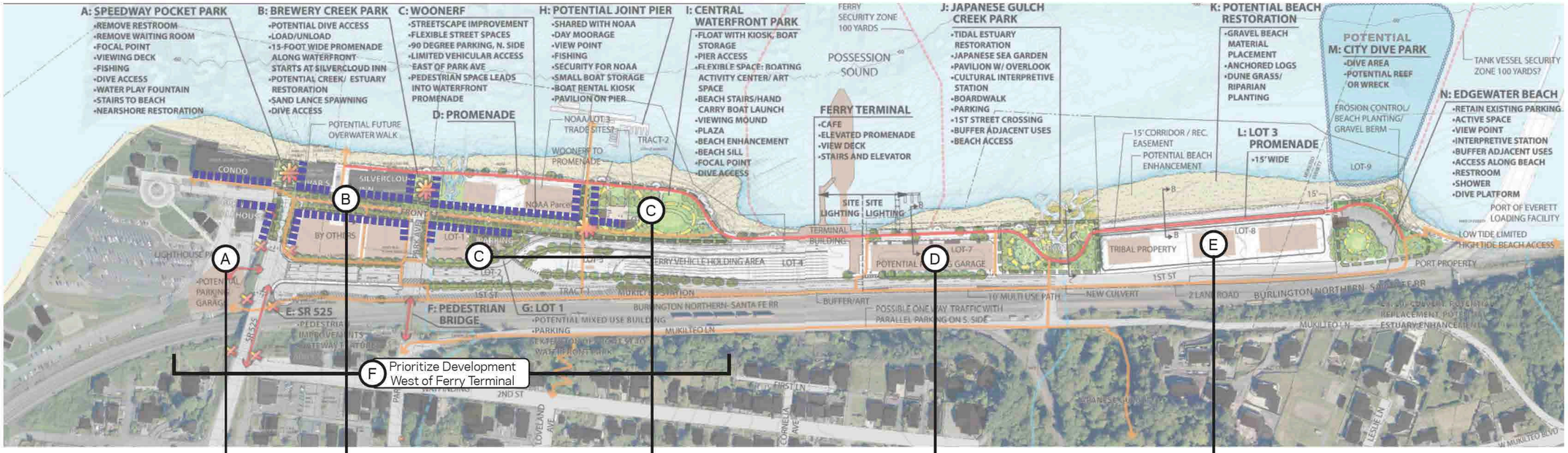
MY Mukilteo WATERFRONT

Waterfront Visioning
Review & Analysis of City Documents

Waterfront Visioning, to Date
Review & Analysis of City Documents





Parking structure size and shape as shown does not appear to be optimized or efficient.

Prioritize development along Front St. to reinforce pedestrian atmosphere depicted by streetscape plan

All new development will be primarily constrained by parking requirements -- Consider how municipal owned parcels can help relieve that pressure, not just provide public open space.

Site dimensions are not ideal for parking garage; WMU zoning would limit to 2 levels

Due to limited connectivity to other waterfront parcels, consider a unique destination to attract visitors and special trips.

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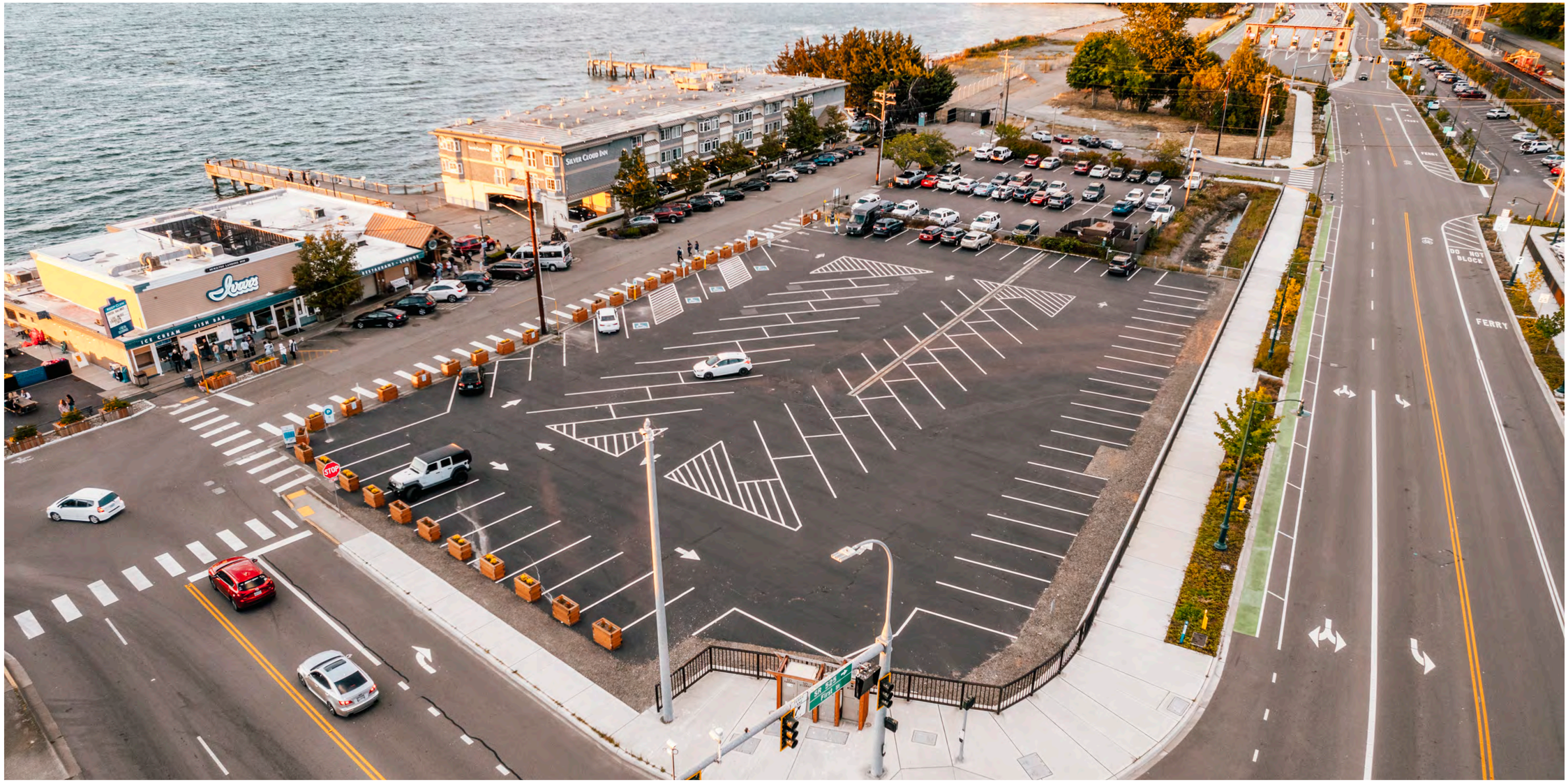
Interim Parking Lot
Preserved for Future Development



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Mukilteo Parklet + Ivar's Outdoor Dining

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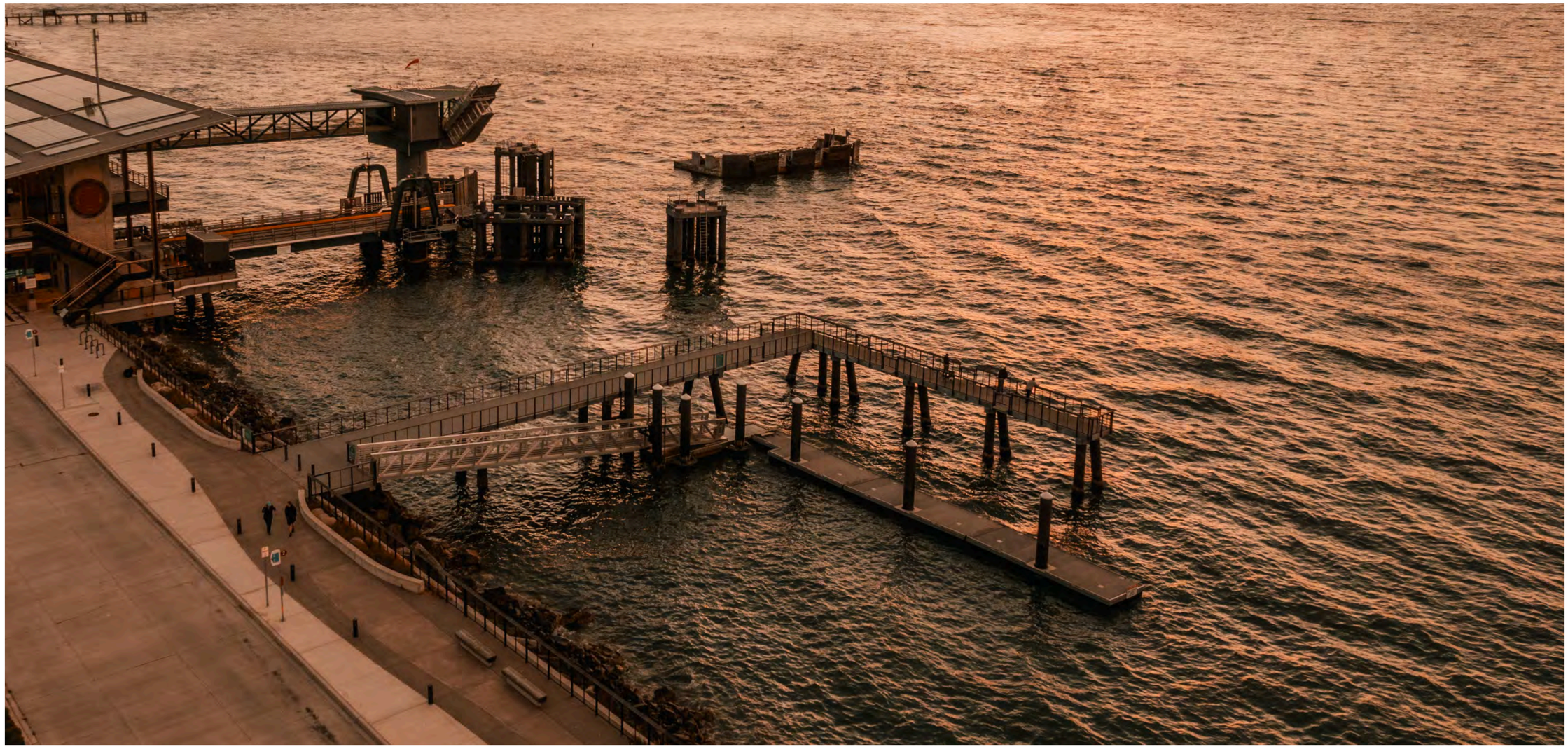
Mukilteo Fishing Pier



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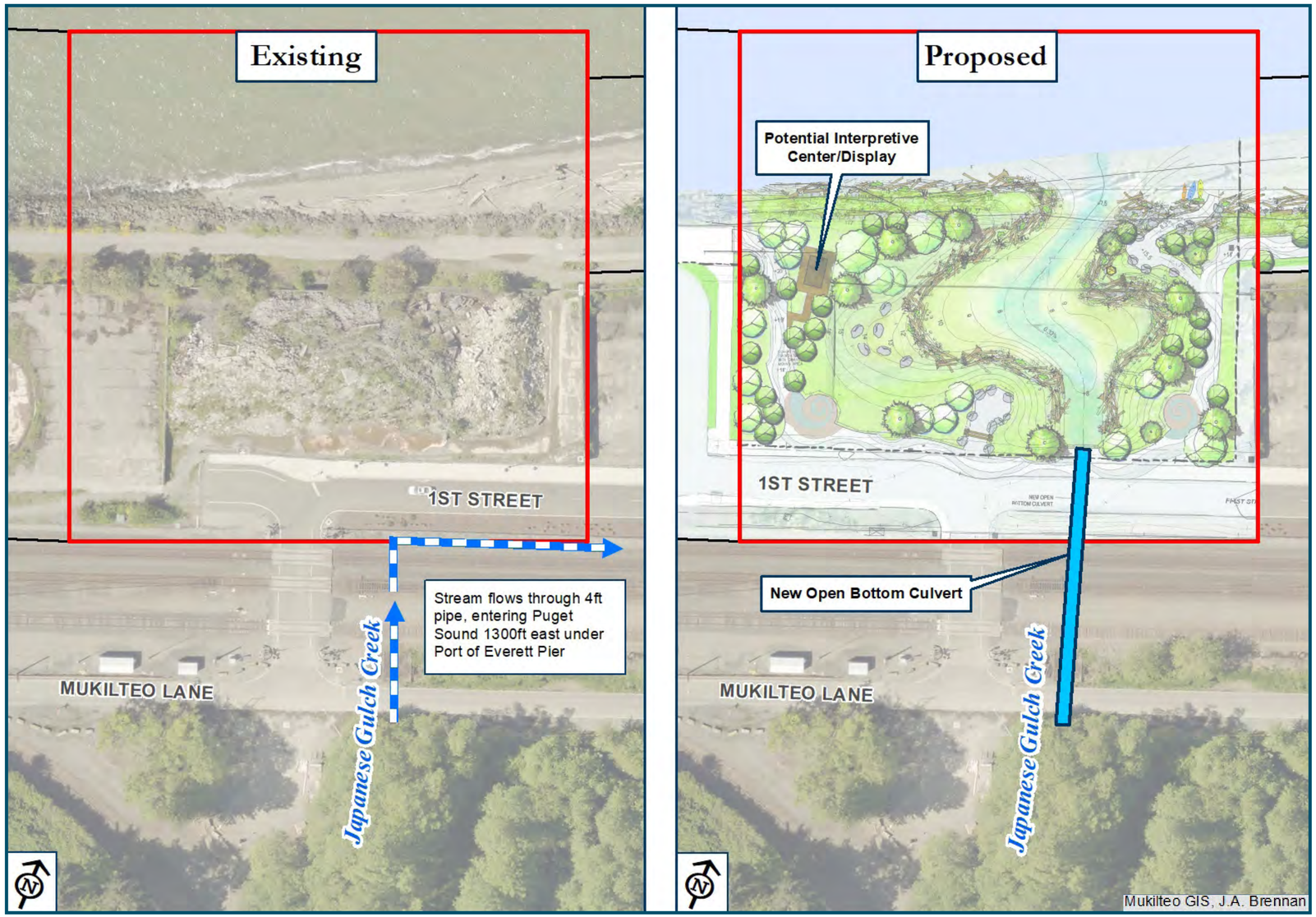
Japanese Gulch Creek Daylighting



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MUKILTEO WATERFRONT STAKEHOLDER WORKGROUP

Workgroup Member Name	Representing
Tom Stiger	Port of Everett Commission
Tom Jordal	Mukilteo City Council
Teri Gobin	Tulalip Tribes
Carmen Bendixen	Washington State Ferries
Erik Ashlie-Vinke	Sound Transit
Ardi Kveven	Harbour Pointe/EvCC ORCA
Bob Donegan/Ryan Smith	Ivar's
Andy Eason	Diamond Knot
Patrick McCourt	Mukilteo Business District
Kevin Stoltz	Mukilteo Recreation/Old Town
Larry Hanson	Losvar
Annie Crawley/Chris Wells	Mukilteo Dive Park
Curt Gordon	Whidbey Island
John Collier	Mukilteo Historical Society
Bill Tacket	Mukilteo Landing
James Madison	Artist/Cultural
Kandance Barnes	Mukilteo Chamber of Commerce

APPENDIX C: COASTAL ZONE MANAGEMENT ACT CONSISTENCY DETERMINATION

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

December 5, 2024

National Oceanic & Atmospheric Administration
U.S. Department of Commerce
ATTN: Anne Delp
1305 East West Highway
Silver Spring, MD 20910

Re: Coastal Zone Management Federal Consistency Decision for NOAA Mukilteo Research Station Property Transfer, Possession Sound, Mukilteo, Snohomish County, Washington

Dear Anne Delp:

On October 16, 2024, the National Oceanic & Atmospheric Administration (NOAA) submitted a Consistency Determination with the Washington State Coastal Zone Management Program (CZMP). Ecology issued a 21-day public notice on November 5, 2024, and received no comments. NOAA initiated early consultation with Ecology regarding this proposal in February 2024, which included a discussion of CZM federal consistency requirements.

The National Marine Fisheries Service (NMFS) is one of several Line Offices within the NOAA, a branch of the United States (U.S.) Department of Commerce. NMFS is informally known as NOAA Fisheries. The NMFS Northwest Fisheries Science Center (NWFSC) conducts leading-edge data acquisition, research and analyses that provide the foundation for management decisions to protect, recover, restore, and sustain ecosystems and living marine resources in the Pacific Northwest. It also supports the NOAA Fisheries West Coast Regional Office and other agencies in fisheries management. NWFSC operates a network of research stations throughout the Pacific Northwest. The NWFSC Mukilteo Research Station located at 802 Front Street, on the shoreline of Possession Sound in the City of Mukilteo, Washington, was one of five NWFSC research stations until the Mukilteo facilities were decommissioned and demolished in 2022. The Mukilteo Research Station consists of the parcel of land located at 802 Front Street (formerly 10 Park Avenue) in the City of Mukilteo, County of Snohomish, State of Washington 98275, designated as Tax Parcel No. 00596901600000, containing an area of approximately 1.1 acres of uplands, as well as approximately 2 acres of adjacent tidelands extending into Possession Sound to the north (the subject property).

NMFS determined that the facilities at the Mukilteo Research Station were no longer needed for execution of the NWFSC mission. In accordance with the National Defense Authorization Act, NOAA is required to transfer the subject property to the Port of Everett when it is no longer needed for NOAA Mission execution. The proposal involves conveyance of the property, a portion of which is within a designated flood hazard area, to a nonfederal entity. The proposal does not involve land use change. 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, U.S. Fish and Wildlife Service, 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 would provide a process to avoid, minimize, or resolve adverse effects to cultural resources from the conveyance of the property to a nonfederal entity.

Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with NOAA's determination that property transfer is consistent with Washington's CZMP. Ecology's concurrence is for the property transfer. If any future change or proposed activity by the Port of Everett requires a federal permit or license subject to 15 CFR Part 930 Subpart D of the federal consistency regulations, that action would require a separate CZM federal consistency decision from Ecology.

If you have any questions regarding Ecology's decision, please contact Teressa Pucylowski at teressa.pucylowski@ecy.wa.gov.

Your right to appeal

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. The appeal process is governed by RCW 43.21B and WAC 371-08. "Date of receipt" is defined in Chapter 43.21B.001(2) RCW.

To appeal, you must do all of the following within 30 days of the date of receipt of this decision:

- File your notice of appeal and a copy of this decision with the PCHB (see filing information below). "Filing" means actual receipt by the PCHB during regular business hours as defined in Chapter 371-08-305 WAC and -335. "Notice of appeal" is defined in Chapter 371-08-340 WAC.
- Serve a copy of your notice of appeal and this decision on the Department of Ecology by mail, in person, or by email (see addresses below).

You must also comply with other applicable requirements in Chapter 43.21B RCW and 371-08 WAC.

Address and Location Information

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: https://eluho.wa.gov/ or call: 360-664-9160.

Service on Ecology

Street Addresses:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Mailing Addresses:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

E-Mail Address:

ecologyappeals@ecy.wa.gov

Sincerely,

Loree' Randall

Loree' Randall, Section Manager
Aquatic Permitting & Protection Section
Shorelands and Environmental Assistance Program

Sent via e-mail: anne.delp@noaa.gov

E-cc: Emma Rawnsley, AECOM
Teressa Pucylowski, Ecology
fedconsistency@ecy.wa.gov

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COASTAL ZONE MANAGEMENT ACT
FEDERAL CONSISTENCY DETERMINATION

National Oceanic and Atmospheric Administration

National Marine Fisheries Service

Mukilteo Property Transfer Project

Mukilteo, Washington

Prepared for:

National Oceanic and Atmospheric Administration

Prepared by:

AECOM Technical Services
888 SW 5th Avenue, Suite 600
Portland, OR 97204

October 2024

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Acronyms and Abbreviations

C.F.R.	Code of Federal Regulations
DAHP	Department of Archaeology & Historic Preservation
EPA	U.S. Environmental Protection Agency
FY	Fiscal Year
GHG	greenhouse gas
MRS	Mukilteo Research Station
MSP	Washington Marine Spatial Plan for Marine Waters
NDAA	National Defense Authorization Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
NWFSC	Northwest Fisheries Science Center
OHWM	ordinary high water mark
ORMA	Ocean Resources Management Act
Proposed Action	Mukilteo Property Transfer Project
RACT	Reasonably available control technology
RCW	Washington Revised Code
SMA	Shoreline Management Act
SMP	Shoreline Master Plan
TAPs	toxic air pollutants
TDM	Transportation Demand Management
U.S.	United States
UIC	Underground Injection Control
VOCs	volatile organic compounds
WAC	Washington Administrative Code
WCAA	Washington Clean Air Act
WCZMP	Washington's Coastal Zone Management Program
WPCA	Water Pollution Control Act
WSDOT	Washington State Department of Transportation

1. Introduction

The federal Coastal Zone Management Act (CZMA) authorizes states with approved Coastal Zone Management Programs to review federal actions that may affect land use, water use, or natural resources in the coastal zone. The federal action can be a federal activity and/or development project; a project requiring a federal license or permit, or a project receiving federal financial assistance. States review such projects for consistency with their approved Coastal Zone Management Program's "enforceable policies." Only those enforceable policies which the National Oceanic and Atmospheric Administration (NOAA) has approved for incorporation into a state's Coastal Program may be applied when states review federal activities for consistency.

NOAA's Office of Coastal Management describes an enforceable policy as "a state policy that is legally binding under state law (e.g., through constitutional provisions, laws, regulations, land use plans, ordinances, or judicial or administrative decisions), and by which a state exerts control over private and public coastal uses and resources, and which are incorporated in a state's federally approved Coastal Management Program." CZMA § 304(6a) and 15 Code of Federal Regulations § 930.11(h).

Washington's Coastal Zone Management Program (WCZMP) includes enforceable policies[1] that are found in the following state laws, regulations, and plan:

- The Shoreline Management Act (SMA) (Washington Revised Code [RCW] 90.58) and implementing regulations (Washington Administrative Codes [WACs] 173-15 through 26).
- The Water Pollution Control Act (WPCA) (RCW 90.48) and implementing regulations (WACs 173-40 through 270, and 372-52 through 68).
- The Washington Clean Air Act (WCAA) (RCW 70.94) and implementing regulations (WACs 173-400 through 495).
- The Ocean Resources Management Act (ORMA) (RCW 43.143) Ocean Management Guidelines (WAC 173-26-360).
- The Washington Marine Spatial Plan for Marine Waters (MSP): Important, Sensitive, and Unique Areas and Fisheries Protection Standards.

[1] Not every single section or provision of each state law, regulation, or plan qualifies as an enforceable policy – only those sections or provisions that NOAA's Office of Coastal Management has approved as "enforceable."

2. Federal Coastal Consistency Determination Process

Any development project or other activity performed by or for a federal agency that may affect coastal uses or resources within Washington state is subject to state review to determine if the proposed activity is consistent with the enforceable policies of the WCZMP. The federal agency must determine if its project or activity has any reasonably foreseeable direct or indirect effects on Washington's coastal uses or resources. If the federal agency determines that the project will have such effects, then it must prepare a "consistency determination" and submit it to the Washington Department of Ecology (Ecology).

In its consistency determination, the federal agency must describe the potential coastal effects and explain how the project or activity is consistent to the maximum extent practicable with WCZMP's enforceable policies.

3. Proposed Action

3.1 Overview

The National Marine Fisheries Service (NMFS) is one of several Line Offices within the NOAA, a branch of the United States (U.S.) Department of Commerce. NMFS is informally known as NOAA Fisheries. NOAA Fisheries has six science centers and five regional headquarters nationally and is responsible for the stewardship and management of the nation's living marine resources and their habitat within the U.S. exclusive economic zone. The NMFS Northwest Fisheries Science Center (NWFSC) conducts leading-edge data acquisition, research and analyses that provide the foundation for management decisions to protect, recover, restore, and sustain ecosystems and living marine resources in the Pacific Northwest. It also supports the NOAA Fisheries West Coast Regional Office and other agencies in managing more than 90 commercially important fish species; recovering over 30 threatened and endangered fish and marine mammal species; and identifying coastal and ocean health risks (NOAA 2023). In addition to the NWFSC regional headquarters and laboratory located in the Montlake neighborhood of Seattle, Washington, NWFSC operates a network of research stations throughout the Pacific Northwest (see Figure 1). The NWFSC Mukilteo Research Station located at 802 Front Street, on the shoreline of Possession Sound in the City of Mukilteo, Washington, was one of five NWFSC research stations until the Mukilteo facilities were decommissioned and demolished in 2022. The Mukilteo Research Station property is located roughly 25 miles north of Seattle and approximately 10 miles southwest of Everett.

NMFS determined that the facilities at the Mukilteo Research Station were no longer needed for execution of the NWFSC mission. 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).*

The Mukilteo Research Station consists of the parcel of land located at 802 Front Street (formerly 10 Park Avenue) in the City of Mukilteo, County of Snohomish, State of Washington 98275, designated as Tax Parcel No. 00596901600000, containing an area of approximately 1.1 acres of uplands, as well as approximately 2 acres of adjacent tidelands extending into Possession Sound to the north (the subject property).

The NWFSC 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.

The subject property is located on a portion of a former 22-acre decommissioned U.S. Air Force fuel depot tank farm property. This larger property to the immediate south and east has been undergoing redevelopment by others, including relocation of the Mukilteo Ferry Terminal, construction of a Sounder Commuter Rail station, and a downtown revitalization effort by the City of Mukilteo. The NWFSC Mukilteo Research Station main building (demolished in 2022) was originally constructed in 1943 by the U.S. Navy as a military barracks, and then transferred to the U.S. Air Force in 1951 to be used as part of the fuel storage depot. The subject property was leased to the NWFSC in 1972, then transferred to NOAA in 2013 as part of a tank farm property transfer between the U.S. Air Force and the Port of Everett.

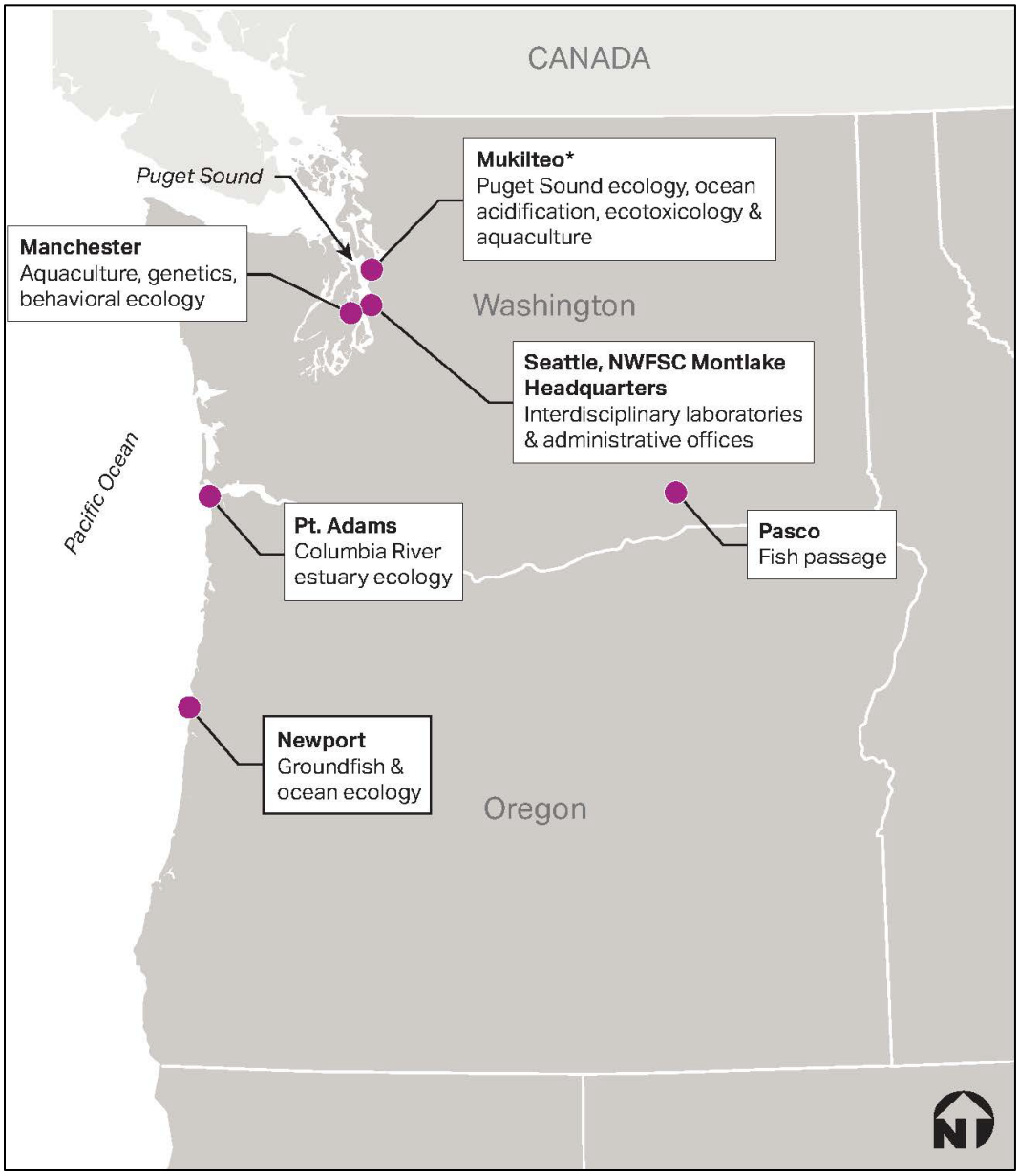

Figure 1. NWFSC Regional Office (Seattle) and Research Stations

* Mukilteo Research Station closed in 2021.

3.2 Federal Action

NOAA's Mukilteo Property Transfer Project (the Proposed Action) involves the conveyance of the subject property to the Port of Everett, as described in detail in Section 2.1, Alternative 1 – Preferred Alternative. 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 land use change. 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 would provide a process to avoid, minimize, or resolve adverse effects to cultural resources from the conveyance of the property to a nonfederal entity.

3.3 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.

3.4 Location

The subject property is located at 802 Front Street (formerly 10 Park Avenue) in Mukilteo, Snohomish County, Washington (see Figure 2 and Figure 3), approximately 25 miles north of Seattle. The subject property consists of an approximately 1.1-acre upland parcel to the northeast of the Front Street/Park Avenue intersection, within Section 33, Township 29 North, Range 4 East, and Section 4, Township 28 North, Range 4 East, Willamette Meridian, Snohomish County, Washington, as well as approximately 2 acres of adjacent tidelands extending into Possession Sound to the north (see Figure 4).

The subject property is managed by the NMFS NWFSC and was previously used for its Mukilteo Research Station, which consisted of a main building for laboratory and sea water tanks, offices, and shop operations, and smaller outbuildings that were used for saltwater fish rearing, storage, and related uses. All of these facilities were decommissioned and demolished in 2022, with the exception of subsurface utilities and other remnant infrastructure, and the existing pier which extends into the tidelands of the adjacent Possession Sound.

3.5 Project Components

The Proposed Action 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(see Figure 4).

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 Proposed Action 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, a Historic Preservation Covenant and certain 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).

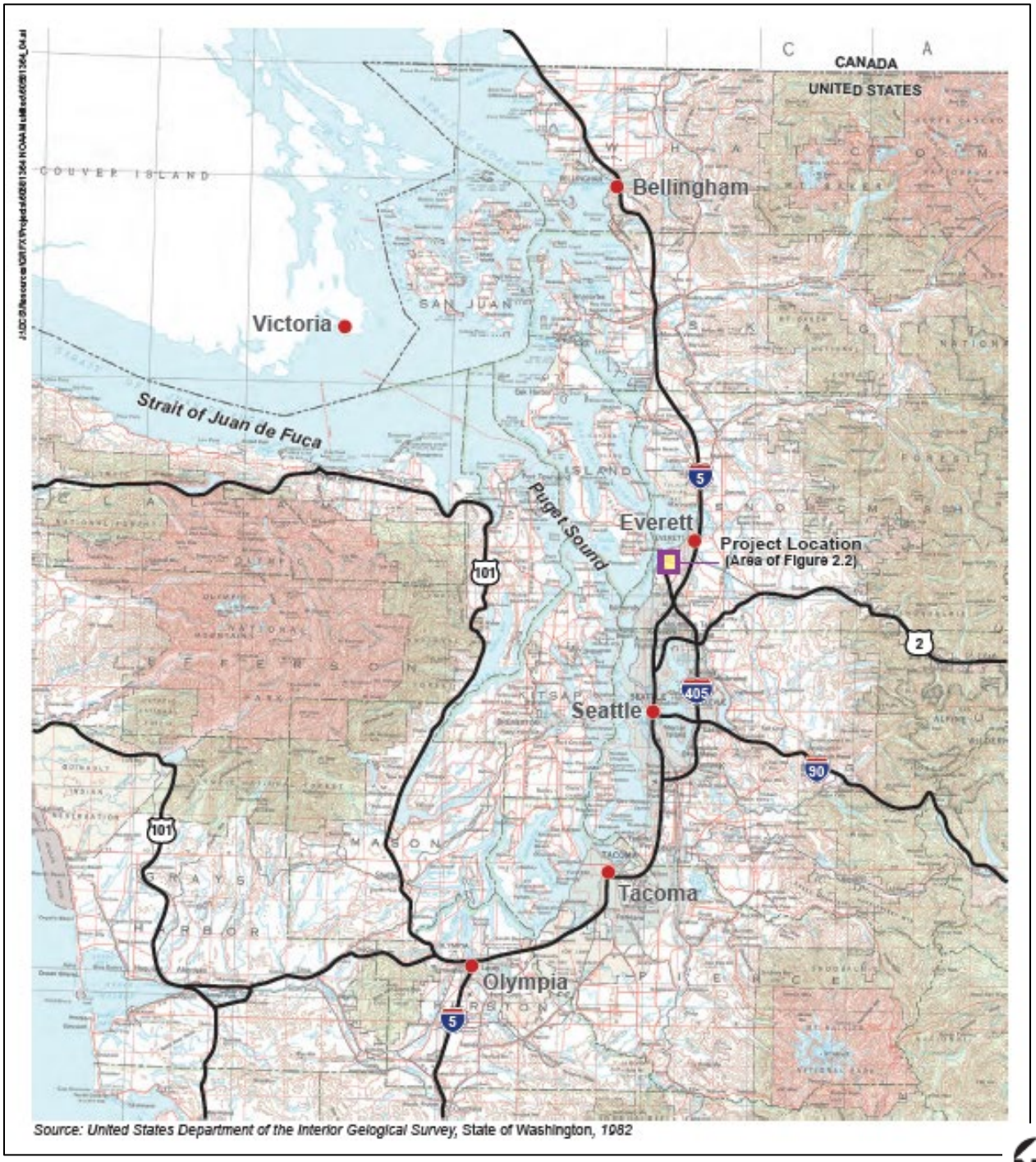

Figure 2. Regional Map

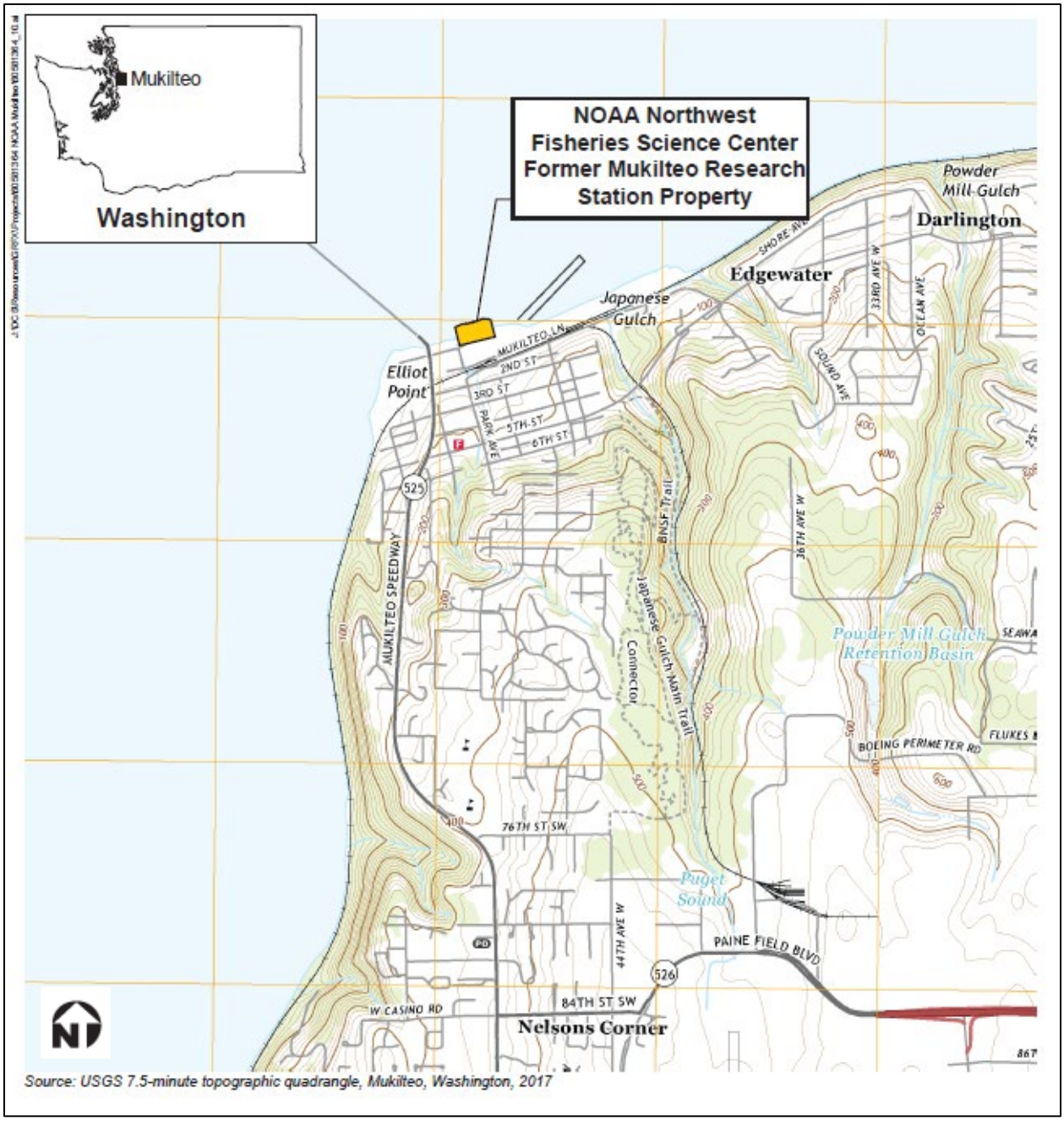

Figure 3. Project Area and Vicinity Map

Source: Google Earth Pro, image dated 9/1/22

Figure 4. NOAA Property and Site Boundary

Note: All boundaries shown on figure are approximate only. Please refer to Deed for detailed property boundary descriptions.

4. Jurisdiction and Consistency Requirements

The WCZMP defines the State's coastal zone to include the 15 counties with marine shorelines, which includes Snohomish County within which the subject property is located. NOAA is seeking state concurrence with the CZMA Consistency Determination from Ecology for its proposed conveyance of the subject property in Mukilteo to the Port of Everett. Under Washington's program, Federal projects that would affect land use, water use, or natural resources shall strive to demonstrate consistency with the enforceable policies[2] found in the following state laws, regulations, and plan:

- The Shoreline Management Act (SMA) (RCW 90.58)
- The Water Pollution Control Act (WPCA) (RCW 90.48)
- The Washington Clean Air Act (WCAA) (RCW 70.94)
- The Ocean Resources Management Act (ORMA) (RCW 43.143)
- The Washington Marine Spatial Plan for Marine Waters (MSP): Important, Sensitive, and Unique Areas and Fisheries Protection Standards

The enforceable policies within each of these regulations/plans are described in detail in the following sections, along with a description of how NOAA's Proposed Action is consistent with these policies.

4.1 Washington Water Pollution Control Act (WCPA)

Adopted in 1972, the Federal Clean Water Act (CWA) broadly regulates the discharge of pollutants into the nation's surface waters, including lakes, rivers, streams, wetlands, and coastal areas. The CWA specifically addresses the management of coastal development to improve, safeguard, and restore the quality of the nation's waters coastal waters, and to protect the natural resources and existing uses of those waters. Under the CWA, it unlawful to discharge any pollutant into navigable waters without a permit.

Ecology is responsible for participating fully in and meeting the requirements of the Federal CWA through the Washington State Water Pollution Control Act (RCW 90.48) and its implementing regulations. Ecology issues Section 401 Water Quality Certifications, which indicate that a project meets the State's water quality standards, and Section 402 National Pollutant Discharge Elimination System (NPDES) permits. However, Ecology NPDES Permits do not apply to federal actions within the State of Washington. Stormwater discharges from federal actions in Washington require coverage under the EPA Region 10 NPDES permits, and Ecology issues Section 401 water quality certifications for those permits once issued by the EPA.

Receipt of a Section 401 Water Certification decision, NPDES Permit, or other state water quality permit, may demonstrate consistency with the enforceable policies. However, if a water quality permit or certification is not required, federal consistency applicants still must demonstrate consistency with the WPCA.

Consistency of Proposed Action

Conveyance of the subject property would not require any discharge of dredged or fill material into the waters of the U.S. or any work in, over, or under any navigable water of the U.S. Therefore, an Individual or Nationwide Permit under Section 404 of the Clean Water Act or a permit under Section 10 of the Rivers and Harbors Act would not be required. Because no Section 404 or Section 10 permits would be required,

[2] Not every single section or provision of each state law, regulation, or plan qualifies as an enforceable policy – only those sections or provisions that NOAA's Office of Coastal Management has approved as "enforceable."

no water quality certification under Section 401 of the Clean Water Act would be required either. The NWFSC determined that the subject property was no longer needed to execute their Mission, and in 2022 the main building (laboratory and offices) as well as various outbuildings of the former Mukilteo Research Station (MRS) were decommissioned and demolished. Therefore, the subject property is not currently regulated under an EPA Region 10 NPDES operating permit. Additionally, the Proposed Action would not involve any construction activities, so an EPA Region 10 Construction General Permit is also not required. Consequently, because no water quality permit of certification is required for the Proposed Action, NOAA must demonstrate that the property transfer is consistent with the WPCA.

Ecology's CZMA guidance document (Ecology 2020) lists the enforceable policies of the WPCA which are provided in Table 1. The Proposed Action is limited to conveyance of the subject property to the Port and does not include any physical changes to the site, nor the construction or operation of any facility or other use that discharges any type of material to ground or surface waters. Therefore, none of the enforceable policies of the Proposed Action are directly applicable, as detailed in Table 1. The potential for indirect impacts to occur as a result of the Proposed Action are discussed below the table.

Table 1: Consistency with Applicable Washington Water Pollution Control Act Policies

Regulation Title and Relevant Provisions	Consistency Determination
WPCA RCW Section 90.48.039 The procedural requirements of this chapter do not apply to any person conducting a remedial action at a facility.	**Not applicable**. The Proposed Action is not a remedial action.
WPCA RCW Section 90.48.080 It is unlawful for any person to throw, drain, run, or otherwise discharge into any of Washington's waters matter that shall cause or tend to cause pollution of such waters.	**Not applicable.** The Proposed Action does involve the discharge of any material into Possession Sound.
WPCA RCW Section 90.48.110 All engineering reports, plans, and specifications for the construction of new sewer systems, sewage treatment or disposal plants or systems, or for improvements or extensions to existing sewer systems or sewage treatment or disposal plants, and the proposed method of future operation and maintenance of said facility or facilities, must be submitted to and be approved by Ecology before construction may begin.	**Not applicable**. The Proposed Action does not include any construction or development.
WPCA RCW Section 90.48.160 Any person who conducts a commercial or industrial operation of any type which results in the disposal of solid or liquid waste material into the waters of the state shall get a permit.	**Not applicable.** The Proposed Action does not involve conducting a commercial or industrial operation.
WPCA RCW Sections 90.48.162, 165, 170, 180, 190, 195, 200 These provisions apply to counties, municipalities, and public corporations, and they explain the process to obtain Waste disposal permits.	**Not applicable.** These provisions either directly pertain to sewage systems/disposal (RCW 90.48.162, 165), or pertain to the process for obtaining and issuing waste disposal permits. The Proposed Action does not include any sewage system/disposal and would not require disposal permits.
WPCA RCW Section 90.48.270 Gives Ecology authority to delineate and establish sewage drainage basins in the state for the purpose of developing and/or adopting comprehensive plans for the control and abatement of water pollution within such basins.	**Not applicable.** This section pertains to Ecology's authority and is not applicable to the Proposed Action.
WPCA RCW Section 90.48.280 This section addresses the plans discussed in the section above (RCW Section 90.48.270).	**Not applicable.** This section pertains to Ecology's authority and is not applicable to the Proposed Action.
WPCA RCW Section 90.48.310 This provision provides the requirements needed to use barley straw for the purposes of water clarification without obtaining a state waste discharge permit.	**Not applicable.** The Proposed Action does not incorporate the use of barley straw.

Regulation Title and Relevant Provisions	Consistency Determination
WPCA RCW Section 90.48.364 For the purposes of this chapter, "technical feasibility" or "technically feasible" means that given available technology, a restoration or enhancement project can be successfully completed at a cost that is not disproportionate to the value of the resource before the injury.	**Not applicable.** This RCW section defines the terms "technical feasibility" and "technically feasible" and does not pertain to the Proposed Action.
WPCA RCW Section 90.48.445 Ecology can issue or approve water quality permits for use by federal, state, or local governmental agencies and licensed applicators for aquatic noxious weed control.	**Not applicable.** No aquatic noxious weed control is proposed as a component of the Proposed Action.
WPCA RCW Section 90.48.448 This section applies to a government entity seeking to control a limited infestation of Eurasian water milfoil using the pesticide 2,4-D.	**Not applicable.** No aquatic noxious weed control is proposed as a component of the Proposed Action.
WPCA RCW Section 90.48.455 This provision requires pulp mills and paper mills to conduct and submit an engineering report on the cost of installing technology designed to reduce the amount of chlorinated organic compounds.	**Not applicable.** The Proposed Action does not pertain to pulp mills or paper mills.
WPCA WAC 173-40 Upon notification by Ecology's director, commercial operations (including industrial), which discharge wastes, other than sanitary sewage, into waters of the state and/or into the air of the state, shall file annually, no later than January 31, reports on forms Ecology provides.	**Not applicable.** The Proposed Action does involve the construction of operation of any commercial or industrial operations or the discharge of any material into Possession Sound.
WPCA WAC 173-100 This chapter stablishes guidelines, criteria, and procedures for the designation of groundwater management areas and sets forth a process for developing groundwater management programs. These programs will be implemented through state regulations and local ordinances.	**Not applicable.** The Proposed Action does not include designation of groundwater management areas or development of groundwater management programs.
WPCA WAC 173-200 This chapter applies to all ground waters of the state that occur in a saturated zone or stratum beneath the surface of land or below a surface water body (except for 090 - Special Protection Areas). This chapter also does not apply to some ag practices, land-treatment constituents or CERCLA sites. It also establishes maximum contaminant concentrations for the protection of a variety of beneficial uses of Washington's groundwater.	**Not applicable.** This policy outlines maximum contaminant concentrations for the protection of groundwater. The Proposed Action does not include any construction or land development or include any discharges to groundwater or otherwise degrade ground water quality in the project vicinity.
WPCA WAC 173-201A This chapter establishes water quality standards for surface waters of Washington consistent with public health and public enjoyment of the waters and the propagation and protection of fish, shellfish, and wildlife, pursuant to the provisions of chapter 90.48 RCW.	**Not applicable.** The Proposed Action does not include discharging any materials into Possession Sound.
WPCA WAC 173-204 This chapter establishes marine, low salinity and freshwater surface sediment management standards for Washington to reduce and ultimately eliminate adverse effects on biological resources and human health from contaminated sediments.	**Not applicable.** The Proposed Action does not include discharging any materials into Possession Sound.

Regulation Title and Relevant Provisions	Consistency Determination
WPCA WAC 173-216 This chapter implements a state permit program, applicable to the discharge of waste materials from industrial, commercial, and municipal operations into ground and surface waters of the state and into municipal sewer systems. However, this regulation does not apply to the following: A. The point source discharge of pollutants into navigable waters of the state which are regulated by the National Pollutant Discharge Elimination System (NPDES) Permit Program, chapter 173-220 WAC. B. The discharge of pollutants into waters of the state which are regulated by the Waste discharge general permit program, chapter 173-226 WAC.	**Not applicable.** The Proposed Action does not include the construction or operation of any commercial, industrial, or municipal operations or discharges of waste materials into ground or surface waters or into municipal sewer systems.
WPCA WAC 173-218 This chapter protects groundwater quality by: Preventing groundwater contamination by regulating the discharge of fluids into Underground Injection Control (UIC) wells; and satisfies the intent and requirements of Part C of the Federal Safe Drinking Water Act and the Water Pollution Control Act, chapter 90.48 RCW.	**Not applicable.** The Proposed Action does not include any discharge of fluids through injection control wells.
WPCA WAC 173-221 This chapter sets discharge standards which represent “all known, available, and reasonable methods” of prevention, control, and treatment for domestic wastewater facilities of the state. • 040 Domestic wastewater facility discharge standards • 050 Alternative domestic wastewater facility discharge standards and effluent limitations	**Not applicable.** The Proposed Action does not include a domestic wastewater facility.
WPCA WAC 173-221A This chapter sets minimum discharge standards which represent “known, available, and reasonable methods” of prevention, control and treatment for industrial wastewater facilities, including finfish facilities, that discharge to water of the state.	**Not applicable.** The Proposed Action does involve the construction of operation of any industrial wastewater facilities or discharge of any material into Possession Sound.
WPCA WAC 173-224 This chapter establishes a fee system for state waste discharge and NPDES permits.	**Not applicable.** The Proposed Action does not involve the construction of operation of any facility or discharge of any waste material.
WPCA WAC 173-226 This chapter establishes a state general permit program that applies to the discharge of pollutants, wastes, and other materials to waters of the state, including discharges to municipal sewerage systems.	**Not applicable.** The Proposed Action does not involve the construction of operation of any facility or discharge of any waste material.
WPCA WAC 173-230 Operators must meet minimum standards to ensure they are competent to operate and maintain wastewater treatment plants	**Not applicable.** The Proposed Action does not include a wastewater treatment plant.
WPCA WAC 173-240 This chapter implements RCW 90.48.110 by providing an interpretation of “plans and specifications” and includes provisions for review and approval of proposed methods of operation and maintenance for wastewater facilities.	**Not applicable.** This WAC section details procedures for plan submittal/review for domestic and industrial wastewater treatment plants. The Proposed Action does not include the development/alteration of any wastewater treatment plant.

Source: Ecology 2020
Acronyms: CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act; Ecology = Washington Department of Ecology; NPDES = National Pollutant Discharge Elimination System; RCW = Washington Revised Code; UIC = Underground Injection Control; WAC = Washington Administrative Code; WPCA = Water Pollution Control Act

Although no direct impacts would occur from the Proposed Action, there could be indirect effects resulting from the fact that the property would no longer be held in Federal ownership, but by the Port of Everett. Future redevelopment of the property in accordance with the Port of Everett's recent waterfront visioning process (Port of Everett 2023) is likely to include removal of the dilapidated NOAA pier remaining on the subject property, and development of new commercial land uses such as retail and restaurants, cultural/educational facilities, and recreational facilities such as coastal walkways and enhanced shoreline access. Future redevelopment in accordance with the Port's waterfront visioning process could involve substantial earthwork and construction on the project site, pier removal, removal of underground utilities, construction of buildings and public walkways, replacement of the existing riprap embankment with a seawall and waterfront esplanade, and possible Brewery Creek/estuary restoration (Port of Everett 2023). Based on a meeting with Port staff in April 2024, it is understood that redevelopment of the property would include raising the level of the site and constructing shoreline protection, along with creation of a public shoreline promenade (Lefeber, pers. comm. 2024)

Such activities could have temporary impacts to stormwater quality during construction and could involve excavation or placement of fill within jurisdictional waters, alteration of drainage patterns, and/or changes to the area of impervious surface at the project site which might affect stormwater runoff characteristics. If the existing pier and other remnant structures were to be removed from the intertidal and tidal areas of the property, or if new in-water structures and/or a new sea wall were to be constructed there could be temporary adverse impacts to water quality within Possession Sound if adequate measures are not taken to avoid or minimize such impacts.

However, any such redevelopment by the Port would be subject to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, and if the Port is required to obtain permits under these Sections, a water quality certification under Section 401 of the Clean Water Act would also be required. Additionally, any redevelopment by the Port would be subject to Section 402 of the Clean Water Act and the Port would be required to obtain an NPDES Construction General Permit and/or Ecology NPDES operating permits as applicable.

4.2 Washington Clean Air Act (WCAA)

The WCAA sets forth the state law regarding outdoor air pollution and establishes a system of regional air pollution control authorities to implement federal and state air pollution control regulations. Air pollution control regulations cover the emission of air contaminants that are injurious to health or that unreasonably interfere with the enjoyment of life and property.

Pursuant to WCAA, an air quality permit is required if a new project or a modification of an existing permitted business releases emissions exceeding the thresholds in WAC 173-400-110 or WAC 173-460-040 for emissions of toxic air pollutants. If an air quality permit is not obtained for a Proposed Action, the federal agency must demonstrate that the Proposed Action is consistent with each of the enforceable policies.

Consistency of Proposed Action

Ecology's CZMA guidance document (Ecology 2020) lists the enforceable policies of the WCAA which are provided in Table 2. The Proposed Action is limited to conveyance of the subject property to the Port and does not include any involve construction, modification, or operation of any existing or new facility or other release of emissions to air. Therefore, none of the enforceable policies of the Proposed Action are directly applicable, as detailed in Table 2. The potential for indirect impacts to occur as a result of the Proposed Action are discussed below the table.

Table 2: Consistency with Applicable Washington Clean Air Act Policies

Regulation Title and Relevant Provisions	Consistency Determination
WCAA RCW 70.94.037 (Recodified as RCW 70A.15.1060) In areas subject to a state implementation plan, no state agency, metropolitan planning organization, or local government shall approve or fund a transportation plan, program, or project within or that affects a nonattainment area unless a determination has been made that the plan, program, or project conforms with the state implementation plan for air quality as required by the federal clean air act.	**Not applicable**. The Proposed Action is not within a nonattainment area.
WCAA RCW 70.94.040 (Recodified as RCW 70A.15.1070) Except where specified in a variance permit, as provided in RCW 70.94.181, it is unlawful for any person to cause air pollution or permit it to be caused in violation of this chapter, or of any ordinance, resolution, rule or regulation validly promulgated hereunder.	**Not applicable**. The Proposed Action does not include construction, modification, or operation of any existing or new facility or other release of emissions to air.
WCAA RCW 70.94.041 (Recodified as RCW 70A.15.1080) Any building or structure listed on the national register of historic sites, structures, or buildings... or on the state register..., shall be permitted to burn wood as it would have when it was a functioning facility as an authorized exception to the provisions of this chapter. Such burning of wood shall not be exempted from the provisions of RCW 70.94.710 through 70.94.730.	**Not applicable.** The Proposed Action would not include any burning in association with any historic uses at the site.
WCAA RCW 70.94.151 (Recodified as RCW 70A.15.2200) Persons operating or responsible for air contaminant sources shall register and report as required.	**Not applicable.** The Proposed Action does not include construction, modification, or operation of any existing or new facility or other release of emissions to air.
WCAA RCW 70.94.152 (Recodified as RCW 70A.15.2210) Requires notice of the establishment of proposed any new sources except single-family and duplex dwellings or de Minimis new sources. See Chapter 173-400 WAC.	**Not applicable.** The Proposed Action does not include construction, modification, or operation of any existing or new facility or other release of emissions to air.
WCAA RCW 70.94.153 (Recodified as RCW 70A.15.2220) Any person proposing to replace or substantially alter the emission control technology installed on an existing stationary source emission unit must file a notice of construction application with the jurisdictional permitting authority.	**Not applicable.** The Proposed Action does not include construction, modification, or operation of any existing or new facility or other release of emissions to air.
WCAA RCW 70.94.154 (Recodified as RCW 70A.15.2230) Reasonably available control technology (RACT) means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is required for existing sources.	**Not applicable.** The Proposed Action does not include construction, modification, or operation of any existing or new facility or other release of emissions to air and would therefore not require RACT.
WCAA RCW 70.94.161 (Recodified as RCW 70A.15.2260) Large commercial and industrial sources of air pollution must get an air operating permit. Rules follow this Section - see Chapter 173-401 WAC.	**Not applicable.** The Proposed Action does not include construction, modification, or operation of any existing or new facility or other release of emissions to air.
WCAA RCW 70.94.162 (Recodified as RCW 70A.15.2270) Rules follow this Section - see Chapter 173-401 WAC.	See Chapter 173-401 WAC below.
WCAA RCW 70.94.181 (Recodified as RCW 70A.15.2310) Any person who owns or is in control of any plant, building, structure, establishment, process or equipment may apply to the department of ecology or appropriate local authority board for a variance from rules or regulations governing the quality, nature, duration or extent of discharges of air contaminants.	**Not applicable.** The Proposed Action does not include construction, modification, or operation of any existing or new facility or other release of emissions to air. No variance from rules or regulations pertaining to air quality would be sought in conjunction with the Proposed Action.

Regulation Title and Relevant Provisions	Consistency Determination
WCAA RCW 70.94.200 (Recodified as RCW 70A.15.2500) For the purpose of investigating conditions specific to the control, recovery or release of air contaminants into the atmosphere, a control officer, the department, or their duly authorized representatives, shall have the power to enter at reasonable times upon any private or public property, excepting non-multiple unit private dwellings housing two families or less. No person shall refuse entry or access to any control officer, the department, or their duly authorized representatives, who requests entry for the purpose of inspection, and who presents appropriate credentials; nor shall any person obstruct, hamper or interfere with any such inspection.	**Not applicable.** The Proposed Action does not include construction, modification, or operation of any existing or new facility or other release of air contaminants into the atmosphere.
WCAA RCW 70.94.450 - 477 (Recodified as RCW 70A.15.3500 - 3600) Laws about Woodstoves and solid fuel burning devices.	**Not applicable.** No solid fuel burning devices, including wood stoves, are a component of the Proposed Action.
WCAA RCW 70.94.521 (Recodified as RCW 70A.15.4000) Counties to develop plans for major worksites for TDM	**Not applicable.** This RCW section pertains to county development of transportation demand management plans. This does not pertain to development of the Proposed Action.
WCAA RCW 70.94.527 (Recodified as RCW 70A.15.4020) Transportation demand management -- Requirements for counties and cities.	**Not applicable.** This RCW section pertains to the development of transportation demand management plans by various jurisdictions. This does not pertain to development of the Proposed Action.
WCAA RCW 70.94.531 (Recodified as RCW 70A.15.4040) Major employers must follow adopted Commuter Trip Reduction Plans and submit the program to locals.	**Not applicable.** This policy pertains to major employers, which are defined as “a private or public employer, including state agencies, that employs one hundred or more full-time employees at a single worksite” (RCW 70A.15.4010). The Proposed Action does not include construction, modification, or operation of any existing or new facility. Consequently, this policy is not applicable.
WCAA RCW 70.94.610 (Recodified as RCW 70A.15.4510) Except as provided in subsection (2) of this section, a person may not burn used oil as fuel in a land-based facility or in state waters unless the used oil meets applicable standards.	**Not applicable.** The Proposed Action does not include construction, modification, or operation of any existing or new facility, other activity involving the burning of oil as a fuel.
WCAA RCW 70.94.620 (Recodified as RCW 70A.15.4520) Metals mining and milling operations permits by department of ecology - special inspection requirements.	**Not applicable.** No metals, mining, or milling operations are a component of the Proposed Action.
WCAA RCW 70.94.6512 - 6552 (Recodified as RCW 70A.15.5010 - 5210) Sections pertaining to burning (outdoor burning, agricultural burning, burning for weed abatement, etc.).	**Not applicable.** No burning is a component of the Proposed Action.
WCAA RCW 70.94.970 (Recodified as RCW 70A.15.6410) A person who services or repairs or disposes of a motor vehicle air conditioning system; commercial or industrial air conditioning, heating, or refrigeration system; or consumer appliance shall use refrigerant extraction equipment to recover regulated refrigerant that would otherwise be released into the atmosphere.	**Not applicable.** No servicing or repair of air conditioning/refrigeration systems is a component of the Proposed Action.
WCAA RCW 70.94.980 (Recodified as RCW 70A.15.6420) Related to the sale/purchase of regulated refrigerant containers or consumer products containing chlorofluorocarbons.	**Not applicable.** No purchase/sale of these materials/items is a component of the Proposed Action.

Regulation Title and Relevant Provisions	Consistency Determination
WCAA WAC 173-400 This chapter establishes technically feasible and reasonably attainable standards and establishes rules generally applicable to the control and/or prevention of the emission of air contaminants. 60 sections. (010–.930) address non-road engines, relocation of portable sources, general standards for maximum emissions for all sources, among others.	**Not applicable.** The Proposed Action does not include construction, modification, or operation of any existing or new facility or use of non-road engines, portable sources or other release of emissions to air.
WCAA WAC 173-401 This chapter establishes the elements of a comprehensive Washington state air operating permit program. All sources subject to this regulation shall have a permit to operate that assures compliance by the source with all applicable requirements. 45 sections (.100–.940)	**Not applicable.** The Proposed Action does not include construction, modification, or operation of any existing or new facility or other release of emissions to air.
WCAA WAC 173-405 (1)"Kraft mil" means any manufacturing facility which uses an alkaline solution containing sodium hydroxide and/or sodium sulfide, and any other chemical pulping facility, except those covered by Chapter 173-410 WAC, to produce pulp and/or paper products from wood fibers. For the purposes of this regulation: 13 sections .012-.091	**Not applicable.** The Proposed Action does not include any facilities to be used for the production of pulp and/or paper products.
WCAA WAC 173-406 Acid rain and permit requirements for affected units subject to the requirements of the acid rain program	**Not applicable.** The Proposed Action does not include any units listed in Tables 1, 2, or 3 of 40 C.F.R. 73.10(a) or a utility unit, cogeneration facility, or any of the other applicable units listed in WAC 173-406-103.
WCAA WAC 173-407 Part I requires mitigation of the emissions of carbon dioxide from all new and certain modified fossil- fueled thermal electric generating facilities with station-generating capability of more than 25 megawatts of electricity. (010–080). Part II establishes statutory goals for the statewide reduction of greenhouse gases. It applies to all baseload electric generation facilities and units and baseload electric cogeneration facilities and units that meet certain criteria. (100–240)	**Not applicable.** The Proposed Action does not include fossil-fueled thermal electric generating facilities, or other types of electric generating facilities.
WCAA WAC 173-420 This chapter applies to the WSDOT.	**Not applicable.** The Proposed Action is not affiliated with the Washington Department of Transportation.
WCAA WAC 173-421 This chapter establishes requirements to preserve emission control equipment installed on motor vehicles. A person shall not remove or render inoperable any component or change any element of design of a motor vehicle including adjustments outside the range of manufacturer's specifications that could affect the amount of air contaminants emitted from that vehicle.	**Consistent.** No component of the Proposed Action would involve altering or removing a component of a motor vehicle that would be outside manufacturer's specifications or would affect the amount of air contaminants emitted from the vehicle.
WCAA WAC 173-422 All motor vehicles, not specifically exempted by WAC 173-422-170, which are registered or reregistered within the boundaries of an emission contributing area, as specified in WAC 173-422-050, are subject to the vehicle emission inspection requirements of this chapter.	**Not Applicable.** This WAC section has been repealed, as of June 2, 2021.
WCAA WAC 173-422A These rules implement the motor vehicle emission test program required by state law (chapter 70.120 RCW Motor vehicle emission control). They are intended to encourage appropriate emission repairs of vehicles to reduce air pollution.	**Not Applicable.** This WAC section has been repealed, as of June 2, 2021.

Regulation Title and Relevant Provisions	Consistency Determination
WCAA WAC 173-423 This chapter applies to all 2009 and subsequent model year passenger cars, light duty trucks and medium duty passenger vehicles registered, leased, rented or sold for use in the state of Washington, except as provided in WAC 173-423-060, Exemptions.	**Not applicable.** This WAC section largely pertains to requirements established for manufacturers/retailers of cars and/or rental agencies. No car manufacturing, sale, or rental is a component of the Proposed Action.
WCAA WAC 173-425 through 173-434 These WAC sections pertain to agricultural, solid fuel, or solid waste burning.	**Not applicable.** No burning is a component of the Proposed Action.
WCAA WAC 173-441 This rule establishes mandatory greenhouse gas (GHG) reporting requirements for owners and operators of certain facilities that directly emit GHGs that exceeds the reporting threshold, as well as for certain suppliers of liquid motor vehicle fuel, special fuel, or aircraft fuel and electric power entities. For suppliers, the GHGs reported are the quantity that would be emitted from the complete combustion or oxidation of the products supplied.	**Not applicable.** The Proposed Action does not include construction, modification, or operation of any existing or new facility or other release of emissions to air.
WCAA WAC 173-455 Air Quality Fee Regulation and fee schedule.	**Not applicable.** The Proposed Action does not include construction, modification, or operation of any existing or new facility or other release of emissions to air.
WCAA WAC 173-460 This chapter establishes the systematic control of new or modified sources emitting toxic air pollutants (TAPs) in order to prevent air pollution, reduce emissions to the extent reasonably possible, and maintain such levels of air quality as will protect human health and safety. TAPs include carcinogens and non-carcinogens listed in WAC 173-460-150.	**Not applicable.** This WAC section applies to “new sources” (the construction or modification of a stationary source that increases the amount of any air contaminant or introduces new contaminants) or “stationary sources” (any building, structure, facility, or installation that emits or may emit any air contaminant). No existing or new sources of air contaminants are associated with the Proposed Action.
WCAA WAC 173-476 This chapter establishes maximum acceptable levels in the ambient air for particulate matter, lead, sulfur dioxide, nitrogen oxides, ozone, and carbon monoxide.	**Not applicable.** The Proposed Action does not include construction, modification, or operation of any existing or new facility or other release of emissions to air.
WCAA WAC 173-480 This chapter defines maximum allowable levels for radionuclides in the ambient air and control emissions from specific sources.	**Not applicable.** The Proposed Action does not include construction, modification, or operation of any existing or new facility or other release of emissions to air.
WCAA WAC 173-481 This chapter, promulgated under RCW 70.94.305 and 70.94.331, establishes fluoride standards for the protection of livestock and vegetation. Standards address the fluoride content of forage and gaseous fluorides in the ambient air.	**Not applicable.** The Proposed Action does not include construction, modification, or operation of any existing or new facility or other release of emissions to air.
WCAA WAC 173-485 This rule determines reasonably available control technology for emissions of greenhouse gases emitted by petroleum refineries located in the state.	**Not applicable.** The Proposed Action does not include construction, modification, or operation of any existing or new facility or other release of emissions to air.
WCAA WAC 173-490 This chapter establishes technically feasible and reasonably attainable standards for sources emitting volatile organic compounds (VOCs).	**Not applicable.** The Proposed Action does not include construction, modification, or operation of any existing or new facility or other release of emissions to air.
WCAA WAC 173-491 This chapter applies to gasoline marketing operations (e.g. gas stations), including the storage, transport, and transfer of gasoline, as well as the transfer from storage tanks into transport tanks, and from storage tanks into motor vehicles.	**Not applicable.** The Proposed Action does not relate to gasoline marketing operations.

Regulation Title and Relevant Provisions	Consistency Determination
WCAA WAC 173-492 This chapter applies to sellers of oxygenated gasoline in Spokane County - This regulation reduces carbon monoxide emissions from gasoline powered motor vehicles, through the wintertime use of oxygenated gasolines.	**Not applicable.** The Proposed Action does include selling oxygenated gasoline.
WCAA WAC 173-492 This chapter applies to weather modification activities - No person shall engage in weather modification activities except under and in accordance with a license and a permit issued by Ecology, unless specifically exempt from this requirement in WAC 173-495-040.	**Not applicable.** The Proposed Action does not include weather modification activities.

Source: Ecology 2020
Acronyms:
GHG = greenhouse gas; RACT = Reasonably available control technology; RCW = Washington Revised Code; TAPs = toxic air pollutants; TDM = Transportation Demand Management; VOCs = volatile organic compounds; WAC = Washington Administrative Code; WCAA = Washington Clean Air Act; WSDOT = Washington State Department of Transportation

Although no direct impacts would occur from the Proposed Action, there could be indirect effects resulting from the fact that the property would no longer be held in Federal ownership, but by the Port of Everett. Future redevelopment of the property in accordance with the Port of Everett's recent waterfront visioning process (Port of Everett 2023) could include new sources of air emissions such as emergency generators. However, the Port would be subject to the provisions of the WCAA and would be required to obtain permits, if necessary, for future uses at the site.

4.3 Ocean Resources Management Act (ORMA)

The provisions of ORMA are **not applicable** to the Proposed Action because the project site is within Puget Sound, and not in the Pacific Coastal jurisdiction. No further discussion of consistency is required.

4.4 Washington Marine Spatial Plan for Marine Waters (MSP)

The provisions of the Washington MSP are **not applicable** to the Proposed Action because the project site is within Puget Sound, and not in the Pacific Coastal jurisdiction. No further discussion of consistency is required.

4.5 Shoreline Management Act (SMA)

The 1971 state SMA has a broad reach: coverage extends to shorelines of the state and shorelines of statewide significance, both of which include coastal marine waters, wetlands, aquatic areas, lakes, and streams. The law provides for the management of the shorelines of the state "by planning for and fostering all reasonable and appropriate uses." The law is aimed at "protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto." The SMA requires all shoreline counties and municipalities to develop Shoreline Master Plans (SMPs).

The requirement to obtain state and local permits pursuant to the SMA and SMPs is a state law requirement independent of the requirements of the CZMA. In the case where a Federal license and/or permit applicant must also obtain a local Shoreline Development Permit, and/or a Conditional Use Permit or Variance, the issuance of the permit may be sufficient to show that a project meets the requirements of the SMA for the purposes of consistency with the WCZMP.

Unless required by federal law, federal agencies are not required to obtain shoreline permits. However, Ecology encourages federal agencies to review their projects, relying on the provisions of the applicable SMPs, as an administrative convenience to demonstrate consistency. However, in cases where a project may occur in multiple jurisdictions, Ecology recommends demonstrating consistency with the enforceable

policies of the SMA itself rather than multiple local SMPs (personal communication, Consequently, this document analyzes project consistency with the SMA and its enforceable regulations/policies.

Consistency of Proposed Action

Unless required by Federal law, Federal agencies are not required to obtain shoreline permits. However, the SMA would apply and therefore for federal consistency purposes, NOAA must demonstrate that the property transfer is consistent with the SMA and its implementing WACs.

Ecology's CZMA guidance document lists the enforceable policies of the SMA, which are contained in RCW Chapter 90.58, and additional policies/regulations which are contained in WAC 173-15 to 173-22 and WAC 173-26 (Ecology 2020). Table 2 and Table 3 provide assessments of the project's consistency with these applicable policies and regulations.

The Proposed Action is limited to conveyance of the subject property to the Port and does not include any physical changes to the site, nor the construction or operation of any facility or other use within the jurisdiction of the SMA. Therefore, none of the enforceable policies of the Proposed Action are directly applicable, as detailed in Table 3 and Table 4. The potential for indirect impacts to occur as a result of the Proposed Action are discussed below the table.

Table 3: Consistency with Consistency with RCW Chapter 90.58

Regulation Title and Relevant Provisions	Consistency Determination
RCW 90.58.020 – State Policy; Use Preference Establishes "that the interest of all of the people shall be paramount in the management of shorelines" and that "the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible."	**Not applicable**. The Proposed Action is limited to conveyance of the subject property to the Port and does not include any physical changes to the site, nor the construction or operation of any facility or other use within the jurisdiction of the SMA.
RCW 90.58.040 – Applicability Defines the jurisdiction of the SMA to include "the shorelines of the state."	**Consistent**. The SMA is applicable to the Proposed Action as the subject property is located within 200 feet of Possession Sound.
RCW 90.58.040 – Agricultural Activities Addresses new agricultural activities on non-agricultural lands, the conversion of agricultural lands to other uses, and provides definitions for agricultural activities, products, equipment, and lands.	**Not applicable**. The project does not include new agricultural activities and would not convert existing agricultural land to other uses.
RCW 90.58.100 – Regulations Authorizes SMPs as regulations for implementing the policies of the SMA.	**Not applicable.** This section establishes SMPs as implementing the policies of the SMA and does not directly pertain to the Proposed Action.
RCW 90.58.140 – Grounds for Project Approval Establishes that all development undertaken on the shorelines of the state must be consistent with the policies of the SMA.	**Not applicable.** The Proposed Action is limited to conveyance of the subject property to the Port and does not include any development on the shoreline of Possession Sound.
RCW 90.58.150 – Timber Cutting, Commercial Describes regulations pertaining to timber cutting within 200 feet of the OHWM of shorelines of statewide significance.	**Not applicable.** The Proposed Action any physical changes to the site, including the removal of any vegetation within 200 feet of the OHWM of Possession Sound.
RCW 90.58.150 – Non-application and Floating Homes Classifies permitted/legally established floating homes established prior to January 1, 2011, as a "conforming preferred use."	**Not applicable.** The project does not pertain to/include floating homes.
RCW 90.58.310 – Shorelines of Statewide Significance Allows the legislature to designate additional shorelines of the state as shorelines of statewide significance.	**Not applicable.** This section establishes authority of the legislature to designate "shorelines of statewide significance" and does not directly pertain to development activities.

Regulation Title and Relevant Provisions	Consistency Determination
RCW 90.58.320 – Height Limitation Describes permitting limitations for any new or expanded building or structure of more than 35 feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines.	**Not applicable.** The Proposed Action is limited to conveyance of the subject property to the Port and does not include any new or expanded buildings or structures on the shoreline of Possession Sound.
RCW 90.58.355 – Projects Not Required to Obtain Permits or Review Describes projects (i.e., remedial actions, installation of stormwater treatment improvements pursuant to a NPDES permit, and certain WSDOT projects) that are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review conducted by a local government to implement the SMA.	**Not applicable.** The project is not a remedial action, a stormwater treatment improvement pursuant to a NPDES permit, or a WSDOT project.
RCW 90.58.350 – Treaty Rights Establishes that nothing in RCW Chapter 90.58 shall affect any rights established by treaty to which the United States is a party.	**Consistent.** The Proposed Action would not directly affect any treaty established rights. The potential for indirect impacts to treaty rights is discussed in the text following this table.
RCW 90.58.550 – Oil or Natural Gas Exploration in Marine Waters Describes permit application requirements and review criteria for oil and gas exploration in marine waters.	**Not applicable.** The Proposed Action does not include any oil or gas exploration activities.
RCW 90.58.580 – Shoreline Restoration Projects Provides a relief mechanism from development standards and use regulations within urban growth areas when a restoration project has resulted in a landward shift in the OHWM if certain criteria are met.	**Not applicable.** The Proposed Action is not a restoration project, and consistency review is not triggered by shift of the OHWM from restoration activities.
RCW 90.58.900 – Liberal Construction Exempts RCW Chapter 90.58 from the rule of strict construction, and it shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.	**Not applicable.** This section describes how the SMA should be interpreted and does not directly regulate property transfers.
WAC 173-15 – Oil or Natural Gas Exploration Activities Conducted from State Marine Waters Describes regulations implementing RCW 90.58.550 pertaining to oil and natural gas exploration activities.	**Not applicable.** The Proposed Action does not include any oil or gas exploration activities.
WAC 173-18 – Streams and Rivers Constituting Shorelines of the State Identifies the streams and rivers and portions thereof that constitute shorelines of the state, including those on lists contained in local SMPs (which may contain more up-to-date lists of shorelines of the state than this WAC section).	**Not applicable.** The subject property is located on the shoreline of Possession Sound, a marine water. Consequently, this WAC section is not applicable.
WAC 173-20 – Lakes Constituting Shorelines of the State Identifies the lakes that constitute shorelines of the state, including those on lists contained in local SMPs (which may contain more up-to-date lists of shorelines of the state than this WAC section).	**Not applicable.** The subject property is located on the shoreline of Possession Sound, a marine water. Consequently, this WAC section is not applicable.
WAC 173-22 – Adoption of Designations of Shorelands and Wetlands Associated with Shorelines of the State. Identifies the shorelands, including wetlands, associated with stream, lakes, and tidal waters that are subject to the SMA.	**Consistent.** The subject project is located on the shoreline of Possession Sound, a tidal water. Shorelands for tidal waters extend landward 200 feet from the OHWM. Consequently, this WAC section is applicable.

Acronyms:
NPDES = National Pollutant Discharge Elimination System; OHWM = ordinary high water mark; RCW = Washington Revised Code; SMA = Shoreline Management Act; SMP = Shoreline Master Program; WAC = Washington Administrative Code; WSDOT = Washington State Department of Transportation.

Table 4: Consistency with State Master Program Procedures and Guidelines (WAC 173-26)

Section	Description	Consistency Determination
010 – Authority and Purpose	Implements the requirements of the SMA, which authorizes Ecology to adopt rules to carry out provisions of the Act and directs local governments to develop local shoreline master programs.	**Not applicable**. Establishes that the chapter is the implementation of the SMA and directs local governments to develop SMPs but does not directly apply to the Proposed Action.
171 – Authority, Purpose and Effects of Guidelines	Establishes that local governments must rely on guidelines in this chapter when developing their SMPs, and that the general purpose of the guidelines is to implement the "cooperative program of shoreline management between local government and the state."	**Not applicable**. This section pertains to the development of SMPs by local governments and does not directly regulate the Proposed Actions.
176 – General Policy Goals of the Act and Guidelines for Shorelines of the State	Establishes policy goals of the SMA that are intended to balance both utilization and protection of shorelines, which are "among the most valuable and fragile" of the state's natural resources. Specific goals include 1) The utilization of shorelines for economically productive uses that are particularly dependent on shoreline location or use; 2) The utilization of shorelines and the waters they encompass for public access and recreation; 3) Protection and restoration of the ecological functions of shoreline natural resources; 4) Protection of the public right of navigation and corollary uses of waters of the state; 5) The protection and restoration of buildings and sites having historic, cultural, and educational value; 6) Planning for public facilities and utilities correlated with other shorelines uses; 7) Prevention and minimization of flood damages; 8) Recognizing and protecting private property rights; and 9) Preferential accommodation of single-family uses.	**Consistent.** The Proposed Action is limited to the transfer of the property to the Port and does not include ongoing or new land uses or alter existing public access and recreation within the shoreline environment. The Proposed Action does not include any physical changes to the site triggering the need for protection or restoration of ecological functions of shoreline natural resources. The Proposed Action also does not alter public right of navigation or uses of Possession Sound. Goals 1-4 and 8-9 are not applicable. Goal 5 is applicable. 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, a Historic Preservation Covenant and certain covenants, restrictions, and conditions will be included. The Historic Preservation Covenant would include legally enforceable conditions to ensure the long-term consideration of the property's historic significance to include a requirement to consult with federally recognized Tribal governments as well as the Washington Department of Archaeology and Historic Preservation (DAHP). A copy of the Draft Quitclaim Deed (including the Historic Preservation Covenant) is included in Appendix A of the Environmental Assessment (AECOM 2024).
181 – General Policy Goals of the Act and Guidelines for Shorelines of the State	Establishes a hierarchy of use preferences for shorelines of statewide significance. This includes: • Recognize and protect the statewide interest over local interest; • Preserve the natural character of the shoreline; • Result in long-term over short-term benefit; • Protect the resources and ecology of the shoreline; • Increase public access to publicly owned areas of the shorelines; • Increase recreational opportunities for the public in the shoreline;	**Consistent.** See response to Section 176.

Section	Description	Consistency Determination
	• Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.	
186 – Governing Principles of the Guidelines	Establishes governing principles and guidelines for the development of planning policies. Governing principles 1–7 and 9–11 pertain to local government activities. Governing principle 8 establishes the ways shoreline ecological systems should be protected. Pertinent protective measures include 1) Local SMPs should be designed to achieve no net loss of ecological functions, 2) for any jurisdictions containing shorelines with impaired ecological functions, SMPs shall include goals and policies providing for the restoration of those areas, and 3) SMPs should evaluate cumulative impacts on shoreline ecological functions.	**Not Applicable.** This section includes direction for local governments in the development/implementation of their SMPs and does not apply to the Proposed Action.
201 – Process to Prepare or Amend SMPs	Establishes what provisions should be contained in local SMPs, many of which are enforceable policies. As described by Ecology (2020), applicable subsections include the following: (2) Basic Concepts: (c) protection of ecological functions of shoreline assuring no net loss; (d) preferred uses that prioritize reserving areas for protecting/restoring ecological functions, uses that are water-dependent or water-related, uses that are related to water-enjoyment, single family residential uses, and lastly nonwater-oriented uses where the above uses are inappropriate; (e) environmental impact mitigation that requires developments to analyze environmental impacts of the proposal and mitigate environmental impacts not otherwise avoided or mitigated. (3) Steps in preparing and amending a SMP; (v) identify public access needs and opportunities within the jurisdiction and explore actions to enhance shoreline recreation facilities; (vii) Identify water quality and quantity issues relevant to master program provisions, including those that affect human health and safety; (viii) identify how existing shoreline vegetation provides ecological functions and determine methods to ensure protection of those functions.	**Not Applicable.** This section includes direction for local governments in the development/implementation of their SMPs and does not apply to the Proposed Action.
211 – Environment Designation System	This section provides the basic requirements for environment designation classification including general environment designation provisions, management policies, and regulations; and specific purpose statements, management policies, and designation criteria for each designation type.	**Not Applicable.** This section includes direction for local governments in the development/implementation of their SMPs and does not apply to the Proposed Action.
221 – General Provisions; Archaeological and Historic Resources	The provisions of this section shall be applied either generally to all shoreline areas or to shoreline areas that meet the specified criteria of the provision without regard to environment designation. *The general resources are addressed separately in the next few rows.*	**Consistent**. 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, a Historic Preservation Covenant and certain

Section	Description	Consistency Determination
	The Archaeological and Historic Resources section applies to development or uses that may impact recorded, known, or inadvertently uncovered archaeological and historic resources. Includes applicability, basic principles, and standards, and is intended to prevent the destruction of or damage to any site having historic, cultural, scientific, or educational value as identified by the appropriate authorities.	covenants, restrictions, and conditions will be included. The Historic Preservation Covenant would include legally enforceable conditions to ensure the long-term consideration of the property's historic significance to include a requirement to consult with affiliated federally recognized Tribal governments as well as the DAHP.
221 – General Provisions; Critical Areas	SMPs must provide for management of critical areas such that no net loss of shoreline ecological function occurs. Critical areas include the following: 1) wetlands, 2) critical aquifer recharging areas, 3) fish and wildlife habitat conservation areas, 4) frequently flooded areas, and 5) geologically hazardous areas.	**Not applicable.** This section includes direction for local governments in the development/implementation of their SMPs and does not apply to the Proposed Action.
231 – Shoreline Modification	This section makes a distinction between shoreline modifications and shoreline uses. Includes applicability, general principles, and provisions for specific types of modifications. Shoreline modifications are generally related to construction of a physical element such as a dike, breakwater, dredged basin, bulkheads, piers and docks, or fill, but they can include other actions such as clearing, grading and the application of chemicals, habitat enhancement, or significant vegetation removal.	**Not applicable**. The Proposed Action is limited to conveyance of the subject property to the Port and does not include physical changes to, or existing or new uses, as the site.
241 – Shoreline Uses	This section addresses common shoreline uses and types of development to the extent they occur within shoreline jurisdiction. Shoreline uses and development must be consistent with the provisions of the environment designation in which they are located and the specific common uses provisions of this section. Allowed uses should 1) protect the public's health, safety, and welfare; 2) protect the land and its vegetation and wildlife; and 3) protect property rights while implementing the policies of the SMA. This section establishes general uses provisions, principles, and types of uses that should be reviewed under the conditional use criteria. Use-specific standards, regulations, review and siting considerations, and prohibitions are provided for a variety of uses, including utilities. Utility facilities should be designed and located to assure no net loss of shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth. Transmission facilities for the conveyance of services should be located outside of the shoreline area where feasible and when necessarily located within the shoreline area shall assure no net loss of shoreline ecological functions. Utilities should be located in existing rights of way and corridors whenever possible.	**Not applicable.** The Proposed Action is limited to conveyance of the subject property to the Port and does not include any physical changes to the site or modification of existing uses or new uses on the shoreline of Possession Sound.

Section	Description	Consistency Determination
251 – Shorelines of Statewide Significance	The following provisions apply to Shorelines of Statewide Significance: 1) Statewide interest must be protected over local interest, 2) Actions that would have detrimental and irreversible impacts to the natural conditions of shorelines should be severely limited to preserve resources for future generations, and 3) Preference should be given to uses described in 90.58.020. The following provisions apply to Resources of Statewide Importance: 1) Ensure the long-term protection of ecological resources of statewide importance (e.g., anadromous fish habitats, forage fish spawning beds), 2) provide for the shoreline needs of water-oriented uses and other economic resources, and 3) provide for the right of public use, access, and enjoyment of shoreline resources.	**Not applicable.** The Proposed Action is limited to conveyance of the subject property to the Port and does not include any physical changes to the site or modification of existing use or new uses on the shoreline of Possession Sound.

Acronyms:
DAHP = Washington Department of Archaeology and Historic Preservation; Ecology = Washington Department of Ecology; RCW = Washington Revised Code; SMA = Shoreline Management Act; SMP = Shoreline Master Program.

Although no direct impacts would occur from the Proposed Action, there could be indirect effects resulting from the fact that the property would no longer be held in Federal ownership, but instead by the Port of Everett. As discussed previously, future redevelopment of the property in accordance with the Port of Everett's recent waterfront visioning process (Port of Everett 2023) is likely to include removal of the dilapidated NOAA pier remaining on the subject property, and development of new commercial land uses such as retail and restaurants, cultural/educational facilities, and recreational facilities such as coastal walkways and enhanced shoreline access. Future redevelopment in accordance with the Port's waterfront visioning process could involve substantial earthwork and construction on the project site, pier removal, removal of underground utilities, construction of buildings and public walkways, replacement of the existing riprap embankment with a seawall and waterfront esplanade, and possible Brewery Creek/estuary restoration (Port of Everett 2023). Based on a meeting with Port staff, it is understood that redevelopment of the property would include raising the level of the site and constructing shoreline protection, along with creation of a public shoreline promenade (Lefeber, pers. comm. 2024).

There is also potential for future development by the Port to impact Treaty Rights such as Treaty Fishing in the waters at and adjacent to the subject property, due to the use of construction-related vessels such as barges or by increasing the number of recreational vessels in the area post-construction, which could potentially damage tribal fishing gear; or due to potential construction of new overwater structures in Treaty fishing areas.

As a non-federal entity, the Port would be required to comply with all applicable provisions of the SMA, as well as local regulations and programs such as the City of Mukilteo's Shoreline Management Program, contained in Title 17B (Shoreline Management Regulations) of the MMC and Shoreline Management Plan, and to obtain a shoreline development permit, if necessary.

While not impacting Treaty Rights, the Historic Preservation Covenant included with the conveyance documents would include legally enforceable conditions to ensure the long-term consideration of the property's historic significance, including a requirement for the Port to consult with federally recognized Tribal governments as well as the Washington DAHP regarding future actions at the site, in a manner that mirrors the requirements of Section 106 of the National Historic Preservation Act. As such, affected Tribal governments would have the opportunity to consult directly with the Port regarding their future redevelopment, to avoid or minimize impacts to potentially affected Treaty Rights from future redevelopment activities by the Port. Redevelopment of the site would also likely require the Port to obtain federal permits under the Clean Water Act and/or Rivers & Harbors Act, which would trigger the USACE to undertake Section 106 prior to issuing any permit for the project.

5. Statement of Consistency

Based on the information provided in this document, and in accordance with the Federal Coastal Zone Management Act of 1972, as amended, NOAA has determined that the Proposed Action is consistent to the maximum extent practicable with the enforceable policies of Washington's Coastal Zone Management Program (CZMP).

6. References

AECOM. 2024. Preliminary Draft Environmental Assessment, Mukilteo Property Transfer Project, Mukilteo, Washington. Prepared for National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Northwest Fisheries Science Center.

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Ecology (Washington Department of Ecology). 2020. Washington Coastal Zone Management Program Enforceable Policies. Publication Number 20-06-013.

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APPENDIX D: EXECUTIVE ORDER 11988 AND 11990 8-STEP PROCESS MEMORANDUM

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Project name:
NOAA NMFS Mukilteo Research Station Property Transfer Project

From:
Emma Rawnsley, Project Manager
Linda Howard, Environmental Scientist

Date:
October 14, 2024

To:
Anne Delp
Safety and Environmental Compliance Office
National Oceanic & Atmospheric Administration
U.S. Department of Commerce
1305 East West Highway, SSMC4 Rm 5309
Silver Spring, MD 20910

Memorandum

Subject: Proposed NOAA Mukilteo Research Station Property Transfer
Executive Order 11988: Floodplain Management and Executive Order 11990: Protection of Wetlands

1 INTRODUCTION

This Technical Memorandum is prepared to document activities taken per Executive Order (EO) 11988, *Floodplain Management* (44 CFR Part 9) and Executive Order (EO) 11900, *Protection of Wetlands* for the National Oceanic and Atmospheric Administration (NOAA) Mukilteo Property Transfer Project (the proposed action).

To avoid or minimize adverse impacts of a proposed action on floodplains and wetlands, NOAA follows its *Guidance on Compliance with the Implementing Procedures for Executive Orders 11988 and 11990* (NOAA 2012) and the Water Resources Council (WRC) "*Guidelines for Implementing Executive Order 11988, Floodplain Management, and Executive Order 13690*" (WRC 2015).

In the Water Resources Council document "Guidelines for Implementing Executive Order 11988, Floodplain Management, and Executive Order 13690", it states:

> *Agencies were directed to update their regulations and procedures, as appropriate, for implementing EO 11988 after these Guidelines were finalized. Each agency may have a different schedule for these updates based on the form of their agency-specific procedures. Agencies will continue to comply with the requirements of the 1977 version of EO 11988 until they update their regulations and procedures to incorporate the amendments from EO 13690. These regulations and procedures will describe an agency's schedule for applying any new requirements.*

NOAA or the United States (U.S.) Department of Commerce has not amended its procedures to incorporate the amendments from EO 13690. For this reason, NOAA applies its own guidance under EO 11988.

The 100-year floodplain is an area with a flood elevation that has a one-percent chance of being equaled or exceeded each year. It is also expected to occur, on average, once every 100 years. Although the name implies such a flood every 100 years, a 100-year flood could occur in any year. EO 11988, "Floodplain Management", dated May 24, 1977, requires that federal agencies locate facilities outside the 100-year or base floodplain unless there is no practicable alternative location.

If locating outside the floodplain is unavoidable, structures should be built so that the finished floor elevation is above the 100-year flood elevation as determined by the Federal Emergency Management Agency (FEMA) and depicted on their Flood Insurance Rate Maps (FIRMs), or the structures should be flood-resistant. Floodplain management is intended to minimize the potential for property damage and to maintain functions of the hydrologic cycle.

Wetlands are defined in NOAA's *Guidance on Compliance with the Implementing Procedures for Executive Orders 11988 and 11990* as meaning those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. E.O. 11990, "Protection of Wetlands" requires the use of all practicable measures to minimize harm to wetlands.

EO 11988 and EO 11990 provide an eight-step process for proposed actions that might fall within a designated floodplain and/or wetland. The steps include: 1) Floodplain and/or Wetland Determination; 2) Public Notification; 3) Identify and Evaluate Practicable Alternatives to Locating the Proposed Action in a Floodplain and/or Wetland; 4) Identify the Impacts of the Proposed Action; 5) Evaluate Measures to Reduce Potential Adverse Impacts of the Proposed Action; 6) Re-evaluate Alternatives to the Proposed Action; 7) Make the Final Determination and Present the Decision; and finally 8) Implement the Action (NOAA 2012).

NOAA has determined that it will follow this eight step process for its proposed action for the Mukilteo Property Transfer Project. Section 2 of this memo provides a brief overview of the proposed action, and Section 3 contains the eight-step process for the proposed action in accordance with EO 11988, EO 11990, and NOAA's *Guidance on Compliance with the Implementing Procedures for Executive Orders 11988 and 11990*.

2 PROPOSED ACTION

BACKGROUND

The National Marine Fisheries Service (NMFS) is one of several Line Offices within NOAA, a branch of the U.S. Department of Commerce. NMFS is informally known as NOAA Fisheries. NOAA Fisheries has six science centers and five regional headquarters nationally and is responsible for the stewardship and management of the nation's living marine resources and their habitat within the U.S. exclusive economic zone. The NMFS Northwest Fisheries Science Center (NWFSC) conducts leading-edge data acquisition, research and analyses that provide the foundation for management decisions to protect, recover, restore, and sustain ecosystems and living marine resources in the Pacific Northwest. It also supports the NOAA

Fisheries West Coast Regional Office and other agencies in managing more than 90 commercially important fish species; recovering over 30 threatened and endangered fish and marine mammal species; and identifying coastal and ocean health risks (NOAA 2023). In addition to the NWFSC regional headquarters and laboratory located in the Montlake neighborhood of Seattle, Washington, NWFSC operates a network of research stations throughout the Pacific Northwest. The NWFSC Mukilteo Research Station located at 802 Front Street, on the shoreline of Possession Sound in the City of Mukilteo, Washington (Figure 1), was one of five NWFSC research stations until the Mukilteo facilities were decommissioned and demolished in 2022.

NMFS determined that the facilities at the Mukilteo Research Station were no longer needed for execution of the NWFSC mission. 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).

The Mukilteo Research Station consists of the parcel of land located at 802 Front Street (formerly 10 Park Avenue) in the City of Mukilteo, County of Snohomish, State of Washington 98275, designated as Tax Parcel No.00596901600000, containing an area of approximately 1.1 acres of uplands, as well as approximately 2 acres of adjacent tidelands extending into Possession Sound to the north (the subject property) (see Figure 1 and 2).

The NWFSC 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.

The subject property is located on a portion of a former 22-acre decommissioned fuel depot tank farm property. This larger property to the immediate south and east has been undergoing redevelopment by others, including relocation of the Mukilteo Ferry Terminal, construction of a Sounder Commuter Rail station, and a downtown revitalization effort by the City of Mukilteo. The NWFSC Mukilteo Research Station main building (demolished in 2022) was originally constructed in 1943 by the U.S. Navy as a military barracks, and then transferred to the U.S. Air Force in 1951 to be used as part of the fuel storage depot. The subject property was leased to the NWFSC in 1972, then transferred to NOAA in 2013 as part of a tank farm property transfer between the U.S. Air Force and the Port of Everett (NOAA 2007).

FEDERAL 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 special flood hazard area, to a nonfederal entity and so it is anticipated that the recipient of the property will be required to comply with applicable Federal and State laws and regulations regarding potential impacts to floodplains and coastal zone management. Additionally, cultural resources could be impacted by conveyance of the property to a nonfederal entity and so it is anticipated that an agreement, such as an Historic Preservation Covenant would be included in conveyance documents that would provide protections to avoid adverse effects to cultural resources.

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 NOAA 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.

LOCATION

The subject property is located at 802 Front Street (formerly 10 Park Avenue) in Mukilteo, Snohomish County, Washington (see Figure 1 and Figure 2). The subject property consists of an approximately 1.1-acre upland parcel to the northeast of the Front Street/Park Avenue intersection, within Section 33, Township 29 North, Range 4 East, and Section 4, Township 28 North, Range 4 East, Willamette Meridian, Snohomish County, Washington, as well as approximately 2 acres of adjacent tidelands extending into Possession Sound to the north (see Figure 2).

The subject property is managed by the NMFS NWFSC and was previously used for its Mukilteo Research Station, which consisted of a main building for laboratory and sea water tanks, offices, and shop operations, and smaller outbuildings that were used for saltwater fish rearing, storage, and related uses. All of these facilities were decommissioned and demolished in 2022, with the exception of subsurface utilities and other remnant infrastructure, and the existing pier which extends into the tidelands of the adjacent Possession Sound.

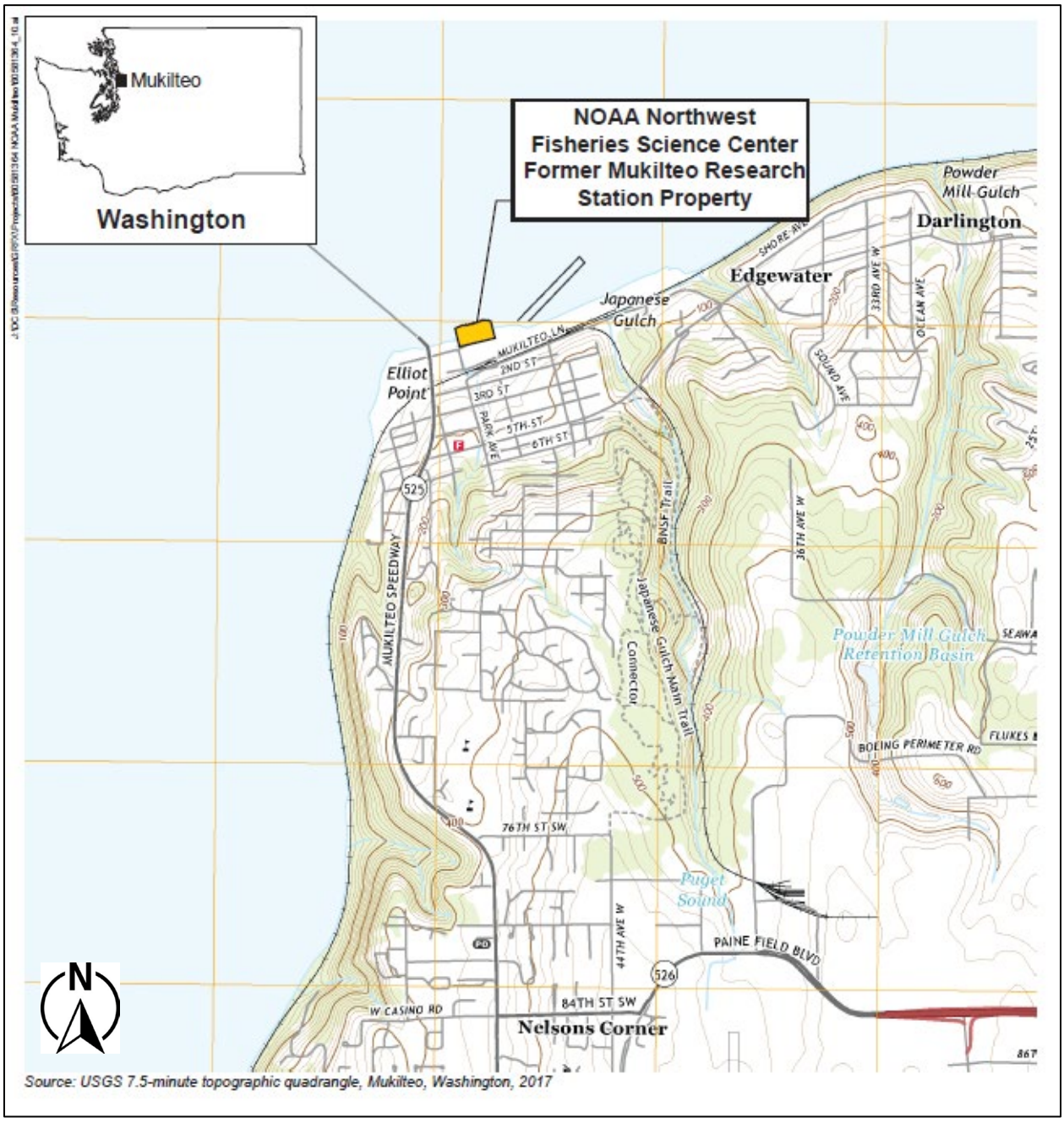

Figure 1. Project Area and Vicinity Map

Source: Google Earth Pro, Image dated 9/1/22

Figure 2. NOAA Property and Site Boundary

Note: All boundaries shown on figure are approximate only. Please refer to Deed for detailed property boundary descriptions.

PROJECT COMPONENTS

The proposed action 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 NAVD88 (see Figure 4).

A portion of state submerged lands underlying the most seaward portion of the existing pier is currently used by NOAA under federal navigational servitude, and 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 Quitclaim Deed. These two areas are not part of the subject property.

The proposed action would require the preparation of a quitclaim deed which conveys NOAA interests to the property to the Port of Everett. NOAA no longer uses the federal navigational servitude over tidelands beyond the extreme low tide contour. 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. It is understood that use of the portion of the pier that extends beyond the 2nd class tidelands may 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, a Historic Preservation Covenant and certain covenants, restrictions, and conditions would 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 Quitclaim Deed (including the Historic Preservation Covenant) is included in Appendix A of the EA (AECOM 2024).

3 THE EIGHT-STEP PROCESS

The following eight steps in EO 11988 and EO 11990 have been undertaken by NOAA for the proposed Mukilteo Property Transfer Project in conjunction with the NEPA process when possible:

STEP 1: FLOODPLAIN AND/OR WETLAND DETERMINATION

Floodplain Determination

To determine if the subject property falls within a coastal floodplain as defined by FEMA (i.e., 100-Year floodplain), AECOM reviewed FEMA flood hazard maps and Flood Insurance Study for the City of Mukilteo, which participates in the National Flood Insurance Program (City of Mukilteo 2024c). The current, effective 2020 FEMA flood hazard map (FIRM Panel Number 53061C1010F) is shown in Figure 4 (FEMA 2020). The map shows that the tidal area and western margin of the subject property have High Flood Risk and are in Zone AE (EL 13) (i.e., there is a 1-percent-annual chance at a base flood elevation (BFE) of 13.0 feet NAVD88). The subject property is an area of old fill with an embankment along the shoreline that is partially protected by riprap. The area shown as a polygon mapped to the south of, but outside, the subject property along 1st Street is also a high-risk zone with a lower BFE of 12.0 feet.

Because portions of the subject property have been determined to be within a coastal floodplain, Steps 2 through 8 of the eight-step process are required for floodplains in accordance with EO 11988, as detailed in the following subsections.

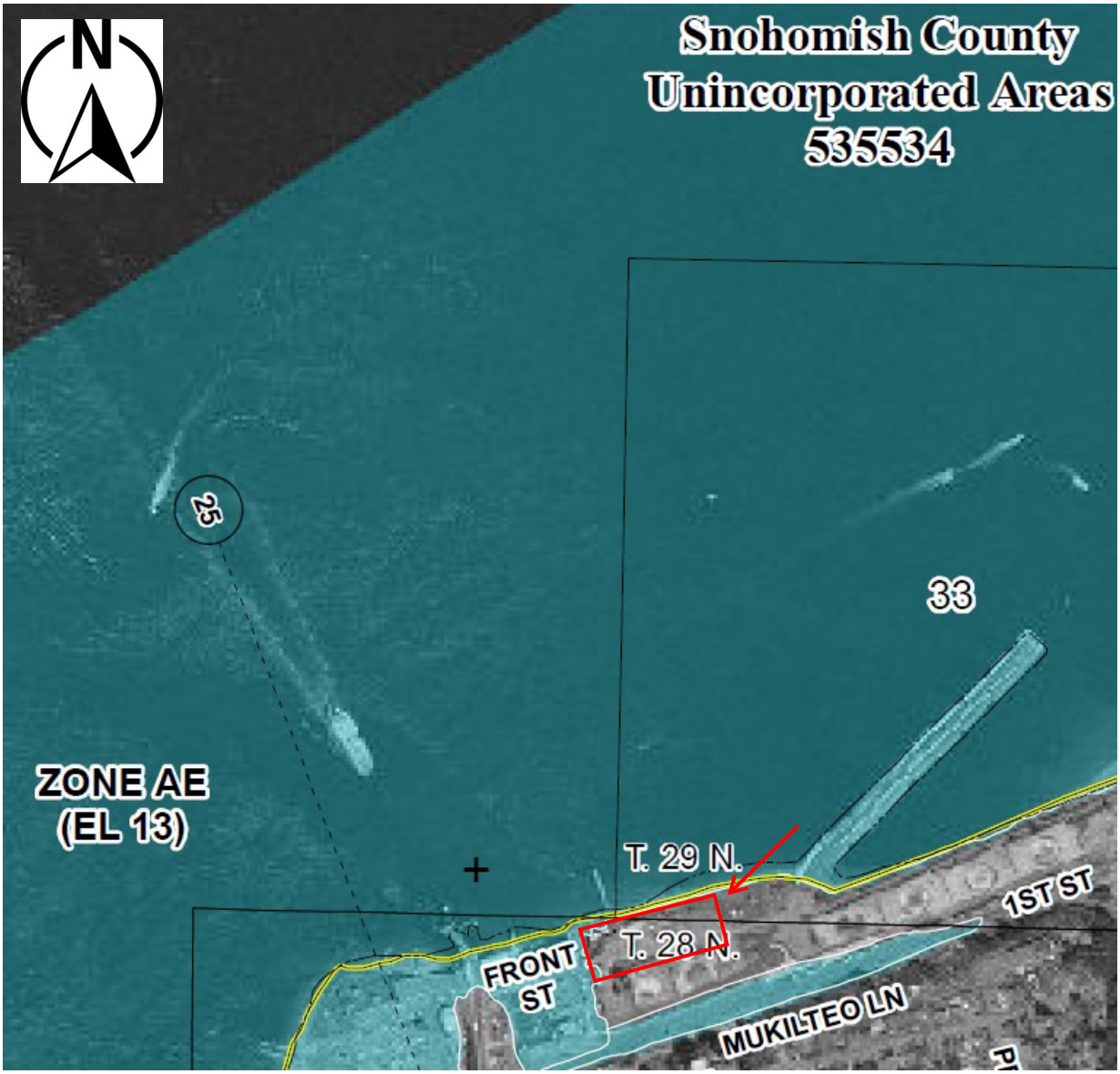

Figure 3. 2020 Effective FEMA Flood Hazard Map

Note: A portion of the 2020 FEMA flood hazard map for the subject property (FIRM Panel Number 53061C1010F). The approximate 1.1-acre upland portion of the NWFSC Mukilteo Research Station is highlighted by the red box and arrow. The 100-Year BFE is 13 feet NAVD88 and includes the seaward portion and the western margin of the subject property. The polygon south of the subject property along 1st St has a BFE of 12 feet.

Wetland Determination

To determine if the subject property falls within a wetland as defined by NOAA's *Guidance on Compliance with the Implementing Procedures for Executive Orders 11988 and 11990* (NOAA 2012), AECOM reviewed National Wetland Inventory (NWI) maps (USFWS 2024a), Priority Habitats and Species

mapping (WDFW 2024b), Washington Natural Heritage data (DNR 2024), and critical area maps (City of Mukilteo 2024b). No freshwater or intertidal estuarine wetlands were identified at the subject property based on review of these sources. Soils mapped at the site are classified by the NRCS as "urban land" (NRCS 2024) which is land covered by streets, buildings, parking lots, and other structures that obscure or alter soils so that identification is not feasible. Marine areas within the subject property are mapped by the NWI as estuarine subtidal unconsolidated bottom (E1UBL; Ecology 2024a; USFWS 2024a).

The nearest mapped freshwater wetlands to the project site are a 0.12-acre freshwater pond and a 1.76-acre freshwater forested/scrub-shrub wetland associated with Japanese Creek approximately 0.5 mile to the southeast of the project site (City of Mukilteo 2024b; DNR 2024; USFWS 2024a; WDFW 2024b). Areas approximately 0.25 mile east and west of the subject property has mapped estuarine intertidal aquatic bed/unconsolidated shore regularly flooded [E2AB/USN]) wetlands (Ecology 2024a; USFWS 2024a). The subject property is outside of the buffer for these wetlands.

Furthermore, no indicators of freshwater or intertidal estuarine wetland habitats were observed on the subject property during site visits undertaken by AECOM staff in July 2018 and January 2024.

Because the subject property has been determined to not include any wetlands, Steps 2 through 8 of the eight-step process are not required with respect to wetlands.

STEP 2: PUBLIC NOTIFICATION

The Draft EA for the proposed action will be made available for public and agency review and comment during a 30-day period beginning October 18, 2024. An announcement of the Draft EA availability will be posted in the Public Notices section of The Everett Daily Herald on Friday October 18, 2024 and the Mukilteo Beacon on Wednesday October 23, 2024, and will include notification that the proposed action described above would occur within a floodplain.

STEP 3: IDENTIFY AND EVALUATE PRACTICABLE ALTERNATIVES TO LOCATING THE PROPOSED ACTION IN A FLOODPLAIN

The proposed action is limited to transfer of the subject property to the Port of Everett. This is the Preferred Alternative identified in the Draft EA. There is no practicable alternative to locating the proposed action in a floodplain as the part of the subject property is located in the floodplain on the shoreline of Possession Sound and includes approximately 2 acres of adjacent tidelands extending into Possession Sound.

NOAA identified the following alternatives in the Draft EA:

- **Excess Property Alternative:** NOAA would transfer the subject property to the General Services Administration, 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. This alternative would be located in the floodplain because part of the subject property is located in the floodplain.
- **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 practicable 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 is also not considered viable.

None of the alternatives identified in the Draft EA are practicable alternatives to locating the proposed action in a floodplain as the subject property is located on the shoreline of Possession Sound and includes approximately 2 acres of adjacent tidelands extending into Possession Sound.

STEP 4: IDENTIFY THE IMPACTS OF THE PROPOSED ACTION

Direct Effects

Conveyance of the subject property to the Port of Everett would have no direct effect to floodplains, as there would be no physical changes at the site directly resulting from this action, and no new structures, fill, or excavation within a floodplain that could affect base flood elevations, floodplain boundaries, and/or natural and beneficial floodplain values.

Indirect Effects

Indirect effects to floodplains from conveyance of the property to the Port of Everett would depend on the ultimate use and redevelopment of the property by the Port. Future redevelopment in accordance with the Port's recent waterfront visioning process (Port of Everett 2023) could involve substantial earthwork and construction on the project site, pier removal, removal of underground utilities, construction of buildings and public walkways, and possible improvements to the coastal embankment. Many of these activities could occur within the floodplain, which could result in new structures at risk of flooding, could result in changes to the base flood elevation, could result in floodplain boundaries, and/or could adversely impact natural and beneficial floodplain values. These are considered reasonably foreseeable indirect effects of the proposed action. It is understood that future development of the site by the Port would include raising the level of the site and constructing shoreline protection (Lefeber, pers. comm. 2024), which would be anticipated to reduce the potential for flooding at the site compared to existing conditions but could alter the boundaries of the floodplain.

Because the subject property would no longer be under federal ownership, the Port would not be subject to the provisions of EO 11988 - Floodplain Management like the federal owner (NOAA) is currently. As such, the Port would not be required to avoid the location of facilities outside the floodplain unless there is no practicable alternative location and would not be required to undertake the 8-step process outlined in EO 11988 if the redevelopment included actions within the floodplain.

However, unlike the federal government, the Port would be subject to state and local laws and regulations, including the State Environmental Policy Act, which would require the Port to identify any project-specific impacts relating to floodplains. If identified impacts would be potentially significant, mitigation, avoidance, minimization, or compensatory mitigation measures would be required. Furthermore, the Port would also be subject to the City of Mukilteo Shoreline Master Program and Critical Area and Flood Damage Prevention requirements of the Mukilteo Municipal Code. The Port would also be required to obtain the necessary federal, state, and local permits associated with any redevelopment, including obtaining a Floodplain Development Permit, and to obtain a Conditional Letter of Map Revision/Letter of Map Revision (CLOMR/LOMR) from FEMA, if the project would alter floodplain boundaries and want those boundaries indicated in a revised FIRM.

Therefore, due to the robust federal, state, and local regulatory framework governing development within floodplains, transfer of the subject property to the Port of Everett would have a negligible to moderate indirect impact to floodplains.

STEP 5: EVALUATE MEASURES TO REDUCE POTENTIAL ADVERSE IMPACTS OF THE PROPOSED ACTION

The proposed action would have no direct adverse impacts to the floodplain, and therefore no measures to reduce potential adverse effects are required. Potential indirect impacts are reasonable and foreseeable, but the specific impacts would depend on future redevelopment and use of the property by the Port of Everett. As described above, future development of the property by the Port would be subject to a robust framework of federal, state and local regulations, that include consideration of floodplain impacts.

STEP 6: RE-EVALUATE ALTERNATIVES TO THE PROPOSED ACTION

Given the location of the subject property relative to Possession Sound and its tidelands, and the purpose and need for the proposed action, no practicable alternatives have been identified to avoid the floodplain.

STEP 7: MAKE THE FINAL DETERMINATION AND PRESENT THE DECISION

NOAA intends to make a final determination of no practicable alternative to locating the proposed action within a floodplain. Public notice of this final determination would occur concurrently with public notice of NOAA's intent to issue a Finding of No Significant Impact (FONSI) for the proposed action, if a FONSI is determined to be the appropriate NEPA finding.

STEP 8: IMPLEMENT THE ACTION

Implementation of the proposed action (i.e., transfer of the subject property to the Port of Everett) would occur after the FONSI is complete, if a FONSI is determined to be the appropriate NEPA finding. Based on the information established through the 8 Step review under EO 11988 described above, the impact to floodplain resources from the proposed action is considered to be negligible to moderate.

4 REFERENCES

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APPENDIX E: OUTREACH AND CORRESPONDENCE

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Rawnsley, Emma

From: Anne Delp - NOAA Federal <anne.delp@noaa.gov>
Sent: Wednesday, January 31, 2024 9:50 AM
To: 106@dahp.wa.gov
Cc: Maddie.Levesque@dahp.wa.gov; Whitlam, Rob (DAHP); Ranzetta, Kirk; Rawnsley, Emma; Wood, Tim; John Battle - NOAA Federal
Subject: NOAA NMFS Mukilteo Property Transfer APE Letter
Attachments: NMFS Mukilteo Transfer APE Consultation Letter DAHP Jan 2024.pdf

This Message Is From an External Sender

This message came from outside your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Report Suspicious

Dr. Brooks,

NOAA is submitting the attached Area of Potential Effects (APE) letter for your review and concurrence/comments. The proposed action is the transfer of the National Marine Fisheries Service (NMFS) Mukilteo property to the Port of Everett, per the National Defense Authorization Act (NDAA) for FY 2002 (Public Law [P.L.] 107-107).

We are sending similar letters to the tribes to inform them of where we are in the process, inviting their input, and initiating consultation. We will keep you updated on our communication with them and invite you to any meetings we hold.

Thank you so much for your time. Please let me know if you have any questions or concerns.

V/R,

Annie

Please take a moment to complete the OCAO Customer Satisfaction Survey

---

Anne H. Delp
Environmental Engineer
Chief(A), Environmental Compliance Division
National Oceanic & Atmospheric Administration (NOAA)
U.S. Department of Commerce
1305 East West Highway, SSMC4 Rm 5309
Silver Spring, MD 20910
anne.delp@noaa.gov / 301.640.9194

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

January 29, 2024

Dr. Allyson Brooks, Ph.D.
State Historic Preservation Officer
Washington Department of Archaeology & Historic Preservation
P.O. Box 48343
Olympia, WA 98504-834

Re: NOAA National Marine Fisheries Service (NMFS) Mukilteo Property Transfer Project – In Snohomish County, Washington

Dear Dr. Brooks:

The National Oceanic and Atmospheric Administration (NOAA) proposes conveyance of the Northwest Fisheries Science Center (NWFSC) Mukilteo Research Station (MRS) at 802 Front Street, Mukilteo, Washington to the Port of Everett (Proposed Project). Located on the shoreline of Possession Sound, the MRS was one of five NWFSC research stations until 2022 when the NWFSC determined that the MRS property was no longer needed to execute their Mission. As you are aware the research facilities, including the main building (laboratory and offices) and various outbuildings, were then decommissioned and demolished. All of this work was completed in accordance with the Memorandum of Agreement (MOA) dated June 28, 2022. Therefore, pursuant to the National Defense Authorization Act (NDAA) for FY 2002 (Public Law [P.L.] 107-107), the National Marine Fisheries Service (NMFS) proposes conveyance of the property to the Port of Everett. The conveyance includes all right, title, and interest of the parcel in accordance with the NDAA. NOAA has determined that the transfer of the property outside of federal ownership is not covered by a Categorical Exclusion (CatEx) and therefore an Environmental Assessment (EA) is the appropriate level of documentation under the National Environmental Policy Act.

Project Description

In accordance with the NDAA for FY 2002, NOAA is required to transfer the 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).*

Location

The subject property at 802 Front Street (formerly 10 Park Avenue) in Mukilteo, Snohomish County, Washington (see Figure 1 and Figure 2) consists of an approximately 1.1-acre upland parcel to the northeast of the Front Street/Park Avenue intersection, within Section 33, Township 29 North, Range 4 East, and Section 4, Township 28 North, Range 4 East, Willamette Meridian, Snohomish County, Washington, as well as approximately 2 acres of adjacent tidelands extending into Possession Sound to the north.

Required Agency Information

NOAA is the federal agency for the undertaking. Anne Delp is the Project Environmental Engineer and will serve as the primary contact. John Battle (john.e.battle@noaa.gov) is the NOAA Federal Preservation Officer. Please submit all correspondence related to this undertaking to anne.delp@noaa.gov.

Figure 1. Area of Potential Effects as depicted on USGS Mukilteo quadrangle

Area of Potential Effects (APE)

The APE as defined in 36 CFR 800.16(d) is "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking."

NOAA has proposed the APE for cultural resources to include the parcel and adjacent tidelands as described above and depicted in Figure 2. The principal effect from this undertaking is the transfer of this property from federal to local government ownership and the associated loss of federal protections under 36 CFR Part 800.

Figure 2. Aerial image of the Area of Potential Effects. Note the buildings visible on this aerial have been removed.

Existing Resources

The MRS property is located on a portion of a former 22-acre decommissioned fuel depot tank farm property. The subject property is managed by the NMFS NWFSC and was previously used for the MRS, which consisted of a main building for laboratory and sea water tanks, offices, and shop operations, and smaller outbuildings that were used for saltwater fish rearing, storage, and related uses. All of these facilities were decommissioned and demolished in 2022, with the exception of subsurface utilities and other remnant infrastructure, and the existing pier which extends into the tidelands of the adjacent Possession Sound. This demolition activity (as well as soil remediation and installation of fencing) were assessed as a separate Section 106 undertaking

that concluded consultation with DAHP in October 2023 (See DAHP Log No: 2019-07-04907-NOAA).

The Proposed Project has some potential for adverse effects to three National Register of Historic Places-eligible archaeological sites: Mukileteo Shoreline Site (45SN393), Mukilteo Townsite (45SN404), and Point Elliott Treaty Site (45SN108). More information concerning the resources and the impacts will be forthcoming in the EA and following this consultation initiation letter. NOAA requests your agreement with NOAA's delineation of the APE for this Proposed Project and any comments you may wish to offer at this time. We request a written response as soon as possible but no later than February 28, 2023 so that we may include it in the EA which will be prepared in connection with the proposed conveyance.

If you have any questions about the Proposed Project or this request, please contact me by email or phone. Thank you for your contribution.

Sincerely,

Anne H. Delp
Chief (A), Environmental Compliance & Sustainability Division
National Oceanic and Atmospheric Administration

cc:
John Battle, NOAA Federal Preservation Officer
Lalena Amiotte, Tribal Liaison, NMFS West Coast Regional Office

Allyson Brooks Ph.D., Director
State Historic Preservation Officer

January 31, 2024

Anne H. Delp
Environmental Compliance Division
NOAA
1315 East West Highway
Silver Spring, Maryland 20910

RE: NOAA National Marine Fisheries Service (NMFS) Mukilteo Property Transfer Project
Log No: 2024-01-00711-NOAA

Dear Anne H. Delp;

Thank you for contacting our department. We have reviewed the materials you provided for the proposed *NOAA National Marine Fisheries Service (NMFS) Mukilteo Property Transfer Project* at 802 Front Street, Mukilteo, Snohomish County, Washington.

Thank you for your description of the Area of Potential Effect (APE). We concur with your proposed Area of Potential Effect as illustrated in the attached figures.

We look forward to receiving the results of your review, consultations with the concerned tribes, and the Determination of Effect. We look forward to further consultations.

We would also appreciate receiving any correspondence or comments from concerned tribes or other parties that you receive as you consult under the requirements of 36CFR800.4(a)(4).

These comments are based on the information available at the time of this review and on behalf of the State Historic Preservation Officer in compliance with the Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations 36CFR800.4.

Should additional information become available, our assessment may be revised, including information regarding historic properties that have not yet been identified. Thank you for the opportunity to comment and we look forward to receiving the reports on the results of your investigations.

Sincerely,

Robert G. Whitlam, Ph.D.
State Archaeologist
(360) 890-2615
email: *rob.whitlam@dahp.wa.gov*

Rawnsley, Emma

From: Brooks, Allyson (DAHP) <Allyson.Brooks@dahp.wa.gov>
Sent: Monday, September 16, 2024 10:08 AM
To: Francesca Ryan - NOAA Federal; anne.delp
Cc: Whitlam, Rob (DAHP); Howard, Basia (Federal); Rawnsley, Emma; Erik Gerking; Corson, Jamie Fenix (DAHP); jennifer.melton; Ranzetta, Kirk; Lisa Lefeber
Subject: RE: Updated Draft Property Covenant

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Report Suspicious

We have no further comments.

All the best

Allyson

Allyson Brooks Ph.D. (she/her)
State Historic Preservation Officer/Executive Director
Dept. of Archaeology and Historic Preservation
Suite 30
1110 Capitol Way S.
Olympia, Wa
360-480-6922

From: Francesca Ryan - NOAA Federal <francesca.ryan@noaa.gov>
Sent: Monday, September 16, 2024 10:06 AM
To: Anne Delp - NOAA Federal <anne.delp@noaa.gov>
Cc: Brooks, Allyson (DAHP) <Allyson.Brooks@dahp.wa.gov>; Whitlam, Rob (DAHP) <Rob.Whitlam@dahp.wa.gov>; Howard, Basia (Federal) <bhoward1@doc.gov>; Rawnsley, Emma <emma.rawnsley@aecom.com>; Erik Gerking <erikg@portofeverett.com>; Corson, Jamie Fenix (DAHP) <jamie.corson@dahp.wa.gov>; Jennifer Melton - NOAA Federal <jennifer.melton@noaa.gov>; Ranzetta, Kirk <kirk.ranzetta@aecom.com>; Lisa Lefeber <lisam@portofeverett.com>
Subject: Re: Updated Draft Property Covenant

External Email

Anne,

Would it be possible to share the draft going into the Draft EA with OGC before hand? -F

On Mon, Sep 16, 2024 at 12:42 PM Anne Delp - NOAA Federal <anne.delp@noaa.gov> wrote:

> Allyson and Rob-
> Thank you so much for your time and insight during our meeting at the end of August. We really appreciate you supporting our combined effort to develop a covenant that protects the cultural resources at the Mukilteo site during the property transfer. Attached you will find the updated Draft Covenant that includes the changes that were discussed during our call. Could you please review and let us know if you have any comments or changes? We respectfully request feedback by Friday, October 4th. We will then include this document as a part of the Draft EA which we will submit for a 30 day public review.
> Thanks so much.
> V/R,
> Annie
>
> **Please take a moment to complete the OCAO Customer Satisfaction Survey**
>
> ---
>
> **Anne H. Delp**
> Environmental Engineer
> Chief, Environmental Compliance Division
> National Oceanic & Atmospheric Administration (NOAA)
> U.S. Department of Commerce
> 1305 East West Highway, SSMC4 Rm 5309
> Silver Spring, MD 20910
> anne.delp@noaa.gov / 301.640.9194

--
Francesca Ryan
Director, Real Property Management Division
U.S. Department of Commerce
National Oceanic and Atmospheric Administration
1305 East West Highway, Room 5412
Silver Spring, MD 20910
301-628-0931 (email best)

Pronouns: She/Her/Hers

customer feedback welcome through this link

Rawnsley, Emma

From: Anne Delp - NOAA Federal <anne.delp@noaa.gov>
Sent: Wednesday, December 4, 2024 12:13 PM
To: Brooks, Allyson (DAHP)
Cc: Ranzetta, Kirk; Rawnsley, Emma; Whitlam, Rob (DAHP); John Battle - NOAA Federal; Lalena Amiotte - NOAA Federal
Subject: Request for Concurrence on Finding of No Adverse Effects NOAA DAHP Project No. 2024-01-00711-NOAA
Attachments: NOAA_Muk_Covenant_Finding of Effect to SHPO 2024 12 04 signed.pdf

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Good afternoon, Allyson-

Thank you so much for you and your office's participation in NOAA's property transfer project. We held a successful consulting parties meeting on November 19th and concluded the public review of the Draft EA and Draft Historic Preservation Covenant on November 27th. We received no comments. We are requesting your concurrence on Finding of No Adverse Effects for the NOAA National Marine Fisheries Service (NMFS) Mukilteo Property Transfer Project, Snohomish County, Washington. Please see the attached letter.

Please let me know if you have any questions or need additional information.

V/R,

Annie

Anne H. Delp
Environmental Engineer
Chief, Environmental Compliance Division
National Oceanic & Atmospheric Administration (NOAA)
U.S. Department of Commerce
1305 East West Highway, SSMC4 Rm 5309
Silver Spring, MD 20910
anne.delp@noaa.gov / 301.640.9194

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

December 4, 2024

Allyson Brooks, Ph.D.
State Historic Preservation Officer
Department of Archaeology and Historic Preservation
1110 South Capitol Way, Suite 30
Olympia, WA 98501

Submitted by e-mail to Allyson.Brooks@dahp.wa.gov

RE: Request for Concurrence on Finding of No Adverse Effects
NOAA National Marine Fisheries Service (NMFS)
Mukilteo Property Transfer Project, Snohomish County, Washington
DAHP Project No. 2024-01-00711-NOAA

Dear Dr. Brooks,

The National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) proposes conveyance of the Northwest Fisheries Science Center (NWFSC) Mukilteo Research Station (MRS) at 802 Front Street, Mukilteo, Washington to the Port of Everett (Proposed Project). Consistent with Section 106 of the National Historic Preservation Act (NHPA; 54 USC 306108) and 36 CFR Part 800, we submit this determination of effect for your review and concurrence.

Project Description for the Mukilteo Property Transfer Project

Located on the shoreline of Possession Sound, the MRS was one of five NWFSC research stations until 2022 when the NWFSC determined that the MRS property was no longer needed to execute their Mission. As you are aware, the research facilities, including the main building (laboratory and offices) and various outbuildings, were then decommissioned and demolished. All of this work was completed in accordance with the Memorandum of Agreement (MOA) dated June 28, 2022.

Therefore, pursuant to the National Defense Authorization Act (NDAA) for FY 2002 (Public Law [P.L.] 107-107), the National Marine Fisheries Service (NMFS) proposes conveyance of the property to the Port of Everett. The conveyance includes all right, title, and interest of the parcel in accordance with the NDAA. NOAA has determined that the transfer of the property outside of federal ownership is not covered by a Categorical Exclusion (CatEx) and therefore an Environmental Assessment (EA) is the appropriate level of documentation under the National Environmental Policy Act (NEPA).

Location

The subject property at 802 Front Street (formerly 10 Park Avenue) in Mukilteo, Snohomish County, Washington (see Figure 1 and Figure 2) consists of an approximately 1.1-acre upland parcel to the northeast of the Front Street/Park Avenue intersection, within Section 33, Township 29 North, Range 4 East, and Section 4, Township 28 North, Range 4 East, Willamette Meridian, Snohomish County, Washington, as well as approximately 2 acres of adjacent tidelands extending into Possession Sound to the north.

Area of Potential Effects (APE)

The APE as defined in 36 CFR 800.16(d) is "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking."

NOAA has proposed the APE for cultural resources to include the parcel and adjacent tidelands as described above and depicted in Figure 2. The principal effect from this undertaking is the transfer of this property from federal to local government ownership and the associated loss of federal protections under 36 CFR Part 800.

The Washington DAHP concurred with NOAA's delineation of the APE on January 31, 2024.

Identification of Historic Properties

The MRS property is located on a portion of a former 22-acre decommissioned fuel depot tank farm property. The subject property is managed by the NMFS NWFSC and was previously used for the MRS, which consisted of a main building for laboratory and sea water tanks, offices, and shop operations, and smaller outbuildings that were used for saltwater fish rearing, storage, and related uses. All of these facilities were decommissioned and demolished in 2022, with the exception of subsurface utilities and other remnant infrastructure, and the existing pier which extends into the tidelands of the adjacent Possession Sound. This demolition activity (as well as soil remediation and installation of fencing) were assessed as a separate Section 106 undertaking that concluded consultation with DAHP in October 2023 (See DAHP Log No: 2019-07-04907-NOAA). During the facility removal project, three historic properties were identified on the property. They include the Mukilteo Shoreline Site (45SN393), Mukilteo Townsite (45SN404), and Point Elliott Treaty Site (45SN108).

Assessment of Effects

The Proposed Project has some potential for adverse effects to three National Register of Historic Places-eligible archaeological sites: Mukilteo Shoreline Site (45SN393), Mukilteo Townsite (45SN404), and Point Elliott Treaty Site (45SN108). When the Criteria of Adverse Effect are applied pursuant to 36 CFR 800.5(a), the conveyance of the property from federal government ownership to the Port of Everett (a non-federal entity) would result in an adverse effect as three historic properties would lose the federal protections afforded through the NHPA.

Consistent with 36 CFR 800.5(a)(2)(vii) and in consultation with federally recognized tribes, DAHP, and the Port of Everett, NOAA has prepared "adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance." The enforceable restrictions or conditions are contained in a "Historic Preservation Covenant" (Covenant) that NOAA will attach to the property's quitclaim deed upon the transfer of the MRS property to the Port of Everett. The Covenant includes measures to ensure the long-term preservation of the historic properties.

In 2024, NOAA convened several meetings and circulated several drafts of the proposed Historic Preservation Covenant to Tribes, DAHP, the Port of Everett, and the City of Mukilteo. NOAA convened meetings with the Section 106 consulting parties on March 15, 2024 and November 19, 2024 and additional meetings with DAHP and the Port of Everett on April 24, 2024 and August 28, 2024. NOAA revised the Covenant after taking into account comments from the Tribes, DAHP, and the Port of Everett. The updated draft of the Covenant was included as an attachment to the NEPA Draft EA for the NMFS Mukilteo Property Transfer. Copies of the Draft EA were sent to all consulting parties via email. The Notice of Availability of the Draft EA was issued on October 16, 2024 and the public comment period concluded on November 27, 2024. No additional comments have been received from the consulting parties regarding the contents of the Covenant.

With the attachment of the Covenant to the Quitclaim Deed for the MRS property, NOAA has determined that the undertaking with have **no adverse effect** consistent with 36 CFR 800.5(a)(2)(vii) and 36 CFR 800.5(d)(1).

We request a written response as soon as possible but no later than January 17, 2025.

Please direct any comments or questions regarding the information in this letter to me at Anne.Delp@noaa.gov or Kirk Ranzetta at Kirk.Ranzetta@aecom.com.

Sincerely,

Anne H. Delp
Environmental Engineer
Chief, Environmental Compliance & Sustainability Division
National Oceanic and Atmospheric Administration

cc: John Battle, NOAA Federal Preservation Officer
Lalena Amiotte, Tribal Liaison, NMFS West Coast Regional Office
Kirk Ranzetta, AECOM Architectural Historian

Enclosures:
Figure 1 – Area of Potential Effects (topographic map)
Figure 2 – Area of Potential Effects (aerial)

Figure 1. Area of Potential Effects as depicted on USGS Mukilteo quadrangle

Figure 2. Aerial image of the Area of Potential Effects. Note the buildings visible on this aerial have been removed.

From:	Anne Delp - NOAA Federal
To:	Lena Tso; anthonyh@lummi-nsn.gov
Cc:	Ranzetta, Kirk; Rawnsley, Emma; Lalena Amiotte - NOAA Federal; John Battle - NOAA Federal
Subject:	NOAA Mukilteo Property Transfer
Date:	Tuesday, February 6, 2024 4:47:42 PM
Attachments:	02 (1 of 10) Package 074 - FY24_ NMFS Mukilteo Transfer APE Consultation Letter Lummi Nation Jan 2024.pdf

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Chairman Hillaire -

We are writing to update you on NOAA National Marine Fisheries Service (NMFS) Mukilteo property transfer. Please see the attached letter. A hard copy is being mailed to you as well.

As always, we thank you for your partnership and we welcome any comments or questions. We will be reaching out again soon to schedule a meeting with all consulting parties.

Very respectfully,
Anne

Anne H. Delp
Environmental Engineer
Chief(A), Environmental Compliance Division
National Oceanic & Atmospheric Administration (NOAA)
U.S. Department of Commerce
1305 East West Highway, SSMC4 Rm 5309
Silver Spring, MD 20910
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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER
1305 East-West Highway, Silver Spring, Maryland
20910-3283

February 2, 2024

The Honorable Anthony Hillaire
Lummi Nation
2665 Kwina Road
Bellingham, WA 98226-9298
Submitted by e-mail to anthonyh@lummi-nsn.gov and lenat@lummi-nsn.gov

Re: NOAA National Marine Fisheries Service (NMFS) Mukilteo Property Transfer Project – In Snohomish County, Washington

Dear Chairman Hillaire,

The National Oceanic and Atmospheric Administration (NOAA) proposes conveyance of the Northwest Fisheries Science Center (NWFSC) Mukilteo Research Station (MRS) at 802 Front Street, Mukilteo, Washington to the Port of Everett (Proposed Project). Located on the shoreline of Possession Sound, the MRS was one of five NWFSC research stations until 2022 when the NWFSC determined that the MRS property was no longer needed to execute their Mission. As you are aware the research facilities, including the main building (laboratory and offices) and various outbuildings, were then decommissioned and demolished. All of this work was completed in accordance with the Memorandum of Agreement (MOA) dated June 28, 2022. Therefore, pursuant to the National Defense Authorization Act (NDAA) for FY 2002 (Public Law [P.L.] 107-107), the National Marine Fisheries Service (NMFS) proposes conveyance of the property to the Port of Everett. The conveyance includes all right, title, and interest of the parcel in accordance with the NDAA. NOAA has determined that the transfer of the property outside of federal ownership is not covered by a Categorical Exclusion (CatEx) and therefore an Environmental Assessment (EA) is the appropriate level of documentation under the National Environmental Policy Act.

Project Description

In accordance with the NDAA for FY 2002, NOAA is required to transfer the 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).*

Location

The subject property at 802 Front Street (formerly 10 Park Avenue) in Mukilteo, Snohomish County, Washington (see Figure 1 and Figure 2) consists of an approximately 1.1-acre upland parcel to the northeast of the Front Street/Park Avenue intersection, within Section 33, Township 29 North, Range 4 East, and Section 4, Township 28 North, Range 4 East, Willamette Meridian, Snohomish County, Washington, as well as approximately 2 acres of adjacent tidelands extending into Possession Sound to the north.

Required Agency Information

NOAA is the federal agency for the undertaking. Anne Delp is the Project Environmental Engineer and will serve as the primary contact. John Battle (john.e.battle@noaa.gov) is the NOAA Federal Preservation Officer. Please submit all correspondence related to this undertaking to anne.delp@noaa.gov.

Figure 1. Area of Potential Effects as depicted on USGS Mukilteo quadrangle

Area of Potential Effects (APE)

The APE as defined in 36 CFR 800.16(d) is "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking."

NOAA has proposed the APE for cultural resources to include the parcel and adjacent tidelands as described above and depicted in Figure 2. The principal effect from this undertaking is the transfer of this property from federal to local government ownership and the associated loss of federal protections under 36 CFR Part 800.

Figure 2. Aerial image of the Area of Potential Effects. Note the buildings visible on this aerial have been removed.

Existing Resources

The MRS property is located on a portion of a former 22-acre decommissioned fuel depot tank farm property. The subject property is managed by the NMFS NWFSC and was previously used for the MRS, which consisted of a main building for laboratory and sea water tanks, offices, and shop operations, and smaller outbuildings that were used for saltwater fish rearing, storage, and related uses. All of these facilities were decommissioned and demolished in 2022, with the exception of subsurface utilities and other remnant infrastructure, and the existing pier which extends into the tidelands of the adjacent Possession Sound. This demolition activity (as well as soil remediation and installation of fencing) were assessed as a separate Section 106 undertaking

that concluded consultation with DAHP in October 2023 (See DAHP Log No: 2019-07-04907-NOAA).

The Proposed Project has some potential for adverse effects to three National Register of Historic Places-eligible archaeological sites: Mukilteo Shoreline Site (45SN393), Mukilteo Townsite (45SN404), and Point Elliott Treaty Site (45SN108). More information concerning the resources and the impacts will be forthcoming in the EA and following this consultation initiation letter. NOAA welcomes your comments on the Proposed Project and NOAA's delineation of the APE. We request a written response as soon as possible but no later than March 7, 2024 so that we may include it in the EA which will be prepared in connection with the proposed conveyance.

Please direct any comments or questions regarding the information in this letter to Anne Delp (anne.delp@noaa,gov), the project manager within the NOAA Environmental Compliance & Sustainability Division.

If you have any questions about the Proposed Project or this request, please contact me by email or phone. Thank you for your contribution.

Sincerely,

Deirdre Reynolds Jones
Chief Administrative Officer
National Oceanic & Atmospheric Administration

Kevin Werner
Science and Research Director
Northwest Fisheries Science Center

cc:
John Battle, NOAA Federal Preservation Officer
Lalena Amiotte, Tribal Liaison, NMFS West Coast Regional Office
Anne Delp, Chief(A), NOAA Environmental Compliance & Sustainability Division

From:	Anne Delp - NOAA Federal
To:	laura.murphy@muckleshoot.nsn.us; jaison.elkins@muckleshoot.nsn.us
Cc:	Ranzetta, Kirk; Rawnsley, Emma; John Battle - NOAA Federal; Lalena Amiotte - NOAA Federal
Subject:	NOAA Mukilteo Property Transfer
Date:	Tuesday, February 6, 2024 4:47:39 PM
Attachments:	02 (2 of 10) Package 074 - FY24 NMFS Mukilteo Transfer APE Consultation Letter Mukleshoot Tribe Jan 2024.pdf

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Chairman Elkins-

We are writing to update you on NOAA National Marine Fisheries Service (NMFS) Mukilteo property transfer. Please see the attached letter. A hard copy is being mailed to you as well.

As always, we thank you for your partnership and we welcome any comments or questions. We will be reaching out again soon to schedule a meeting with all consulting parties.

Very respectfully,
Anne

Please take a moment to complete the OCAO Customer Satisfaction Survey

---

Anne H. Delp
Environmental Engineer
Chief(A), Environmental Compliance Division
National Oceanic & Atmospheric Administration (NOAA)
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1305 East West Highway, SSMC4 Rm 5309
Silver Spring, MD 20910
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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER
1305 East-West Highway, Silver Spring, Maryland
20910-3283

February 2, 2024

The Honorable Jaison Elkins
Mukleshoot Indian Tribe
39015 172nd Avenue SE
Auburn, Washington 98092
Submitted by e-mail to Jaison.elkins@muckleshoot.nsn.us and laura.murphy@muckleshoot.nsn.us

Re: NOAA National Marine Fisheries Service (NMFS) Mukilteo Property Transfer Project – In Snohomish County, Washington

Dear Chairman Elkins,

The National Oceanic and Atmospheric Administration (NOAA) proposes conveyance of the Northwest Fisheries Science Center (NWFSC) Mukilteo Research Station (MRS) at 802 Front Street, Mukilteo, Washington to the Port of Everett (Proposed Project). Located on the shoreline of Possession Sound, the MRS was one of five NWFSC research stations until 2022 when the NWFSC determined that the MRS property was no longer needed to execute their Mission. As you are aware the research facilities, including the main building (laboratory and offices) and various outbuildings, were then decommissioned and demolished. All of this work was completed in accordance with the Memorandum of Agreement (MOA) dated June 28, 2022. Therefore, pursuant to the National Defense Authorization Act (NDAA) for FY 2002 (Public Law [P.L.] 107-107), the National Marine Fisheries Service (NMFS) proposes conveyance of the property to the Port of Everett. The conveyance includes all right, title, and interest of the parcel in accordance with the NDAA. NOAA has determined that the transfer of the property outside of federal ownership is not covered by a Categorical Exclusion (CatEx) and therefore an Environmental Assessment (EA) is the appropriate level of documentation under the National Environmental Policy Act.

Project Description

In accordance with the NDAA for FY 2002, NOAA is required to transfer the 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).*

Location

The subject property at 802 Front Street (formerly 10 Park Avenue) in Mukilteo, Snohomish County, Washington (see Figure 1 and Figure 2) consists of an approximately 1.1-acre upland parcel to the northeast of the Front Street/Park Avenue intersection, within Section 33, Township 29 North, Range 4 East, and Section 4, Township 28 North, Range 4 East, Willamette Meridian, Snohomish County, Washington, as well as approximately 2 acres of adjacent tidelands extending into Possession Sound to the north.

Required Agency Information

NOAA is the federal agency for the undertaking. Anne Delp is the Project Environmental Engineer and will serve as the primary contact. John Battle (john.e.battle@noaa.gov) is the NOAA Federal Preservation Officer. Please submit all correspondence related to this undertaking to anne.delp@noaa.gov.

Figure 1. Area of Potential Effects as depicted on USGS Mukilteo quadrangle

Area of Potential Effects (APE)

The APE as defined in 36 CFR 800.16(d) is "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking."

NOAA has proposed the APE for cultural resources to include the parcel and adjacent tidelands as described above and depicted in Figure 2. The principal effect from this undertaking is the transfer of this property from federal to local government ownership and the associated loss of federal protections under 36 CFR Part 800.

Figure 2. Aerial image of the Area of Potential Effects. Note the buildings visible on this aerial have been removed.

Existing Resources

The MRS property is located on a portion of a former 22-acre decommissioned fuel depot tank farm property. The subject property is managed by the NMFS NWFSC and was previously used for the MRS, which consisted of a main building for laboratory and sea water tanks, offices, and shop operations, and smaller outbuildings that were used for saltwater fish rearing, storage, and related uses. All of these facilities were decommissioned and demolished in 2022, with the exception of subsurface utilities and other remnant infrastructure, and the existing pier which extends into the tidelands of the adjacent Possession Sound. This demolition activity (as well as soil remediation and installation of fencing) were assessed as a separate Section 106 undertaking

that concluded consultation with DAHP in October 2023 (See DAHP Log No: 2019-07-04907-NOAA).

The Proposed Project has some potential for adverse effects to three National Register of Historic Places-eligible archaeological sites: Mukilteo Shoreline Site (45SN393), Mukilteo Townsite (45SN404), and Point Elliott Treaty Site (45SN108). More information concerning the resources and the impacts will be forthcoming in the EA and following this consultation initiation letter. NOAA welcomes your comments on the Proposed Project and NOAA's delineation of the APE. We request a written response as soon as possible but no later than March 7, 2024 so that we may include it in the EA which will be prepared in connection with the proposed conveyance.

Please direct any comments or questions regarding the information in this letter to Anne Delp (anne.delp@noaa,gov), the project manager within the NOAA Environmental Compliance & Sustainability Division.

If you have any questions about the Proposed Project or this request, please contact me by email or phone. Thank you for your contribution.

Sincerely,

Deirdre Reynolds Jones

Deirdre Reynolds Jones
Chief Administrative Officer
National Oceanic & Atmospheric Administration

Kevin Werner
Science and Research Director
Northwest Fisheries Science Center

cc:
John Battle, NOAA Federal Preservation Officer
Lalena Amiotte, Tribal Liaison, NMFS West Coast Regional Office
Anne Delp, Chief(A), NOAA Environmental Compliance & Sustainability Division

From: Anne Delp - NOAA Federal
To: jferry@samishtribe.nsn.us; tomwooten@samishtribe.nsn.us
Cc: Ranzetta, Kirk; Lalena Amiotte - NOAA Federal; John Battle - NOAA Federal; Rawnsley, Emma
Subject: NOAA Mukilteo Property Transfer
Date: Tuesday, February 6, 2024 4:47:37 PM
Attachments: 02 (3 of 10) Package 074 - FY24_ NMFS Mukilteo Transfer APE Consultation Letter Samish Nation Jan 2024.pdf

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Chairman Wooten -

We are writing to update you on NOAA National Marine Fisheries Service (NMFS) Mukilteo property transfer. Please see the attached letter. A hard copy is being mailed to you as well.

As always, we thank you for your partnership and we welcome any comments or questions. We will be reaching out again soon to schedule a meeting with all consulting parties.

Very respectfully,
Anne

Please take a moment to complete the OCAO Customer Satisfaction Survey

---

Anne H. Delp
Environmental Engineer
Chief(A), Environmental Compliance Division
National Oceanic & Atmospheric Administration (NOAA)
U.S. Department of Commerce
1305 East West Highway, SSMC4 Rm 5309
Silver Spring, MD 20910
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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER
1305 East-West Highway, Silver Spring, Maryland
20910-3283

February 2, 2024

The Honorable Tom Wooten
Samish Nation
2918 Commercial Avenue
Anacortes, Washington 98221
Submitted by e-mail to tomwooten@samishtribe.nsn.us and jferry@samishtribe.nsn.us

Re: NOAA National Marine Fisheries Service (NMFS) Mukilteo Property Transfer Project – In Snohomish County, Washington

Dear Chairman Wooten,

The National Oceanic and Atmospheric Administration (NOAA) proposes conveyance of the Northwest Fisheries Science Center (NWFSC) Mukilteo Research Station (MRS) at 802 Front Street, Mukilteo, Washington to the Port of Everett (Proposed Project). Located on the shoreline of Possession Sound, the MRS was one of five NWFSC research stations until 2022 when the NWFSC determined that the MRS property was no longer needed to execute their Mission. As you are aware the research facilities, including the main building (laboratory and offices) and various outbuildings, were then decommissioned and demolished. All of this work was completed in accordance with the Memorandum of Agreement (MOA) dated June 28, 2022. Therefore, pursuant to the National Defense Authorization Act (NDAA) for FY 2002 (Public Law [P.L.] 107-107), the National Marine Fisheries Service (NMFS) proposes conveyance of the property to the Port of Everett. The conveyance includes all right, title, and interest of the parcel in accordance with the NDAA. NOAA has determined that the transfer of the property outside of federal ownership is not covered by a Categorical Exclusion (CatEx) and therefore an Environmental Assessment (EA) is the appropriate level of documentation under the National Environmental Policy Act.

Project Description

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If you have any questions about the Proposed Project or this request, please contact me by email or phone. Thank you for your contribution.

Sincerely,

Deirdre Reynolds Jones
Chief Administrative Officer
National Oceanic & Atmospheric Administration

Kevin Werner
Science and Research Director
Northwest Fisheries Science Center

cc:
John Battle, NOAA Federal Preservation Officer
Lalena Amiotte, Tribal Liaison, NMFS West Coast Regional Office
Anne Delp, Chief(A), NOAA Environmental Compliance & Sustainability Division

From:	Anne Delp - NOAA Federal
To:	thpo@sauk-suiattle.com; kjoseph@sauk-suiattle.com; chairman@sauk-suiattle.com; njoseph@sauk-suiattle.com
Cc:	John Battle - NOAA Federal; Lalena Amiotte - NOAA Federal; Rawnsley, Emma
Subject:	NOAA Mukilteo Property Transfer
Date:	Tuesday, February 6, 2024 4:47:34 PM
Attachments:	02 (4 of 10) Package 074 - FY24 NMFS Mukilteo Transfer APE Consultation Letter Sauk-Suiattle Tribe Jan 2024.pdf

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Report Suspicious

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As always, we thank you for your partnership and we welcome any comments or questions. We will be reaching out again soon to schedule a meeting with all consulting parties.

Very respectfully,
Anne

Please take a moment to complete the OCAO Customer Satisfaction Survey

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Anne H. Delp
Environmental Engineer
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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER
1305 East-West Highway, Silver Spring, Maryland
20910-3283

February 2, 2024

The Honorable Nino Maltos
Sauk-Suiattle Tribe
5318 Chief Brown Lane
Darrington, Washington 98241
Submitted by e-mail njoseph@sauk-suiattle.com, chairman@sauk-suiattle.com, kJoseph@sauk-suiattle.com, and thpo@sauk-suiattle.com

Re: NOAA National Marine Fisheries Service (NMFS) Mukilteo Property Transfer Project – In Snohomish County, Washington

Dear Chairperson Maltos,

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Deirdre Reynolds Jones

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National Oceanic & Atmospheric Administration

Kevin Werner
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cc:
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Lalena Amiotte, Tribal Liaison, NMFS West Coast Regional Office
Anne Delp, Chief(A), NOAA Environmental Compliance & Sustainability Division

From:	Anne Delp - NOAA Federal
To:	DAHP@snoqualmietribe.us; steve@snoqualmietribe.us; bobde@snoqualmietribe.us
Cc:	John Battle - NOAA Federal; Lalena Amiotte - NOAA Federal; Rawnsley, Emma
Subject:	NOAA Mukilteo Property Transfer
Date:	Tuesday, February 6, 2024 4:47:39 PM
Attachments:	02 (5 of 10) Package 074 - FY24 NMFS Mukilteo Transfer APE Consultation Letter Snoqualmie Tribe Jan 2024.pdf

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Report Suspicious

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Anne H. Delp
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UNITED STATES DEPARTMENT OF COMMERCE
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CHIEF ADMINISTRATIVE OFFICER
1305 East-West Highway, Silver Spring, Maryland
20910-3283

February 2, 2024

The Honorable Robert de los Angeles
Snolqualmie Indian Tribe
P.O. Box 969
Snoqualmie, Washington 98065
Submitted by e-mail bobde@snoqualmietribe.us, steve@snoqualmietribe.us, steve@snoqualmietribe.us, and DAHP@snoqualmietribe.us

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Chief Administrative Officer
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Kevin Werner
Science and Research Director
Northwest Fisheries Science Center

cc:
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Lalena Amiotte, Tribal Liaison, NMFS West Coast Regional Office
Anne Delp, Chief(A), NOAA Environmental Compliance & Sustainability Division

From:	Anne Delp - NOAA Federal
To:	syanity@stillaguamish.com; Dennis E. Lewarch
Cc:	Lalena Amiotte - NOAA Federal; John Battle - NOAA Federal; Ranzetta, Kirk; Rawnsley, Emma
Subject:	NOAA Mukilteo Property Transfer
Date:	Tuesday, February 6, 2024 4:47:18 PM
Attachments:	02 (6 of 10) Package 074 - FY24 NMFS Mukilteo Transfer APE Consultation Letter Stillaguamish Tribe Jan 2024.pdf

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UNITED STATES DEPARTMENT OF COMMERCE
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CHIEF ADMINISTRATIVE OFFICER
1305 East-West Highway, Silver Spring, Maryland
20910-3283

February 2, 2024

The Honorable Shawn Yanity
Stillaguamish Tribe
3322 236th Street NE
Arlington, Washington 98223
Submitted by e-mail syanity@stillaguamish.com and klyste@stillaguamish.com

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Anne Delp, Chief(A), NOAA Environmental Compliance & Sustainability Division

From: Anne Delp - NOAA Federal
To: Dennis E. Lewarch; lforsman@suquamish.nsn.us
Cc: John Battle - NOAA Federal; Lalena Amiotte - NOAA Federal; Rawnsley, Emma; Ranzetta, Kirk
Subject: NOAA Mukilteo Property Transfer
Date: Tuesday, February 6, 2024 5:00:06 PM
Attachments: 02 (7 of 10) Package 074 - FY24_ NMFS Mukilteo Transfer APE Consultation Letter Suquamish Tribe Jan 2024.pdf

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UNITED STATES DEPARTMENT OF COMMERCE
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1305 East-West Highway, Silver Spring, Maryland
20910-3283

February 2, 2024

The Honorable Leonard Forsman
Suquamish Tribe
18490 Suquamish Way
Suquamish, Washington 98392
Submitted by e-mail lforsman@suquamish.nsn.us *and* dlewarch@Suquamish.nsn.us

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The Proposed Project has some potential for adverse effects to three National Register of Historic Places-eligible archaeological sites: Mukilteo Shoreline Site (45SN393), Mukilteo Townsite (45SN404), and Point Elliott Treaty Site (45SN108). More information concerning the resources and the impacts will be forthcoming in the EA and following this consultation initiation letter. NOAA welcomes your comments on the Proposed Project and NOAA's delineation of the APE. We request a written response as soon as possible but no later than March 7, 2024 so that we may include it in the EA which will be prepared in connection with the proposed conveyance.

Please direct any comments or questions regarding the information in this letter to Anne Delp (anne.delp@noaa,gov), the project manager within the NOAA Environmental Compliance & Sustainability Division.

If you have any questions about the Proposed Project or this request, please contact me by email or phone. Thank you for your contribution.

Sincerely,

Deirdre Reynolds Jones
Chief Administrative Officer
National Oceanic & Atmospheric Administration

Kevin Werner
Science and Research Director
Northwest Fisheries Science Center

cc:
John Battle, NOAA Federal Preservation Officer
Lalena Amiotte, Tribal Liaison, NMFS West Coast Regional Office
Anne Delp, Chief(A), NOAA Environmental Compliance & Sustainability Division

From: Anne Delp - NOAA Federal
To: Ranzetta, Kirk; Rawnsley, Emma
Subject: Fwd: NOAA Mukilteo Property Transfer
Date: Thursday, March 7, 2024 5:11:39 PM

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Anne H. Delp
Environmental Engineer
Chief(A), Environmental Compliance Division
National Oceanic & Atmospheric Administration (NOAA)
U.S. Department of Commerce
1305 East West Highway, SSMC4 Rm 5309
Silver Spring, MD 20910
anne.delp@noaa.gov / 301.640.9194

---------- Forwarded message ---------
From: **Rod Malcom** <rmalcom@suquamish.nsn.us>
Date: Thu, Mar 7, 2024 at 7:49 PM
Subject: NOAA Mukilteo Property Transfer
To: anne.delp@noaa.gov <anne.delp@noaa.gov>
CC: Stephanie Trudel <strudel@suquamish.nsn.us>, Alison Osullivan <aosullivan@suquamish.nsn.us>, Leonard Forsman <lforsman@suquamish.nsn.us>

These comments supplement those already submitted by the Tribe's THPO and are directed to non-archaeological, potential long-term indirect effects arising from the proposed transfer of 1.1 acres of upland property at 802 Front Street, Mukilteo, Snohomish County, Washington, as well as approximately two acres of adjacent tidelands extending into Possession Sound to the north, to the Port of Everett. When the Tribe reviews an EA, one issue that receives particular attention is the potential for a project to directly or indirectly interfere with Treaty Fishing. The purpose is to point out some concerns that should be considered in the Draft EA, rather than later as a response to comments on the Draft EA.

NOAA's letter to the Tribe dated 2 February 2024 states:

> *"The APE as defined in 36 CFR 800.16(d) is "the geographic area or areas within*

which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking."

NOAA has proposed the APE for cultural resources to include the parcel and adjacent tidelands as described above and depicted in Figure 2. The principal effect from this undertaking is the transfer of this property from federal to local government ownership and the associated loss of federal protections under 36 CFR Part 800."

The proposed Area of Potential Effects (APE) for archaeological consultation is acceptable as indicated by the Tribe's THPO email of 6 March 2024. However, while the principle **direct** "*effect from this undertaking is the transfer of this property from federal to local government ownership and the associated loss of federal protections under 36 CFR Part 800"*, potential indirect effects upon the Tribe's treaty rights and treaty reserved natural resources must also be considered. Consideration of these, requires a larger APE than needed for archaeological concerns.

The Port of Everett in its Waterfront Vision and Guiding Principles (https://cms9files.revize.com/everett/Document%20Center/Your%20Port/Document%20Center/Real%20Estate/2022/Mukilteo%20Waterfront%20Vision%20and%20Guiding%20Principles.pdf) refers to "*Boating & Shoreline Access Support a recreational waterfront that enhances access to the shoreline for a variety of activities, including boating and fishing*". Transfer of the property to the Port of Everett will increase pressure upon the Port to enhance access to the shoreline. Vessel traffic associated with any moorage that might be development on this property has the potential to interfere with Treaty Fishing. For example, recreational boats often damage tribal fishing gear. Treaty fishing occurs over a much wider area than the APE identified for archaeological resources in NOAA's letter. As the Port would not be able to develop this portion of the shoreline in the absence of the property transfer, the EA should consider the extent to which this property by itself and cumulatively with other Port properties would allow developments that could increase vessel traffic (such as in the short-term due to construction or material barges, or in the long-term due to increased recreational or commercial vessel traffic) or increase overwater structure in areas fished by the Tribe.

A detailed analysis of the site specific and cumulative impacts associated with future development of this property would be beyond the scope of the EA for the property transfer – the detailed analysis of such impacts would be considered during the permit/environmental review process for any proposed specific development. However, the potential for property transfer to create a situation where property development could increase marine traffic in the area could interfere with Treaty Fishing must be included in the EA so the decision maker is aware of potential, long-term indirect impacts of the property transfer.

Thank you.

Rod

Roderick Malcom

Biologist/Ecologist

Natural Resources Department

THE SUQUAMISH TRIBE

P.O. Box 498 (mailing)

18490 Suquamish Way

Suquamish, WA 98392

Phone: (360) 394-8449

This email is intended exclusively for the individual(s) or entities to whom it is addressed and may contain confidential information and/or privileged information. If you are not the intended recipient or agent responsible for delivering it to the intended recipient, be advised that any use, dissemination, distribution, copying or taking of any action in reliance on the contents of this transmission is strictly prohibited. If you have received this communication in error, please immediately notify the sender electronically, return the email to the above email address and delete it from your files. Thank you.

From: Stephanie Trudel <strudel@Suquamish.nsn.us>
Sent: Wednesday, March 6, 2024 3:09 PM
To: Rod Malcom <rmalcom@suquamish.nsn.us>
Subject: FW: [EXTERNAL] NOAA Mukilteo Property Transfer

Hi Rod,

This is what I sent.

-Steph

From: Stephanie Trudel
Sent: Wednesday, March 6, 2024 2:13 PM
To: Anne Delp - NOAA Federal <anne.delp@noaa.gov>
Cc: Leonard Forsman <lforsman@suquamish.nsn.us>
Subject: RE: [EXTERNAL] NOAA Mukilteo Property Transfer

Dear Anne,

Thank you for consulting with the Suquamish Indian Tribe regarding the Mukilteo Property Transfer Project. I have reviewed the information provided and agree with NOAA's delineation of the APE. I plan to attend the meeting on March 15 to learn more about this proposed project and its potential for adverse effects to cultural resources.

Sincerely,

Stephanie

Stephanie Trudel

Tribal Historic Preservation Officer

Suquamish Tribe

PO Box 498

Suquamish, WA 98392-0498

360-394-8533

strudel@suquamish.nsn.us

From:	Anne Delp - NOAA Federal
To:	sedwards@swinomish.nsn.us; Josephine Jefferson
Cc:	John Battle - NOAA Federal; Lalena Amiotte - NOAA Federal; Rawnsley, Emma; Ranzetta, Kirk
Subject:	NOAA Mukilteo Property Transfer
Date:	Tuesday, February 6, 2024 4:57:46 PM
Attachments:	02 (8 of 10) Package 074 - FY24_ NMFS Mukilteo Transfer APE Consultation Letter Swinomish Tribe Jan 2024.pdf

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Report Suspicious

Dear Chairman Edwards,

We are writing to update you on NOAA National Marine Fisheries Service (NMFS) Mukilteo property transfer. Please see the attached letter. A hard copy is being mailed to you as well.

As always, we thank you for your partnership and we welcome any comments or questions. We will be reaching out again soon to schedule a meeting with all consulting parties.

Very respectfully,
Anne

Anne H. Delp
Environmental Engineer
Chief(A), Environmental Compliance Division
National Oceanic & Atmospheric Administration (NOAA)
U.S. Department of Commerce
1305 East West Highway, SSMC4 Rm 5309
Silver Spring, MD 20910
anne.delp@noaa.gov / 301.640.9194

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER
1305 East-West Highway, Silver Spring, Maryland
20910-3283

February 2, 2024

The Honorable Steve Edwards
Swinomish Tribe
11404 Moorage Way
LaConner, Washington 98257
Submitted by e-mail sedwards@swinomish.nsn.us and jjefferson@swinomish.nsn.us

Re: NOAA National Marine Fisheries Service (NMFS) Mukilteo Property Transfer Project – In Snohomish County, Washington

Dear Chairman Edwards,

The National Oceanic and Atmospheric Administration (NOAA) proposes conveyance of the Northwest Fisheries Science Center (NWFSC) Mukilteo Research Station (MRS) at 802 Front Street, Mukilteo, Washington to the Port of Everett (Proposed Project). Located on the shoreline of Possession Sound, the MRS was one of five NWFSC research stations until 2022 when the NWFSC determined that the MRS property was no longer needed to execute their Mission. As you are aware the research facilities, including the main building (laboratory and offices) and various outbuildings, were then decommissioned and demolished. All of this work was completed in accordance with the Memorandum of Agreement (MOA) dated June 28, 2022. Therefore, pursuant to the National Defense Authorization Act (NDAA) for FY 2002 (Public Law [P.L.] 107-107), the National Marine Fisheries Service (NMFS) proposes conveyance of the property to the Port of Everett. The conveyance includes all right, title, and interest of the parcel in accordance with the NDAA. NOAA has determined that the transfer of the property outside of federal ownership is not covered by a Categorical Exclusion (CatEx) and therefore an Environmental Assessment (EA) is the appropriate level of documentation under the National Environmental Policy Act.

Project Description

In accordance with the NDAA for FY 2002, NOAA is required to transfer the 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).*

Location

The subject property at 802 Front Street (formerly 10 Park Avenue) in Mukilteo, Snohomish County, Washington (see Figure 1 and Figure 2) consists of an approximately 1.1-acre upland parcel to the northeast of the Front Street/Park Avenue intersection, within Section 33, Township 29 North, Range 4 East, and Section 4, Township 28 North, Range 4 East, Willamette Meridian, Snohomish County, Washington, as well as approximately 2 acres of adjacent tidelands extending into Possession Sound to the north.

Required Agency Information

NOAA is the federal agency for the undertaking. Anne Delp is the Project Environmental Engineer and will serve as the primary contact. John Battle (john.e.battle@noaa.gov) is the NOAA Federal Preservation Officer. Please submit all correspondence related to this undertaking to anne.delp@noaa.gov.

Figure 1. Area of Potential Effects as depicted on USGS Mukilteo quadrangle

Area of Potential Effects (APE)

The APE as defined in 36 CFR 800.16(d) is "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking."

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Figure 2. Aerial image of the Area of Potential Effects. Note the buildings visible on this aerial have been removed.

Existing Resources

The MRS property is located on a portion of a former 22-acre decommissioned fuel depot tank farm property. The subject property is managed by the NMFS NWFSC and was previously used for the MRS, which consisted of a main building for laboratory and sea water tanks, offices, and shop operations, and smaller outbuildings that were used for saltwater fish rearing, storage, and related uses. All of these facilities were decommissioned and demolished in 2022, with the exception of subsurface utilities and other remnant infrastructure, and the existing pier which extends into the tidelands of the adjacent Possession Sound. This demolition activity (as well as soil remediation and installation of fencing) were assessed as a separate Section 106 undertaking

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Please direct any comments or questions regarding the information in this letter to Anne Delp (anne.delp@noaa,gov), the project manager within the NOAA Environmental Compliance & Sustainability Division.

If you have any questions about the Proposed Project or this request, please contact me by email or phone. Thank you for your contribution.

Sincerely,

Deirdre Reynolds Jones

Deirdre Reynolds Jones
Chief Administrative Officer
National Oceanic & Atmospheric Administration

Kevin Werner
Science and Research Director
Northwest Fisheries Science Center

cc:
John Battle, NOAA Federal Preservation Officer
Lalena Amiotte, Tribal Liaison, NMFS West Coast Regional Office
Anne Delp, Chief(A), NOAA Environmental Compliance & Sustainability Division

From: Anne Delp - NOAA Federal
To: ryoung@tulaliptribes-nsn.gov; trgobin@tulaliptribes-nsn.gov
Cc: Lalena Amiotte - NOAA Federal; John Battle - NOAA Federal; Rawnsley, Emma; Ranzetta, Kirk
Subject: NOAA Mukilteo Property Transfer
Date: Tuesday, February 6, 2024 4:54:30 PM
Attachments: 02 (9 of 10) Package 074 - FY24_ NMFS Mukilteo Transfer APE Consultation Letter Tulalip Tribe Jan 2024.pdf

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Report Suspicious

Dear Chairwoman Gobin,

We are writing to update you on NOAA National Marine Fisheries Service (NMFS) Mukilteo property transfer. Please see the attached letter. A hard copy is being mailed to you as well.

As always, we thank you for your partnership and we welcome any comments or questions. We will be reaching out again soon to schedule a meeting with all consulting parties.

Very respectfully,
Anne

Please take a moment to complete the OCAO Customer Satisfaction Survey

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Anne H. Delp
Environmental Engineer
Chief(A), Environmental Compliance Division
National Oceanic & Atmospheric Administration (NOAA)
U.S. Department of Commerce
1305 East West Highway, SSMC4 Rm 5309
Silver Spring, MD 20910
anne.delp@noaa.gov / 301.640.9194

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER
1305 East-West Highway, Silver Spring, Maryland
20910-3283

February 2, 2024

The Honorable Teri Gobin
Tulalip Tribes
6406 Marine Drive
Tulalip, Washington 98271
Submitted by e-mail trgobin@tulaliptribes-nsn.gov and ryoung@tulaliptribes-nsn.gov

Re: NOAA National Marine Fisheries Service (NMFS) Mukilteo Property Transfer Project – In Snohomish County, Washington

Dear Chairwoman Gobin,

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If you have any questions about the Proposed Project or this request, please contact me by email or phone. Thank you for your contribution.

Sincerely,

Deirdre Reynolds Jones
Chief Administrative Officer
National Oceanic & Atmospheric Administration

Kevin Werner
Science and Research Director
Northwest Fisheries Science Center

cc:
John Battle, NOAA Federal Preservation Officer
Lalena Amiotte, Tribal Liaison, NMFS West Coast Regional Office
Anne Delp, Chief(A), NOAA Environmental Compliance & Sustainability Division

From: Anne Delp - NOAA Federal
To: sschuyler@upperskagit.com; sedwards@swinomish.nsn.us
Cc: Lalena Amiotte - NOAA Federal; John Battle - NOAA Federal; Ranzetta, Kirk; Rawnsley, Emma
Subject: NOAA Mukilteo Property Transfer
Date: Tuesday, February 6, 2024 4:53:10 PM
Attachments: 02 (10 of 10) Package 074 - FY24_ NMFS Mukilteo Transfer APE Consultation Letter Upper Skagit Tribe Jan 2024.pdf

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Report Suspicious

Dear Chairperson Scott,

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Very respectfully,
Anne

Please take a moment to complete the OCAO Customer Satisfaction Survey

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Anne H. Delp
Environmental Engineer
Chief(A), Environmental Compliance Division
National Oceanic & Atmospheric Administration (NOAA)
U.S. Department of Commerce
1305 East West Highway, SSMC4 Rm 5309
Silver Spring, MD 20910
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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER
1305 East-West Highway, Silver Spring, Maryland
20910-3283

February 2, 2024

The Honorable Marilyn Scott
Upper Skagit Tribe
25944 Community Plaza Way
Sedro Woolley, Washington 98284
Submitted by e-mail marilyns@upperskagit.com and sschuyler@upperskagit.com

Re: NOAA National Marine Fisheries Service (NMFS) Mukilteo Property Transfer Project – In Snohomish County, Washington

Dear Chairperson Scott,

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If you have any questions about the Proposed Project or this request, please contact me by email or phone. Thank you for your contribution.

Sincerely,

Deirdre Reynolds Jones
Chief Administrative Officer
National Oceanic & Atmospheric Administration

Kevin Werner
Science and Research Director
Northwest Fisheries Science Center

cc:
John Battle, NOAA Federal Preservation Officer
Lalena Amiotte, Tribal Liaison, NMFS West Coast Regional Office
Anne Delp, Chief(A), NOAA Environmental Compliance & Sustainability Division

Rawnsley, Emma

From: Anne Delp - NOAA Federal <anne.delp@noaa.gov>
Sent: Monday, October 21, 2024 5:49 PM
To: AnthonyH@lummi-nsn.gov; Lena Tso
Cc: Rawnsley, Emma; Ranzetta, Kirk
Subject: NOAA Mukilteo Property Transfer - Draft EA and Consultation Meeting on 11/19
Attachments: LummiNation.pdf

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Report Suspicious

Dear Chairman Hillaire-

I am writing to inform you that NOAA has completed the Draft Environmental Assessment (EA) that analyzes the potential environmental impacts of the proposed transfer of the National Marine Fisheries Service (NMFS) Northwest Fisheries Science Center (NWFSC) Mukilteo Research Station property at 802 Front Street (formerly 10 Park Avenue) in Mukilteo, Washington to the Port of Everett. This draft EA is provided to solicit review and written comments during a public review period **through Wednesday November 27, 2024.**

An electronic copy of the Draft EA is available at the following URL address: https://www.noaa.gov/administration/environmental-assessment-public-notices. Written comments on the Draft EA may be sent to the physical or electronic addresses provided below:

> Re: NOAA Mukilteo Research Station Property Transfer EA
> c/o AECOM Technical Services
> 888 SW 5th Avenue, Suite 600
> Portland, OR 97204
> Attn: Emma Rawnsley
> emma.rawnsley@aecom.com

In addition, NOAA invites you to consult with us on this proposed project pursuant Section 106 of the National Historic Preservation Act (NHPA; 36 CFR Part 800). The original consultation initiation letter was sent to you on February 8, 2024 and the first consultation meeting was held on March 15, 2024.

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Thank you for your contribution.

Sincerely,

Annie

Anne H. Delp
Environmental Engineer
Chief, Environmental Compliance Division
National Oceanic & Atmospheric Administration (NOAA)
U.S. Department of Commerce
1305 East West Highway, SSMC4 Rm 5309
Silver Spring, MD 20910
anne.delp@noaa.gov / 301.640.9194

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Anthony Hillaire, Tribal Chairman
Lummi Indian Business Council
Lummi Nation
2665 Kwina Road
Bellingham, WA 98226-9221
Sent by USPS mail and via email to: AnthonyH@lummi-nsn.gov

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Chairman Hillaire:

The National Oceanic and Atmospheric Administration (NOAA) has prepared a Draft Environmental Assessment (EA) in conformance with the National Environmental Policy Act of 1969 (NEPA) and NOAA Administrative Order 216-6A for the above-mentioned project. This document is provided to solicit review and written comments from potentially affected agencies and other stakeholders during a 30-day minimum public review period from **Friday October 18 through Wednesday November 27, 2024.**

An electronic copy of the Draft EA is available at the following URL address: https://www.noaa.gov/administration/environmental-assessment-public-notices. A printed copy can be provided on request, via the email address below. Written comments on the Draft EA may be sent to the physical or electronic addresses provided below:

Re: NOAA Mukilteo Research Station Property Transfer EA
C/- AECOM Technical Services
888 SW 5th Avenue, Suite 600
Portland, OR 97204
Attn: Emma Rawnsley
emma.rawnsley@aecom.com

The Draft EA analyzes the potential environmental impacts of the proposed transfer of the National Marine Fisheries Service (NMFS) Northwest Fisheries Science Center (NWFSC) Mukilteo Research Station (MRS) property at 802 Front Street in Mukilteo, Washington. The NWFSC determined that the property is no longer needed to fulfil its mission, and in 2022 facilities were demolished/removed. In accordance with The National Defense Authorization Act, NOAA is required to transfer the property to the Port of Everett when the property is no longer needed for mission execution. If the Port of Everett determines that they do not want the property, then NOAA will transfer it to the General Services Administration for eventual

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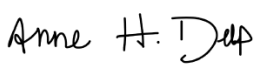
Thank you for your attention to this important project. Please direct any questions you may have to me at (301) 640-9194 / anne.delp@noaa.gov or to Emma Rawnsley at the email address provided above.

Sincerely,



Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com
lenat@lummi-nsn.gov

Rawnsley, Emma

From: Anne Delp - NOAA Federal <anne.delp@noaa.gov>
Sent: Thursday, October 24, 2024 10:56 AM
To: Jason.elkins@muckleshoot.nsn.us; laura.murphy@muckleshoot.nsn.us
Cc: Rawnsley, Emma; Ranzetta, Kirk
Subject: NOAA Mukilteo Property Transfer - Draft EA and Consultation Meeting on 11/19
Attachments: Muckleshoot.pdf

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anne.delp@noaa.gov / 301.640.9194

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Jaison Elkins, Tribal Chairperson
Muckleshoot Tribal Council
Muckleshoot Indian Tribe
39015 172nd Avenue SE
Auburn, WA 98092-9763
Sent by USPS mail and via email to: Jason.elkins@muckleshoot.nsn.us

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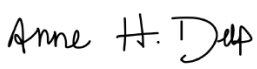

Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com
laura.murphy@muckleshoot.nsn.us

Rawnsley, Emma

From: Anne Delp - NOAA Federal <anne.delp@noaa.gov>
Sent: Tuesday, October 22, 2024 2:31 PM
To: tomwooten@samishtribe.nsn.us; jferry@samishtribe.nsn.us
Subject: NOAA Mukilteo Property Transfer - Draft EA and Consultation Meeting on 11/19
Attachments: Samish.pdf

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Tom Wooten, Tribal Chairman
Samish Council
Samish Indian Nation
2918 Commercial Ave
Anacortes, WA 98221-0217
Sent by USPS mail and via email to: tomwooten@samishtribe.nsn.us

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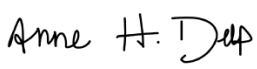

Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com
jferry@samishtribe.nsn.us

Rawnsley, Emma

From: Anne Delp - NOAA Federal <anne.delp@noaa.gov>
Sent: Tuesday, October 22, 2024 2:31 PM
To: thpo@sauk-suiattle.com; kJoseph@sauk-suiattle.com
Cc: Rawnsley, Emma; Ranzetta, Kirk
Subject: NOAA Mukilteo Property Transfer - Draft EA and Consultation Meeting on 11/19
Attachments: SaukSuiattle.pdf

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Nino Maltos, Tribal Chairperson
Sauk-Suiattle Tribal Council
Sauk-Suiattle Indian Tribe
5318 Chief Brown Lane
Darrington, WA 98241-9421
Sent by USPS mail and via email to: thpo@sauk-suiattle.com

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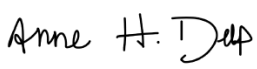

Anne Delp
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National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com
kJoseph@sauk-suiattle.com

Rawnsley, Emma

From: Anne Delp - NOAA Federal <anne.delp@noaa.gov>
Sent: Tuesday, October 22, 2024 2:29 PM
To: bobde@snoqualmietribe.us; steve@snoqualmietribe.us; adam@snoqualmietribe.us; DAHP@snoqualmietribe.us
Cc: Rawnsley, Emma; Ranzetta, Kirk
Subject: NOAA Mukilteo Property Transfer - Draft EA and Consultation Meeting on 11/19
Attachments: Snoqualmie.pdf; Snoqualmie.pdf

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CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Robert de los Angeles, Tribal Chairperson
Snoqualmie Tribal Council
Snoqualmie Tribe
PO Box 969
9571 Ethan Wade Way SE
Snoqualmie WA 98065
Sent by USPS mail and via email to: bobde@snoqualmietribe.us

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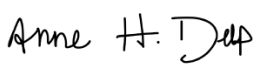

Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: *Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com*
steve@snoqualmietribe.us
adam@snoqualmietribe.us
DAHP@snoqualmietribe.us

Rawnsley, Emma

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Re: NOAA Mukilteo Research Station Property Transfer EA
c/o AECOM Technical Services
888 SW 5th Avenue, Suite 600
Portland, OR 97204
Attn: Emma Rawnsley
emma.rawnsley@aecom.com

In addition, NOAA invites you to consult with us on this proposed project pursuant Section 106 of the National Historic Preservation Act (NHPA; 36 CFR Part 800). The original consultation initiation letter was sent to you on February 8, 2024 and the first consultation meeting was held on March 15, 2024.

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Thank you for your contribution.

Sincerely,

Annie

Anne H. Delp
Environmental Engineer
Chief, Environmental Compliance Division
National Oceanic & Atmospheric Administration (NOAA)
U.S. Department of Commerce
1305 East West Highway, SSMC4 Rm 5309
Silver Spring, MD 20910
anne.delp@noaa.gov / 301.640.9194

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Eric White, Tribal Chairman
Stillaguamish Board of Directors
Stillaguamish Tribe of Indians
PO Box 277
3322 236th Street NE
Arlington, WA 98223-0277
Sent by USPS mail and via email to: ewhite@stillaguamish.com

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Chairman White:

The National Oceanic and Atmospheric Administration (NOAA) has prepared a Draft Environmental Assessment (EA) in conformance with the National Environmental Policy Act of 1969 (NEPA) and NOAA Administrative Order 216-6A for the above-mentioned project. This document is provided to solicit review and written comments from potentially affected agencies and other stakeholders during a 30-day minimum public review period from **Friday October 18 through Wednesday November 27, 2024.**

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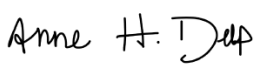
Thank you for your attention to this important project. Please direct any questions you may have to me at (301) 640-9194 / anne.delp@noaa.gov or to Emma Rawnsley at the email address provided above.

Sincerely,



Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com
klyste@stillaguamish.com

Rawnsley, Emma

From: Anne Delp - NOAA Federal <anne.delp@noaa.gov>
Sent: Tuesday, October 22, 2024 2:30 PM
To: Leonard Forsman; Dennis E. Lewarch; Alison Osullivan; rmalcolm@suquamish.nsn.us; Stephanie Trudel; mmohan@suquamish.nsn.us
Cc: Rawnsley, Emma; Ranzetta, Kirk
Subject: NOAA Mukilteo Property Transfer - Draft EA and Consultation Meeting on 11/19
Attachments: Suquamish.pdf

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Report Suspicious

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Annie

Anne H. Delp
Environmental Engineer
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National Oceanic & Atmospheric Administration (NOAA)
U.S. Department of Commerce
1305 East West Highway, SSMC4 Rm 5309
Silver Spring, MD 20910
anne.delp@noaa.gov / 301.640.9194

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Leonard Forsman, Tribal Chairman
Suquamish Tribal Council
Suquamish Tribe
PO Box 498
18490 Suquamish Way
Suquamish, WA 98392-0498
Sent by USPS mail and via email to: lforsman@suquamish.nsn.us

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

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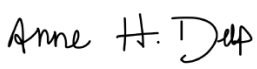

Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: *Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com*
dlewarch@Suquamish.nsn.us
aosullivan@suquamish.nsn.us
rmalcolm@suquamish.nsn.us
strudel@suquamish.nsn.us
mmohan@suquamish.nsn.us

Rawnsley, Emma

From: Anne Delp - NOAA Federal <anne.delp@noaa.gov>
Sent: Tuesday, October 22, 2024 2:30 PM
To: sedwards@swinomish.nsn.us; Josephine Jefferson
Cc: Rawnsley, Emma; Ranzetta, Kirk
Subject: NOAA Mukilteo Property Transfer - Draft EA and Consultation Meeting on 11/19
Attachments: Swinomish.pdf

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Report Suspicious

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Silver Spring, MD 20910
anne.delp@noaa.gov / 301.640.9194

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Steve Edwards, Tribal Chairman
Swinomish Indian Senate
Swinomish Indian Tribal Community
11404 Moorage Way
La Conner, WA 98257-9450
Sent by USPS mail and via email to: sedwards@swinomish.nsn.us

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

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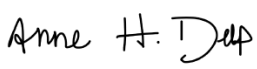

Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com
jjefferson@swinomish.nsn.us

Rawnsley, Emma

From: Anne Delp - NOAA Federal <anne.delp@noaa.gov>
Sent: Tuesday, October 22, 2024 2:31 PM
To: trgobin@tulaliptribes-nsn.gov; ryoung@tulaliptribes-nsn.gov
Cc: Rawnsley, Emma; Ranzetta, Kirk
Subject: NOAA Mukilteo Property Transfer - Draft EA and Consultation Meeting on 11/19
Attachments: Tulalip.pdf

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Teri Goban, Tribal Chairwoman
Tulalip Board of Directors
Tulalip Tribes
6406 Marine Drive
Tulalip, WA 98271-9775
Sent by USPS mail and via email to: trgobin@tulaliptribes-nsn.gov

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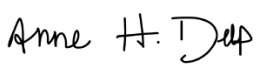

Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com
ryoung@tulaliptribes-nsn.gov

Rawnsley, Emma

From:	Anne Delp - NOAA Federal <anne.delp@noaa.gov>
Sent:	Tuesday, October 22, 2024 2:31 PM
To:	marilyns@upperskagit.com; sschuyler@upperskagit.com
Cc:	Rawnsley, Emma; Ranzetta, Kirk
Subject:	NOAA Mukilteo Property Transfer - Draft EA and Consultation Meeting on 11/19
Attachments:	UpperSkagit.pdf

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Please take a moment to complete the OCAO Customer Satisfaction Survey

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U.S. Department of Commerce
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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Marilyn M. Scott, Tribal Chairperson
Upper Skagit Tribal Council
Upper Skagit Indian Tribe
25944 Community Plaza Way
Sedro Woolley, WA 98284-9739
Sent by USPS mail and via email to: marilyns@upperskagit.com

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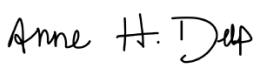

Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com
sschuyler@upperskagit.com

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Joel Vaughn, Director
National Oceanic and Atmospheric Administration
Office of the Chief Administrative Officer
Project Planning and Management Division
7600 Sand Point Way NE
Seattle, WA 98115
Sent by USPS mail and via email to: joel.vaughn@noaa.gov

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Joel Vaughn:

The National Oceanic and Atmospheric Administration (NOAA) has prepared a Draft Environmental Assessment (EA) in conformance with the National Environmental Policy Act of 1969 (NEPA) and NOAA Administrative Order 216-6A for the above-mentioned project. This document is provided to solicit review and written comments from potentially affected agencies and other stakeholders during a 30-day minimum public review period from Friday October 18 through Wednesday November 27, 2024.

An electronic copy of the Draft EA is available at the following URL address: https://www.noaa.gov/administration/environmental-assessment-public-notices. A printed copy can be provided on request, via the email address below. Written comments on the Draft EA may be sent to the physical or electronic addresses provided below:

> Re: NOAA Mukilteo Research Station Property Transfer EA
> C/- AECOM Technical Services
> 888 SW 5th Avenue, Suite 600
> Portland, OR 97204
> Attn: Emma Rawnsley
> emma.rawnsley@aecom.com

The Draft EA analyzes the potential environmental impacts of the proposed transfer of the National Marine Fisheries Service (NMFS) Northwest Fisheries Science Center (NWFSC) Mukilteo Research Station (MRS) property at 802 Front Street in Mukilteo, Washington. The NWFSC determined that the property is no longer needed to fulfil its mission, and in 2022 facilities were demolished/removed. In accordance with The National Defense Authorization Act, NOAA is required to transfer the property to the Port of Everett when the property is no longer needed for mission execution. If the Port of Everett determines that they do not want the property, then NOAA will transfer it to the General Services Administration for eventual

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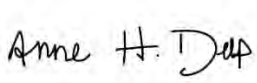
Thank you for your attention to this important project. Please direct any questions you may have to me at (301) 640-9194 / anne.delp@noaa.gov or to Emma Rawnsley at the email address provided above.

Sincerely,



Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Elizabeth Babcock
National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115
Sent by USPS mail and via email to: elizabeth.babcock@noaa.gov

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Elizabeth Babcock:

The National Oceanic and Atmospheric Administration (NOAA) has prepared a Draft Environmental Assessment (EA) in conformance with the National Environmental Policy Act of 1969 (NEPA) and NOAA Administrative Order 216-6A for the above-mentioned project. This document is provided to solicit review and written comments from potentially affected agencies and other stakeholders during a 30-day minimum public review period from Friday October 18 through Wednesday November 27, 2024.

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Sincerely,

Anne H. Delp

Anne Delp
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Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Brad Thompson, State Supervisor
U. S. Fish and Wildlife Service
Washington Fish and Wildlife Office
510 Desmond Dr. SE
Suite 102
Lacey, WA 98503
Sent by USPS mail and via email to:

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Brad Thompson:

The National Oceanic and Atmospheric Administration (NOAA) has prepared a Draft Environmental Assessment (EA) in conformance with the National Environmental Policy Act of 1969 (NEPA) and NOAA Administrative Order 216-6A for the above-mentioned project. This document is provided to solicit review and written comments from potentially affected agencies and other stakeholders during a 30-day minimum public review period from Friday October 18 through Wednesday November 27, 2024.

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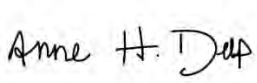

Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Ryan Cochoit
U. S. Army Corps of Engineers, Seattle District
Regulatory Branch
4735 E. Marginal Way S Building 1202
Seattle, WA 98134
Sent by USPS mail and via email to: ryan.j.cochoit@usace.army.mil

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Ryan Cochoit:

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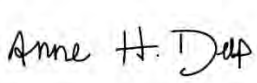

Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Casey Sixkiller, Regional Administrator
Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101
Sent by USPS mail and via email to: Sixkiller.Casey@epa.gov

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Casey Sixkiller:

The National Oceanic and Atmospheric Administration (NOAA) has prepared a Draft Environmental Assessment (EA) in conformance with the National Environmental Policy Act of 1969 (NEPA) and NOAA Administrative Order 216-6A for the above-mentioned project. This document is provided to solicit review and written comments from potentially affected agencies and other stakeholders during a 30-day minimum public review period from Friday October 18 through Wednesday November 27, 2024.

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Anne H. Delp

Anne Delp
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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Senator Maria Cantwell
2930 Wetmore Avenue, Suite 9B
Everett, WA 98201
Sent by USPS mail and via email to:

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Senator Maria Cantwell:

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Anne H. Delp

Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Senator Patty Murray
2930 Wetmore Avenue, Suite 9B
Everett, WA 98201
Sent by USPS mail and via email to:

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Senator Patty Murray:

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National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Joenne McGerr, Program Manager
WA Department of Ecology
Shorelands and Environmental Assistance
300 Desmond Drive SE
Lacey, WA 98503
Sent by USPS mail and via email to: joenne.mcgerr@ecy.wa.gov

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Joenne McGerr:

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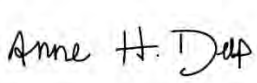

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Tom Buroker, Director
WA Department of Ecology
Northwest Region Office
P.O. Box 330316
15700 Dayton Ave. N
Shoreline WA 98133-9716
Sent by USPS mail and via email to: thomas.buroker@ecy.wa.gov

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Tom Buroker:

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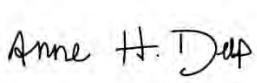

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October 16, 2024

Barry Rogowski, Program Manager
WA Department of Ecology
Toxics Cleanup Program
300 Desmond Drive SE
Lacey, WA 98503
Sent by USPS mail and via email to: barry.rogowski@ecy.wa.gov

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Barry Rogowski:

The National Oceanic and Atmospheric Administration (NOAA) has prepared a Draft Environmental Assessment (EA) in conformance with the National Environmental Policy Act of 1969 (NEPA) and NOAA Administrative Order 216-6A for the above-mentioned project. This document is provided to solicit review and written comments from potentially affected agencies and other stakeholders during a 30-day minimum public review period from Friday October 18 through Wednesday November 27, 2024.

An electronic copy of the Draft EA is available at the following URL address: https://www.noaa.gov/administration/environmental-assessment-public-notices. A printed copy can be provided on request, via the email address below. Written comments on the Draft EA may be sent to the physical or electronic addresses provided below:

> Re: NOAA Mukilteo Research Station Property Transfer EA
> C/- AECOM Technical Services
> 888 SW 5th Avenue, Suite 600
> Portland, OR 97204
> Attn: Emma Rawnsley
> emma.rawnsley@aecom.com

The Draft EA analyzes the potential environmental impacts of the proposed transfer of the National Marine Fisheries Service (NMFS) Northwest Fisheries Science Center (NWFSC) Mukilteo Research Station (MRS) property at 802 Front Street in Mukilteo, Washington. The NWFSC determined that the property is no longer needed to fulfil its mission, and in 2022 facilities were demolished/removed. In accordance with The National Defense Authorization Act, NOAA is required to transfer the property to the Port of Everett when the property is no longer needed for mission execution. If the Port of Everett determines that they do not want the property, then NOAA will transfer it to the General Services Administration for eventual

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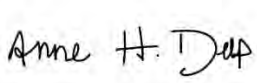
Thank you for your attention to this important project. Please direct any questions you may have to me at (301) 640-9194 / anne.delp@noaa.gov or to Emma Rawnsley at the email address provided above.

Sincerely,



Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Ms. Loreé Randall, Federal Consistency Coordinator
WA State Department of Ecology
Coastal Zone Management Program
3190 160th Ave. SE,
Bellevue, WA 98008-5452
Sent by USPS mail and via email to: loree.randall@ecy.wa.gov

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Ms. Loreé Randall:

The National Oceanic and Atmospheric Administration (NOAA) has prepared a Draft Environmental Assessment (EA) in conformance with the National Environmental Policy Act of 1969 (NEPA) and NOAA Administrative Order 216-6A for the above-mentioned project. This document is provided to solicit review and written comments from potentially affected agencies and other stakeholders during a 30-day minimum public review period from Friday October 18 through Wednesday November 27, 2024.

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> 888 SW 5th Avenue, Suite 600
> Portland, OR 97204
> Attn: Emma Rawnsley
> emma.rawnsley@aecom.com

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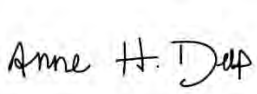

Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com
tpuc461@ECY.WA.GOV

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Kelly Susewind, Director
WA Department of Fish & Wildlife
Natural Resources Building
1111 Washington St. SE
Olympia, WA 98501
Sent by USPS mail and via email to: Kelly.Susewing@dfw.wa.gov

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Kelly Susewind:

The National Oceanic and Atmospheric Administration (NOAA) has prepared a Draft Environmental Assessment (EA) in conformance with the National Environmental Policy Act of 1969 (NEPA) and NOAA Administrative Order 216-6A for the above-mentioned project. This document is provided to solicit review and written comments from potentially affected agencies and other stakeholders during a 30-day minimum public review period from Friday October 18 through Wednesday November 27, 2024.

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> emma.rawnsley@aecom.com

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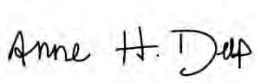

Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Brendan Brokes, Director
WA Department of Fish and Wildlife
North Puget Sound Regional Office
16018 Mill Creek Boulevard
Mill Creek, WA 98012-1541
Sent by USPS mail and via email to: TeamMillCreek@dfw.wa.gov

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Brendan Brokes:

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> emma.rawnsley@aecom.com

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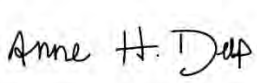

Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Allyson Brooks, Director
WA Department of Archaeology and Historic Preservation
PO Box 48343
1110 S. Capitol Way, Suite 30
Olympia, WA 98504-8343
Sent by USPS mail and via email to: Allyson.brooks@daph.wa.gov

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Allyson Brooks:

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> emma.rawnsley@aecom.com

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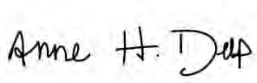

Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: *Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com*
Rob.Whitlam@dahp.wa.gov
Maddie.Levesque@dahp.wa.gov

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

To Whom it may Concern
WA Department of Natural Resources
Northwest Region
919 N Township St.
Sedro Woolley, WA 98284-9384
Sent by USPS mail and via email to: northwest.region@dnr.wa.gov

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear To Whom it may Concern:

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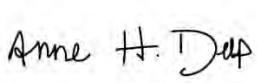

Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Brian Nielsen, Regional Administrator
WA Department of Transportation
Northwest Region
15700 Dayton Ave N
Shoreline, WA
Sent by USPS mail and via email to: Brian.Nielson@wsdot.wa.gov

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Brian Nielsen:

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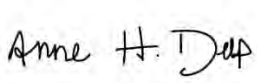

Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com
nwpublicaffairs@wsdot.wa.gov

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Lorraine Basch, Acting Tribal and Federal Liason
WA Department of Transportation
310 Maple Park Ave SE
Olympia, WA
Sent by USPS mail and via email to: Lorraine.Basch@wsdot.wa.gov

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Lorraine Basch:

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Sincerely,

Anne H. Delp

Anne Delp
Chief, Environmental Compliance & Sustainability Division
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Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Steve Nevey, Assistant Secretary
WA Department of Transportation
Washington State Ferries Division
2901 Third Avenue, Suite 500
Seattle, WA 98121
Sent by USPS mail and via email to: Steve.Nevey@wsdot.wa.gov

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Steve Nevey:

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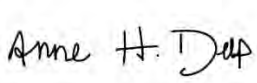
Thank you for your attention to this important project. Please direct any questions you may have to me at (301) 640-9194 / anne.delp@noaa.gov or to Emma Rawnsley at the email address provided above.

Sincerely,



Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Mike McCrary, Director
Snohomish County Planning and Development Services
3000 Rockefeller Ave, M/S 604
Everett, WA 98201
Sent by USPS mail and via email to: m.mccrary@snoco.org

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Mike McCrary:

The National Oceanic and Atmospheric Administration (NOAA) has prepared a Draft Environmental Assessment (EA) in conformance with the National Environmental Policy Act of 1969 (NEPA) and NOAA Administrative Order 216-6A for the above-mentioned project. This document is provided to solicit review and written comments from potentially affected agencies and other stakeholders during a 30-day minimum public review period from Friday October 18 through Wednesday November 27, 2024.

An electronic copy of the Draft EA is available at the following URL address: https://www.noaa.gov/administration/environmental-assessment-public-notices. A printed copy can be provided on request, via the email address below. Written comments on the Draft EA may be sent to the physical or electronic addresses provided below:

> Re: NOAA Mukilteo Research Station Property Transfer EA
> C/- AECOM Technical Services
> 888 SW 5th Avenue, Suite 600
> Portland, OR 97204
> Attn: Emma Rawnsley
> emma.rawnsley@aecom.com

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Sincerely,

Anne H. Delp

Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Tom Teigen, Director
Snohomish County Conservation and Natural Resources
3000 Rockefeller Ave
Everett, WA 98201
Sent by USPS mail and via email to: Tom.Teigen@snoco.org

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Tom Teigen:

The National Oceanic and Atmospheric Administration (NOAA) has prepared a Draft Environmental Assessment (EA) in conformance with the National Environmental Policy Act of 1969 (NEPA) and NOAA Administrative Order 216-6A for the above-mentioned project. This document is provided to solicit review and written comments from potentially affected agencies and other stakeholders during a 30-day minimum public review period from Friday October 18 through Wednesday November 27, 2024.

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Anne H. Delp

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Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Erik Gerking, Chief of Planning and Development
Port of Everett
1205 Craftsman Way Suite 200
Everett, WA 98201
Sent by USPS mail and via email to: erikg@portofeverett.com

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Erik Gerking:

The National Oceanic and Atmospheric Administration (NOAA) has prepared a Draft Environmental Assessment (EA) in conformance with the National Environmental Policy Act of 1969 (NEPA) and NOAA Administrative Order 216-6A for the above-mentioned project. This document is provided to solicit review and written comments from potentially affected agencies and other stakeholders during a 30-day minimum public review period from Friday October 18 through Wednesday November 27, 2024.

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Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Lisa Lefebner, Chief Executive Officer
Port of Everett
1205 Craftsman Way Suite 200
Everett, WA 98201
Sent by USPS mail and via email to: lisam@portofeverett.com

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Lisa Lefebner:

The National Oceanic and Atmospheric Administration (NOAA) has prepared a Draft Environmental Assessment (EA) in conformance with the National Environmental Policy Act of 1969 (NEPA) and NOAA Administrative Order 216-6A for the above-mentioned project. This document is provided to solicit review and written comments from potentially affected agencies and other stakeholders during a 30-day minimum public review period from Friday October 18 through Wednesday November 27, 2024.

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Sincerely,

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Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Joe Marine, Mayor
City of Mukilteo
11930 Cyrus Way
Mukilteo, WA 98275
Sent by USPS mail and via email to: jmarine@mukilteowa.gov

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Joe Marine:

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Sincerely,

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National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Matt Nienhuis, Director
City of Mukilteo Public Works
11930 Cyrus Way
Mukilteo, WA 98275
Sent by USPS mail and via email to: mnienhuis@mukilteowa.gov

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Matt Nienhuis:

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emma.rawnsley@aecom.com

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National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com

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National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Kristina Cerise, Planning Manager
City of Mukilteo Planning and Community Development
11930 Cyrus Way
Mukilteo, WA 98275
Sent by USPS mail and via email to: kcerise@mukilteowa.gov

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Kristina Cerise:

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Sincerely,

Anne H. Delp

Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com
agaluska@mukilteowa.gov

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Tony Trofimczuk, Director
City of Mukilteo Recreation and Cultural Services
11930 Cyrus Way
Mukilteo, WA 98275
Sent by USPS mail and via email to: ttrofimczuk@mukilteowa.gov

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Tony Trofimczuk:

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Chief, Environmental Compliance & Sustainability Division
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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

Don Billen, Executive Director
Sound Transit
Planning, Environmental, and Project Development
401 S. Jackson St.
Seattle, WA 98104
Sent by USPS mail and via email to: don.billen@soundtransit.org

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear Don Billen:

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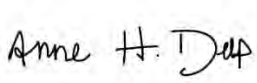

Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
CHIEF ADMINISTRATIVE OFFICER

October 16, 2024

To Whom it may Concern
Mukilteo Historical Society
304 Lincoln Avenue, Suite 101
Mukilteo, WA 98275
Sent by USPS mail and via email to: info@mukilteohistorical.org

Re: NOAA Mukilteo Research Station Property Transfer Project; Notice of Availability and Request for Comments on Draft Environmental Assessment

Dear To Whom it may Concern:

The National Oceanic and Atmospheric Administration (NOAA) has prepared a Draft Environmental Assessment (EA) in conformance with the National Environmental Policy Act of 1969 (NEPA) and NOAA Administrative Order 216-6A for the above-mentioned project. This document is provided to solicit review and written comments from potentially affected agencies and other stakeholders during a 30-day minimum public review period from Friday October 18 through Wednesday November 27, 2024.

An electronic copy of the Draft EA is available at the following URL address: https://www.noaa.gov/administration/environmental-assessment-public-notices. A printed copy can be provided on request, via the email address below. Written comments on the Draft EA may be sent to the physical or electronic addresses provided below:

> Re: NOAA Mukilteo Research Station Property Transfer EA
> C/- AECOM Technical Services
> 888 SW 5th Avenue, Suite 600
> Portland, OR 97204
> Attn: Emma Rawnsley
> emma.rawnsley@aecom.com

The Draft EA analyzes the potential environmental impacts of the proposed transfer of the National Marine Fisheries Service (NMFS) Northwest Fisheries Science Center (NWFSC) Mukilteo Research Station (MRS) property at 802 Front Street in Mukilteo, Washington. The NWFSC determined that the property is no longer needed to fulfil its mission, and in 2022 facilities were demolished/removed. In accordance with The National Defense Authorization Act, NOAA is required to transfer the property to the Port of Everett when the property is no longer needed for mission execution. If the Port of Everett determines that they do not want the property, then NOAA will transfer it to the General Services Administration for eventual disposal as excess property. The Preferred Alternative would transfer the property (approximately 1 acre of upland and 2 acres of tidelands) to the Port of Everett.

The Preferred Alternative, Excess Property Alternative, and a No-action Alternative are evaluated in the Draft EA, which was prepared per Section 102 of the National Environmental Policy Act (NEPA) of 1969 and NOAA Administrative Order 216-6A and its companion manual, *Policy and Procedures for Compliance with NEPA and Related Authorities.*

The Draft EA did not identify a significant effect resulting from the implementation of either the Preferred Alternative or Excess Property Alternative. However, NOAA will consider public and agency comments in a Final EA prior to making its decision regarding implementation of the proposed action. Based on the Final EA, NOAA may conclude that a Finding of No Significant Impact (FONSI) is warranted.

Thank you for your attention to this important project. Please direct any questions you may have to me at (301) 640-9194 / anne.delp@noaa.gov or to Emma Rawnsley at the email address provided above.

Sincerely,

Anne H. Delp

Anne Delp
Chief, Environmental Compliance & Sustainability Division
National Oceanic & Atmospheric Administration

Cc by email to: Emma Rawnsley, AECOM Technical Services emma.rawnsley@aecom.com

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH1003975 NOA DRAFT ENVIRONMEN as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 10/18/2024 and ending on 10/18/2024 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is $155.82.

Subscribed and sworn before me on this 24th day of January, 2025.

Randie Pospical

Notary Public in and for the State of Washington.

AECOM |
EMMA RAWNSLEY

RANDIE POSPICAL
Commission Expires 10-20-2027
NOTARY PUBLIC
License Number 23034934
STATE OF WASHINGTON

PAID

Notice of Availability of a Draft Environmental Assessment

The National Oceanic and Atmospheric Administration (NOAA) has prepared a Draft Environmental Assessment (EA) for public comment during a 30-day minimum public review period, ending Wednesday November 27, 2024. The Draft EA analyzes the potential environmental impacts of the proposed transfer of the National Marine Fisheries Service (NMFS) Northwest Fisheries Science Center (NWFSC) Mukilteo Research Station property at 802 Front Street (formerly 10 Park Avenue) in Mukilteo, Washington, to the Port of Everett.

The NWFSC determined that the property is no longer needed to fulfil its mission, and in 2022 facilities at the site were demolished/removed. In accordance with The National Defense Authorization Act, NOAA is required to transfer the property to the Port of Everett, or to the General Services Administration for eventual disposal as excess property.

The Preferred Alternative would transfer the property (approximately 1 acre of upland and 2 acres of tidelands) to the Port of Everett. NOAA has determined that transfer of the property outside of federal ownership requires an EA, which was prepared per Section 102 of the National Environmental Policy Act (NEPA) of 1969 and NOAA Administrative Order 216-6A. The Preferred Alternative, Excess Property Alternative, and a No-action Alternative are evaluated in the Draft EA.

The Draft EA did not identify a significant effect resulting from implementation of either the Preferred Alternative or Excess Property Alternative. However, NOAA will consider public and agency comments in a Final EA prior to making its decision regarding implementation of the proposed action. Based on the Final EA, NOAA may conclude that a Finding of No Significant Impact (FONSI) is warranted.

In conformance with Executive Order 11988, "Floodplain Management" notification is hereby given that the proposed federal action is partially located within a floodplain. However, NOAA has determined that no adverse effects to the floodplain or impacts to future flooding events would occur. NOAA intends to follow the eight-step process required by Executive Order 11988.

An electronic copy of the Draft EA may be requested from the email below or obtained from:
https://www.noaa.gov/administration/environmental-assessment-public-notices

A printed copy of the Draft EA is available for viewing at the Mukilteo Library at 4675 Harbour Pointe Boulevard, Mukilteo, WA.

Written comments on the Draft EA may be sent to the following physical or email addresses and will be accepted if received or postmarked on or prior to November 27, 2024.

Re: NOAA Mukilteo Research Station Property Transfer EA
C/- AECOM
888 SW 5th Avenue, Suite 600
Portland, OR 97204
Attn: Emma Rawnsley
Emma.Rawnsley@aecom.com

Published: October 18, 2024. EDH1003975

Beacon PUBLISHING
MUKILTEO • EDMONDS • MILL CREEK

728 3rd Street, Suite D
Mukilteo, WA 98275
(425) 347-5634

AFFIDAVIT OF PUBLICATION

10/23/2024

AECOM
Attn: Emma Rawnsley
7430 SW 31st Ave.
Portland, OR 97219

Re: Notice of Availability of a Draft Environmental Assessment
NOAA: NMFS, NWFSC - Mukilteo Research Station

STATE OF WASHINGTON
County of Snohomish

The undersigned, on oath states that they are a representative of Beacon Publishing, Inc., publisher of the Mukilteo Beacon of general circulation published weekly in Snohomish County, State of Washington. The Mukilteo Beacon has been approved as a legal newspaper by others of the Superior Court of Snohomish County.

The notice, in the exact form annexed, was published in the regular and entire issue of said newspaper or newspapers on the following day or days 10/23/2024; and that said newspaper was regularly distributed to its subscribers during all of said period.

Jennifer Barker
(Beacon Publishing Representative)

(Signature)

Beacon PUBLISHING
MUKILTEO • EDMONDS • MILL CREEK

728 3rd Street, Suite D
Mukilteo, WA 98275
(425) 347-5634

10/23/2024

Re: Notice of Availability of a Draft Environmental Assessment
NOAA: NMFS, NWFSC - Mukilteo Research Station

Legals

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