

**WAC 463-42-332 Natural environment -- ~~Plants and animals~~ Habitat, Plants, Fish and Wildlife.**

~~(1) Habitat for and number or diversity of species of plants, fish, or other wildlife--~~ The applicant shall describe all habitat types, vegetation, wetlands, ~~animal life~~ fish, and ~~aquatic wildlife, and instream flows~~ which might reasonably be affected by construction, operation, ~~abandonment, termination~~ or cessation of the energy facility and any associated facilities. ~~Assessment of these factors shall include density and distribution information.~~ The application shall contain: ~~a full description of each measure to be taken by the applicant to protect all habitat types, vegetation, wetlands, animal and aquatic life from the effects of project construction, operation, abandonment, termination, or cessation of operations.~~

(1) Habitat and Instream flows

- (a) A detailed description of habitats present on the project site, and those portions of the following that are under EFSEC jurisdiction: transmission line corridors, gas pipeline connection routes, and water pipeline corridors, and the impacts of the proposed project on those habitats. Habitat descriptions should include density and distribution information, identification of plant species present and relative cover. Health and vigor of the plant communities should be discussed.
- (b) Habitat characterized based on both literature reviews and quantitative field analyses taking into account the species affected and the surface disturbance planned.
- (c) Priority Habitat and Species data obtained for the project area with the results reported.
- (d) Quantification of the habitat impacts of removal or trimming, including whether the impacts on the plant communities are permanent or temporary and whether the right-of-way associated with a water pipeline or transmission line would require the permanent

removal of existing trees and shrubs for easement maintenance should also be reported.

If trees would be removed, describe the total area impacted by the tree removal.

- (e) Potential changes in the adjacent plant community type and the potential impact of introduced exotic species or noxious weeds should be addressed if woody vegetation along the water pipeline or transmission line corridor would be removed.
- (f) Measures that would be used to prevent or minimize the introduction, spread, and establishment of noxious weeds during construction and operations.
- (g) Revegetation guidelines for areas that would be disturbed during construction including guidelines for the use of native and non-native seed mixes.
- (h) A description of the impacts of the project on instream flows and proposed mitigation action.

(2) Fish and wildlife

- (a) The results of a professional onsite field characterization of existing fish and wildlife resources and potential fish and wildlife use of the project area. Include density and distribution information.
- (b) The results of a species list obtained from the United States Fish and Wildlife Service, the Washington Department of Fish and Wildlife and the National Marine Fisheries Service.
- (c) The results of contact with professional biologist familiar with the local area regarding information on the fish and wildlife use of the project area.
- (d) An assessment of potential impacts, proposed mitigation measures, and a fish and wildlife protection plan to mitigate project-related impacts. Mitigation plans shall include the following:
  - (i) Baseline data

- (ii) Estimate of impacts
  - (iii) Mitigation measures
  - (iv) Goals and objectives
  - (v) Detailed implementation plan
  - (vi) Demonstration of no net loss of fish and wildlife habitat function and value
  - (vii) Performance standards to measure whether goals are being reached
  - (viii) Maps and drawings of proposal
  - (ix) As-built drawings
  - (x) Operation and maintenance plans (including who will perform)
  - (xi) Monitoring and evaluation plans (including schedules)
  - (xii) Contingency plans, including corrective actions that will be taken if mitigation developments do not meet goals and objectives
- (e) Assurance that the proponent will fulfill their mitigation obligation resulting from the construction, operation, abandonment, termination, or cessation of operations for the duration of the project impact, including mitigation operation and maintenance, monitoring, and contingency plans.
- (f) An assessment of potential fish and wildlife enhancement through the use of stormwater discharges.
- (g) Priority Habitat and Species data for migration routes and potential project-related impacts.
- (h) An assessment of the risk to and proposed compensation for bats and birds colliding with project structures (stacks, towers, transmission lines or wind turbines) during both day and night, as well as the risk of collision during periods of inclement weather.

- (i) The identification of potential effects to fish and wildlife and their migration routes associated with any proposed water supply or natural gas pipelines, transmission lines, tower footings, or river crossing. Include a description of current migration conditions, issues, and barriers (dams, diversions, water pumps, etc.). Discuss construction methods, risks, setbacks, Best Management Practices, and timing. Identify proposed mitigation actions and, if appropriate, protection measures to be included in the stormwater pollution prevention plan. Document sources of information.
- (j) Discuss any discharges, noises, or activities that may confuse, deter, or disrupt fish or wildlife.
- (k) If appropriate, specify setbacks for all construction-related activities (earth moving, refueling, stockpiling, etc.) to protect fish and wildlife.
- (l) A discussion of potential impacts associated with wildlife usage of project ponds.
- (2)(3) Unique species - Any endangered species or priority species or habitat shall receive special attention.
- (a) A determination of the need for and results of a Biological Assessment to meet the requirements of the United States Corps of Engineers, the United States Fish and Wildlife Service, and the National Marine Fisheries Service.
- (b) A determination of the need for a rare and sensitive plant survey and if species are present, a description of project-related impacts.
- (c) Identification and location of any noxious weed species within the project area.
- (d) Documentation of consultation requirements under Section 7 of the Endangered Species Act. If appropriate, prepare a Habitat Conservation Plan if listed species would be

affected by project-related facilities. If there would be a taking of a listed species, provide evidence of an incidental take permit or the status of obtaining a permit.

~~(3) Fish or wildlife migration routes – The applicant shall identify all fish or wildlife migration routes which may be affected by the energy facility or by any discharge to the environment.~~

(4) Wildlife Areas and Conservation Areas

(a) A description of the existing conditions and potential impacts to wildlife areas and conservation areas from project construction and normal operations.

(b) A discussion of the potential impact that an ammonia or other chemical spill might have on fish or wildlife.

(c) A discussion of the potential impact of stack emissions on germination, crop production, and wildlife habitat on farmlands, conservation areas or wildlife areas in proximity to the project area.

[Statutory Authority: RCW [80.50.040](#), 92-23-012, § 463-42-332, filed 11/6/92, effective 12/7/92.]