



Ecological Land Services, Inc.
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March 20, 2025

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

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

Re: Support for H.R. 1897, the “ESA Amendments Act of 2025”

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

On behalf of Ecological Land Services, Inc. (ELS), we respectfully submit this letter in support of H.R. 1897, the *Endangered Species Act Amendments Act of 2025*. As natural resources consultants representing ports, industry, commercial development, and private landowners throughout the Pacific Northwest, we see firsthand the challenges created by recent interpretations of the environmental baseline in ESA consultations.

Recent shifts in federal agency interpretation have altered the environmental baseline from conditions at the time of permit application to conditions resembling pre-European development. As a result, projects proposing simple repairs or maintenance to existing infrastructure—some of which has been in place for decades—are now being viewed as creating significant new environmental impacts. In many cases, applicants are required to mitigate not only for the proposed repair work but for the entire existence of the infrastructure itself, regardless of when it was constructed or whether it predates the ESA. This practice creates an unreasonable burden on applicants, requiring them to mitigate for the actions of others and to absorb costs unrelated to their proposed project. These extended permitting timelines and inflated mitigation costs often lead to project abandonment, hindering essential infrastructure maintenance and economic development opportunities.

It is worth noting that one of the federal agencies advocating for this expanded interpretation of environmental baseline—NOAA Fisheries—operates within the U.S. Department of Commerce, highlighting the internal conflict between economic interests and regulatory interpretations.

From a scientific and practical standpoint, ELS would also like to point out that in numerous wetland and aquatic restoration projects, including federally and state-certified mitigation banks, functional

improvements are measured against pre-project conditions—not against pre-European settlement landscapes. The standard practice is to award mitigation credit based on the functional lift achieved over current site conditions. Expecting restoration projects or mitigation banks to meet a pre-European baseline is, for all practical purposes, impossible. Such a requirement would eliminate the viability of most existing and future wetland and aquatic banks, many of which have proven highly successful in restoring habitat function within our current landscape context.

The reality is that the landscape has already changed, and our role as environmental professionals is to manage and improve existing conditions to the best of our ability. Habitat improvements and mitigation can and should be achievable goals, but they must be grounded in realistic expectations based on current environmental baselines—not on an unattainable historic condition.

Ecological Land Services supports a common-sense interpretation of the ESA that protects listed species and critical habitats without imposing years of permitting delays or penalizing landowners for actions that occurred long before their ownership. We believe there is a path forward that balances economic growth and infrastructure needs in the Pacific Northwest with environmental protection and stewardship.

Unfortunately, the recent reinterpretation of “environmental baseline” disrupts this balance, creating regulatory hurdles that hinder economic growth and result in lost opportunities along our state’s waterways. For these reasons, ELS supports H.R. 1897 and appreciates the effort to clarify the environmental baseline definition, ensuring a fair, predictable, and scientifically sound permitting process under the ESA.

Thank you for your consideration and leadership on this important issue.

Sincerely,

Francis Naglich

A handwritten signature in black ink, appearing to read "Francis Naglich", with a stylized, cursive script.

Senior Wetland Biologist and Principal
Ecological Land Services, Inc.