

**FINDING OF NO SIGNIFICANT  
IMPACT**

**for the**

**PEARSON EDDY WRP RESTORATION PROJECT**

**SNOHOMISH COUNTY, WASHINGTON**

**I. AGENCY ROLE AND RESPONSIBILITY - United States Department of Agriculture (USDA) – Natural Resources Conservation Service (NRCS)**

In accordance with the NRCS regulations (7 Code of Federal Regulations (CFR) 650) implementing the National Environmental Policy Act (NEPA), NRCS has completed an environmental review of the proposed action described below.

This project includes habitat improvements on 267 acres located within Pearson Eddy channel and the adjacent floodplain of the Snoqualmie River in Snohomish County, WA. Project implementation would occur on lands encumbered by two permanent Wetland Reserve Program (WRP) easements owned by the United States and administered by NRCS. The project would replace an existing water control structure, restore floodplain connectivity, improve fish passage from Pearson Eddy to rearing and refugia areas on the floodplain, and restore surface hydrology and native vegetation. The goals are to improve habitat for salmonids, amphibians and other aquatic organisms along with providing a diverse wildlife habitat for migratory birds.

**II. NRCS DECISION TO BE MADE**

As State Conservationist of NRCS in Washington, I must make the following decision:

1. Whether to proceed with implementation and construction of the Pearson Eddy WRP Restoration Project under the Agency's preferred alternative (Alternative #2: Floodplain Vegetation Modification).
2. I must also determine if the Agency's preferred alternative will or will not be a major Federal action significantly affecting the quality of the human environment. The Environmental Assessment (EA) accompanying this finding has provided the analysis needed to assess the significance of the potential impacts from the selected alternative. The decision on which alternative is to be implemented and the significance of that alternative's impacts are under Part VII of this finding.

**III. PURPOSE AND NEED**

The purpose of the Pearson Eddy WRP Restoration Project is to restore habitat for salmonids, amphibians and other aquatic organisms along while providing diverse habitat for migratory birds and ensuring continued flood risk reduction to upstream landowners.

An existing water control structure consisting of 4 culverts and flap gates has begun to fail and is no longer fully serving to reduce the impact of flood events backing up from the

Snoqualmie River to lands located upstream of the WRP easement. The channel is beginning to cut around the end of the fill surrounding the culverts and a large scour area and head-cut is occurring where flood flows return to Pearson Eddy. Lastly, there is evidence of the culverts being rusted out and water piping through the fill, outside of the culverts. This structure also precludes passage of fish (primarily salmonids) and other aquatic species upstream in the slough and into floodplain channels and wetlands that provide low velocities and ample forage, collectively known as refugia and rearing habitat.

#### **IV. ALTERNATIVES CONSIDERED IN THE EA**

Three alternatives were analyzed in the EA and are characterized as follows:

1. **No Action:** Under the No Action Alternative, the conditions at the Pearson Eddy WRP easements would not be altered and NRCS would fail to enhance the quality of natural resources and would not proceed with providing flood risk reduction to upstream landowners.
2. **Alternative #1: Floodplain Vegetation Restoration:** The alternative involves active restoration methods to restore floodplain connectivity, replace a failing water control structure, improve fish passage, restore wetland hydrology, and restore native vegetation.
3. **Alternative #2: Floodplain Vegetation Modification (Agency Preferred Alternative):** The preferred alternative includes actions described in Alternative #1, with changes in tree/shrub planting intended to reduce impacts to agricultural land located on the Snoqualmie River floodplain in King County. This alternative would reduce the negative impacts from increased flood elevations during large flood events when the Snoqualmie River exceeds its banks.

#### **V. ENVIRONMENTAL EFFECTS**

The EA analyzed effects of all Alternatives on relevant resources such as water quantity, plants, fish and wildlife habitat, prime farmland, Clean Water Act, riparian areas, wetlands, threatened and endangered species, cultural resources, and others. In addition, economic/social risks and public concerns were analyzed. The analysis and summary of effects are incorporated herein by reference.

#### **VI. NRCS' DECISION AND THE FACTORS CONSIDERED IN THE DECISION**

Based on the evaluation in the EA, I have chosen to select Alternative #2: Floodplain Vegetation Modification as the Agency's Proposed Action. I have taken into consideration all of the potential impacts of the proposed action, incorporated herein by reference from the EA and balanced those impacts with considerations of the Agency's purpose and need for action.

The Proposed Action is presented in the *Pearson Eddy WRP Restoration Project Final Environmental Assessment*. The EA, along with the applicable environmental clearance

documentation, provides a basis for the evaluation and conclusions.

In accordance with the Council on Environmental Quality's (CEQ) "40 Most Asked Questions" guidance on NEPA, Question 37(a), NRCS has considered "which factors were weighed most heavily in the determination" when choosing the Agency Preferred Alternative (Alternative #2) to implement. Specifically, I acknowledge that based on the EA, potential impacts to soil, water, air, plants, fish and wildlife, and human resources were heavily considered in the decision. As a result, the Agency's Preferred Alternative (Alternative #2) would result in beneficial impacts to the relevant environmental resources. However, due to the modifications to the floodplain vegetation restoration plan, the beneficial impacts would not be as great as those under Alternative #1. The effect analysis resulted in several short term negative effects resulting from vegetation that would be removed in order to satisfy public comments that the project reduce the impact of short term increases in flood elevation caused from vegetation previously planted in the floodway. This compromise is intended to alleviate the concerns of several agricultural landowners in King County. The intensity of any negative effects related to modifications to existing and planned floodplain vegetation will be minimized through development of a collaborative Vegetation Restoration and Management Plan developed in coordination with the entities listed in the EA.

Once implemented, the Vegetation Restoration and Management Plan will reduce impacts to agricultural lands, priority fish species, and flood elevation rise on lands located on the Snoqualmie River floodplain in King County to a level considered to have negligible long term negative impact, predicted to be less than 2 inches of additional flood water depth during floods that exceed the river banks.

While ideal to have the Vegetation Management Plan completed prior to publication of this Final EA, the collaborative effort to produce the plan will take time. The poor condition of the water control structure (WCS) and the threat of structural failure during the next flood season compelled NRCS to include implementation of phasing of the Preferred Alternative. Immediate replacement of the existing WCS would serve to prevent local flood events where flood water from the Snoqualmie River backs up Pearson Eddy channel onto upstream farming areas. Though fish passage would be improved with the installation of a muted tide regulator (MTR), the full beneficial effects of the restoration would not be realized until the Vegetation Management Plan is completed and earthwork in the floodplain restores floodplain wetlands. Salmon would then have access to wetlands and improved floodplain channels which are food-rich and low velocity refugia areas during local high water events. Restoration actions would improve habitat for salmonids which would support recovery efforts at the Snohomish River basin scale with resource improvements desired by Puget Sound Tribes.

## **VII. FINDING OF NO SIGNIFICANT IMPACT**

To determine the significance of the action analyzed in this EA, the Agency is required by NEPA regulations at 40 CFR 1508.27 and NRCS regulations at 7 CFR Part 650 to consider the context and intensity of the proposed action. Based on the EA, review of the NEPA criteria for significant effects, and based on the analysis in the EA, I have determined that the action to be selected, Alternative #2 (Agency Preferred Alternative), would not have a significant effect upon

the quality of the human environment. Therefore, preparation of an Environmental Impact Statement (EIS) on the final action is not required under Section 102(2) (c) of the NEPA, CEQ implementing regulations (40 CFR Part 1500-1508, 1508.13), or NRCS environmental review procedures (7 CFR Part 650). This finding is based on the following factors from CEQ's implementing regulations at 40 CFR Part 1508.27 and from NRCS regulations at 7 CFR Part 650:

- (1) The EA evaluated both beneficial and adverse impacts of the proposed action. It is anticipated the proposed action will result in long-term beneficial impacts for environmental resources listed in Chapter 5 of the EA. As a result of the analysis in Chapter 5 of the EA (hereto incorporated by reference), Alternative #2 does not result in significant impacts to the human environment, particularly when focusing on the significant adverse impacts which NEPA is intended to help decisionmakers avoid, minimize, or mitigate.
- (2) Public health and safety: *There will be no adverse impacts to public health and safety from implementation of the project. The Preferred Alternative will remove and replace the failing water control structure in Pearson Eddy with a new structure that is designed to reduce flood risk for private farmland located on the floodplain upstream of the WRP easement. Should the existing structure fail, erosion and scour will occur in the adjacent wetland mitigation bank as well as floodwaters backing up Pearson Eddy onto private agricultural lands located in King County. The Vegetation Restoration and Management Plan will reduce the negative impacts associated with existing floodplain vegetation, with the final target flood water depth increase predicted to add less than 2 inches of additional flood water during flood events overtopping the Snoqualmie River. Flood water depths during events that overtop the river banks currently inundate the floodplain with 6 feet or deeper floodwater.*
- (3) Are effects of the actions on the quality of the human environment controversial? *To understand the extent of public controversy associated with the proposed restoration project, a public meeting was held to scope the public's concerns. Comments from six individuals and two organizations were received from the meeting, and the concerns addressed in a draft EA that was published in April 2017 with a 30-day public comment period. Comments from 4 individuals and/or organizations were received on the draft and were used as the basis for formulation of a new preferred alternative (Alternative #2) that will reduce impacts from floodplain vegetation that add inches of flood water during overbank flood events from the Snoqualmie River. Comments on the Draft EA and responses are provided in the Final EA. Using the data from the hydrologic model discussed in the EA, it was determined, during review and finalization of the EA, that effects of the action on the quality of the human environment are not significant. Potential impacts on the quality of the human environment have been adequately analyzed and described in the Environmental Assessment.*
- (4) Are the risks uncertain or unique? *Restoration will result in the site returning to a more natural state where the project area will be subject to annual flood flows and provide refugia habitat for at-risk salmon. NRCS studied the potential effect of adding an*

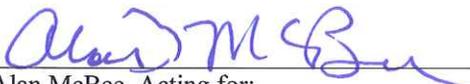
*additional ~30 acres of tree/shrub plantings to the WRP easement during the most recent Hydraulic Impact Analysis which included adjacent areas on the floodplain outside of the WRP easement. See the EA for study area, model output data, and Appendix C of the EA for complete March 2017 report. The study found that the proposed planting would not have any effect on flood levels during local flood events when the Snoqualmie River does not overtop its banks. During larger floods when the Snoqualmie River does exceed its banks, existing and proposed floodplain vegetation can cause a small rise in peak flood levels, generally adding less than two inches to floodplain water depths of many feet. While these effects are considered beneficial at the local scale by providing water on the floodplain for critical salmon refuge habitat and wetland restoration within the easement areas, adding any amount of additional surface water to existing flood levels off of the easement area is considered by some upstream landowners to have moderate to major negative effects to lands within the Snoqualmie River floodplain. The concern is that adding floodwater onto agricultural land will decrease viable farming, crop production, and that restoration projects receive greater latitude in meeting the King County zero rise standard than requests for structures located in the floodway on private land.*

*The Preferred Alternative (Alternative 2: Floodplain Vegetation Modification) includes development of a plan to reduce effects at the floodplain scale by lowering the flood water elevations as close as reasonable to meet the King County Zero Rise standard of 0.1 inches without having major adverse effects to critical salmon habitat and culturally important resources for local Tribal Nations. NRCS will utilize the most recent two-dimensional hydraulic analysis HEC-RAS model designed to proceed with development of a collaborative Vegetation Management plan as described in the EA. NRCS would consider management actions such as altering the planting footprint by removal of some previously planted trees/shrubs (up to 74 acres), replacing trees with smaller diameter species, reducing the density of existing plantings, or other actions to reduce the impact floodwater elevation increases on lands outside of the easements during out-of-bank Snoqualmie River floods.*

- (5) Future precedents: NRCS is authorized under 16 United States Code (U.S.C.) 590 a-f; and the Wetlands Reserve Program (WRP) 16 U.S.C. 3837-3837F, 7 Code of Federal Regulations (C.F.R.) Part 1467 (CFDA 10.072) to implement restoration and enhancement projects such as the Pearson Eddy WRP Restoration Project. Additionally, analysis of this project has shown that benefits to salmonids will result, and the project is in compliance with all applicable environmental laws. Therefore, this action will not establish a precedent for future actions with significant adverse effects.*
- (6) Cumulative impacts: The effects of the Preferred Alternative were considered along with past, present, and reasonably foreseeable future actions within and adjacent to the project area, as well as district and region-wide in the EA. Potential cumulative effects associated with the Preferred Alternative were evaluated with respect to each resource evaluation category assessed in the EA; no significant adverse cumulative effects were identified. The Proposed Action will contribute to the Snohomish Watershed Salmon Recovery Plan at the Basin scale.*

- (7) National Register of Historic Places and other historical and culturally significant places: *Actions associated with the Preferred Alternative have been coordinated with the Washington State Historic Preservation Office (SHPO). A determination of no adverse effect was made and concurrence, dated February 21, 2017, was received from SHPO.*
- (8) Endangered Species Act: *Concurrence from NMFS and USFWS was received that there are no listed species utilizing the project area during the time of project construction, therefore the project will have No Effect on listed species under the ESA.*
- (9) Other requirements: *Documentation of compliance with applicable environmental laws and permit requirements identified in the EA is included in Appendix B. The major laws identified with the selection of Alternative 2 include the Clean Water Act, Endangered Species Act, and the National Historic Preservation Act. Multiple Washington State and Snohomish County regulatory requirements will be met by following permit provisions as stated in compliance documentation in Appendix B. This project will not violate any environmental laws and regulations.*

Based on the information in the Environmental Assessment prepared for this project, I find in accordance with 40 CFR Section 1508.13 that the selection of the preferred alternative is not a major Federal Action significantly affecting the quality of the human environment. I have determined that an Environmental Impact Statement is not required.

  
Alan McBee, Acting for:  
Roylene Rides at the Door  
NRCS Washington State Conservationist

8/7/2017  
Date