

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

**DETERMINATION OF NONSIGNIFICANCE**

**Description of proposal:** Adoption of chapter 173-518 WAC - Water Resources Management Program for the Dungeness Portion of the Elwha-Dungeness Water Resource Inventory Area (WRIA) 18. The proposed rule is intended to help protect instream resources and manage water to meet the current and future needs of people, farms, and fish in the Dungeness watershed. Key elements include:

- Set instream flows and close surface waters to new diversions.
- Require mitigation for all new consumptive use of water.
- Establish reserves for future domestic water use.
- Establish maximum depletion amounts for the Dungeness River and small streams.
- Set maximum allocations of water for the mainstem Dungeness River during the seasonal open period.
- Allow water storage projects.
- Require measuring of new water uses.
- Require new users to first request service from a public water supply.

**Proponent:** Washington Department of Ecology, Water Resources Program

**Location of proposal,** including street address, if any: The Elwha Dungeness Water Resource Inventory Area (WRIA 18) lies primarily in eastern Clallam County, on the Olympic Peninsula. A very small percentage lies in Jefferson County. The Dungeness rule area is bounded by the Strait of Juan de Fuca to the north, the Morse Creek basin (West WRIA 18) to the west, the Dosewallips River basin to the south (part of WRIA 16), and the Big and Little Quilcene river basins and the Miller Peninsula (part of the Quilcene Snow WRIA 17) to the east.

**Lead agency:** Washington Department of Ecology, Water Resources Program

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 received by 5:00 pm, **July 9, 2012.**

**Responsible official:** Maia Bellon

**Position/title:** Water Resources Program Manager

**Phone:** (360) 407-6602

**Address:** PO Box 47600, Olympia, WA 98504-7600

**Date:** 5/3/12

**Signature** \_\_\_\_\_

*Maia D. Bellon*

## 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:

Adoption of Chapter 173-518 WAC: Water Resources Management Program for the Dungeness Portion of the Elwha-Dungeness Water Resource Inventory Area (WRIA 18)

### 2. Name of applicant:

Washington State Department of Ecology, Water Resources Program

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

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4. Date checklist prepared:

April 2012

5. Agency requesting checklist:

Washington State Department of Ecology

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

Tentative CR-103 filing date: 8/31/2012

Effective date (priority date): 10/01/2012

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

Future new water use will require mitigation. Ecology will be responsible for review and approval of mitigation plans and will participate in an advisory board that will oversee the operation of a water exchange (water bank) to provide a simple mitigation option for future development.

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

- Draft Environmental Impact Statement for Washington's Water Resources Program, Instream Resources and Water Allocation Program Review, Dept of Ecology, February 1987.
- Final Environmental Impact Statement for Watershed Planning under Chapter 90.82 RCW, Dept. of Ecology, July 2003.
- Elwha - Dungeness Watershed Plan, Watershed Resource Inventory Area 18, Entrix, Inc., July 2003.
- Salmon and Steelhead Habitat Limiting Factors – WRIA 18, Washington State Conservation Commission, December 1999.
- Final Environmental Impact Statement for the Dungeness River Agricultural Water Users Association Comprehensive Water Conservation Plan, November 2003.
- USGS report 99-4048: "Hydrologic Assessment of the Sequim-Dungeness Area, Clallam County, Washington."
- Comprehensive Irrigation District Management Plan (CIDMP), Sequim-Dungeness Valley Agricultural Water Users Association. 2003
- The Dungeness-Quilcene Water Resources Management Plan, Jamestown S'Klallam Tribe, submitted to Dept. of Ecology, June 1994.
- Final Environmental Impact Statement for the Clallam County Comprehensive Plan, Clallam County Department of Community Development, June 16, 1995.
- The Social Construction of a Watershed: Changing Rights and Changing Land. Eckert, Penelope Jennings; doctoral dissertation. University of Washington, 1998.
- Restoring the Dungeness: An Overview of the Dungeness River Restoration Strategy. Jamestown S'Klallam Tribe, Sequim Washington, 2003.
- Final Supplemental Environmental Impact Statement (FSEIS) for the Carlsborg Urban Growth Area. Clallam County Community Development, August 8, 2000.

- Restoration Strategies for the Dungeness River: Seven Pillars of Restoration. Dungeness River Restoration Work Group prepared for the Dungeness River Management Team.
- The North Olympic Lead Entity Salmon Recovery Three-Year Work Plan

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.

- Ecology has 42 applications on file for new water rights from the Dungeness basin, for a total of 8.5 cubic feet per second (cfs).
- Clallam County has numerous applications for plat approvals and building permits.

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

- The rule will be adopted as part of the Washington Administrative Code (WAC), following procedures laid out in Chapters 34.05 and 90.82 RCW.
- Clallam County may choose to adopt ordinances to implement their water management responsibilities.

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 primary purpose of the proposed rule is to help protect instream resources and manage water to meet the current and future needs of people, farms, and fish in the Dungeness watershed. The key elements of the proposed rule are:

- **Set instream flows and close surface waters to new diversions.**  
Instream flow levels – Adopt instream flow levels recommended in the 2005 Elwha-Dungeness Watershed Plan.  
  
Closures – The Dungeness River would be closed to new diversions from July 15 to November 15. Smaller rivers would be closed all year.
- **Require mitigation for all new consumptive use of water, including permit-exempt withdrawals.**  
Mitigation through the Dungeness water exchange is allowed, or an individual can propose their own mitigation. Mitigation obligations and credits will be calculated using the Dungeness ground water model.
- **Establish reserves of water for future domestic use.**  
Reserves allow flexibility for new domestic uses of water to start immediately after rule adoption, and in places where water-for-water mitigation is not available. Reserves also limit the maximum future impact to surface waters to one percent of low flow.
- **Establish maximum depletion amounts for the Dungeness River and small streams.**  
Maximum depletion amounts limit the future impact to surface waters from new groundwater uses to one percent of the low observed or estimated stream flow. The maximum depletion amounts limit temporary adverse impacts for non-domestic water use under an approved mitigation plan.
- **Set maximum allocations of water from the mainstem Dungeness River during the open period.**  
New diversions from the Dungeness River during the open period are subject to instream flows, meaning the diversion must cease when instream flows are not met. In addition, to protect channel-forming flows, a total of 25 cubic feet per second (cfs) may be diverted from November 16 to April 30, and 35 cfs from May 1 to July 14.

- **Allow storage projects.**  
New storage projects for environmental enhancement or other uses consistent with the watershed plan could be allowed. Such projects may not be subject to instream flows, but will be subject to consultation with the Tribe and other resource agencies, as well as conditioning and monitoring.
- **Require measuring new water use.**  
All new uses of water must be metered.
- **Require new users to first request service from a public water supply.**  
A new well use is only allowed if a public water supply is not available.

**The rule would not:**

- Affect water rights existing at the time the rule becomes effective (Fall 2012), including continued development of a permit-exempt well group use where regular beneficial use began within the previous five years.
- Mandate that existing water users put water back in the stream.
- Affect tribal or federal reserved rights to water.

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 Elwha Dungeness Water Resource Inventory Area (WRIA 18) lies primarily in eastern Clallam County of Washington State, on the Olympic Peninsula. The largest cities are Port Angeles and Sequim. WRIA 18 is approximately 36 to 55 miles east of the Pacific Ocean on the Strait of Juan de Fuca. A very small percentage lies in Jefferson County.

The WRIA 18 Initiating Governments elected to divide the WRIA and the planning unit into two geographic planning areas, referred to as "West WRIA 18" or the Elwha Planning Area, and "East WRIA 18" or the Dungeness Planning Area. This rule adoption affects only the Dungeness Planning Area (East WRIA 18), extending from the eastern boundary of WRIA 18, encompassing the Dungeness River basin, to and including the Bagley Creek basin.

The Dungeness rule area is bounded by the Strait of Juan de Fuca to the north, the Morse Creek basin (West WRIA 18) to the west, the Dosewallips River basin to the south (part of WRIA 16), and the Big and Little Quilcene river basins and the Miller Peninsula (part of the Quilcene Snow WRIA 17) to the east. Rule making for the Elwha planning area (West WRIA 18) will occur after the dams on the Elwha River have been removed and studies have been completed on the hydrology and fish habitat usage in the watershed.

## B. ENVIRONMENTAL ELEMENTS

### 1. Earth

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

Dungeness watershed topography includes three distinct areas: mountains, foothills, and the flatlands. Altitudes in East WRIA 18 range from sea level to about 300 feet in the central plain and to 1500 feet in the hills. Mountain peaks defining the watershed's south boundary range over 7700 feet; Mount Constance is the highest point in the watershed (7,743 feet). The mountainous area includes high country and forests within Olympic National Park and Olympic National Forest. The lowland agricultural and residential areas

in the northern portion are gently rolling to nearly flat. Very steep bluffs dominate the marine shoreline west of the Dungeness River.

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

Slopes in the mountainous area are up to 100 percent in some locations, and 20 to 40 percent in the foothills.

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.

General soils classifications include Carlsborg-Puget-Dungeness and Hoypus-Sequim-Agnew in the lowlands, Elwha-Callam-Catla in the hills, and Terbiew-Louella in the mountain regions.

Most of the prime farmland occurs along river terraces, particularly the Dungeness River. Soils meeting all of the requirements for prime farmland (Agnew silt loam, Cassalery fine sandy loam, Dungeness silt loam, and Puget silt loam) occupy only 1.8 percent of Clallam County. But they occur extensively along the Dungeness River, in the Sequim-Dungeness valley, and in the lower three miles of Morse Creek.

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

Marine shorelines are subject to natural erosion and depletion processes. Dungeness Spit, located near the mouth of the Dungeness River is a prime example of such natural processes.

The landscape of the Olympic Peninsula is very young, geologically speaking, and is still changing rather rapidly. This evolving landscape makes for numerous natural or geologic hazards, including areas subject to flooding, landslides, erosion, and seismic (i.e. earthquake) hazards. Especially susceptible to landslide hazards are marine bluffs, deposits of glacial lake sediments along stream valley walls, and unconsolidated glacial deposits on steep hillsides. The U.S. Forest Service has identified unstable slopes within their jurisdiction, as well.

Siebert and McDonald creeks have cut deep canyons into the land surface, exposing bedrock in some places. Landslides have reshaped the adjacent bluffs along the Strait.

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

None, does not apply. All future development would have occurred without this rule adoption.

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)?

This rule adoption will not result in any new impervious surfaces, as all future development would have occurred without this rule adoption.

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

None

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.

None

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

No.

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

None

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.

The Dungeness planning area is located on the north Olympic Peninsula, with streams and rivers draining to the Strait of Juan de Fuca. It contains one large river system (Dungeness River), which includes Cameron and Grand creeks that drain to the Gray Wolf River, which is tributary to the Dungeness River, along with Canyon, Silver, Royal, Heather, and Matriotti creeks; and smaller independent drainages to salt water (Bagley, Bell, Cassalery, Cooper, Gierin, McDonald, Meadowbrook, and Siebert creeks).

Instream flows will be set for the following surface waters in the Dungeness planning area: Bagley Creek, Bell Creek, Cassalery Creek, Dungeness River, Gierin Creek, Matriotti Creek (tributary to the Dungeness), McDonald Creek, Meadowbrook Creek, and Siebert Creek.

Surface water in the basin also includes Buckhorn, Cedar, Gladys, Grand, Home, Moose, Royal, Silver, and Solmar lakes; Rex Aldrich Reservoir; Winters Pond; and a variety of wetland environments, including both salt and freshwater wetlands. The wetlands can be divided, generally, into five classes: 1) Riparian wetlands, associated with rivers and streams; 2) Marine wetlands along ocean shores; 3) Estuarine wetlands where fresh waters and salt waters meet; 4) Lacustrine wetlands associated with lakes; and 5) Palustrine wetlands (e.g. marshes, swamps and bogs), upland freshwater wetlands fed by ground water as well as surface runoff.

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.

The rule requires metering of all new water uses, which may involve work within 200 feet of surface waters. Installation of stream flow monitoring equipment at control points may be required in some cases: Bell, Gierin, Meadowbrook, Cassalery, Siebert, and Bagley creeks currently have no such equipment.

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.

None.

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

The rule requires mitigation for all new water use. Some mitigation projects may require surface water diversions and redirecting water from the Dungeness River to deliver mitigation water to the smaller streams.

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

There are floodplains within the area covered by the rule, primarily along the northern coast.

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:

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

The rule regulates future groundwater withdrawals, but does not require or encourage new groundwater withdrawals or discharges to groundwater.

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.

The rule will not affect the generation of waste materials or the likelihood that they will be discharged into the ground from septic tanks or other sources. Any waste materials associated with future development would have occurred without the rule.

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.

Measured precipitation ranges from an average of 80 inches annually in the headwaters of the Dungeness River to only 15 inches in the lower Dungeness Valley.

Stormwater is partially routed through the watershed by way of irrigation ditches.

Residents may intercept roof run-off for their on-site use.

Some higher amount of impervious surfaces resulting in increased runoff will occur from future development, but this is no more than would have occurred absent the rule.

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

The rule will not affect the generation of waste materials or the likelihood that they will reach surface or groundwater. Any waste materials associated with future development would have occurred without the rule.

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

The rule sets instream flows that protect remaining stream flows needed for fish and other in-stream values by creating a water right for the stream. New water uses established after the rule takes effect must mitigate for expected net effect of the withdrawal through either user- proposed mitigation plans or through the water exchange.

#### 4. Plants

a. Check or circle types of vegetation found on the site: All vegetation on this list is found in Elwha Dungeness (WRIA 18).

- deciduous trees: alder, maple, aspen, other
- evergreen trees: firs, 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: alpine vegetation, vegetation typical of near-shore environments

The Olympic Peninsula has great wetland diversity and supports more rare plant species than any other part of the state.

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

The rule will not result in any change in the amount or type of vegetation present in the basin that would differ from the change associated with development without the rule.

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

The following at risk plant species are found in Clallam or Jefferson counties, but are not directly affected by this rule.

(Scientific Name, Common Name)

Abronia umbellata ssp. acutalata , Pink Sandverbena	Gentiana douglasiana , Swamp Gentian
Agoseris elata , Tall Agoseris	Hedysarum occidentale , Western Hedysarum
Arabis furcata var. olympica , Olympic Nuttall's Rockcress	Lobelia dortmanna , Water Lobelia
Astragalus australis var. olympicus , Cotton's Milk-vetch	Lycopodiella inundata , Bog Clubmoss
Astragalus microcystis , Least Bladdery Milk-vetch	Microseris borealis , Northern Microseris
Boschniakia hookeri , Vancouver Ground-cone	Montia diffusa , Branching Montia
Bromus vulgaris var. eximius , Columbia Brome	Opuntia fragilis , Brittle Prickly-pear
Carex circinata , Coiled Sedge	Oxalis suksdorfii , Western Yellow Oxalis
Carex comosa , Bristly Sedge	Oxytropis borealis var. viscida , Sticky Crazyweed
Carex obtusata , Blunt Sedge	Parnassia palustris var. neogaea , Northern Grass-of-parnassus
Carex pauciflora , Few-flowered Sedge	Pellaea breweri , Brewer's Cliff-brake
Carex pluriflora , Several-flowered Sedge	Phyllospadix torreyi , Torrey's Surf-grass
Carex scirpoidea var. scirpoidea , Canadian Single-spike Sedge	Plantago macrocarpa , Alaska Plantain
Carex stylosa , Long-styled Sedge	Poa arctica ssp. arctica , Gray's Bluegrass
Castilleja levisecta , Golden Paintbrush	Poa laxiflora , Loose-flowered Bluegrass
Cimicifuga elata , Tall Bugbane	Polemonium carneum , Great Polemonium
Claytonia lanceolata var. pacifica , Pacific Lanceleaved Springbeauty	Potamogeton obtusifolius , Blunt-leaved Pondweed
Cochlearia officinalis , Scurvygrass	Puccinellia nutkaensis , Alaska Alkaligrass
Coptis aspleniifolia , Spleenwort-leaved Goldthread	Sanguisorba menziesii , Menzies' Burnet
Corallorhiza maculata var. ozettensis , Ozette Coral-root	Saxifraga rivularis , Pygmy Saxifrage
Draba cana , Lance-leaved Draba	Saxifraga tischii , Tisch's Saxifrage
Draba longipes , Long-stalked Draba	Sparganium fluctuans , Water Bur-reed
Dryas drummondii , Yellow Mountain-avens	Spiraea densiflora var. splendens , Subalpine Spiraea
Erigeron aliciae , Alice's Fleabane	Subularia aquatica , Water Awlwort
Erythronium quinaultense , Quinault Fawnlily	Synthyris pinnatifida var. lanuginosa , Cut-leaf Synthyris
Erythronium revolutum , Pink Fawn-lily	Utricularia intermedia , Flat-leaved Bladderwort
	Viola renifolia , Kidney-leaved Violet
	Whipplea modesta , Yerba de Selva
	Woodwardia fimbriata , Chain-fern

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

Setting instream flows is one tool used by Ecology to fulfill their statutory obligations to protect and preserve the natural environment, so some protection of natural riparian plant communities should occur.

Rule implementation measures and the requirement for mitigation are expected to encourage use of native plants in landscaping.

## 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: Large mammals include Roosevelt elk, black bear, mountain lion, bobcat, coyote, mountain goat, black-tailed deer and mule deer.

fish: bass, salmon, trout, herring, shellfish, other: Anadromous fish include Chinook, coho, chum and pink salmon, and steelhead. Native freshwater fish include bull trout, a species of char, as well as brook, cutthroat, and rainbow trout, and whitefish. The Olympic mud minnow is also known to occur.

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

State and federal listed wildlife species known or with potential to occur in the Elwha Dungeness watershed include the bald eagle, Brandt's cormorant, common loon, fisher, golden eagle, Lewis woodpecker, marbled murrelet, Northern goshawk, northern spotted owl, pileated woodpecker, purple martin, sea otter, Van Dyke's salamander, and Vaux swift. Chinook salmon, summer chum salmon, steelhead, and bull trout are listed as threatened under the ESA.

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

It is part of the Pacific flyway for waterfowl. Several anadromous fish and migrating bird species spend part but not all of their lives within the watershed. Elk and deer migrate from the higher elevations in the winter months and can frequently be seen in the vicinity of Sequim and the lower watershed.

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

Setting instream flows is one tool used by Ecology to fulfill their statutory obligations to protect and preserve the natural environment, providing benefit to both fish and wildlife.

## 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.

No energy will be consumed as a direct result of this rule, although some energy consumption is expected as a result of enabled development of typical type and measure for domestic uses within the basin. This will not exceed the amount of development that would occur without the rule.

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

No.

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:

None

## 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.

None.

1) Describe special emergency services that might be required.

None.

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

None.

## 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.

None.

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

None.

## 8. Land and shoreline use

a. What is the current use of the site and adjacent properties?

Land uses within the basin include agricultural, commercial, industrial, residential, recreational, and preservation. Upper lands within the Olympic National Park and the Buckhorn Wilderness are managed for preservation and protection of biological and wilderness resources. Lands within the Olympic National Forest are managed for recreation, commercial forest production and protection and enhancement of watershed and aquatic habitat. Commercial and non-commercial forestland is abundant and subject to forest harvest and management activities.

b. Has the site been used for agriculture? If so, describe.

Areas of the basin have been heavily farmed over the years. The population growth common in much of Western Washington during the 1960s and 1970s dramatically changed the demographics, and accordingly the land use. Much of the traditionally agricultural land is now zoned rural residential, though some of it is still farmed.

c. Describe any structures on the site.

Existing development includes structures for residential, commercial, industrial, recreational, and agricultural uses.

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

No structures are expected to be demolished as a direct or indirect result of this rule.

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

Zoning varies throughout the basin, and a large portion is federal lands (Olympic National Park, Olympic National Forest, and the U.S. Fish and Wildlife Service's Dungeness National Wildlife Refuge). The following Clallam County, City of Sequim, and various townships zoning designations apply to lands within the basin:

- Agricultural Retention (AR)
- Commercial Forest (CF)
- Commercial Forest/Residential Mixed Use 20 (CFM 20)
- Carlsborg Commercial (CC)
- Carlsborg General Commercial (CGC)
- Carlsborg Industrial (CI)
- Carlsborg Village Center (CN)
- Carlsborg Residential (CR)
- Carlsborg Village Commercial (CV)
- Rural Neighborhood Conservation (NC)
- Public Land (P)
- Parks and Recreation (PR)
- Rural (R1)
- Rural Moderate (R2)
- Rural Low (R5)
- Rural Very Low (R20)
- Rural Character Conservation 3 (RCC3)
- Rural Character Conservation 5 (RCC5)
- Rural Village (RV)
- Sequim Urban Residential-II [S(R-II)]
- Sequim Urban Residential-III [S(R-III)]
- Sequim Urban Residential-IV [S(R-IV)]
- Sequim Research and Development Park [S(RDP)]
- Urban Residential High (URH)

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

Varies throughout the basin.

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

Varies along the marine coastline and at least a portion of the shores of the Dungeness River, and McDonald and Seibert creeks, including Natural, Conservancy, and Rural designations.

h. Has any part of the site been classified as an "environmentally sensitive" or "critical" area? If so, specify.

Yes, areas have been designated eagle habitat, meander hazard, floodway, 100-year flood, erosion hazard, landslide hazard, seismic soils, and wetlands.

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

Approximately 29,000 people live within the area affected by the rule.

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

None

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

The rule provides a regulatory framework for acquiring water rights to serve growth in the basin.

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

Local government officials were included in the development of this plan.

## 9. Housing

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

None.

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

None.

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

The rule provides a regulatory framework for acquiring water rights to serve growth in the basin.

## 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?

Not applicable

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

Not applicable

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

Setting instream flows is one tool used by Ecology to fulfill its statutory obligations to protect and preserve the natural environment. Aesthetic values are specifically named: "Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values . . . ." RCW 90.54.020(3)(a).

## 11. Light and glare

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

Not applicable

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

Not applicable

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

None.

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

None.

## 12. Recreation

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

Popular forms of recreation include hiking, camping, picnicking, sightseeing, wildlife observation, fishing, boating, whitewater rafting, hunting, bicycling, horseback riding, and scuba diving. The Olympic Peninsula contains numerous federal, state, county- administered recreational areas. Olympic National Park, the most visited park in the state, covers 27 percent of Clallam County's land area; state, county and city parks cover an additional 407 acres.

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

No

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

Recreation is a beneficial use of waters of the state (RCW 90.54.020(1)), and is a value to be protected by creating instream flows.

## 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.

The following sites in the basin are included on the state historic register:

- Three Forks Shelter at Deer Park Campground
- Sequim Opera House
- Port Williams
- New Dungeness Light Station on the Dungeness Spit
- New Dungeness at the base of the Dungeness Spit
- McAlmond House, north of Sequim on Dungeness Bay
- Jackson Brothers Barn, Kitchou-Dick Rd, Sequim
- John A Hyer Farm, Grant Rd, Sequim
- Gerin Farmstead, Port Williams Rd, Sequim
- Dungeness School, Towne Rd, Dungeness
- Aircraft Warning Service Observation Tower, Spring Rd, Agnew
- Eberle Farm
- Blue Mountain School
- Jack Frost Farm
- Sequim Town Hall
- Bagley Lake Farm Tunnel

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

See above.

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

No negative impacts on historic, archaeological, scientific or cultural sites are expected.

#### 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.

Highway 101 runs through the lower portion of the basin. The Clallam County Road System consists of urban arterials and urban collectors, minor arterials, major and minor collectors, and rural roads.

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Clallam County Transit runs along Hwy 101 in the basin.

c. How many parking spaces would the completed project have? How many would the project eliminate?

Not applicable

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).

No

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

This non-project action will not use any water, rail, or air transportation, but the area affected by the rule is accessed by Highway 101 and local roadways. The Sequim Valley Airport provides air transport to the basin.

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

None. The rule will not result in increased development, nor generate additional vehicular trips than would have occurred without the rule.

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

None

#### 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.

The rule allows the use of a water bank or "exchange" to simplify the mitigation for new water uses, which may require agency oversight. Tracking building permits and metering data will also add a new burden on

county and state staff. In addition, incoming residents will be requested to join existing Group A waters systems whenever possible.

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.

Most of these utilities are currently available to urban areas within the watershed. Rural areas are typically supplied electricity and telephone service, and are dependent on individual wells and septic tanks.

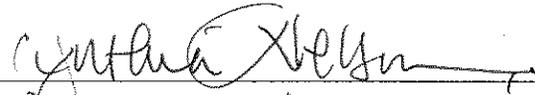
b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

There will be language in the rule that affects public water sources, including:

- Requiring new water users to seek water from a public water supplier, before allowing a withdrawal from another well.
- Providing a regulatory framework for acquiring new water rights.

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:  SURRO SEA

Date Submitted: April 30, 2012 (signed)

#### 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?

This rule is not likely to increase discharges to water; emissions to air; production, storage, or release of toxic or hazardous substances, or production of noise, that would differ from the change associated with future development without the rule.

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?

Setting instream flows is a tool for protecting and preserving the natural environment. This rule has the potential to positively impact habitat, wetlands, plants, animals, fish, marine life, and so on by protecting existing surface water levels necessary to protect these values.

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

See above.

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

This rule is not likely to deplete energy or natural resources any more than would occur with future development without the rule.

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

See #2.

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 rule will provide a layer of protection for threatened and endangered species and their habitats, wild and scenic rivers, wilderness, and wetlands, in that most existing stream flows will be protected against future diversions. Setting the instream flows in rule will also protect the State's instream-flow trust water on the Dungeness River, saved through irrigation efficiency projects and any future additions to flow restoration. The rule may also provide some benefit to parks by protecting existing stream flows. The rule could affect floodplains or other types of environmentally sensitive areas through the implementation of mitigation projects required for future water uses.

It is unknown whether the rule will increase or decrease pressure on agricultural lands to be converted to residential and municipal uses. Currently development must rely on permit-exempt well use or purchase of an existing water right where hook up to a public water system is not available. The rule will enable Ecology to issue new water rights in the basin, however, all new water use must be mitigated. It is likely that existing agricultural water rights will be used to mitigate for new water uses. Ecology and the Dungeness Water Users Association have identified water potentially available for mitigation that was saved through irrigation efficiency projects and currently held in the state water trust program. Use of this saved water for mitigation will not affect existing agricultural activities.

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

The rule establishes maximum depletion amounts that limit the future impact to surface waters from new groundwater uses to one percent of the low observed or estimated stream flow. The rule will create a regulatory framework for acquiring new water rights to serve development that requires mitigation for all new uses of water. It will also set instream flow levels to protect existing stream flows necessary for in-stream values. (See #2.)

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 rule is unlikely to have any effect on existing land and shoreline uses. The rule may result in some redirected development to urban and urban-growth areas where public water service is available, but this is compatible with existing zoning, comprehensive plan designations, or water service plans and supports Growth Management Act goals.

The rule will provide more protection to stream flows than otherwise would have occurred, which would benefit public recreational use.

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

The rule provides a regulatory framework for acquiring new water rights throughout the basin.

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

The rule requires development to connect to an existing public water system if available. Some development may be redirected to water system service areas to avoid mitigation expenses associated with acquiring new water rights.

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

The rule provides the regulatory framework to allow Ecology to issue new water rights in the basin, providing a pathway for water purveyors to increase their capacity.

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

This rule complies with, and is made in response to, existing laws.