SOUNDTRANSIT

Motion Nos. M2026-51 and M2026-52

Memoranda of Agreement with National Marine Fisheries Service and U.S. Fish and Wildlife Service for expedited and prioritized federal environmental reviews of Sound Transit projects.

Meeting:	Date:	Type of action:
System Expansion Committee	11/12/2026	Recommendation to Board
Board	11/19/2026	Final Action

Staff name:	Staff title:
Brad Owen	Acting Chief Capital Delivery Officer
Ellie Ziegler	Acting Executive Director, Center of Excellence
Christopher Wierzbicki	**Director of Environmental Permitting, Ecosystems and Land Use**

Proposed actions

Motion No. M2026-51: Authorizes the chief executive officer to execute a no-cost Memorandum of Agreement with the National Marine Fisheries Service (NMFS) for a five-year term for the purposes of increasing coordination and streamlining the Endangered Species Act consultation process and other NMFS authorities for Sound Transit projects by engaging a consultant liaison who can provide NMFS with supplemental professional and technical expertise.

Motion No. M2026-52: Authorizes the chief executive officer to execute a no-cost Memorandum of Agreement with the U.S. Fish and Wildlife Service (USFWS) for a five-year term for the purposes of increasing coordination and streamlining the Endangered Species Act consultation process and other USFWS authorities for Sound Transit projects by engaging a consultant liaison who can provide USFWS with supplemental professional and technical expertise.

Key features summary

- Motion No. M2026-51 would authorize the execution of a Memorandum of Agreement with the National Marine Fisheries Service (NMFS) for a five-year term which will allow Sound Transit to use a consultant staff liaison to evaluate Biological Assessments, a key federal review milestone for Sound Transit projects that trigger evaluation under the Endangered Species Act. Engagement of a staff liaison can reduce the environmental review period from years to months.
- Motion No. M2026-52 would authorize the execution of a Memorandum of Agreement with the U.S. Fish and Wildlife Service (USFWS) for a five-year term which will allow Sound Transit to use a consultant staff liaison to evaluate Biological Assessments, a key federal review milestone for Sound Transit projects that trigger evaluation under the Endangered Species Act. Similar to the Memorandum of agreement with NMFS, this staff liaison engagement is anticipated to reduce the environmental review period from years to months.

- Both memoranda replace existing agreements with the agencies that will terminate at the end of 2026, which if not replaced, will lead to delays in the environmental review process. Both memoranda can be extended or terminated by either party with 60 days' notice.
- There is no cost associated with either memorandum. Consultant services supporting both memoranda will be administered separately through Sound Transit procurement processes and will be subject to the Board's Delegation of Authority Policy and the appropriate Multiple Award Task Order Contract (MATOC) delegation provisions.

Background

Sound Transit projects with a federal nexus require consultation with NMFS and the USFWS regarding fulfillment of compliance with the requirements of the Endangered Species Act (ESA).

To maintain scheduled delivery of the ST3 Plan, Sound Transit must ensure that required Section 7 ESA and Magnuson-Stevens Act (MSA) consultations are conducted by NMFS and USFWS within a reliable timeframe. Because of the heavy workload related to consultation under the ESA and MSA, Sound Transit is seeking to support NMFS and USFWS with staff resources who can perform certain duties related to consultation on Sound Transit projects.

Sound Transit and the agencies have determined that the most effective way to engage this support is through Memoranda of Agreement that will allow consultant staff liaisons to be assigned to review and evaluate Sound Transit's projects for compliance with the ESA and other pertinent laws administered by NMFS and USFWS. The consultant liaisons will work together with the federal staff to support technical review, analysis and resolution of potential challenges associated with environmental resource impacts identified through the NMFS/USFWS consultation process associated with Sound Transit projects. No preferential treatment by NMFS or USFWS will be given or should be inferred under the agreement; Sound Transit projects will receive the same scrutiny as other federal projects.

Projects potentially benefiting from this agreement currently include the following:

- Sounder Rail Track and Signal Improvement Project
- Graham Street Infill Station
- Tacoma Dome Link Extension
- Boeing Access Road Infill Station
- Everett Link Extension
- Ballard Link Extension
- West Seattle Link Extension
- Operations and Maintenance Facility North
- Operations and Maintenance Facility South

The proposed agreement will replace an existing agreement with the agencies for similar purposes that provided funds for an in-house staff liaison assigned specifically to the review of Sound Transit projects. That current agreement will terminate at the end of 2026 due to the retirement of the staff liaison, and the federal agencies are unable to continue entering into agreements of that type. The new agreement is expected to produce similar project review time efficiencies.

Fiscal information

There is no cost associated with the National Marine Fisheries Service and U.S. Fish and Wildlife Service Memorandums of Agreement. Sound Transit staff are in the process of procuring consultant resources that will ultimately be assigned to support the federal agencies in executing the work identified in the agreement. As identified in previous sections, the budgets and expenditures for the proposed agreements vary between the agreement types. The cost of those services is expected to be within the range of the chief executive officer's signing authority. Budget and expenditures for the services are included in the authorized project allocation and long-range financial plan and will be allocated to the benefiting projects according to the level of effort required.

Disadvantaged and small business participation

Not applicable to this action.

Public involvement

Public involvement is not planned for the subject actions.

Time constraints

Sound Transit staff are seeking to have all the subject agreements in place, including any supporting consulting services, by January 2027. A delay in the decision-making process could result in corresponding delays to critical environmental reviews for Sound Transit capital projects.

Environmental review – LS 10/21/2026

Legal review – 11/03/2026

Motion No. M2026-51

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute a no-cost Memorandum of Agreement with the National Marine Fisheries Service (NMFS) for a five-year term for the purposes of increasing coordination and streamlining the Endangered Species Act consultation process and other NMFS authorities for Sound Transit projects by engaging a consultant liaison who can provide NMFS with supplemental professional and technical expertise.

Background

Sound Transit projects with a federal nexus require consultation with NMFS and the USFWS regarding fulfillment of compliance with the requirements of the Endangered Species Act (ESA).

To maintain scheduled delivery of the ST3 Plan, Sound Transit must ensure that required Section 7 ESA and Magnuson-Stevens Act (MSA) consultations are conducted by NMFS and USFWS within a reliable timeframe. Because of the heavy workload related to consultation under the ESA and MSA, Sound Transit is seeking to support NMFS and USFWS with staff resources who can perform certain duties related to consultation on Sound Transit projects.

Sound Transit and the agencies have determined that the most effective way to engage this support is through Memoranda of Agreement that will allow consultant staff liaisons to be assigned to review and evaluate Sound Transit's projects for compliance with the ESA and other pertinent laws administered by NMFS and USFWS. The consultant liaisons will work together with the federal staff to support technical review, analysis and resolution of potential challenges associated with environmental resource impacts identified through the NMFS/USFWS consultation process associated with Sound Transit projects. No preferential treatment by NMFS or USFWS will be given or should be inferred under the agreement; Sound Transit projects will receive the same scrutiny as other federal projects.

Projects potentially benefiting from this agreement currently include the following:

- Sounder Rail Track and Signal Improvement Project
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The proposed agreement will replace an existing agreement with the agencies for similar purposes that provided funds for an in-house staff liaison assigned specifically to the review of Sound Transit projects. That current agreement will terminate at the end of 2026 due to the retirement of the staff liaison, and the federal agencies are unable to continue entering into agreements of that type. The new agreement is expected to produce similar project review time efficiencies.

This motion would authorize the execution of a Memorandum of Agreement with the National Marine Fisheries Service (NMFS) for a five-year term which will allow Sound Transit to use a consultant staff liaison to evaluate Biological Assessments, a key federal review milestone for Sound Transit projects that trigger evaluation under the Endangered Species Act. Engagement of a staff liaison can reduce the environmental review period from years to months.

The Memorandum will replace an existing agreement with the agency that will terminate at the end of 2026, which if not replaced, will lead to delays in the environmental review process. The Memorandum can be extended or terminated by either party with 60 days' notice.

There is no cost associated with the Memoranda. Consultant services supporting the Memorandum will be administered separately through Sound Transit procurement processes and will be subject to the Board's Delegation of Authority Policy and the appropriate Multiple Award Task Order Contract (MATOC) delegation provisions.

Motion

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute a no-cost Memorandum of Agreement with the National Marine Fisheries Service (NMFS) for a five-year term for the purposes of increasing coordination and streamlining the Endangered Species Act consultation process and other NMFS authorities for Sound Transit projects by engaging a consultant liaison who can provide NMFS with supplemental professional and technical expertise.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on _____.

Dave Somers
Board Chair

Attest:

Kathryn Flores
Board Administrator