
SENATE BILL 5912

State of Washington

59th Legislature

2005 Regular Session

By Senators Kastama and Kohl-Welles

Read first time 02/14/2005. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to clarifying requirements concerning use of
2 scientific information in the designation and protection of critical
3 areas; amending RCW 36.70A.172; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that science plays a
6 central role in delineating the functions of critical areas and
7 determining their value, in identifying and recommending strategies to
8 protect these functions and values, and in identifying the risks
9 associated with alternative approaches to their protection. Without a
10 substantive consideration of scientific information, local decision
11 makers cannot understand the risks associated with alternative policies
12 and regulations or determine whether their decisions result in real,
13 cost-effective protection.

14 The legislature also finds that not all critical areas must be
15 protected in the same manner or to the same degree, as long as there is
16 no net loss of the structure, value, and functions of the natural
17 systems to which the critical areas contribute.

18 The legislature intends to ensure that local governments are guided
19 by reliable scientific information when they adopt policies and

1 development regulations regarding critical areas. The legislature does
2 not intend to establish specific state or regional standards or
3 specific sources of scientific information.

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

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

14 (a) Counties and cities shall identify, collect, and assess the
15 available scientific information relevant to the critical areas within
16 their jurisdictions and determine which of that information constitutes
17 the best available science. Counties and cities may generate
18 scientific information through their own efforts or accept or solicit
19 scientific information from state and federal agencies, universities,
20 tribes, subject matter experts, and the public participation process.

21 (b) Counties and cities shall identify the specific critical areas
22 policies and regulations adopted and the sources of best available
23 science used in the decision-making process.

24 (2) If it determines that advice from scientific or other experts
25 is necessary or will be of substantial assistance in reaching its
26 decision, a growth management hearings board may retain scientific or
27 other expert advice to assist in reviewing a petition under RCW
28 36.70A.290 that involves critical areas.

--- END ---