

# SENATE BILL REPORT

## SB 6335

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As of January 21, 2004

**Title:** An act relating to defining and clarifying best available science.

**Brief Description:** Clarifying critical areas.

**Sponsors:** Senators Mulliken and Kline.

**Brief History:**

**Committee Activity:** Land Use & Planning: 1/22/04.

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### SENATE COMMITTEE ON LAND USE & PLANNING

**Staff:** Genevieve Pisarski (786-7488)

**Background:** The state's Growth Management Act requires that policies and development regulations to protect critical areas include best available science. It also directs that comprehensive plans should provide for innovative land use management techniques. Clarification that use of best available science is not intended to preclude use of innovative and experimental management techniques has been requested.

**Summary of Bill:** The Legislature declares its intent to assist with implementation of the Growth Management Act but not change the act's requirement for use of best available science.

A definition of best available science is adopted in two parts. "Best available" is defined as being both applicable to the setting under consideration and feasible and as not requiring new studies to fill gaps in existing information. "Science" is defined as a process that uses sound methods to reach conclusions whose characteristics include critical review by qualified experts in the field, either peer reviewed or standard methods, logical conclusions and reasonable inferences from the data and methods, data analysis that uses standard or peer reviewed methods, proper physical and biological context for consideration of data and findings, and reference to sound scientific literature for assumptions, analytical techniques, and conclusions. The soundness and reliability of conclusions are related to the number of these characteristics used in reaching them. The range of valid science determines the range of discretion allowed a city or county, and a decision within the range of valid science is valid.

Local governments are authorized to use innovative approaches to protect critical areas, when such approaches include best available science as now defined. They are also authorized to use experimental approaches. If their decision is based on information that does not satisfy all the characteristics of science or on conflicting scientific information, they must minimize risk by using monitoring and adaptive management to adjust the approach as necessary.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.