

# Multiagency Permit Program Report

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December 2024



**Washington State  
Department of Transportation**

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Secretary of Transportation

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# WSDOT - Local Programs Multiagency Permit Program

RE: ESHB 2134 Section 224(10)

The 2024 supplemental transportation appropriations for the 2023-2025 fiscal biennium included funding to establish a new position under Program Z in the Washington State Department of Transportation (WSDOT). This 2024 legislation also directed WSDOT to “review current multiagency permit program practices and provide a report with recommendations on the enhancement of the program to the transportation committees of the legislature by December 1, 2024.” This report is submitted pursuant to this directive.

## WSDOT Multiagency Permit Program History

The WSDOT Multiagency Permit Program was created in 2003 as a regulatory reform to streamline environmental permit reviews with the goal of expediting transportation project delivery. The program was codified in 2015 through RCW 47.85.020 with the intent of expediting the delivery of transportation projects through a streamlined approach to environmental decision making. The primary focus of the program is on streamlining the acquisition of commonly needed environmental permits and approvals for transportation projects, which also includes federal Endangered Species Act (ESA) consultation approvals. In 2021, RCW 47.85.020 was amended to emphasize streamlining efforts to improve the WSDOT’s delivery of fish passage barrier correction projects. ESHB 2134 Section 224(10) specifically funded one full-time equivalent position that WSDOT is utilizing to expedite ESA consultation approvals for local agency transportation projects.

## WSDOT Local Programs

The WSDOT Local Programs Division provides federal regulatory assistance and oversight on local agency transportation projects that receive state and federal aid. This includes compliance with the National Environmental Policy Act (NEPA) and related federal regulations addressing project impacts to the natural and built environment. There are four staff members that review local agency projects regarding topics including endangered species, wetlands, parks and wildlife refuges, cultural resources, hazardous materials, and environmental justice. The ESA is one of those regulations.

## Local Programs - Multiagency Permit Program Performance

The 2024 supplemental transportation budget appropriation funded a Transportation Planning Specialist (ESA Liaison) position located within the Compliance Solutions Branch of WSDOT’s Environmental Services Office. The position was filled on August 1, 2024, and training for this highly specialized position is currently ongoing. Therefore, data regarding the effectiveness of this legislative appropriation is very limited. For this report, data from July 2023 to October 2024 is provided with respect to the effectiveness of an identical position within the same work as described below.

The individual in this position is one of two staff at WSDOT who focus on ESA compliance solely for local agency projects coordinated through the WSDOT Local Programs Division. The position works on projects undergoing ESA consultations with both the National Marine Fisheries Service (NMFS) and the U.S. Fish & Wildlife Service (USFWS).

Over the past year at NMFS, three consultations have been completed, and four are currently in progress. At the USFWS, 12 consultations have been completed and two are currently in progress. Table 1 below provides a list of the completed consultations from July 2023 through October 2024.

**Table 1: ESA Consultations Completed by Local Programs Multiagency Permit Program Staff**

Project Name	Local Agency	Service	Consultation Type*	Days to Complete
Newport Way	Issaquah	NMFS	Formal	225
Broadway Avenue Safety	Hoquiam	NMFS	Formal	120
Port of Tacoma Road	Fife	NMFS	Formal	68
SR 529 Bulkhead Replacement	Port of Everett	USFWS	Formal	66
Broadway Avenue Safety	Hoquiam	USFWS	Informal	77
Jordan Creek Bridge	Snohomish County	USFWS	Informal	62
Snohomish River Bridge Geotechnical Survey	Snohomish County	USFWS	Informal	58
Ione and Usk Bridges	Pend Oreille County	USFWS	Informal	50
30 <sup>th</sup> Street Improvements	Mount Vernon	USFWS	Informal	80
Breeze Creek Culvert Replacement and E. 4 <sup>th</sup> Street Widening	La Center	USFWS	Informal	27
Port of Tacoma Road	Fife	USFWS	Informal	42
SR 202 Widening and Trestle Replacement	Woodinville	USFWS	Informal	68
Harper Estuary Barrier Correction	Kitsap County	USFWS	Informal	25
Ridgetop Blvd NW Improvements	Kitsap County	USFWS	Informal	93
Alderwood Mall Parkway	Snohomish County	USFWS	Informal	71

\*Formal consultation happens when a project is Likely to Adversely Affect ESA-listed species and the ESA Liaison writes a report called a Biological Opinion. Informal consultation happens when a project is NOT Likely to Adversely Affect ESA-listed species and the ESA Liaison writes a Letter of Concurrence.

Previously, projects that did not utilize WSDOT’s Multiagency Permit Program required up to three years to complete an ESA consultation. As detailed in Table 1, projects utilizing WSDOT’s Multiagency Permit Program are now being completed by ESA liaisons much more quickly. The newly added ESA Liaison position has only been in place for a few months, so we expect a further and continued reduction in ESA consultation timeframes for local agency projects.

## WSDOT Recommendations

**Continue funding to retain the position** - Funding positions to complete ESA consultations clearly expedites local agency project delivery. Local agencies still have a backlog of consultations at both the NMFS and USFWS. As of October 1, 2024, there are 10 projects waiting in the review queue at USFWS, and 16 projects waiting in the review queue at NMFS. WSDOT expects this workload to expand due to increased scrutiny by both the NMFS and USFWS over the impacts of 6PPD-quinone in highway stormwater to listed salmon species. More information about 6PPD-quinone can be referenced within the following separate report by WSDOT to the legislature related to stormwater retrofits - 2024 [Move Ahead Washington Stormwater Retrofit Report](#).

**Staffing Considerations** – There are currently two local programs ESA Liaisons at WSDOT responsible for completing a significant backlog of projects, as well as taking on new ESA consultation needs. This leaves the agency in a somewhat vulnerable position as far as back-up and succession, especially because only one of those positions has permanent funding. The duties of these positions are highly specialized with a very heavy workload, and there are no staff at WSDOT who could step into this role without undergoing a lengthy learning curve and risking significant program disruption.

Given this success and in anticipation that NMFS and USFWS will be applying additional scrutiny for consultations related to new science about toxic chemicals in roadway stormwater, securing permanent funding for the second position (as recommended above) and providing an additional ESA liaison would help to address the project backlogs and would diminish the risk of program delivery disruption if one of the current positions needs to be refilled for any reason in the future.

**Local Programs ESA Compliance Staff** – The WSDOT Local Programs office will need additional staff to oversee compliance with the PBA. The PBA described above has tracking and reporting requirements that follow projects through construction. Local Programs will also be required to provide annual metrics to verify that local agency project actions are consistent with the limits of the agreement. These staff would track overall Local Programs use of the PBA, work with local agency partners to ensure that their contracts are set up correctly, and collect the required post-construction documentation.

**Expedited Project Review** – WSDOT, WSDOT’s Local Programs Office, and the Federal Highway Administration (FHWA) is in the process of adding WSDOT Local Programs to WSDOT’s Programmatic Biological Assessment with NMFS. FHWA has also submitted a separate Programmatic Biological Assessment to the USFWS for WSDOT Local Programs, but USFWS has not drafted the Biological Opinion. These programmatic approaches would streamline and expedite ESA consultation reviews for many types of local agency projects and actions. Addressing the staffing considerations listed above would help support and expedite this streamlining effort.

If you have any questions or need additional information, please contact Jay Drye, Director, Local Programs, at [Jay.Drye@wsdot.wa.gov](mailto:Jay.Drye@wsdot.wa.gov) or (360) 705-7871.