U.S. Department of Homeland Security
Region X
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FEMA

FINDING OF NO SIGNIFICANT IMPACT
Walsh Creek-Rock Creek Confluence Restoration Project
City of Seattle, Seattle Public Utilities
Cedar River Municipal Watershed
King County, Washington
FEMA-1817-DR-WA

The City of Seattle, Seattle Public Utilities (SPU) applied, through the Washington State Emergency Management Division (EMD), to the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) for Public Assistance funding for an Alternate Project. The Alternate Project is to restore approximately 600 lineal feet of riparian and salmonid stream habitat within the confluence of Walsh and Rock creeks, and for the deconstruction of 7,040 feet of the #40 Road levee immediately adjacent to Rock Creek to reduce the potential for future landslides from the levee. The purpose of the Public Assistance program is to award financial grants to assist state and local governments, federally recognized Tribal governments, and certain private nonprofit entities with the response and recovery from disasters.

A large landslide during a January 2009 rainstorm event caused the Walsh Lake outflow to be reconnected to its historic distributary stream, Rock Creek. Because of this event, Walsh Ditch, a water diversion ditch constructed in the 1930s, is no longer needed. The current configuration of the reconnected streams and former ditch fills are unstable and impair aquatic habitat; therefore, SPU is proposing to restore the confluence of the Walsh Creek and Rock Creek stream systems.

The Alternate Project is located in the Cedar River Municipal Watershed (CRMW), which is owned and managed by SPU, in King County, Washington. The project is located in the NW1/4 of Section 16, Township 22N, Range 7E (47° 24'0"N/121°50'0"N or 47.39861, -121.93797). The City of Seattle, SPU, owns and operates the Cedar River Municipal Watershed (CRMW) as part of a municipal water supply for more than 1.4 million people in the Central Puget Sound region.

The Proposed Action is largely a road removal/decommissioning project intended to enhance fish habitat via the removal of sections of three roads: (#18, #40, and #40.5 roads) within the active channel and riparian corridor of Rock and Walsh creeks in the CRMW. Past cut-slope failures plugged Walsh Ditch, triggering levee failures that resulted in shallow rapid landslides initiating in the levee fill. Project construction activities include: 1) levee decommissioning (excavation of notches in the levee) west of the confluence; 2) excavation of fill and removal of infrastructure along Rock Creek near the confluence; 3) excavation of fill and removal of built infrastructure along Walsh Ditch/Walsh Creek; and (4) grading to install large woody debris (LWD) in the channel/floodplain.

The National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 Code of Federal Regulations [CFR] Part 1500 through 1508) direct FEMA and other federal agencies to take into consideration the environmental consequences of proposed federally funded projects. Numerous environmental studies have been prepared that are related to the proposed project, with extensive public participation and outreach

including public meetings and numerous public notices. A Habitat Conservation Plan (HCP) for federally listed species in the CRMW and other technical studies was previously approved.

Federal agencies are directed by NEPA and the CEQ regulations to reduce duplication and paperwork by adopting other federal agencies' NEPA documentation or by incorporating available information by reference. In the case of the CRMW, a joint NEPA Environmental Assessment (EA)/State Environmental Policy Act (SEPA) EIS was prepared in 1998-1999 for the HCP and a Finding of No Significant Impact (FONSI) was issued by National Marine Fisheries Service (NMFS) and U.S. Fish & Wildlife Service (USFWS) for the NEPA EA in 2000. FEMA considered whether to adopt the NEPA EA for the proposed project, which was designed to be in conformance with, and to further the objectives of, the HCP and the NEPA EA/SEPA EIS. However, Presidential Executive Orders relating to Environmental Justice, Floodplains, and Wetlands had not been addressed and documentation of FEMA's compliance with the National Historic Preservation Act (NHPA), including tribal consultation, also needed to be added. Therefore, FEMA prepared an EA to address the additional subject areas not covered by the EA for the HCP, and to document compliance with the procedural requirements of those additional regulations.

The EA prepared by FEMA identified and evaluated potential environmental impacts and determined whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI). Alternatives evaluated in the EA include: (1) the No Action Alternative, and (2) the Preferred Alternative (or Proposed Action) toward which FEMA would contribute funding. No other alternatives were considered due to previous considerations in the other NEPA/SEPA documents. Considering the amount of public participation already provided for this project, and the focused nature of the EA, FEMA determined an adequate public comment period for the Draft EA to be 15 days after the publication of the public notice. The comment period closed on June 25, 2011. FEMA did not receive any comment letters on the Draft EA.

CONDITIONS

The proposed project includes numerous Best Management Practices (BMPs) and mitigation measures, and conforms with, and furthers the objectives identified in, the HCP for the CRMW. These mitigation and conservation measures are part of the project scope. In addition, the following conditions apply, and failure to comply with these conditions may jeopardize the receipt of Federal funds:

1. The applicant shall obtain all required local, state, and federal permits and approvals prior to implementing the Proposed Action and comply with any and all conditions imposed.

2. Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other laws and Executive Orders.

3. During ground disturbing activities, a Secretary of the Interior qualified archeologist will monitor the ground disturbance, and if any potential archaeological resources are discovered, the applicant will immediately cease construction in the area and notify the State Historic Preservation Office and FEMA.

4. The applicant shall notify the Snoqualmie Tribe by letter and phone call ten (10) days prior to construction and allow them to monitor for archeological resources the ground disturbing activities, should they desire.

FINDING

Based upon the PA grant application and Final EA; and in accordance with FEMA's regulations in 44 Code of Federal Regulations (CFR) Part 10 for environmental consideration, including Executive Orders (EO) addressing floodplains (EO 11988), wetlands (EO 11990), and environmental justice (EO 12898), FEMA determined the proposed project will not significantly affect the quality of the natural and human environment. As a result of this FONSI, an EIS will not be prepared (44 CFR Part 10.8) and the project as described in the PA grant application and Final EA may proceed.

APPROVALS

8-4-11

Mark G. Eberlein
Regional Environmental Officer
FEMA Region 10

Date