

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: Proposed changes to Chapter 173-430 WAC, Agricultural Burning.

2. Name of applicant: *Department of Ecology*

3. Address and phone number of applicant and contact person:
*Melissa McEachron
Department of Ecology, Air Quality Program
P.O. Box 47600
Olympia, WA 98504-7600
(360) 407-6860*
4. Date checklist prepared: *4/5/06*
5. Agency requesting checklist: *Department of Ecology*
6. Proposed timing or schedule (including phasing, if applicable):
The proposed rule may be adopted no sooner than July 26, 2006.
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
Does not apply
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
Environmental information was prepared for discussion and use by the Advisory Committee formed for this rule proposal.
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. *Does not apply*
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 purpose of the proposal is to update the current Agricultural Burning Rule to:1)incorporate legislative changes and corrections;2)clarify technical issues and definitions;3)integrate agreed upon concepts identified in the 9th Circuit Court of Appeals Settlement Agreement;4)describe the procedures Ecology or a local air authority with jurisdiction will use to grant specific permission to burn;5)specify additional permit and permit application requirements;6)describe changes to and clarify permitting authority responsibilities;7)further spell out the criteria Ecology or a local air authority with jurisdiction will use to delegate all or part of the agricultural burning permit program.
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 rule applies statewide.

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.

The proposed rule clarifies procedures and requirements for those deciding to use burning as a tool as part of an agricultural operation.

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.

Does not apply

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.

Does not apply

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.

Does not apply

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

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

Does not apply

wet soil plants: cattail, buttercup, bullrush, skunk cabbage,
other water plants: water lily, eelgrass, milfoil, other types
of vegetation

Does not apply

- 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:

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

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

Does not apply

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

Does not apply

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

Does not apply

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

Does not apply

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.

Does not apply

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.

Does not apply

1) Describe special emergency services that might be required.

Does not apply

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

Does not apply

b. Noise

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

Does not apply

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?
Does not apply
- 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.
Does not apply
- 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? *Does not apply*

b. Would the proposed project displace any existing recreational uses? If so, describe. *Does not apply*

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: *Does not apply*

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.

Does not apply

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

Does not apply

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

Does not apply

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.

No increase is anticipated.

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

None

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: *4/12/06*

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?

RCW 70.94.650 specifically allows burning related to agricultural activities under a variety of circumstances. In addition, RCW 70.94.743 and RCW 70.94.745 provide exceptions to permitting requirements for burning related to agricultural activities. The amendments incorporate legislative changes, clarify and provide solutions to technical issues involved with administering the agricultural burning permit program. Given the statutes and the types of changes in the proposal, the proposed amendments in themselves are not likely to produce increases from current levels to air emissions.

Proposed measures to avoid or reduce such increases are: None

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

The proposed amendments are not likely to affect plants, animals, fish, or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are: None

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

The proposed amendments are not likely to deplete energy or natural resources beyond current agricultural burning activity levels.

Proposed measures to protect or conserve energy and natural resources are: None

- 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 proposed amendments do not change the use in environmentally sensitive areas or areas designated for governmental protection beyond current levels.

Proposed measures to protect such resources or to avoid or reduce impacts are: None

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 is not likely to affect land and shoreline use or be incompatible with existing plans

Proposed measures to avoid or reduce shoreline and land use impacts are: None

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

The proposal is not likely to increase the demand on transportation or public services and utilities beyond current levels.

Proposed measures to reduce or respond to such demand(s) are: None

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

There is no federally mandated agricultural burning program. There is guidance from a Federal Advisory Committee on the subject. The proposal falls within the span of the guidance. More importantly, the Washington Clean Air Act (Chapter 70.94 RCW) establishes and requires a state-wide agricultural burning program. The Agricultural Burning Program is found in Chapter 173-430 WAC. The proposed amendments update this program.

WAC 197-11-970 Determination of nonsignificance (DNS).

DETERMINATION OF NONSIGNIFICANCE

Description of proposal : Rule amendments to Chapter 173-430 WAC- Agricultural Burning.

Proponent: Department of Ecology, Air Quality Program

Location of proposal, including street address, if any : The rule amendments will apply state-wide.

Lead agency: The Department of Ecology

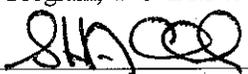
The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43 21C 030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- There is no comment period for this DNS
- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.
- This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by June 9, 2006

Responsible official: Stuart Clark

Position/title: Program Manager, Air Quality Program, Department of Ecology Phone. (360)407-6800

Address: Department of Ecology, Air Quality Program, P O. Box 47600, Olympia, WA 98504-7600

Date. 4/12/06 Signature 

(OPTIONAL)

- You may appeal this determination to (name) _____
at (location) _____
no later than (date) _____
by (method) _____

You should be prepared to make specific factual objections
Contact _____ to read or ask about the procedures for SEPA appeals.

- There is no agency appeal