

Multiple Agency Fiscal Note Summary

Bill Number: 2117 HB	Title: Aerial firefighting/permits
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Estimated Cash Receipts

NONE

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
Energy Facility Site Evaluation Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Natural Resources	.0	0	0	0	.0	0	0	0	.0	0	0	0
Total \$	0.0	0	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									
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
Energy Facility Site Evaluation Council	.0	0	0	.0	0	0	.0	0	0
Department of Natural Resources	.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									
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

NONE

Prepared by: Lisa Borkowski, OFM	Phone: (360) 742-2239	Date Published: Final 1/22/2024
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Individual State Agency Fiscal Note

Bill Number: 2117 HB	Title: Aerial firefighting/permits	Agency: 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:

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: Robert Hatfield	Phone: 360-786-7117	Date: 01/11/2024
Agency Preparation: Ali Smith	Phone: 360-515-2011	Date: 01/17/2024
Agency Approval: Dave Walker	Phone: 360-664-1345	Date: 01/17/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/18/2024

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.

The bill will add new sections to RCW 35.63 (Planning Commissions), RCW 35A.63 (Planning and Zoning in City Codes), RCW 36.70 (Planning Enabling Act), and RCW 80.50 (Energy Facilities - Site Locations).

The proposed bill was reviewed, and it was determined that it would have minimal workload and fiscal impact for EFSEC. As part of our current application process, EFSEC reviews and evaluates the criteria outlined within Section 5 of this bill. Section 5 of the bill requires EFSEC to consider obstacles to utility-scale wind turbines present to aerial firefighting suppression and to have the applicant demonstrate the project does not present impediments. This requirement is duplicative of EFSEC's review criteria and requirements, and we hold a neutral position on the bill. We do not foresee any notable fiscal impacts.

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

Bill Number: 2117 HB	Title: Aerial firefighting/permits	Agency: 490-Department of Natural Resources
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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: Robert Hatfield	Phone: 360-786-7117	Date: 01/11/2024
Agency Preparation: Andrew Hills	Phone: /	Date: 01/22/2024
Agency Approval: Angela Konen	Phone: 360-902-2165	Date: 01/22/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/22/2024

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 2 and Section 3 and Section 4: This bill would allow concerns related to aerial firefighting as justification for adjusting permitting specifications for wind turbines, such as the height of the turbine or location of structures so that they do not interfere or endanger firefighting and wildfire suppression efforts. If the county determines such a potential obstruction, the county has the ability to adjust the location or reduce the height of the turbine.

Section 4 - notes that the county may seek out and consider information provided by wildfire suppression experts at Department of Natural Resources (DNR), the state fire marshal, and local fire agencies and pilots regarding how a particular turbine configuration and location may impede or endanger aerial fire suppression activities in an area.

The applicant of a utility-scale wind energy facility must demonstrate to the county during the permitting process how the height, location, and configuration of the turbines are not an unreasonable impediment and endangerment of aerial fire suppression activities. It authorizes the county to require location adjustments or reduction in the height of wind turbines.

Section 5 – The same as Section 4 with similar requirements for the Energy Facility Site Evaluation Council ("EFSEC").

Section 6 - notes that "the state" and county must ensure that utility-scale wind energy facilities that have not been constructed by the effective date of the legislation but be compliant with the provisions within this legislation.

The impact appears directed towards State Environmental Policy Act (SEPA) project lead agencies as well as the Department of Natural Resources (DNR) Wildfire, for purposes of consulting on permitting of relevant projects. From the perspective of siting renewable energy projects (e.g., wind farms) on DNR stewarded lands, it would be quite unlikely for DNR to serve as SEPA project lead agency as this role is generally stewarded by WA EFSEC or local (i.e., county) planning departments. DNR Clean Energy rarely (if ever) would serve as SEPA project lead agency because State lands generally comprise a small component (approx. 10 percent or less) of the overall proposed wind farm footprint. DNR generally not serving as SEPA project lead agency for proposed renewable energy projects is in accordance with SEPA rules for determining lead agency status, per WAC 197-11-924.

DNR is listed as one of several agencies/entities with whom counties may choose to consult with for Aviation expertise on project siting. DNR would not add additional FTE for this purpose and any necessary work will be done with existing resources.

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.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 2117 HB

Title: Aerial firefighting/permits

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

Legislation Impacts:

- Cities:
- Counties: All counties where utility-scale wind energy facilities have been permitted, but not yet constructed, would incur additional costs to evaluate if the project is in compliance with this act.
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: The number and location of utility-scale turbine projects that have been permitted but not constructed.

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

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

Part III: Preparation and Approval

Fiscal Note Analyst: Kristine Williams	Phone: (564) 669-3002	Date: 01/18/2024
Leg. Committee Contact: Robert Hatfield	Phone: 360-786-7117	Date: 01/11/2024
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/18/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/19/2024

Part IV: Analysis

A. SUMMARY OF BILL

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

Section 1 states the legislature's intent to amend permitting procedures for the siting of utility-scale wind turbines in order to improve public safety in areas most at risk for wildfires.

Sections 2 and 3 add new sections to chapter 35.63 RCW and 35A.63 RCW, respectively, which will require utility-scale wind energy facilities permits issued by cities or counties to include location adjustments or height reductions for wind turbine or associated structures, so they do not interfere with or endanger aerial firefighting or wildfire suppression efforts

Section 4 adds a new section to chapter 36.70 RCW which would require counties to consider aerial firefighting and wildfire suppression efforts during the permitting process for utility-scale wind energy facilities. If the county determines that wildfire suppression activities will be impacted, it may require siting or height adjustments. Counties must request certain information on the siting, height and configuration of turbines in the permit application.

Section 6 adds a new section which states that the state and county must ensure that provisions of this act apply to those facilities that have not been constructed by the effective date of this act.

This legislation would take effect 90 days after adjournment of the session in which the bill is passed.

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 legislation would have an indeterminate expenditure impact on local governments.

This bill does not require local governments to adjust their building codes so the existing permitting process could still be followed. However, Section 6 would require that the provisions of this act would also apply to those facilities that have been permitted but not yet constructed. Counties would incur additional costs for staff and/or consultants to determine if the facilities are in compliance. These costs could not be assigned to the project if the permit was already approved. The Washington State Association of Counties estimates these costs could range between \$50,000 to \$100,000 per project, depending on the location and size of wind turbines. The costs will vary by project and are 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 would have no impact on local government revenues.

SOURCES

Association of Washington Cities (AWC)

Washington State Association of Counties (WSAC)