

DETERMINATION OF NONSIGNIFICANCE

Description of proposal:

The Forest Practices Board proposes to amend the definition of "forest practice" in WAC 222-16-010. The phrase "forest biomass" is added to the definition to ensure understanding by rule users that forest biomass harvest is a forest practice and subject to all environmental protections required for timber harvest in the forest practices rules (Title 222 WAC).

Proponent: **Forest Practices Board**

Location of proposal, including street address, if any:

This is not a site-specific proposal. State and private forest lands (non-federal, non-tribal forest lands) in Washington State are subject to the forest practices rules (Title 222 WAC).

Lead agency: **Forest Practices Board**

The lead agency 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.

This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal before May 10, 2011. Comments must be submitted by April 1, 2011.

Responsible official: **Peter Goldmark**

Position/Title: **Commissioner of Public Lands** Phone: **(360) 902-1004**

Address: **Forest Practices Board
c/o Patricia Anderson, Rules Coordinator
Department of Natural Resources
1111 Washington Street SE
PO Box 47012
Olympia, WA 98504-7000
(360) 902-1400**

Date: March 16, 2011

Signature: 

ENVIRONMENTAL CHECKLIST

Purpose of Checklist:

The State Environmental Policy Act (SEPA), Chapter 43.21 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.

A. BACKGROUND

1. Name of proposed project, if applicable:
Forest Practices rule proposal: Add forest biomass to the definition of “forest practice” in WAC 222-16-010.
2. Name of applicant:
Forest Practices Board
3. Address and phone number of applicant and contact person:
**Forest Practices Board
c/o Patricia Anderson, Rules Coordinator
Department of Natural Resources
1111 Washington Street SE
PO Box 47012
Olympia, WA 98504-7012
(360) 902-1413**
4. Date checklist prepared:
December 2010
5. Agency requesting checklist:
Forest Practices Board
6. Proposed timing or schedule (including phasing, if applicable):
The Forest Practices Board may consider rule adoption at the May 10, 2011 quarterly meeting. If the Board adopts a rule in May, the rule will be effective in June 2011.
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
The Department of Natural Resources (DNR), at the request of the Board, has convened a stakeholder group to establish a dialog on what might be involved in addressing sustainable biomass harvest from forest lands. The emphasis of the group is to gain a clear understanding of specific concerns about forest biomass harvest under the forest practices rules (Title 222 WAC) and develop a plan for “next steps” by the group. Next steps will likely include: better understanding of the state of the science and operation feasibility; monitoring field operations and the adequacy of existing regulations; and reporting conclusions back to the Forest Practices Board.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
None.
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.
This is not applicable. The proposal is a rule amendment in Title 222 WAC, *Forest Practices Board*, not a site-specific proposal. Rule making is categorized in SEPA rules as a “non-project” action (WAC 197-11-704(b)).
10. List any government approvals or permits that will be needed for your proposal, if known.
The Forest Practices Board adopts rules in Title 222 WAC.
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 agency may modify this form to include additional specific information on project description.)
The Forest Practices Board proposes to amend the definition of “forest practice” in WAC 222-16-010. The phrase, “or forest biomass” is added to the definition to ensure understanding by the regulated community that forest biomass harvest is a forest practice and subject to all environmental protections required in the forest practices rules for timber harvest.

Please see the rule amendment and a more extensive description of the proposal in section D, Supplemental Sheet for Nonproject Actions.

12. Location of 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 topographical 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 applications related to this checklist.
This is not site-specific proposal. State and private forest lands (non-federal, non-tribal forest lands) in Washington State are subject to the forest practices rules (Title 222 WAC).

B. ENVIRONMENTAL ELEMENTS

1. Earth
This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.
 - a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountains, other ...
 - b. What is the steepest slope on the site (approximate percent slope)?

- c. What general types of soils (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

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

- a. What types of emissions to the air would result from this 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

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

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 the 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:

- 1) Will groundwater be withdrawn, or will water be discharged to groundwater? 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 such systems, the number of houses to be served (if applicable), or the number animals or humans the system(s) are expected to serve.

c. Water Runoff (including storm water):

- 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 material 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

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

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, bulrush, 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

- 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:
This is not a site-specific proposal; not applicable.
- b. List any threatened or endangered species known to be on or near the site.
This is not a site-specific proposal; not applicable.
- c. Is the site part of a migration route? If so, explain.
This is not a site-specific proposal; not applicable.
- d. Proposed measures to preserve or enhance wildlife, if any:
Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts to wildlife.

6. Energy and Natural Resources

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

- a. What kinds of energy (electrical, 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

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

- 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 any emergency services that might be required.
- 2) Propose measures to reduce or control environmental health hazards, if any:

b. Noise

- 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 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

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

- 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

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

- 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

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

- 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

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

- a. What kind 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

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

- a. What designated and informal recreation 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 recreational opportunities to be provided by the project or applicant, if any:

13. Historic and Cultural Preservation

This is not a site-specific proposal. None of the questions in this element are applicable

to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

- 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, archeological, scientific, or cultural importance known to be on or next to the site? If so, generally describe.
- c. Proposed measures to reduce or control impacts, if any:

14. Transportation

This is not a site-specific proposal. None of the questions in this element are applicable to a nonproject proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

- 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 the 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

This is not a site-specific proposal. None of the questions in this element are applicable to a non-project proposal. Please see section D, Supplemental Sheet for Nonproject Actions, for an explanation of expected impacts.

- 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.

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project action)

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.

Description of proposal

This is a rule proposal to amend Title 222 WAC, *Forest Practices Board*, as follows:

WAC 222-16-010 Definitions

...“Forest practice” means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber **or forest biomass**, including but not limited to:

- Road and trail construction;
- Harvesting, final and intermediate;
- Precommercial thinning;
- Reforestation;
- Fertilization;
- Prevention and suppression of diseases and insects;
- Salvage of trees; and
- Brush control.

““Forest practice” shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources. . .

The rules in Title 222 WAC are commonly known as the “forest practices rules.” These rules are the Forest Practices Board’s minimum standards for conducting activities related to commercial timber operations on Washington’s non-federal, non-tribal forest lands.

The proposed rule amendment is intended to ensure understanding by the regulated community that:

- **Forest biomass harvest is a forest practices activity, just as timber harvest and salvage logging are forest practices activities; and**
- **Forest biomass harvest is subject to all environmental protections required for other forest practices activities.**

It is important to note that the rule proposal does not add a regulation, but merely highlights forest biomass harvest as a forest practices activity that is subject to Title 222 WAC.

Nonproject action questions:

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?
The rule amendment would not have an effect on any aspect of this question. This proposal clarifies that removal of forest biomass from forest lands is subject to the

regulations protecting the environment that exist for all other regulated forest activities. As such, the proposal does not increase any of the environmental effects listed.

Proposed measures to avoid or reduce such increases are: **Not applicable.**

2. How would the proposal be likely to affect plants, animals, fish or marine life? Proposed measures to protect or conserve plants, animals, fish, or marine life are:

The proposal is intended to increase awareness that forest biomass removal is a forest practice and subject to all the environmental protections built into forest practices rules.

The forest practices rules are designed to protect aquatic resources and wildlife habitat, and ensure future productivity of forest land. WAC 222-30-020, *Harvest unit planning and design*, provides an overview of the ways in which the rules provide for such protections, including:

- **Appropriate use of logging systems and location of landings;**
- **Adherence to management limitations in riparian and wetland management zones for fish habitat protection and large woody debris recruitment;**
- **Identification and protection of wildlife habitat; and**
- **Retention of live trees and down wood for cavity nesting wildlife.**

Chapter 222-30 WAC, *Timber harvesting*, as a whole contains the prescriptions for protecting these habitats upon harvest.

The affect of the proposal on forest-related vegetation, animals, fish and marine life is expected to be positive if it results in an increased awareness that all of the forest practices rules must be followed when forest biomass is harvested.

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

The proposal clarifies that removal of biomass forest products from forest lands is subject to the regulations protecting the environment that exist for forest practices. As such, the proposal maintains natural resources consistent with the forest practices rules.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designed (or eligible or under study) for governmental protection: such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands? Proposed measures to protect such resources or to avoid or reduce impacts are:

The affect of the proposal on environmentally sensitive areas, wetlands, forest-related threatened and endangered species, and historic or cultural sites is expected to be positive from the increased awareness that the forest practices rules that address these elements must be followed when forest biomass is harvested.

- **Environmentally sensitive sites are addressed under the riparian rules in WACs 222-30-021, -022, -023, -028, -040 and -045.**
- **Wetlands are addressed under WAC 222-30-020.**
- **Habitats of forest-related threatened and endangered species are addressed in WAC 222-30-020 (10).**

- **Historic and cultural resources protection is addressed in WAC 222-20-120.**

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 does not affect land uses.

Proposed measures to avoid or reduce shoreline and land use impacts are: **Not applicable.**

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

Specifying that forest biomass harvest is subject to the Forest Practices Act and rules will not directly or indirectly affect demands on transportation or public services.

While biomass removal activity includes transportation, the rule proposal only regulates how it may occur on forest land. The proposal does not encourage biomass harvest, nor would it increase transportation system demands.

Proposed measures to reduce or respond to such demand(s) are: **Not applicable.**

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

This proposal does not conflict with local, state or federal laws.