



Port of Vancouver USA

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. Ports in the region take seriously our role as good waterfront stewards of the environment. The Port of Vancouver USA is no exception. Our organization has undertaken numerous environmental improvement projects and programs. We are focused on providing benefits for our community via trade, manufacturing, and other economic activity 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 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 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.

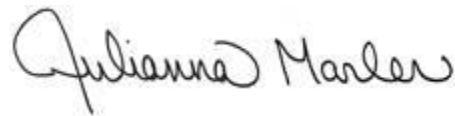
The Honorable Chairman Westerman, Ranking Member Huffman, Chairwoman Hageman, and Ranking Member Hoyle
March 20, 2025
Page 2

The Port of Vancouver USA has multiple permits that allow us to maintain our infrastructure. NOAA's decision to apply a different definition to the environmental baseline has created significant delays in our ability to obtain these permits which are critical to our operations. The activity at our port supports nearly 20,000 jobs in this region, but these unnecessary delays risk our ability to provide such economic benefit to our community.

Nothing is more frustrating than when ports have maintenance projects that will repair and strengthen infrastructure while making water quality and habitat improvements -- like removing creosote and other toxic materials or 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.

The Port of Vancouver USA 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 port like ours pay reasonable mitigation for proposed maintenance and building actions. For ports 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 that reads "Julianna Marler". The signature is written in a cursive, flowing style.

Julianna Marler
CEO, Port of Vancouver USA