

INTERSTATE 5/116TH STREET NE INTERCHANGE RECONSTRUCTION AND QUIL CEDA BOULEVARD EXTENSION PROJECT

MILE POST 202

FINDING OF NO SIGNIFICANT IMPACT

**United States Department of Transportation, Federal Highway
Administration**

United States Department of the Interior, Bureau of Indian Affairs



Bureau of Indian Affairs

January 2006

**Interstate 5/116th Street NE Interchange Reconstruction and
Quil Ceda Boulevard Extension Project**

Mile Post 202

Snohomish County, Washington

Finding of No Significant Impact

By the

U.S. Department of Transportation: Federal Highway Administration

U.S. Department of the Interior: Bureau of Indian Affairs

The Federal Highway Administration (FHWA) in accordance with 23 CFR 771.121 and the US Department of Interior, Bureau of Indian Affairs (BIA) have determined that the proposed project will have no significant impact on the human environment.

This Finding of No Significant Impact (FONSI) is based on the Environmental Assessment (incorporated by reference) and other documents and attachments as itemized in this FONSI. These documents have been independently evaluated by the FHWA and BIA and determined to accurately discuss the project purpose, need, environmental issues, impacts of the proposed project, and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required.

The FHWA and BIA take full responsibility for the accuracy, scope, and content of the EA, as modified by this FONSI and the referenced attachments.

1/20/06
Date of Approval

Elizabeth Walsh
For FHWA

1/6/06
Date of Approval

Juliett K. Joseph
For BIA



Persons with disabilities may request this information be prepared and supplied in alternate formats by calling Ben Brown, Washington State Department of Transportation (WSDOT), (collect) at (206) 440-4528 or the Washington American with Disabilities Act Accommodations Hotline (collect) at 206-389-2839. Persons with hearing impairments may access the Washington State Telecommunications Relay Service (TTY) at 1-800-833-6388, Tele-Braille at 1-800-833-6385, or Voice at 1-800-833-6384, and ask to be connected to (360) 705-7097.

Title VI Notice

The Federal Highway Administration (FHWA) and the Bureau of Indian Affairs (BIA) assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and related statutes by prohibiting discrimination based on race, color, national origin and sex in the provision of benefits and services. For more information about Title VI, please call the FHWA Civil Rights Program Manager at (360) 534-9325.

Finding of No Significant Impact

Description of Proposed Action

The existing interchange at Interstate 5 (I-5) and 116th Street NE is located between the Tulalip Reservation and the City of Marysville, approximately 3 miles north of downtown Marysville at Mile Post 202.

The capacity of the existing interchange is not sufficient to handle the traffic that is projected to use it in the design year 2030. Development in the area will result in increased transportation demands. The Consolidated Borough of Quil Ceda Village and the City of Marysville's 116th Street NE commercial areas will result in increased traffic on 116th Street NE. The volumes of traffic entering and leaving the freeway and crossing the bridge over the freeway are projected to exceed the capacity of the facility.

Without improvements, traffic will back up onto I-5 at off-ramps and on 116th Street NE on either side of the freeway.

The Quil Ceda Boulevard Extension provides the north-south arterial circulation west of Interstate 5 and removes the existing 34th Avenue NE intersection signal with 116th Street NE. This eliminates operational conflicts with the existing interchange ramp signals that lead to queues affecting interchange ramp operation.

What are the major design features?

What changes will be made to the interchange?

The existing interchange will be changed from the existing diamond configuration to a Single Point Urban Interchange (SPUI) (Figure 1). This is an interchange with all of its ramp terminals combined into a single signalized intersection. The on- and off-ramps will be adjusted to accommodate this interchange configuration. It will allow possible widening of I-5 at a later date to meet the future traffic demands of the area as a separate project and separate environmental documentation.

What will the Quil Ceda Boulevard Extension improvements be?

The Quil Ceda Boulevard Extension would consist of one traffic lane in each direction. The intersection at 116th Street NE will be configured to match the existing Quil Ceda Boulevard to the south. The configuration immediately north of the intersection, will include a center left-turn lane to serve the abutting commercially zoned property. The roadway would connect with the existing 34th Avenue NE about two-thirds of a mile to the north of 116th Street NE.

Figure 1 Configuration to a Single Point Urban Interchange (SPUI)



The extended roadway also includes a bridge crossing of the west branch of Quilceda Creek about 1,700 feet north of 116th Street NE. The bridge will span the entire width of Quilceda Creek and associated wetlands, with no piers or abutments located in either the creek or associated wetlands. The abutments will also be located outside of the 100-year floodplain. The bridge will be about 130 feet long and approximately 40 feet wide.

What changes will be made to 116th Street NE?

At the interchange, 116th Street NE will be widened from two lanes to four lanes at each end. All improvements to 116th Street NE outside of the interchange access control area are proposed to be implemented by the Tulalip Tribes and the City of Marysville.

West of the interchange, within the Tulalip Reservation, 116th Street NE is currently a four-lane roadway. As part of the proposal, a continuous left-turn lane will be added. The left-turn lane will provide access to existing properties fronting 116th Street NE, including Donna's Truck Stop.

East of the interchange, within the City of Marysville, the four lanes provided within the interchange will taper down to meet the existing road. One lane in each direction will terminate at 36th Drive NE, and the roadway will taper down to match the existing two-lane roadway section. Future plans for the street east of 36th Drive NE proposed in the City of Marysville Capital Improvement Plan provide for four lanes with a center turn

lane from the interchange to the intersection with State Avenue to the east. The future improved intersection at State Avenue will provide two left-turn lanes and one right-turn eastbound.

What changes will be made to the Intersection of 34th Avenue NE with 116th Street NE?

The 34th Avenue NE roadway parallels I-5 on the west side and will be retained with the intersection realigned to accommodate right-in and right-out movements only. The through and left-turn movements onto and from 116th Street NE will be eliminated through a curb at the 116th Street NE centerline. Right-turn channelization will provide a free right turn for the westbound to northbound movement. Stop sign control will be provided for the southbound to westbound movement, with channelization clearly allowing only a merge to 116th Street NE. Much of the traffic on 34th Avenue NE will divert to the new Quil Ceda Boulevard Extension.

What mass transit and HOV features will be included?

Existing high-occupancy vehicle (HOV) flyer stops on the ramps of the existing diamond interchange will be eliminated. The southbound on-ramp improvements include ramp metering and a HOV bypass lane. The existing park-and-ride lot west of the interchange will be retained with altered access from the right-in/right-out configuration of the 34th Avenue NE/116th Street NE intersection. The Quil Ceda Boulevard Extension does not provide dedicated facilities for mass transit or HOVs.

What pedestrian and bicycle facilities will be included?

Raised sidewalks 6 feet in width will be provided on both sides of 116th Street NE within the interchange. There are currently no sidewalks on 116th Street NE on either side of I-5. Marysville plans to build sidewalks east of I-5. The Tulalip Tribes have no specific plans for sidewalks on the west side of I-5.

Bicycles on 116th Street NE will be accommodated on shoulders or sidewalks. On the Quil Ceda Boulevard Extension, bicyclists will be accommodated on the vehicular lanes or shoulders, and pedestrians will walk along the shoulders. In the future when commercial development occurs on the new road, those developments will be responsible for adding curb, gutter, and sidewalks.

What stormwater facilities will be included?

Stormwater runoff from the I-5/116th Street NE interchange improvements will be conveyed to one of three infiltration ponds located in the northwest, northeast, and southeast quadrants of the interchange. Bioswales or vaults will pretreat stormwater prior to infiltration.

These ponds will serve about 7.1 acres of pavement and will collect and infiltrate the runoff from all new impervious surfaces and about 60 percent of the 12 acres of

impervious surfaces associated with the interchange overcrossing of 116th Street NE and ramps.

Stormwater runoff from the Quil Ceda Boulevard Extension will generally sheet flow off the edge of pavement and be dispersed into adjacent vegetated areas. Runoff from the proposed Quil Ceda Boulevard Extension Bridge will be collected in storm drains, conveyed to the east side of the creek, and discharged into a dispersal trench. From the dispersal trench, stormwater will either infiltrate or sheet flow from the trench into an adjacent vegetated area. Runoff from the new roadway will not affect peak flows of Quilceda Creek because the stormwater infiltration system proposed will result in runoff being infiltrated into the soil column and to local groundwater.

Will additional land be acquired?

No right of way acquisition will be necessary for the interchange reconstruction work. The Quil Ceda Boulevard Extension will require a 120-foot-wide right of way. The land for the road will be provided over tribal trust land and allotted trust lands. The Tulalip Tribes must obtain right of way through either purchase or an easement for use of the trust land. The Bureau of Indian Affairs (BIA) must approve the right of way acquisition or easement across both tribal and allotted trust lands.

Will changes be made to Quilceda Creek?

Within the interchange, the existing culvert that carries the West Fork Quilceda Creek under I-5 south of and parallel to 116th Street NE will be retained. The widening of 116th Street NE will be accommodated by a new open-bottom arch culvert that will completely span the stream in conjunction with a realigned and lengthened stream. The existing culvert under 34th Avenue NE also will be replaced with an open-bottom arch culvert.

EA Coordination and Comments

Public and agency involvement for the I-5/116th Street NE Interchange Reconstruction began in June of 2002, when a steering committee consisting of representatives of public agencies and organizations was formed.

Coordination with the local transit provider, Community Transit, was ongoing through the design process. The implications of the Single Point Urban Interchange design not accommodating the existing flyer stop were thoroughly explored before the design team endorsed that option.

Following initial purpose and need analyses, an agency scoping meeting was held on April 16, 2003. A public scoping meeting was held on June 10, 2003. The announcement of the public meeting was mailed to 7,500 residents within two miles of the project and published twice in both the Everett Herald and the Marysville Globe. Public comment was related entirely to the interchange project. No public comments were made on the Quil Ceda Boulevard Extension.

Additional public notice was provided in newsletters mailed in August 2003, and July 2005. An Environmental Hearing was held on November 15, 2005 after the issue of the EA on October 31, 2005.

Coordination with the families allotted trust lands was initiated by Tribal representatives starting in 2002 and is continuing to the present.

WSDOT SEPA Compliance and Notice of Adoption

The EA/FONSI will be adopted under State Environmental Policy Act (SEPA) Rules.

The Notice of Availability of this FONSI and the SEPA Adoption are in Attachment 5 of this FONSI.

Determinations and Findings

National Environmental Policy Act (NEPA) Finding

The United States Department of Transportation Federal Highway Administration (FHWA), the US Department of Interior, Bureau of Indian Affairs (BIA) and WSDOT acted as co-lead agencies under NEPA. They prepared an EA in compliance with NEPA, 42 U.S.C. Section 4321 et. seq., and with FHWA's regulations, 23 CFR Part 771 and with BIA. The EA discusses the potential impacts of the project so the co-lead agencies can determine whether significant adverse impacts (CEQ 1508.27) are probable. If such a determination were made, an Environmental Impact Statement would need to be prepared.

The EA documented that the project's construction and operation would cause no significant adverse environmental effects that would not be mitigated. This finding applies to all applicable environmental elements, including Land Use, Air Quality, Noise, Water Resources, Wetlands, Plants & Wildlife, Geology & Soils, Cultural, Historic, and Archaeological Resources, Hazardous Materials, and Public Services and Utilities, Environmental Justice, and Visual Quality.

After carefully considering the EA, its supporting documents, and the public comments and responses, FHWA and the BIA finds that the proposed project, with the mitigation to which the co-lead agencies have committed, will have no significant adverse impacts on the environment. The record provides sufficient evidence and analysis for determining that an EIS is not required.

Section 106 Compliance

Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, requires the review of federally assisted projects for impacts to districts, sites, buildings, structures, and objects listed in, or eligible for inclusion in, the National Register of Historic Places. Federal agencies must coordinate with the State Historic Preservation Officer (SHPO) and potentially affected Tribes to make this determination. The Advisory

Council on Historic Preservation (ACHP) has established procedures for the protection of historic and cultural properties in, or eligible for, the National Register (36 CFR Part 800).

An archaeological resources and traditional cultural use assessment was prepared for the project (2004). The assessment was based on archival and literature review, tribal and agency consultation, and field reconnaissance of the project area. The discussion below summarizes the findings.

One hunter-fisher-gatherer archaeological site has been recorded within the northwest portion of the project area, 45SN33, and six hunter-fisher-gatherer archaeological sites have been recorded in the Quilceda Creek floodplain, within 3.4 miles south of the project area. The site within the project area consisted of stone tools and fire-modified rock and was recorded near West Fork Quilceda Creek. Site 45SN33 was subsequently destroyed by construction activities related to I-5 in the early 1970s.

A field survey was performed in 2003 by archaeologist Stephen Dampf accompanied by Richard Young of the Tulalip Tribes Cultural Resources Division. The alignment of Quilceda Boulevard was traversed on 10 to 20 meter intervals with shovel probes along selected transects. Pedestrian transects for reconnaissance of archeological and historic resources were performed along the alignment of 116th Street NE from Quilceda Boulevard to State Avenue.

Archaeologists did not identify any archaeological resources associated with Site 45SN33 or archaeological resources that may be eligible for listing in the National Register of Historic Places during field reconnaissance. No traditional cultural places were identified through tribal consultation. It is unlikely that archaeological or cultural resources exist within the I-5 right of way, including the interchange. Virtually the entire right of way was regraded to construct the interchange and realign Quilceda Creek. The only area of undisturbed vegetation within the right of way consists of second growth evergreens along the east side of the ramps that is about 30 feet wide.

Based on the cultural resources analysis and coordination with the Tribes and SHPO, FHWA and BIA find that the project will have no effect on any identified or likely cultural or historic resources, and that the Section 106 coordination requirements and the Section 106 implementing regulations under 36 CFR 800 for this project, have been fulfilled.

Section 4(f) Findings

FHWA finds that the proposed project will not use or impact any park or recreational resources protected by Section 4(f) of the USDOT Act of 1966.

Endangered Species Act Findings

The Endangered Species Act of 1973 (ESA), as amended, is intended to protect threatened and endangered species and the ecosystems on which they depend. The ESA requires a federal agency to ensure that any action it authorizes, funds, or carries out is

not likely to jeopardize the continued existence of any listed species or result in direct mortality or destruction or adverse modification of critical habitat of listed species. This requirement is fulfilled under Section 7 of the ESA by review of the proposed actions and consultation with the appropriate agency responsible for the conservation of the affected species.

The major focus of wildlife and fish habitat in the area is the West Fork Quilceda Creek. This stream begins about 2 miles north of the project site at its confluence with the mainstream Quilceda Creek which drains to the Snohomish River (located in Water Resource Inventory Area [WRIA] 07). It is approximately 6.2 miles long and drains an area of 11 square miles. The mainstem of Quilceda Creek flows through the Tulalip Reservation and City of Marysville downstream of the confluence with the West Fork.

The list of Threatened and Endangered Species in Washington State maintained by the US Fish and Wildlife Service and National Marine Fisheries Service has been checked within the last 180 days.

Chinook salmon and bull trout are the only federally listed species under the Endangered Species Act that spawn in the Quilceda Creek system, while steelhead and rainbow trout are found to a much lesser degree. There are no recent reports of Chinook salmon in the West Fork Quilceda Creek. The listed distribution of bull trout in the Quilceda Creek basin extends from the mouth of the mainstem to the confluence of the West Fork Quilceda Creek. Critical habitat for the Coast-Puget Sound bull trout distinct population segment (DPS) was proposed by the U.S Fish and Wildlife Service (USFWS) on June 25, 2004 and a decision is expected in the near future.

The United States Fish and Wildlife Service (USFWS) identified six federally listed wildlife species that potentially occur in Snohomish County: bald eagle, Canada lynx, gray wolf, grizzly bear, marbled murrelet, and northern spotted owl. In addition, three candidate wildlife species, yellow-billed cuckoo, Oregon spotted frog, and fisher, also potentially occur in Snohomish County. The project area contains suitable habitat for only one of these species, the bald eagle.

USFWS indicate that wintering bald eagles may occur within the vicinity of the project. The bald eagle wintering period is from October 31 through March 31. Priority Habitats and Species data from Washington Department of Fish and Wildlife (WDFW) show there are no bald eagle nests, territories, or wintering concentration areas within at least 1.5 miles of the proposed roadway. The closest bald eagle nest is located north-northeast of the project site, but it is more than 1.5 miles away.

USFWS identified four mammal species, three bird species, three amphibian species, one invertebrate species, and one plant species as federal species of concern that are known to occur or may occur in Snohomish County. The project area does not contain suitable habitat for these species.

Neither Quilceda Creek nor any of its tributaries are currently proposed as critical habitat. Overall, the larger watershed has been identified as the Snohomish-Skykomish Critical Habitat Sub-unit (CHSU) and that the nearest water features proposed for critical habitat designation are Eby Slough and the mainstem of the Snohomish River. These features were identified as areas that contain habitat for foraging, migrating, and overwintering.

Section 7 Concurrence on the Biological Assessment from NOAA Fisheries was obtained from U.S. Fish and Wildlife and National Marine Fisheries Service that the project “may affect, but is not likely to adversely affect” Puget Sound Chinook salmon, coastal Bull Trout, or bald eagles.

Magnuson-Stevens Act Finding

Based on investigations and analysis of the types of fisheries habitat that could be affected by the project NOAA Fisheries also concluded that the Proposed Action will minimize or offset adverse effects on essential fish habitat (EFH), and further conservation measures will not be required.

Conformity with Air Quality Plans

Coordination with Puget Sound Clean Air Agency and review of existing studies was used to establish existing conditions.

Project conformity is required only for carbon monoxide (CO).

Compliance with air quality standards in metropolitan areas is established on two levels:

- a) Compliance with the State Implementation Plan (SIP) developed to ensure that the current transportation programs maintain air quality on the regional level. This is generally known as “conformity”.
- b) Assurance that individual projects do not result in localized concentrations of pollutants, such as CO, that exceed air quality standards. This is generally known as “hot spot” analysis.

The first criteria is met by a regional “emission burden” analysis performed by the Puget Sound Regional Council for both CO and ozone and includes all transportation projects included in the regional “Transportation Improvement Plan” (TIP). The project is included in the regional TIP and meets this criterion.

The second criteria is met if it is demonstrated that a transportation project will not result in a new localized violation of air quality standards and that the severity or number of existing violations will not be increased as a result of the project. Project level conformity is required only for CO. The project was evaluated for the existing, opening year and design year. The project does not meet criteria for dispersion analysis because no affected intersection operates at worse than LOS C. An additional screening analysis performed by WSDOT for intersections outside the project area but within the area of influence documented that no exceedance of air quality standards is projected at any intersection in any of the analysis years.

The proposal would not have adverse impacts on air quality and is likely to have beneficial impacts through decreasing intersection congestion and delay. This project conforms to the SIP and both federal and state Clean Air Act requirements.

Noise Findings

The project was evaluated in relation to FHWA noise mitigation criteria in 23 CFR 772. The project build alternative does not increase noise levels for sensitive receptors, compared to the no action alternative. The configuration of the SPUI ramps moves noise sources further from adjacent residences and acts as a partial barrier. Noise levels, however, exceed the WSDOT criteria of 66 dBA for noise impact and consideration of noise abatement. A noise wall in the southeast quadrant of the interchange 16 to 20 feet in height provides a first row noise reduction of 5 to 9 dBA and a second row reduction of 3dBA for some receivers. In the southeast quadrant, 19 residences benefit from a noise wall. In the northeast quadrant, north of 120th Street NE, up to 16 residences and recently developed lots benefit from a 6 to 12 foot high wall. The first row receivers would experience a noise reduction between 5 and 9 dBA. Some second row receivers would experience a reduction in the range of 3 dBA.

Noise barrier analysis was completed using the engineering information available at the time of environmental documentation preparation. While these two barriers are likely to be constructed, their implementation is not assured since noise barrier feasibility and reasonableness are subject to further noise analysis during final detailed roadway and noise barrier design.”

Farmland Findings

There is no farmland in the project area and no farmland affected by the proposed action. This determination was made in consultation with the National Resource Conservation Service of the U.S. Department of the Interior.

Therefore, FHWA and BIA find that the project will be consistent with the Farmlands Protection Policy Act (FPPA) of 1981 and other applicable state and federal farmlands protection policies, orders, and guidance.

Floodplain Finding

The project area is not within a Federal Emergency Management Agency (FEMA) mapped floodplains. The Quil Ceda Extension Bridge will span all floodplains. The proposed arch culverts to be installed at 116th Street NE will increase hydraulic capacity and will reduce floodplain and floodway restriction. FHWA and BIA find that no adverse impacts to any 100-year floodplains or floodways will occur as a result of the proposed project.

Environmental Justice Findings

Executive Order 12898 provides that "each federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minorities and low-income populations." The Department of Transportation's Order to Address Environmental Justice in Minority Populations and Low-Income Populations similarly requires FHWA to explicitly consider human health and environmental effects related to projects that may have a disproportionately high and adverse effect on minority and low-income populations. It also requires them to implement procedures to provide "meaningful opportunities for public involvement" by members of these populations during project planning and development. An extensive public involvement effort is detailed in the EA in the Environmental Justice Section.

At public meeting the mobile home park residents described the park as providing low-cost housing. The owner has confirmed that this mobile home park is limited to senior citizens. Based on these factors it is reasonable to conclude that a proportion of the residents may be low-income seniors and would be subject to environmental justice policies. A high or disproportionate amount of adverse construction impacts, however, does not occur to residents of the mobile home park because impacts would affect all residents along the corridor similarly. Noise from the proposed Single Point Urban Interchange is less than the No Action Alternative because of the greater distance of ramps from the mobile home park and partial blockage of transmission of noise due to the configuration of ramps.

The installation of noise walls meet feasibility and reasonableness criteria of FHWA and WSDOT and will further reduce impacts on the mobile home park.

The extension of Quil Ceda Boulevard is not expected to result in traffic noise impact on residential neighborhoods.

FHWA and BIA concur with the environmental justice analysis in the EA, and find that the construction and operation of the I-5/116th St. NE Interchange Reconstruction and Quil Ceda Boulevard Extension Project will not have disproportionately high and adverse effects on low-income or minority populations. The proposed project will likely have beneficial effects on these populations by enhancing the circulation system in the area and improve accessibility to commercial uses.

Wetlands Findings

Executive Order 11990, requires that new construction located in wetlands be avoided unless there is no practicable alternative to the construction and that the proposed action include all practicable measures to minimize harm to wetlands that may result from such construction. The United States Department of Transportation in DOT Order 5660.1A seeks to assure the protection, preservation, and enhancement of the nation's wetlands to

the fullest extent practicable during the planning, construction, and operation of transportation facilities and projects.

The project will fill approximately 1,120 square feet of wetland. The majority of the fill (638 square feet) will be placed in Wetland 3 to accommodate the widening of the I-5 southbound on-ramp and the associated maintenance road. The affected area is dominated by soft rush and is located along the toe of slope of the I-5 southbound on-ramp. The disturbed location and low plant diversity limit the area's usefulness to wildlife. Since the runoff from the new impervious surface will be treated before discharge, the loss of this small area is not likely to result in any change in water quality.

The remaining fill (480 square feet) will be placed in Wetland 2 to accommodate the realignment of West Fork Quilceda Creek. This would completely fill Wetland 2. Wetland 2 is very small, and is dominated by reed canary grass. The small size and limited diversity in Wetland 2 provide minimal habitat for wildlife. Filling this wetland could result in a small loss in stream stability, but these losses would be more than offset by the stream restoration planned for the affected reach of West Fork Quilceda Creek.

A wetland mitigation plan will be incorporated as part of the design of the interchange. This plan will be designed to meet the criteria of Snohomish County and the Tulalip Tribes for compensation of the functional value of the wetland and buffer loss. Mitigation ratios are subject to negotiation based on a variety of factors.

The proposed site for wetland mitigation for this project is along the West Fork Quilceda Creek upstream of the project site on land owned by the Tulalip Tribes. This location has been approved by the Tulalip Tribes and WSDOT. The stream in this area has extensive riparian wetlands. Specific opportunities for wetland creation or enhancement will be determined by detailed field work and development of a conceptual mitigation plan for review by resource agencies and final plans to be incorporated into project construction commitments.

FHWA and BIA find that, with implementation of mitigation, the project meets the federal wetlands requirements described above and will result in no net loss of wetlands.

Approval of Roadway Easements/Right of Way on Indian Trust Land

The BIA's action will be to grant of right of way (R/W) for the Quil Ceda Boulevard Extension across Trust Lands allotted to individuals and the tribe pursuant to 25 CFR 151.

Attachments

The EA is incorporated by reference into this FONSI. Copies of the EA are available upon request from Methqal Abu Najim, PE, Project Engineer, WSDOT- MS 137, PO Box 330310, Seattle, WA 98133-9710, telephone (206) 440-4232.

The following attachments are incorporated into this FONSI:

- Attachment 1 Environmental Hearing Transcript
- Attachment 2 Commitment List
- Attachment 3 Comments and Responses
- Attachment 4 FONSI Distribution List
- Attachment 5 Legal Notice

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QUIL CEDA DESIGN HEARING

PUBLIC OPEN HOUSE
I-5 -- 116th STREET NORTHEAST
IMPROVEMENT PROJECT
One-on-one Comments

ORIGINAL

November 15, 2005
5:00 p.m. to 7:00 p.m.
Quil Ceda Village
8825 4th Avenue Northeast, Suite D
Marysville, Washington

Transcribed by
J. Kay Corbett, Court Reporter
Van Pelt, Corbett, Bellows

Van Pelt, Corbett & Associates, 206-682-9339

I N D E X

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WSDOT Statement of Environmental Hearing	3
Testimony of Peter Mills 13213 NE 20th Street Redmond, WA 98052	3
Testimony of Barb Armes 11424 36th Dr. NE, No 95 Marysville, WA 98271	4

Van Pelt, Corbett & Associates, 206-682-9339

1 STATEMENT OF ENVIRONMENTAL HEARING

2
3 This Environmental Hearing is being held to
4 comply with the Washington State Department of
5 Transportation guidelines. They meet the provisions of
6 the Federal Aid Highway Act, Title 23, Section 128 of
7 the United States Code, and Title 23, Part 771, and
8 Title 40, Parts 1500 through 1508 of the Code of Federal
9 Regulations.

10 The hearing also complies with the State
11 Environmental Policy Act of 1971, Chapter 197-11, and
12 Chapter 468-12, of the Washington Administrative Code,
13 and Chapter 43.21c and Chapter 47.04 of the Revised Code
14 of Washington.

15 The following testimony was heard before Kay
16 Corbett, court reporter:

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19 TESTIMONY OF PETER MILLS

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21 I would like to express my gratitude to the
22 Tualip Tribes of Washington for being the catalyst
23 behind improvements to the 116th Street interchange.
24 The tribes, along with the Campbell and Spencer family
25 road right-of-way, has made a significant difference to

Van Pelt, Corbett & Associates, 206-682-9339

1 getting project organized, designed, and ready for
2 construction.

3

4

TESTIMONY OF BARB ARMES

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I just wanted to personally thank Methgal. He
did a wonderful job and presentation. The whole
department, they informed everybody. They carefully
listened.

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They did everything and involved everybody in it,
and we are most pleased, Mobile Manner is, with the
design that they came up with for the 116th property.
And we're really happy with them. They did an
outstanding job.

Van Pelt, Corbett & Associates, 206-682-9339

C E R T I F I C A T E

STATE OF WASHINGTON)
) SS.
COUNTY OF KING)

I, J. Kay Corbett, a Notary Public in and for the State of Washington, do hereby certify:

That the foregoing testimony was taken before me at the time and place herein set forth;

That the testimony of the witnesses was recorded stenographically by me, and thereafter transcribed under my direction;

That the foregoing transcript is a true record of the testimony given by the witnesses, to the best of my ability;

I further certify that I am in no way related to any party to this matter nor to any of counsel, nor do I have any interest in the matter.

Witness my hand and seal this 28th day of November, 2005.



J. KAY CORBETT, Notary Public in
and for the State of Washington,
residing at Seattle. Commission
expires April 13, 2007.
WA CSR No. CO-RB-JK-E560CBA

Air Quality

During construction, dust will be produced from excavation and grading and will contribute to ambient concentrations of suspended particulate matter. The construction contractor is required to comply with PSCAA's Regulation I, Section 9.15 requiring reasonable precautions to avoid dust emissions. Dust control will be addressed in the Temporary Erosion and Sedimentation Control Plan and Spill Prevention Control and Countermeasures Plan Measures approved by WSDOT for the interchange improvements and by the Tulalip Tribes for the Quil Ceda Boulevard Extension. Measures to control dust include spraying areas of exposed soils with water or dust suppressants, covering areas exposed for prolonged periods during construction with gravel, covering areas not designed for future impervious surfaces with a vegetation ground cover, and washing the wheels and coverings of trucks leaving the construction area. (EA page 4-52)

Noise

Daytime construction work is exempt from noise regulations. For nighttime work, mitigation of construction noise will consist of normal practices incorporated into construction bid documents and noise mitigation measures negotiated with local agencies. Nighttime construction will be limited to actions scheduled to avoid disruption of through traffic on I-5, such as installation of key components of the overpass bridge. A construction noise permit from the Tulalip Community Development Department is required for nighttime construction within the jurisdiction of the tribes. For work within the jurisdiction of Snohomish County, a Modified Standards Permit (MSP) is required for nighttime construction noise that exceeds the maximum allowable standard and negotiations with the County would be undertaken to obtain an exemption or permit. Noise exceeding nighttime sound level standards within the City of Marysville requires a variance.

Highway noise from I-5 meets the impact criteria for consideration of mitigation under FHWA and WSDOT standards. Noise from traffic on Quil Ceda Boulevard does not meet the impact criteria for consideration of noise mitigation.

Noise modeling indicates that noise barriers are reasonable and feasible at two locations east of I-5 adjacent to residential neighborhoods. A 16 to 20 foot noise wall southeast of the interchange benefits 19 residences. A 6-8 foot noise wall northeast of the interchange and north of 120th Street NE benefits 16 residences. Noise barrier analysis was completed using the engineering information available at the time of environmental documentation preparation. While these two barriers are likely to be constructed, their implementation is not assured since noise barrier feasibility and reasonableness are subject to further noise analysis during final detailed roadway and noise barrier design.

Final locations in the public right of way and noise barrier heights will be determined as project design and public involvement on barrier design are completed. Design of surface finish is addressed under Visual Impacts. (EA page 4-67 – 4-68)

Hazardous Materials

No hazardous materials have been identified on or adjacent to the construction site. The potential for discovery of hazardous materials during construction is slight and will be addressed by an Environmental Management Plan to be implemented by the contractor. If contaminated materials are encountered of a magnitude beyond localized soil contamination, a site investigation may be warranted. The scope of the detailed site investigation would be dependent upon the nature and extent of contamination.

To control accidental discharge of hazardous materials during construction, a Spill Prevention Control and Countermeasure (SPCC) Plan will include, but not be limited to, the following tasks:

1. Designation of responsible contractor personnel for implementation;
2. Prevention and containment provisions including location, design, and construction standards for equipment staging and maintenance areas, fuel staging, hazardous material staging, and waste storage areas.
3. Monitoring provisions
4. Spill notification procedures and designated responders
5. Designation of response and cleanup protocols.

The SPCC will be approved by WSDOT for the interchange improvements and by the Tulalip Tribes for the Quil Ceda Boulevard Extension. (EA page 4-76 - 4-80)

Water Resources

A detailed Temporary Erosion and Sedimentation Control Plan will be developed and implemented by the contractor prior to construction. This plan is subject to review and approval by WSDOT for the interchange and by the Tulalip Tribes for the Quil Ceda Boulevard Extension. This plan will designate specific construction-related Best Management Practices (BMPs) required by the *WSDOT Highway Runoff Manual* that are most suitable for site conditions and the construction activities undertaken. (EA page 4-84)

The Proposed Action will provide a stormwater collection and drainage system for new impervious surfaces. Stormwater collection and treatment will be consistent with the *WSDOT Highway Runoff Manual* policies and will be approved by WSDOT for the interchange improvements and by the Tulalip Tribes for the Quil Ceda Boulevard Extension. Stormwater infiltration systems are proposed for the interchange and Quil Ceda Boulevard Extension. Stormwater management systems will result in no increase in pollution release relative to existing conditions (EA pages 4-5 and 4-7).

Vegetation and Wetlands

Retaining existing buffer areas along the creek will preserve functions that vegetation performs, such as shading. Stream and wetland buffer areas displaced by Quil Ceda Boulevard Extension bridge construction will be addressed by a mitigation plan approved by the Tulalip Tribes incorporating replanting areas disturbed by construction and preserving and enhancing additional stream buffer area at a 1:1 ratio for buffer areas displaced.

A wetland mitigation plan will be incorporated as part of the design of the interchange. This plan will be designed to meet the criteria of Snohomish County and the Tulalip Tribes that the functional value of the wetland and buffer loss is compensated.

Clearing for construction staging areas will avoid areas with substantial vegetation visible from local roadways or residences. Staging areas have not been identified but likely staging areas include the existing Park and Ride lot or a site owned by the Tulalip Tribes south of 116th Street NE and west of Quil Ceda Boulevard. These sites will not involve clearing existing tree cover. **(EA page 4-108, 4-118, 4-120)**

Fish and Wildlife

The primary project mitigation element involves the removal of two partial fish passage barrier culverts and their replacement with shorter, fully fish passable culverts in combination with the relocation and enhancement of about 600 feet of stream. This mitigation will exceed the small amount of stream shading impacts due to the construction of a new bridge for the Quil Ceda Boulevard Extension. It will provide better instream habitat and fish passage conditions within the project area.

All pile driving and tree falling activities will be conducted between April 1 and October 30, a time frame that is outside the wintering period for eagles, and all inwater work within the West Fork Quilceda Creek will adhere to the WDFW approved inwater work window of July 1 through October 31. Furthermore, pile driving activities occurring directly adjacent to the West Fork Quilceda Creek will occur in the summer months.

Wetland and riparian vegetation that is permanently impacted due to the project will be replaced at another onsite location with native vegetation. Trees removed within the riparian zone will be replaced. Temporarily disturbed areas will be replanted with appropriate native vegetation. **(EA page 4-139)**

Historic, Cultural, and Archaeological Resources

A professional archaeological assessment was prepared for the project and concluded that it is unlikely that archaeological or cultural resources exist within the I-5 right of way, including the interchange. Intact archaeological deposits may exist along West Fork Quilceda Creek to the west of I-5 in the general area of the Quil Ceda Boulevard Extension.

A professional archaeologist will monitor ground-disturbing construction excavation in undisturbed alluvial deposits near West Fork Quilceda Creek because of the moderate probability for archaeological resources. These resources may include hearths, fish processing features, stone tools or debris, postmolds from temporary structures or fish drying racks, and/or EuroAmerican goods, such as beads. If the archaeologist determines that archaeological deposits would not be expected in subsurface soils at any time during monitoring, then monitoring would be terminated.

In the event that archaeological deposits and/or human remains are inadvertently discovered during construction excavation in any portion of the proposed project, ground-disturbing activities will be halted immediately in an area large enough to maintain integrity of the deposits. BIA, the Washington State Office of Archaeology and Historic Preservation, and the Tulalip Tribes will be immediately notified. Treatment of the archaeological deposits or human remains will be coordinated through consultation among these parties. (EA page 4-144)

Visual Quality

The major potential visual change in the area is the possibility of removal of some or all of the existing large coniferous trees east of the interchange due to detention ponds and noise walls.

To meet long term visual objectives identified in the WSDOT Roadside Classification Plan and Roadside Manual, landscape and vegetation management plans shall be prepared as part of design plans in accordance with Treatment Level 2 as outlined in the Roadside Classification Plan to accomplish the following goals:

- To improve visual quality, including positive driver guidance and navigation, distraction screening, corridor continuity, roadway and adjacent property buffering, and scenic view preservation.
- To provide visual continuity and buffering between the highway and adjacent property. Portions of the highway are currently edged by a dense mass of trees and shrubs. The roadside vegetation provides an attractive, continuous and consistent buffer which should be retained or replaced to provide corridor continuity.
- To integrate retaining walls and noise walls with topography and landscape character.
- To design appurtenances such as lighting and signage to harmonize with highway structures and other site elements.

Design and construction plans will minimize tree removal and disturbance within the root zone of retained trees by locating infiltration ponds and other drainage facilities outside the root zone of existing trees, where feasible. Infiltration ponds may incorporate retaining walls to reduce excavation within tree root zones. Construction easements to

construct noise walls on private property or City of Marysville right of way to the east will be sought to reduce construction impacts on large trees.

Retaining walls and noise walls will add additional visual elements to views from the road and views from surrounding properties. Design criteria shall be developed at the design phase to address the surface attributes of all walls, as well as horizontal and vertical stepping, end conditions, terracing, the transitions between the character of sections with different height, location or other properties and intersections with other elements. Designs may be incorporated in wall finishes developed in coordination with local communities that may incorporate natural and cultural themes appropriate to the setting. These elements also shall provide unifying themes and visual compatibility with the highway corridor and community. **(EA page 4-151)**

Public Services and Utilities

Notification to emergency response agencies and the schools will be provided during periods of construction when lane closures occur to allow planning for alternative routes during those periods.

Coordination with utility providers would allow utilities to be modified or incorporated in road improvements with minimal disruption in utility service and to minimize disruption in the construction of the facilities. **(EA page 4-155)**

Land Use

During construction, land use disturbances will be minimized by the following:

1. Working with property and business owners to minimize conflicts and inconveniences, including an access control plan to maintain access to businesses.
2. Providing property and business owners with advance notice of potential access or utility disruptions,
3. Preserving mature trees and existing vegetation as much as possible as addressed under visual impacts,
4. Limiting construction during evening hours to avoid disturbing nearby residents, to the extent feasible and
5. Scheduling construction activities that may interfere with traffic flow during off-peak traffic hours to the greatest extent possible **(EA page 4-40)**.

Attachment 3

Comments and Responses

WSDOT received two comment letters and two individuals testified at the Environmental Hearing. The City of Marysville, Peter Mills, and Barb Armes expressed support of the project. The letter and testimonies are attached. Community Transit offered three comments. The comments and responses are attached.

Comment received from	Page number
Community Transit	2
City of Marysville	3
Environmental Hearing (Public Open House)	4
Peter Mills	6
Barb Arms	7



OFFICE OF THE MAYOR
Dennis L. Kendall
1049 State Avenue
Marysville, Washington 98270
Phone: 360.363.8000
Fax: 360.651.5033
ci.marysville.wa.us

August 26, 2005

John McCoy, Exec. Director of Government Affairs
The Tulalip Tribes
8802 27th Avenue NE
Tulalip, WA 98271

Re: Interstate 5, 116th Street NE Interchange Improvement Project

Dear Mr. McCoy:

On behalf of the City of Marysville, I am pleased to submit this letter wholeheartedly supporting the 116th Street NE Interchange Improvement Project.

The Tulalip Tribes have demonstrated great leadership by completing the development of the interchange Access Point Decision Report in order to ease traffic congestion in northern Snohomish County. Not only will the project benefit the impressive commercial developments recently constructed and planned for Quilceda Village, we recognize the improved interchange to be instrumental in Marysville's plans to provide economic development opportunities in the northern city limits and urban growth area.

To that end, the City of Marysville urges support through all public and private funding sources towards the development and construction of the 116th Street Interchange Improvement Project. I believe this commitment strengthens the partnership we have been developing to provide an improved and efficient "ridge to ridge" transportation network within the greater Quilceda/Allen Creek valley.

Sincerely,

A handwritten signature in cursive script that reads "Dennis L. Kendall".

Dennis L. Kendall
Mayor

JM:jlc(AugLtr2005.6)

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QUIL CEDA DESIGN HEARING

PUBLIC OPEN HOUSE
I-5 -- 116th STREET NORTHEAST
IMPROVEMENT PROJECT
One-on-one Comments

ORIGINAL

November 15, 2005
5:00 p.m. to 7:00 p.m.
Quil Ceda Village
8825 4th Avenue Northeast, Suite D
Marysville, Washington

Transcribed by
J. Kay Corbett, Court Reporter
Van Pelt, Corbett, Bellows

Van Pelt, Corbett & Associates, 206-682-9339

I N D E X

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WSDOT Statement of Environmental Hearing	3
Testimony of Peter Mills 13213 NE 20th Street Redmond, WA 98052	3
Testimony of Barb Armes 11424 36th Dr. NE, No 95 Marysville, WA 98271	4

Van Pelt, Corbett & Associates, 206-682-9339

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STATEMENT OF ENVIRONMENTAL HEARING

This Environmental Hearing is being held to comply with the Washington State Department of Transportation guidelines. They meet the provisions of the Federal Aid Highway Act, Title 23, Section 128 of the United States Code, and Title 23, Part 771, and Title 40, Parts 1500 through 1508 of the Code of Federal Regulations.

The hearing also complies with the State Environmental Policy Act of 1971, Chapter 197-11, and Chapter 468-12, of the Washington Administrative Code, and Chapter 43.21c and Chapter 47.04 of the Revised Code of Washington.

The following testimony was heard before Kay Corbett, court reporter:

TESTIMONY OF PETER MILLS

I would like to express my gratitude to the Tualip Tribes of Washington for being the catalyst behind improvements to the 116th Street interchange. The tribes, along with the Campbell and Spencer family road right-of-way, has made a significant difference to

Van Pelt, Corbett & Associates, 206-682-9339

1 getting project organized, designed, and ready for
2 construction.

3

4 TESTIMONY OF BARB ARMES

5

6 I just wanted to personally thank Methgal. He
7 did a wonderful job and presentation. The whole
8 department, they informed everybody. They carefully
9 listened.

10 They did everything and involved everybody in it,
11 and we are most pleased, Mobile Manner is, with the
12 design that they came up with for the 116th property.
13 And we're really happy with them. They did an
14 outstanding job.

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Van Pelt, Corbett & Associates, 206-682-9339

C E R T I F I C A T E

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, J. Kay Corbett, a Notary Public in and for the State of Washington, do hereby certify:

That the foregoing testimony was taken before me at the time and place herein set forth;

That the testimony of the witnesses was recorded stenographically by me, and thereafter transcribed under my direction;

That the foregoing transcript is a true record of the testimony given by the witnesses, to the best of my ability;

I further certify that I am in no way related to any party to this matter nor to any of counsel, nor do I have any interest in the matter.

Witness my hand and seal this 28th day of November, 2005.



J. KAY CORBETT, Notary Public in
and for the State of Washington,
residing at Seattle. Commission
expires April 13, 2007.
WA CSR No. CO-RB-JK-E560CBA

Federal

Department of the Interior, U.S. Fish and Wildlife
Environmental Protection Agency, Region X
U.S. Department of Agriculture, Natural Resources Conservation Service
U.S. Department of Commerce, NOAA Fisheries
U.S. Army Corps of Engineers

Tribes

Duwamish Tribe
Samish Tribe
Stillaguamish Tribe
Muckleshoot Tribe
Tulalip Tribe

State

Department of Agriculture
Department of Community Trade and Economic Development, OAHP
Department of Ecology (2)
Department of Energy
Department of Fisheries and Wildlife
Department of Natural Resources
Puget Sound Water Quality Action Team
Washington State Patrol
Washington State Office of the Attorney General
Washington Parks and Recreation Commission

Regional

Snohomish County
 Department of Transportation
 Department of Planning
Puget Sound Regional Council
Puget Sound Clean Air Agency
Northwest Indian Fisheries Commission

Transit Agencies

Community Transit

Local

City of Marysville
City of Arlington
Marysville School District

Libraries

Sno-Isle Library District
Arlington Branch
Marysville Branch
Everett Public Library
Tulalip Education Center
Washington State Library (Olympia)
Western Washington University, Wilson Library
University of Washington, Suzzalo Library

Media

Everett Herald
Marysville Globe
Seattle Post-Intelligencer
Seattle Times
Tulalip Newspaper "See-Yat-Sub"

Utilities

Q west Communications
Rabanco
Verizon Communications
Comcast Cable
AT&T Broadband and Internet Service
Puget Sound Energy

Notice of Availability of FONSI and Notice of Adoption of EA/FONSI under SEPA Rules

Purpose of the notice: The notice is published to notify interested citizens and others that the Federal Highway Administration (FHWA) and the Bureau of Indian Affairs (BIA) has signed on January 20, 2006 and issued a determination of Finding of No Significant impact (FONSI) on February 1, 2006. The finding is based upon the evaluation of the Environmental Assessment (EA) that was issued on October 31, 2005, and thoughtful consideration of public and agency input at the environmental hearing that was held November 15, 2005. In addition, this notice advises interested citizens and others that WSDOT has adopted the NEPA EA and FONSI under State Environmental Policy Act (SEPA) Rules.

Description of Proposed Project: This project will improve the interchange at I-5/116th Street NE by changing the existing diamond configuration to a single point urban interchange (SPUI). This type of interchange combines all of its ramp terminals into a single signalized intersection. The project will replace the existing three-lane bridge at 116th Street NE with a new, wider four-lane bridge. We will widen and realign existing ramps to accommodate the SPUI configuration. Quil Ceda Boulevard will be extended from its existing intersection with 116th Street NE and will connect to 34th Avenue NE.

Copies of the FONSI and the SEPA Adoption Notice are available locally from the Project Engineer, Methqal Abu-Najem at WSDOT, 15700 Dayton Ave North MS-138. PO Box 330310, Seattle, WA 98133-9710

The FONSI and SEPA Adoption Notice will be available at the following places: Sno-Isle Regional Library, Marysville branch (6120 Grove Street); Quil Ceda Business Park Office (8802 27th Avenue NE); City of Marysville Public Works Department (80 Columbia Avenue); Bureau Of Indian Affairs (2707 Colby Avenue, Everett); WSDOT NW Region Headquarters (15700 Dayton Avenue N, Seattle); and the Washington State Library (6880 Capitol Blvd. S., Tumwater).

Individuals requiring reasonable accommodation may request written materials in alternate formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation by contacting Ben Brown at (206) 440-4528. Persons with hearing impairments may call Washington State Telecommunications Relay Service TTY 1-800-833-6388, Tele-Braille 1-800-833-6385, Voice 1-800-833-6384, and ask to be connected to the event sponsor's phone number

The Bureau of Indian Affairs (BIA), the Federal Highway Administration (FHWA), and the Washington State Department of Transportation (WSDOT) ensure full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, national origin or sex in the provision of benefits and

services resulting from its federally assisted programs and activities. For questions regarding WSDOT's Title VI Program, you may contact the Department's Title VI Coordinator at (360) 705-7098.

Newspaper Listing for Notice of Availability of FONSI and Notice of Adoption of EA/FONSI under SEPA Rules

The Notice of Availability of FONSI and Notice of Adoption of EA/FONSI under SEPA Rules was advertised in the following newspapers on the dates noted:

- The Seattle Times and Seattle Post Intelligencer (legal) on 02/01/06 and 02/08/06
- The Everett Herald on 02/01/06 and 02/08/06
- Marysville Globe on 02/01/06 and 02/08/06