
HOUSE BILL 2207

State of Washington 59th Legislature 2005 Regular Session

By Representatives Simpson and Springer

Read first time 02/23/2005. Referred to Committee on Local Government.

1 AN ACT Relating to clarifying the best available science
2 requirement; amending RCW 36.70A.172; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature intends to maintain the best
5 available science requirement. The intent of the legislature is to
6 clarify the best available science requirement and what it means for a
7 local government to include best available science in designating and
8 protecting critical areas, while achieving the other goals and
9 requirements of the growth management act.

10 **Sec. 2.** RCW 36.70A.172 and 1995 c 347 s 105 are each amended to
11 read as follows:

12 (1) In designating and protecting critical areas under this
13 chapter, counties and cities shall include the best available science
14 in developing policies and development regulations to protect the
15 functions and values of critical areas. In addition, counties and
16 cities shall give special consideration to conservation or protection
17 measures necessary to preserve or enhance anadromous fisheries.

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

6 (3) To demonstrate that the best available science has been
7 included in the development of critical areas policies and regulations,
8 counties and cities must address each of the following on the record:

9 (a) The specific policies and development regulations adopted to
10 protect the functions and values of the critical areas at issue;

11 (b) The relevant sources of best available scientific information
12 included in the decision making; and

13 (c) Any nonscientific information, including legal, social,
14 cultural, economic, and political information, used as a basis for
15 critical area policies and regulations.

16 (4) If a county or city elects to adopt a critical area policy or
17 regulation that is outside the range that best available science alone
18 would support because another goal or requirement of this chapter
19 cannot otherwise be achieved, the county or city must:

20 (a) Identify the information in the record that supports its
21 decision to depart from science-based recommendations;

22 (b) Explain its rationale for departing from science-based
23 recommendations;

24 (c) Identify potential risks to the functions and values of the
25 critical area or areas at issue and any additional measures chosen to
26 limit such risks; and

27 (d) Identify evidence in the record that shows the departure is
28 necessary to achieve the goals or requirements of this chapter.

29 (5) If a county or city adopts a policy or regulation under
30 subsection (4) of this section, the county or city must minimize risk
31 and employ monitoring and adaptive management and any other components
32 necessary to confirm whether the approach used is adequately protecting
33 the functions and values of that critical area, and adjust the approach
34 as necessary to ensure protection of critical area functions and
35 values.

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