



March 20, 2025

The Honorable Bruce Westerman, Chairman
Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

The Honorable Jared Huffman, Ranking Member
Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

The Honorable Harriet Hageman, Chairwoman
Water, Wildlife, and Fisheries Subcommittee
1324 Longworth House Office Building
Washington, D.C. 20515

The Honorable Val Hoyle, Ranking Member
Water, Wildlife, and Fisheries Subcommittee
1324 Longworth House Office Building
Washington, D.C. 20515

RE: H.R. 1897 – The Endangered Species Act Amendments Act of 2025

Dear Chairman Westerman, Ranking Member Huffman, Chairwoman Hageman, and Ranking Member Hoyle,

The Pacific Northwest is known for its natural landscapes and iconic species like salmon and orcas. Ports and marinas in the region lean in on being good waterfront stewards of the environment. The Port of Longview is no exception. Our organization has undertaken numerous environmental improvement projects and programs including developing a Climate Action Strategy, joining Green Marine, investing in stormwater infrastructure and continuing to strengthen our robust water and air quality programs. We take our mission of providing economic development, trade, recreation, and jobs for our community seriously along with ensuring environmental stewardship so our navigation infrastructure can coexist with species and their critical habitat. We support the goal of the Endangered Species Act (ESA) to prevent extinction of species and the negative effects extinction has on ecosystems that also support human life.

We understand the Committee is considering H.R. 1897, The Endangered Species Act Amendments Act of 2025, and appreciate the opportunity to provide our support for the legislation as well as our comments and concerns related to ESA Section 7 consultation for maintenance and other project permitting.

Beginning in 2018, the West Coast Region Office of NOAA Fisheries began applying a different definition of environmental baseline than what was commonly understood from previous practice under Endangered Species Act (ESA) Section 7 consultation for maintenance and building permits. Rather than considering the existing structure and its effects as part of the existing baseline condition, the NOAA Fisheries West Coast Region Office definition of environmental baseline no longer included the existing structure for the effects analysis. As a result, in addition to mitigating for the maintenance or building action, applicants were also expected to mitigate for the effects of the existing structure's continued

existence on species and habitat for decades into the future. This essentially required all port and marina maintenance projects to undergo lengthy formal consultation for even the most basic maintenance work and the effects calculation dramatically increased the costs of maintenance and other projects.

At the Port, we have experienced delayed maintenance project execution due to many US Army Corps of Engineers (USACE) nationwide permits behind held up for a formal vs. informal Section 7 consultation. For example, in April 2022, the Port reapplied for a Nationwide Permit-3 Maintenance which authorizes work associated with our docks, such as fender pile replacements, overwater repairs, and bank stabilization as needed. This process was anticipated to take one to two months, based on our experience obtaining existing and previous authorizations. Previous work had been reviewed in informal consultation and no additional species had been listed within our area of operation. Over the next six month, our permit would have three different permit writers assigned to it. The maximum period required for review was expected to be at most 3 months. Yet it took over a year to obtain review, and an additional six months to obtain coverage. The Port did not receive authorization until September 2023.

In addition, we have seen an increase in consultant costs to develop a biological assessment for routine maintenance to support a formal Section 7 consultation. The Port has also been impacted by an increase in material costs due to delays in lengthy permit timelines caused by formal Section 7 consultation. Lastly, the Port has also had increased mitigation costs for maintenance or new projects due to BiOp requirements to compensate for existing structures.

Nothing is more frustrating than when ports and marinas have maintenance projects that will repair and strengthen infrastructure while making water quality and habitat improvements like removing creosote and other toxic materials, replacing overwater structures with light penetrating decking but then cannot get through the permitting process as a result of the increased mitigation costs and construction delays.

Our organization supports H.R. 1897, The Endangered Species Act Amendments Act of 2025, as it will restore the commonly understood definition of environmental baseline for the purposes of ESA Section 7 consultations for maintenance and building permits. It will ensure consistent application of the environmental baseline nationwide. It will also ensure that organizations like ours pay reasonable mitigation for proposed maintenance and building actions. For ports and marinas to remain competitive, maintain safe operations, and avoid negative environmental impacts from decaying structures, our infrastructure must be maintained. This legislation will assist in providing a consistent, predictable, and cost-effective permitting process. We appreciate the Committee's consideration of this legislation to address our concerns and urge passage of HR 1897 as swiftly as possible.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dan Stahl', with a stylized, cursive script.

Dan Stahl
Chief Executive Officer
Port of Longview