

HB 2514 - H AMD 824

By Representative Schindler

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 36.70A.172 and 1995 c 347 s 105 are each amended to
4 read as follows:

5 (1) In designating and protecting critical areas under this
6 chapter, counties and cities shall include the best available science
7 in developing policies and development regulations to protect the
8 functions and values of critical areas. In addition, counties and
9 cities shall give special consideration to conservation or protection
10 measures necessary to preserve or enhance anadromous fisheries.

11 ~~(2) ((If it determines that advice from scientific or other experts~~
12 ~~is necessary or will be of substantial assistance in reaching its~~
13 ~~decision, a growth management hearings board may retain scientific or~~
14 ~~other expert advice to assist in reviewing a petition under RCW~~
15 ~~36.70A.290 that involves critical areas))~~ (a) The requirement to
16 include the best available science is procedural, rather than
17 substantive. "Best available science" means consideration of
18 scientific information, as defined in (b) of this subsection, which
19 most applies to the physical and biological setting under
20 consideration.

21 (b) For the purposes of this section, "scientific information"
22 means information derived from a process utilizing recognized methods
23 and principles to test hypotheses and reach greater understanding about
24 the workings of the physical world. The characteristics of a sound
25 scientific process include, as applicable: (i) Findings that have been
26 critically reviewed by qualified scientific experts in the field; (ii)
27 methods that are standard in the field or peer-reviewed; (iii)
28 conclusions that are logical and the inferences drawn from those
29 conclusions reasonable given the data and methods; (iv) data that has
30 been analyzed using standard or peer-reviewed quantitative or

1 statistical methods; (v) data and findings that are placed in their
2 proper context; and (vi) assumptions, analytical techniques, and
3 conclusions that are shown to be supported by reference to relevant,
4 credible scientific literature.

5 (3) Not all sources of sound scientific information incorporate all
6 of the generally accepted characteristics of science, as defined in
7 subsection (2)(b) of this section. However, the more characteristics
8 that are incorporated into the process, the more sound and reliable the
9 conclusions are likely to be.

10 (4) If scientific information that directly applies to a given
11 physical context is not available, a county or city need not conduct or
12 commission new scientific studies to fill gaps in the existing
13 scientific record in order to have complied with the requirements of
14 this section. Rather, a county or city may employ experimental
15 approaches to designate and protect critical areas: PROVIDED, That if
16 a county or city develops a policy or regulation regarding a critical
17 area on information that does not satisfy all of the characteristics of
18 science, or on conflicting scientific information, the county or city
19 shall employ monitoring and adaptive management techniques to learn
20 whether the approach used is adequately protecting the functions and
21 values of that critical area, and adjust the approach as necessary to
22 achieve adequate protection.

23 (5) If it determines that advice from scientific or other experts
24 is necessary or will be of substantial assistance in reaching its
25 decision, a growth management hearings board may retain scientific or
26 other expert advice to assist in reviewing a petition under RCW
27 36.70A.290 that involves critical areas."

28 Correct the title.

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