

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1838 HB	<b>Title:</b> Salmon habitat
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## Estimated Cash Receipts

Agency Name	2021-23			2023-25			2025-27		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Office of Attorney General	0	0	101,000	0	0	315,000	0	0	353,000
<b>Total \$</b>	<b>0</b>	<b>0</b>	<b>101,000</b>	<b>0</b>	<b>0</b>	<b>315,000</b>	<b>0</b>	<b>0</b>	<b>353,000</b>

Agency Name	2021-23		2023-25		2025-27	
	GF- State	Total	GF- State	Total	GF- State	Total
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 Operating Expenditures

Agency Name	2021-23				2023-25				2025-27			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Governor's Office of Indian Affairs	.1	29,120	29,120	29,120	.2	64,160	64,160	64,160	.2	61,510	61,510	61,510
Office of Attorney General	.4	0	0	101,000	1.1	0	0	315,000	1.2	0	0	353,000
Department of Commerce	.3	344,753	344,753	344,753	.0	0	0	0	.0	0	0	0
Department of Ecology	Fiscal note not available											
Recreation and Conservation Funding Board	Fiscal note not available											
Environmental and Land Use Hearings Office	.0	0	0	0	1.5	340,340	340,340	340,340	1.5	328,266	328,266	328,266
State Conservation Commission	Fiscal note not available											
Department of Fish and Wildlife	25.7	8,122,000	8,122,000	8,122,000	54.7	17,388,000	17,388,000	17,388,000	54.7	16,490,000	16,490,000	16,490,000
Department of Natural Resources	Fiscal note not available											
Department of Agriculture	.5	171,100	171,100	171,100	1.0	342,200	342,200	342,200	1.0	342,200	342,200	342,200
<b>Total \$</b>	<b>27.0</b>	<b>8,666,973</b>	<b>8,666,973</b>	<b>8,767,973</b>	<b>58.5</b>	<b>18,134,700</b>	<b>18,134,700</b>	<b>18,449,700</b>	<b>58.6</b>	<b>17,221,976</b>	<b>17,221,976</b>	<b>17,574,976</b>

Agency Name	2021-23			2023-25			2025-27		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
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 Expenditures

Agency Name	2021-23			2023-25			2025-27		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Governor's Office of Indian Affairs	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Department of Commerce	.0	0	0	.0	0	0	.0	0	0
Department of Ecology	Fiscal note not available								
Recreation and Conservation Funding Board	Fiscal note not available								
Environmental and Land Use Hearings Office	.0	0	0	.0	0	0	.0	0	0
State Conservation Commission	Fiscal note not available								
Department of Fish and Wildlife	.0	0	0	.0	0	0	.0	0	0
Department of Natural Resources	Fiscal note not available								
Department of Agriculture	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Agency Name	2021-23			2023-25			2025-27		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
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 Breakout

<b>Prepared by:</b> Jim Cahill, OFM	<b>Phone:</b> (360) 790-2630	<b>Date Published:</b> Preliminary 1/31/2022
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1838 HB	<b>Title:</b> Salmon habitat	<b>Agency:</b> 086-Governor's Office of Indian Affairs
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.0	0.2	0.1	0.2	0.2
<b>Account</b>					
General Fund-State 001-1	0	29,120	29,120	64,160	61,510
<b>Total \$</b>	0	29,120	29,120	64,160	61,510

### 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.
- ☐ 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: Robert Hatfield	Phone: 360-786-7117	Date: 01/13/2022
Agency Preparation: Seth Flory	Phone: 360-407-8165	Date: 01/18/2022
Agency Approval: Seth Flory	Phone: 360-407-8165	Date: 01/18/2022
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/19/2022

## 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.*

House Bill 1838 seeks to expand State efforts at protecting, restoring, and maintaining habitat for salmon recovery by amending RCW 77.85.160, 36.70A.020, 36.70A.030, 36.70A.172, and 77.55.231; adding a new section to chapter 77.85 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 90.58 RCW; adding a new section to chapter 43.06 RCW; adding a new chapter to Title 77 RCW; and prescribing penalties.

Of most relevance to the Governor's Office of Indian Affairs (GOIA) is Section 701 which tasks the Office with convening a State/Tribal Riparian Management Oversight Committee. The committee would have authority to develop performance targets and adaptive management thresholds, as well as recommend changes to rules, regulations, and policies as needed to improve implementation of this act.

It is anticipated that the Committee would have 20+ members representing various Tribal and State authorities. The current plan is to hold three hybrid style meetings each year (except in FY23) with breakout "sub-committee" meetings held virtually as needed. The three hybrid meetings would be held in Olympia, N. Seattle, and Spokane. Costs to conduct these meetings would include space rental, meals & light refreshments, and travel. Additionally, GOIA would need to buy some portable conferencing equipment (dedicated lap-top, mics, presentation aids).

To oversee the Committee and facilitate meetings GOIA also needs .2 FTE, a Program Manager. To assist the agency and the Program Manager in the formation of the Committee, GOIA would also seek out a consultant. The Consultant would ideal be someone from inside the State who has experience with advisory committees of this nature.

Small but notable operational costs for the Committee would include the need to purchase software licenses for conferencing and document management. The Committee will likely need to print and mail out various documents and notifications as part of its work.

### 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.*

Cost breakout by expenditure item:

Conferencing Equipment: \$2,500 in FY23

Software and Licenses : \$120/yr

Printing & Mailing: \$800/yr

Rental Spaces: \$1,200/yr

Meals & Light Refreshments : \$680/yr

Supplies and Materials: \$100/yr

Travel: \$5,120/yr

Consultant: \$6,000 in FY23 and FY24

Program Manager - Salary: Starts at \$11,400

Program Manager - Benefits: Starts at \$4,740

Program Manager - Central Services: \$3,460

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
001-1	General Fund	State	0	29,120	29,120	64,160	61,510
Total \$			0	29,120	29,120	64,160	61,510

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years		0.2	0.1	0.2	0.2
A-Salaries and Wages		11,400	11,400	24,540	27,060
B-Employee Benefits		4,740	4,740	10,060	10,890
C-Professional Service Contracts		6,000	6,000	6,000	
E-Goods and Other Services		4,480	4,480	13,320	13,320
G-Travel				10,240	10,240
J-Capital Outlays		2,500	2,500		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	29,120	29,120	64,160	61,510

III. C - Operating FTE 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 2022	FY 2023	2021-23	2023-25	2025-27
Program Manager	57,000		0.2	0.1	0.2	0.2
Total FTEs			0.2	0.1	0.2	0.2

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

IV. D - Capital FTE Detail: List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part IVB

NONE

**Part V: New Rule Making Required**

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1838 HB	<b>Title:</b> Salmon habitat	<b>Agency:</b> 100-Office of Attorney General
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

ACCOUNT	FY 2022	FY 2023	2021-23	2023-25	2025-27
Legal Services Revolving Account-State 405-1		101,000	101,000	315,000	353,000
<b>Total \$</b>		101,000	101,000	315,000	353,000

### Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.0	0.7	0.4	1.1	1.2
<b>Account</b>					
Legal Services Revolving Account-State 405-1	0	101,000	101,000	315,000	353,000
<b>Total \$</b>	0	101,000	101,000	315,000	353,000

### 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.*

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: Robert Hatfield	Phone: 360-786-7117	Date: 01/13/2022
Agency Preparation: Allyson Bazan	Phone: 360-586-3589	Date: 01/28/2022
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 01/28/2022
OFM Review: Tyler Lentz	Phone: (360) 790-0055	Date: 01/30/2022

## 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.*

Relating to protecting, restoring, and maintaining habitat for salmon recovery; amending RCW 77.85.160, 36.70A.020, 36.70A.030, 36.70A.172, and 77.55.231; adding a new section to chapter 77.85 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 90.58 RCW; adding a new section to chapter 43.06 RCW; adding a new chapter to Title 77 RCW; and prescribing penalties.

Section 101: Name of Act.

Section 102: Intent of Act.

Section 201: Riparian management zones intent.

Section 202: Riparian management zones definitions.

Section 203: Riparian management zones mapping obligations; appeals; replanting requirements.

Section 204: Riparian management zones exemptions.

Section 205: Department of Fish and Wildlife (Department) obligations for developing riparian management zones and map; consultation requirements.

Section 206: Department must adopt rules and guidance.

Section 301: Establishment of riparian habitat conservation grant program; funding requirements.

Section 302: Department must offer grant funding in priority watersheds; amounts.

Section 401: Department enforcement authority in priority watersheds.

Section 402: Department authority to issue orders requiring compliance reporting; must consult with the Department of Ecology.

Section 403: Civil penalty.

Section 404: Appeals.

Section 501: Amends RCW 77.85.160 to add monitoring requirements and data sharing; reporting.

Section 601: Amends RCW 36.70A.020 to add salmon recovery as a goal for comprehensive plans and development regulations.

Section 602: Adds section to chapter 36.70A RCW to require consideration of riparian management zones when updating plans and/or regulations.

Section 603: Amends RCW 36.70A.030 to add definitions.

Section 604: Amends RCW 36.70A.172 to add best available science consultation with state agencies.



Section 605: New section to chapter 90.58 RCW; shoreline master program updates must include requirements of this Act.

Section 606: Amends RCW 77.55.231 to expand requirements to non-residential persons.

Section 701: Establishes the state/tribal riparian management oversight committee in the Governor's Office of Indian Affairs; scope of authority.

Section 801: New Chapter in title 77 RCW.

Section 802: Severance clause.

## **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.*

Cash receipts are assumed to equal the Legal Services Revolving Account (LSRA) cost estimates. These will be billed through the revolving account to the client agency.

The client agencies are the University of Washington (UW), the Department of Ecology (Ecology), the Recreation and Conservation Office (RCO), the Department of Natural Resources (DNR), the Washington Department of Fish and Wildlife (WDFW). The Attorney General's Office (AGO) will bill all clients for legal services rendered.

These cash receipts represent the AGO's authority to bill and are not a direct appropriation to the AGO. The direct appropriation is reflected in the client agencies' fiscal note. Appropriation authority is necessary in the AGO budget.

The AGO will bill the client agencies based on the below workload assumptions :

The AGO's Education (EDU) division will bill all higher education institutions, besides UW and the Washington State University based on the below FTE assumptions (non-Seattle rate):

- FY 2024: \$5,000 / 0.02 AAG and 0.01 LA3.
- FY 2025: \$5,000 / 0.02 AAG and 0.01 LA3.

The AGO's University of Washington (UOW) division will bill the UW based on the below FTE assumptions (Seattle rate)

- FY 2023: \$14,000 / 0.06 AAG and 0.03 LA3.
- FY 2024: \$5,000 / 0.02 AAG and 0.01 LA3.
- FY 2026: \$14,000 / 0.06 AAG and 0.03 LA3.
- FY 2027: \$5,000 / 0.02 AAG and 0.01 LA3, and each FY thereafter.

The AGO's Ecology (ECY) division will bill the Ecology based on the below FTE assumptions (non-Seattle rate):

- FY 2026: \$24,000 / 0.10 AAG and 0.05 LA3.
- FY 2027: \$24,000 / 0.10 AAG and 0.05 LA3.

The AGO's Transportation and Public Construction (TPC) division will bill the RCO based on the below FTE assumptions (non-Seattle rate):

- FY 2023: \$26,000 / 0.11 AAG and 0.06 LA3.
- FY 2024: \$14,000 / 0.06 AAG and 0.03 LA3.

The AGO's Public Lands Conservation (PLC) division will bill the DNR based on the below FTE assumptions (non-Seattle rate):

- FY 2023: \$12,000 / 0.05 AAG and 0.03 LA3.
- FY 2024: \$49,000 / 0.20 AAG and 0.10 LA3.
- FY 2024: \$87,000 / 0.35 AAG and 0.18 LA3.
- FY 2026: \$87,000 / 0.35 AAG and 0.18 LA3.
- FY 2027: \$49,000 / 0.20 AAG and 0.10 LA3, and each FY thereafter.

The AGO's PLC division will bill the WDFW based on the below FTE assumptions (non-Seattle rate):

- FY 2023: \$49,000 / 0.20 AAG and 0.10 LA3.
- FY 2024: \$75,000 / 0.30 AAG and 0.15 LA3.
- FY 2024: \$75,000 / 0.30 AAG and 0.15 LA3.
- FY 2026: \$75,000 / 0.30 AAG and 0.15 LA3.
- FY 2027: \$75,000 / 0.30 AAG and 0.15 LA3, and each FY thereafter.

## 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 Attorney General's Office (AGO) Agency Assumptions:

Agency administration support FTE are included in the tables, for every one Assistant Attorney General (AAG) FTE, the AGO includes a 0.5 Legal Assistant 3 (LA 3) FTE and a 0.25 Management Analyst 5 (MA 5) FTE. The MA 5 is used as a representative classification.

Total workload impact in this request includes standard assumption costs for good & services, travel, and capital outlays for all FTE identified.

The AGO's Transportation and Public Construction (TPC) division assumptions:

The enactment of this bill will not impact the provision of legal services to the Washington State Department of Transportation (WSDOT) because areas covered by road and other structures are specifically exempt, including, presumably, state highways. The WSDOT also maintains areas regulated by the National Pollutant Discharge Elimination System (NPDES) permits, which are also exempt. Any legal assistance provided would be nominal below 90 AAG hours per Fiscal Year (FY). Therefore, costs are not included in this request.

The AGO's Washington State University (AGO WSU) division assumptions:

The AGO WSU division assumes no impact to the Washington State University (WSU). Any legal assistance provided would be nominal below 90 AAG hours per Fiscal Year (FY). Therefore, costs are not included in this request.

The AGO's TPC division assumptions for the Recreation and Conservation Office (RCO):

If enacted, the AGO anticipates to draft new agreements, modify existing contracts related to Salmon Recovery Board grants, and provide ongoing advice during initial implementation.

The TPC division and administration support total FTE assumptions (non-Seattle rate):

- FY 2023: \$26,000 / 0.11 AAG and 0.06 LA3.

- FY 2024: \$14,000 / 0.06 AAG and 0.03 LA3.

The AGO's Agriculture and Health Division (AHD) assumptions:

The enactment of this bill will not impact the provision of legal services to the Department of Commerce (Commerce) or the Washington State Department of Agriculture (WSDA) because it would impose no new duties on WSDA and thus WSDA would require no new legal services. The amendments to the Growth Management Act would not require more than incidental legal advice to the Commerce. Any legal assistance provided would be nominal below 90 AAG hours per FY. Therefore, costs are not included in this request.

The AGO's Torts division assumptions:

The enactment of this bill will not impact the provision of legal services provided to the Torts. Any legal assistance provided would be nominal below 90 AAG hours per FY. Therefore, costs are not included in this request.

The AGO's Corrections (COR) division assumptions:

The salmon habitat protections imposed by this bill would not likely increase the Department of Corrections' (DOC) need for legal services. Any legal assistance provided would be nominal below 90 AAG hours per FY. Therefore, costs are not included in this request.

The AGO's Social and Health Services (SHS) division assumptions:

The enactment of this bill will not impact the provision of legal services to the Department of Social and Health Services (DSHS), the Department of Children, Youth, and Families (DCYF), and the Health Care Authority (HCA) because the SHS foresees no need for additional legal services related to client implementation of the bill's provisions. Any legal assistance provided would be nominal below 90 AAG hours per FY. Therefore, costs are not included in this request.

The AGO's Education (EDU) assumptions:

Prior to the riparian zone mapping required in the bill, there is really no way to know how many of our colleges and universities own land identified on the map. It looks like maps should be available by June 30, 2023. Therefore, we assume there will be some legal assistance needed in FY 2024 and FY 2025.

The EDU division and administration support total FTE assumptions (non-Seattle rate):

- FY 2024: \$5,000 / 0.02 AAG and 0.01 LA3.
- FY 2025: \$5,000 / 0.02 AAG and 0.01 LA3.

The AGO's University of Washington (UOW) division assumptions:

The UOW assumes that if this bill is enacted, there maybe legal analysis and advice required on University of Washington (UW) owned properties use and development per the below FTE assumptions (no assistance assumed in FY 2025).

The UOW division and administration support total FTE assumptions (Seattle rate):

- FY 2023: \$14,000 / 0.06 AAG and 0.03 LA3.
- FY 2024: \$5,000 / 0.02 AAG and 0.01 LA3.
- FY 2026: \$14,000 / 0.06 AAG and 0.03 LA3.
- FY 2027: \$5,000 / 0.02 AAG and 0.01 LA3, and each FY thereafter.

The AGO's Ecology (ECY) division assumptions:

The AGO will bill Ecology for legal services based on the enactment of this bill.

The ECY would be required to assist in developing the rule and defending it on appeal, which would likely require in each of FY 2026 and 2027.

Additionally, this bill in Section 403 authorizes the Ecology to take enforcement action, in consultation with the Washington Department of Fish and Wildlife (WDFW), in the event of noncompliance by landowners once priority watersheds and maps have been established. It is likely that at least one or two such enforcement actions would be appealed each year and would require AAG representation. The combined effect of these two provisions would likely require about 0.10 AAG FTE once the background work required by the bill had been completed, starting in FY 2026 and FY 2027.

The ECY division and administration support total FTE assumptions (non-Seattle rate):

- FY 2026: \$24,000 / 0.10 AAG and 0.05 LA3.
- FY 2027: \$24,000 / 0.10 AAG and 0.05 LA3.

The AGO's Public Lands and Conservation (PLC) division assumptions for the DNR:

The PLC assumes the WDFW rules would be adopted in FY 2024 and that the exemptions in Section 204 would apply to forest practices regulatory and land management actions, and other DNR program actions.

The DNR manages state owned land that has identified that upland leases, primarily grazing and agricultural leases (1600+), may need to be amended to remove lease area or restrict activities due to new setbacks on riparian areas. New legal services would be required to advise about the requirements of this bill and the agency options for compliance.

In addition to above, similar client advice about aquatics leases that may be impacted by bill. Advice to both programs on requirements of the WDFW rules once adopted, review of agency policy or procedures that need revisions, and review of particular lease issues including actions to amend or terminate if lease purposes cannot be accomplished consistent with new restrictions. Defend the DNR lease determinations and policy or procedures if challenged. Represent the DNR in any appeals of the WDFW enforcement orders or penalties.

Advice and litigation legal service identified about would continue, with addition of advice on any applicable changes to under the Growth Management Act (GMA) or Special Management Area (SMA) plan revisions.

Advice and litigation legal service identified about would continue, with addition of any representation in the Ecology enforcement actions.

Advice and litigation legal service identified about would continue at slightly reduces level.

The PLC division and administration support total FTE assumptions (non-Seattle rate) for DNR:

- FY 2023: \$12,000 / 0.05 AAG and 0.03 LA3.
- FY 2024: \$49,000 / 0.20 AAG and 0.10 LA3.
- FY 2024: \$87,000 / 0.35 AAG and 0.18 LA3.
- FY 2026: \$87,000 / 0.35 AAG and 0.18 LA3.
- FY 2027: \$49,000 / 0.20 AAG and 0.10 LA3, and each FY thereafter.

The AGO's PLC division assumptions for the WDFW:

The PLC assume rules would be adopted in FY 2024.

Client advice related to required rulemaking and development of agency enforcement program.

In addition to above, client advice related to potential enforcement actions and penalties. Litigation legal services in actions defending agency enforcement orders and penalties, challenges to statute, and agency rules.

The PLC division and administration support total FTE assumptions (non-Seattle rate) for WDFW:

- FY 2023: \$49,000 / 0.20 AAG and 0.10 LA3.
- FY 2024: \$75,000 / 0.30 AAG and 0.15 LA3.
- FY 2024: \$75,000 / 0.30 AAG and 0.15 LA3.
- FY 2026: \$75,000 / 0.30 AAG and 0.15 LA3.
- FY 2027: \$75,000 / 0.30 AAG and 0.15 LA3, and each FY thereafter.

The AGO's total divisions and administration support total FTE assumptions (Seattle and non-Seattle rate):

- FY 2023: \$101,000 / 0.42 AAG and 0.22 LA3.
- FY 2024: \$148,000 / 0.60 AAG and 0.30 LA3.
- FY 2024: \$167,000 / 0.67 AAG and 0.34 LA3.
- FY 2026: \$200,000 / 0.81 AAG and 0.41 LA3.
- FY 2027: \$153,000 / 0.62 AAG and 0.31 LA3, and each FY thereafter.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
405-1	Legal Services Revolving Account	State	0	101,000	101,000	315,000	353,000
Total \$			0	101,000	101,000	315,000	353,000

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

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years		0.7	0.4	1.1	1.2
A-Salaries and Wages		66,000	66,000	202,000	228,000
B-Employee Benefits		23,000	23,000	68,000	76,000
C-Professional Service Contracts					
E-Goods and Other Services		12,000	12,000	39,000	43,000
G-Travel				3,000	3,000
J-Capital Outlays				3,000	3,000
Total \$	0	101,000	101,000	315,000	353,000

### III. C - Operating FTE 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 2022	FY 2023	2021-23	2023-25	2025-27
Assistant Attorney General	112,200		0.4	0.2	0.6	0.7
Assistant Attorney General-Seattle	117,816		0.1	0.0	0.0	0.0
Legal Assistant 3	54,108		0.2	0.1	0.3	0.3
Legal Assistant 3-Seattle	66,876		0.0	0.0	0.0	0.0
Management Analyst 5	88,644		0.1	0.1	0.1	0.2
Total FTEs			0.7	0.4	1.1	1.2

III. D - Expenditures By Program (optional)

Program	FY 2022	FY 2023	2021-23	2023-25	2025-27
Ecology Division (ECY)					48,000
Education Division (EDU)				10,000	
Public Lands & Commissions (PLC)		61,000	61,000	286,000	286,000
Transportation & Public Construction Division (TPC)		26,000	26,000	14,000	
University of Washington Division (UOW)		14,000	14,000	5,000	19,000
Total \$		101,000	101,000	315,000	353,000

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

IV. D - Capital FTE Detail: List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part IVB

NONE

Part V: New Rule Making Required

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1838 HB	<b>Title:</b> Salmon habitat	<b>Agency:</b> 103-Department of Commerce
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.0	0.6	0.3	0.0	0.0
<b>Account</b>					
General Fund-State 001-1	0	344,753	344,753	0	0
<b>Total \$</b>	0	344,753	344,753	0	0

### 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.
- ☐ 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: Robert Hatfield	Phone: 360-786-7117	Date: 01/13/2022
Agency Preparation: Buck Lucas	Phone: 360-725-3180	Date: 01/22/2022
Agency Approval: Joyce Miller	Phone: 360-725-2710	Date: 01/22/2022
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 01/25/2022

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 601 amends RCW 36.70A.020 adding salmon recovery as a new goal under the growth management act (GMA).

Section 602 adds a new section to RCW 36.70A under the GMA, that requires counties and cities fully planning under the GMA must include restoration and protection of riparian management zones as part of their next scheduled periodic update including, but not limited to, comprehensive plans, capital facilities plans, development regulations, critical areas protection, and shoreline master programs.

Section 603 amends RCW 36.70A.030 the definition section of the GMA, adding new definitions for “fish and wildlife habitat conservation areas”, “riparian management zones”, and “watershed”.

Section 604 amends RCW 36.70A.172 the best available science provisions in the GMA for designating critical areas, adding management recommendations from Department of Ecology and Fish and Wildlife for inclusion. Additional local considerations much be given riparian management zones.

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.

Agency Assumptions:

- The Department of Commerce (department) will hire a consultant with technical expertise for development and implementation/training for local governments under Sections 601-604.
- It is assumed 0.5 FTE Commerce Specialist 3 will be required for contract management and oversight of project implementation, rulemaking and guidelines update in FY23, with a completion date by June 30, 2023.

Sections 601-604:

0.5 FTE Commerce Specialist 3 (1,044 hours) in FY23 for project implementation and land use expertise, participation with interagency implementation and guidance and local government outreach.

Salary and Benefits:

FY23: \$53,802

Professional Service Contract:

One professional services contracts of \$250,000 in FY23, for third party consultant work on the project with required expertise with local government and GMA guidance requirements in Sections 601-604. The department assumes a rate of \$250 per hour for the professional services contracts.

FY23: \$250,000

Goods and Services:

The department assumes \$10,000 for AAG consultation on guidance development and rulemaking. The department assumes



48 hours at \$210 per hour for attorney general costs.

FY23: \$16,265

Travel:

Travel includes meeting with stakeholders on interagency implementation and guidance and local government outreach.

FY23: \$6,393

Intra-agency Reimbursement:

FY23: \$18,293

Note: Standard goods and services costs include supplies and materials, employee development and training, Attorney General costs, central services charges and agency administration. Agency administration costs (e.g., payroll, HR, IT) are funded under a federally approved cost allocation plan.

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Total Costs

FY23: \$344,753

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
001-1	General Fund	State	0	344,753	344,753	0	0
Total \$			0	344,753	344,753	0	0

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

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years		0.6	0.3		
A-Salaries and Wages		39,450	39,450		
B-Employee Benefits		14,352	14,352		
C-Professional Service Contracts		250,000	250,000		
E-Goods and Other Services		16,265	16,265		
G-Travel		6,393	6,393		
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements		18,293	18,293		
9-					
Total \$	0	344,753	344,753	0	0

### III. C - Operating FTE 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 2022	FY 2023	2021-23	2023-25	2025-27
Administrative Services - Indirect	69,552		0.1	0.1		
Commerce Specialist 3	78,900		0.5	0.3		
Total FTEs			0.6	0.3		0.0

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods*

NONE

**IV. D - Capital FTE Detail:** *List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part IVB*

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 .*

Rulemaking to update GMA guidance for local governments due to amendments in sections 601-604, which includes potential updates to 365-190, 365-195, and 365-196 WAC.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1838 HB	<b>Title:</b> Salmon habitat	<b>Agency:</b> 468-Environmental and Land Use Hearings Office
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.0	0.0	0.0	1.5	1.5
<b>Account</b>					
General Fund-State 001-1	0	0	0	340,340	328,266
<b>Total \$</b>	0	0	0	340,340	328,266

### 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.
- ☐ 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: Robert Hatfield	Phone: 360-786-7117	Date: 01/13/2022
Agency Preparation: Dominga Soliz	Phone: 3606649173	Date: 01/19/2022
Agency Approval: Dominga Soliz	Phone: 3606649173	Date: 01/19/2022
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/19/2022

## 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.*

#### Part 2 – Riparian Management Zones

Sec. 203: WDFW can issue a validation of compliance for the riparian management zone. WDFW's validation may be appealed to the Pollution Control Hearings Board (PCHB) pursuant to RCW 43.21B.110.

Sec. 205: Charges WDFW with creating a riparian management zone map, streams, rivers, etc “including those in undeveloped urban growth areas designated under chapter 36.70A RCW”, and provide a riparian management zone map to each jurisdiction planning under 36.70A.130 by June 30, 2023, with updates prior to their periodic update. “Counties and cities fully planning under RCW 36.70A.040 must include restoration and protection of riparian management zones pursuant to section 602 of this act.” WDFW must establish riparian restoration “progress goals” for the priority watersheds. WDFW must “design and implement” the work required in priority watersheds by December 31, 2032.

Sec. 206: WDFW is charged with adopting rules and guidance, including criteria, based on best available science.

Part 2 creates an avenue for appeals to the PCHB.

Part 2 does not impact the Growth Management Hearings Board (GMHB) directly. These sections direct WDFW to take certain actions with respect to jurisdictions planning under the Growth Management Act (GMA) and subject to section 602, below.

#### Part 3 – Financial Assistance

This part does not impact ELUHO.

#### Part 4 - Enforcement

Sec. 404: Orders and penalties issued by WDFW are appealable under RCW 43.21B. Sec. 402 requires WDFW to issue orders or directives regarding violations. Sec. 403 allows WDFW to issue civil penalties for violations.

This part allows appeals to the PCHB.

#### Part 5 – Monitoring

This part does not impact ELUHO.

#### Part 6 – Land Use

Sec. 601: Amends RCW 36.70A.020. Adds a goal to the GMA concerning support “recovery and enhancement” of salmon/steelhead through certain action ... “and achieve abundance for harvest and the delisting and recovery of threatened or endangered salmon and steelhead runs under the federal endangered species act.”

The GMHB may see new cases asserting violation of the goal statement, with or without assertion of other violation of other requirements of the GMA. Existing cases leave open the question of whether a jurisdiction can violate a “goal” with a concomitant violation of another specific requirement of the GMA.

Sec. 602: Adds a NEW SECTION to the GMA requiring jurisdictions fully planning under 36.70A.040 to include restoration

and protection of riparian management zones as part of their net scheduled periodic update, including comprehensive plan, capital facilities plan, development regulations, critical areas protection, and shoreline master programs.

The GMHB may see new cases resulting from a jurisdiction's failure to include restoration and protection of riparian management zones in these actions.

Sec. 603: Amends 36.70A.030 to delete discussion of fish and wildlife habitat conservation area under the definition of "critical areas," and moves the discussion into a stand-alone definitional section. Two other definitions are added: the definition of "riparian management zone" refers to "the same meaning as defined in section 202 of this act. And "watershed" is defined consistent with 90.82 RCW.

Although the new definitions would be applicable to petitions heard by the GMHB, this change is unlikely to produce any additional appeals.

Sec 604: Amends 36.70A.172, concerns best available science and includes "management recommendations for wetlands made by the Department of Ecology, and for fish and wildlife habitat conservation areas made by WDFW." Includes direction to give special consideration to measures necessary to preserve or enhance anadromous fisheries, "including riparian management zones established by the department of fish and wildlife in accordance with this act."

The GMHB may see new cases concerning how a jurisdiction has included ECY and WDFW recommendations in designation and protection of critical areas.

Sec. 605: Adds a NEW SECTION to 90.58 RCW making riparian management zone protection and restoration requirements "of this act."

The GMHB may see cases concerning riparian management zone protections in review of the adoption of Shorelines Management Programs.

Sec. 606: This section amends RCW 77.55.231 and expands marine armoring requirements from just residential projects to all such projects.

These projects require hydraulic project approvals (HPAs) under RCW 77.55.021 and these permits are appealable to the PCHB. RCW 43.21B.110(1)(l). Note that amendment of RCW 43.21B.110 is omitted but may also be required.

Current Agency Structure and Workload: The Environmental & Land Use Hearings Office (ELUHO) is the administrative agency that supports three environmental and land use hearings boards – the Pollution Control Hearings Board (PCHB), Shoreline Hearings Board (SHB), and Growth Management Hearings Board (GMHB). Appeals from HB 1838 would come to the PCHB under Sections 203, 404, and 606 of the proposed bill. In addition to appeals from this bill, the PCHB hears appeals from 37 other environmental statutes including Washington's clean air act, toxic pollution, forest practices, derelict vessels, and water resource permits. The PCHB consists of three Governor-appointed Board members who have two administrative appeals judges (AAJs) to assist in all cases. As of January 1, 2022, the PCHB is handling 72 active appeals arising from permits and enforcement actions by a variety of state or local agencies. The PCHB is now scheduling hearings 12 months in advance for cases that normally would be heard in 6 months.

Appeals from HB 1838 would come to the GMHB under several sections in Part 6 of the proposed bill. The GMHB is comprised of 5 Board members appointed by the Governor. As of January 10, 2022, the GMHB has 32 active cases. Each case must be decided within 180 days of a filed appeal. ELUHO has a team of 3 legal assistants to support all three Boards.

Assume new PCHB appeals - This bill would increase the number of PCHB appeals under Sections 203, 404, and 606. The bill applies to all public and private landowners with property adjacent to waterbodies on the riparian map. There are some

exceptions but the application is still very broad. Sec. 606 could result in appeals of HPAs related to public marine armoring projects, which would increase the number of HPA appeals. We estimate 10 new PCHB appeals per year of medium/average complexity. The appeals would be site specific and focused on protection of riparian areas, which would limit complexity.

Assume new GMHB appeals – The proposed bill would increase GMHB appeals by approximately 6 appeals per year, especially during the first several years, as the agencies, counties and cities explore how to implement the requirements of this bill.

Assume new appeals in FY 2024 – We assume it will take WDFW up to 2 years to implement the new program, so enforcement appeals to the PCHB are not likely to be filed until at least year two after the law takes effect. No appeals to the GMHB under the GMA could be entertained until WDFW creates the zones for the jurisdictions to use by June 2023. Thereafter, appeals to the GMHB would align with local jurisdiction's periodic update requirement, including critical areas and SMP updates.

Assume cases of First Impression: Riparian management zone appeals will be cases of first impression (cases presenting legal issues that have not been decided by the Boards or courts) for the PCHB and GMHB. ELUHO assumes it will take more time to analyze and produce decisions for these cases during the initial years.

Assume new Administrative Law Judge (AAJ) FTE: The PCHB and GMHB will need approximately 1.0 FTE for an AAJ experienced in environmental and land use law to assist in addressing the new appeals. RCW 43.21B.005 (2) authorizes the ELUHO director to appoint such AAJs to assist the PCHB and GMHB. The AAJ FTE will not serve as a member of the Boards, but will conduct legal research and writing, mediate cases, draft Board memos and materials, and perform other legal duties to assist the Boards. ELUHO assumes the AAJ will be allocated 80% to assist the PCHB and 20% to the GMHB.

Assume additional Legal Assistant FTE: Currently, a support team of three Legal Assistants provide all the support for all three Boards, including managing all Board cases and court filings, providing support for Board members, AAJs, and Board meetings, and providing administrative support for ELUHO office functions. We assume 0.5 Legal Assistant (LA2) FTE for every 1.0 AAJ FTE. HB 1838 will require approximately 0.5 FTE for a Legal Assistant to manage the additional cases and AAJ FTEs.

Assume no capital budget impact – Currently, ELUHO leases space on the top floor of the State Parks building. We assume we can repurpose existing space to include 1.5 FTEs if those FTEs have work stations at the ELUHO office. We assume the 1.0 AAJ FTE position would be offered with the option of working remotely and the Legal Assistant 0.5 FTE would telework part of the time.

## **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.*

No cash receipts.

## **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.*

ELUHO estimates each PCHB appeal arising from HB 1838 will require approximately 165 hours (85 hours pre-hearing work, and 80 hours hearing and post-hearing work) of AAJ work to complete. ELUHO estimates each GMHB appeal arising from the bill will require approximately 60 hours of AAJ work. ELUHO estimates each appeal will require approximately 50 hours of Legal Assistant work. These estimates are based on a current analysis of Board and support

team work.

165 hours/appeal x 10 appeals = 1,650 PCHB appeal hours estimated.

60 hours/appeal x 6 appeals = 360 GMHB appeal hours total estimated.

50 hours/appeal x 16 appeals = 800 Legal Assistant hours total estimated.

ELUHO assumes this work on new appeals begins in FY 2024.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
001-1	General Fund	State	0	0	0	340,340	328,266
Total \$			0	0	0	340,340	328,266

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

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years				1.5	1.5
A-Salaries and Wages				228,996	228,996
B-Employee Benefits				81,526	81,526
C-Professional Service Contracts					
E-Goods and Other Services				14,698	13,738
G-Travel				4,006	4,006
J-Capital Outlays				11,114	
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	0	0	340,340	328,266

### III. C - Operating FTE 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 2022	FY 2023	2021-23	2023-25	2025-27
Administrative Appeals Judge (Exempt)	90,000				1.0	1.0
Legal Assistant 2 (425F) (Step 40L)	48,996				0.5	0.5
Total FTEs					1.5	1.5

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

**IV. C - Capital Budget Breakout**

*Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods*

NONE

**IV. D - Capital FTE Detail:** *List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part IVB*

NONE

No 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 .*

The bill would require an amendment of WAC 371-08-315 (2), the PCHB’s jurisdictional rule.

No rule making is required for the GMHB.



# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1838 HB	<b>Title:</b> Salmon habitat	<b>Agency:</b> 477-Department of Fish and Wildlife
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.0	51.4	25.7	54.7	54.7
<b>Account</b>					
General Fund-State 001-1	0	8,122,000	8,122,000	17,388,000	16,490,000
<b>Total \$</b>	0	8,122,000	8,122,000	17,388,000	16,490,000

### 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.*

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: Robert Hatfield	Phone: 360-786-7117	Date: 01/13/2022
Agency Preparation: Amy Pizzollo	Phone: 360-791-7858	Date: 01/18/2022
Agency Approval: Amy Pizzollo	Phone: 360-791-7858	Date: 01/18/2022
OFM Review: Jim Cahill	Phone: (360) 790-2630	Date: 01/19/2022

## 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 203 requires the Department to decide whether an individual landowner's land is compliant with the bill and, if so, issue a decision validating compliance.

Section 205 requires the Department to :

- coordinate with federal recognized tribes and regional salmon recovery organizations to create statewide maps that show the riparian management zone for all salmon and steelhead streams. WDFW must provide each jurisdiction a map of their such streams the year before their GMA periodic update is due, with the first batch of maps due by June 30, 2023. These maps all must also available publicly on the web.
- prioritize watersheds for salmon recovery and water quality, in coordination with tribes, regional recovery organizations, and Ecology.
- Develop progress goals for riparian restoration in priority watersheds within a year of the periodic plan update being adopted.
- Design and implement the work required by the chapter.

Section 206 requires the Department to adopt rules implementing the chapter and defines some of the necessary components of the program.

Section 302 requires the Department to offer individual landowners grant funding to assist in implementation of the riparian requirements and provide 30-day written notice of the intent to offer such a cost share.

Section 401 requires the Department to take additional action with landowners to achieve compliance with the bill provided 1.) it is a prioritized watershed, 2.) established progress goals have not been met, and 3.) a cost sharing offer was made. The Department must issue a notice of corrective actions, determine if and when the corrective action (s) are complete, pursue additional compliance remedies if the landowner doesn't comply, and notify Ecology.

Section 402 requires the Department to notify landowners in writing of any violation and, after receiving a report from the landowner regarding the steps being taken to come into compliance, issue an order or directive as appropriate and notify the landowner by registered mail.

Section 403 directs the Department to issue penalties for violations of the chapter as appropriate, set the penalty amount in consideration of the violator's previous history and the severity of the impact of the violation, deliver penalties by registered mail, and to coordinate with Ecology.

Section 501 requires the Department to maintain a public, web-based atlas that includes data related to the amount and condition of riparian management zones, other habitat conditions necessary for salmon recovery. This atlas should integrate data from WDFW and numerous other state agencies, federally recognized tribes, and local and regional salmon recovery organizations. The Department must also monitor changes in these data and report biennially in the State of the Salmon report.

Section 606 amends the hydraulic code to make the requirements of RCW 77.55.231 apply to all marine shoreline stabilization/armoring projects. Rulemaking will be necessary to incorporate this change into existing rules.

### 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.*

### Assumptions:

- WDFW would be responsible for both creating the new program and implementing civil compliance. This creates a brand-new authority and civil compliance mechanisms. It is not connected to any existing authorities of WDFW.
- Maps will be produced using the GMA comprehensive plan update schedule, bringing 3-5 counties online at a time. Consultant services (EIS, etc) will be necessary during rule-making and costs begin in FY23. Civil compliance would start in earnest in FY24, after rulemaking and providing initial maps to jurisdictions.
- Creating the new program requires WDFW planning and science. It requires interpreting fish population response in relation to habitat status and trends, as well as regionally-deployed biologists to conduct parcel-scale tech assistance to landowners to plan/implement riparian protection and restoration. The bill also includes rulemaking, with consultant services, and new web-accessible applications for both tracking compliance with the authority and displaying multi-agency data.
- Agencies are assumed to have large roles in rulemaking:
  - o Commerce/local govs for GMA connections,
  - o ECY for SMA implications,
  - o RCO for SRFB new grant program role
  - o Conservation Commission to help estimate farm plan related work

WDFW and Ecology would initially be involved in layers for the riparian atlas, with DNR LIDAR data added in future versions.

Likely initial pieces in the atlas would be :

1. Ecology: Improved Stream mapping: current NHD Hydrography; stream flowlines and area polygons where available.
2. WDFW: Land Cover Change Mapping.
3. Additional layers from other data sources would be added over time.

Program Design and Policy Oversight. Sections 203, 205, and 206 require the Department to design and implement the work required by the chapter, and to create rules that reflect this. This will require the following staff:

- 1.0 FTE Environmental Planner 5 starting in FY23 and ongoing is needed to serve as the dedicated day-to-day manager directing the work of a new section that will create the overall design of the program to implement this chapter, coordinate with tribal and other partners, create the guidance and tools to assess and achieve riparian protection and restoration, use data and field observations to assess success and report on results. Other duties include establishing performance goals for the project components, leading the engagement of partnering agencies, stakeholder group, and consulting with tribal partners.

- 2.0 FTE Environmental Planner 3's starting in FY23 and ongoing will conduct the staff work needed to accomplish the work of the section described above, including but not limited to developing the watershed-based prioritization and statewide implementation plan, establishing standards for compliance, assisting with rule making, identifying best practices to assist local jurisdictions to integrate the requirements of the chapter into comprehensive plans and Shoreline Master Programs, providing guidance for and training regional habitat staff, and writing program progress reports.

- 1.0 FTE Communication Consultant 4 and 1.0 FTE Communication Outreach and Environmental Education Specialist starting in FY23 and ongoing will assist in development of materials and training to educate landowners in bill requirements and best practices to comply.

- 0.3 FTE Washington Management Service, Band 3, is needed starting in FY23 and ongoing to oversee development of the new program and provide senior level management and policy guidance.

Salaries and Benefits, Objects A and B, equal \$566,000 ongoing. Professional service contracts are required for rulemaking. Object C includes \$300,000 in FY24 for environmental and economic impact statements. Object C also includes \$200,000 in FY23 and \$300,000 in FY24 for contract and consultant services to assist with rulemaking. Object E, goods and services, includes \$50,000 (460 hrs x \$108 per hr) in FY23 and FY24 for Attorney General services for rulemaking based on previous complex rulemaking, and \$10,000 (4 hearings x \$2,500 per hearing) in FY24 for public hearings. Goods and services, Object E, includes \$7,000 per FTE, per year, for WDFW standard costs, which cover an average employee's supplies, communications, training, and subscription costs per year. An infrastructure and program support rate of 36.28% is included in object T and is calculated based on WDFW's federally approved indirect rate.

Subtotal for Program Design and Policy Oversight is \$1,163,000 in FY23, \$1,721,000 in FY24, and \$822,000 ongoing after that.

Regional Technical Assistance and Field Determinations. Sections 203, 205 (5), 302, and 401 create a need for WDFW staff to assess individual parcels, determine whether the riparian protection and restoration standards have been met, issue a validation of compliance if so, and if not to offer cost sharing assistance and inform the landowner what they need to do to comply with the law. This will require the following staff:

- 19.0 FTE Fish & Wildlife Biologist 3's starting in FY23 and ongoing will work with individual landowners to validate riparian management zones, provide technical assistance on the riparian needs associated with their property as well as work with local jurisdictions to ensure riparian area protections are adequate. These positions will also coordinate with the Department of Ecology staff and compliance division staff to help inform what is needed for riparian function on a parcel level scale when voluntary compliance has not achieved the riparian protection afforded by the bill.
- 6.0 FTE Fish & Wildlife Biologist 2's starting in FY23 and ongoing will review land use notifications to ensure that resources are identified and protected adequately per the protections provided by the bill.

Salaries and Benefits, Objects A & B, total \$2,493,000 ongoing. Goods and services, Object E, includes \$7,000 per FTE, per year, for WDFW standard costs, which cover an average employee's supplies, communications, training, and subscription costs per year. An infrastructure and program support rate of 36.28% is included in object T and is calculated based on WDFW's federally approved indirect rate.

Subtotal for Regional Technical Assistance and Field Determinations is \$3,636,000 starting in FY23 and ongoing.

Scientific Monitoring and Evaluation. Sections 205, 206 and 501 require the Department to create science-based watershed prioritization and program implementation standards, and to monitor changes in the data regarding the amount and condition of riparian management zones and other salmon habitat data collected by the Department and others. This will require the following staff:

- 2.0 FTE Fish & Wildlife Research Scientist 2's starting in FY23 and ongoing. One FTE will be responsible to lead the work of monitoring the status and trend data generated by high resolution change detection (HRCDD) and other atlas data sources to relate implementation of the bill (i.e., riparian protection and restoration actions) to changes in fish habitat and fish populations. They will serve as the science-policy interface and act as lead scientist in the synthesis, analysis, and interpretation of HRCDD data and restoration efforts through time. They will identify what restoration data must be collected to assist in evaluating whether riparian restoration is achieving the goals of the bill and provide direction to the Bio/Sci Tech team. The other FTE will assist with linking restoration data with fish-in /fish-out data and other fish population collected at the watershed scale, i.e., relating fish response to changes in riparian management zones and other elements of fish habitat. These positions will partner to incorporate fish response in analysis and interpretation.
- 1.0 FTE Fish & Wildlife Biologist 3 starting in FY23 and ongoing to supervise the four Scientific Technician 2 positions.

This position will be responsible for translating the Fish & Wildlife Research Scientist 2 direction into field direction and providing logistic support and direction for sampling schedules and protocols for the Scientific Technicians.

- 4.0 FTE Scientific Technician 2's starting in FY23 and ongoing responsible for collecting riparian restoration data to augment our understanding of restoration status and trends at larger scales consistent with the intent of the bill. This work will include sampling restoration sites from across the state with a special focus on areas receiving large amounts of riparian restoration to make inferences on progress toward the bill's restoration goals.

Salaries and Benefits, Objects A & B, total \$617,000 ongoing. Goods and services, Object E, includes \$7,000 per FTE, per year, for WDFW standard costs, which cover an average employee's supplies, communications, training, and subscription costs per year. An infrastructure and program support rate of 36.28% is included in object T and is calculated based on WDFW's federally approved indirect rate.

Subtotal for Scientific Monitoring and Evaluation is \$908,000 starting in FY23 and ongoing.

Civil Compliance. Sections 401(6), 402, and 403 of the bill require the Department to enforce the requirements of the chapter. This will require the following staff:

- 4.0 FTE Fish & Wildlife Biologist 3's (Compliance Inspectors) starting in FY24 and ongoing are needed to issue and monitor compliance with civil administrative enforcement actions including corrective actions, orders and penalties. This work would only occur when the technical and financial assistance provided by regional biologists does not achieve voluntary compliance.

- 1.0 FTE Fish & Wildlife Biologist 4 starting in FY23 and ongoing is needed to help with database development and design of the program and to supervise the four Compliance Inspectors.

Salaries and Benefits, Objects A & B, total \$107,000 in FY23 and \$520,000 ongoing after that. Goods and services, Object E, includes \$7,000 per FTE, per year, for WDFW standard costs, which cover an average employee's supplies, communications, training, and subscription costs per year. An infrastructure and program support rate of 36.28% is included in object T and is calculated based on WDFW's federally approved indirect rate.

Subtotal for Civil Compliance is \$156,000 in FY23 and \$756,000 ongoing after that.

High Resolution Change Detection and Riparian Maps. Sections 205 and 501 require the Department to create and maintain high resolution and other data to track the amount and condition of riparian management zones, and to depict the location of these riparian management zones in watershed maps. Maps will be produced using the GMA comprehensive plan update schedule, bringing 3-5 counties online at a time. This will require the following staff :

- 1.0 FTE IT App Developer- Journey starting in FY23 and ongoing for data science support and redundancy for existing methods and development of new methods to improve current monitoring and manage the IT production systems.

- 1.0 FTE IT App Developer – Entry starting in FY23 and ongoing to runs and edit production code for HRCD processes.

- 1.0 FTE IT Data Management -Journey starting in FY23 and ongoing to perform data systems management and remote sensing automation.

- 1.0 FTE Environmental Planner 3 starting in FY23 and ongoing to manage the operations of the image interpretation and accuracy assessment duties and end-user support for data analysis.

- 3.0 FTE Cartographer 3's starting in FY23 and ongoing responsible for image interpretation and accuracy assessment duties.

Salaries and Benefits, Objects A & B, total \$789,000 ongoing. Goods and services, Object E, includes \$7,000 per FTE, per year, for WDFW standard costs, which cover an average employee's supplies, communications, training, and subscription costs per year. An infrastructure and program support rate of 36.28% is included in object T and is calculated based on WDFW's federally approved indirect rate.

Subtotal for High Resolution Change Detection and Maps is \$1,142,000 starting in FY23 and ongoing.

Compliance Database. Sections 203, 401, 402, and 403 create the need to build and maintain the web accessible application to track individual landowner compliance with the requirements of the bill, including certification of completion and /or correcting violations. This will require the following staff:

- 1.0 FTE IT System Admin – Journey starting in FY23 and ongoing to build and maintain the GIS application, maps, and infrastructure.

- 1.1 FTE IT App Dev – Journey in FY23 and 0.4 FTE ongoing to integrate and maintain the application web access, and develop and maintain survey and constituent compliance tracking application.

Salaries and Benefits, Objects A & B, total \$276,000 in FY23 and \$181,000 ongoing. Goods and services, Object E, includes \$7,000 per FTE, per year, for WDFW standard costs, which cover an average employee's supplies, communications, training, and subscription costs per year. An infrastructure and program support rate of 36.28% is included in object T and is calculated based on WDFW's federally approved indirect rate.

Subtotal for Compliance Database is \$396,000 in FY23 and \$260,000 ongoing after that.

Riparian and Salmon Habitat Atlas. Section 501 creates an expectation to develop and maintain a publicly accessible online riparian atlas for displaying data from multiple entities associated with riparian ecosystems and other habitat necessary for salmon recovery. This will require the following staff:

- 1.0 FTE Environmental Planner 4 in FY 23 and ongoing. Analyzes status and trends from subject matter experts at other organizations. This atlas data will be used to draw conclusions related to land use. Assists in collaboration for cross agency work. Anticipates and hypothesizes changes in metrics based on new laws and guidelines.

- 1.0 FTE Research Scientist 2 in FY 23 and ongoing. Reviews cross-agency data and layers and serves as a cross agency subject matter expert on the combination of the data layers to support policy work. This atlas data will be used to draw conclusions related to land use.

- 1.0 FTE IT App Development Journey in FY 23 and ongoing. This position will build and maintain the web application that combines and displays data layers. Assists in serving up large datasets. Makes changes and improvements, adding layers as the project evolves.

- 1.0 FTE IT Data Management-Journey ongoing. This position provides data management, processes management, and automated image processing. It will manipulate dataset to support the planner and RS2 positions and make the data more comparable. Additionally, they will interact with data managers in other counties and serve up agency layers for local governments. They also help manage the high data storage and back-up requirements.

Salaries and Benefits, Objects A & B, total \$501,000 ongoing. Goods and services, Object E, includes \$7,000 per FTE, per

year, for WDFW standard costs, which cover an average employee's supplies, communications, training, and subscription costs per year. An infrastructure and program support rate of 36.28% is included in object T and is calculated based on WDFW's federally approved indirect rate.

Subtotal for Riparian and Salmon Habitat Atlas is \$721,000 starting in FY23 and ongoing.

Total costs for WDFW equal \$8,122,000 in FY23, \$9,143,000 in FY24, and \$8,245,000 ongoing after that.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
001-1	General Fund	State	0	8,122,000	8,122,000	17,388,000	16,490,000
<b>Total \$</b>			0	8,122,000	8,122,000	17,388,000	16,490,000

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

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years		51.4	25.7	54.7	54.7
A-Salaries and Wages		3,883,000	3,883,000	8,230,000	8,230,000
B-Employee Benefits		1,466,000	1,466,000	3,104,000	3,104,000
C-Professional Service Contracts		200,000	200,000	600,000	
E-Goods and Other Services		410,000	410,000	825,000	766,000
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements		2,163,000	2,163,000	4,629,000	4,390,000
9-					
<b>Total \$</b>	0	8,122,000	8,122,000	17,388,000	16,490,000

### III. C - Operating FTE 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 2022	FY 2023	2021-23	2023-25	2025-27
CARTOGRAPHER 3			3.0	1.5	3.0	3.0
COMMUNICATIONS CONSULTANT 4			1.0	0.5	1.0	1.0
COMMUNITY OUTREACH & ENVIRONMENTAL EDUCATIONA SPE			1.0	0.5	1.0	1.0
ENVIRONMENTAL PLANNER 3			4.0	2.0	4.0	4.0
ENVIRONMENTAL PLANNER 4			1.0	0.5	1.0	1.0
ENVIRONMENTAL PLANNER 5			1.0	0.5	1.0	1.0
FISH & WILDLIFE BIOLOGIST 2			6.0	3.0	6.0	6.0
FISH & WILDLIFE BIOLOGIST 3			19.0	9.5	23.0	23.0
FISH & WILDLIFE BIOLOGIST 4			1.0	0.5	1.0	1.0
FISH & WILDLIFE RESEARCH SCIENTIST 2			3.0	1.5	3.0	3.0
IT App Development-Entry			1.0	0.5	1.0	1.0
IT App Development-Journey			3.1	1.6	2.4	2.4
IT Data Management-Journey			2.0	1.0	2.0	2.0
IT Systems Admin-Journey			1.0	0.5	1.0	1.0
SCIENTIFIC TECHNICIAN 2			4.0	2.0	4.0	4.0
WMS 3			0.3	0.2	0.3	0.3
<b>Total FTEs</b>			51.4	25.7	54.7	54.7

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods*

NONE

**IV. D - Capital FTE Detail:** *List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part IVB*

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 .*

Yes, the bill will require a new WAC chapter that reflects the requirements of the bill, including but not limited to the application of the riparian management zone requirements and timelines, the process and criteria for reducing or exempting riparian management zone requirements for small parcels, ensuring exceptions minimize loss of riparian function, the process and criteria for prioritizing watersheds, the criteria to establish restoration progress goals in priority watersheds, and any differentiation in riparian protection and restoration requirements in different climate zones of the state.



# Individual State Agency Fiscal Note

Revised

<b>Bill Number:</b> 1838 HB	<b>Title:</b> Salmon habitat	<b>Agency:</b> 495-Department of Agriculture
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.0	1.0	0.5	1.0	1.0
<b>Account</b>					
General Fund-State 001-1	0	171,100	171,100	342,200	342,200
<b>Total \$</b>	0	171,100	171,100	342,200	342,200

### 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.
- ☐ 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: Robert Hatfield	Phone: 360-786-7117	Date: 01/13/2022
Agency Preparation: Gary Bahr	Phone: (360) 902-1936	Date: 01/20/2022
Agency Approval: Natasha Roberts	Phone: (360) 902-1988	Date: 01/20/2022
OFM Review: Jim Cahill	Phone: (360) 790-2630	Date: 01/21/2022

## 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.*

House bill 1838 is related to Protecting, restoring, and maintaining habitat for salmon recovery and is designed to implement the 2021 Governor's salmon strategy update and report called; Securing a future for people and salmon in Washington. Section 205 deals with mapping riparian management zones, creating a prioritization, and by June 23, 2023 provide a riparian management zone map.

Section 501 is amended

(2) High-resolution and other digital data pertaining to the amount and condition of riparian management zones as defined in section 205 of this act and other habitat conditions necessary for salmon recovery across the state must be maintained by Department of Fish and Wildlife in a digital web-based atlas. The riparian and salmon habitat atlas will consolidate riparian and salmon habitat data from the Department of Fish and Wildlife, Department of Ecology, Department of Natural Resources, Department of Agriculture, and Conservation Commission, in consultation with federally recognized tribes, lead entities, and salmon recovery regional organizations on an annual basis and make information available in a public-facing web application.

### 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.*

The proposed legislation has no cash receipt impact on WSDA.

### 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.*

II. A – WSDA maintains significant datasets relevant to sections 205, 501 (1) and 501 (2) of this proposed legislation. This includes agricultural land use data that is high quality, statewide, and covers crop rotations, irrigation types, and organic certification status. Other WSDA datasets relevant to this proposal include soil health information, surface water temperature and water chemistry information, and pesticide and nutrient contamination data. Starting in 2020, WSDA has maintained pertinent and available water quality and salmon protection information from all sources in every WRIA where WSDA is conducting research in Washington.

Projections for WSDA staffing:

- WMS Manager at 0.3 FTE to support all phases of Policy and Science Liaison work with the Department of Fish and Wildlife, Governor's Office, and the other agencies involved.
- WSDA requests 0.7 FTE in the form of a Natural Resource Scientist 4 to serve as the repository for these datasets and the interface for WSDA on the implementation of this proposal.

Agency Administrative Overhead (payroll, HR, IT and Financial) is calculated at the agency indirect rate of 24.6% of direct program salaries and benefits.

Debt Service is computer leasing calculated at \$600 per year per person shown as object P.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
001-1	General Fund	State	0	171,100	171,100	342,200	342,200
Total \$			0	171,100	171,100	342,200	342,200

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years		1.0	0.5	1.0	1.0
A-Salaries and Wages		95,100	95,100	190,200	190,200
B-Employee Benefits		31,900	31,900	63,800	63,800
C-Professional Service Contracts					
E-Goods and Other Services		12,200	12,200	24,400	24,400
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements		600	600	1,200	1,200
T-Intra-Agency Reimbursements					
9-Agency Admin Overhead		31,300	31,300	62,600	62,600
Total \$	0	171,100	171,100	342,200	342,200

III. C - Operating FTE 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 2022	FY 2023	2021-23	2023-25	2025-27
Natural Resource Scientist 4	88,644		0.7	0.4	0.7	0.7
WMS Manager	110,000		0.3	0.2	0.3	0.3
Total FTEs			1.0	0.5	1.0	1.0

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

*Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods*

NONE

IV. D - Capital FTE Detail: *List FTEs by classification and corresponding annual compensation . Totals need to agree with total FTEs in Part IVB*

NONE

**Part V: New Rule Making Required**

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

**Bill Number:** 1838 HB

**Title:** Salmon habitat

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

### Legislation Impacts:

☒ Cities: Cities fully planning under the Growth Management Act would be required to update comprehensive plans , development regulations, Critical Areas Ordinances, and Shoreline Master Programs to comply with restoration and protection of salmon habitats provisions.

☒ Counties: Same as above.

☐ Special Districts:

☐ Specific jurisdictions only:

☐ Variance occurs due to:

## Part II: Estimates

☐ No fiscal impacts.

☐ Expenditures represent one-time costs:

☐ Legislation provides local option:

☒ Key variables cannot be estimated with certainty at this time: Costs to implement amended comprehensive plans and development regulations to support salmon recovery and enhancement of salmon and steelhead stocks.

### Estimated revenue impacts to:

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

### Estimated expenditure impacts to:

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

## Part III: Preparation and Approval

Fiscal Note Analyst: Jordan Laramie	Phone: 360-725-5044	Date: 01/19/2022
Leg. Committee Contact: Robert Hatfield	Phone: 360-786-7117	Date: 01/13/2022
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 01/19/2022
OFM Review: Jim Cahill	Phone: (360) 790-2630	Date: 01/31/2022

## Part IV: Analysis

### A. SUMMARY OF BILL

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

This legislation would establish new provisions in the Growth Management Act, which must include restoration and protection of riparian management zones as part of the next scheduled periodic comprehensive plan update. The overarching goal is supporting salmon recovery and enhancement of steelhead stocks to achieve the delisting and recovery of threatened or endangered salmon and steelhead runs under the Federal Endangered Species Act.

Sec. 201: Sets new state policy regarding riparian management zones and ecosystems to aid in recovering threatened and endangered salmon.

Sec. 205(3): The Department of Fish and Wildlife must provide a riparian management zone map to each jurisdiction planning under the Growth Management Act by certain dates.

Sec. 206: The Department of Fish and Wildlife must adopt rules and guidance to implement this chapter, including the application of the riparian management zone requirements and timelines.

Sec. 601: Supporting salmon recovery and enhancement of salmon and steelhead stocks would be added to the Growth Management Act planning goals.

Sec. 602: Jurisdictions planning under the Growth Management Act must include restoration and protection of riparian management zones as part of their next scheduled periodic update. This includes planning jurisdiction's comprehensive plans, capital facilities plans, development regulations, critical areas protection, and Shoreline Master Programs.

Sec. 604: Planning jurisdictions must include the best available science in developing policies and development regulations that protect the functions and values of critical areas.

Sec. 605: After the effective date of this act, Shoreline Master Program updates must include riparian management zone protection and restoration requirements of this act.

### 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.*

This legislation would have indeterminate, but significant, expenditures for local governments that plan under the Growth Management Act (GMA). As part of the next scheduled periodic comprehensive plan update, these jurisdictions must include restoration and protection of riparian management zones. Costs for sections that can be estimated at this time, put the impact of this bill potentially exceeding \$26,620,000 (\$11,520,000 critical area ordinance costs + \$15,772,000 Shoreline Master Plan amendment costs). Costs would be distributed over the planning horizon of the periodic comprehensive plan update cycle and Shoreline Master Program update cycle.

#### IMPACT OF SECTION 602

Cities and counties fully planning under RCW 36.70A.040 must include restoration and protection of riparian management zones as part of their comprehensive plans, capital facilities plans, development regulations, critical areas protections, and Shoreline Master Programs. The rules and guidance from the Department of Fish and Wildlife detailed in Sec. 206 may dictate the severity of costs, depending on what the final guidance turns out to be. The costs for this provision are indeterminate.

Costs for local governments to implement the provisions of this act into their comprehensive plans and development regulations could vary widely by jurisdiction size, geography, population criteria, or other factors. Planning jurisdictions have considerable latitude in their application of the planning provisions of the GMA.

## IMPACT OF SECTION 604

Critical areas ordinances (CAOs) would be developed with coordinated with the Department of Fish and Wildlife, and would involve extensive public outreach. The costs are indeterminate, but significant, and could reach \$11,520,000 (\$8,720,000 city costs + \$2,800,000 county costs).

### Local Government Fiscal Note Cost Assumptions:

The Washington State Association of Counties (WSAC) estimates that the provisions of this section would cost impacted jurisdictions \$100,000 per county. Figures for cities are derived from the Association of Washington Cities (AWC) City Planning Cost Survey, review of Commerce grants, and outreach to planning departments for bills impacting CAOs. The estimated starting costs for a critical areas and best available science assessment was \$20,000 and there may be another \$20,000 for additional public outreach costs.

Cities - \$40,000 per jurisdiction x 218 cities = \$8,720,000

2024 CAOs – 82 cities, \$3,280,000

2025 CAOs – 48 cities, \$1,920,000

2026 CAOs – 56 cities, \$2,240,000

2027 CAOs – 32 cities, \$1,280,000

Counties - \$100,000 per jurisdiction x 28 counties = \$2,800,000

2024 CAOs – 4 counties (King, Kitsap, Pierce, Snohomish)

2025 CAOs – 10 counties (Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan, Skagit, Thurston, Whatcom )

2026 CAOs – 8 counties (Benton, Chelan, Douglas, Franklin, Kittitas, Spokane, Walla Walla, Yakima )

2027 CAOs – 6 counties (Columbia, Garfield, Grant, Pacific, Pend Oreille, and Stevens )

## IMPACT OF SECTION 605

The costs are indeterminate, but significant, and the total estimated costs may reach \$15,772,000 (\$11,872,000 city costs + \$3,900,000 county costs). Shoreline Master Program (SMP) updates as described in the bill would be approximately \$100,000 for counties and \$53,000 for cities.

### Local Government Fiscal Note Cost Assumptions:

WSAC reported that the costs related to this section may have costs of approximately \$100,000 per impacted jurisdiction. Respondents to a 2019 AWC City Planning Costs survey indicated that a baseline update to meet the minimum for SMP updates would be entirely, or partially covered by a Department of Ecology (Ecology) grant. A more robust update may cost as much as \$75,000. The cities of Lacey, Lake Stevens, Leavenworth, Olympia, and SeaTac reported that their jurisdictions received Ecology grants, but only Olympia indicated that they needed to match the grant funding to do public outreach and manage their consultant. All these jurisdictions indicated that the Ecology funding level was for the bare minimum required to update. Assuming the SMP update under the provisions of this bill is above the baseline necessary, there may be matching funds necessary for impacted jurisdictions. The average of the Ecology grant funding received from these cities was \$21,920. To achieve the robust update SMP figure, matching funds would be approximately \$53,000 (\$75,000 – \$21,920 = \$53,080).

The Department of Ecology's, State approved Shoreline Master Program index indicates that there are 224 cities and 39 counties with SMPs.

Cities –

\$53,000 per jurisdiction x 224 cities = \$11,872,000

2027 SMPs – 71 cities, \$3,763,000

2028 SMPs – 40 cities, \$2,120,000  
2029 SMPs – 56 cities, \$2,968,000  
2030 SMPs – 57 cities, \$3,021,000

Counties –

\$100,000 per jurisdiction x 39 counties = \$3,900,000

2027 SMPs – 3 counties (King, Pierce, Snohomish)

2028 SMPs – 10 counties (Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom )

2029 SMPs – 10 (counties Benton, Chelan, Cowlitz, Douglas, Grant, Kittitas, Lewis, Skamania, Spokane, and Yakima )

2030 SMPs – 16 counties (Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, Whitman )

## 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.*

The revenue impact of this legislation is indeterminate.

Jurisdictions impacted by this legislation would be eligible for planning grants issued by the Department of Ecology for Shoreline Master Programs and Department of Commerce comprehensive plan updates, subject to amounts appropriated for the purposes of this act. The revenue impact for local governments should approximate to costs for the implementation of planning activities.

### SOURCES:

Association of Washington Cities, City Planning Cost Survey (2019)

Department of Commerce, Local Government Fiscal Note Program

Department of Ecology, State approved Shoreline Master Programs

Local Government Fiscal Note Program, FN HB 2342 (2020)

Local Government Fiscal Note Program, FN SB 5306 (2021)

Washington Association of Counties