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**SUBSTITUTE SENATE BILL 6010**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Senate Local Government, Land Use & Tribal Affairs (originally sponsored by Senators Shewmake and Liias)

AN ACT Relating to streamlining certain decisions pertaining to the development or extension of a trail or path from the state environmental policy act; and adding a new section to chapter 43.21C RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 43.21C RCW to read as follows:

(1) Decisions pertaining to the development or extension of a trail or path are categorically exempted from compliance with this chapter if:

(a) The surface area of the proposed new trail or path or extension to an existing trail or path does not exceed 10 acres;

(b) The proposed new trail or path or extension to an existing trail or path is located in whole or in part on an inactive railroad right-of-way designated for interim trail use under 16 U.S.C. Sec. 1247; and

(c) The proposed new trail or path or extension to an existing trail or path is not located in a fish and wildlife habitat or wetland critical area designated under RCW 36.70A.170.

(2)(a) At the earliest possible date prior to the submittal of an application for the development or extension of a trail or path under this section, an applicant must engage in meaningful consultation with any federally recognized tribe that may be potentially affected by the proposed new trail or path or extension to an existing trail or path. Meaningful consultation must include discussion of the potential impacts to cultural resources and tribal treaty rights.

(b) An applicant must notify the affected federally recognized tribe of the proposed development using at least two methods, including by mail. Upon receiving a notice, the federally recognized tribe may request consultation to determine whether an agreement can be reached related to the development or extension of a trail or path. If an agreement is not reached, the parties must enter mediation.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Critical area" has the same meaning as "critical areas" as defined in RCW 36.70A.030.

(b) "Extension to an existing trail or path" includes an addition to an existing trail or path that connects two existing segments of the trail or path.

(c) "Trail" and "path" have the same meaning as defined in RCW 47.30.005.

(4) Improvements covered by this exemption include utilities and support infrastructure for trails and paths, including street crossings, lighting, signage, and parking facilities otherwise exempted under this chapter, but not unrelated infrastructure improvements.

(5) This section is additional to and does not amend categorical exemptions adopted by rule under RCW 43.21C.110(1)(a).

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