

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use “not applicable” or “does not apply” only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

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.

Instructions for lead agencies

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the [Supplemental Sheet for Nonproject Actions \(Part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in “Part B: Environmental Elements” that do not contribute meaningfully to the analysis of the proposal.

A. Background [Find help answering background questions](#)

1. Name of proposed project, if applicable:

Proposed rulemaking that, if adopted, would establish generally applicable conditions and administrative processes for issuing permits for lethal removal of Black Bears causing commercial timber damage

2. Name of applicant:

Washington Department of Fish and Wildlife

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

PO Box 43141, Olympia, Washington 98504-3200

Contact: Jim Brown (360)701-6261

4. Date checklist prepared:

August 14, 2023

5. Agency requesting checklist:

Washington Department of Fish and Wildlife

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

A CR-102 with proposed rule will be filed with the code reviser on or about August 23, 2023. There will be a decision on the WDFW proposal on or about October 27-28, 2023, following a public comment period and hearing.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No future additions or expansion.

Future activities associated with this proposal will include outreach and education to inform affected individuals and groups about a finalized rule, if one is adopted.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

The following existing documents were considered in the preparation of this checklist:

Washington Department of Fish and Wildlife. 2022. Statewide Black Bear Density Monitoring in

Washington: A cross-region and interagency team approach. Wildlife Program, Olympia, WA, USA.

Washington Department of Fish and Wildlife. 2022. 2022 Game status and trend report. Wildlife Program, Washington Department of Fish and Wildlife, Olympia, Washington, USA, pp. 296-306.

Jimmy D. Taylor, Kristina N. Kline, Anita T. Morzillo, Estimating economic impact of black bear damage to western conifers at a landscape scale, *Forest Ecology and Management*, Volume 432, 2019, Pages 599-606, ISSN 0378-1127, <https://doi.org/10.1016/j.foreco.2018.10.005>.
(<https://www.sciencedirect.com/science/article/pii/S0378112718313537>)

No additional environmental information is being prepared specifically for this proposed rule.

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.

No

10. List any government approvals or permits that will be needed for your proposal, if known.

The proposed rule will be considered for adoption by the WDFW Commission following a public comment period and hearing.

11. Give a 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.)

WDFW proposes to replace a rule that was found to exceed the department's statutory authority with a new rule to provide a permitting process to issue permits to persons to lethally remove black bears to reduce damage to commercial timber. Peeling and consuming tree parts by black bears often results in permanent damage or death to the tree. This damage results in a financial loss to the tree owner. The proposed rule will identify how permits are applied for, applications are reviewed and issued or denied, conditioned, and administered. A black bear timber damage permit issued under the proposed rule would allow a person to remove one or more black bears as conditioned on the removal permit. The department currently issues black bear kill permits to address commercial timber damage under RCW 77.12.240.

This proposed rule does not apply to federal employees and agents while acting in their official capacities for the purpose of protecting private property.

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.

This proposed rule would establish a permitting framework that would only apply on private commercial timber production lands. Those lands exist in various locations around the state.

B. Environmental Elements

1. Earth [Find help answering earth questions](#)

a. General description of the site:

There is no specific site. This is a rulemaking (non-project action).

Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other:

Not applicable.

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

Not relevant to WDFW proposal

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 agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Not relevant to WDFW proposal

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

Not relevant to WDFW proposal

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Not relevant to WDFW proposal

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

Not relevant to WDFW proposal

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

Not relevant to WDFW proposal

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

Not relevant to WDFW proposal

2. Air [Find help answering air questions](#)

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

Not relevant to WDFW proposal

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

Not relevant to WDFW proposal

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

Not relevant to WDFW proposal

3. Water [Find help answering water questions](#)

- a. Surface Water:** [Find help answering surface water questions](#)

- 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.**

Not relevant to WDFW proposal

- 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.**

Not relevant to WDFW proposal

- 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.**

Not relevant to WDFW proposal

- 4. Will the proposal require surface water withdrawals or diversions? Give a general description,**

purpose, and approximate quantities if known.

Not relevant to WDFW proposal

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

Not relevant to WDFW proposal

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.

No

b. Ground Water: [Find help answering ground water questions](#)

1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.

Not relevant to WDFW proposal

2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (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.

Not relevant to WDFW proposal

c. Water Runoff (including stormwater):

a) 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.

Not relevant to WDFW proposal

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

Not relevant to WDFW proposal

c) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Not relevant to WDFW proposal

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

Not relevant to WDFW proposal

4. Plants [Find help answering plants questions](#)

a. Check the 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**
- orchards, vineyards, or other permanent crops.**
- 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?

Any permit issued under the proposed rule will not authorize the removal or alteration of vegetation.

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

There is no specific site. Permits to be issued under the proposed rule would not allow the take of listed threatened or endangered species.

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

Not relevant to WDFW proposal

e. List all noxious weeds and invasive species known to be on or near the site.

Unknown

5. Animals [Find help answering animal questions](#)

a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site.

Examples include:

- **Birds: hawk, heron, eagle, songbirds, other:**
- **Mammals: deer, bear, elk, beaver, other:**
- **Fish: bass, salmon, trout, herring, shellfish, other:**

This is a rulemaking that does not pertain to a specific site. The locations for which permits would be issued under the proposed rule could have a diverse array of avian, terrestrial, and aquatic animals. At time of proposed rule making, it is not known where these future permits might be issued, if a final rule were to be adopted.

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

There is no specific site. Permits to be issued under the proposed rule would not allow the take of listed threatened or endangered species.

Potential impacts to Grizzly Bears would be avoided because the proposed rule would require hunters participate in and pass training to recognize and avoid grizzlies while hunting black bears where their habitats are known to overlap.

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

There is no specific site, however, avian and terrestrial wildlife migration routes likely occur at many of the sites where permits could be issued.

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

In the process of considering whether any permit would be issued under the proposed rule, the department will consider impacts to bear population health. The proposed rule will emphasize avoidance of removal of female black bears with cubs. Further, the proposed rule contemplates that the department could deny or revoke a permit based on conservation concerns.

e. List any invasive animal species known to be on or near the site.

Unknown

6. Energy and Natural Resources [Find help answering energy and natural resource questions](#)

1. 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.

Not relevant to WDFW proposal

2. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Not relevant to WDFW proposal

3. 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.

Not relevant to WDFW proposal

7. Environmental Health [Find help with answering environmental health questions](#)

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.

1. Describe any known or possible contamination at the site from present or past uses.

Not relevant to WDFW proposal

2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

Not relevant to WDFW proposal

3. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Not relevant to WDFW proposal

4. Describe special emergency services that might be required.

Not relevant to WDFW proposal

5. Proposed measures to reduce or control environmental health hazards, if any.

Not relevant to WDFW proposal

b. Noise

1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

None

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)?

The proposed rule, if adopted, would create a process for issuing permits under which there is a potential of noise from high power gunshots. Normal permit timing would require permit exercise within lawful hunting hours, just before, and just after official sunset.

3. Proposed measures to reduce or control noise impacts, if any.

None

8. Land and Shoreline Use [Find help answering land and shoreline use questions](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Not relevant to WDFW proposal

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

There is no project site, but generally, the proposed rule would establish a framework for the issuance of permits to lethally remove black bears in working forest lands. No conversion will occur under this proposal.

1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?

Permit exercise would have to be coordinated by the permittee with their other timberland operations to avoid conflicts and reduce risk of accidental shooting. If a safety concern is identified, the department may deny or revoke a permit.

c. Describe any structures on the site.

Not relevant to WDFW proposal

d. Will any structures be demolished? If so, what?

Not relevant to WDFW proposal

e. What is the current zoning classification of the site?

Not relevant to WDFW proposal

f. What is the current comprehensive plan designation of the site?

Not relevant to WDFW proposal

g. If applicable, what is the current shoreline master program designation of the site?

Not relevant to WDFW proposal

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Not relevant to WDFW proposal

i. Approximately how many people would reside or work in the completed project?

Not relevant to WDFW proposal

j. Approximately how many people would the completed project displace?

Not relevant to WDFW proposal

k. Proposed measures to avoid or reduce displacement impacts, if any.

Not relevant to WDFW proposal

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.

Not relevant to WDFW proposal

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any.

The purpose of this proposed rule is to protect forest lands and help keep them viable for commercial harvest.

9. Housing [Find help answering housing questions](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Not relevant to WDFW proposal

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Not relevant to WDFW proposal

c. Proposed measures to reduce or control housing impacts, if any.

Not relevant to WDFW proposal.

10. Aesthetics [Find help answering aesthetics questions](#)

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

Not relevant to WDFW proposal

- b. What views in the immediate vicinity would be altered or obstructed?**

Not relevant to WDFW proposal

- c. Proposed measures to reduce or control aesthetic impacts, if any.**

Not relevant to WDFW proposal

11. Light and Glare [Find help answering light and glare questions](#)

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?**

Not relevant to WDFW proposal. The activity is in the daylight hours.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?**

Not relevant to WDFW proposal

- c. What existing off-site sources of light or glare may affect your proposal?**

Not relevant to WDFW proposal

- d. Proposed measures to reduce or control light and glare impacts, if any.**

Not relevant to WDFW proposal

12. Recreation [Find help answering recreation questions](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity?**

There is no specific site. In the locations where a permit might be issued under the proposed rule, there could be hunting, fishing, hiking, camping, bird watching, mountain biking.

- b. Would the proposed project displace any existing recreational uses? If so, describe.**

The proposed rule does not propose to displace any recreation. Permits issued under the proposed rule should have no impact on other recreational activities. If a safety concern is identified, the department may deny or revoke a permit.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any.**

None

13. Historic and Cultural Preservation [Find help answering historic and cultural preservation questions](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.**

Not relevant to WDFW proposal

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

Not relevant to WDFW proposal

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

Not relevant to WDFW proposal

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

Not relevant to WDFW proposal

14. Transportation [Find help with answering transportation questions](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

There is no specific site. In the locations where a permit might be issued under the proposed rule, state highways and county roads may be used to come to, and exit from, the permitted areas, as well as upon private timberland owner roads currently in existence. New roads are not being built to accommodate

the permits that might be issued under the proposed rule.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

Not relevant to WDFW proposal

- c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

Not relevant to WDFW proposal

- d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

Not directly, though under the proposed rule, if it is adopted, permittees would use a motor vehicle to enter and exit the permit areas.

- e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?**

The proposed rule would not directly generate vehicular trips. If the proposed rule is adopted, it is likely that some permits would be issued under the rule that would result in additional vehicular trips to a permitted location. Where a designated hunter would not otherwise be visiting the site, this may result in one additional vehicle trip per permit, per day. Permits may be issued for a period of 1-2 months typically. It will be up to the permittee and designated hunter to decide how and when to exercise the permits and on what frequency.

- f. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.**

No

- g. Proposed measures to reduce or control transportation impacts, if any.**

None proposed

15. Public Services [Find help answering public service questions](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.**

No

b. Proposed measures to reduce or control direct impacts on public services, if any.

None

16. Utilities [Find help answering utilities questions](#)

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:

Not relevant to WDFW proposal

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.

Not relevant to WDFW proposal

C. Signature [Find help about who should sign](#)

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.

8/14/2023

X 

Signed by: Brown, James S (DFW)

Type name of signee: Jim Brown

Position and agency/organization: Wildlife Conflict Section Manager, Landowner Services
Division, Washington Department of Fish and Wildlife

Date submitted: 8/14/2023

D. Supplemental sheet for nonproject actions [Find help for the nonproject actions worksheet](#)

IT IS NOT REQUIRED to use this section 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?

There may be a marginal increase in vehicle travel to and from permitted sites and occasional high powered gun shots when using a permit to remove a black bear.

- **Proposed measures to avoid or reduce such increases are:**

None. They are unavoidable within current means for travel and firearm regulations (suppressed rifles are unlawful for citizen use in Washington).

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

Black bears will be lethally removed under these permits. Tree damage will be reduced by removing the bears causing damage.

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

The lethal take of some black bears is core to the implementation of the rule as proposed. The proposed rule would establish a framework in which the department could deny or revoke a permit based on conservation concerns, including impacts to the black bear population.

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

Black bears will be removed from the population but only at a sustainable rate that is not harmful to the overall regional black bear population.

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

In the process of considering whether any permit would be issued under the proposed rule, the department will consider impacts to bear population health. The proposed rule will emphasize avoidance of removal of female black bears with cubs. Further, the department could deny or revoke a permit based on conservation concerns.

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?

The proposal is not anticipated to negatively affect such lands. Under the proposed rule, black bear timber damage lethal removal permits would be issued for use on private working commercial timberlands only, and only for the purpose of preventing further commercial timber damage.

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

The department could deny or revoke a permit based on conservation concerns.

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?

No effects.

- **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?

Negligible, to no effects.

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

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

No conflicts identified.