

**SHB 1490** - H AMD to H AMD (H-2585.4/09) **325**

By Representative Haler

NOT CONSIDERED 4/26/2009

1 On page 17, after line 36 of the striking amendment, insert the  
2 following:

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4 "Sec. 7. RCW 36.70A.172 and 1995 c 347 s 105 are each amended to  
5 read as follows:

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

12 (2) If it determines that advice from scientific or other experts  
13 is necessary or will be of substantial assistance in reaching its  
14 decision, a growth management hearings board may retain scientific or  
15 other expert advice to assist in reviewing a petition under RCW  
16 36.70A.290 that involves critical areas.

17 (3) Implemented greenhouse gas emission reduction policies,  
18 ordinances, or rules must be based on empirical data or verifiable by  
19 experience over a period of years in Washington state, and may not be  
20 based solely upon theoretical science or computer modeling of future  
21 outcomes.

22 (4) The requirement to consider the best available science is a  
23 procedural, not substantive, requirement."

24  
25 Renumber the remaining sections consecutively and correct any  
26 internal references accordingly.

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**EFFECT:** (1) Specifies that implemented greenhouse gas emission reduction policies, ordinances, or rules must be based on empirical data or verifiable by experience over a period of years in Washington state, and may not be based solely upon theoretical science or computer modeling of future outcomes. (2) Specifies that the requirement to consider the best available science in developing policies and development regulations under the Growth Management Act to protect the functions and values of critical areas is a procedural, not substantive, requirement.

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