

## Finding of No Significant Impact (FONSI)

### Tulalip Tribes Corridor Improvements Project

Based on the attached Environmental Assessment (EA-25-20), for the proposed construction of corridor improvements to 4th and 88th streets in the vicinity of Interstate 5, involving minor expansion of existing road rights-of-way on tribal lands on the Tulalip Reservation in Marysville, Snohomish County, Washington, we have determined that by implementation of the agency Proposed Action Alternative and environmental mitigation measures as specified in the EA, the proposed corridor improvements will have no significant impact on the quality of the human environment. In accordance with Section 102 (2) (c) of the National Environmental Policy Act, as amended, an Environmental Impact Statement will not be required.

This determination is supported by the following:

1. **Environmental Consequences.** The EA discloses the environmental consequences of the No Action and the Proposed Action Alternative.
2. **Topography, Soils, and Water Resources (stormwater).** With appropriate implementation of engineering design standards and construction best management practices (BMPs), significant impacts to geology, soils, and water resources are not expected.
3. **Air Quality and Greenhouse Emissions.** Operationally, the Proposed Action is expected to reduce greenhouse gas emissions. With appropriate implementation of a traffic control plan to minimize construction-traffic backups and implementation of construction BMPs (e.g., maintaining equipment, reducing idling, applying dust management control measures), additional mitigation is not required.
4. **Living Resources (Aquatic, Vegetation, Wetlands).** The project is expected to result in no net loss of wetland or stream area, and it may result in a net gain of approximately 0.05 acre of wetland habitat. In addition, the project is expected to provide a net gain in the ecological functions of Coho Creek and associated wetlands. The Proposed Action is designed to comply with all federal, state, and local regulations. The mitigation approach is also being coordinated with Tulalip tribal biologists. The project will use a mitigation sequencing approach based on a hierarchy of avoiding and minimizing adverse impacts through careful design, implementing BMPs, and rectifying temporary impacts. Applicable BMPs will be implemented during project construction and operation.
5. **Endangered Species.** The proposed action is not likely to jeopardize the continued existence of species listed as threatened or endangered under the Endangered Species Act (ESA) of 1983, as amended (16 U.S.C. et seq.) or result in the destruction or adverse modification of critical habitat for those species. Pursuant to Section 7 of the ESA and the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (as amended by the Sustainable Fisheries Act of 1996, Public Law 104-267), the Bureau of Indian Affairs (BIA) submitted a biological assessment to the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) on June 13, 2022, requesting consultation. The biological assessment included findings that the proposed action is not likely to adversely affect ESA-listed species and critical habitat under the jurisdiction of USFWS—namely, Oregon spotted frog, marbled murrelet,

bull trout, and designated critical habitat for bull trout. On May 8, 2023, USFWS issued a letter of concurrence with those findings. Concerning species and habitat under the jurisdiction of NMFS, the biological assessment found that the proposed action is not likely to adversely affect southern resident killer whales or critical habitat for southern resident killer whales; is likely to adversely affect Puget Sound Chinook salmon, Puget Sound steelhead, critical habitat for Puget Sound Chinook salmon, and critical habitat for Puget Sound steelhead; and may adversely affect essential fish habitat for Pacific Coast salmon. On March 21, 2025, NMFS issued a biological opinion concurring with those findings and concluding that the action, as proposed, is not likely to jeopardize the continued existence of Puget Sound Chinook salmon or Puget Sound steelhead or result in the destruction or adverse modification of the designated critical habitat for Puget Sound Chinook salmon and Puget Sound steelhead. NMFS's biological opinion identifies reasonable and prudent measures NMFS considers to be appropriate and necessary to minimize project impacts. The proposed action will be implemented in compliance with those reasonable and prudent measures. [NMFS also provided recommendations for conserving essential fish habitat pursuant to Section 305(b)(4)(A) of the Magnuson-Stevens Fishery Conservation and Management Act. See Appendix C for copies of the biological assessment, USFWS's letter of concurrence, and NMFS's biological opinion.

6. **Cultural Resources.** There are no adverse effects on historic properties (National Historic Preservation Act, as amended 16 U.S.C 470) for the purpose of 36 CFR 800.9 (b). Under the Proposed Action, a project-specific monitoring and treatment plan will be prepared in accordance with BIA requirements. Archaeological monitoring of all ground disturbance within the project Area of Potential Effect will be provided. (See EA, Appendix D, for letters of concurrence).
7. **Community Services and Utilities.** The Proposed Action will not have a direct impact on community infrastructure, including utilities. The Proposed Action will improve traffic flow in the project area. This will have an indirect effect of improving emergency response time. Travel to community services and facilities, both within and outside the study area, will also be more efficient for members of the community.
8. **Transportation Networks.** The Proposed Action will provide improved traffic flow and increased safety in the project area; therefore, no mitigation is proposed for operational impacts. Construction impacts related to traffic delays and congestion will be mitigated through the submittal and approval of Traffic Control Plans.
9. **Noise.** Short-term noise will be experienced by businesses and the few residences near the project area during construction. The project will adhere to applicable local noise ordinances. No mitigation is proposed.
1. **Hazardous Materials.** The Proposed Action has the potential to encounter petroleum-contaminated soil in the vicinity of three sites, including unanticipated hazardous material contamination due to the developed nature of the project area. In conjunction with the property acquisition process, the Tulalip Tribes will perform a level of due diligence investigation commensurate with the risk each property presents. Based on the results of the due diligence process, further plans for mitigation, handling, and disposing of contaminated materials will be developed. A project-wide contaminated media management plan should also be developed and implemented to cover the majority of minor encounters with contaminated

materials. For hazardous materials generated during construction, BMPs will be implemented to reduce or eliminate risk.

10. **Cumulative Effects.** The Tulalip Tribes have taken steps to reduce the potential for cumulative impacts to the transportation system. Steps included the assembly of a Study Support Team comprised of representatives from the Tribes, Washington State Department of Transportation, the Federal Highway Administration, City of Marysville, Snohomish County, and Community Transit and consistency with the land use and transportation plans of the Tribes, Snohomish County, and the City as well as with Puget Sound Regional Council regional plans, including the transit long-range plans. Further, the Proposed Action eliminates the fish passage barrier on Coho Creek and restores the habitat along the stream in the project vicinity and will enable most of the stormwater to be infiltrated, improving the water quality of stormwater runoff. When taken collectively with ongoing regulatory changes and tribal interest in restoring the headwaters of Coho Creek, these actions could improve riparian and aquatic habitat in the project vicinity.
11. **Geology, Mineral, Paleontological, and Other Resources.** The Proposed Action will not cause a significant effect to geology, mineral, and paleontological resources; employment and income; demographic trends; lifestyle and cultural values; hunting, fishing, and gathering; timber harvesting; agriculture; land use plans; wilderness; parks; visual resources; public health and safety; wild or scenic rivers; or Indian trust assets.
12. **Human Environmental Effects.** The proposed action will not have highly controversial or uncertain effects on the human environment or involve unique or unknown risks.
13. **Regulatory Requirements.** The proposed action will not threaten a violation of federal, state, or local law or requirements imposed for the protection of the environment.

*Executive Order 14154, Unleashing American Energy (Jan. 20, 2025), and a Presidential Memorandum, Ending Illegal Discrimination and Restoring Merit-Based Opportunity (Jan. 21, 2025), require the Department to strictly adhere to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq. Further, such Order and Memorandum repeal Executive Orders 12898 (Feb. 11, 1994) and 14096 (Apr. 21, 2023). Because Executive Orders 12898 and 14096 have been repealed, complying with such Orders is a legal impossibility. The Bureau of Indian Affairs, Northwest Regional Office (BIA NWRO), verifies that it has complied with the requirements of NEPA, including the Department's regulations and procedures implementing NEPA at 43 C.F.R. Part 46 and Part 516 of the Departmental Manual, consistent with the President's January 2025 Order and Memorandum. The BIA NWRO has also voluntarily considered the Council on Environmental Quality's rescinded regulations implementing NEPA, previously found at 40 C.F.R. Parts 1500–1508, as guidance to the extent appropriate and consistent with the requirements of NEPA and Executive Order 14154.*

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Kelly Millhouse, Acting Superintendent  
Puget Sound Agency  
Bureau of Indian Affairs  
U.S. Department of the Interior

April 18, 2025

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Date