
SENATE BILL 6328

State of Washington 65th Legislature 2018 Regular Session

By Senators Angel and Wagoner

Read first time 01/12/18. Referred to Committee on Local Government.

1 AN ACT Relating to defining best available science for the
2 purposes of designating fish and wildlife habitat conservation areas;
3 amending RCW 36.70A.172; and creating a new section.

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

5 **Sec. 1.** RCW 36.70A.172 and 2010 c 211 s 3 are each amended to
6 read as follows:

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

13 (2)(a) For the purposes of this section, "best available science"
14 means the findings of peer-reviewed scientific studies or data
15 collected using methods and processes widely accepted and utilized
16 within the scientific community. Priority shall be given in the
17 following order:

18 (i) Findings and data collected within or proximate to the county
19 or city within the state of Washington; then

1 (ii) Findings and data collected in a location equivalent or
2 similar to the county or city in elevation, latitude, topography,
3 flora, fauna, soils, and climactic conditions.

4 (b) Findings and data collected and studied in other nonsimilar
5 regions of the world or in other states within the continental United
6 States, while informative, do not constitute best available science.

7 (3) In designating fish and wildlife habitat conservation areas,
8 counties and cities may designate areas for species proven by best
9 available science, including population benchmarks and other relevant
10 data, to exist within that jurisdiction.

11 (4) If it determines that advice from scientific or other experts
12 is necessary or will be of substantial assistance in reaching its
13 decision, the growth management hearings board may retain or may
14 allow the parties to retain and examine scientific or other expert
15 advice, as defined under the Washington rules of evidence, to assist
16 in reviewing a petition under RCW 36.70A.290 that involves critical
17 areas.

18 NEW SECTION. Sec. 2. Except as otherwise specifically provided,
19 this act is prospective in effect and shall only apply to upcoming
20 comprehensive plan reviews by counties and cities as authorized in
21 RCW 36.70A.130 and shall not affect the validity of actions taken or
22 decisions made before the effective date of this section.

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