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Chapter 365-195 WAC

Last Update: 1/19/10

Growth management act — best available science

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PART NINE

BEST AVAILABLE SCIENCE

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DISPOSITIONS OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 365-195-010 Background. [Statutory Authority: RCW [36.70A.190](#) (4)(b). 92-23-065, § 365-195-010, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW [36.70A.050](#) and [36.70A.190](#).
- 365-195-020 Purpose. [Statutory Authority: RCW [36.70A.190](#) (4)(b). 92-23-065, § 365-195-020, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW [36.70A.050](#) and [36.70A.190](#).
- 365-195-030 Applicability. [Statutory Authority: RCW [36.70A.190](#) (4)(b). 92-23-065, § 365-195-030, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW [36.70A.050](#) and [36.70A.190](#).
- 365-195-040 General method. [Statutory Authority: RCW [36.70A.190](#) (4)(b). 92-23-065, § 365-195-040, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW [36.70A.050](#) and [36.70A.190](#).
- 365-195-050 Presumption of validity. [Statutory Authority: RCW [36.70A.190](#) (4)(b). 92-23-065, § 365-195-050, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW [36.70A.050](#) and [36.70A.190](#).
- 365-195-060 Regional and local variations. [Statutory Authority: RCW [36.70A.190](#) (4)(b). 92-23-065, § 365-195-060, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW [36.70A.050](#) and [36.70A.190](#).
- 365-195-070 Interpretations. [Statutory Authority: RCW [36.70A.190](#) (4)(b). 92-23-065, § 365-195-070, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW [36.70A.050](#) and [36.70A.190](#).
- 365-195-200 Statutory definitions. [Statutory Authority: RCW [36.70A.190](#) (4)(b). 92-23-065, § 365-195-200, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW [36.70A.050](#) and [36.70A.190](#).
- 365-195-210 Definitions of terms as used in this chapter. [Statutory Authority: RCW [36.70A.190](#) (4)(b). 93-17-040, § 365-195-210, filed 8/11/93, effective 9/11/93; 92-23-065, § 365-195-210, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW [36.70A.050](#) and [36.70A.190](#).
- 365-195-220 Additional definitions to be adopted locally. [Statutory Authority: RCW [36.70A.190](#) (4)(b). 93-17-040, § 365-195-220, filed 8/11/93, effective 9/11/93; 92-23-065, § 365-195-220, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW [36.70A.050](#) and [36.70A.190](#).
- 365-195-300 Mandatory elements. [Statutory Authority: RCW [36.70A.190](#) (4)(b). 92-23-065, § 365-195-300, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW [36.70A.050](#) and [36.70A.190](#).
- 365-195-305 Land use element. [Statutory Authority: RCW [36.70A.190](#) (4)(b). 92-23-065, § 365-195-305, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW [36.70A.050](#) and [36.70A.190](#).



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- 365-195-310 Housing element. [Statutory Authority: RCW 36.70A.190 (4)(b). 92-23-065, § 365-195-310, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-315 Capital facilities element. [Statutory Authority: RCW 36.70A.190 (4)(b). 92-23-065, § 365-195-315, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-320 Utilities element. [Statutory Authority: RCW 36.70A.190 (4)(b). 92-23-065, § 365-195-320, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-325 Transportation element. [Statutory Authority: RCW 36.70A.190 (4)(b). 92-23-065, § 365-195-325, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-330 Rural element. [Statutory Authority: RCW 36.70A.190 (4)(b). 92-23-065, § 365-195-330, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-335 Urban growth areas. [Statutory Authority: RCW 36.70A.190 (4)(b). 92-23-065, § 365-195-335, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-340 Siting essential public facilities. [Statutory Authority: RCW 36.70A.190 (4)(b). 92-23-065, § 365-195-340, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-345 Optional elements. [Statutory Authority: RCW 36.70A.190 (4)(b). 92-23-065, § 365-195-345, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-400 Natural resource lands. [Statutory Authority: RCW 36.70A.190 (4)(b). 92-23-065, § 365-195-400, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-410 Critical areas. [Statutory Authority: RCW 36.70A.190 (4)(b). 92-23-065, § 365-195-410, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-420 Identification of open space corridors. [Statutory Authority: RCW 36.70A.190 (4)(b). 92-23-065, § 365-195-420, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-430 Identification of lands useful for public purposes. [Statutory Authority: RCW 36.70A.190 (4)(b). 92-23-065, § 365-195-430, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-500 Internal consistency. [Statutory Authority: RCW 36.70A.190 (4)(b). 92-23-065, § 365-195-500, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-510 Concurrency. [Statutory Authority: RCW 36.70A.190 (4)(b). 92-23-065, § 365-195-510, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-520 Interjurisdictional consistency. [Statutory Authority: RCW 36.70A.190 (4)(b). 92-23-065, § 365-195-520, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-530 Coordination with other plans. [Statutory Authority: RCW 36.70A.190 (4)(b). 92-23-065, § 365-195-530, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-540 Analysis of cumulative effects. [Statutory Authority: RCW 36.70A.190 (4)(b). 92-23-065, § 365-195-540, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-600 Public participation. [Statutory Authority: RCW 36.70A.190 (4)(b). 92-23-065, § 365-195-600, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-610 State Environmental Policy Act (SEPA). [Statutory Authority: RCW 36.70A.190 (4)(b). 92-23-065, § 365-195-610, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-620 Submissions to state. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-620, filed 8/11/93, effective 9/11/93; 92-23-065, § 365-195-620, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-630 Amendment. [Statutory Authority: RCW 36.70A.190 (4)(b). 92-23-065, § 365-195-630, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-640 Record of process. [Statutory Authority: RCW 36.70A.190 (4)(b). 92-23-065, § 365-195-640, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-700 Background. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-700, filed 8/11/93, effective 9/11/93; 92-23-065, § 365-195-700, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-705 Basic assumptions. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-705, filed 8/11/93, effective 9/11/93.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-710

- Identification of other laws. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-710, filed 8/11/93, effective 9/11/93; 92-23-065, § 365-195-710, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-715 Integrating external considerations. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-715, filed 8/11/93, effective 9/11/93.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-720 Sources of law. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-720, filed 8/11/93, effective 9/11/93; 92-23-065, § 365-195-720, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-725 Constitutional provisions. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-725, filed 8/11/93, effective 9/11/93.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-730 Federal authorities. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-730, filed 8/11/93, effective 9/11/93.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-735 State and regional authorities. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-735, filed 8/11/93, effective 9/11/93.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-740 Regional perspective. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-740, filed 8/11/93, effective 9/11/93.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-745 Special siting statutes. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-745, filed 8/11/93, effective 9/11/93.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-750 Explicit statutory directions. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-750, filed 8/11/93, effective 9/11/93.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-755 Voluntary interjurisdictional planning efforts. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-755, filed 8/11/93, effective 9/11/93.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-760 Integration of SEPA process with creation and adoption of comprehensive plans and development regulations. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-760, filed 8/11/93, effective 9/11/93.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-765 State agency compliance. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-765, filed 8/11/93, effective 9/11/93.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-770 Compliance by regional agencies and special districts. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-770, filed 8/11/93, effective 9/11/93.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-800 Relationship to comprehensive plans. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-800, filed 8/11/93, effective 9/11/93; 92-23-065, § 365-195-800, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-805 Implementation strategy. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-805, filed 8/11/93, effective 9/11/93.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-810 Timing of initial adoption. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-810, filed 8/11/93, effective 9/11/93; 92-23-065, § 365-195-810, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-815 Review for compliance. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-815, filed 8/11/93, effective 9/11/93.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-820 Submissions to state. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-820, filed 8/11/93, effective 9/11/93; 92-23-065, § 365-195-820, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-825 Regulations specifically required by the act. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-825, filed 8/11/93, effective 9/11/93.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-830 Optional authorizations. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-830, filed 8/11/93, effective 9/11/93; 92-23-065, § 365-195-830, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-835 Concurrency regulations. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-835, filed 8/11/93, effective 9/11/93.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-840 Essential public facilities. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-840, filed 8/11/93, effective 9/11/93; 92-23-065, § 365-195-840, filed 11/17/92, effective 12/18/92.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-845 Permit process. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-845, filed 8/11/93, effective 9/11/93.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-850 Impact fees. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-850, filed 8/11/93, effective 9/11/93.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.

- 365-195-855 Protection of private property. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-855, filed 8/11/93, effective 9/11/93.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-860 Housing for persons with handicaps. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-860, filed 8/11/93, effective 9/11/93.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.
- 365-195-865 Supplementing, amending and monitoring. [Statutory Authority: RCW 36.70A.190 (4)(b). 93-17-040, § 365-195-865, filed 8/11/93, effective 9/11/93.] Repealed by 10-03-085, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 36.70A.050 and 36.70A.190.

365-195-900

Background and purpose.

(1) Counties and cities planning under RCW 36.70A.040 are subject to continuing review and evaluation of their comprehensive land use plan and development regulations. Every five years they must take action to review and revise their plans and regulations, if needed, to ensure they comply with the requirements of the Growth Management Act. RCW 36.70A.130.

(2) Counties and cities must include the "best available science" when developing policies and development regulations to protect the functions and values of critical areas and must give "special consideration" to conservation or protection measures necessary to preserve or enhance anadromous fisheries. RCW 36.70A.172(1). The rules in WAC 365-195-900 through 365-195-925 are intended to assist counties and cities in identifying and including the best available science in newly adopted policies and regulations and in this periodic review and evaluation and in demonstrating they have met their statutory obligations under RCW 36.70A.172(1).

(3) The inclusion of the best available science in the development of critical areas policies and regulations is especially important to salmon recovery efforts, and to other decision-making affecting threatened or endangered species.

(4) These rules are adopted under the authority of RCW 36.70A.190 (4)(b) which requires the department of community, trade, and economic development (department) to adopt rules to assist counties and cities to comply with the goals and requirements of the Growth Management Act.

[Statutory Authority: RCW 36.70A.190 (4)(b). 01-08-056, § 365-195-900, filed 4/2/01, effective 5/3/01; 00-16-064, § 365-195-900, filed 7/27/00, effective 8/27/00.]

365-195-905

Criteria for determining which information is the "best available science."

(1) This section provides assessment criteria to assist counties and cities in determining whether information obtained during development of critical areas policies and regulations constitutes the "best available science."

(2) Counties and cities may use information that local, state or federal natural resource agencies have determined represents the best available science consistent with criteria set out in WAC 365-195-900 through 365-195-925. The department will make available a list of resources that state agencies have identified as meeting the criteria for best available science pursuant to this chapter. Such information should be reviewed for local applicability.

(3) The responsibility for including the best available science in the development and implementation of critical areas policies or regulations rests with the legislative authority of the county or city. However, when feasible, counties and cities should consult with a qualified scientific expert or team of qualified scientific experts to identify scientific information, determine the best available science, and assess its applicability to the relevant critical areas. The scientific expert or experts may rely on their professional judgment based on experience and training, but they should use the criteria set out in WAC 365-195-900 through 365-195-925 and any technical guidance provided by the department. Use of these criteria also should guide counties and cities that lack the assistance of a qualified expert or experts, but these criteria are not intended to be a substitute for an assessment and recommendation by a qualified scientific expert or team of experts.

(4) Whether a person is a qualified scientific expert with expertise appropriate to the relevant

critical areas is determined by the person's professional credentials and/or certification, any advanced degrees earned in the pertinent scientific discipline from a recognized university, the number of years of experience in the pertinent scientific discipline, recognized leadership in the discipline of interest, formal training in the specific area of expertise, and field and/or laboratory experience with evidence of the ability to produce peer-reviewed publications or other professional literature. No one factor is determinative in deciding whether a person is a qualified scientific expert. Where pertinent scientific information implicates multiple scientific disciplines, counties and cities are encouraged to consult a team of qualified scientific experts representing the various disciplines to ensure the identification and inclusion of the best available science.

(5) Scientific information can be produced only through a valid scientific process. To ensure that the best available science is being included, a county or city should consider the following:

(a) **Characteristics of a valid scientific process.** In the context of critical areas protection, a valid scientific process is one that produces reliable information useful in understanding the consequences of a local government's regulatory decisions and in developing critical areas policies and development regulations that will be effective in protecting the functions and values of critical areas. To determine whether information received during the public participation process is reliable scientific information, a county or city should determine whether the source of the information displays the characteristics of a valid scientific process. The characteristics generally to be expected in a valid scientific process are as follows:

1. **Peer review.** The information has been critically reviewed by other persons who are qualified scientific experts in that scientific discipline. The criticism of the peer reviewers has been addressed by the proponents of the information. Publication in a refereed scientific journal usually indicates that the information has been appropriately peer-reviewed.

2. **Methods.** The methods that were used to obtain the information are clearly stated and able to be replicated. The methods are standardized in the pertinent scientific discipline or, if not, the methods have been appropriately peer-reviewed to assure their reliability and validity.

3. **Logical conclusions and reasonable inferences.** The conclusions presented are based on reasonable assumptions supported by other studies and consistent with the general theory underlying the assumptions. The conclusions are logically and reasonably derived from the assumptions and supported by the data presented. Any gaps in information and inconsistencies with other pertinent scientific information are adequately explained.

4. **Quantitative analysis.** The data have been analyzed using appropriate statistical or quantitative methods.

5. **Context.** The information is placed in proper context. The assumptions, analytical techniques, data, and conclusions are appropriately framed with respect to the prevailing body of pertinent scientific knowledge.

6. **References.** The assumptions, analytical techniques, and conclusions are well referenced with citations to relevant, credible literature and other pertinent existing information.

(b) **Common sources of scientific information.** Some sources of information routinely exhibit all or some of the characteristics listed in (a) of this subsection. Information derived from one of the following sources may be considered scientific information if the source possesses the characteristics in Table 1. A county or city may consider information to be scientifically valid if the source possesses the characteristics listed in (a) of this subsection. The information found in Table 1 provides a general indication of the characteristics of a valid scientific process typically associated with common sources of scientific information.

CHARACTERISTICS						
Table 1	Peer	Methods	Logical	Quantitative	Context	References
SOURCES OF SCIENTIFIC INFORMATION	review		conclusions & reasonable	analysis		

	inferences					
<p>A. Research. Research data collected and analyzed as part of a controlled experiment (or other appropriate methodology) to test a specific hypothesis.</p>	X	X	X	X	X	X
<p>B. Monitoring. Monitoring data collected periodically over time to determine a resource trend or evaluate a management program.</p>		X	X	Y	X	X
<p>C. Inventory. Inventory data collected from an entire population or population segment (e.g., individuals in a plant or animal species) or an entire ecosystem or ecosystem segment (e.g., the species in a particular wetland).</p>		X	X	Y	X	X
<p>D. Survey. Survey data collected from a statistical sample from a population or ecosystem.</p>		X	X	Y	X	X
<p>E. Modeling. Mathematical or symbolic simulation or representation of a natural</p>	X	X	X	X	X	X

system. Models generally are used to understand and explain occurrences that cannot be directly observed.						
F. Assessment. Inspection and evaluation of site-specific information by a qualified scientific expert. An assessment may or may not involve collection of new data.		X	X		X	X
G. Synthesis. A comprehensive review and explanation of pertinent literature and other relevant existing knowledge by a qualified scientific expert.	X	X	X		X	X
H. Expert Opinion. Statement of a qualified scientific expert based on his or her best professional judgment and experience in the pertinent scientific discipline. The opinion may or may not be based on site-specific information.			X		X	X

X = characteristic must be present for information derived to be considered scientifically valid and reliable

Y = presence of characteristic strengthens scientific validity and reliability of information derived, but is not essential to ensure scientific validity and reliability

(c) **Common sources of nonscientific information.** Many sources of information usually do

not produce scientific information because they do not exhibit the necessary characteristics for scientific validity and reliability. Information from these sources may provide valuable information to supplement scientific information, but it is not an adequate substitute for scientific information. Nonscientific information should not be used as a substitute for valid and available scientific information. Common sources of nonscientific information include the following:

(i) Anecdotal information. One or more observations which are not part of an organized scientific effort (for example, "I saw a grizzly bear in that area while I was hiking").

(ii) Nonexpert opinion. Opinion of a person who is not a qualified scientific expert in a pertinent scientific discipline (for example, "I do not believe there are grizzly bears in that area").

(iii) Hearsay. Information repeated from communication with others (for example, "At a lecture last week, Dr. Smith said there were no grizzly bears in that area").

(6) Counties and cities are encouraged to monitor and evaluate their efforts in critical areas protection and incorporate new scientific information, as it becomes available.

[Statutory Authority: RCW 36.70A.190 (4)(b). 00-16-064, § 365-195-905, filed 7/27/00, effective 8/27/00.]

365-195-910

Criteria for obtaining the best available science.

(1) Consultation with state and federal natural resources agencies and tribes can provide a quick and cost-effective way to develop scientific information and recommendations. State natural resource agencies provide numerous guidance documents and model ordinances that incorporate the agencies' assessments of the best available science. The department can provide technical assistance in obtaining such information from state natural resources agencies, developing model GMA-compliant critical areas policies and development regulations, and related subjects. The department will make available to interested parties a current list of the best available science determined to be consistent with criteria set out in WAC 365-195-905 as identified by state or federal natural resource agencies for critical areas.

(2) A county or city may compile scientific information through its own efforts, with or without the assistance of qualified experts, and through state agency review and the Growth Management Act's required public participation process. The county or city should assess whether the scientific information it compiles constitutes the best available science applicable to the critical areas to be protected, using the criteria set out in WAC 365-195-900 through 365-195-925 and any technical guidance provided by the department. If not, the county or city should identify and assemble additional scientific information to ensure it has included the best available science.

[Statutory Authority: RCW 36.70A.190 (4)(b). 00-16-064, § 365-195-910, filed 7/27/00, effective 8/27/00.]

365-195-915

Criteria for including the best available science in developing policies and development regulations.

(1) To demonstrate that the best available science has been included in the development of critical areas policies and regulations, counties and cities should address each of the following on the record:

(a) The specific policies and development regulations adopted to protect the functions and values of the critical areas at issue.

(b) The relevant sources of best available scientific information included in the decision-making.

(c) Any nonscientific information -- including legal, social, cultural, economic, and political information -- used as a basis for critical area policies and regulations that depart from recommendations derived from the best available science. A county or city departing from science-

based recommendations should:

- (i) Identify the information in the record that supports its decision to depart from science-based recommendations;
- (ii) Explain its rationale for departing from science-based recommendations; and
- (iii) Identify potential risks to the functions and values of the critical area or areas at issue and any additional measures chosen to limit such risks. State Environmental Policy Act (SEPA) review often provides an opportunity to establish and publish the record of this assessment.

(2) Counties and cities should include the best available science in determining whether to grant applications for administrative variances and exemptions from generally applicable provisions in policies and development regulations adopted to protect the functions and values of critical areas. Counties and cities should adopt procedures and criteria to ensure that the best available science is included in every review of an application for an administrative variance or exemption.

[Statutory Authority: RCW 36.70A.190 (4)(b). 00-16-064, § 365-195-915, filed 7/27/00, effective 8/27/00.]

365-195-920

Criteria for addressing inadequate scientific information.

Where there is an absence of valid scientific information or incomplete scientific information relating to a county's or city's critical areas, leading to uncertainty about which development and land uses could lead to harm of critical areas or uncertainty about the risk to critical area function of permitting development, counties and cities should use the following approach:

- (1) A "precautionary or a no risk approach," in which development and land use activities are strictly limited until the uncertainty is sufficiently resolved; and
- (2) As an interim approach, an effective adaptive management program that relies on scientific methods to evaluate how well regulatory and nonregulatory actions achieve their objectives. Management, policy, and regulatory actions are treated as experiments that are purposefully monitored and evaluated to determine whether they are effective and, if not, how they should be improved to increase their effectiveness. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty. To effectively implement an adaptive management program, counties and cities should be willing to:
 - (a) Address funding for the research component of the adaptive management program;
 - (b) Change course based on the results and interpretation of new information that resolves uncertainties; and
 - (c) Commit to the appropriate time frame and scale necessary to reliably evaluate regulatory and nonregulatory actions affecting critical areas protection and anadromous fisheries.

[Statutory Authority: RCW 36.70A.190 (4)(b). 00-16-064, § 365-195-920, filed 7/27/00, effective 8/27/00.]

365-195-925

Criteria for demonstrating "special consideration" has been given to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

(1) RCW 36.70A.172(1) imposes two distinct but related requirements on counties and cities. Counties and cities must include the "best available science" when developing policies and development regulations to protect the functions and values of critical areas, and counties and cities

must give "special consideration" to conservation or protection measures necessary to preserve or enhance anadromous fisheries. Local governments should address both requirements in RCW 36.70A.172(1) when developing their records to support their critical areas policies and development regulations.

(2) To demonstrate compliance with RCW 36.70A.172(1), a county or city adopting policies and development regulations to protect critical areas should include in the record evidence that it has given "special consideration" to conservation or protection measures necessary to preserve or enhance anadromous fisheries. The record should be developed using the criteria set out in WAC 365-195-900 through 365-195-925 to ensure that conservation or protection measures necessary to preserve or enhance anadromous fisheries are grounded in the best available science.

(3) Conservation or protection measures necessary to preserve or enhance anadromous fisheries include measures that protect habitat important for all life stages of anadromous fish, including, but not limited to, spawning and incubation, juvenile rearing and adult residence, juvenile migration downstream to the sea, and adult migration upstream to spawning areas. Special consideration should be given to habitat protection measures based on the best available science relevant to stream flows, water quality and temperature, spawning substrates, instream structural diversity, migratory access, estuary and nearshore marine habitat quality, and the maintenance of salmon prey species. Conservation or protection measures can include the adoption of interim actions and long-term strategies to protect and enhance fisheries resources.

[Statutory Authority: RCW 36.70A.190 (4)(b). 00-16-064, § 365-195-925, filed 7/27/00, effective 8/27/00.]