

**SHB 2815 - H AMD 825**

By Representative Schindler

1           Strike everything after the enacting clause and insert the  
2 following:

3           "**Sec. 1.** RCW 36.70A.172 and 1995 c 347 s 105 are each amended  
4 to read as follows:

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

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

17           (3) Where a proposed critical area ordinance is based upon  
18 science that has yet to be replicated in a physical context similar  
19 to the one at issue, but is theoretically sound and otherwise meets  
20 the test for best available science, that science constitutes the  
21 best available science.

22           (4) The requirement to consider the best available science  
23 under subsection (1) of this section does not obligate a county or  
24 city to use science from a different physical context if the county  
25 or city determines that the science is not applicable to a specific  
26 local situation or physical context, even if it is the only  
27 available science.

28           (5) The requirement to consider the best available science is  
29 a procedural, not substantive, requirement.

1       (6) In the development of critical areas policies and  
2 development regulations, counties and cities may consider a wide  
3 range of information, including scientific, legal, social,  
4 cultural, economic, political, and other information pertinent to  
5 the creation of policies and regulations that address local  
6 environmental concerns and serve local needs."

Correct the title.

**EFFECT:**

- Deletes all provisions of the substitute bill;
- Requires that counties and cities "consider" the best available science in developing policies and regulations to protect the functions and values of a critical area;
- Creates guidelines for use by local governments in determining the scientific basis that must be considered in the development of ordinances for the protection of critical areas;
- Declares that the requirement that best available science be considered in the development of a critical area ordinance is a procedural rather than a substantive requirement; and
- Allows a local government to consider any information pertinent to the development of critical areas policies and development regulations that address local environmental concerns and serve local needs.