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**ENGROSSED HOUSE BILL 1814**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Representatives Fitzgibbon, Duerr, Berry, Parshley, Ramel, and Macri

Read first time 02/04/25. Referred to Committee on Local Government.

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

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

6       NEW SECTION.   **Sec. 1.** A new section is added to chapter 43.21C  
7 RCW to read as follows:

8       (1) Decisions pertaining to the development or extension of a  
9 trail or path are categorically exempted from compliance with this  
10 chapter, and may not be subject to county or city ordinances or other  
11 regulations imposing equivalent requirements, if:

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

14       (b) The proposed new trail or path or extension to an existing  
15 trail or path is located in whole or in part on a railroad right-of-  
16 way designated for interim trail use under 16 U.S.C. Sec. 1247 and  
17 within a city with a population of 500,000 or more.

18       (2) In addition to any other notice required by state or local  
19 law or regulation, a project exempted from compliance with this  
20 chapter under this section must post notice of the proposed trail,  
21 path, or extension on the property that will be used for the trail,

1 path, or extension for at least 30 days prior to the action that will  
2 give final approval to the trail, path, or extension. This notice  
3 must be posted at both ends and in the middle of the proposed trail,  
4 path, or extension.

5 (3) (a) At the earliest possible date prior to the submittal of an  
6 application for a state or local license for the development or  
7 extension of a trail or path under this section, an applicant must  
8 request meaningful consultation with any federally recognized tribe  
9 that may be potentially affected by the proposed new trail or path or  
10 extension to an existing trail or path. Meaningful consultation must  
11 include discussion of the potential impacts to cultural resources and  
12 tribal treaty rights.

13 (b) An applicant must notify the affected federally recognized  
14 tribe of the proposed development using at least two methods,  
15 including by mail. Upon receiving a notice, the federally recognized  
16 tribe may initiate consultation to determine whether an agreement can  
17 be reached related to the development or extension of a trail or  
18 path. If an agreement is not reached, the parties must enter  
19 mediation. The exemption provided by this section shall take effect  
20 if the affected federally recognized tribe does not initiate  
21 consultation within 90 days of receipt of the written notice required  
22 by this subsection.

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

25 (a) "Extension to an existing trail or path" includes an addition  
26 to an existing trail or path that connects two existing segments of  
27 the trail or path.

28 (b) "Trail" and "path" have the same meaning as defined in RCW  
29 47.30.005.

30 (5) Improvements covered by this exemption include utilities and  
31 support infrastructure for trails and paths, including street  
32 improvements and crossings, lighting, signage, and surface water  
33 drainage, but not unrelated infrastructure improvements.

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

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