

March 21, 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,

Endangered species, including the iconic Southern Resident Killer Whale and salmon, are critical elements of the culture of the Pacific Northwest and support economic activity and jobs across our region. Ports and marinas in the Northwest seek to be good waterfront stewards of the environment. The Port of Edmonds (“The Port”) is no exception.

The Port has worked to ensure improvements to Port infrastructure positively benefit our maritime environment. This includes our ongoing effort to replace the Edmonds marina boardwalk, known as the Portwalk. We take our mission of providing economic development, recreation, and jobs for our community seriously along with ensuring environmental stewardship so our maritime 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 view on the legislation. In particular, we support the elements of the legislation that reform ESA Section 7 consultation processes in order to provide a clear regulatory framework in which we can improve our existing infrastructure to both provide environmental benefits while creating and sustaining local jobs and economic activity.

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.

As noted above, the Port is currently in the permitting process for replacement of segment of existing boardwalk and underlying bulkhead within the marina. Despite the fact that the bulkhead will be moved landward of its existing location and boardwalk will maintain area of over water coverage and provide improved light transmission to underlying aquatic habitat (i.e. existing wood boardwalk to be replaced with concrete/glass block surface), we have been required to provide conservation credits under the Salish Sea Nearshore Programmatic Biological Opinion (NMFS No. WCRO-2019-04086), costing approximately \$245,000 for purchase of mitigation bank credits. This represents a significant cost escalation for the project and comes despite it incorporating environmentally beneficial activities such as the removal of creosote-coated pilings and the installation of light penetrating decking to support juvenile salmon.

As you consider H.R. 1897, we urge you to include in the committee-passed legislation language that will restore the commonly understood definition of environmental baseline for the purposes of ESA Section 7 consultations for maintenance and building permits. This 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 language will assist in providing a consistent, predictable, and cost-effective permitting process.

We appreciate the Committee's efforts to address this issue. Thank you for your consideration.

Sincerely,

DocuSigned by:

Angela Harris

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Angela Harris

Executive Director

Port of Edmonds