

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5380 SB	<b>Title:</b> Clean energy siting
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## Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Office of Attorney General	0	0	526,000	0	0	520,000	0	0	520,000
Utilities and Transportation Commission	0	0	50,150	0	0	50,150	0	0	50,150
Department of Ecology	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Department of Natural Resources	Non-zero but indeterminate cost and/or savings. Please see discussion.								
<b>Total \$</b>	<b>0</b>	<b>0</b>	<b>576,150</b>	<b>0</b>	<b>0</b>	<b>570,150</b>	<b>0</b>	<b>0</b>	<b>570,150</b>

Agency Name	2023-25		2025-27		2027-29	
	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	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of the Governor	.0	0	0	0	.0	0	0	0	.0	0	0	0
Governor's Office of Indian Affairs	.5	92,000	92,000	92,000	.5	94,000	94,000	94,000	.5	94,000	94,000	94,000
Office of Attorney General	1.8	0	0	526,000	1.8	0	0	520,000	1.8	0	0	520,000
Department of Commerce	Fiscal note not available											
Utilities and Transportation Commission	.2	0	0	65,489	.2	0	0	63,994	.2	0	0	63,994
Department of Archaeology and Historic Preservation	1.1	276,000	276,000	276,000	1.1	272,000	272,000	272,000	1.1	272,000	272,000	272,000
Washington State University	.5	600,000	600,000	600,000	.0	0	0	0	.0	0	0	0
Department of Transportation	.0	0	0	28,000	.0	0	0	28,000	.0	0	0	28,000
Department of Transportation	In addition to the estimate above,there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Department of Ecology	24.6	0	0	9,696,322	20.7	0	0	6,708,838	20.7	0	0	6,708,838
Department of Ecology	In addition to the estimate above,there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Energy Facility Site Evaluation Council	.1	0	0	32,286	.1	0	0	32,720	.1	0	0	32,720
Department of Fish and Wildlife	1.5	468,000	468,000	468,000	1.5	468,000	468,000	468,000	1.5	468,000	468,000	468,000
Department of Natural Resources	.6	164,200	164,200	164,200	2.9	899,600	899,600	899,600	2.9	824,400	824,400	824,400
Department of Agriculture	.1	39,400	39,400	39,400	.1	39,400	39,400	39,400	.1	39,400	39,400	39,400
<b>Total \$</b>	<b>31.0</b>	<b>1,639,600</b>	<b>1,639,600</b>	<b>11,987,697</b>	<b>28.9</b>	<b>1,773,000</b>	<b>1,773,000</b>	<b>9,126,552</b>	<b>28.9</b>	<b>1,697,800</b>	<b>1,697,800</b>	<b>9,051,352</b>

Agency Name	2023-25			2025-27			2027-29		
	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	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of the Governor	.0	0	0	.0	0	0	.0	0	0
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	Fiscal note not available								
Utilities and Transportation Commission	.0	0	0	.0	0	0	.0	0	0
Department of Archaeology and Historic Preservation	.0	0	0	.0	0	0	.0	0	0
Washington State University	.0	0	0	.0	0	0	.0	0	0
Department of Transportation	.0	0	0	.0	0	0	.0	0	0
Department of Ecology	.0	0	0	.0	0	0	.0	0	0
Energy Facility Site Evaluation Council	.0	0	0	.0	0	0	.0	0	0
Department of Fish and Wildlife	.0	0	0	.0	0	0	.0	0	0
Department of Natural Resources	.0	0	0	.0	0	0	.0	0	0
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	2023-25			2025-27			2027-29		
	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

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<b>Prepared by:</b> Lisa Borkowski, OFM	<b>Phone:</b> (360) 742-2239	<b>Date Published:</b> Preliminary
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5380 SB	<b>Title:</b> Clean energy siting	<b>Agency:</b> 075-Office of the Governor
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**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: Greg Vogel	Phone: 360-786-7413	Date: 01/15/2023
Agency Preparation: Tracy Sayre	Phone: 360-890-5279	Date: 01/17/2023
Agency Approval: Jamie Langford	Phone: (360) 870-7766	Date: 01/17/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/17/2023

## Part II: Narrative Explanation

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

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

Senate Bill 5380 is by request of Office of the Governor. Section 101 requires the Office of the Governor to participate in the interagency Clean Energy Siting Council. We believe this participation can be accomplished within current resources and therefore does not have a fiscal impact.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

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

NONE

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

### 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

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

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

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5380 SB	<b>Title:</b> Clean energy siting	<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 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.5	0.5	0.5	0.5	0.5
<b>Account</b>					
General Fund-State 001-1	47,000	45,000	92,000	94,000	94,000
<b>Total \$</b>	47,000	45,000	92,000	94,000	94,000

### 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: Greg Vogel	Phone: 360-786-7413	Date: 01/15/2023
Agency Preparation: Seth Flory	Phone: 360-407-8165	Date: 01/18/2023
Agency Approval: Seth Flory	Phone: 360-407-8165	Date: 01/18/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/18/2023

## Part II: Narrative Explanation

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

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

Section 101 of Senate Bill 5380 establishes the Interagency Clean Energy Siting Coordinating Council and grants the Governor's Office of Indian Affairs (GOIA) a seat on the council.

Section 102 give GOIA the task of creating and maintaining a list of contacts at federally recognized tribes, and tribal preferences regarding outreach about clean energy project siting and permitting, such as outreach by developers directly, by state government in the government-to-government relationship, or both.

GOIA anticipates needing to designate .5 FTE of a Program Managers position to serve on the Council, maintain the list of contacts, and act as a liaison with tribal communities.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

GOIA anticipates needing to designate .5 FTE of a Program Managers position to serve on the Council, maintain the list of contacts, and act as a liaison with tribal communities.

Up to \$4000 in one time funding would be needed in the first year to provide equipment, furniture, and office supplies for the position.

Travel, costing at least \$1000/yr, is expected for the Program Manager to carry out the duties of the Council and maintain relationships with tribal communities.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	47,000	45,000	92,000	94,000	94,000
<b>Total \$</b>			47,000	45,000	92,000	94,000	94,000

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.5	0.5	0.5	0.5	0.5
A-Salaries and Wages	31,000	32,500	63,500	68,000	68,000
B-Employee Benefits	11,000	11,500	22,500	24,000	24,000
C-Professional Service Contracts					
E-Goods and Other Services	500		500		
G-Travel	1,000	1,000	2,000	2,000	2,000
J-Capital Outlays	3,500		3,500		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	47,000	45,000	92,000	94,000	94,000

**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 2024	FY 2025	2023-25	2025-27	2027-29
Program Manager	61,632	0.5	0.5	0.5	0.5	0.5
<b>Total FTEs</b>		0.5	0.5	0.5	0.5	0.5

**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**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

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

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5380 SB	<b>Title:</b> Clean energy siting	<b>Agency:</b> 100-Office of Attorney General
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
Legal Services Revolving Account-State 405-1	263,000	263,000	526,000	520,000	520,000
<b>Total \$</b>	263,000	263,000	526,000	520,000	520,000

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.8	1.8	1.8	1.8	1.8
<b>Account</b>					
Legal Services Revolving Account-State 405-1	263,000	263,000	526,000	520,000	520,000
<b>Total \$</b>	263,000	263,000	526,000	520,000	520,000

### 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: Greg Vogel	Phone: 360-786-7413	Date: 01/15/2023
Agency Preparation: Chad Standifer	Phone: 3605863650	Date: 01/19/2023
Agency Approval: Joe Zawislak	Phone: 360-586-3003	Date: 01/19/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/19/2023

## Part II: Narrative Explanation

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

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

Section 1: Findings.

Section 101: Creates the “Interagency Clean Energy Siting Coordinating Council”, co-chaired by the Department of Commerce (Commerce) and the Department of Ecology (Ecology), with participation by the Office of the Governor and several other agencies.

Section 102: Details the duties of the coordinating council, requires the coordinating council to provide an annual report, and requires the coordinating council to advise Commerce in contracting with a third party to evaluate state agency siting and permitting. Pursue development of a consolidated clean energy application for state permits needed for clean energy projects, and explore development of a consolidated permit for clean energy permits led by Ecology.

Section 201: Provides definitions for statutory terms.

Section 202: Requires Ecology to serve as the lead state agency implementing a permitting process for designating clean energy projects of statewide significance.

Section 203: Requires Commerce to develop an application for designating clean energy projects of statewide significance.

Section 204: Provides specificity with regard to the review done by Commerce in reviewing applications seeking the designation of a clean energy project of statewide significance.

Section 205: Requiring Commerce to designate a “clean energy navigator” for clean energy projects of statewide significance, and specifying the navigator’s duties.

Section 206: Specifies the duties of Ecology in coordinating the permitting process for clean energy projects of statewide significance.

Section 207: Requiring Ecology to conduct an initial assessment of clean energy projects of statewide significance.

Section 208: Authorizing a project proponent to submit a request to Ecology for participating in fully coordinated permitting process, and specifies Ecology’s duties relating to the fully coordinated permitting process.

Section 209: Requiring counties and cities with clean energy projects of statewide significance to enter into agreements with Ecology and the project proponent.

Section 210: Requiring project proponents to enter into cost-reimbursement agreements with Ecology in accordance with RCW 43.21A.690 to recover reasonable costs incurred by Ecology and other agencies in carrying out the coordinated permitting process.

Section 211: Requiring Ecology to offer consultation with affected Indian tribes on clean energy projects of statewide significance, and engagement with overburdened communities.

Section 212: Requires Commerce to make available decisions regarding clean energy projects of statewide significance. Authorizing Commerce to terminate those designations. Other miscellaneous provisions.

Section 301: Adds a new section to RCW 43.21C relating to the State Environmental Policy Act, Clean Energy Facilities,

and environmental impact statements for clean energy projects.

Section 302: Adds a new section to RCW 43.21C requiring Ecology to prepare non-project environmental impact statements for certain categories of projects.

Section 303: Adds a new section to RCW 43.21C requiring a lead agency to adopt a non-project environmental impact statement, where appropriate.

Section 304: Prohibiting local governments from requiring a project applicant of projects relating to electricity to designate the necessity or utility of the project.

Section 305: Requiring the Washington State University to conduct a least-conflict pumped siting process for Washington State, to support expanded capacity to store renewable energy.

Section 401: Provide that sections 101 and 102 constitute a new chapter in RCW 43.

Section 402: Provide that sections 201 through 212 constitute a new chapter in RCW 43.

Section 403: Severability clause.

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

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished 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 Washington State University (WSU), the Department of Ecology (Ecology), and the Department of Commerce (Commerce). 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.

### **AGO AGENCY ASSUMPTIONS:**

WSU will be billed for non-Seattle rates:

FY 2024: \$3,000 for 0.01 FTE AAG and 0.01 FTE LA.

FY 2025: \$3,000 for 0.01 FTE AAG and 0.01 FTE LA.

Ecology will be billed for non-Seattle rates:

FY 2024: \$257,000 for 1.0 FTE AAG and 0.5 FTE LA, and each FY thereafter.

Commerce will be billed for non-Seattle rates:

FY 2024: \$3,000 for 0.01 FTE AAG and 0.01 FTE LA, and each FY thereafter.

## **II. C - Expenditures**

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

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

This bill is assumed effective 90 days after the end of the 2023 legislative session.

Location of staffing housed is assumed to be in a non-Seattle and statewide office buildings.

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

Agency administration support FTE are included in the tables, for every 1.0 FTE Assistant Attorney General (AAG), the AGO includes 0.5 FTE for a Legal Assistant 3 (LA) and 0.25 FTE of a Management Analyst 5 (MA). The MA is used as a representative classification.

1. The AGO Washington State University Division (AGO-WSU) has reviewed this bill and determined the following impact related to the enactment of this bill:

The enactment of this bill will impact the provision of legal services to the Washington State University (WSU). AGO-WSU assumes there will be some legal services required under Section 305 conducting a least-conflict pumped storage siting process for Washington State.

AGO-WSU's total FTE workload impact for non-Seattle rate:

FY 2024: \$3,000 for 0.01 FTE AAG and 0.01 FTE LA.

FY 2025: \$3,000 for 0.01 FTE AAG and 0.01 FTE LA.

2. The AGO Ecology Division (ECY) has reviewed this bill and determined the following impact related to the enactment of this bill:

The enactment of this bill would entail a new workload for ECY in several different areas. First, an ECY AAG would need to provide advice to the new clean energy siting coordinating council as it performs the work required by the bill. Second, an ECY AAG would need to provide advice to the Department of Ecology (Ecology) regarding specific clean energy projects that are proposed under this bill's new permitting process. Third, an ECY AAG will need to advise Ecology as it completes the programmatic Environmental Impact Statements (EIS) required by this bill. Finally, an ECY AAG will need to handle any appeals of Ecology permitting decisions made under the new process for clean energy facilities. Ecology's fiscal note for the bill estimates approximately 30 new energy projects will be proposed under this bill each biennium. Each such project will likely be complex and present a wide variety of legal issues. Ecology's fiscal note estimates a need to hire approximately 25 new staff to implement this bill. Based on Ecology's assumption that approximately 30 new projects will be proposed under this bill each biennium, or 15 projects per FY, ECY's estimated AAG FTE workload in FY 2024 is as follows: 0.1 FTE advice to the coordinating council; 0.3 FTE advice to Ecology regarding specific projects under this bill (assuming 15 projects per FY); 0.1 FTE advice to Ecology regarding the programmatic EISs required by this bill; and 0.5 FTE litigation costs (assuming approximately two new appeals per FY).

Advice requests will likely diminish over time, but litigation will likely increase as projects work through the process and get appealed. In FY 2025 ECY's estimated workload is: 0.3 FTE advice regarding clean energy projects; 0.1 FTE advice regarding the programmatic EISs; and 0.6 FTE litigation costs for Ecology appeals; and no legal assistance for the coordinating council.

ECY assumes the following workload in FY 2026: 0.3 FTE advice regarding projects; no legal assistance for the programmatic EISs (which should be finished after two years); and 0.7 FTE litigation costs for Ecology appeals (assuming 2 Ecology appeals per FY).

ECY’s total FTE workload impact for non-Seattle rates:

FY 2024: \$257,000 for 1.0 FTE AAG and 0.5 FTE LA, and each FY thereafter.

3. The AGO Agriculture and Health Division (AHD) has reviewed this bill and determined the following assumptions related to the enactment of this bill:

The enactment of this bill will not impact the provision of legal services by AHD to the Department of Archaeology and Historic Preservation (DAHP) because DAHP’s participation on the interagency clean energy siting coordinating council created in section 101 is not expected to generate requests for legal services.

The enactment of this bill will not impact the provision of legal services by AHD to the Washington State Department of Agriculture (WSDA) because WSDA’s participation on the interagency clean energy siting coordinating council created in section 101 is not expected to generate requests for legal services.

The enactment of this bill will impact the provision of legal services by AHD to the Department of Commerce (Commerce). AHD assumes there will be legal services required relating to: Commerce’s work under sections 202 and 203; developing the application for designation as a clean energy project of statewide significance and reviewing applications; and Commerce co-chairing the interagency clean energy siting coordinating council created in section 101.

AHD’s total FTE workload impact for non-Seattle rates:

FY 2024: \$3,000 for 0.01 FTE AAG and 0.01 FTE LA, and each FY thereafter.

The AGO’s total FTE workload for non-Seattle rates:

FY 2024: \$263,000 for 1.02 FTE AAG and 0.52 FTE LA.

FY 2025: \$263,000 for 1.02 FTE AAG and 0.52 FTE LA.

FY 2026: \$260,000 for 1.01 FTE AAG and 0.51 FTE LA, and each FY thereafter.

### Part III: Expenditure Detail

#### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
405-1	Legal Services	State	263,000	263,000	526,000	520,000	520,000
	Revolving Account						
<b>Total \$</b>			263,000	263,000	526,000	520,000	520,000

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.8	1.8	1.8	1.8	1.8
A-Salaries and Wages	174,000	174,000	348,000	344,000	344,000
B-Employee Benefits	57,000	57,000	114,000	112,000	112,000
E-Goods and Other Services	30,000	30,000	60,000	60,000	60,000
G-Travel	2,000	2,000	4,000	4,000	4,000
<b>Total \$</b>	263,000	263,000	526,000	520,000	520,000

**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 2024	FY 2025	2023-25	2025-27	2027-29
Assistant Attorney General	118,700	1.0	1.0	1.0	1.0	1.0
Legal Assistant 3	55,872	0.5	0.5	0.5	0.5	0.5
Management Analyst 5	91,524	0.3	0.3	0.3	0.3	0.3
<b>Total FTEs</b>		1.8	1.8	1.8	1.8	1.8

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

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Agriculture & Health Division (AHD)	3,000	3,000	6,000	6,000	6,000
Ecology Division (ECY)	257,000	257,000	514,000	514,000	514,000
Washington State University Division (WSU)	3,000	3,000	6,000		
<b>Total \$</b>	263,000	263,000	526,000	520,000	520,000

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

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

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

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

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5380 SB	<b>Title:</b> Clean energy siting	<b>Agency:</b> 215-Utilities and Transportation Commission
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
Public Service Revolving Account-State 111-1	25,075	25,075	50,150	50,150	50,150
<b>Total \$</b>	25,075	25,075	50,150	50,150	50,150

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.2	0.2	0.2	0.2	0.2
<b>Account</b>					
Public Service Revolving Account-State 111-1	33,492	31,997	65,489	63,994	63,994
<b>Total \$</b>	33,492	31,997	65,489	63,994	63,994

### 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: Greg Vogel	Phone: 360-786-7413	Date: 01/15/2023
Agency Preparation: Kim Anderson	Phone: 360-664-1153	Date: 01/19/2023
Agency Approval: Kim Anderson	Phone: 360-664-1153	Date: 01/19/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 01/23/2023

## Part II: Narrative Explanation

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

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

Sec. 101 creates the Interagency Clean Energy Siting Coordinating Council which requires a participant from the Utilities and Transportation Commission. The UTC assumes this participation will begin July 1, 2023, with a large effort in the first year to meet the annual report requirement.

Sec. 102(1) defines the duties of the council, including identifying actions to improve siting and permitting of projects, tracking federal government efforts, conducting outreach, establishing workgroups to focus on specific energy types, creation of any advisory committees, and supporting and updating the outreach to tribes.

Sec 102(2) requires the council, which UTC must be a member of, to provide an annual report by July 1, 2024.

Part 2 Sec. 201 defines various terms. This definition section by nature does not have additional fiscal impact.

Section 202 establishes a process and identifies regulatory assistance available throughout the process for designation as a clean energy project of statewide significance. The Commission is assumed to be one of the “regulatory agencies” that may have to conduct meaningful and timely engagement with potentially affected federally recognized Indian tribes and overburdened communities in this process, as it is defined by Section 201 as a permitting agency, in the case of certain gas projects. This engagement is expected to have fiscal impact with additional Staff time.

Section 203 establishes minimum requirements for applications to the Department of Commerce when entities apply to become clean energy projects of statewide significance. Regulatory agencies, the established council, and permitting agencies are not referenced, and as such this section is not expected to have fiscal impact.

Section 204 establishes a decision process through which the Department of Commerce may designate a project as a clean energy project of statewide significance, in consultation with other state agencies identified as likely to have a role in siting or permitting a project, including the Commission. This consultation is expected to have fiscal impact with additional Staff time, although the process is only applicable for certain gas projects, and as such the additional time is expected to be minimal.

Sec 205 establishes a clean energy navigator role to assist applicants, and all involved with the application and approval process for becoming a clean energy project of statewide significance. The navigator’s consultation with the Commission is expected to be included in the Staff time described in section 204 and as such no additional fiscal impact is expected.

Section 206 establishes Dept of Ecology’s duties in serving as the point agency within the established clean energy coordinated permitting process. This process is not likely to involve additional consultation with the Commission and as such no additional fiscal impact is expected.

Section 207 establishes the initial assessment process, run by Ecology, for projects deemed clean energy projects of statewide significance by Commerce. This initial assessment process must address the needs and permits of implicated agencies, including the Commission. The process of identifying and processing permits, as well as permission needs has additional fiscal impact.

Section 208 delineates the processes and procedures around a project proponent’s request to become a clean energy project of statewide significance. Part of this process may include a meeting of likely participating permit agencies convened within 30 days of acceptance for a fully coordinated permitting process, and the agenda and requirements for meeting participation are delineated. It also requires that each participating agency designate a single point of contact for coordinating with Ecology. Permit and participating agencies may include the Commission and so this has additional fiscal

impact.

Sec. 209 describes agreements between project proponents, cities and counties, and Ecology for expediting projects. The Commission is not described as participating and as such no additional fiscal impact expected.

Sec. 210 describes the potential process for cost reimbursement for ecology and certain participating agencies. This section may mitigate some of the fiscal impact described in other sections of the bill, and this potential for mitigation has been considered. No additional fiscal impact from this section. Through Commission rules, the UTC permits and regulates gas companies and we do not have basis to determine increase of additional permit requests. Therefore, we cannot assume incremental budget requests and have no cash receipt impact.

Sec. 211 describes additional consultation required by Ecology with federally recognized Indian tribes and overburdened communities, independent of and in addition to the consultation that may be required by the Commission in section 204, and as such is not expected to have additional fiscal impact.

Section 212 contains miscellaneous delineations on limitations of powers and law applicability to various entities and is not required to have additional fiscal impact.

Part 3 Sec 301 adds definitions and review provisions for clean energy projects to RCW 43.21C. Certain projects described in (3)(c) may require consultation with the Commission to create a workable schedule for an environmental impact statement and as such has a fiscal impact.

Sec 302 establishes additional parameters for programmatic environmental impact statements. If one of the categories of projects described in (1)(a)-(b) is in investor-owned utility service territory, this may involve consultation with the Commission to determine the scope of the impact.

Sec. 303 describes the use of a programmatic EIS described in section 302 by Ecology and thus is not expected to have fiscal impact to the Commission.

Sec. 304 adds a prohibition on demonstration of need to local government agencies regarding what they require from project applicants. Such description of the extent of powers does not have additional fiscal impact.

Sec. 305 describes a new siting process for pumped storage. If projects implicated in the process are in investor-owned utility service territory, they are assumed to be reviewed through existing planning processes, and as such no additional fiscal impact is expected.

Part 4 Miscellaneous Provisions have no fiscal impact to any agency.

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

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

Section 208 and 210 require clean energy projects of statement significance to enter into a cost-reimbursement agreement with the department of ecology to recover reasonable costs incurred by the department of ecology and participating agencies for the coordinated permitted process. The UTC assumes to be included as a participating agency as the UTC is identified as a member of the interagency clean energy siting coordinating council and due to our existing regulatory authority. Therefore, the workload and costs incurred in Sections 202, 204, 207, and 208 are assumed to be reimbursable by the project. The UTC assumes, as department of ecology is the primary agency for the process, an interagency agreement would be executed with the participating agencies for cost recovery. The recoverable expenditures are estimated at \$25,075 per fiscal year for the work required by the UTC in the above-mentioned sections.

## II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

### Interagency Clean Energy Siting Coordinating Council Representation

Sec. 101 creates the Interagency Clean Energy Siting Coordinating Council which requires a participant from the Utilities and Transportation Commission. The UTC assumes this participation will begin July 1, 2023, with a large effort in the first year to meet the annual report requirement.

FY2024 - \$5,980 total cost and FY2025 and every year after - \$4,485 per year

(Deputy Director | Regulatory Services, 0.01 FTE; Deputy Asst. Director | Regulatory Services, 0.01 FTE; Regulatory Analyst 3, 0.02 FTE)

### Commission Clean Energy Project Engagement with Tribes and Overburdened Communities

Section 202 establishes a process and identifies regulatory assistance available throughout the process for designation as a clean energy project of statewide significance. The Commission is assumed to be one of the “regulatory agencies” that may have to conduct meaningful and timely engagement with potentially affected federally recognized Indian tribes and overburdened communities in this process, as it is defined by Section 201 as a permitting agency, in the case of certain gas projects. This engagement is expected to have fiscal impact with additional Staff time.

FY2024 and every year after - \$1,765 per year

(Director | Legislative, 0.01 FTE)

### Clean Energy Project Designation Consultation

Section 204 establishes a decision process through which the Department of Commerce may designate a project as a clean energy project of statewide significance, in consultation with other state agencies identified as likely to have a role in siting or permitting a project, including the Commission. This consultation is expected to have fiscal impact with additional Staff time, although the process is only applicable for certain gas projects.

FY2024 and every year after - \$7,528 per year

(Deputy Director | Regulatory Services, 0.01 FTE; Deputy Asst. Director | Regulatory Services, 0.01 FTE; Regulatory Analyst 2, 0.01 FTE; Policy Advisor, 0.01 FTE; Asst. Director | Policy, 0.01 FTE)

### Establish Initial Assessment for Projects Deemed Clean Energy Project

Section 207 establishes the initial assessment process, run by Ecology, for projects deemed clean energy projects of statewide significance by Commerce. This initial assessment process must address the needs and permits of implicated agencies, including the Commission. The process of identifying and processing permits, as well as permission needs has additional fiscal impact.

FY2024 and every year after - \$8,746 per year

(Deputy Director | Regulatory Services, 0.01 FTE; Deputy Asst. Director | Regulatory Services, 0.01 FTE; Regulatory Analyst 2, 0.02 FTE; Director | Regulatory Services, 0.01 FTE; Policy Advisor, 0.01 FTE; Asst. Director | Policy, 0.01 FTE)

### Point of Contact for Post-Acceptance Permitting Process

Section 208 delineates the processes and procedures around a project proponent’s request to become a clean energy

project of statewide significance. Part of this process may include a meeting of likely participating permit agencies convened within 30 days of acceptance for a fully coordinated permitting process, and the agenda and requirements for meeting participation are delineated. It also requires that each participating agency designate a single point of contact for coordinating with Ecology. Permit and participating agencies may include the Commission and so this has additional fiscal impact.

FY2024 and every year after - \$7,036 per year

(Deputy Director | Regulatory Services, 0.01 FTE; Deputy Asst. Director | Regulatory Services, 0.01 FTE; Regulatory Analyst 3, 0.01 FTE; Regulatory Analyst 2, 0.02 FTE)

**Consultation on Environmental Impact**

Part 3 Sec 301 adds definitions and review provisions for clean energy projects to RCW 43.21C. Certain projects described in (3)(c) may require consultation with the Commission to create a workable schedule for an environmental impact statement and as such has a fiscal impact.

FY2024 and every year after - \$1,218 per year

(Regulatory Analyst 2, 0.01 FTE)

**Consultation for Environmental Impact Statements**

Sec 302 establishes additional parameters for programmatic environmental impact statements. If one of the categories of projects described in (1)(a)-(b) is in investor-owned utility service territory, this may involve consultation with the Commission to determine the scope of the impact.

FY2024 and every year after - \$1,218 per year

(Regulatory Analyst 2, 0.01 FTE)

**Part III: Expenditure Detail**

**III. A - Operating Budget Expenditures**

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
111-1	Public Service Revolving Account	State	33,492	31,997	65,489	63,994	63,994
<b>Total \$</b>			33,492	31,997	65,489	63,994	63,994

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.2	0.2	0.2	0.2	0.2
A-Salaries and Wages	22,785	21,768	44,553	43,536	43,536
B-Employee Benefits	7,973	7,617	15,590	15,234	15,234
C-Professional Service Contracts					
E-Goods and Other Services	2,734	2,612	5,346	5,224	5,224
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					
9-					
<b>Total \$</b>	33,492	31,997	65,489	63,994	63,994

**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 2024	FY 2025	2023-25	2025-27	2027-29
Asst. Director, Policy	110,064	0.0	0.0	0.0	0.0	0.0
Deputy Asst. Director   Regulatory Services	101,136	0.0	0.0	0.0	0.0	0.0
Deputy Director   Regulatory Services	117,996	0.0	0.0	0.0	0.0	0.0
Director, Legislative	120,084	0.0	0.0	0.0	0.0	0.0
Policy Advisor	100,008	0.0	0.0	0.0	0.0	0.0
Regulatory Analyst 2	82,896	0.1	0.1	0.1	0.1	0.1
Regulatory Analyst 3	93,840	0.0	0.0	0.0	0.0	0.0
<b>Total FTEs</b>		0.2	0.2	0.2	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**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

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

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5380 SB	<b>Title:</b> Clean energy siting	<b>Agency:</b> 355-Department of Archaeology and Historic Preservation
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.1	1.1	1.1	1.1	1.1
<b>Account</b>					
General Fund-State 001-1	140,000	136,000	276,000	272,000	272,000
<b>Total \$</b>	140,000	136,000	276,000	272,000	272,000

### 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: Greg Vogel	Phone: 360-786-7413	Date: 01/15/2023
Agency Preparation: Diann Lewallen	Phone: 360-407-8121	Date: 01/17/2023
Agency Approval: Diann Lewallen	Phone: 360-407-8121	Date: 01/17/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 01/18/2023

## Part II: Narrative Explanation

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

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

Section 101 requires the Department of Archaeology and Historic Preservation (DAHP) to participate in the new Interagency Clean Energy Siting Coordinating Council. DAHP anticipates needing .1 FTE of an exempt position to attend and participate in meetings of the coordinating council.

DAHP anticipates an increased need for coordination with other agencies and tribes on cultural resources, archaeological sites, and sacred sites. The Governor's budget proposes 1 FTE for this work. That proposed funding would be sufficient to meet the staffing needs identified in this bill if the legislature chooses to fund it.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

It is assumed DAHP will need 1 FTE Commerce Specialist 4 to attend meetings of the interagency clean energy siting coordinating council, coordinate with other agencies and tribes on cultural resources, and ensure that a cultural resource survey design and methodology are appropriate for the environmental area being considered.

A Commerce Specialist 4 makes \$82,896 per year (assumed step L) with related benefits estimated at \$29,056 at current benefits rates. Goods and services are estimated at \$6,068 per year and include communications, payroll processing, training, and other staff costs. Estimates include some travel at the low cost per diem rates totaling \$5,254 per year. Also included is one-time equipment costs for furniture and computers totaling \$3,477 in fiscal year 2024.

It is also assumed DAHP will need .1 FTE of an exempt position such as the agency executive director or deputy director to participate in meetings of the Interagency Clean Energy Siting Coordinating Council. The assumed salary is \$97,632 per year x .1 FTE for a total of \$9,763 plus related benefits totaling \$3,174 at current benefits rates. Goods and services are estimated at \$889 per year and include communications, payroll processing, training, and other staff costs. Estimates include some travel at the low cost per diem rates totaling \$175 per year.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	140,000	136,000	276,000	272,000	272,000
<b>Total \$</b>			140,000	136,000	276,000	272,000	272,000

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.1	1.1	1.1	1.1	1.1
A-Salaries and Wages	93,000	93,000	186,000	186,000	186,000
B-Employee Benefits	32,000	32,000	64,000	64,000	64,000
C-Professional Service Contracts					
E-Goods and Other Services	7,000	6,000	13,000	12,000	12,000
G-Travel	5,000	5,000	10,000	10,000	10,000
J-Capital Outlays	3,000		3,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	140,000	136,000	276,000	272,000	272,000

**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 2024	FY 2025	2023-25	2025-27	2027-29
Commerce Specialist 4	82,896	1.0	1.0	1.0	1.0	1.0
Exempt	97,632	0.1	0.1	0.1	0.1	0.1
<b>Total FTEs</b>		1.1	1.1	1.1	1.1	1.1

**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**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

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

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5380 SB	<b>Title:</b> Clean energy siting	<b>Agency:</b> 365-Washington State University
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.7	0.4	0.6	0.0	0.0
<b>Account</b>					
General Fund-State 001-1	300,000	300,000	600,000	0	0
<b>Total \$</b>	300,000	300,000	600,000	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: Greg Vogel	Phone: 360-786-7413	Date: 01/15/2023
Agency Preparation: Emily Green	Phone: 5093359681	Date: 01/23/2023
Agency Approval: Chris Jones	Phone: 509-335-9682	Date: 01/23/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 01/24/2023

## Part II: Narrative Explanation

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

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

SB 5380 – Clean Energy Siting relates to clean energy siting. The legislature intends to enable more efficient and effective siting and clean energy projects within the state of Washington in order to combat climate change. This bill requires the Washington State University (WSU) Energy Program to complete a least-conflict siting process for pumped storage projects in Washington as part of this overall effort.

Section 305 (1) states that the WSU Energy Program shall conduct a least-conflict pumped storage siting process for the State of Washington to support expanded capacity to store intermittently produced renewable energy such as from wind and solar, as part of the state’s transition from fossil fuel to 100 percent clean energy.

Section 305 (2) requires the WSU energy program to engage federally recognized Indian tribes and stakeholders to participate in the siting project.

Section 305 (3) requires the WSU energy program to develop and make available a map and associate GIS data layers, highlighting areas identified through the process.

Section 305 (4) provides instructions on the appropriate handling of sensitive tribal information. This section prohibits the WSU energy program from disclosing such information.

Section 305 (5) requires that the least-conflict pumped storage project must be completed by June 30, 2025.

WSU estimates that this bill would cost \$600,000 for the biennium; \$300,000 for each fiscal year.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

The least-conflict pump siting project requires the following staff effort: Energy Program Director, Senior Energy Program Coordinator, 2x Energy Program Coordinator, Electrical Engineer, and Professional Worker. The Energy Program Manager would be required to provide minimal administrative support. Staff effort would be more substantial in FY-24 and some effort in FY-25 to complete the project (FY-24 .66 FTE, \$60,107 salaries/\$38,389 benefits; FY-25 .43 FTE, \$35,473 salaries/\$22,519 benefits). The WSU Energy Program staff anticipates the need for contracted workers to provide outside expertise to ensure on-time project completion. Contracted services would increase in FY-25 as energy program staff involvement would decrease. This collaborative effort is necessary to design, implement, and facilitate project. Additional work activities include GIS mapping activities, stakeholder and tribal outreach, and required deliverables.

This project would require some good and services (FY24 25,504/FY25 \$16,008) and travel expenses (\$1,000 FY24/FY25) to complete project.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	300,000	300,000	600,000	0	0
<b>Total \$</b>			300,000	300,000	600,000	0	0

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.7	0.4	0.6		
A-Salaries and Wages	60,107	35,473	95,580		
B-Employee Benefits	38,389	22,519	60,908		
C-Professional Service Contracts	175,000	225,000	400,000		
E-Goods and Other Services	25,504	16,008	41,512		
G-Travel	1,000	1,000	2,000		
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	300,000	300,000	600,000	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 2024	FY 2025	2023-25	2025-27	2027-29
Director	111,686	0.1	0.0	0.1		
Electrical Engineer	170,564	0.0	0.0	0.0		
Energy Program Coordinator 1	83,025	0.4	0.3	0.4		
Energy Program Coordinator 2	88,411	0.1	0.0	0.0		
Energy Program Coordinator 3	99,306	0.1	0.0	0.0		
Manager	138,711	0.0	0.0	0.0		
Professional Worker 2	43,050	0.0	0.0	0.0		
<b>Total FTEs</b>		0.7	0.4	0.6		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

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

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

NONE

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

Revised

<b>Bill Number:</b> 5380 SB	<b>Title:</b> Clean energy siting	<b>Agency:</b> 405-Department of Transportation
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
<b>Account</b>					
Climate Commitment Account-State 26C-1	14,000	14,000	28,000	28,000	28,000
<b>Total \$</b>	14,000	14,000	28,000	28,000	28,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- 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: Greg Vogel	Phone: 360-786-7413	Date: 01/15/2023
Agency Preparation: Carol Lee Roalkvam	Phone: 360-705-7126	Date: 01/22/2023
Agency Approval: Eric Wolin	Phone: 360-705-7487	Date: 01/22/2023
OFM Review: Maria Thomas	Phone: (360) 229-4717	Date: 01/23/2023

## Part II: Narrative Explanation

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

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

See attached WSDOT fiscal note.

### II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

There are no cash receipts resulting from this bill. This bill also does not result in any new fees or taxes, nor does it impact any existing fees or taxes.

### II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

See attached WSDOT fiscal note.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
26C-1	Climate Commitment Account	State	14,000	14,000	28,000	28,000	28,000
<b>Total \$</b>			14,000	14,000	28,000	28,000	28,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages	10,000	10,000	20,000	20,000	20,000
B-Employee Benefits	4,000	4,000	8,000	8,000	8,000
C-Professional Service Contracts					
E-Goods and Other Services					
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					
9-					
<b>Total \$</b>	14,000	14,000	28,000	28,000	28,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### III. C - Operating FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.

NONE

**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**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

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

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5380 SB	<b>Title:</b> Clean Energy Siting	<b>Agency:</b> 405-Department of Transportation
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## Part I: Estimates

Check applicable boxes and follow corresponding instructions, use the fiscal template table provided to show fiscal impact by account, object, and program (if necessary), **add rows if needed**. If no fiscal impact, check the box below, skip fiscal template table, and go to Part II to explain briefly, why the program believes there will be no fiscal impact to the department.

- No Fiscal Impact (Explain in section II. A)  
*If a fiscal note is assigned to our agency, someone believes there might be, and we need to address that, showing why there is no impact to the department.*
- Indeterminate Cash Receipts Impact (Explain in section II. B)
- Indeterminate Expenditure Impact (Explain in section II. C)

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

### Dollars in Thousands

	2023-25 Biennium		2025-27 Biennium		2025-27 Biennium	
Expenditures	FY 2024	FY 2025	FY 2026	FY 2027	FY 2027	FY 2029
26C-1 Climate Commitment Account - State	\$14.0	\$14.0	\$14.0	\$14.0	\$14.0	\$14.0
<b>Total Expenditures</b>	<b>\$14.0</b>	<b>\$14.0</b>	<b>\$14.0</b>	<b>\$14.0</b>	<b>\$14.0</b>	<b>\$14.0</b>
<b>Biennial Totals</b>	<b>\$28.0</b>		<b>\$28.0</b>		<b>\$28.0</b>	
Staffing	Salary		FY 2024	FY 2025	FY 2026	FY 2027
Transportation Planning Specialist 5 (TPS5)			0.1	0.1	0.1	0.1
<b>Annual Average</b>	<b>0.1</b>		<b>0.1</b>		<b>0.1</b>	
Objects of Expenditure	FY 2024	FY 2025	FY 2026	FY 2027	FY 2027	FY 2029
A - SALARIES AND WAGES	\$10.0	\$10.0	\$10.0	\$10.0	\$10.0	\$10.0
B - EMPLOYEE BENEFITS	\$4.0	\$4.0	\$4.0	\$4.0	\$4.0	\$4.0
Expenditures by Program <small>(Only required for program splits)</small>	FY 2024	FY 2025	FY 2026	FY 2027	FY 2026	FY 2027
Program H	\$14	\$14	\$14	\$14	\$14	\$14

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

### Agency Assumptions

N/A
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### Agency Contacts:

Preparer: Carol Lee Roalkvam	Phone: 360-705-7126	Date: 01/13/2023
Approval: Eric Wolin	Phone: 206-240-4497	Date: 01/13/2023
Budget Manager: Doug Clouse	Phone: 360-705-7535	Date: 01/13/2023
Economic Analysis: Doug Clouse	Phone: 360-705-7535	Date: 01-13-2023

# Individual State Agency Fiscal Note

## Part II: Narrative Explanation

### II. A - Brief description of what the measure does that has fiscal impact

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

Section 101 creates the interagency clean energy siting coordinating council. The department of transportation is named to the new council.

Section 102 establishes the duties of the council. As a council member, WSDOT will assist the department of ecology in development of a consolidated clean energy application for state and local permits and approvals; assist the departments of commerce and ecology in creating implementation plans, timelines and making recommendations for funding or policy changes to improve siting and permitting of clean energy projects.

Section 204 directs WSDOT to review applications for projects of statewide significance (defined in Section 203) if WSDOT is likely to have a role in siting or permitting a project. This section states that there may be an unlimited number of projects of statewide significance that meet the criteria of this section.

Section 205 establishes a clean energy navigator to convene select partners from state government and others as appropriate to assist in furtherance of projects of statewide significance.

Section 208 defines the criteria for a fully coordinated project, including that the project raises complex coordination, permit processing, or substantive permit review issues. WSDOT, as a participating permit agency, must designate a single point of contact for coordinating with the department of ecology. Participating permit agencies must attend a work plan meeting for the project and assist in the development of a coordinated permitting process schedule. This section contains specific review requirements.

Section 210 establishes a cost reimbursement agreement to recover reasonable costs incurred by the department of ecology and participating agencies in conducting the coordinated permitting process.

Section 301 amends 43.21C RCW (State Environmental Policy Act) including a 24-month timeframe for completion of an environmental impacts statement for clean energy projects. The section directs lead agencies to work with participating agencies to develop clear roles and schedules.

Section 302 directs the department of ecology to prepare non-project environmental impact statements for renewable hydrogen projects and solar energy projects. WSDOT and others will participate in the review of these documents.

Section 305 directs Washington State University energy program to conduct a least-conflict pumped storage siting process for Washington state, to support expanded capacity to store intermittently produced renewable energy such as from wind and solar, create a map highlighting locations, and include opportunities for engagement with stakeholders. WSDOT is a stakeholder. This must be completed by June 30, 2025.

### II. B – Cash Receipts Impact

*Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

N/A

# Individual State Agency Fiscal Note

## 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 expenditures related to implementing this bill are partially indeterminate.

Sections 101 and 102 related to the creation and duties of the interagency clean energy siting coordinating council. WSDOT is named to the new council. According to the lead agency's assumptions, the council will meet monthly, and the department will be involved in subgroups related to expedited permit work. WSDOT will provide information to incorporate approvals and permits within the department's authority including approvals related to the temporary or permanent use of state transportation rights-of-way, easements, leases, and requests for changes in access to state highways. The department will assist in the development of a consolidated permit application and provide advice from the department's expertise as a developer of large and small projects, with experience as a permit applicant. The collaborative effort is estimated to require 0.10 FTE (16 –20 hours per month) of a Transportation Planning Specialist 5 in fiscal years 2024 and ongoing. It is unclear when the council will begin meeting each month, but the assumption is July 2023. The department assumes existing staff will provide policy direction and additional technical support. Streamlined processes would result in updates to Chapter 1130 (Development Services) of the Design Manual and the WSDOT Utility Accommodation Policy. These manual updates would be done with existing staff.

Section 204 directs the department to review applications for projects of statewide significance (defined in Section 203) if WSDOT is likely to have a role in siting or permitting a project. This section states that there may be an unlimited number of projects of statewide significance that meet the criteria of this section. The department assumes staff time will be required to review these applications. We estimate each application will require 8 - 16 hours to review to allow time for internal coordination. With an unlimited number of applications, the cost associated with this task is indeterminate.

Section 205 and 208 would require the department, if identified as a state agency that must engage in a particular *fully coordinated project*, to designate a single point of contact for coordinating with the department of ecology. Participating permit agencies must attend a work plan meeting for the project and assist in the development of a coordinated permitting process schedule. This section contains specific review and collaboration requirements.

Current staffing: WSDOT regions have development services staff that responds to land use development proposals and projects led by local jurisdictions, transit agencies, tribes, private developers, and property owners. These staff focus actions with the potential to adversely impact the function of state highways. However, the collaborative scheduling, planning and permit processing work in Sections 205 and 208 would be new. The staff time associated this new work is difficult to estimate because it will depend on the type of proposed project, its location, and the extent to which WSDOT approvals and reviews are required. In addition, the department assumes that the process improvements developed in accordance with Sections 101 and 102 will result in efficiencies and time savings. The department assumes there will be an increase in the volume of clean energy project review requests. The department is unable to estimate the number of new projects that will require review. Therefore, the workload increase is indeterminate.

Section 210 establishes a cost reimbursement agreement to recover reasonable costs incurred by the department of ecology and participating agencies in conducting the coordinated permitting process on a specific proposed project. There is no new fiscal impact associated with this section since the department currently enters into reimbursement agreements with project proponents. This reimbursement is not classified as a fee.

Section 301 amends 43.21C RCW (State Environmental Policy Act) including a 24-month timeframe for completion of an environmental impacts statement for clean energy projects. The section directs lead agencies to work with participating agencies to develop clear roles and schedules. The department assumes the work required by Sections 101 and 102 will cover WSDOT's collaboration with Ecology on the development of clear roles and schedules.

Section 302 directs the department of ecology to prepare non-project environmental impact statements for renewable hydrogen projects and solar energy projects. WSDOT will participate in the review of these environmental documents and may provide our department's expertise. The department assumes this will be done with existing staff resources.

# Individual State Agency Fiscal Note

Section 305 directs Washington State University energy program to conduct a least-conflict pumped storage siting process for Washington state, and to create a map and associated GIS data layers highlighting locations and include opportunities for engagement with stakeholders. WSDOT is a stakeholder. The department will require staff time to review and evaluate the siting process and the proposed map. The department assumes this work will relate to the siting process streamlining in Sections 101 and 102, and the review of the GIS data products will be done with existing staff resources.

WSDOT Staffing Assumptions for Determinate Costs									
Activity	Bill	Position Class	FTE	FTE	FTE	FTE	FTE	FTE	FTE
	Section		FY 23	FY 24	FY 25	FY 26	FY 27	FY 28	
Participating as a member of the Clean Energy Siting Council and providing assistance	101 & 102	Transportation Planning Specialist 5	0.00	0.10	0.10	0.10	0.10	0.10	0.10
Total FTE			0.00	0.10	0.10	0.10	0.10	0.10	0.10

## Part III: Expenditure Detail

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

See II. C – Expenditures detail above

## Part IV: Capital Budget Impact

N/A

## 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.*

N/A

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5380 SB	<b>Title:</b> Clean energy siting	<b>Agency:</b> 461-Department of Ecology
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

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

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	24.6	24.6	24.6	20.7	20.7
<b>Account</b>					
Climate Commitment Account-State 26C-1	4,748,161	4,948,161	9,696,322	6,708,838	6,708,838
<b>Total \$</b>	4,748,161	4,948,161	9,696,322	6,708,838	6,708,838

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- 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: Greg Vogel	Phone: 360-786-7413	Date: 01/15/2023
Agency Preparation: Jessica Moore	Phone: 360-529-7583	Date: 01/16/2023
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 01/16/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/18/2023

## Part II: Narrative Explanation

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

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

Under current law, there are 41 potential different permits that the Department of Ecology (Ecology) can provide for a clean energy project.

This bill would add new sections to chapter 43.21C RCW, chapter 36.70B RCW and Title 43 related to siting and permitting for new clean energy projects.

Section 101 would establish an Interagency Clean Energy Siting Coordinating Council (Coordinating Council) co-led by Ecology and the Department of Commerce (Commerce) with participation from Washington State's Office of the Governor, Energy Facility Site Evaluation Council (EFSEC), Department of Fish and Wildlife (DFW), Department of Agriculture (Agriculture), Office of Indian Affairs, Department of Archaeology and Historic Preservation, Department of Natural Resources (DNR), Department of Transportation (DOT), Utilities and Transportation Commission (UTC), Office of Regulatory Innovation and Assistance (ORIA), and other agencies invited by Commerce and Ecology on an ad hoc basis. Ecology and Commerce would be required to assign staff to lead work and provide updates to the Governor and legislature.

Section 102 would require the newly established Coordinating Council to complete the tasks as outlined in the bill. An annual report to the governor and legislature would be due starting July 1, 2024. Ecology would also be required to advise Commerce in contracting for an evaluation of state agency siting and permitting processes and requirements to be done by July 1, 2024. Ecology would be required to pursue development of a consolidated clean energy application, with a report due to the governor and legislature by December 31, 2024. Ecology would be required to make recommendations to the legislature on developing a consolidated permit for clean energy by October 1, 2024.

Section 202 would establish a process for clean energy applicants to apply to Commerce to be designated a clean energy project of statewide significance. Ecology would be required to lead the coordinated permit process described under section 206 of this bill.

Section 203 would require Commerce to develop an application for the designation of clean energy projects as clean energy projects of statewide significance. Commerce would be required to determine whether to designate an applicant's project as a clean energy project of statewide significance within 60 days.

Section 205 would establish the role of clean energy project navigators at Commerce to assist in the assessment and convening agencies, stakeholders and organizations.

Section 206 would require Ecology to establish and lead a clean energy permitting process for projects designated as clean energy projects of statewide significance. Ecology would be required to serve as a central point of contact, coordinate with the applicant, state agencies, and local agencies, conduct an initial assessment of the proposed project review and permitting actions, ensure that project proponents are informed, facilitate communication between project proponents and agency staff, verify process steps are complete, assist in resolving conflict or inconsistency, consult with federally recognized tribes, engage with potentially affected overburdened communities, manage a fully coordinated permitting process, and coordinate with local jurisdictions.

Section 207 would require Ecology to conduct an initial assessment within 60 days of Commerce's designation of the project as a clean energy project of statewide significance to determine the level of coordination necessary with consideration to complexity, size, and need for assistance. The assessment would be required to be documented in writing and provided to the project proponent and the public.

Section 208 would require Ecology to lead and establish a fully coordinated permitting process as outlined in the bill. Ecology would be required to convene a work plan meeting within 30 days, or longer with agreement of the project proponent, attended by the project proponent, Commerce, and participating permit agencies to develop a coordinated permitting process schedule. Ecology would be required to notify any relevant federal agency or federally recognized Indian tribe of the meeting date and invite them to participate in the process. Upon completion of the meeting, Ecology would be required to finalize the schedule and share it in writing with the project proponent, participating state agencies, lead agencies as identified under chapter 42.21C RCW, cities and counties subject to an agreement as specified under section 209 of this bill, and the public. Ecology would be required to notify all parties of adjustments to the schedule and if necessary, convene another work plan meeting.

Section 209 would provide a process for local governments to enter into agreements with Ecology and project proponents to expedite the completion of projects.

Section 210 would require project proponents to enter into a cost-reimbursement agreement with Ecology to cover the cost of Ecology and other agencies in carrying out a fully coordinated permitting process.

Section 211 would require Ecology to offer early, meaningful, and individual consultation with any affected federal recognized Indian tribe on designated clean energy projects of significance. Ecology would be required to identify overburdened communities that may be potentially affected by a designated project and verify they have been meaningfully engaged.

Section 301 would add a new section to Chapter 43.21C RCW to require a lead agency under the State Environmental Policy Act (SEPA) to notify an applicant if there is an anticipated finding of significance for a project. If an environmental impact statement (EIS) is required, it would be required to be completed within 24 months and a timeline prepared.

Section 302 would add a new section to Chapter 43.21C RCW to require Ecology to prepare one programmatic EIS for green hydrogen in Washington state and one for solar energy in the Columbia Basin, using the results of the least conflicting mapping done there. The scope would be required to include opportunities for engaging with Tribes, overburdened communities, and stakeholders.

Section 303 would add a new section to Chapter 43.21C RCW to require the lead agency performing a SEPA review use the programmatic EIS.

Section 304 would add a new section to Chapter 36.70B RCW to remove the requirement for an applicant for a clean energy project to demonstrate a need or utility of the project.

Section 305 would require Washington State University to conduct a least conflict mapping study for pumped storage sites in Washington state by June 30, 2025.

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

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

The cash receipts impact to Ecology is indeterminate for future cost reimbursement agreements under section 210.

Ecology assumes we would enter into cost reimbursement agreements with project proponents to cover costs in carrying out permitting processes as specified in section 210. Future cost reimbursement agreements are unknown; therefore, the cash receipts are indeterminate (General Fund Private/Local).

## **II. C - Expenditures**

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

The expenditure impact to Ecology under this bill is estimated to be greater than \$50,000 in Fiscal Year (FY) 2024 and ongoing to implement the requirements of sections 101, 102, 206, 207, 208, 210, 211, 301, and 302. In addition, there are indeterminate expenditures for future cost reimbursement agreements under section 210.

Note: The Governor's 2023-25 proposed operating budget includes funding for some of the requirements of this bill as follows:

- Clean Energy Permitting \$6,308,000 and 19.5 FTEs (CEP Clean Energy Permitting)
- Programmatic EIS for Green Hydrogen \$2,000,000 and 2.3 FTEs (CE1 Green Hydrogen Projects) and Programmatic EIS for Solar Energy in the Columbia Basin \$996,000 and 1.6 FTEs (CE2 Solar Energy Projects)

Expenditures are estimated in the Climate Commitment Account consistent with the Governor's proposed budget.

Expenditures to co-lead the Council (\$217,938 and 1.2 FTE in FY 2024 and ongoing) are not included in the Governor's budget.

#### Section 101 and 102 Interagency Clean Energy Siting Coordinating Council

Ecology assumes that co-leading the Interagency Clean Energy Siting Coordinating Council with Commerce would require staff to participate in the council, provide updates to the Governor and legislature, provide input and help with the annual report, advise on contracting for an evaluation of the state agency siting and permitting processes and requirements, and participate in workgroups or advisory committees. In addition, Ecology would make recommendations for developing a consolidated permit for clean energy and pursue the development of a consolidated clean energy application. Ecology estimates that this work would require 1.0 FTE WMS 2 starting in FY 2024 and ongoing to serve in the lead role for the agency.

Ecology assumes that 2.0 FTE Environmental Planner 4 identified below under "permit navigators" would support this position in all the work necessary to track, facilitate, and coordinate all the work at Ecology required by this bill.

#### Sections 206, 207, 208, 210, 211, 301 Clean Energy Permitting

Ecology assumes that many of the new clean energy projects will be processed through EFSEC, but because clean energy projects can choose to opt-in to the EFSEC process, some projects will be permitted by Ecology. Ecology staff contract with EFSEC to provide the technical review and permit writing functions that EFSEC requires for its own process. For projects not using the EFSEC process, Ecology would be the lead for issuing the permit and conducting a technical review. Permits and environmental review for energy and manufacturing projects are traditionally highly complex permits. The permit process for such projects is also complex, needing to meet many federal, state, and local requirements, while engaging the public, Tribes, interested parties, and communities in the process. The analysis and documentation required is resource intensive.

Ecology assumes that to meet the requirements of this bill additional permit writers for the expedited permitting of clean energy projects and "process navigators" to further assist in efficient processing of permits would be needed. New staff would perform the following functions:

A team of Clean Energy Permit Writers are needed for proposals requiring permits in the following areas: NPDES/water quality, air quality, water rights, Section 401, CZM, wetlands and shorelands. Staff would conduct direct, expedited review of proposals requiring Ecology permits and provide the necessary technical assistance for proposals following the EFSEC process.

SEPA project managers would guide and complete environmental reviews either as lead SEPA agency, or through technical assistance to EFSEC and local government. In addition, staff would provide technical assistance and customer support to cities and counties to support inclusive, thorough analysis and engagement for clean energy planning.

Permit navigators would aid applicants throughout permit processes. Navigators would provide an initial entry point to Ecology for clean energy project applicants, delivering overarching permitting information and facilitating cross program, pre-application meetings. Navigators would also assist with outreach to Tribes, affected cities and counties, and overburdened communities.

Ecology would support the development of Programmatic EISs and planned actions to identify, evaluate, and address potential impacts for possible sites and/or types of clean energy projects. The more comprehensive the environmental analysis is during the planning stage, the less review is needed during individual project review. In the case of planned actions, the review is already done. Projects would be able to use the analysis already done and conduct additional analysis for environmental issues not addressed during the planning stage. Prior review can result in significant time savings if the review was done in the recent past, thoroughly assessed impacts, and/or if the project is on preidentified build-ready sites.

Based on an estimate of 30 clean energy projects per biennium and recognizing that each kind of project would trigger different permit/review needs, Ecology would require ongoing funding for 19.6 FTEs and support from the Attorney General's Office (AGO) to manage this new workload identified in sections 206, 207, 208, 210, 211, and 301 as follows:

Permit Navigators: Ecology assumes that staff would be needed to support the co-lead to the council and the work that is required under section 101 and 102, as well as to track, facilitate, and coordinate all the work at Ecology. Therefore, Ecology estimates 2.0 FTE Environmental Planner 4 to serve as coordinators on contracts, interagency agreements, and cost reimbursement agreements, organize pre-application meetings with applicants, assist with Tribal communications and outreach, ensure HEAL act requirements are followed (as applicable), identify and address environmental justice issues, coordinate with EFSEC and other state, federal, and local agencies, and serve as agency leads to coordinate across the program and with regional planners as needed.

State Environmental Policy Act (SEPA): Ecology assumes that Ecology will be SEPA lead or co-lead on some proposals. Ecology further assumes that under WAC 197-11-938, if EFSEC is not lead, for a project with one million gallons of liquid fuel or more, Ecology would be the lead. Examples of this type of project could include biofuel and green hydrogen. Therefore, Ecology estimates that 1.0 FTE Environmental Planner 5 and 1.0 FTE Environmental Planner 4 would be needed to coordinate and lead the SEPA process when Ecology is SEPA lead or co-lead agency, including more controversial and complex projects.

Section 401 Water Quality and or Coastal Zone Management (CZM) Consistency: Ecology assumes that a Section 401 Water Quality project would need a federal permit, that a CZM Consistency permit would be needed for some projects, and that wetland review would be required if the proposal impacts wetlands. Therefore, Ecology estimates that 1.0 FTE Environmental Specialist 5 and 1.0 FTE Environmental Specialist 4 would be needed to complete permits for Section 401 Water Quality and/or CZM Consistency, wetlands review, and shoreline permitting.

Programmatic Environmental Impact Statements (EIS): Ecology assumes that separate funding for local governments, communities, and tribes to participate in the planning process would be needed. Ecology further assumes that there would be planning efforts where a programmatic EIS or planned action would be conducted and Ecology would provide support or lead the environmental review. Therefore, Ecology estimates that 1.0 FTE Environmental Planner 5 and 1.0 FTE Environmental Planner 4 would be needed to lead the programmatic EIS work on clean energy siting, to provide SEPA technical assistance and customer support, and to conduct outreach.

Water Rights Permits: Ecology assumes that water will likely be needed for some projects. Ecology estimates that the level of effort required on a permit will depend on regulated status of the water body in question, the total volume of water needed, and whether the water is consumptive. Ecology further assumes that permits would require ongoing maintenance.

Therefore, Ecology estimates that 1.0 FTE Environmental Specialist 5 and 1 FTE Hydrogeologist 3 would be necessary to complete and maintain permits for water rights, either new or changed.

Construction Stormwater Permits and other General NPDES Permits: Ecology assumes that projects will need coverage under the construction stormwater permit and other general NPDES permits. Ecology further assumes that individual NPDES or state permits are also likely due to the use of water in processes and that the individual permit writer to permit ratio recommended would be at = 1:10 due to higher level of service necessary under this bill. Therefore, Ecology estimates that 1.0 FTE Environmental Specialist 4 and 3 FTE Environmental Engineer 5 would be necessary to expedite general permit administration and coordinate with Ecology and EFSEC.

Air Quality Permits: Ecology assumes that the work required by this bill would involve significant air permitting, including Prevention of Significant Deterioration permits, Air Operating permits, and Notice of Construction permits. Therefore, Ecology estimates that 2.5 FTE Environmental Engineer 3 and 0.50 FTE Natural Resource Scientist 4 would be necessary to complete the permits required.

In consultation with the AGO, Ecology assumes that AGO support is necessary to complete the work required by this bill. Therefore, consistent with the AGO, Ecology estimates a need for 1.0 AAG FTE at a cost of \$257,000 in FY 2024 and ongoing to advise Ecology on implementation of expected permitting process, specific permitting questions, and to represent Ecology in legal challenges and appeals.

#### Section 210 Cost Reimbursement Agreements

Ecology assumes we would enter into cost reimbursement agreements with project proponents to cover costs in carrying out permitting processes as specified in section 210. Future cost reimbursement agreements are unknown; therefore, the expenditures are indeterminate (General Fund Private/Local).

#### Section 301 SEPA Changes

Section 301 would add a new section to Chapter 43.21C RCW to require a lead agency under the State Environmental Policy Act (SEPA) to notify an applicant if there is an anticipated finding of significance for a project. If an environmental impact statement (EIS) is required, it would be required to be completed within 24 months and a timeline prepared. Ecology assumes that this change would not require an amendment to Ecology's rules at WAC 197-11-800. Ecology assumes that the statutory changes include definitions and provides additional clarifications to SEPA review processes that apply specifically to clean energy projects. Ecology assumes that these changes can be implemented without requiring further clarification in rule.

#### Section 302 Programmatic Environmental Impact Statements

Section 302 would add a new section to Chapter 43.21C RCW to require Ecology to prepare one programmatic EIS for green electrolytic and renewable hydrogen in Washington state and one for solar energy in the Columbia Basin, using the results of the least conflict mapping done there. The scope would be required to include opportunities for engaging with Tribes, overburdened communities, and stakeholders.

Programmatic Environmental Impact Statement (PEIS) for Green Hydrogen: Based on previous experience, Ecology assumes that this PEIS will require 24 months. Ecology estimates that 1.0 FTE Environmental Planner 5 and 1.0 FTE Environmental Planner 4 in FY 2024 and FY 2025 would be required to perform a gap analysis to identify typical requirements for siting green hydrogen, conduct a PEIS with statewide analysis based on the needs for the project sites to cover potential impacts and mitigation. Ecology estimates that \$400,000 in FY 2024 and \$600,000 in FY 2025 would be required for a contract with a consultant to manage meetings, manage comments, and prepare a report. Ecology further estimates that \$157,000 each year in FY 2024 and FY 2025 would be needed to fund state interagency agreements for work by multiple experts from other state agencies, based on potential impacts. Ecology assumes that the gap analysis required

for a PEIS could be completed using information from Commerce and EFSEC, and the clean energy permit navigators and funding identified above. Ecology also assumes that funding for Tribes, communities, and local government participation, through grants/other funding, would not be included in Ecology's costs. Therefore, no estimate is made for their participation in this effort.

Programmatic EIS for Solar Energy in the Columbia Basin: Based on previous experience, Ecology assumes that this PEIS will require 24 months. WSU's least conflict mapping is already underway, and Ecology assumes that the results would be available to be used to identify areas for further study. Ecology estimates that 1.0 FTE Environmental Planner 5 and 0.40 FTE Environmental Planner 4 in FY 2024 and FY 2025 would be required to perform a gap analysis to identify typical requirements for siting, conduct a PEIS with statewide analysis based on the needs for the project sites to cover potential impacts and mitigation. Ecology estimates that \$250,000 in FY 2024 and FY 2025 would be required for a contract with a consultant to manage meetings, manage comments, and prepare a report. Ecology also assumes that funding for Tribes, communities, and local government participation, through grants/other funding, would not be included in Ecology's costs. Therefore, no estimate is made for their participation in this effort.

SUMMARY: The expenditure impact to Ecology under this bill is:

Sections 101 and 102 for Co-Leading Interagency Clean Energy Siting Coordinating Council  
FY 2024 and ongoing: \$217,938 and 1.2 FTEs

Sections 102, 206, 207, 208, 210, 211, 301 to support the Co-lead for the Interagency Clean Energy Siting Coordinating Council, establish and lead a clean energy permitting process for projects designated as clean energy projects of statewide significance, carry out cost-reimbursement agreements, consult with affected federal recognized Indian tribes, and provide support for the SEPA process, serve as SEPA lead agency, and carry permitting requirements.  
FY 2024 and ongoing: \$3,136,481 and 19.6 FTEs

Section 302 Programmatic EIS for Green Hydrogen is estimated to require:  
FY 2024: \$897,621 and 2.3 FTEs  
FY 2025: \$1,097,621 and 2.3 FTEs

Section 302 Programmatic EIS for Solar Energy in the Columbia Basin is estimated to require:  
FY 2024: \$496,121 and 1.6 FTEs  
FY 2025: \$496,121 and 1.6 FTEs

The TOTAL Expenditure impact to Ecology under this bill is estimated to be:  
FY 2024: \$4,748,161 and 24.6 FTEs  
FY 2025: \$4,948,161 and 24.6 FTEs  
FY 2026 and ongoing: \$3,354,419 and 20.7 FTEs

Notes on costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36% of salaries.

Contracts includes \$650,000 in FY 2024 and \$850,000 in FY 2025 for consultant participation in the programmatic EIS's required under section 302.

Goods and Services are the agency average of \$5,224 per direct program FTE. Goods and Services also includes AGO costs of \$257,000 in FY 2024 and ongoing, and \$153,000 in FY 2024 and FY 2025 for interagency agreements with other state agencies for the Green Hydrogen PEIS.

Travel is the agency average of \$1,563 per direct program FTE.

Equipment is the agency average of \$1,031 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% of direct program salaries and benefits, and is shown as object 9. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE, and are identified as Fiscal Analyst 2 and IT App Development - Journey.

**Part III: Expenditure Detail**

**III. A - Operating Budget Expenditures**

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
26C-1	Climate Commitment Account	State	4,748,161	4,948,161	9,696,322	6,708,838	6,708,838
<b>Total \$</b>			4,748,161	4,948,161	9,696,322	6,708,838	6,708,838

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	24.6	24.6	24.6	20.7	20.7
A-Salaries and Wages	2,010,767	2,010,767	4,021,534	3,377,148	3,377,148
B-Employee Benefits	723,876	723,876	1,447,752	1,215,774	1,215,774
C-Professional Service Contracts	650,000	850,000	1,500,000		
E-Goods and Other Services	521,794	521,794	1,043,588	702,064	702,064
G-Travel	33,449	33,449	66,898	56,270	56,270
J-Capital Outlays	22,064	22,064	44,128	37,118	37,118
9-Agency Administrative Overhead	786,211	786,211	1,572,422	1,320,464	1,320,464
<b>Total \$</b>	4,748,161	4,948,161	9,696,322	6,708,838	6,708,838

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

**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 2024	FY 2025	2023-25	2025-27	2027-29
ENVIRONMENTAL ENGINEER 3	98,592	2.5	2.5	2.5	2.5	2.5
ENVIRONMENTAL ENGINEER 5	108,804	3.0	3.0	3.0	3.0	3.0
ENVIRONMENTAL PLANNER 4	89,292	5.4	5.4	5.4	4.0	4.0
ENVIRONMENTAL PLANNER 5	98,592	4.0	4.0	4.0	2.0	2.0
ENVIRONMENTAL SPEC 4	73,260	2.0	2.0	2.0	2.0	2.0
ENVIRONMENTAL SPEC 5	80,952	2.0	2.0	2.0	2.0	2.0
FISCAL ANALYST 2		2.1	2.1	2.1	1.8	1.8
HYDROGEOLOGIST 3	87,144	1.0	1.0	1.0	1.0	1.0
IT APP DEV-JOURNEY		1.1	1.1	1.1	0.9	0.9
NAT RESOURCE SCIENTIST 4	91,524	0.5	0.5	0.5	0.5	0.5
WMS BAND 2	120,000	1.0	1.0	1.0	1.0	1.0
<b>Total FTEs</b>		24.6	24.6	24.6	20.7	20.7

**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**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

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

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5380 SB	<b>Title:</b> Clean energy siting	<b>Agency:</b> 463-Energy Facility Site Evaluation Council
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.1	0.1	0.1	0.1
<b>Account</b>					
Climate Commitment Account-State 26c-1	15,926	16,360	32,286	32,720	32,720
<b>Total \$</b>	15,926	16,360	32,286	32,720	32,720

### 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: Greg Vogel	Phone: 360-786-7413	Date: 01/15/2023
Agency Preparation: Osta Davis	Phone: 360-485-1674	Date: 01/19/2023
Agency Approval: Dave Walker	Phone: 360-664-1345	Date: 01/19/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/22/2023

## Part II: Narrative Explanation

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

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

Section 101 of this bill would require a representative from the Energy Facility Site Evaluation Council to serve on an interagency clean energy siting coordinating council to improve siting and permitting of clean energy projects. The coordinating council is responsible for providing an annual report to the Governor and Legislature beginning July 1, 2024, summarizing progress on efficient, effective, and responsible siting and permitting of clean energy projects and identifying needed policy changes.

The Energy Facility Site Evaluation Council assumes the coordinating council will meet periodically through the year on an ongoing basis. Fiscal impact includes staff time and potential travel required to participate in the Interagency Clean Energy Siting Coordinating Council.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

Sec. 101 requires the Energy Facility Site Evaluation Council (EFSEC) to participate as a member of the interagency clean energy siting coordinating council. EFSEC assumes the Director of Administration will be selected as the representative and to meet the goals and duties of the coordinating council, this will take on average 0.1 FTE per month.

It is assumed that participating in the coordinating council will result in periodic meetings whether online or in-person. In-person meetings will result in travel costs for EFSEC. A round-trip distance of 7.8 miles was used (the distance from the EFSEC office to the Department of Commerce) at a frequency of once per month to attend the meetings.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
26c-1	Climate Commitment Account	State	15,926	16,360	32,286	32,720	32,720
<b>Total \$</b>			15,926	16,360	32,286	32,720	32,720

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.1	0.1	0.1	0.1
A-Salaries and Wages	12,242	12,609	24,851	25,218	25,218
B-Employee Benefits	3,625	3,692	7,317	7,384	7,384
C-Professional Service Contracts					
E-Goods and Other Services					
G-Travel	59	59	118	118	118
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	15,926	16,360	32,286	32,720	32,720

**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 2024	FY 2025	2023-25	2025-27	2027-29
Director of Administration		0.1	0.1	0.1	0.1	0.1
<b>Total FTEs</b>		0.1	0.1	0.1	0.1	0.1

**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**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

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

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5380 SB	<b>Title:</b> Clean energy siting	<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 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.5	1.5	1.5	1.5	1.5
<b>Account</b>					
General Fund-State 001-1	234,000	234,000	468,000	468,000	468,000
<b>Total \$</b>	234,000	234,000	468,000	468,000	468,000

### 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: Greg Vogel	Phone: 360-786-7413	Date: 01/15/2023
Agency Preparation: Tiffany Hicks	Phone: 3609022544	Date: 01/17/2023
Agency Approval: Tiffany Hicks	Phone: 3609022544	Date: 01/17/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 01/17/2023

## Part II: Narrative Explanation

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

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

Section 101 directs WDFW to serve on the Clean Energy Siting Coordinating Council.

Section 209 requires an expedited project timeline. This will result in projects moving forward at a quicker rate. Therefore, WDFW analysis and guidance will be needed at an increased rate.

Section 302 directs Ecology to complete non-project Environmental Impact Statements (EIS) for renewable energy projects to assess habitat and connectivity corridors. WDFW will provide research, data collection and compilation, and other information on habitats and species under various scenarios.

Section 305 directs WSU to conduct a least-conflict pumped storage siting process. As with the least-conflict solar siting process, WDFW will work closely with WSU, participate in workgroups, collect and provide data, and otherwise participate in this process.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

Section 101 requires 0.5 FTE Environmental Planner 3 in fiscal year 2024 and ongoing to serve on the Interagency Clean Energy Siting Coordinating Council, participate in monthly virtual meetings, review written materials, and prepare presentations.

Section 209 requires 0.5 FTE Environmental Planner 3 in fiscal year 2024 and ongoing to review project proposals for habitat and species considerations.

Section 302 requires 0.3 FTE Environmental Planner 3 in fiscal year 2024 and ongoing to collect and provide habitat and corridor data for non-project Environmental Impact Statements (EIS), participate in monthly virtual meetings, and review draft materials.

Section 305 requires 0.2 FTE Environmental Planner 3 in fiscal year 2024 and ongoing to participate in least-conflict pumped storage process, collect, and provide habitat data, and participate in monthly virtual meetings.

Salaries and benefits total \$166,000 in fiscal year 2024 and ongoing.

Goods and services, Object E, includes \$9,000 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 33.5% is included in object T and is calculated based on WDFW's federally approved indirect rate.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	234,000	234,000	468,000	468,000	468,000
<b>Total \$</b>			234,000	234,000	468,000	468,000	468,000

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.5	1.5	1.5	1.5	1.5
A-Salaries and Wages	121,000	121,000	242,000	242,000	242,000
B-Employee Benefits	45,000	45,000	90,000	90,000	90,000
C-Professional Service Contracts					
E-Goods and Other Services	9,000	9,000	18,000	18,000	18,000
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	59,000	59,000	118,000	118,000	118,000
9-					
<b>Total \$</b>	234,000	234,000	468,000	468,000	468,000

### 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 2024	FY 2025	2023-25	2025-27	2027-29
ENVIRONMENTAL PLANNER 3		1.5	1.5	1.5	1.5	1.5
<b>Total FTEs</b>		1.5	1.5	1.5	1.5	1.5

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

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Business Services (010)	33,000	33,000	66,000	66,000	66,000
Habitat (030)	201,000	201,000	402,000	402,000	402,000
<b>Total \$</b>	234,000	234,000	468,000	468,000	468,000

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

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

NONE

### IV. C - Capital Budget Breakout

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

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

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5380 SB	<b>Title:</b> Clean energy siting	<b>Agency:</b> 490-Department of Natural Resources
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

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

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.6	0.6	0.6	2.9	2.9
<b>Account</b>					
General Fund-State 001-1	82,100	82,100	164,200	899,600	824,400
<b>Total \$</b>	82,100	82,100	164,200	899,600	824,400

### 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: Greg Vogel	Phone: 360-786-7413	Date: 01/15/2023
Agency Preparation: Angela Konen	Phone: 360-902-2165	Date: 01/19/2023
Agency Approval: Collin Ashley	Phone: 360-688-3128	Date: 01/19/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/22/2023

## Part II: Narrative Explanation

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

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

Part 1 (Sections 101 and 102) creates the Interagency Clean Energy Siting Coordinating Council and designates the Department of Natural Resources (DNR) as a participating member of the council. Section 102 states the duties and responsibilities of the coordinating council, including the requirement to provide an annual report to the Governor and appropriate legislative committees beginning July 1, 2024. The coordinating council is co-chaired by the Department of Commerce (COM) and the Department of Ecology (ECY). Additionally, Section 102 indicates the intent of consolidating regulatory applications, such that geothermal exploration permitting may fall under a joint permitting process led by the Department of Ecology (ECY), but remain regulated by DNR's Washington Geological Survey (WGS).

Part 2 (Sec. 204 and 207): DNR may be asked to review applications for Clean Energy Projects of Statewide Significance for which DNR is likely to have a role in siting or permitting a project.

Part 3 (Sections 301 and 303): Creates a new SEPA process for clean energy facilities. Requires a SEPA lead agency to use a programmatic Environmental Impact Statement (EIS) (Section 302, developed by June 30, 2025) for solar energy projects proposed in the Columbia Basin of eastern and central Washington or for green electrolytic or renewable hydrogen project proposals.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

DNR may see an increase in clean energy project leases, however, amount of increase and associated revenues are unable to be determined at this time.

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

DNR requires a WMS Band 2, Policy Advisor, to gather and read information related to clean energy project permitting and siting, consult with program staff, and attend meetings. DNR assumes one interagency council meeting each month in fiscal year (FY) 2024 through the preparation of the first annual report to the Governor and the Legislature due by July 1, 2024, and participation in a workgroup or advisory group meeting once each month. Each meeting is estimated to be four hours, with preparation time and internal coordination for the DNR Policy Advisor of 16 hours per meeting (total of 20 hours per meeting). A heavier workload is assumed in FY 2024 and FY 2025, due to the advising and consultation required prior to COM selecting a contractor. Additional requirements during this time include the initial annual report due to the Governor and legislature by July 1, 2024, ECY's update to the Governor and legislature on the consolidated permit options by October 1, 2024, and the consolidated permit applications by December 31, 2024.

DNR assumes the need for additional WGS staff to provide input to discussions of clean energy projects, particularly those involving geothermal resources. A Natural Resource Scientist 4 is required to attend workgroup meetings and participate in discussions about joint permit applications for clean energy projects, including providing technical assistance in the evaluation of larger clean energy projects involving geothermal resources.

DNR assumes the current capacity of its State Uplands programs will not be able to meet the anticipated workload created under this bill. The workload is estimated to increase to approximately six projects per year with the new streamlined and expedited process beginning July 1, 2025. In order to provide the necessary support, DNR requires 1.0 FTE Natural Resource Scientist 3 and 1.0 FTE Natural Resource Specialist 3 beginning in FY 2026 and on-going. The Natural Resource

Scientist 3 will conduct the required culture resource reviews, work with tribal partners on impacts to traditional and cultural practices, and service contracts with tribal partners. The Natural Resource Specialist 3 will conduct lease negotiations, provide all business support, and SEPA for each project.

Costs include:

WMS Band 2 - Policy Advisor: 0.25 FTE for FY 2024 and FY2025, 0.13 FTE beginning in FY 2026 and on-going

Natural Resource Scientist 4: 0.20 FTE for FY 2024 and FY2025, 0.10 FTE beginning in FY 2026 and on-going

Natural Resource Scientist 3: 1.0 FTE beginning in FY 2026 and on-going

Natural Resource Specialist 3: 1.0 FTE beginning in FY 2026 and on-going

Six (6) service contracts with tribal partners: \$72,000 per FY beginning in FY 2026 and on-going

Computers, monitors, and workstations: \$20,200 in FY 2026 (one time)

Vehicle/Truck: \$55,000 in FY 2026 (one time)

Total estimated costs are \$82,100 in FY 2024 and FY 2025, \$487,400 in FY 2026, and \$412,200 per FY in FY 2027 and on-going.

Goods and services and travel are calculated on actual program averages per person.

Administrative costs are calculated at 31% of staff salary and benefits and staff-related goods and services and travel. For fiscal note purposes, this cost is represented as a Fiscal Analyst 2 position.

### Part III: Expenditure Detail

#### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	82,100	82,100	164,200	899,600	824,400
<b>Total \$</b>			82,100	82,100	164,200	899,600	824,400

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.6	0.6	0.6	2.9	2.9
A-Salaries and Wages	43,600	43,600	87,200	352,000	352,000
B-Employee Benefits	14,400	14,400	28,800	129,600	129,600
C-Professional Service Contracts				144,000	144,000
E-Goods and Other Services	4,500	4,500	9,000	55,000	41,000
G-Travel	1,000	1,000	2,000	4,800	4,800
J-Capital Outlays				61,200	
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	18,600	18,600	37,200	153,000	153,000
9-					
<b>Total \$</b>	82,100	82,100	164,200	899,600	824,400

#### 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 2024	FY 2025	2023-25	2025-27	2027-29
Fiscal Analyst 2	55,872	0.1	0.1	0.1	0.7	0.7
Natural Resource Scientist 3					1.0	1.0
Natural Resource Scientist 4	91,524	0.2	0.2	0.2	0.1	0.1
Natural Resource Specialist 3					1.0	1.0
WMS2 - Policy Advisor	101,268	0.3	0.3	0.3	0.1	0.1
<b>Total FTEs</b>		0.6	0.6	0.6	2.9	2.9

**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**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

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

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5380 SB	<b>Title:</b> Clean energy siting	<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 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.1	0.1	0.1	0.1
<b>Account</b>					
General Fund-State      001-1	19,700	19,700	39,400	39,400	39,400
<b>Total \$</b>	19,700	19,700	39,400	39,400	39,400

### 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: Greg Vogel	Phone: 360-786-7413	Date: 01/15/2023
Agency Preparation: Gary Bahr	Phone: (360) 902-1936	Date: 01/16/2023
Agency Approval: Jeannie Brown	Phone: 360-902-1989	Date: 01/16/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 01/16/2023

## Part II: Narrative Explanation

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

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

HB 1215, concerning the protection and restoration of riparian areas, creates new sections to chapter RCW 43.21C, adds a new section to chapter RCW 36.70B, and adds new chapters to Title 43 RCW.

New Sec. 1: Creates Legislative to support efficient, effective siting and permitting of clean energy projects through a variety of interventions, including establishing an interagency clean energy siting coordinating council to improve siting and permitting of clean energy projects.

New Sec 101: Creates the interagency clean energy siting coordinating council and covers the council responsibilities. This section establishes that the coordinating council is co-chaired by the department of commerce and the department of ecology with participation from various agencies including Agriculture.

In this bill, the council is required to provide an annual report beginning July 1, 2024, to the governor and the appropriate committees of the legislature summarizing progress on efficient, effective, and responsible siting and permitting of clean energy projects; areas of additional work, including where clean energy project siting and permitting outcomes are not broadly recognized as efficient, effective, or responsible; resource needs; and any needed policy changes.

The new body of ongoing work created in this bill would require a part time WMS Bank 2 level position at WSDA to manage. This position would serve on the coordinating council, other ad hoc advisory groups, and engage in the work associated with this bill at a high level for policy and local land use and science assessments. Related costs to the agency would include salaries, benefits, supplies, and overhead for the .10 FTE WMS 2 position.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

A WMS2 Manager at 0.10 FTE is needed to full the duties and requirements of the bill. This position would serve as a member of the council or other ad hoc groups and support all phases of Policy and Science Liaison work with the interagency clean energy siting coordinating council. This WSDA staff member would be expected to participate in the siting processes under established time tables, and provide a variety of reports to the Governor and the appropriate committees of the legislature by various deadlines. Lead agency assumptions include monthly meetings and other ad hoc advisory group sessions as needed. No travel is assumed required to these meetings. Estimated position and related costs is \$19,700 per year.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	19,700	19,700	39,400	39,400	39,400
Total \$			19,700	19,700	39,400	39,400	39,400

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.1	0.1	0.1	0.1
A-Salaries and Wages	11,000	11,000	22,000	22,000	22,000
B-Employee Benefits	3,600	3,600	7,200	7,200	7,200
C-Professional Service Contracts					
E-Goods and Other Services	1,400	1,400	2,800	2,800	2,800
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service	100	100	200	200	200
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-Agency Admin Overhead	3,600	3,600	7,200	7,200	7,200
<b>Total \$</b>	<b>19,700</b>	<b>19,700</b>	<b>39,400</b>	<b>39,400</b>	<b>39,400</b>

**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 2024	FY 2025	2023-25	2025-27	2027-29
WMS 2 Program Manager	110,000	0.1	0.1	0.1	0.1	0.1
<b>Total FTEs</b>		<b>0.1</b>	<b>0.1</b>	<b>0.1</b>	<b>0.1</b>	<b>0.1</b>

**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**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

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

NONE

None

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5380 SB

Title: Clean energy siting

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

### Legislation Impacts:

- Cities: Costs associated with engaging in rulemaking
- Counties: Same as above
- Special Districts: Public Utilities that apply for the designation of Clean Energy Projects of Statewide Significance (CEPSS) for their facilities.
- 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 associated with engaging in the regulatory process, staff time, the number of clean energy projects that would apply for CEPSS status, cost reimbursement agreements, and application fees.

### 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: Chelsea Mickel	Phone: 518-727-3478	Date: 01/24/2023
Leg. Committee Contact: Greg Vogel	Phone: 360-786-7413	Date: 01/15/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/24/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/24/2023

## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

*Description of the bill with an emphasis on how it impacts local government.*

Section 101 establishes an Interagency Clean Energy Siting Coordinating Council (ICESCC) co-chaired by the Department of Ecology (Ecology) and the Department of Commerce (Commerce). The bill lists the state agencies that must participate in the ICESCC.

Section 102 outlines the responsibilities of the council. Some of these responsibilities include; soliciting input from interested parties and organizations involved in clean energy project siting and permitting and advising Commerce in contracting for an independent third party to evaluate state agency siting and permitting processes;

ICESCC is required to make recommendations for improvements to siting and permitting clean energy projects by July 1, 2024 and provide an annual report beginning July 1, 2024 that summarizes their progress towards effective, efficient and responsible siting and permitting of clean energy projects.

The ICESCC must also pursue development of a consolidated clean energy application and permit for clean energy projects. Ecology must engage with local governments to explore inclusion of local permit applications as part of the consolidated application. Ecology is required to update the governor and the legislature on its development of consolidated applications for clean energy projects by December 21, 2024, and an evaluation of consolidated permit options by October 1, 2024.

Section 202 directs Commerce to establish a new program for the designation of Clean Energy Projects of Statewide Significance (CEPSS), and assigns CEPSS a clean energy navigator. Applicants for CEPSS designation must demonstrate how the project will be consistent with the state energy strategy, contribute to the state's economic development goals, and plan for meaningful engagement and information sharing with federally recognized Indian tribes with interests on or near a proposed site.

Under section 209, cities and counties with development projects designated as CEPSS within their jurisdictions must enter into an agreement with Ecology and project proponents to expedite the completion of projects. Ecology must identify overburdened communities that might be potentially affected by CEPSS, and verify that these communities have been meaningfully engaged in the regulatory processes in a timely manner by participating agencies.

Section 210 requires project proponents to enter into a cost-reimbursement agreement with Ecology to cover the cost of Ecology and other agencies in carrying out a fully coordinated permitting process.

Section 303 amends provisions of the State Environmental Policy Act (SEPA) for certain types of clean energy projects, including directing lead agencies to complete environmental impact statements (EISs) within 24 months and clarifying the content of SEPA review for clean energy projects.

Section 302 requires Ecology to prepare non-project EISs for solar projects in the Columbia Basin and for green electrolytic or renewable hydrogen projects, and directs the Washington State University energy program to conduct a least-conflict pumped storage siting process. Established the goal of preparing non-project EISs for the two aforementioned projects by June 30, 2025. Ecology would be required to solicit input from Tribes, overburdened communities and stakeholders.

Section 304 would remove the requirement for a clean energy project applicant to demonstrate the need or utility of the proposed project.

## **B. SUMMARY OF EXPENDITURE IMPACTS**

*Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.*

This bill has indeterminate expenditure impacts on local governments.

Section 201 defines “clean energy projects” as clean energy product manufacturing facilities; electrical transmission facilities; facilities to produce non-emitting electric generation or electric generation from renewable resources, storage facilities; facilities or projects at any facilities that exclusively or primarily process biogenic feedstock into refined fuel products; or facilities or projects at any facilities that exclusively or primarily process alternative jet fuel.

Under this definition, public utilities or locally-funded clean energy projects may choose to apply for CEPSS designation. This would incur costs for staff time associated with drafting and submitting applications, as well as potential fees for application submittal. Local governments that apply for CEPSS would also incur costs by entering into required cost reimbursement agreements with Ecology. These reimbursements are meant to cover reasonable costs and costs for the administrative burden on Ecology and other agencies associated with running a coordinated permitting process. Currently there is no definition of ‘reasonable costs’ and so the extent to which reimbursement agreements will impact local governments’ expenditures is uncertain.

Under section 209, Ecology is required to identify overburdened communities that might be affected by CEPSS, and verify that these communities have been meaningfully engaged in the regulatory processes in a timely manner by participating agencies. ICESCC is required to solicit input from interested parties organizations involved in clean energy project siting and permitting. Local governments that have been solicited for input in either of these processes may incur costs for staff time and travel in order to be a part of the regulatory process. For example, if a one-day meeting was held in Olympia, it would cost \$334 for a local government staff member from Seattle to attend. This includes a \$74 per diem and \$138 hotel stay. Costs of the meeting would vary depending on the number of staff attending, how far they had to travel, and the length and number of meeting required. If the process requires or recommends that local governments adopt new ordinances in order to comply with Ecology’s requirements, local governments may incur costs for doing so. For discussion purposes, the Local Government Fiscal Note Program's cost models put the cost of adopting a simple ordinance with a public hearing is \$2,958 while adoption of a complex ordinance with hearing is estimated to be approximately \$9,492. However, since there is currently no requirement to adopt new ordinances under this legislation, these costs are speculative and indeterminate.

## **C. SUMMARY OF REVENUE IMPACTS**

*Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.*

This bill has indeterminate revenue impacts on local governments.

New clean energy projects could bring in local revenues, but the number of new projects created due to ICESCC or CEPSS designation, and the amount of additional revenue is unknown. It is also possible that cost-reimbursement agreements with Ecology and CEPSS application fees could offset revenues brought in by new energy projects. However, it is unlikely that a jurisdiction would pursue or continue a project that is financially untenable.

### **SOURCES**

Department of Commerce

Department of Ecology

Department of Ecology Fiscal Note, HB 1216, (2023)

House Bill Hearing, HB 1216, Environment & Energy Committee (2023)

House Bill Report, HB 1216, Environment & Energy Committee (2023)

Local Government Fiscal Note Program Travel Calculator (2023)

Local Government Fiscal Note Program Unit Cost Model (2023)