

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 6632 S SB	<b>Title:</b> Wildfire management
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## Estimated Cash Receipts

NONE

## Estimated Expenditures

Agency Name	2015-17			2017-19			2019-21		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Department of Enterprise Services	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Department of Ecology	.2	0	34,981	.4	0	79,324	.2	0	37,240
Department of Natural Resources	10.7	7,123,000	56,051,000	18.3	5,303,000	100,977,000	15.7	3,832,000	99,506,000
<b>Total</b>	<b>10.9</b>	<b>\$7,123,000</b>	<b>\$56,085,981</b>	<b>18.7</b>	<b>\$5,303,000</b>	<b>\$101,056,324</b>	<b>15.9</b>	<b>\$3,832,000</b>	<b>\$99,543,240</b>

Local Gov. Courts *									
Loc School dist-SPI									
Local Gov. Other **	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Impact

NONE

<b>Prepared by:</b> Heather Matthews, OFM	<b>Phone:</b> (360) 902-0543	<b>Date Published:</b> Final 2/29/2016
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\* See Office of the Administrator for the Courts judicial fiscal note

\*\* See local government fiscal note

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6632 S SB	<b>Title:</b> Wildfire management	<b>Agency:</b> 179-Department of Enterprise Services
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## Part I: Estimates

☒ No Fiscal Impact

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Sherry McNamara	Phone: (360) 786-7402	Date: 02/05/2016
Agency Preparation: Keith Williams	Phone: (360) 407-9247	Date: 02/09/2016
Agency Approval: Ashley Howard	Phone: 3604078159	Date: 02/09/2016
OFM Review: Regan Hesse	Phone: (360) 902-0650	Date: 02/11/2016

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

Section 1 is the only section that pertains to the Department of Enterprise Services (DES). This section requires DES to do a Request for Information and Request for Quote from potential insurance carriers and report the information back to the legislature. This work would be rolled into the work that staff in our Risk Management Program already is doing and would not require additional personnel. There is no fiscal impact to DES.

### II. B - Cash receipts Impact

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

### II. C - Expenditures

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

## Part III: Expenditure Detail

## Part IV: Capital Budget Impact

## Part V: New Rule Making Required

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6632 S SB	<b>Title:</b> Wildfire management	<b>Agency:</b> 225-Washington State Patrol
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## Part I: Estimates

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No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

☒

If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.

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If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐

Capital budget impact, complete Part IV.

☐

Requires new rule making, complete Part V.

Legislative Contact: Sherry McNamara	Phone: (360) 786-7402	Date: 02/05/2016
Agency Preparation: Yvonne Stevens	Phone: 360-596-4042	Date: 02/12/2016
Agency Approval: Bob Maki	Phone: (360) 596-4045	Date: 02/12/2016
OFM Review: Kathy Cody	Phone: (360) 902-9822	Date: 02/12/2016

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

The substitute version of the proposed legislation makes changes to RCWs governing State Fire Service Mobilizations.

Section 8 and Section 9 add “severity conditions” to list of definitions and define it as conditions in a region of the state that indicate a high level of wildfire risk as indicated by official actions, such as the declaration of a red flag warning, of a fire chief or the State Fire Marshal.

Section 10 and Section 11 add the need to allow prepositioning of wildland fire suppression assets during severity conditions to the actions requiring reimbursement under the Washington State Fire Services Mobilization Plan.

Section 14 allows a local suppression entity that has satisfied the required prerequisites to request prepositioned fire suppression resources in the event of a severity condition from either the Department of Natural Resources (DNR) or the State Fire Marshal.

Sections 8 and 10 of the substitute version of the proposed legislation will expire July 1, 2019, and Sections 9 and 11 will take effect July 1, 2019.

### II. B - Cash receipts Impact

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

There are no cash receipts to the Washington State Patrol (WSP) as a result of this proposed legislation.

### II. C - Expenditures

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

The Chief of the Washington State Patrol is responsible for authorizing mobilizations under the Washington State Fire Service Mobilization Plan, requiring reimbursement for related costs to state agencies and local jurisdictions. The substitute version of the proposed legislation adds the prepositioning of firefighting resources to the actions authorized for reimbursement. We assume that these reimbursements would also be made from the Disaster Response Account.

It is impossible to know the frequency or severity of situations that may qualify for prepositioning reimbursement, but the following examples are provided to illustrate potential costs.

Configuration 1 - Large Task Force (assumption of a 14 hour day)

Equipment - daily cost

10 Engines with personnel - \$30,520

2 - T2 water tender - \$3,584

2 - STEN w vehicle - \$1,780

1 - 20 person hand crew - \$13,000

1 - T2 helicopter - \$19,200

1 - SEAT air tanker - \$25,200

1- bulldozer with operator - \$3,822  
10 - overhead w/ vehicle - \$8,900  
meals/day (75 personnel) - \$4,800  
support - \$750

Large Task Force cost - \$111,556/day

Configuration 2 - Small Task Force (assumption of a 14 hour day)

5 - engine with personnel - \$15,260  
1 - T2 water tender - \$1,792  
1 - STEN w vehicle - \$890  
1 - 20 person hand crew - \$13,000  
1 - T2 helicopter - \$19,200  
6 - overhead w vehicle - \$5,340  
meals/day (39 personnel) - \$2,496  
support - \$750

Small Task Force - \$58,728/day

Retardant/incident - \$30,000

Estimated 5 incidents/year with Large Task Force, 5 day duration, plus 3 loads of retardant/incident (\$30,000)

$111,556/\text{day} \times 5 \text{ days} = \$557,780/\text{incident}$ , or \$2,818,900 total

Estimated 5 incidents/year with Large Task Force, 3 day duration, plus 3 loads of retardant/incident (\$30,000)

$111,556/\text{day} \times 3 \text{ days} = \$334,668/\text{incident}$ , or \$1,673,340 total

Estimated 20 incidents/year with Small Task Force, 2 day duration

$58,728/\text{day} \times 2 \text{ days} = \$117,546/\text{incident}$ , or \$2,349,120 total

ANNUAL TOTAL \$6,841,360

There is significant potential for the costs related to the prepositioning of wildland fire suppression assets, combined with costs related to fire mobilizations, to increase the frequency with which the current biennial Disaster Response Account appropriation of \$8 Million is exceeded. This would increase the need for the WSP to request additional funding in the supplemental budget process to meet these obligations.

### Part III: Expenditure Detail

### Part IV: Capital Budget Impact

None

**Part V: New Rule Making Required**

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*

None

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6632 S SB	<b>Title:</b> Wildfire management	<b>Agency:</b> 461-Department of Ecology
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## Part I: Estimates

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No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Expenditures from:

	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years	0.0	0.3	0.2	0.4	0.2
<b>Account</b>					
State Toxics Control Account-State 173-1	0	34,981	34,981	79,324	37,240
<b>Total \$</b>	0	34,981	34,981	79,324	37,240

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

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If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.

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If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐

Capital budget impact, complete Part IV.

☐

Requires new rule making, complete Part V.

Legislative Contact: Sherry McNamara	Phone: (360) 786-7402	Date: 02/05/2016
Agency Preparation: Matthew Vandrush	Phone: 360-407-6646	Date: 02/10/2016
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 02/10/2016
OFM Review: Linda Steinmann	Phone: 360-902-0573	Date: 02/10/2016



## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

This substitute compared to the original bill, 6632 SB, would change the due date for the smoke management plan from December 31, 2017, to December 31, 2018, would add participating tribes to the stakeholder group, and would clarify that silvicultural burn decisions would be based on whether a proposed burn is forecasted to exceed air quality standards rather than on the likelihood of violations. In addition, this substitute differs from the original bill by making numerous other changes to RCW 76.04 relating to forest protection and local forest fire protection divisions. Ecology's total estimated cost is the same as the original bill, but would be spread out over a different period of time.

Under current law, the Department of Natural Resources (DNR) was tasked by the Washington Clean Air Act (RCW 70.94) with administering a program to reduce statewide emissions from silvicultural forest burning to fifty percent of 1985 to 1989 levels, and then to maintain that level. To achieve this, DNR developed the smoke management plan (SMP) to manage smoke impacts from the burning of silviculture and agriculture wastes and to balance forest and agricultural land burning with preventing smoke from being carried to, or accumulating in, designated areas and other areas sensitive to smoke. In 2002 the Environmental Protection Agency (EPA) approved Ecology's incorporation of the SMP into Washington's State Implementation Plan (SIP). The SIP serves as the state's federally approved plan for meeting the requirements of the federal Clean Air Act. The SIP ensures that air emissions across Washington meet required levels under the Clean Air Act. With federal approval, the state has flexibility to decide how regulations on various sources work together to achieve those emission levels.

This bill would add a new subsection to RCW 70.94.6536 directing DNR to update the SMP by December 31, 2018, to include a number of new directives. Ecology and other relevant governmental agencies, and landowners engaged in silvicultural forest burning, would consult with DNR during the plan's development. Once the SMP was updated, Ecology would work with EPA and other stakeholders to incorporate the new SMP into the SIP.

This bill would also make numerous changes to RCW 76.04 relating to forest protection and local forest fire protection divisions. Section 2 would direct DNR to develop and maintain a twenty-year forest health and wildfire prevention strategic plan in consultation with relevant interested parties. Based on information from DNR, Ecology assumes it would be included in this stakeholder group and the group would meet monthly through December of 2017 and quarterly thereafter.

Ecology's consultation on the twenty-year forest health and wildfire prevention strategic plan as well as during the development of the new SMP and the incorporation of the new SMP into the SIP would create new and increased workloads for Ecology. These costs are described and estimated in the Expenditures section below.

It is unknown what changes DNR would make to the SMP given the new directives within this bill. It is also unknown if the EPA would approve a SIP that incorporates the SMP changes directed by this bill. It is possible that the EPA could approve changes in the SIP and SMP as directed by this bill, but require other SIP changes (outside of silvicultural burning) in order to achieve the overall level of allowed emissions. Emission reductions could be required in other elements of the statewide plan (auto emissions or agricultural burning emissions, for example) to offset the increase in silvicultural burning emissions. Without a basis for estimating the scope or elements involved in this kind of re-balancing, Ecology is unable to estimate the cost of implementation of the new SIP beyond SIP approval. Those costs are, therefore, indeterminate.

## II. B - Cash receipts Impact

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

## II. C - Expenditures

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

Ecology estimates its participation in the development of the twenty-year forest health and wildfire prevention strategic plan would require 16 hours per month of an Environmental Planner 4 from August 2016 through December 2017 for monthly meeting attendance and associated work, such as evaluating proposals and assessing potential impacts. After 2017, Ecology estimates its participation in updates to the twenty-year strategic plan would require 40 hours per year for quarterly meeting attendance and preparation.

Ecology estimates its participation in the development of the SMP would require 0.15 FTE of an Environmental Planner 3 and 0.06 FTE of a Section Manager (WMS2) from July 2016 through December 2018. During this time these staff would work closely with DNR developing the SMP and providing technical expertise from an air quality perspective. Ecology assumes it would formally meet with DNR staff at least once a month and participate in stakeholder meetings at least every other month.

Ecology estimates the incorporation of the SMP into the SIP would require 0.50 FTE of an Environmental Planner 3, 0.05 FTE of a Community Outreach and Environmental Education Specialist 4, and 0.05 FTE of a Section Manager (WMS2) from January 2019 through December 2019. During this time, these staff would coordinate with the EPA to draft acceptable changes to the SIP, draft and issue press releases, respond to questions from stakeholders and the public, and edit and post documents to Ecology's website.

We assume that the resulting SIP would re-balance allowed statewide emissions under the Clean Air Act to accommodate increases from silvicultural burning emissions. However, we have no basis for estimating what elements of the SIP would have to be changed, or by how much. Therefore, those implementation workloads and other related costs are indeterminate.

Notes on costs by object:

Salary estimates are current actual rates at step H, the agency average for new hires.

Benefits are the agency average of 35.5% of salaries.

Goods and Services are the agency average of \$4,008 per direct program FTE.

Travel is the agency average of \$2,227 per direct program FTE.

Equipment is the agency average of \$1,041 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 26.1% of direct program salaries and benefits, and is shown as object 9. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE, and are identified as Fiscal Analyst 2 and IT Specialist 2.

## Part III: Expenditure Detail

### III. A - Expenditures by Object Or Purpose

	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years		0.3	0.2	0.4	0.2
A-Salaries and Wages		19,220	19,220	43,487	20,354
B-Employee Benefits		6,823	6,823	15,438	7,225
E-Goods and Other Services		1,180	1,180	2,766	1,356
G-Travel		656	656	1,537	755
J-Capital Outlays		306	306	718	352
9-Agency Administrative Overhead		6,796	6,796	15,378	7,198
<b>Total:</b>	\$0	\$34,981	\$34,981	\$79,324	\$37,240

### III. B - Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2016	FY 2017	2015-17	2017-19	2019-21
COEES4	57,146				0.0	0.0
ENVIRONMENTAL PLANNER 3	57,146		0.2	0.1	0.2	0.1
ENVIRONMENTAL PLANNER 4	63,035		0.1	0.0	0.0	0.0
FISCAL ANALYST 2			0.0	0.0	0.0	0.0
IT SPECIALIST 2			0.0	0.0	0.0	0.0
WMS BAND 2	88,572		0.1	0.0	0.1	0.0
<b>Total FTE's</b>	265,899		0.3	0.2	0.4	0.2

## Part IV: Capital Budget Impact

## Part V: New Rule Making Required

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6632 S SB	<b>Title:</b> Wildfire management	<b>Agency:</b> 490-Department of Natural Resources
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## Part I: Estimates

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No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Expenditures from:

	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years	0.1	21.3	10.7	18.3	15.7
<b>Account</b>					
General Fund-State 001-1	30,000	7,093,000	7,123,000	5,303,000	3,832,000
Local Wildland Fire Severity Acct-State NEW-1	0	48,928,000	48,928,000	95,674,000	95,674,000
<b>Total \$</b>	30,000	56,021,000	56,051,000	100,977,000	99,506,000

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

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☐

Capital budget impact, complete Part IV.

☐

Requires new rule making, complete Part V.

Legislative Contact: Sherry McNamara	Phone: (360) 786-7402	Date: 02/05/2016
Agency Preparation: Daniel Howard	Phone: (360) 902-1021	Date: 02/25/2016
Agency Approval: Mary Verner	Phone: (360)902-1684	Date: 02/25/2016
OFM Review: Heather Matthews	Phone: (360) 902-0543	Date: 02/25/2016

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

Section 1: Requires the Department of Enterprise Services (DES) in coordination with the Department of Natural Resources (DNR), to issue a request for information to a broad base of wildfire insurance carriers to gain an understanding of insurance requirements and report to the legislature by November 30, 2016 on the solicitation of wildfire insurance, and to provide a recommendation as to which insurer and insurance policy best fits the needs of the state.

Section 2: Requires DNR to develop a 20-year strategic plan to treat the 2,700,000 acres of Washington forestland identified by the department as being in poor forest health condition. Requires DNR to develop the plan in consultation with relevant local, state, and federal agencies, tribes, forest landowners, representatives from milling and log transportation industries, and other interested parties from nonprofit and commercial sectors. It requires the plan be updated every two years. By December 31, 2017, DNR must report to the appropriate committees of the legislature about the plan and its progress and any recommendation for any legislative action needed to execute the plan.

Section 3: DNR is required to create a Prescribed Burn Manager Certification Program for those who practice prescribed burning in the state. The program must include training on all relevant aspects of prescribed fire in Washington, including legal requirements; safety; weather; fire behavior; smoke management; prescribed fire techniques; public relations; planning; and contingencies. DNR may adopt rules to create the program, establish a decertification process for violators, and set periodic renewal criteria.

Section 4: Requires DNR to recommend to the appropriate committees, by December 31, 2016, options to incentivize adoption of the International Wildland Urban Interface Code, particularly by counties at high risk during wildfire season.

Section 5: Directs the Department of Natural Resources (DNR), in consultation with the Department of Ecology (ECY), other relevant state and federal agencies, participating tribes, and public and private landowners engaged in silviculture forest burning, to update DNR's Silvicultural Smoke Management Plan (SMP). This bill directs DNR to perform this SMP update by December 31, 2018. Requires DNR to update the SMP through a science-based stakeholder process that balances forest health and public health interests. The bill further defines several specific operational guidelines within the plan that must be revised.

Section 6: DNR must provide water storage containers and hoses to local fire-prone communities, and landowners when reasonable, to use in situations where spot fires occur. DNR must provide public education (training) regarding how to safely suppress fires of this nature. DNR may partner with local governmental entities and other relevant organizations in carrying out these activities.

No civil liability may be imposed by any court on the state or its officers and employees for any adverse impacts resulting from training or equipment provided by the department under the provisions of this section except upon proof of gross negligence or willful or wanton misconduct.

Section 7: Requires DNR to enter into discussions with the federal agencies managing land in the state with the objective of entering into or updating existing memoranda of understandings or contracts regarding forest health and wildfire management. Requires DNR to initiate these discussions with federal partners including the Bureau

of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Army Corps of Engineers. It allows DNR to consult with federal tribes, forest landowners, and other entities involved in forest health or wildfire prevention and suppression.

DNR must discuss and agree to terms on the following:

- 1) Cost and labor-sharing agreements for forest health treatments conducted on federally owned lands;
- 2) Timelines and measurable forest health goals reachable within ten years;
- 3) Streamlining processes to share fire protection resources across jurisdictional lines; and
- 4) Improving interagency cooperation to facilitate rapid initial response to fire.

In addition, this section requires DNR to report to the legislature by December 31, 2016 on: 1) all agreements with federal land management partners in place as of the effective date of this section; 2) efforts undertaken to reach the agreements; 3) agreements entered into or updated as a result of those efforts; 4) significant barriers to reaching consensus; recommendations for any legislative action; and 5) fiscal information.

Section 13: Creates a Local Wildland Fire Severity Account (LWFSA). Expenditures can only be used by DNR after appropriation and consistent with this section and to provide funding for the implementation of Section 14 of this act. Every two years, as part of its budget request, DNR will be required to prepare a budget request for the LWFSA based on the demand on the account in recent biennia and the anticipated fire conditions for the requested biennium.

Section 14:

- (1) Allows a local suppression entity to contact the department and request prepositioned fire suppression resources if a severity condition is declared for the area of request.
- (2) The department may release assets requested under this section by a local suppression entity based on availability of assets and any applicable regionally coordinated priority for the placement of assets. Any requested aerial or specialized suppression assets may only be released within the context of an interagency regional coordination agreement.
- (3) As a prerequisite, a local suppression entity is required to establish agreements prior to its funding request with the department or other local suppression entities and private contractors in the general vicinity of the local entity's jurisdiction.
- (4)(a) The costs of fulfilling the requests must be incurred initially by the department out of its base wildfire suppression appropriation. The department may reimburse itself from the LWFSA for the costs incurred fulfilling requests within the same fiscal biennium of incurring the costs.
- (4)(b) If costs exceed the balance, the department may continue to implement this section and may receive reimbursements for the costs incurred by subsequent supplemental legislative appropriations to the LWFSA.
- (5) Nothing in this section creates or infers additional liability on the department, a local response entity, or a contractor of the department or a local response entity funded through the LWFSA, or for the failure to fund suppression efforts.

Section 15: DNR will be required to present a report to the legislature by October 31, 2018, that summarizes the demand placed on the LWFSA and an estimate of a funding level for the account that would more accurately match the demand. This section expires June 30, 2019.

## **II. B - Cash receipts Impact**

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

None.

## II. C - Expenditures

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

### SECTION 1 – (Wildfire insurance quotes)

#### Wildfire Division (WD):

To solicit quotes and provide the legislature a recommendation by November 30, 2016, DNR will require a Natural Resource Specialist 3 and associated costs. This position will reside in the Wildfire Division as a Statistics and Strategic Information Coordinator. They will facilitate the flow of programmatic data needed by DES from DNR in order to solicit RFQs and RFPs relating to wildfire insurance. One-time costs in FY 2017 will be 0.5 FTE and \$73,000.

### SECTION 2 – (Twenty-year strategic plan for forest health)

#### Wildfire Division:

For the purposes of this fiscal note, DNR is assuming planning will begin August 1, 2016. Leading the department planning effort, the WD will require additional staff to coordinate meetings, chair the meetings, write several reports, and finalize the strategic plan. WD is assuming 18 monthly meetings with approximately 15-20 participants through December 31, 2017. They then assume quarterly meetings after December 31, 2017 to prepare every two-year update for the strategic plan. Costs will include staff and associated costs, one-time equipment for new staff, meeting room rentals and travel time for an estimated 1.4 FTE and \$215,000 in FY 2017 and 1.0 FTE and \$148,000 in FY 2018. Ongoing costs starting in FY 2019 will be 0.5 FTE and \$72,000 each year.

#### Forest Resources Division (FRD) – Planning:

Starting in FY 2017, FRD would need additional staff to develop a plan for greater utilization of prescribed fire. For the purpose of this fiscal note, FRD is assuming an Environmental Impact Statement (EIS) will be required under the State Environmental Policy Act. This will require several meetings within DNR and several meeting around the state. DNR staff will complete the EIS. Staff will also be needed to assist in the drafting of the 20-year plan and will continue working with stakeholders throughout the state. Staff include the following:

Environmental Planner 4 - Project lead in drafting the EIS, chairing stakeholder meetings, and coordinating the scientific evaluation as the plan is drafted. They will also continue to take part in updating the plan every two years.

Natural Resource Scientist 3 (Ecologist) – This position will provide scientific consultation on the ecologic impacts of the increased burning and smoke to the environment as the plan is being drafted and updated. They will be required to attend several DNR meetings and be a part of several stakeholder meetings.

Natural Resource Scientist 3 (Silviculturalist) – This position will provide scientific consultation on the impacts to forest growth and regeneration as a result of increased burning. They will assist in developing the plan and being a participant at stakeholder meetings.

Natural Resource Specialist 3 (Outreach Coordinator) – This position will organize and facilitate public meetings throughout the state and engage in stakeholder participation.

Natural Resource Special 4 (Region District Manager) – This position will coordinate region site visits for field investigations, they will prioritize sites for treatment and provide input into the draft EIS.

Most of these staff will play a larger role in FY 2017 and FY 2018 until the strategic plan is finalized. At that time all their roles with the exception of the Natural Resource Specialist 3 (Outreach Coordinator) will decrease. Costs include staff and associated costs, meeting room rentals, travel time and one-time equipment in FY 2017 for new staff including a new vehicle, for a total of 3.3 FTE and \$523,000 in FY 2017 and 3.3 FTE and \$471,000 in FY 2018. Ongoing costs starting in FY 2019 will be 2.0 FTE and \$283,000 each year.

#### Forest Resources Division (FRD) – Implementation:

Typically, management activities that take place on state trust lands are funded thru either the Forest Development Account (FDA) or the Resource Management Cost Account (RMCA). It is assumed that the silvicultural treatments anticipated in this bill will not generate positive returns to trust beneficiaries and would not be an appropriate use of trust management funds. As a result it is assumed that all costs incurred for forest health treatments would come from the General Fund-State.

#### Forest Practices Division (FPD):

In FY 2017, the Forest Practices Stewardship Program assumes the first year as the planning and developing stage. A NRS4 will be required to work with the DNR Wildfire Division in identifying cooperators and communities as most vulnerable; developing a twenty-year plan to treat 2.7 million acres of Washington forestland identified as poor forest health; facilitating communication between local, state, federal and tribal personnel; improving public education and outreach regarding fire prevention and suppression; and expanding technical assistance programs for landowners to reduce barriers to wildfire prevention and suppression. Ongoing costs starting in FY 2017 will be 0.5 FTE and \$69,000 each year.

SECTION 2 TOTAL DNR COSTS will require 5.2 FTE and \$807,000 in FY 2017; 4.8 FTE and \$688,000 in FY 2018; 3.0 FTE and \$424,000 in FY 2019 and ongoing.

#### SECTION 3 – (Prescribed burn certification program)

##### Wildfire Division:

Starting in FY 2016, costs for a Natural Resource Specialist 4 and Natural Resource Specialist 2 will be needed to assemble training standards and a certification process for the new Prescribed Burn Manager Certification Program. The National Incident Management System, Wildland fire qualification system guide PMS 310-1 has criteria including training and qualifications for a prescribed fire chain of command.

The ability to have employees trained in prescribed fire exists and DNR already has employees that are qualified and are close to qualified. To get more qualified prescribed fire burn managers DNR will need funding to train with federal and state partners in-state and out of state. In addition, this new program will require continued monitoring. The training costs are indeterminate and will be based on the number of trainees and the corresponding costs of conducting the training.

Costs in FY 2016 will include staff and associated costs, and Office of Attorney General time for one month, for a total of 0.1 FTE and \$28,000. In FY 2017 costs will include staff and associated costs, Office of Attorney General time for three months and travel time, for a total of 0.4 FTE and \$105,000. Starting in FY 2018, ongoing costs will be 0.2 FTE and \$21,000 each year.



#### SECTION 4 – (Incentivize WUI code)

##### Wildfire Division:

For DNR to be able to recommend options to incentivize adoption of the International Wildland Urban Interface Code to the appropriate committees by December 31, 2016, they will require a 0.5 Natural Resource Scientist 4 and associated costs to reach out to local agencies and stakeholders and create a work group. One-time costs in FY 2017 will be \$79,000.

#### SECTION 5 – (Smoke Management Plan update)

##### Wildfire Division:

The current SMP meets federal and state Clean Air Act requirements as enforced by the Environmental Protection Agency (EPA) and the Department of Ecology. Rewriting a policy document of this magnitude with multiple federal, state and local stakeholders by December 31, 2018 will be very complex and difficult. DNR staff would meet every other week to discuss task progress and assignments. DNR would coordinate and facilitate meetings with ECY every month. DNR would coordinate and facilitate meetings every other month with various stakeholders, which includes coordinating meetings throughout the state.

In fiscal year (FY) 2017 thru December 31, 2018, DNR will require staff and associated costs, an experienced contractor in state/federal policy estimated at \$1.25 million (\$500,000 in FY 2017; \$500,000 in FY 2018; and \$250,000 in FY 2019), and a combined National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA) analysis. The contract estimate is based on 20 years of staff experience working with NEPA and SEPA. To accomplish the directives listed, DNR will also coordinate with ECY to limit burning such as wood stoves, recreational fires and industry burning to accommodate the prescribed burning required.

The smoke management plan (SMP) outlines the ways in which silvicultural burning can occur while meeting the federal and state Clean Air Acts. With the directives outlined in this bill the SMP would be out of compliance with the State Implementation Plan (SIP). The SIP is a plan for how Washington State will meet all federal air quality standards, and by not meeting it would put the state out of compliance with federal law. Because DNR is being tasked with the rewrite of the SMP, DNR will be responsible for the environmental analysis in coordination with the EPA. DNR assumes the directives in this bill will cause an adverse environmental (natural or human) impact and would therefore require either a NEPA EIS and SEPA analysis, or a joint analysis.

EIS's require: 1) scoping including a series of public meetings, assuming several due to the controversy around the directives; 2) development of alternatives, because of the directives the alternatives will be extremely complex to meet federal law and therefore will take intense analysis and development of not yet created criteria; 3) write a draft EIS which must go out to the public for a minimum of 30 days; and 4) respond to all comments in a Final EIS.

To get this process done in 30 months would require a consulting firm with extensive knowledge in CAA laws, NEPA consultation, technical experts to study affects and skill in adversarial negotiations to work on this project. Due to the complexity of the alternatives, the controversy of the subject matter (clean air vs. prescribed fire without regard to air quality impacts), and the timeline, \$1.25 million is a reasonable estimate to completely rewrite a plan, analyze its environmental impacts, and ensure Washington State can meet federal law.

The contractor will write the plan and the Environmental Impact Statement (EIS). DNR assumes they will require

a project manager and several expert biologists to write the disciplinary reports.

For the purpose of this fiscal note, DNR will assume that: 1) the directives will meet the requirements of the federal and state Clean Air Act; and 2) the directives would necessitate a NEPA/SEPA EIS.

DNR will require a Natural Resource Specialist 3 to lead the plan rewrite, coordinate with the contractor and SEPA Center. They will require an Environmental Planner 3 to review the rewrite and ensure analysis accuracy. DNR will also require an Information Technology Specialist 4 to implement all changes and have them effective for reporting purposes, for a total cost of 1.0 FTE and \$629,000 in FY 2017, 1.0 FTE and \$625,000 in FY 2018, and 1.5 FTE and \$450,00 in FY 2019.

NOTE: This legislation requires that the NEPA/SEPA EIS be concluded in 30 months. In DNR's experience an EIS in coordination with a federal partner takes 2-5 years with the federally mandated "objection" period after that.

#### SECTION 6 – (Provide water storage containers, hoses, and training to communities and landowners)

##### Wildfire Division:

The legislature finds that embers create spot fires, and direct the department to provide water storage containers and hoses to local fire prone communities and landowners, when reasonable. The department must also train the public in the use of this equipment. DNR assumes that the intent of this legislation is for landowners to be safe and protected in their efforts to suppress spot fires. WAC 296-305-07010, "Training for Wildland Firefighting", requires suppression personnel assigned to a wildland fire be trained to a National Wildfire Coordinating Group (NWCG) firefighter level II or a comparable class of training. Nothing in this section shall preclude the use of local residents, affected parties or contracted firefighting resources to suppress wildland fires if they are under the direct supervision of a qualified fire line officer. DNR assumes that it is not the intent of this legislation to create and assign multiple qualified line officers to supervise landowners in this endeavor. Therefore, for the purposes of this fiscal note, DNR will require 7.0 FTE Natural Resource Specialist 3 (Training Coordinators), one for each of the six DNR regions and one in the division headquarters, to accomplish this task. These additional staff will train landowners to interagency standards in fire suppression techniques and risk mitigation. They will procure, distribute, keep track of inventories, replenish, and replace Personal Protective Equipment (PPE), hoses, pumps, tools and equipment for landowners, and a variation of other workload associated with this section.

In FY 2017, costs include staff and associated costs, one-time equipment costs for new staff including six new vehicles estimated at \$221,000, and travel time costs. For the purpose of this fiscal note, DNR is assuming they will contract out for the initial FF2 training for 500 landowners estimated to be \$650,000 in FY 2017 and \$180,000 each year thereafter for the refresher course.

In addition to these costs, the following equipment will be required in FY 2017 and ongoing indefinitely, which includes replacement costs:

- \*PPE & tools for 500 landowners @ \$1,042 each = \$521,000 (\$20,000 each year starting in FY 2018)
- \*500 Mark 3 pumps @ \$4,800 each = \$2,400,000 (\$240,000 each year starting in FY 2018)
- \*500 500 gallon water storage containers @ \$300 each = \$150,000 (\$15,000 each year starting in FY 2018)
- \*500 200-ft hoses w/nozzles plus fittings @ \$450 each = \$225,000 (\$22,500 each year starting in FY 2018)

TOTAL COSTS for Section 6 will be 7.0 FTE and \$5,226,000 in FY 2017, and will decrease in FY 2018 to

\$1,470,000 every year thereafter.

#### SECTION 7 – (Collaborate with federal agencies)

##### Wildfire Division:

In FY 2017, DNR will require a Natural Resource Specialist 3 and associated costs to collaborate with federal agencies on forest health, wildfire prevention, and suppression activities. This position will consult with other stakeholders as needed and will need to write the report and any recommendations to the legislature by December 31, 2016. Total one-time costs will be 0.3 FTE and \$30,000.

#### SECTION 13 – (Request LWFSAs annually)

##### Wildfire Division:

Budget request workload is already considered part of DNR's operating budget, therefore there are no costs associated with this section.

#### SECTION 14 – (Provide suppression resources to local entities)

##### Wildfire Division:

Based on the intent of this section of the bill, DNR is projecting they will use their entire base wildfire suppression appropriation to adhere to these requirements in addition to needing ongoing LWFSAs spending authority based on the assumptions below. To approximate the potential fiscal impact of this bill, the department assumed the local suppression entity would deploy the same assets that the department deploys for initial attack as well as for severity/preparedness assignments. DNR assumes that the size of the resource requirements is to be distributed consistently with incident size and complexity, from small to large. DNR further assumes that local fire districts and response entities will request funds from the LWFSAs prior to the declaration of a state mobilization.

##### Task Force -

The department uses resource configurations to prepare for potential wildfire starts and carry out initial attack. These assets are often assembled in a Task Force configuration. A Task Force can be used as a whole or in part as needed, depending on the situation.

\*2 Strike Teams of engines (5 engines each plus engine crew)

\$10,503 per strike team per day = \$21,006 per day.

\*1x 20 person Type 2 hand crew = \$13,000 per day.

\*1 dozer = \$3,822 per day.

\*1 water tender = \$1,800 per day.

\*1 type 2 helicopter = \$3,200 per day in availability, additional average 5 hours per day of \$3,200 per operational flight hour cost = \$16,000, total of \$19,200 per day.

\*1 SEAT = \$4,200 per day in availability, additional average 5 hours per day of \$4,200 per operational flight hour cost = \$21,000, total of \$25,200 per day.

\*Overhead (1 TFL, 2 STEN, 1 CRWB, 1 HEQB, 2 SRB, 1 HMGB, 1 SEMG, 1 AR) – 10 positions at \$700/per day is \$7,000 per day.

Cost per day for the task force availability/employment is \$91,028.

#### Mobilization Fires -

Mobilization fires are those that start on local jurisdiction, threaten communities and exceed the suppression capacity of local resources. For mobilization fires, DNR assumes the local fire suppression entity orders a large task force in advance of mobilization being declared due to the nature of a direct and imminent community threat. DNR assumes all mobilization fires will make use of the account prior to mobilization being declared.

Based on five year averages of the number of state mobilization fires (15), DNR estimates 5 deployments of 5 days in duration each per season, which costs \$455,140 per 5 day incident. A single load of retardant delivered via a federally contracted large air tanker is \$10,000 per load. Each incident averages 3 loads, or \$30,000 per incident, meaning the total incident cost is \$485,140.

Total cost for 5 incidents per season of 5 day duration to include air tanker support is \$2,425,700.

Based on five year averages of the number of state mobilization fires (15), DNR estimates 5 deployments of 3 days in duration each per season, which costs \$273,084 per 3 day incident. A single load of retardant delivered via a federally contracted large air tanker is \$10,000 per load. Each incident averages 3 loads, or \$30,000 per incident, meaning the total incident cost is \$303,084.

Total cost for 5 incidents per season of 3 day duration to include air tanker support is \$1,515,420.

Based on five year averages of the number of state mobilization fires (15), DNR estimates 5 deployments of 2 days in duration each per season, which costs \$182,056 per 2 day incident. A single load of retardant delivered via a federally contracted large air tanker is \$10,000 per load. Each incident averages 3 loads, or \$30,000 per incident, meaning the total incident cost is \$212,056.

Total cost for 5 incidents per season of 2 day duration to include air tanker support is \$1,060,280.

#### Initial Attack -

SSB 6632 contemplates the establishment of new local wildland fire suppression entities and enables them to order resources independently of Fire Protection Districts and DNR, irrespective of whose jurisdiction the fire occurs upon. It is difficult to estimate the costs of an unknown system. For these purposes, DNR assumes these entities will order resources on some subset of the number of fires to which DNR and Fire Protection Districts already respond.

DNR protects 13 million acres and averaged 808 fire starts per year over the past five years. Fire Districts protect a similar acreage but do not centrally report numbers of fires. Therefore DNR assumes a similar number of average starts per year for Fire Districts as were started on DNR protection. In addition, the bill includes approximately 400,000 acres that currently have no fire protection jurisdiction. DNR assumes that local wildland

fire suppression entities will order resources on one-quarter of the average number of fires started on both DNR and Fire District protection (404 fires). Based on proportion of acreage, DNR assumes that local wildland fire suppression entities will order resources for 30 fires on currently unprotected lands.

For these 434 local entity resource orders, DNR assumes a smaller version of the task force is suitable. The assumption is based upon supporting an initial attack function as compared with fires that may already be threatening communities, as in the Mobilization scenario:

\*1 Strike Team of engines (5 engines each plus engine crew) = \$10,503 per day.

\*1 20 person Type 2 hand crew = \$13,000 per day.

\*1 dozer = \$3,822 per day.

\*1 type 2 helicopter = \$3,200 per day in availability, additional average 5 hours per day of \$3,200 per operational flight hour cost = \$16,000, total of \$19,200 per day.

\*Overhead (1 TFL, 1 STEN, 1 CRWB) – 3 positions at \$700/each is \$2100 per day.

Cost per day for the smaller task force availability/employment is \$48,625.

Based on five year averages, as described above, DNR estimates 404 deployments of 2 days in duration each per season for fires within DNR or Fire District protection, which costs \$97,250 per 2 day incident.

Total cost for 404 incidents per season of 2 day duration is \$39,289,000.

Based on five year averages, as described above, DNR estimates 30 deployments of 2 days in duration each per season for fires on currently unprotected lands, which costs \$97,250 per 2 day incident.

Total cost for 30 incidents per season of 2 day duration is \$2,917,500.

Total all Mobilization and Initial Attack deployments in this section: \$47,207,900.

A summary of the \$47,207,900 is as follows;

Full Task Force configuration cost per day = 91,028

5-day duration x 91,028/day = 455,140 + 3 air tanker loads @10,000/each = 485,140/5-day incident

3-day duration x 91,028/day = 273,084 + 3 air tanker loads @10,000/each = 303,084/3-day incident

2-day duration x 91,028/day = 182,056 + 3 air tanker loads @10,000/each = 212,056/2-day incident

Small Task Force configuration cost per day = 48,625

2-day duration x 48,625/day = 97,250/2-day incident

Mobilization fires (average 15/5 years) – Full Task Force Configuration

5 incidents per season of 5-day duration= 2,425,700

5 incidents per season of 3-day duration = 1,515,420

5 incidents per season of 2-day duration = 1,060,280

Initial Attack (assume 404 fires on joint protection + 30 fires on unprotected lands = 434 fires) – Small Task

## Force Configuration

404 incidents per season of 2-day duration = 39,289,000

30 incidents per season of 2-day duration = 2,917,500

The department is not certain how many local suppression entities or citizens may avail themselves of this funding, because the bill does not require the local suppression entity to meet any criteria to trigger access to the funds.

If enacted, SSB 6632 would also expose the state of Washington to an unknown and substantial risk of liability. The bill provides no framework for the “local suppression entity” to be formed, governed, authorized, or made responsible and accountable for its conduct. There is no recognition of or requirement for coordination with existing local fire departments or local units of state or federal firefighting organizations. There is no requirement for certification, training or experience for the entities or the local resources who would be paid from this fund, even for aviation assets.

In addition to reimbursing an unknown and unlimited amount for local hiring, the bill requires the department to respond with its fire suppression resources when requested by local suppression entities. The department would be required to deploy ground and air assets into situations that may not have good communication systems, mutually-recognized training and qualifications, or coordination of resources in place. This mix of trained and untrained assets without positive communications in place could lead to a shutdown of operations due to the inability to ensure the safety. The bill does not provide for the liability associated with the department’s response to the local suppression entity’s requests under these unknown and unmitigated circumstances.

## Staffing -

Starting in FY 2017, DNR will require the following staff, as well as ALL COSTS ABOVE, at all six DNR region offices as well as the division headquarters in Olympia. Costs for the staff below also include one-time equipment costs, travel time cost, and costs associated with good and services.

DNR will need 3.0 FTE Natural Resource Specialist 3 to: 1) be on-call at all times to take phone calls and emails by the requesting entities; 2) coordinate resources with local entities which will be very time consuming; 3) monitor a wide variety of fire related activities during a very busy time; 4) coordinate fire suppression prepositioning; and 5) manage several other additional workload activities derived from this section of the bill.

DNR will need 2.5 FTE Fiscal Analyst 2 to: 1) compile and maintain data; 2) reconcile account activities while at the same time working with other regional and division staff; 3) processing additional billings, paperwork, and reimbursements as required. DNR will be required to generate continually updated account balance data.

SECTION 14 TOTAL DNR COSTS will be 5.5 FTE and \$48,928,000 in FY 2017 and will decrease in FY 2018 to \$47,837,000 every year thereafter.

## SECTION 15 – (Report the demand on LWFS)

### Wildfire Division:

In FY 2017, staff and associated costs will be required to compile a report summarizing the demand placed on the LWFS, and an estimate of a funding level for the account that would more accurately match the demand. This position will work with all six of DNR’s regions. They will be required to compile all the information and write the report consistent with RCW 43.01.036. Costs in FY 2017 will be 1.0 FTE Natural Resource Specialist 2 and \$139,000. In FY 2018 and FY 2019, costs will decrease to 0.5 FTE and \$66,000 each year.

## Part III: Expenditure Detail

### III. A - Expenditures by Object Or Purpose

	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years	0.1	21.3	10.7	18.3	15.7
A-Salaries and Wages	6,000	1,297,000	1,303,000	2,199,000	1,864,000
B-Employee Benefits	2,000	487,000	489,000	826,000	702,000
C-Professional Service Contracts		500,000	500,000	750,000	
E-Goods and Other Services	19,000	49,188,000	49,207,000	95,398,000	95,312,000
G-Travel		130,000	130,000	227,000	200,000
J-Capital Outlays		3,841,000	3,841,000	598,000	596,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	3,000	578,000	581,000	979,000	832,000
9-					
<b>Total:</b>	\$30,000	\$56,021,000	\$56,051,000	\$100,977,000	\$99,506,000

### III. B - Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2016	FY 2017	2015-17	2017-19	2019-21
Environmental Planner 3	61,920		1.4	0.7	1.0	0.3
Environmental Planner 4	68,412		1.0	0.5	0.6	0.3
Fiscal Analyst 2	47,208		2.5	1.3	2.5	2.5
Information Tech Specialist 4	73,644				0.3	
Natural Resource Scientist 3	70,056		1.0	0.5	0.8	0.5
Natural Resource Scientist 4	77,340	0.1	0.8	0.4	0.1	0.1
Natural Resource Specialist 2	53,424		1.2	0.6	0.6	0.1
Natural Resource Specialist 3	58,956		11.3	5.6	10.5	10.0
Natural Resource Specialist 4	65,088		1.8	0.9	1.8	1.8
Office Assistant 2	32,112		0.3	0.1	0.1	0.1
WMS Band 3	98,544		0.3	0.1	0.1	0.1
<b>Total FTE's</b>	706,704	0.1	21.3	10.7	18.3	15.7

## Part IV: Capital Budget Impact

None.

## Part V: New Rule Making Required

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*

Section 5: At the conclusion of the rewritten plan, depending on the changes, ECY and DNR may be required to change many rules under the State Administrative Procedures Act.

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

**Bill Number:** 6632 S SB

**Title:** Wildfire management

## Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

### Legislation Impacts:

- ☒ Cities: Local fire suppression entities
- ☒ Counties: Local fire suppression entities
- ☒ Special Districts: Local air pollution control authorities, fire districts
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

## Part II: Estimates

- ☐ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☒ Legislation provides local option: Entities may request resources through LWFSA
- ☒ Key variables cannot be estimated with certainty at this time: Assets requested for fire response, reimbursable costs that local fire suppression entities will incur; actual workload generated from strategic planning and smoke management plan activities

### Estimated revenue impacts to:

Indeterminate Impact

### Estimated expenditure impacts to:

Indeterminate Impact

## Part III: Preparation and Approval

Fiscal Note Analyst: Kandi Bauman	Phone: 360/725-5036	Date: 02/29/2016
Leg. Committee Contact: Sherry McNamara	Phone: (360) 786-7402	Date: 02/05/2016
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 02/29/2016
OFM Review: David Dula	Phone: (360) 902-7437	Date: 02/29/2016



## Part IV: Analysis

### A. SUMMARY OF BILL

*Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.*

Section 2 – Adds a new section to chapter 76.04 RCW in which the Department of Natural Resources (DNR) must develop a 20 year forest health and wildfire prevention strategic plan. Construction of the plan must include consultation with local governments and should address efforts to expand technical assistance programs for local government entities and address barriers to wildfire prevention and suppression activities in rural areas where resources may be limited. DNR must report to the appropriate committees of the legislature about the plan by December 31, 2017.

Section 5 – Amends RCW 70.94.6536 to require DNR, in partnership with the Department of Ecology, to update the Smoke Management Plan (SMP) through a science-based stakeholder process. DNR must consult with other relevant state and federal agencies, participating tribes, and public and private landowners engaged in silvicultural forest burning, to update the SMP. Specific directives under the amendment are discussed in expenditures.

Section 6 – Adds a new section that requires DNR to provide water storage containers and hoses to local fire-prove communities and, when reasonable, to landowners to put out embers or fire brands that fall on their property. The amendment also adds that DNR must provide public education regarding the safest methods to prevent fire spread. DNR may partner with local governmental entities and other relevant organizations, including local fire protection districts, in carrying out education activities. Section 6(3) adds that no civil liability may be imposed by any court on the state or its officers for adverse impacts resulting from training or provided equipment except upon proof of gross negligence or willful or wanton misconduct.

Section 10 – Amends RCW 43.43.961 provides for prepositioning assets during severity conditions.

Section 13 – Creates a Local Wildland Fire Severity Account (LWFSA). Expenditures can only be used by DNR after appropriation and consistent with this section and to provide funding for the implementation of Section 14 of this act.

Section 14 – Adds a new section to chapter 76.04 RCW which establishes reimbursement protocols for LWFSA, described in Section 13.

- (1) A local suppression entity that has met the prerequisites of Section 14 may contact the fire marshal and request prepositioned fire suppression resources to be provided in the jurisdiction if a severity condition is declared for the area of request.
- (2) DNR may release assets requested under Section 14 to a local suppression entity based on availability of the assets and any applicable regional prioritization of assets. Any aerial or specialized suppression assets may only be released within the context of an interagency regional coordination agreement.
- (3) A local suppression entity must establish preseason fire agreements with DNR/other localities/local private contractors in order to receive resources described under Section 14.
- (5) Nothing in Section 14 creates or infers additional liability on the department, a local response entity, or a contractor of the department or a local response entity in any suppression effort funded through the local wildland fire severity account for the failure to fund suppression efforts.

Section 16 – Defines “local suppression entity” as a city, county, fire department, fire district, or other nonstate, nonfederal public entity responsible for suppressing wildland fires within its jurisdiction.

### B. SUMMARY OF EXPENDITURE IMPACTS

*Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.*

No analysis of local government fiscal impact was completed on the original bill. This analysis is based upon the substitute legislation. This bill would result in an indeterminate increase in local government expenditures. Considerations for expenditures are discussed by section.

#### SECTION 2 – DEVELOP A 20-YEAR FOREST HEALTH AND WILDFIRE PREVENTION PLAN

Local government consultation on the 20-year forest health and wildfire prevention strategic plan would create new and increased workloads. DNR Wildfire Division is assuming 18 monthly meetings with approximately 15-20 participants through December 31, 2017. They then assume quarterly meetings after December 31, 2017 to prepare every two-year update for the strategic plan. Any local government representative will be responsible for all costs incurred as a result of serving on the planning group (salaries, per diem, and travel). For the purposes of this analysis, per diem rates are estimated at \$135 for one night of lodging and \$60 for one day of meals. An average round trip travel distance of 200 miles is assumed to cost \$108. One day of staff cost is estimated to be \$400. The length of the meetings is also unknown but is assumed to require at least eight hours including travel at \$50 per hour for senior level staff. Total reimbursable expenses for one planning member per meeting are estimated at \$703. Estimated costs for each planning member for the

initial 18 meetings of the strategic plan are \$12,654. Ongoing quarterly meeting costs are estimated to be \$2,654 per member annually.

#### SECTION 5 – UPDATE THE SMOKE MANAGEMENT PLAN

Local government and local air pollution authority consultation during the development of the new SMP and the incorporation of the new SMP into the SIP would create new and increased workloads. DNR would coordinate and facilitate meetings every other month with various stakeholders to update the Smoke Management Plan (SMP) through a science-based stakeholder process. DNR will have 30 months to complete directives under this section. For the purposes of this note, it is estimated that at least 30 monthly meetings will require local government participation. Using the same cost model as above, it is assumed that reimbursable expenses for one SMP committee member per meeting are estimated at \$703. Estimated costs for each planning member for the 30 proposed meetings of the SMP revision period are \$21,090.

#### SECTION 6 – PROVIDE WATER STORAGE CONTAINERS AND HOSES TO LOCAL COMMUNITIES

For the purpose of this fiscal note, DNR is assuming they will contract out to local entities for the initial FF2 training for 1,000 landowners estimated to be \$650,000 in FY 2017 and \$180,000 each year thereafter for the refresher course. It is assumed that expenditures for local outreach would be equivalent to contract revenue.

#### SECTION 13 & 14 – ESTABLISHING A LOCAL WILD FIRE SEVERITY ACCOUNT AND PROVIDING SUPPRESSION RESOURCES TO LOCAL ENTITIES

##### 1) Establishing preseason agreements with DNR/other localities/private contractors

It is likely that cities, counties, and fire districts would experience an indeterminate increase in costs working with DNR, other local entities, and private contractors to develop preseason fire plans required to apply for LWFSF funds. These costs would be related to salary and benefits for participants. Not all local response entities may incur these costs, as application for LWFSF funds is completely optional. The amount of time needed by local response entities to participate in plan development is unknown.

##### 2) Managing LWFSF reimbursement activities

Costs to prepare the LWFSF request for each local jurisdiction will vary depending on the time, complexity, and location of the fire. The types of actions taken by local jurisdictions and their costs cannot be determined in advance and would be influenced by preseason fire plans.

##### 3) Potential expenditure saving from LWFSF activities

Substantial long-term savings could also potentially occur to the extent that financial and aerial resources made available through LWFSF could reduce the severity of wildfires by strengthening early response. In a 2012 preliminary report on wildfires in Colorado, the Department of Fire Prevention and Control (DFPC) identified the Wildfire Emergency Response Fund (WERF) as a cost-saving measure. DFPC reported that without the use of WERF and enhanced WERF funding, severe fires would have needed greater emergency funds. The magnitude of such indirect savings in Washington state cannot be reasonably estimated.

### C. SUMMARY OF REVENUE IMPACTS

*Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.*

This bill would result in new revenues equivalent to reimbursement of qualified expenditures for fire suppression activities. Expenditures and associated revenues are indeterminate at this time.

#### SOURCES:

Department of Ecology Fiscal Note

Department of Natural Resources Fiscal Note

LGFN fiscal note HB 5207

Association of Washington Cities 2015 Salary Data Survey

Municipal Research and Services Center (MRSC)

Colorado Division of Fire Prevention and Control (DFPC), Preliminary Report on the 2012 Wildfire Season

Colorado Division of Fire Prevention and Control, 2014 Wildfire Preparedness Plan

Recommendations of the Forest Fire Prevention and Protection Work Group

([http://www.dnr.wa.gov/Publications/rp\\_fire\\_ffpa\\_ffppwg\\_2009\\_final\\_rpt.pdf](http://www.dnr.wa.gov/Publications/rp_fire_ffpa_ffppwg_2009_final_rpt.pdf))