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## Local Government Committee

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### HB 1814

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

**Sponsors:** Representatives Fitzgibbon, Duerr, Berry, Parshley, Ramel and Macri.

#### Brief Summary of Bill

- Provides a categorical exemption from the State Environmental Policy Act for decisions pertaining to paths and trails that meet certain criteria.
- Requires an applicant seeking the categorical exemption to request meaningful consultation with any federally recognized tribe that may be affected.

**Hearing Date:** 2/11/25

**Staff:** Michelle Rusk (786-7153).

#### Background:

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. If the SEPA review process identifies significant adverse environmental impacts, the lead agency may deny a government decision or may require

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mitigation for identified environmental impacts.

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, and may not be subject to local regulations imposing equivalent requirements, if the proposed new trail or path, or extension to an existing trail or path:

- has a surface area of 10 acres or less; and
- is located on a railroad right-of-way designated for interim trail use under federal law within a city of 500,000 people or more.

Improvements covered under this exemption include utilities and support infrastructure for trails and paths, including street improvements and crossings, lighting, signage, and surface water drainage. Unrelated infrastructure improvements are not covered under this exemption.

At the earliest possible date before submitting an application for developing or extending a trail or path under the categorical exemption, applicants must request meaningful consultation with any potentially affected federally recognized tribe. Applicants must provide notice of the proposed development to an affected tribe using at least two methods, including by mail.

Upon receipt of notice, a federally recognized tribe may initiate consultation to determine whether an agreement can be reached. If an agreement is not reached, the parties must enter mediation. If a tribe does not initiate consultation within 90 days of receipt of notice, the categorical SEPA exemption must go into effect for the proposed extension or new path or trail.

**Appropriation:** None.

**Fiscal Note:** Requested on February 5, 2025.

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