
Local Government Committee

SSB 6010

Brief Description: Streamlining certain decisions pertaining to the development or extension of a trail or path from the state environmental policy act.

Sponsors: Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Senators Shewmake and Liias).

<p>Brief Summary of Substitute Bill</p> <ul style="list-style-type: none">• Provides a categorical exemption from the State Environmental Policy Act for decisions pertaining to paths and trails that meet certain criteria.
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Hearing Date: 2/20/24

Staff: Elizabeth Allison (786-7129).

Background:

State Environmental Policy Act.

The State Environmental Policy Act (SEPA) establishes a review process for state and local governments to identify environmental impacts that may result from governmental decisions, such as the issuance of permits or the adoption of land use plans. The SEPA environmental review process involves a project proponent, or the lead agency completing an environmental checklist to identify and evaluate probable environmental impacts. If an initial review of the checklist and supporting documents results in a determination that the government decision has a probable significant adverse environmental impact, known as a threshold determination, the proposal must undergo a more comprehensive environmental analysis in the form of an environmental impact statement (EIS). If the SEPA review process identifies significant adverse environmental impacts, the lead agency may deny a government decision or may require mitigation for identified environmental impacts.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The SEPA addresses both project and nonproject actions. Project actions involve an agency decision on a specific project and include construction, alteration of public buildings, and infrastructure. Nonproject actions are governmental actions involving decisions about policies, plans, or programs.

Under SEPA, certain project and nonproject actions are categorically exempted from the requirements of SEPA. Examples of categorically exempt nonproject actions include certain amendments to development regulations and technical codes. An example of a categorical exemption is an action relating to infill development in urban growth areas.

Summary of Bill:

Decisions pertaining to the development or extension of a trail or path are categorically exempt from SEPA if the proposed new trail or path, or extension to an existing trail or path, meets the following conditions:

- has a surface area of 10 acres or less;
- is located on an inactive railroad right-of-way designated for interim trail use; and
- is not located in a fish and wildlife habitat or wetland critical area designated under the Growth Management Act.

At the earliest possible date prior to submitting an application for development or extension of a trail, an applicant must engage in meaningful consultation with any federally recognized tribe that may be affected by the new trail, including discussion of the potential impacts to cultural resources and tribal treaty rights. An applicant must also notify affected tribes of the proposed development using at least two methods, including by mail. A tribe may request consultation regarding the trail, and if an agreement between the applicant and tribe cannot be reached, the parties must enter mediation.

Improvements covered under this exemption include utilities and support infrastructure for trails and paths, including:

- street crossings;
- lighting;
- signage; and
- parking facilities otherwise exempt under SEPA.

Unrelated infrastructure improvements are not covered under this exemption.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.