

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:

Reclassification of the Bald Eagle from State Endangered to State Sensitive species (Protected Wildlife) (WAC 232.12.011).

2. Name of applicant: Washington Department of Fish and Wildlife

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

Endangered Species Section Manager
Washington Dept. Fish and Wildlife
600 Capitol Way N
Olympia, WA 98501-1091
360-902-2515

4. Date checklist prepared: 10/25/07

5. Agency requesting checklist: Washington Department of Fish and Wildlife

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

8 December presentation to the Fish and Wildlife Commission; 10-12 January 2008, likely Fish and Wildlife Commission action.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. NO

Yes; a management plan will be developed for the species.

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

Draft and final status reports were prepared for the species proposed to be reclassified. The Draft Status Report was available for a 3-month public review (July 1 – 30 September 2001). The Final Status report (<http://wdfw.wa.gov/wlm/diversty/soc/concern.htm>) has been updated and a public comment period is planned from 31 October to 30 November 2007.

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. N/A

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

Approval of the Washington Fish and Wildlife Commission.

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.)

The Washington Department of Fish and Wildlife (WDFW) is evaluating the Bald Eagle for possible down-listing from a state threatened to a state sensitive species. WAC 232.12.011 identifies threatened and sensitive species in Washington which are in need of special management consideration to keep them from becoming endangered or threatened. The proposed amendment to WAC 232.12.011 would reclassify the Bald Eagle from a state threatened species to a state sensitive species.

The early summer population of bald eagles when white settlers first arrived in Washington may have been around 8,800 based on presumed habitat condition. Persecution, the cutting of forests, commercial exploitation of salmon runs, and finally the use of DDT reduced the state's population to only 105 known breeding pairs by 1980. Loss of wetlands, contamination of estuaries, and declines in water quality also probably have reduced the carrying capacity for eagles. The erection of >1,000 dams and the introduction of warm water fishes, however, may have added nesting and wintering sites and produced changes in local distribution and abundance of eagles. The population has recovered dramatically with the ban on DDT use after 1972 and increased protection for eagles and eagle habitat. In the past 25 years, the population of nesting bald eagles grew about 9% per year as eagles reoccupied habitat. In 2005, there were 840 occupied nests, and there are some indications that the population may have reached carrying capacity in parts of western Washington. If there is no decline in the number of nest sites, productivity, or survival, the population may stabilize around 6,000 eagles. The number of resident breeders, and trends in localized winter counts suggest that Washington hosts perhaps 3,500 – 4,000 bald eagles each winter. Up to 80% of the eagles seen in mid-winter in Washington consists of migrants, largely from the Canadian provinces and Alaska.

In the lowlands around Puget Sound, bald eagles nest in small patches of residual large trees and second growth forest. The large trees along shorelines used by eagles are a diminishing resource, as more and more shoreline is dedicated to residential development. Only 1% of the Puget Sound Douglas-fir Zone is found on lands dedicated to the conservation of biodiversity. Conservation of bald eagle nesting habitat is difficult because 80% of the land within ½ mile of shores is privately owned, and contains desirable view property. Two thirds of the aggregate land within eagle territories and two thirds of eagle nests are on private lands. The state bald eagle protection rule (WAC 232-12-292) requires a management plan for development, forest practices, or potentially disturbing activities on state and private lands near eagle nests and roosts. Over 2,900 management plans have been signed by Washington landowners since 1986. There are indications that some eagles in Washington, and other states, have become fairly tolerant of human activity near nests, but most eagles, particularly those in rural areas, remain rather sensitive to disturbance during nesting.

Although the breeding population of bald eagles in Washington has increased dramatically in the past 30 years, most nests are on private lands and only about 10% of eagle nests are on lands dedicated to conservation. On marine, lake, and river shorelines the needs of eagles often conflict with the desires of humans. Shorelines afford the water views so desirable for residential development so forest near shorelines is often cleared. Land near shores is highly desirable for residential development and the human population of Washington is expected to increase by 2 million to 7.7 million in the next 20 years, and may double to 11 million by 2050. Forest near shores continues to diminish, and the needs of eagles and desires of humans are often in conflict. Without protections of nesting and roosting habitat, the bald eagle could again decline and require re-listing as threatened or endangered in the state. Washington statute (RCW 77.12.655) directs WDFW to adopt and enforce rules protecting bald eagle habitat. The state habitat protection rule (WAC 232-12-292) applies to the bald eagle if it is listed as state Endangered, Threatened, or Sensitive. State bald eagle protection rules, the Shoreline Management Act, Forest and Fish forest practices rules, zoning restrictions, and some concerned landowners all may moderate the rate of forest clearing somewhat. The prospects for the eagle population would be uncertain without these habitat protections in place. Also, without the habitat protection rule and planning process that WDFW has administered since 1986s, activities of Washington landowners might come in conflict with the Bald and Golden Eagle Protection Act.

Although problems still persist, the dramatic increase in bald eagles in Washington suggests that they no longer fit the definition of a threatened species. For these reasons WDFW believes Washington's bald eagle population should be down-listed, but requires continued cooperative management. WDFW believes the appropriate status for the bald eagle is sensitive, as long as habitat protections (RCW 77.12.655, WAC 232-12-292) remain in place. A state Sensitive species is defined as a species "...that is likely to become endangered or threatened in a significant portion of its range within the state without cooperative management or removal of threats" (WAC 232-12-297).

Listing of species is based solely on the biological status of the species. The first step in the process is to develop a preliminary species status report. The report includes a review of information relevant to the species' status in Washington and addresses factors affecting its status including, but not limited to: historic, current, and future species population trends, natural history including ecological relationships, historic and current habitat trends, population demographics and their relationship to long term sustainability, and historic and current species management activities.

The procedures then provide for a 90-day public review opportunity for interested parties to submit new scientific data relevant to the draft status report and classification recommendation. The 2001 Status Report for the Bald eagle was reviewed by researchers and state, provincial, and federal agencies, and was then subject to a 90-day public comment period from 1 July – 30 September 2001. It was reviewed by bald eagle specialists in Washington Department of Fish and Wildlife and external experts, and will be subject to a 30-day public review. During the 90-day review period, the Department may hold public meetings to take comments and answer questions. The WDFW held three public meetings on this issue during the review period in Olympia (August 7, 2001), Yakima (August 8, 2001), and Mill Creek (August 14, 2001). At the close of the comment period, the Department completed the final status report. The final report and recommendations are then released 30 days prior to the Commission presentation for public review. However, the recommendation to down-list the species to sensitive was postponed until the species was removed from the federal list of threatened species. The U.S. Fish and Wildlife Service removed the bald eagle from the federal list of threatened and endangered species in August 2007. Bald eagles and their nests are still protected by the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. The Bald and Golden Eagle Protection Act also prohibits disturbance or molesting of eagles.

The 2001 status report has now been updated and the report and recommendation for downlisting will be presented to the Washington Fish and Wildlife Commission. The Department will present this status review and a recommendation to down-list the bald eagle to the Fish and Wildlife Commission at the 8 December meeting in Port Angeles. The Commission is then expected to take action on the proposal at the 10-12 January 2008 meeting.

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.

The Bald eagle is found statewide.

B. ENVIRONMENTAL ELEMENTS

1. Earth

N/A

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other
- b. What is the steepest slope on the site (approximate percent slope)?
- 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.
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

2. Air N/A

- 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.
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

3. Water N/A

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.
- 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.
- 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.
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.
- 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.

b. Ground: N/A

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

c. Water runoff (including stormwater): N/A

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

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

4. Plants N/A

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?

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

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

5. Animals See Project Description (A11)

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:
- mammals: deer, bear, elk, beaver, other:
- fish: bass, salmon, trout, herring, shellfish, other:

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

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

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

6. Energy and natural resources N/A

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.

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

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:

7. Environmental health N/A

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.

1) Describe special emergency services that might be required.

2) Proposed measures to reduce or control environmental health hazards, if any:

b. Noise N/A

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

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.

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

8. Land and shoreline use N/A

- a. What is the current use of the site and adjacent properties?
- b. Has the site been used for agriculture? If so, describe.
- c. Describe any structures on the site.
- d. Will any structures be demolished? If so, what?
- e. What is the current zoning classification of the site?
- f. What is the current comprehensive plan designation of the site?
- g. If applicable, what is the current shoreline master program designation of the site?
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
- i. Approximately how many people would reside or work in the completed project?
- j. Approximately how many people would the completed project displace?
- k. Proposed measures to avoid or reduce displacement impacts, if any:
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

9. Housing N/A

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
- c. Proposed measures to reduce or control housing impacts, if any:

10. Aesthetics N/A

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
- b. What views in the immediate vicinity would be altered or obstructed?
- c. Proposed measures to reduce or control aesthetic impacts, if any:

11. Light and glare N/A

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
- b. Could light or glare from the finished project be a safety hazard or interfere with views?
- c. What existing off-site sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts, if any:

12. Recreation N/A

- a. What designated and informal recreational opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so, describe.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

13. Historic and cultural preservation N/A

- 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.
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
- c. Proposed measures to reduce or control impacts, if any:

14. Transportation N/A

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

- c. How many parking spaces would the completed project have? How many would the project eliminate?
- 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).
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
- g. Proposed measures to reduce or control transportation impacts, if any:

15. Public services N/A

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

16. Utilities N/A

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

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: Original Signature on File

Date Submitted:

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?**

N/A **Proposed measures to avoid or reduce such increases are:**

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

Downlisting the Bald Eagle to sensitive is not expected to affect them or any other species as long as habitat protections for nests and roost sites (RCW 77.12.655, WAC 232-12-292) remain in place. The species would be protected from killing and the malicious destruction of nests as Protected wildlife under RCW 77.15.130. Bald Eagle nests and roosts would continue to be protected by RCW 77.12.655 (Habitat buffer zones for bald eagles) and WAC 232-12-292 (Bald eagle protection rules). The Bald Eagle is also protected from take and disturbance by the federal Bald and Golden Eagle protection Act.

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

Retention of protections for bald eagles and bald eagle nest and roost sites.

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

N/A

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

- 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?**

Downlisting the Bald Eagle to sensitive is not expected to affect them or their habitat as long as nests and roosts continue to be protected by RCW 77.12.655 (Habitat buffer zones for bald eagles) and WAC 232-12-292 (Bald eagle protection rules). The Bald Eagle would continue to be protected from take and disturbance by the federal Bald and Golden Eagle protection Act and state law (RCW 77.15.130).

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

See above

- 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?**

The proposal would not affect land and shoreline use.

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? N/A**

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.**

State Bald eagle protection rules would remain in effect. The USFWS removed the Bald Eagle from protection under the federal Endangered Species Act in August 2007, but it remains protected under the Bald and Golden eagle Protection Act, as well as the Migratory Bird Treaty Act.