



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

The Honorable Jared Huffman, Ranking
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 appreciates your efforts to review and update the Endangered Species Act (ESA). This legislation is an important step to enable the ESA to protect species and critical habitat while also accommodating people and businesses.

The Port of Kalama's mission is economic development, and we undertake that mission in consideration of both the natural and built environment in which we work. The Port has deep draft berths for export and import, light and heavy industrial facilities, a marina, and parks. This infrastructure is important to the regional economy and recreation, and it periodically requires maintenance.

Up until 2018, the Port was able to conduct maintenance of existing infrastructure such as ship berth basins, industrial docks, and a marina reasonably expeditiously. When a berth basin needed dredging, or dock or marina required pile replacement to maintain safety and integrity, the Port was able to conduct maintenance by complying with typical best management practices to minimize effects of the action. The existing infrastructure was considered part of the environmental baseline.

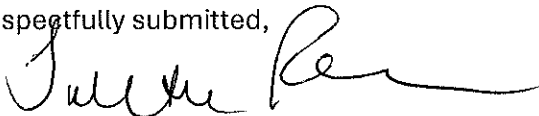
Beginning in 2018, the West Coast Region Office of NOAA Fisheries began applying a different definition of environmental baseline than what was commonly understood from previous practice under ESA Section 7 consultation for maintenance and building permits. Rather than considering the existing structure 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. Prior to this new interpretation, it was typically sufficient for our maintenance projects to follow best management practices, and the projects did not require additional compensatory mitigation. However, after NOAA's new interpretation of environmental baseline, our maintenance projects required mitigation in the permit process. 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. This resulted in delays to projects, and if the mitigation costs were too great, resulted in delayed maintenance actions.

When NOAA redefined the environmental baseline, our maintenance projects became complex and resulted in increased costs and permitting delays, and the Service required compensatory mitigation beyond the typical BMPs that sufficed in previous years for the exact same action. Port projects such as maintenance dredging resulted in mitigation requirements even though the dredging area and quantity was the same. Pile replacement projects to maintain docks required compensatory mitigation even though the pile number and size of the structure was the same.

The Port supports H.R. 1897, the Endangered Species Act Amendments Act of 2025. It is our hope that it will restore the commonly understood and historically applied definition of environmental baseline for ESA Section 7 consultations for maintenance and building projects. A modernized ESA will ensure that any mitigation requirements are reasonable and tied to documented impacts. The proposed amendment will modernize the ESA and its implementing regulations so the federal agencies have clearer direction to evaluate projects in an ESA Section 7 consultation, and provide more predictability and consistency for our projects. Thank you for your consideration of this legislation to address our concerns. We support the timely passage of HR 1897 and appreciate the opportunity to provide our comments in support of this legislation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tabitha Reeder', written over a horizontal line.

Tabitha Reeder
Director of Environmental Services
Port of Kalama