

WAC 332-41-665 Policies and procedures for conditioning or denying permits or other approvals. (1) **What are DNR's specific policies for conditioning or denying permits or approvals?** DNR adopts the following SEPA policies:

(a) Geothermal resources. DNR recognizes the need to protect the public from geothermal drilling effects such as the contamination of the groundwater, the surface water, the possibility of a blowout, fire hazards, drilling fluids, and surface disturbance. DNR may, when necessary, condition the following aspects of a drilling operation to mitigate specific adverse environmental impacts:

- (i) Location of the well;
- (ii) Casing program;
- (iii) Makeup of drilling fluids.

(b) Surface mining. To provide that the usefulness, productivity, and scenic values of all lands and waters involved in surface mining within the state will receive the greatest practical degree of protection and restoration, the following aspects of surface mining may be conditioned:

(i) Proposed practices to protect adjacent surface resources, including but not limited to soil and water;

(ii) Specifications for surface gradient restoration to a surface suitable for the proposed subsequent use of the land after reclamation is completed, and proposed method of accomplishment;

(iii) Matter and type of revegetation or other surface treatment of disturbed areas;

(iv) Method of prevention or elimination of conditions that will create a public nuisance, endanger public safety, damage property, or pose a hazard to plant, animal, fish, or human life in or adjacent to the area;

(v) Method of control of contaminants and disposal of surface mining refuse;

(vi) Method of diverting surface waters around the disturbed areas;

(vii) Method of restoration of stream channels and stream banks to a condition minimizing erosion and siltation and other pollution.

(c) Upland and aquatic right of way grants. Recognizing that construction and/or reconstruction under upland and aquatic right of way grants can create adverse impacts to the elements of the environment, it is the policy of DNR to condition grants where necessary and where allowed by state and federal law:

(i) To protect all surface resources including but not limited to soil and water, through authorized right of way operations on public lands, and to cause on a continuing basis the rehabilitation or reestablishment of the vegetative cover, soil stability and water condition appropriate to intended subsequent use of the area;

(ii) To meet air quality standards;

(iii) To protect recreational and special use areas under lease; and

(iv) To meet obligations under DNR's habitat conservation plans, any amendments to DNR's habitat conservation plans, or the *Policy for Sustainable Forests* adopted in 2006, and any future updates to the policy.

(d) State-owned aquatic lands. In managing state-owned aquatic lands, DNR shall consider the natural values of state-owned aquatic land such as wildlife habitat, natural area preserves, representative ecosystems, or spawning area prior to issuing any initial lease or authorizing any change in use.

(i) DNR may refrain from leasing lands that it finds to have significant natural values, as described in this subsection, or may provide within any lease for the protection of such values.

(ii) DNR may condition its proposals to meet its obligations under any future aquatic habitat conservation plan, or any amendments to DNR's aquatic habitat conservation plans.

(e) Public lands leases and contracts. Under authority granted by chapters 79.02, 79.13, 79.14, 79.15, 79.22 and 79.105 RCW, DNR may set any lease or contract terms and conditions that are consistent with state law. For public lands, DNR may condition or withhold a lease or contract where significant adverse environmental impacts associated with a lease proposal or contract proposal will occur. DNR may condition its proposals to meet its obligations under any current or future habitat conservation plan, or any amendments to DNR's habitat conservation plans, or the *Policy for Sustainable Forests* adopted in 2006, and any future updates to the policy.

(f) Timber sales. Department policies for the sale of timber from public lands are found under DNR's habitat conservation plans, any amendments to DNR's habitat conservation plans, or in the *Policy for Sustainable Forests* adopted in 2006 and any future updates to the policy.

(g) Forest practices. SEPA policies related to the review of environmental impacts, conditioning, and disapproval of forest practices are adopted by the forest practices board and are contained in chapter 222-10 WAC. WAC 222-10-010 adopts by reference policies of SEPA as set forth in RCW 43.21C.020. WAC 222-10-050 adopts by reference the *SEPA Rules* adopted by the state of Washington department of ecology, chapter 197-11 WAC, except those rules that may not be applicable.

(2) **What are DNR's general policies for conditioning or denying permits or approvals?** The policies set out in subsection (1) of this section do not anticipate all situations which may result in placing conditions on a permit or denial of a proposal following environmental review. DNR therefore adopts the policies set forth in the State Environmental Policy Act, RCW 43.21C.020, as further basis for conditioning or denying a public or private proposal under SEPA. Those policies are to:

(a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(b) Assure for all people of Washington safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(c) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(d) Preserve important historic, cultural, and natural aspects of our national heritage;

(e) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(3) **What procedures must DNR follow to condition or deny a proposal?** DNR must follow the procedures in RCW 43.21C.060 and WAC 197-11-660 when conditioning or denying permits or other approvals under SEPA. Conditioning must be in writing and may be added only to mitigate specific adverse environmental impacts that are identified in

the environmental document. To deny a proposal under SEPA, DNR must find that the proposal will result in significant adverse impacts as identified in a final EIS or final supplemental EIS, and that reasonable mitigation measures are insufficient to mitigate any identified impact.

[Statutory Authority: Chapters 43.21C, 34.05 RCW, WAC 197-11-902(2), and [197-11]-904(1). WSR 07-08-021, § 332-41-665, filed 3/27/07, effective 4/27/07. Statutory Authority: RCW 43.21C.120 and chapter 34.05 RCW. WSR 93-01-126 (Order 607), § 332-41-665, filed 12/21/92, effective 1/21/93. Statutory Authority: Chapter 43.21C RCW and RCW 43.30.150. WSR 84-18-052 (Order 432), § 332-41-665, filed 9/5/84. Formerly chapter 332-40 WAC.]