

WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:

- Ballast Water Rule Making

2. Name of applicant:

- Allen Pleus, WDFW Aquatic Invasive Species Coordinator

3. Address and phone number of applicant and contact person:

600 Capitol Way N
Olympia, WA 98501-1090
360-902-2724

4. Date checklist prepared:

- March 12, 2009

5. Agency requesting checklist:

- Washington Department of Fish & Wildlife

6. Proposed timing or schedule (including phasing, if applicable):

- Briefing and public hearing with Fish & Wildlife Commission at May 8th or 9th meeting, adoption at June 5th or 6th meeting.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
- Rules plan for adding treatment performance standards, implementation timelines, high-risk vessel conditions, installed equipment conditions, treatment feasibility review methods, treatment notification and promising treatment waiver processes. Additional future adjustments for thresholds that meet higher standards or earlier implementation through new rule making.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
- Numbers of nonindigenous species found in ballast tanks discharging into waters of the state;
 - General percent reduction of coastal species using exchange methods; and
 - Water quality conditions required by Department of Ecology for exchange alternative discharge into waters of the state.
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
- Does not apply.
10. List any government approvals or permits that will be needed for your proposal, if known.
- No other governmental approvals or permits are required for this rule making.
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)
- Rule making replaces existing ballast water management WAC 220-77-090 and 220-77-095 rules with updated information and requirements as directed by changes to RCW 77.120 as passed by state legislature in 2007.
 - Most rule making regards management practices.
 - No proposed rules require the creation of new infrastructure or would require other than minor increases in services than currently exist.
 - Proposed rules related to significantly reducing environmental impacts from nonindigenous species discharges include:
 - WAC 220-150-030(7) adds discharge options for safety exemptions that may allow an emergency treatment response or discharge into alternative waters.
 - WAC 220-150-040 clarifies ballast water exchange standards that have been in statute since 2000.
 - WAC 220-150-040(8) adds an alternative exchange option for vessels using approved treatment systems meeting International Maritime Organization (IMO) standards. Vessels approved by IMO have been shown to have an effectiveness equal to or greater than exchange.
 - WAC 220-150-040(8)(c)(v) adds notification criteria requiring a recommendation from the Washington Department of Ecology that sets conditions necessary for the environmentally safe discharge of biocide treated ballast water.
 - WAC 220-150-070 adds new section on removing ballast tank sediments (nonindigenous species vector) before entry into state waters.
 - WAC 220-150-080 revises section on penalties and enforcement authorities to ensure minimum environmental protection standards are met.
 - Proposed rules that may result in an insignificant environment impact include:
 - WAC 220-150-030(9) adds guidelines for compliance plans and alternative strategies that allow for specific short-term exchange or treatment standard waivers for vessels on a case-by-case basis. Requires complying to maximum extent possible during waiver period.

- WAC 220-150-040(4) clarifies common water criteria that has been in place since 2000 to waive exchange requirements between ports in specified geographic region.
- WAC 220-150-040(6) allows establishment of alternative discharge areas in emergency situations or to avoid prohibited discharge areas. Emergency situations are rare and no currently discharge areas are prohibited or expected to become prohibited.
- WAC 220-150-040(8)(c)(v) allows use of biocides, but vessel discharge will be monitored for meeting state water quality standards. This rule is expected to affect less than 0.1% of vessel arrivals.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

- Proposed rules address all waters of the state (same since 2000) accessible by vessels of 300 gross tons or more, United States or foreign owned or operated, carrying or capable of carrying ballast water.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other

- Does not apply.

b. What is the steepest slope on the site (approximate percent slope)?

- Does not apply.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

- Does not apply.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

- Does not apply.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

- Does not apply.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

- Does not apply.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

- Does not apply.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

- Does not apply.

2. Air

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

- Does not apply.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

- Does not apply.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

- Does not apply.

3. Water

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

- Proposed rules apply to all waters of the state (hereafter called “covered waters”) accessible by vessels of 300 gross tons or more, United States or foreign owned or operated, carrying or capable of carrying ballast water. This scope of regulatory coverage has remained the same since 2000.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

- Rules regulate the discharge of ballast water from a vessel into waters of the state or approved reception facility only.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

- Does not apply.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

- Does not apply.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

- Does not apply.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

- Average annual ballast water discharges range between 9 and 11 million cubic meters. Potential waste materials are addressed through WAC 220-150-070 for ballast tank sediments (disposal outside 200 nautical miles from shore or at land-based facilities) and 220-150-060(4)(b)(v) for treatment systems using biocides (all discharges into state waters are required to meet state water quality criteria).

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

- Does not apply.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

- Does not apply.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

- Does not apply.

2) Could waste materials enter ground or surface waters? If so, generally describe.

- Does not apply.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

- Does not apply.

4. **Plants**

- Does not apply.

a. Check or circle types of vegetation found on the site:

_____ deciduous tree: alder, maple, aspen, other

_____ evergreen tree: fir, cedar, pine, other

_____ shrubs

_____ grass

_____ pasture

_____ crop or grain

_____ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other

_____ water plants: water lily, eelgrass, milfoil, other

_____ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

- Does not apply.

c. List threatened or endangered species known to be on or near the site.

- Does not apply.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

- Does not apply.

5. **Animals**

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other:

- Any species that use covered waters.

mammals: deer, bear, elk, beaver, other:

- Any species that use covered waters.

fish: bass, salmon, trout, herring, shellfish, other:

- Any species that use covered waters.

b. List any threatened or endangered species known to be on or near the site.

- Any species that use covered waters.

c. Is the site part of a migration route? If so, explain.

- All species that migrate through covered waters.

d. Proposed measures to preserve or enhance wildlife, if any:

- Proposed rules specifically address the preservation of all potentially affected wildlife from nonindigenous species impacts.

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
- Outside waters of the state - Vessel-related energy sources (petroleum-base fuels) to exchange or treat ballast water.
 - Within waters of the state - Vessel-related energy sources (petroleum-base fuels) routinely used to discharge ballast water regardless of rule requirements. May use shore-based power where available.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
- Does not apply.
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:
- Does not apply.

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.
- Expected very rare chances of exposure to biocides used to treat ballast water depending upon technology type, biocide used, and ballast capacity of affected vessel.
 - Application of biocides and mitigation to meet state water quality standards would generally be conducted outside of state waters.
- 1) Describe special emergency services that might be required.
- Washington Department of Ecology Spills Response Team
 - United States Coast Guard
- 2) Proposed measures to reduce or control environmental health hazards, if any:
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) registration label will contain restrictions and conditions on use – legally obligated to follow label. No need to be certified/licensed to apply if they stay within restrictions on label.
 - FIFRA registration label will contain legal measures.
- b. **Noise**
- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
- Application of proposed rules would neither increase nor decrease ambient noise levels.
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
- Does not apply.
- 3) Proposed measures to reduce or control noise impacts, if any:
- Does not apply.

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties?
- Proposed rules affect only existing anchorage and port sites used in routine vessel applications.
 - WAC 220-15-040(7) prohibits the discharge of any ballast water or sediments in state-designated marine protected areas as listed under WAC 220-16.

- Requirements to install treatment technology may utilize existing drydock or marine engineering facilities and staff.
- b. Has the site been used for agriculture? If so, describe.
- Does not apply.
- c. Describe any structures on the site.
- Does not apply.
- d. Will any structures be demolished? If so, what?
- Does not apply.
- e. What is the current zoning classification of the site?
- Does not apply.
- f. What is the current comprehensive plan designation of the site?
- Does not apply.
- g. If applicable, what is the current shoreline master program designation of the site?
- Does not apply.
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
- All covered waters are considered environmentally sensitive to nonindigenous species introductions. Any covered waters legally classified as environmentally sensitive are automatically declared a "Prohibited Discharge Area" under WAC 220-150-040(7).
- i. Approximately how many people would reside or work in the completed project?
- Does not apply.
- j. Approximately how many people would the completed project displace?
- Does not apply.
- k. Proposed measures to avoid or reduce displacement impacts, if any:
- Does not apply.
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
- Does not apply.

9. **Housing**

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
- Does not apply.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
- Does not apply.
- c. Proposed measures to reduce or control housing impacts, if any:
- Does not apply.

10. **Aesthetics**

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

- Does not apply.
- b. What views in the immediate vicinity would be altered or obstructed?
- Does not apply.
- c. Proposed measures to reduce or control aesthetic impacts, if any:
- Does not apply.

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
- Does not apply.
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- Does not apply.
- c. What existing off-site sources of light or glare may affect your proposal?
- Does not apply.
- d. Proposed measures to reduce or control light and glare impacts, if any:
- Does not apply.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?
- All potential types used in covered waters.
- b. Would the proposed project displace any existing recreational uses? If so, describe.
- Proposed rules specifically address the protection and preservation of all potentially affected uses.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
- Same as above.

13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
- Any potentially listed or proposed places or objects within or affected by covered waters.
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
- Nonindigenous species may completely cover and degrade any aquatic landmarks, historic, cultural or archeological site
 - Nonindigenous species may displace aquatic native species by alteration of habitat and food supply thus significantly affecting scientific and cultural resources by changing ecosystems such as salmon.
- c. Proposed measures to reduce or control impacts, if any:
- Proposed rules specifically designed to reduce the risk of nonindigenous species introductions through reduction in number of nonindigenous species allowed to be discharged into waters of the state.

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.
 - Does not apply.
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
 - Does not apply.
- c. How many parking spaces would the completed project have? How many would the project eliminate?
 - Does not apply.
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).
 - Does not apply.
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
 - Does not apply.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
 - Does not apply.
- g. Proposed measures to reduce or control transportation impacts, if any:
 - Does not apply.

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.
 - Does not apply.
- b. Proposed measures to reduce or control direct impacts on public services, if any.
 - Does not apply.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
 - Does not apply.
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.
 - Does not apply.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Date Submitted: **March 19, 2009**

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

- Proposed rules decrease the discharge of ballast water and ballast tank sediments containing nonindigenous species and will likely reduce the overall volume of discharged ballast water. Any biocides used to kill nonindigenous species will mostly be applied outside of state waters and must be neutralized to meet state water quality standard prior to discharge.

Proposed measures to avoid or reduce such increases are:

- WAC 220-150-040(2) ballast water exchange requirements
- WAC 220-150-040(8) exchange alternative option
- WAC 220-150-040(8)(c) exchange alternative notification form content
- WAC 220-150-070 ballast tank sediment requirements
- WAC 220-150-080 penalties and enforcement

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

- Proposed rules are required to protect all native species that utilized covered water resources.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

- All proposed rules WAC 220-150-010 to 220-150-080

3. How would the proposal be likely to deplete energy or natural resources?

- Energy and resources used by vessels to treat ballast water similar to or likely less than that currently used to exchange ballast water.

Proposed measures to protect or conserve energy and natural resources are:

- Does not apply.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

- Proposed rules would help to protect any environmentally sensitive areas from nonindigenous species introductions.

Proposed measures to protect such resources or to avoid or reduce impacts are:

- Environmentally sensitive areas requiring higher levels of protection may be designated as a prohibited discharge area under WAC 220-150-040(7).

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

- Does not apply

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

- Does not apply

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

- The Department and State Attorney General's office are not aware of any conflicts.