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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)

READ FIRST TIME 01/26/24.

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 if:

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

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

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

20 (2)(a) At the earliest possible date prior to the submittal of an  
21 application for the development or extension of a trail or path under

1 this section, an applicant must engage in meaningful consultation  
2 with any federally recognized tribe that may be potentially affected  
3 by the proposed new trail or path or extension to an existing trail  
4 or path. Meaningful consultation must include discussion of the  
5 potential impacts to cultural resources and tribal treaty rights.

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

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

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

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

20 (c) "Trail" and "path" have the same meaning as defined in RCW  
21 47.30.005.

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

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

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