

Multiple Agency Fiscal Note Summary

Bill Number: 5667 SB 5667-S AMH C1 H3438.1	Title: Forestry riparian easements
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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
Office of Attorney General	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Natural Resources	.5	82,800	82,800	82,800	.8	77,700	77,700	77,700	.4	0	0	0
Total \$	0.5	82,800	82,800	82,800	0.8	77,700	77,700	77,700	0.4	0	0	0

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Department of Natural Resources	.0	441,400	441,400	.0	2,142,800	2,142,800	.0	2,142,800	2,142,800
Total \$	0.0	441,400	441,400	0.0	2,142,800	2,142,800	0.0	2,142,800	2,142,800

Estimated Capital Budget Breakout

NONE

Agency Name	2023-25	2025-27	2027-29
	Total	Total	Total
Other	441,400	2,142,800	2,142,800
Total \$	441,400	2,142,800	2,142,800

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Individual State Agency Fiscal Note

Bill Number: 5667 SB 5667-S AMH CB H3438.	Title: Forestry riparian easements	Agency: 100-Office of Attorney General
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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: 02/26/2024
Agency Preparation: Cassandra Jones	Phone: 360-709-6028	Date: 02/29/2024
Agency Approval: Leah Snow	Phone: 360-586-2104	Date: 02/29/2024
OFM Review: Val Terre	Phone: (360) 280-3073	Date: 02/29/2024

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 Attorney General's Office (AGO) Public Lands Conservation Division (PLC) has reviewed this bill and determined it will not increase or decrease the division's workload in representing the Department of Natural Resources (DNR). Therefore, no costs are included in this request.

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: 5667 SB 5667-S AMH CB H3438.	Title: Forestry riparian easements	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:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	1.1	0.6	0.8	0.4
Account					
General Fund-State 001-1	0	82,800	82,800	77,700	0
Total \$	0	82,800	82,800	77,700	0

Estimated Capital Budget Impact:

	2023-25		2025-27		2027-29	
	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Pre-design/Design	0	0	0	0	0	0
Construction	0	0	0	0	0	0
Grants/Loans	0	0	0	0	0	0
Staff	0	0	0	0	0	0
Other	0	441,400	1,071,400	1,071,400	1,071,400	1,071,400
Total \$	0	441,400	1,071,400	1,071,400	1,071,400	1,071,400

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: 02/26/2024
Agency Preparation: Andrew Hills	Phone: /	Date: 02/28/2024
Agency Approval: Brian Considine	Phone: 3604863469	Date: 02/28/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 02/29/2024

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 1 (5) reduces the length of time that the forestry riparian easements are effective from 50 years to 40 years.

The reduction in length of time these agreements last are seen as an incentive that will entice more people to participate in the program.

Section 1 (8) (b) changes the benchmark for determining a fair market valuation of timber for a forest riparian easement from the fair market value as of the date of completion of a forest riparian easement program application, to the fair market value of timber at the time of the completed harvest. The fiscal impact from this is uncalculatable and would be driven by differences in fair market at different points in time that are unforeseeable.

Section 1 (9) (a) increases the compensation for qualifying timber to the qualifying small forest landowner to the amount of 70% of the value determined by the small forest landowner office up from 50%.

Paying more for each easement will increase the funding needed to carry out this program at current levels.

Section 1 (9) (a) also increases the compensation for qualifying timber located on potentially unstable slopes or landforms from a maximum of \$50,000 to \$100,000.

Again, this would increase costs as well as encourage greater participation in the program.

This bill eliminates the High Impact Threshold calculations required by the RCW currently (76.13.120 Section 1 (9)). This is projected to save staff time and costs.

These savings are projected to be more than offset by the increase in demand and higher compensation amounts for forest riparian easements.

Section 1 (10) (b) specifies that the department shall consult with the small forestland advisory committee at least semiannually to review landowner complaints, administrative processes, rule recommendations, and related issues.

This is not expected to have any significant fiscal impact over what is currently in practice.

Section 1(12) States that it is the intent of the legislature that the small forest landowner office complete forest riparian easement program application transactions within two years of the application receipt.

Presumed increased demand and circumstances outside of the program's control can at times make it impossible to complete the transaction within 2 years. The language change from the original bill acknowledges these realities while making clear the goals and intent of processing and completing forest riparian easement program applications within a two-year time frame.

Estimated fiscal impact would be approximately \$524,125 in FY25. This takes into account the increased costs of greater compensation levels to small forest landowners entering into forestry riparian easements, an increase in staff time to process additional applications, both FREP and FP applications, and field increased interest and demand for the program.

Change from prior version of bill:

Section 1(9)(a):

- instead of "to the amount of 90% of the value" it is now "to the amount of 70%" of the value"
- instead of "may not exceed a total of \$150,000" it is now "may not exceed a total of \$100,00"

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 1 and Section 2 will require rule revision of WAC 222-21-030, 031, 040, 045, 048, 050. This rulemaking will require .5FTE Environmental Planner 3, at a cost of \$160,500 over two years, \$82,800 for FY25, and \$77,700 for FY26 (in the 25-27 BN).

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

Typical 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 (0.155 FTE).

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	0	82,800	82,800	77,700	0
Total \$			0	82,800	82,800	77,700	0

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		1.1	0.6	0.8	0.4
A-Salaries and Wages		40,500	40,500	40,500	
B-Employee Benefits		14,400	14,400	14,400	
C-Professional Service Contracts					
E-Goods and Other Services		4,600	4,600	1,100	
G-Travel		400	400	400	
J-Capital Outlays		1,600	1,600		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements		21,300	21,300	21,300	
9-					
Total \$	0	82,800	82,800	77,700	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
Environmental Planner 3	80,952		0.5	0.3	0.3	
Fiscal Analyst 2	58,107		0.3	0.1	0.2	0.1
Forest Check Cruiser 2	73,260		0.3	0.2	0.3	0.3
Total FTEs			1.1	0.6	0.8	0.4

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
057-1	State Building Construction Account	State	0	441,400	441,400	2,142,800	2,142,800
Total \$			0	441,400	441,400	2,142,800	2,142,800

IV. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages		24,400	24,400	48,800	48,800
B-Employee Benefits		9,500	9,500	19,000	19,000
C-Professional Service Contracts					
E-Goods and Other Services		1,400	1,400	2,800	2,800
G-Travel		3,600	3,600	7,200	7,200
J-Capital Outlays		400,000	400,000	2,060,000	2,060,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements		2,500	2,500	5,000	5,000
9-					
Total \$	0	441,400	441,400	2,142,800	2,142,800

IV. C - Capital Budget Breakout

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

Construction Estimate	FY 2024	FY 2025	2023-25	2025-27	2027-29
Predesign/Design					
Construction					
Grants/Loans					
Staff					
Other		441,400	441,400	2,142,800	2,142,800
Total \$		441,400	441,400	2,142,800	2,142,800

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

NONE

Section 1 (5) reducing the length of easement time from 50 to 40 years will have a long-term financial impact on the state since easements can be reapplied for 10 years earlier, but this is beyond the scope of this fiscal note.

Section 1 (9) (a) increases the compensation for qualifying timber to 70% up from 50% (or greater for those landowners that met the high impact regulatory threshold.)

- The average reimbursement % for easements over the last 5 years have been 62%.
- There will be approximately 50 easements on the waiting list at the end of FY24. With increase in outreach and the increase reimbursement amount we anticipate a 50% increase in applications per year (from 20 applications to 30 applications).
- The average easement cost is approximately \$75,000 increasing to \$81,000/easement.
- With an increase of \$6,000 per easement x 50 estimated to remain on the waiting list by end of FY24, we expect to see an increased cost of \$300,000 in FY25 for these easements, and then an increased cost of \$930,000 each year thereafter to account for the additional year to year applications and the increased cost per easement.

Section 1 (9) (a) also increases the compensation for qualifying timber located on potentially unstable slopes or landforms from a maximum of \$50,000 to \$100,000. We anticipate this to equate to an additional cost of \$100,000 each year.

The combined impact of incentives to increase demand for the FREP program will trigger more applications for the program.

In addition, there are anticipated increased costs for conducting timber cruises to help evaluate timber for each application. We are calculating this as an additional .33 FTE of a timber cruiser 2 position. This equates to an additional \$41,375 per year to meet timber cruise capacity needs.

In total there is a fiscal impact of at least \$524,125 for the 23-25 Biennium, and a \$2,220,400 impact for the 25-27 BN, with impact of \$2,142,750 for each BN thereafter.

Of the \$524,125 total, \$441,400 would fall under the capital budget, and \$82,800 would have to come from the operational budget in FY25 of the 23-25BN. The capital budget would then need 1,071,400 each FY thereafter. The operating budget would require \$77,700 in FY26 to finish up the rule making surrounding this.

Overall, this 5667-S AMH version of this bill represents a savings in implementation costs from previous versions of the bill
\$700,075 less in fiscal year 25
\$960,100 less in the 25-27 BN
\$960,050 less per biennium in subsequent biennia

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 1 and Section 3 will require rule revision of WAC 222-21-030, 031, 040, 045, 048, 050. This rulemaking will require .5FTE EP3.