

Multiple Agency Fiscal Note Summary

Bill Number: 5371 E S SB AMH AGNJ H1715.2	Title: Orca vessel protection
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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
Department of Fish and Wildlife	0	0	(150,000)	0	0	(150,000)	0	0	(150,000)
Total \$	0	0	(150,000)	0	0	(150,000)	0	0	(150,000)

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	Fiscal note not available					
Loc School dist-SPI						
Local Gov. Other						
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
Administrative Office of the Courts	Fiscal note not available											
State Parks and Recreation Commission	.0	8,000	8,000	8,000	.0	0	0	0	.0	0	0	0
Department of Fish and Wildlife	.3	356,000	356,000	378,000	.0	70,000	70,000	70,000	.0	70,000	70,000	70,000
Total \$	0.3	364,000	364,000	386,000	0.0	70,000	70,000	70,000	0.0	70,000	70,000	70,000

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
Loc School dist-SPI									
Local Gov. Other									
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	Fiscal note not available								
State Parks and Recreation Commission	.0	0	0	.0	0	0	.0	0	0
Department of Fish and Wildlife	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
Loc School dist-SPI									
Local Gov. Other									
Local Gov. Total									

Estimated Capital Budget Breakout

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Prepared by: Matthew Hunter, OFM	Phone: (360) 529-7078	Date Published: Preliminary 4/ 3/2023
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Individual State Agency Fiscal Note

Bill Number: 5371 E S SB AMI AGNR H1715.2	Title: Orca vessel protection	Agency: 465-State Parks and Recreation Commission
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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	0.0	0.0	0.0	0.0	0.0
Account					
General Fund-State 001-1	8,000	0	8,000	0	0
Total \$	8,000	0	8,000	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:	Phone:	Date: 03/30/2023
Agency Preparation: Rob Sendak	Phone: (360) 902-8836	Date: 04/03/2023
Agency Approval: Frank Gillis	Phone: (360) 902-8538	Date: 04/03/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 04/03/2023

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.

Update: Sec. 2 (1) (e): It is unlawful to cause a vessel or other object to exceed a speed greater than seven knots over ground at any point located within 1000 yards of a Southern Resident Orca Whale (current law is ½ nautical mile or 1013 yards).

NEW: Sec. 2. (2) Except as provided in section 3 of this act, a voluntary 1,000-yard approach distance around southern resident orcas is established. This is also referred to as a 1,000-yard setback or 1,000-yard avoidance distance, as the intent is to discourage boaters from pursuing on-water viewing or approaching of southern resident orcas.

NEW: Sec. 2. (3) (b). A person is exempt from subsection 2 if they are “complying with the rules of the road or taking actions to ensure safety.”

Sec. 2 (6) First item to note: State Parks Operations manages a significant number of water access sites and while the bill doesn’t specifically require updated or new signage at State Parks, this might be a consideration. State Parks Operations assumes no impact unless specifically directed to place signage at water access sites that State Parks manages.

Sec. 2 (7) Second item to note: The Washington State Recreational Boating Safety program lives at State Parks and provides outreach and education to recreational boaters on best safety practices and recreational boating laws. While the bill doesn’t specifically require the Recreational Boating Safety Program to “conduct outreach and education regarding best safety practices for recreational boating in waters inhabited by southern resident orcas”, this might be a consideration. State Parks Recreational Boating Safety program assumes no impact for education and outreach unless specifically directed to provide education and outreach on this bill.

The requirements of this legislation will create one-time impacts for State Parks to update related educational materials.

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.

The Recreational Boating Safety (RBS) Program at State Parks is responsible for educating recreational boaters on best safety practices and “rules of the road” while operating vessels in the waters of Washington State. There is a mandated boater education card that this program administers, that went into law 17 years ago and people who operate vessels with 15HP or greater need to get the lifetime boater education card. There is a paper study guide and paper exam and also virtual options managed by outside vendors where students can take a 9-hour course and then an online exam. The RBS program also facilitates training (Basic Marine Law Enforcement Academies and many other trainings) for marine law enforcement officers statewide so they can educate recreational boaters and enforce recreational boating laws.

All one-time costs:

1.) Update the Adventures in Boating study booklet which is for recreational boaters to use to study for the mandatory

boater education card exam. (Ed Coord – PS5) 8hrs - \$445

- a. Print new booklets: \$4000
- 2.) Update paper exam questions. (Ed Coord – PS5) 8hrs - \$445
 - a. Print new paper exams: \$1000
- 3.) Update all online vendors that deliver electronic/virtual study guides and exams for recreational boaters for the mandatory boater education card. (Ed Coord – PS5) 8hrs - \$445
- 4.) Update electronic and paper curriculum/study guide/exams for Basic Marine Law Enforcement Academies. (MLE Coord – PS5) 8hrs - \$445
 - a. Print new Instructor manuals and study guides for officers. \$1000
- 5.) Update judicial law tables so citations/infractions will reflect new laws. (MLE Coord – PS5) 4hrs - \$220

Total one-time material cost: \$6,000

Total one-time staffing cost: \$2,000

TOTAL COSTS \$8,000

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	8,000	0	8,000	0	0
Total \$			8,000	0	8,000	0	0

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0		0.0		
A-Salaries and Wages	1,500		1,500		
B-Employee Benefits	500		500		
C-Professional Service Contracts					
E-Goods and Other Services	6,000		6,000		
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					
9-					
Total \$	8,000	0	8,000	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
Program Specialist 5	82,896	0.0		0.0		
Total FTEs		0.0		0.0		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

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.

This legislation would require State Parks to revise judicial law tables so citations and infractions would reflect the new laws.

Individual State Agency Fiscal Note

Bill Number: 5371 E S SB AMI AGNR H1715.2	Title: Orca vessel protection	Agency: 477-Department of Fish and Wildlife
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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
Fish, Wildlife, and Conservation Account-State 24N-1	(75,000)	(75,000)	(150,000)	(150,000)	(150,000)
Total \$	(75,000)	(75,000)	(150,000)	(150,000)	(150,000)

Estimated Operating Expenditures from:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.3	0.3	0.3	0.0	0.0
Account					
General Fund-State 001-1	195,000	161,000	356,000	70,000	70,000
Fish, Wildlife, and Conservation Account-State 24N-1	22,000	0	22,000	0	0
Total \$	217,000	161,000	378,000	70,000	70,000

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:	Phone:	Date: 03/30/2023
Agency Preparation: Barbara Reichart	Phone: (360) 819-0438	Date: 04/03/2023
Agency Approval: Barbara Reichart	Phone: (360) 819-0438	Date: 04/03/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 04/03/2023

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.

CHANGE IN FISCAL IMPACT: Differences between ESSB 5371 Striker H-1715.2 and ESSB 5371:

- Removes that delayed effective date.
- Restores the current approach distances of 300/400 yards and creates a voluntary 1000-yard approach distance for all boats, except commercial whale watching boats. Makes the 1000-yard distance mandatory only for commercial whale watching vessels.
- Adds a new section with intent and findings.
- Adds a new Section 4 that requires the department to do a new report, within 1 year, if the population of SRKW reaches 70 individuals or fewer. Several components of the report are specified, including a study of how mandatory 1,000-yard setbacks for all vessels would be enforced, the use of data science with respect to southern resident orca pod health, and evidence-based plans to address pod health.

WDFW assumes that the Department will begin implementation of Section 2 in fiscal year 2024, instead of fiscal year 2025 as required by ESSB 5371. This increases costs in fiscal year 2024.

Section 2 modifies the rules for the protection of Southern Resident orcas. It requires WDFW to conduct education and outreach, to support advancement/proliferation of tools, and post signs at public boat launches and marinas.

Section 5 requires WDFW to convene a workgroup to advise on education and outreach activities regarding boating restrictions near Southern Resident orcas. It specifies additional intensive outreach and education activities in fiscal year 2024 and the first half of fiscal year 2025.

Section 6 modifies the fees for commercial whale watching business licenses and operator licenses. It distinguishes a paddle tour business license and defines related fees.

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.

Assumptions are based on 2022 license quantities.

Section 6 makes the following changes:

(1) reduces the commercial whale watching business license annual application fee from \$75 to \$70. The difference in the annual application fee is estimated to decrease from \$2,550 to \$2,170, a loss of \$380. WDFW assumes three business licenses will transfer to paddle tours business licenses and revenue will decrease from \$6,800 to \$6,200, a loss of \$600. Total estimated loss is \$980 per year.

(2) strikes the annual license fees for motorized or sailing vessels. By eliminating the fees based on passenger size, revenue will decrease by \$56,825 per year.

(3) strikes may substitute the vessel designated and the fee of \$35 and application fee of \$105. There were no licenses in this category in 2022 and the Department assumes no change in revenue.

(6) eliminates the \$100 annual license fee for commercial whale watching and reduces annual application fee from \$75 to \$25. The annual application fees are estimated to decrease from \$8,475 to \$2,825, a loss of \$5,650. Annual license fee revenue is estimated to decrease by \$11,300. Total estimated loss is \$16,950 per year.

(7) adds a paddle tour business license requirement with an annual fee of \$200 and an annual application fee of \$70. WDFW assumes 5 licenses will be sold resulting, in a revenue gain of \$1,350 $((200*5) + (70*5))$ per year.

(10) replaces kayak guide license with a paddle guide license and eliminates the \$25 annual fee. The application fee rate is unchanged. Annual license fee revenue is estimated to decrease by \$1,200 per year.

Total estimated revenue loss is \$74,605 per year. The license fee and the application fees are both deposited in 24N. There are currently no additional transaction fees associated with commercial licenses.

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 2 requires WDFW to create and post signs at public boat launches and marinas, which will require \$2,500 in fiscal year 2024 for initial placement in the Puget Sound and Salish Sea regions. Costs in fiscal year 2025 and ongoing will be \$1000 per fiscal year for additional or replacement signage.

Section 2 also requires the Department to increase outreach and education activities regarding boating near Southern Resident Killer Whales (SRKW), including the advancement of tools for identifying SRKW presence, measuring distances on the water, and identifying orca ecotypes. Based on prior similar projects, including print and online advertising, social media targeting, and video marketing. Outreach and education costs will be \$25,000 per fiscal year starting in fiscal year 2024 and ongoing.

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.

Total costs for Section 2 are \$37,000 in fiscal year 2024 and \$35,000 in fiscal year 2025 and ongoing.

Section 5 requires WDFW to convene a workgroup. WDFW anticipates approximately 6-8 total meetings over fiscal years 2024 and 2025, most of which would be 2-3-hour online meetings, with 1-2 all-day in-person meetings. One-time costs for the workgroup include:

- \$27,000 per fiscal year for 0.3 FTE Community Outreach & Environmental Educational Specialist 3 (COEES3) to support the contractor in coordinating workgroup meetings, develop meeting materials, implement the outreach strategies created by the workgroup, and develop the report, Objects A and B.
- \$40,000 per fiscal year for a contractor to facilitate meetings with stakeholders, support reporting and other workgroup deliverables, including facilitator travel and rental of meeting space, Object C.
- Goods and services, Object E, includes \$6,000 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.

Section 5 also requires a period of intensive outreach and education in FY24 and the first half of fiscal year 2025, expiring June 30, 2025. Based on estimates for similar outreach and education campaigns, this work will require \$50,000 in fiscal year 2024 and \$25,000 in fiscal year 2025 to implement education and outreach activities. The COEES3 will conduct outreach activities such as developing physical and digital materials and attending events to provide education/outreach.

Total costs for Section 5 are \$158,000 in fiscal year 2024 and \$126,000 in fiscal year 2025. WDFW is requesting General Fund-State for the work in Section 2 because the work affects all boaters, not just commercial whale watching vessels.

Section 3 and Section 6 will require WDFW rulemaking to make corresponding adjustments to the rules for commercial whale watching of Southern Resident orcas in WAC 220-460. Rulemaking will require \$2,500 for a public hearing and

\$1,500 for rule adoption in fiscal year 2024.

Section 6 will also require a one-time update to the Department’s licensing system used to sell commercial whale watching licenses, to align with the new license and fee structure. The Department assumes that this will take the current license vendor 130 hours at a rate of \$130 per hour for a total of \$16,900 in fiscal year 2024. This estimate is based on prior updates to the licensing system of a similar scale.

Total costs for Sections 3 and 6, including rulemaking, is \$22,000 in fiscal year 2024.

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. The infrastructure and program support rate is not applied to the contractual costs.

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	195,000	161,000	356,000	70,000	70,000
24N-1	Fish, Wildlife, and Conservation Account	State	22,000	0	22,000	0	0
Total \$			217,000	161,000	378,000	70,000	70,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.3	0.3	0.3		
A-Salaries and Wages	19,000	19,000	38,000		
B-Employee Benefits	8,000	8,000	16,000		
C-Professional Service Contracts	57,000	40,000	97,000		
E-Goods and Other Services	84,000	53,000	137,000	52,000	52,000
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	49,000	41,000	90,000	18,000	18,000
9-					
Total \$	217,000	161,000	378,000	70,000	70,000

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
COMMUNITY OUTREACH & ENVIRONMENTAL EDUCATION^ SPE		0.3	0.3	0.3		
Total FTEs		0.3	0.3	0.3		0.0

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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.

Section 3 and 6 will require Department rulemaking to make corresponding adjustments to the rules for commercial whale watching of Southern Resident orcas in WAC 220-460.

Current Revenue Breakdown

Section 2	Type of License	Annual Fee	Application Fee	Total	2022 Qty	Annual Fee	App Fee	Total
(1)	Business Licence	\$ 200.00	\$ 75.00	\$ 275.00	34	\$ 6,800.00	\$ 2,550.00	\$ 9,350.00
(2)(a-e)	Mortorized or Sailing Vessel:					\$ -	\$ -	\$ -
(a)	1-24 passengers	\$ 325.00		\$ 325.00	52	\$ 16,900.00	\$ -	\$ 16,900.00
(b)	25-50 passengers	\$ 525.00		\$ 525.00	24	\$ 12,600.00	\$ -	\$ 12,600.00
(c)	51-100 passengers	\$ 825.00		\$ 825.00	13	\$ 10,725.00	\$ -	\$ 10,725.00
(d)	101-150 passengers	\$ 1,825.00		\$ 1,825.00	8	\$ 14,600.00	\$ -	\$ 14,600.00
(e)	151 or greater	\$ 2,000.00		\$ 2,000.00	1	\$ 2,000.00	\$ -	\$ 2,000.00
(3)(a-c)	Designated Vessel	\$ 35.00	\$ 105.00	\$ 140.00	-	\$ -	\$ -	\$ -
(7)	Operator License	\$ 100.00	\$ 75.00	\$ 175.00	113	\$ 11,300.00	\$ 8,475.00	\$ 19,775.00
(10)	Kayak Guide License	\$ 25.00	\$ 25.00	\$ 50.00	48	\$ 1,200.00	\$ 1,200.00	\$ 2,400.00
						\$ 76,125.00	\$ 12,225.00	\$ 88,350.00

Proposed Revenue Breakdown

Section 2	Type of License	Annual Fee	Application Fee	Total	2022 Qty	Annual Fee	App Fee	Total
(1)	Business Licence	\$ 200.00	\$ 70.00	\$ 270.00	31	\$ 6,200.00	\$ 2,170.00	\$ 8,370.00
(2)	Mortorized or Sailing Vessel			\$ -	98	\$ -	\$ -	\$ -
(3)(a-c)	Additional Vessel			\$ -	-	\$ -	\$ -	\$ -
(6)	Operator License		\$ 25.00	\$ 25.00	113	\$ -	\$ 2,825.00	\$ 2,825.00
NEW (7)	Paddle Tours Business License	\$ 200.00	\$ 70.00	\$ 270.00	5	\$ 1,000.00	\$ 350.00	\$ 1,350.00
Sec (10)	Paddle Guide License		\$ 25.00	\$ 25.00	48	\$ -	\$ 1,200.00	\$ 1,200.00
						\$ 7,200.00	\$ 6,545.00	\$ 13,745.00

(difference between current fees and amended ESSB 5371 AMH AGNRH1715.2 fees per section of RCW) **\$ (68,925.00) \$ (5,680.00) \$ (74,605.00)**