

Finding of No Significant Impact (FONSI)

Skokomish Indian Tribe, Convenience Store 3.26-Acre Duhlelap Property Fee-to-Trust Project Kitsap County, Washington

Based on the attached Final Environmental Assessment's (EA) for the Proposed Action Alternative-Alternative A for the Skokomish Indian Tribe FTT application, an off-reservation conveyance that will bring 3.26 acres into trust to build a 10,000 sq. ft. convenience store, a gas station with 8 fuel pumps, and paved access areas. The property is within Kitsap County, Washington, located within Township 23 North, Range 1 West, Section 15, Willamette Meridian. The proposed FTT acquisition and development will not have a significant impact on the quality of the human environment. In accordance with Section 102 (2) (c) of the National Environmental Policy Act (NEPA), as amended, an Environmental Impact Statement will not be required.

This determination is supported by the following:

1. The Skokomish Indian Tribe Convenience Store 3.6-Acre Duhlelap Property Fee-to-Trust Project Environmental Assessment (EA) discloses the environmental consequences of Alternative B-the No Action Alternative, and Alternative A-the Proposed Action Alternative.
2. Protective measures will be levied to protect soil, air (Clean Air Act as amended 42 U.S.C. 7401 et seq.) and water quality (Clean Water Act of 1977, 33 U.S.C. 1251 et seq.). Development of the Proposed Action will comply with the requirements within the U.S. Environmental Protection Agency (USEPA) National Pollution Discharge Elimination System (NPDES) General Construction Permit, which includes adopting a Stormwater Pollution Prevention Plan (SWPPP) that would include soil erosion prevention BMPs. These measures will include appropriately placed silt fencing, straw wattles, rock check dams, and plastic covering of exposed slope cuts and soil stockpiles.

The following measures are recommended for the Proposed Alternative-Alternative A to prevent erosion and impacts to surface water quality:

- The outfall from the underground stormwater detention basin shall be armored or the stormwater otherwise dissipated to avoid erosion on or off the Project Site.
- The outfall from the underground stormwater detention basin shall be directed to a vegetated swale or diffused to sheet flow in a manner that ensures that erosion does not occur on or off of the Project Site and that stormwater from the Project Site is diffused and dissipated in a manner that does not adversely increase stormwater flows downstream.

The following measures are recommended for the Proposed Alternative-Alternative A to prevent impacts to the groundwater basin, the Union River, or nearby wells:

- If the Tribe chooses to develop a groundwater well on the Project Site to provide water to the proposed development, the Tribe shall first develop a test well to determine if a well can provide an adequate and sustainable yield without significant impacts to the Union River or existing legal groundwater wells used for public or private water supply. A hydrogeologic study shall be conducted to evaluate the hydraulic connectivity with the shallow aquifer to assess potential impairment to the Union River and determine mitigation needs.
 - If the hydrogeologic study determines that the streamflow of the Union River would be impaired or depleted by use of the Tribe's groundwater well on the Project Site, a mitigation program shall be drafted and adopted by the Tribe to offset any associated losses in the streamflow of the Union River. Options to offset the adverse effects of the Tribe's groundwater withdrawal include, but are not limited to percolation of reclaimed water, retiring an existing water right, or cessation of an existing use.
3. The proposed action was developed to result in a **'no-effect'** finding for threatened or endangered species (Threatened and Endangered Species Act of 1983, as amended, 16 U.S.C et seq.).

The following measures are recommended for the Proposed Alternative-Alternative A to avoid and/or reduce impacts to potentially nesting migratory birds and other birds of prey in accordance with the federal Migratory Bird Treaty Act:

- Tree clearing and removal of vegetation shall occur outside the bird nesting season (February 15 to September 15) to the extent feasible.
- If tree removal or trimming of vegetation and trees cannot avoid the bird nesting season, a qualified wildlife biologist shall conduct a pre-construction nesting survey within 7 days prior to the start of such activities or after any construction breaks of 14 days or more. Surveys shall be performed for the Project Site and suitable habitat within 250 feet of the Project Site in order to detect any active passerine (perching bird) nests and within 500 feet of the Project Site to identify any active raptor (bird of prey) nests.
- If active nests are identified during the pre-construction bird nesting surveys, the wildlife biologist shall place species, and site-specific no-disturbance buffers around each nest. Buffer size would typically be between 50 and 250 feet for passerines and between 300 and 500 feet for raptors (birds of prey). These distances may be adjusted depending on the level of surrounding ambient activity (i.e., if the Project Site is adjacent to a road or community development) and if an obstruction, such as a building structure, is within line-of-sight between the nest and construction.

For bird species that are federally- and/or State-listed sensitive species (i.e., fully protected, endangered, threatened, species of special concern), a Project representative, supported by the wildlife biologist, shall consult with the USFWS and/or WDFW regarding modifying nest buffers. The following measures shall be implemented based on their determination:

- If construction would occur outside of the no-disturbance buffer and is not likely to affect the active nest, then construction may proceed. However, the biologist should be consulted to determine if changes in the location or magnitude of construction activities could affect the nest.
 - If construction may affect the active nest, the biologist and a Project representative shall consult with the USFWS and/or WDFW, dependent on regulatory status, to develop alternative actions such as modifying construction, monitoring of the nest during construction, or removing or relocating active nests.
 - Any birds that begin nesting within the Project Site and survey buffers amid construction activities shall be assumed to be habituated to construction related or similar noise and disturbance levels and minimum work exclusion zones of 25 feet shall be established around active nests in these cases.
4. Per §36 CFR 800.5(b), the BIA has determined that the implementation of the proposed undertaking will result in a **‘No Adverse Effect’** to historic properties by implementing the Proposed Alternative-Alternative A. For the purpose of 36 CFR 800.9 (b). The following mitigation measures shall be implemented in accordance with federal regulatory requirements:
- In the event of any inadvertent discovery of prehistoric or historic archaeological resources during construction-related earth-moving activities, all such finds shall be subject to Section 106 of the NHPA as amended (36 CFR 800). Specifically, procedures for post-review discoveries without prior planning pursuant to 36 CFR 800.13 shall be followed. All work within 50 ft of the find shall be halted until a professional archaeologist meeting the Secretary of the Interior’s qualifications (36 CFR § 61), or paleontologist if the find is of a paleontological nature, can assess the significance of the find in consultation with the Tribal Historic Preservation Office (THPO), BIA, other appropriate agencies. If any find is determined to be significant by the archaeologist or paleontologist, a THPO representative shall meet with the archaeologist or paleontologist to determine the appropriate course of action, including the development of a Treatment Plan and implementation of appropriate provisions, if necessary. All significant cultural or paleontological materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the professional archaeologist or paleontologist, according to current professional standards.
 - If human remains are discovered during ground-disturbing activities on Tribal lands, the THPO and BIA representative shall be contacted immediately. No further disturbance shall occur until the THPO and BIA representative have made the necessary findings as to the origin and disposition. If the remains are determined to be of Native American origin, the BIA representative shall notify a Most Likely Descendant. The Most Likely Descendant is responsible for recommending the appropriate disposition of the remains and any grave goods.
5. The proposed action will not cause a significant effect to energy resources (Energy Policy Act of 2005), water resources, wetlands (E.O. 11990), or flood plains (E.O. 11988). There

are no wetlands within the Project Site. However, there are delineated wetlands to the northwest near Lider Lake. The wetlands are over 750 feet from the northwesterly property line of the Project Site.

6. The proposed action will not affect unique characteristics of the geographic area such as prime farmlands. The site was assessed by the Bureau of Indian Affairs (BIA) and the National Resource Conservation Service (NRCS) using the NRCS Farmland Conversion Impact Form. The site was evaluated for its characteristics and rated at a score of 95. Since the rating is less than 160, the proposed action will result in a ‘**No Adverse Effect**’ prime farmlands (EA, Appendix L).
7. The proposed action is not highly controversial, does not present uncertain effects on the human environment, or involve unknown risks.
8. The proposed action will not establish a precedent for future actions with significant effects or represent a decision in principle about a consideration.
9. The proposed action would improve the economic and social conditions of the affected Tribal community and promote Tribal self-sufficiency. Construction and operation of the project alternatives will result in economic outputs that has the potential to induce economic growth within the surrounding communities.
10. The proposed action conforms to Federal, State or local law or requirements imposed for the protection of the environment. Prior to the commencement of ground disturbing construction activities, the Tribe would apply for coverage under the EPA's Construction General Permit through submittal of a Notice of Intent and preparation of a Construction Stormwater Pollution Prevention Plan (CSWPPP) that would be stored on site in accordance with the requirements of the National Pollutant Discharge Elimination System permitting process under the Clean Water Act.

Furthermore, the source-control BMPs listed below give a broad overview of measures that will be taken to prevent stormwater from coming into contact with pollutants on-site, both during and after construction activities:

- To minimize dust generation during construction, soil will be wetted down with water prior to ground disturbance. All generated waste must be properly disposed of.
- Perimeter erosion control measures will be installed to retain sediment and other pollutants within the site limits. Existing catch basins with the project vicinity will have inlet protection measures installed to provide secondary protection from polluted stormwater entering the City's storm main system.
- Loose aggregate chunks and dust will be swept or shoveled and collected (not hosed down a storm drain) for recycling or proper disposal.
- A Spill Prevention Countermeasures and Control Plan (SPCC) Plan may be prepared from the contractor to mitigate any potential spills or leaks from construction materials, machinery, and equipment during construction.

- The gas station will be covered and have internal drains (i.e., trench drains) to collect any spills or minor amounts of precipitation. The liquids collected by the internal drain system will be conveyed to an oil/water separator and then outfall to the sewer system.
- Solid waste storage containers will be stored in a roofed enclosure so that runoff cannot come into contact with the waste storage containers. The storage area will be paved with the area's grading to prevent uncontaminated stormwater from flowing into the waste storage area.

Janine Van Dusen, Superintendent
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U.S. Department of the Interior

01/22/2024

Date