

# SENATE BILL REPORT

## SB 6010

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As Reported by Senate Committee On:  
Local Government, Land Use & Tribal Affairs, January 25, 2024

**Title:** An act relating to streamlining certain decisions pertaining to the development or extension of a trail or path from the state environmental policy act.

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

**Sponsors:** Senators Shewmake and Liias.

**Brief History:**

**Committee Activity:** Local Government, Land Use & Tribal Affairs: 1/11/24, 1/25/24 [DPS].

**Brief Summary of First Substitute Bill**

- Provides a categorical exemption for decisions pertaining to the development or extension of a trail or path from the State Environmental Policy Act.
- Requires an applicant to engage in meaningful consultation with any federally recognized Indian tribe that may be potentially affected by the trail development.

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### SENATE COMMITTEE ON LOCAL GOVERNMENT, LAND USE & TRIBAL AFFAIRS

**Majority Report:** That Substitute Senate Bill No. 6010 be substituted therefor, and the substitute bill do pass.

Signed by Senators Lovelett, Chair; Salomon, Vice Chair; Torres, Ranking Member; Kauffman and Short.

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*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.*

**Staff:** Maggie Douglas (786-7279)

**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. Government decisions that the SEPA checklist process identifies as having significant adverse environmental impacts must then undergo a more comprehensive environmental analysis in the form of an environmental impact statement (EIS). Under SEPA, certain nonproject actions are categorically exempt from threshold determinations, and EISs in rule. Examples of categorical exemptions include various kinds of minor new construction and minor land use decisions.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (First Substitute):** The development or extension of a trail or path are categorically exempted from compliance with SEPA if:

- the surface area of the proposed development or extension of a trail or path does not exceed ten acres;
- the proposed development or extension of a trail or path is not located in a fish and wildlife habitat or wetland critical area; and
- the proposed development or extension of a trail or path is located in whole or in part on an inactive railroad right-of-way designated for interim trail use.

An applicant must, prior to submitting an application for the development or extension of a trail or path, engage in meaningful consultation with any federally recognized Indian tribe that may be affected by the proposed trail. Meaningful consultation must include discussion of the potential impacts to cultural resources and tribal treaty rights. The applicant must notify the affected tribe of the proposed development using at least two methods, including by mail. Upon receiving the notice, the tribe may request consultation to determine whether an agreement can be reached related to the proposed development or extension of the trail or path. If agreement is not reached, the parties must enter mediation.

**EFFECT OF CHANGES MADE BY LOCAL GOVERNMENT, LAND USE & TRIBAL AFFAIRS COMMITTEE (First Substitute):**

- Adds the requirement that for a decision to be categorically exempt from SEPA, the proposed trail or extension must also be located in whole or in part on an inactive railroad right of way designated for interim trail use.
- Specifies that the proposed trail or extension must not be located in a fish and wildlife habitat or wetland critical area.
- Provides that improvements covered by this exemption include utilities and support infrastructure for trails and paths, but not unrelated improvements.

- Clarifies that the provisions in this bill is in addition to and does not amend categorical exemptions adopted by rule under SEPA.
- Requires an applicant, prior to submitting an application for the development or extension of a trail or path, to engage in meaningful consultation with any federally recognized tribe that may be affected by the proposed trail. Meaningful consultation must include discussion of the potential impacts to cultural resources and tribal treaty rights.
- Requires an applicant to notify the affected tribe of the proposed development using at least two methods, including by mail. Upon receiving the notice, the tribe may request consultation to determine whether an agreement can be reached related to the proposed development or extension of the trail or path. If agreement is not reached, the parties must enter mediation.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Proposed Substitute:** *The committee recommended a different version of the bill than what was heard.* PRO: This bill allows short segments of urban area trails that are separated or unconnected to be connected without adding significant costs to the overall project and realize some of the investments made through Move Ahead Washington. The bill provides that the total length of connection may be up to roughly two miles, depending on the width of the trail. Cultural resources and parking lots are not part of this exemption. Connected trails provides a recreational way for pedestrians, bikers, and rollers to access urban spaces, but this bill also provides trail connection for both urban and rural areas.

**Persons Testifying:** PRO: Senator Sharon Shewmake, Prime Sponsor; Lee Lambert, Washington Bikes; Katherine Hollis, Easttrail Partners; Bryce Yadon, Futurewise .

**Persons Signed In To Testify But Not Testifying:** No one.