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## Environment Committee

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### HB 1963

**Brief Description:** Requiring that the departments of fish and wildlife and ecology use empirical science to support agency actions affecting land use.

**Sponsors:** Representatives Griffey, Dent, Short, Van Werven, Young, Blake, Wilson, Fagan and Buys.

#### Brief Summary of Bill

- Requires the Department of Ecology (ECY) and the Department of Fish and Wildlife (WDFW) to support significant agency actions with empirical science.
- Directs the ECY and the WDFW to cite three sources of empirical science before taking a significant agency action that would affect or supersede local land use policies or that diminish allowed uses of private property.

**Hearing Date:** 1/28/16

**Staff:** Jacob Lipson (786-7196).

#### Background:

The Washington Department of Fish and Wildlife (WDFW) is charged with maximizing fishing, hunting, and outdoor recreation activities for people, while maintaining healthy and diverse fish and wildlife populations. The Department of Ecology (ECY) is divided into 10 environmental management programs, each covering a different subject area: air quality; environmental assessment; hazardous waste and toxics reduction; nuclear waste; shorelands and environmental assistance; spill prevention, preparedness, and response; toxics cleanup; waste to resources; water quality; and water resources. The Shorelands and Environmental Assistance Program covers activities related to coastal zone management, the State Environmental Policy Act, watersheds, and wetlands. The Water Quality program includes activities related to ground and surface water quality, point-source pollution permitting, and stormwater.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

As a result of legislation enacted in 2013 and 2014, the ECY's Water Quality and Shorelands and Environmental Assistance Programs, and the WDFW must identify peer-reviewed science, scientific literature, and other sources relied upon to take a significant agency action. Significant agency actions include:

1. rules that adopt, under delegated legislative authority, substantive requirements with penalties for noncompliance;
2. rules that establish, alter, or revoke any qualification or standard for the issuance, suspension, or revocation of a license or permit;
3. amendment or adoption of rules that result in significant amendments to an existing policy or program;
4. result in the development of fish and wildlife recovery plans; or
5. result in the development of technical guidance, assessments, or documents used to implement a state rule or statute.

Significant agency actions do not include rule-making by the WDFW associated with fishing or hunting.

In addition to citing the sources of information relied upon for significant agency actions, the ECY Water Quality and Shorelands and Environmental Assistance programs and the WDFW must identify cited sources as belonging to one of eight specified categories. These categories include: independent peer-reviewed sources; internal peer-reviewed sources; legal and policy documents; and data from primary research. The different categories are declared not to imply a hierarchy or level of quality.

**Summary of Bill:**

Significant agency actions by the WDFW or the ECY must be supported with empirical science that has been acquired through use of the scientific method, peer review, the reproduction of results, and publication in a journal.

If a significant agency action by the WDFW or the ECY's Water Quality or Shorelands and Environmental Assistance Program changes, supersedes, or invalidates a local land use policy or diminishes the allowed uses of private property, the agency must first cite three separate sources of empirical science that supported the agency action. Empirical science is defined as knowledge gained by using direct or indirect observation and experimentation.

**Appropriation:** None.

**Fiscal Note:** Requested on 1/19/16.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.