



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 Port of Bellingham's mission is to promote sustainable economic development, optimize transportation gateways, and manage publicly owned land and facilities to benefit Whatcom County. To that end, we manage the southern terminus of the Alaska Marine Highway System, a deep-water shipping terminal, marinas, and maritime infrastructure which supports a vibrant working waterfront with over 6,400 jobs and \$1.6 billion in business revenues. For over 30 years, the Port has co-managed a coalition of 14 different federal, state, local and tribal agencies working cooperatively together to improve the environmental health of Bellingham Bay. This partnership is working to clean up historic contamination, restore salmon habitat, stop ongoing sources of pollution and revitalize land uses. Because of this partnership, the Port of Bellingham is now leading one of the largest contaminated property redevelopment projects in the nation, and all Port in-water projects include a detailed analysis of how to modernize infrastructure in a way which produces a net benefit to the environment while supporting salmon recovery objectives.

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.

In 2020, the Port submitted permits to replace a failing bulkhead and pilings under the Bellingham Cruise Terminal, the southern terminus of the Alaska Marine Highway system. NOAA's new definition of environmental baseline delayed the review and issuance of permits by several years which led to a significant increase in construction costs for this important project. Additionally, the new definition of the environmental baseline required the Port to pay \$872,480 in mitigation for what ended up a \$3,800,000 project. This 23% increase in project cost for required maintenance to replace existing infrastructure at a strategic transportation terminal was intolerable. 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 because of increased mitigation costs and construction delays. Many in-water construction projects are already prohibitively expensive and these additional mitigation costs threaten the long-term viability of strategic transportation terminals and maritime infrastructure.

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,



Rob Fix  
Executive Director  
Port of Bellingham