



June 28, 2016

**2016 Seattle Municipal Code Chapter 15.32
Amendments and Updated Right of Way Opening
and Restoration Rule**

**City of Seattle Department of Transportation
700 5th Avenue, Suite 2300
P.O. Box 34996
Seattle, Washington 98124-4996**

SEPA Checklist

STATE ENVIRONMENTAL POLICY ACT (SEPA) ENVIRONMENTAL CHECKLIST

A. BACKGROUND

1. Name of proposed project, if applicable:

Seattle Municipal Code (SMC) Chapter 15.32 Amendments and Updated Right of Way
Opening and Restoration Rule

2. Name of applicant:

City of Seattle Department of Transportation (SDOT)

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

Heather Marx
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P.O. Box 34996
Seattle, WA 98124-4996
(206) 615-0801

4. Date checklist prepared:

June 28, 2016

5. Agency requesting checklist:

SDOT

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

The legislation may be transmitted to City Council in the 3rd quarter of 2016. Amendments to SMC Chapter 15.32 and the Updated Right of Way Opening and Restoration Rule are slated to take effect January 1, 2017.

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

Yes, a Director's Rule will be drafted to supplement new code amendments for pavement opening and restoration requirements in the public right-of-way (or "public place").

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.

None.

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

The proposed code amendment legislation will require adoption by the City Council. The updated Director's Rule related to this will require adoption by the SDOT Director. Individual projects in the public right-of-way will require a Street Use permit authorizing the use of the public place.

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.)

This is a non-project proposal amending SMC Chapter 15.32 regarding the standards and procedures for pavement moratorium and restoration policies. The intention is to protect and ensure the City of Seattle's (City's) assets are restored appropriately after being damaged for other construction work while preserving the public's access to the streets and sidewalks. The current SMC Chapter 15.32 and Right of Way Opening and Restoration Rule (ROWORR) place a 3-year moratorium on cutting into new pavement and require contractors to observe certain restoration practices, such as the size of repair in relation to the size of the cut, type of backfill and patching materials, and timelines for temporary and permanent restoration.

Significant changes to the current SMC Chapter 15.32 include:

- Grants the authorizing official authority to defer permitted construction in the event of a civil emergency, except when emergency repairs are needed for life and safety;
- Requires planned projects to be entered into SDOT's right-of-way management system;
- Increases the membership of the Utility Coordinating Committee to also include Seattle Parks and Recreation, Seattle Department of Information Technology, Seattle Department of Construction and Inspections and representatives from utilities that construct, maintain or operate in the public place;
- Increases the pavement opening moratorium to five years;
- Adds "work necessary to ensure continued service delivery" as an exemption from both the pavement opening moratorium and the Street and Utility Improvement Plan;
- Requires record drawings for all Utility Major Permits; and
- Removes restoration detail from the Seattle Municipal Code.

The ROWORR is being revised to ensure pavement and other City-owned infrastructure is restored in a way that ensures long term performance of the infrastructure, and the rules are clear and can be consistently enforced. The changes to the rule include:

- Eliminates partial concrete panel restoration;
- Adds specific restoration requirements during the moratorium period;
- Adds specific restoration requirements for streets in failed condition;
- Adjusts stone block and unit pavement restoration requirements;
- Changes restoration requirements for pavement with unit paver base materials and non-arterial streets with concrete base;
- Adjusts limits of requirements for flexible base street restoration within near proximity of other utility cuts;
- Modifies restoration requirements for ADA;
- Adds restoration requirements for Green Stormwater Infrastructure; and
- Reorders sections to ensure readability.

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.

This is a non-project proposal that would apply within the City's rights-of-way.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site: *[Check the applicable boxes]*

- Flat Rolling Hilly Steep Slopes Mountainous
 Other: (identify)

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

This non-project proposal applies to all of the City's rights-of-way.

- 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 agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**

This non-project proposal applies to all of the City's rights-of-way. The City's rights-of-way may contain all types of soil classifications.

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

Not applicable to this non-project proposal. This proposal does not involve construction activity and applies to all of the City's rights-of-way.

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate the source of fill.**

Not applicable to this non-project proposal. This proposal does not involve construction activity and applies to all of the City's rights-of-way.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**

Not applicable to this non-project proposal. This proposal does not involve construction activity and applies to all of the City's rights-of-way.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

Not applicable to this non-project proposal. This proposal does not involve construction activity and applies to all of the City's rights-of-way.

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

Not applicable to this non-project proposal. This proposal does not involve construction activity.

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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

Not applicable to this non-project proposal.

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

This non-project proposal will not result in probable significant adverse emissions or other impacts to air.

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.**

This is a non-project proposal. Several water bodies are near City rights-of-way.

- 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.**

This non-project proposal applies to all of the City's rights-of-way. Several water bodies are near City rights-of-way.

- 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.**

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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

Not applicable to this non-project proposal. This proposal does not involve construction activity.

- 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.**

Not applicable to this non-project proposal. This proposal does not involve construction activity.

b. Ground:

- 1) Will ground water be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.**

Not applicable to this non-project proposal. This proposal does not involve construction activity.

- 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.**

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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.**

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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

Not applicable to this non-project proposal. This proposal does not involve construction activity.

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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

This non-project proposal will not result in probable significant adverse surface water, groundwater or storm water runoff impacts.

4. Plants

a. Types of vegetation found on the site: [Check the applicable boxes]

- | | | | | |
|---|--|---|---|---|
| <input checked="" type="checkbox"/> Deciduous trees: | <input checked="" type="checkbox"/> Alder | <input checked="" type="checkbox"/> Maple | <input checked="" type="checkbox"/> Aspen | <input checked="" type="checkbox"/> Other: (identify) |
| <input checked="" type="checkbox"/> Evergreen trees: | <input checked="" type="checkbox"/> Fir | <input checked="" type="checkbox"/> Cedar | <input checked="" type="checkbox"/> Pine | <input checked="" type="checkbox"/> Other: (identify) |
| <input checked="" type="checkbox"/> Shrubs | | | | |
| <input checked="" type="checkbox"/> Grass | | | | |
| <input checked="" type="checkbox"/> Pasture | | | | |
| <input checked="" type="checkbox"/> Crop or grain | | | | |
| <input checked="" type="checkbox"/> Orchards, vineyards, or other permanent crops | | | | |
| <input checked="" type="checkbox"/> Wet soil plants: | <input checked="" type="checkbox"/> Cattail | <input checked="" type="checkbox"/> Buttercup | <input checked="" type="checkbox"/> Bulrush | <input checked="" type="checkbox"/> Skunk cabbage |
| <input checked="" type="checkbox"/> Other: (identify) | | | | |
| <input checked="" type="checkbox"/> Water plants: | <input checked="" type="checkbox"/> water lily | <input checked="" type="checkbox"/> eelgrass | <input checked="" type="checkbox"/> milfoil | <input checked="" type="checkbox"/> Other: (identify) |
| <input checked="" type="checkbox"/> Other types of vegetation: (identify) | | | | |

Most terrestrial vegetation types listed above could be found in the planting strip or other unpaved portions of the City's rights-of-way.

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

This non-project proposal will not result in removal or alteration of vegetation.

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

This non-project proposal applies to all the City's rights-of-way. Threatened and endangered plant species are not expected to be found within the city limits.

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

This non-project proposal will not have probable significant adverse impacts to vegetation in the public right-of-way. The requirements for typical landscaping restoration are

included in the City of Seattle Standard Plans and Specifications and will not change as a result of this non-project proposal.

e. List all noxious weeds and invasive species known to be on or near the site.

This non-project proposal applies to all of the City's rights-of-way. Noxious weeds and invasive species are found within city limits.

5. Animals

a. Birds and animals which have been observed on or near the site or are known to be on or near the site: [Check the applicable boxes]

- Birds:** Hawk Heron Eagle Songbirds
 Other: (identify): crows, pigeons, doves, starlings, and house sparrows
- Mammals:** Deer Bear Elk Beaver
 Other:(identify): rats, squirrels, and raccoons
- Fish:** Bass Salmon Trout Herring
 Shellfish Other: (identify)

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

Threatened or endangered species can be found in the vicinity of the City's rights-of-way. These are Chinook salmon (*Oncorhynchus tshawytscha*), bull trout (*Salvelinus confluentus*), killer whale (*Orcinus orca*), Steller sea lion (*Eumatopias jubatus*), humpback whale (*Megaptera novaeangliae*), marbled murrelet (*Brachyramphus marmoratus*), steelhead (*Oncorhynchus mykiss*), eulachon (*Thaleichthys pacificus*), bocaccio (*Sebastes paucispinis*), canary rockfish (*Sebastes pinniger*), and yelloweye rockfish (*Sebastes ruberrimus*).

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

Seattle is within the Pacific Flyway, one of the four principal north-south migration routes for birds (including Canada geese, herons, and other birds) in North America. The Pacific Flyway encompasses the entire Puget Sound Basin.

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

Not applicable to this non-project proposal. This proposal does not involve construction activity.

e. List any invasive animal species known to be on or near the site.

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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.

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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:

Not applicable to this non-project proposal. This proposal does not involve construction activity.

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.

This non-project proposal will not result in probable significant adverse environmental health impacts.

1) Describe any known or possible contamination at the site from present or past uses.

Not applicable to this non-project proposal. This proposal does not involve construction activity.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**

Not applicable to this non-project proposal. This proposal does not involve construction activity.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

Not applicable to this non-project proposal. This proposal does not involve any toxic or hazardous materials.

- 4) Describe special emergency services that might be required.**

The indirect effects of this non-project proposal will not result in any special emergency services.

- 5) Proposed measures to reduce or control environmental health hazards, if any:**

The indirect effects of this non-project proposal will not result in probable significant adverse environmental health hazards.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

This non-project proposal does not involve construction activity. Ambient noise typical of urban areas exists in Seattle's public right-of-way.

- 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.**

Not applicable to this non-project proposal.

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

This non-project proposal will not result in probable significant adverse noise impacts.

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

Not applicable to this non-project proposal. This non-project proposal applies to all of the City's rights-of-way.

- b. Has the site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or non-forest use?**

Not applicable to this non-project proposal. This non-project proposal applies to all of the City's rights-of-way.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?**

Not applicable to this non-project proposal. This non-project proposal applies to all of the City's rights-of-way.

- c. Describe any structures on the site.**

Not applicable to this non-project proposal. This non-project proposal applies to all of the City's rights-of-way.

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

Not applicable to this non-project proposal. The proposal does not involve construction activity.

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

This non-project proposal applies to all of the City's rights-of-way. City rights-of-way are located in all City zoning designations.

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

This non-project proposal applies to all of the City's rights-of-way. City rights-of-way are located in all City Comprehensive Plan designations.

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

This non-project proposal applies to all of the City's rights-of-way. City rights-of-way are located in all City Shoreline Master Program designations.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

This non-project proposal applies to all of the City's rights-of-way. Some City rights-of-way are located in environmentally critical areas.

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

Not applicable to this non-project proposal. This non-project proposal applies to all of the City's rights-of-way.

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

This non-project proposal will not have displacement impacts.

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

This non-project proposal will not have displacement impacts.

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

This non-project proposal will not have displacement impacts.

m. Proposed measures to ensure that the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

Not applicable to this non-project proposal.

9. Housing

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

This non-project proposal will not provide housing units.

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

This non-project proposal will not provide housing units.

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

Not applicable to this non-project proposal.

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 to this non-project proposal.

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

Not applicable to this non-project proposal.

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

This non-project proposal will not result in probable significant adverse aesthetic impacts.

11. Light and glare

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

This non-project proposal will not result in probable significant adverse light or glare impacts.

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

This non-project proposal will not result in probable significant adverse safety hazards or view interference due to light or glare.

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

Ambient light and glare typical of urban areas presently exist in Seattle's public right-of-way and will not affect the proposal.

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

The indirect effects of this non-project proposal will not result in probable significant adverse light and glare impacts.

12. Recreation

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

There are parks and other designated and informal recreational opportunities within and near the City's rights-of-way areas.

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

This non-project proposal will not displace any existing recreational uses.

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

The indirect effects of this non-project proposal will not result in probable significant adverse recreation impacts.

13. Historic and cultural preservation

- a. **Are there any buildings, structures, or sites located on or near the project site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.**

There are seven historic districts and over 350 designated landmarks within the city. The City's rights-of-way lie within historic districts and contain or abut designated landmarks.

- b. **Are there any landmarks, features, or other evidence of Indian or historic use of occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

Not applicable to this non-project proposal.

- c. **Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the Department of Archaeology and Historic Preservation, archaeological surveys, historic maps, GIS data, etc.**

Not applicable to this non-project proposal.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance of resources. Please include plans for the above and any permits that may be required.**

This non-project proposal will not result in probable significant adverse historical and cultural preservation impacts. The ROWORR incorporates restoration requirements for historic cobblestone streets within the City's rights-of-way. For those streets within a defined Historical or Landmark District, the restoration must comply with the Landmark Preservation Ordinance. For those projects outside of a boundary, the ROWORR requires either restoring historic materials in kind, or salvaging the materials for future use.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area, and describe proposed access to the existing street system. Show on site plans, if any.**

This non-project proposal will apply to all of the City's rights-of-way.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

This non-project proposal will apply to all of the City's rights-of-way.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or non-project proposal eliminate?**

Not applicable to this non-project proposal.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

This non-project proposal will not require new roads or streets. Implementing a project subject to the updated ROWORR will require in-kind restoration of existing City streets and these projects will be evaluated on an individual project basis.

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

Not applicable to this non-project proposal.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?**

Not applicable to this non-project proposal. The indirect impacts of implementing this proposal will not result in significant vehicular trips per day.

- g. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.**

This non-project proposal will not interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets.

- h. Proposed measures to reduce or control transportation impacts, if any:**

This non-project proposal will not result in probable significant adverse transportation impacts. The purpose of the SMC and ROWORR amendments is to reduce pavement openings and replace pavement with a contiguous section of pavement instead of patches.

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.**

This non-project proposal is not anticipated to result in an increase need for Seattle Fire Department, SDOT, or the Seattle Police Department services.

- b. Proposed measures to reduce or control direct impacts on public services, if any.**

It is anticipated that this non-project proposal will not result in probable significant adverse impacts on public services.

16. Utilities

- a. Utilities currently available at the site, if any: [Check the applicable boxes]**

None

 Electricity

 Natural gas

 Water

 Refuse service
 Telephone

 Sanitary sewer

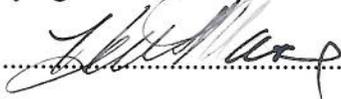
 Septic system
 Other (identify): other communication services, cable television, and internet access.

- 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.**

The proposed amendments are not expected to change potential demand for utility services or the specific services to be provided. Any potential utility connections will be addressed during review of new Street Use permit applications on a project-specific basis.

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: 

Date Submitted: 6/28/2016

D. SUPPLEMENTAL SHEET FOR NONPROJECT 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 non-project proposal will not result in an increased discharge to water; production, storage, or release of toxic or hazardous substances; or production of noise.

Approval of proposed construction in the right-of-way subject to the provisions of this non-project proposal may cause impacts to emissions to air, depending on how the proposed changes affect construction.

Proposed measures to avoid or reduce such increases are:

No avoidance or reduction of increased discharges, production, or releases is necessary when increases will not occur.

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

This non-project proposal will not affect plants, animals, fish, or marine life. Approval of proposed construction in the right-of-way subject to the provisions of this non-project proposal will not result in probable significant adverse impacts to birds, mammals, or fish; birds migrating along the Pacific Flyway; or threatened or endangered species.

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

No protective measures are necessary when the proposal will not affect plants, animals, fish, or marine life.

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

This non-project proposal will not deplete energy or natural resources.

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

No protection or conservation measures are necessary when this proposal will not deplete energy or natural resources.

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, flood plains, or prime farmlands?

This non-project proposal will not affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; including parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, flood plains, or prime farmlands.

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

No protective measures are necessary when this proposal will not affect environmentally sensitive areas or areas designated for governmental protection.

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?

This non-project proposal will not affect land and shoreline use, and would not allow or encourage land or shoreline uses incompatible with existing plans.

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

No measures to avoid or reduce shoreline and land use impacts when the proposal will not create uses that are incompatible with existing plans.

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

This non-project proposal will not result in an increase demands on transportation or public services and utilities. Approval of proposed construction in the right-of-way subject to the

provisions of this non-project proposal may result in existing street and sidewalk surfaces, and utilities being removed and replaced. The removal and replacement will not result in probable significant adverse environmental impacts.

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

No measures to reduce or respond to increases in transportation, public services, or utilities when increases to these will not occur.

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

This non-project proposal will not result in conflict with local, state, or federal laws or requirements for the protection of the environment.