

# SEPA<sup>1</sup> Environmental Checklist

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## Purpose of checklist

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

## Instructions for applicants

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

The checklist questions apply to **all parts of your proposal**, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

## Instructions for lead agencies

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

## Use of checklist for nonproject proposals

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

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<sup>1</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/Checklist-guidance>

## A. Background

[Find help answering background questions](#)<sup>2</sup>

**1. Name of proposed project, if applicable:**

Rule Making to Incorporate SHB 1085 for Flotation Materials

**2. Name of applicant:**

Theresa Nation

Washington Department of Fish and Wildlife (WDFW)

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

P.O. Box 43200

Olympia, WA 98504-3200

Phone: (360) 902-2562

**4. Date checklist prepared:**

2/2/2024

**5. Agency requesting checklist:**

WDFW

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

CR-105 notification form and rule proposal filed with the Office of the Code Reviser on 1/23/2024.

Rule proposal and notification published in the State Register on 2/7/2024. This is an expedited rule that is exempt from public hearings under the Administrative Procedures Act (RCW 34.05.353).

Waiting period ends 3/26/2024.

Anticipated adoption by the Washington Fish and Wildlife Commission on 4/18/2024.

Anticipated effective date late May 2024.

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

There are no plans for changes to this rule section after the current rule making activity.

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

Substitute House Bill 1085 was passed in 2023 and Section 3 was codified in state law as Revised Code of Washington (RCW) 70A.245.130.

**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.**

There is no property involved with this proposal. It is an environmental permitting program.

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<sup>2</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-A-Background>

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

None.

**11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)**

The Washington Department of Fish and Wildlife (WDFW) is conducting a project to amend the Hydraulic Code Rules. These rules govern the [Hydraulic Project Approval \(HPA\) permitting process](#) and are located in [Chapter 220-660 Washington Administrative Code \(WAC\)](#). This WAC chapter establishes the regulations of the Hydraulic Project Approval (HPA) program. HPA permits are issued to protect fish and their habitat during construction.

[SHB 1085](#), titled *Plastic Pollution Reduction--Various Provisions*, is a bill passed during the 2023 legislature. The bill includes several sections regarding various subjects. Section 3 establishes standards in law for the sale, distribution, and installation of flotation materials in overwater structures (e.g., docks and swim floats).

WDFW has long regulated the installation and use of flotation materials through HPA permits and the Hydraulic Code Rules. Flotation standards in the Hydraulic Code Rules are similar to Ecology's new law. However, differences in the language may cause confusion. The proposed amendment will align the rule language for freshwater and marine flotation with the new law. Amending the rules provides increased clarity to the regulated community and helps them to comply with both their HPA permit and the new law.

The following sections of the Hydraulic Code Rules are being amended: [WAC 220-660-140](#) and [WAC 220-660-380](#). These sections contain rules for overwater structures in freshwater and saltwater, respectively. The Hydraulic Code Rules already require the containment of flotation materials, but with less detail. Amendments will incorporate the language from SHB 1085 containing the detailed standards for foam flotation. Additionally, erroneous language regarding plastic "wrap" will be eliminated in WAC 220-660-140.

The anticipated effect is that HPA permits will align with standards from SHB 1085 and provide project proponents with information detailed enough to build a legal overwater structure. In practical terms, we do not expect that flotation will change, because HPA permits already require flotation to be contained.

**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 Hydraulic Code Rules apply to waters of the state throughout Washington. This proposal applies to overwater structures in both freshwater and marine waters of the state.

## **B.Environmental Elements**

Under WACs 197-11-315(1)(e) and 197-11-960, WDFW as SEPA lead agency has determined that the questions in Part B do not contribute meaningfully to the analysis of this nonproject proposal and has omitted them. Part D is the responsive section describing the environmental effects of this proposal.

## **C.Signature**

[Find help about who should sign](#)<sup>3</sup>

**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.**



**Type name of signee:** Theresa Nation

**Position and agency/organization:** Environmental Planner, Habitat Program, WDFW

**Date submitted:** 2/5/2024

## **D.Supplemental sheet for nonproject actions**

[Find help for the nonproject actions worksheet](#)<sup>4</sup>

**Do not** use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

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<sup>3</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-C-Signature>

<sup>4</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-d-non-project-actions>

**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 proposal will not increase discharge, emissions, or noise. The rule provides flotation material standards to reduce plastic pollution in the environment.

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

n/a

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

The proposal will reduce impacts to fish and marine life by requiring specific flotation materials designed to reduce the loss of plastic foam into the environment.

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

n/a

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

The proposal will not deplete energy sources or natural resources.

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

n/a

**4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

The proposal will reduce impacts to environmentally sensitive areas by requiring specific flotation materials designed to reduce the loss of plastic foam into the environment.

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

n/a

**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 will not affect land or shoreline use. It will not encourage or discourage the construction of overwater structures.

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

n/a

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

The proposal will not affect transportation or utilities.

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

n/a

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

The proposal aligns permit rules for the protection of fish life with a state statute to reduce plastic pollution in the environment (RCW 70A.245.130). No known conflict with other local, state or federal laws or requirements. WDFW is the sole authority regulating hydraulic projects under Chapter 77.55 RCW, and the only state agency that regulates hydraulic projects solely for the protection of fish life.