

The Honorable Nancy Pelosi
Speaker of the House of Representatives

The Honorable Kevin McCarthy
Republican Leader

The Honorable Steny Hoyer
Majority Leader

The Honorable Steve Scalise
Republican Whip

The Honorable James Clyburn
Majority Whip

July 23, 2020

Dear Speaker Pelosi, Rep. McCarthy, Rep. Hoyer, Rep. Scalise, and Rep. Clyburn:

We are writing to express our complete opposition to the possible inclusion of problematic language in the 2020 Water Resources Development Act sponsored by Rep. Woodall that would repurpose funding associated with the ongoing Savannah Harbor Expansion Project (SHEP). This language is highly controversial, and threatens the support of an otherwise carefully constructed bipartisan bill. We hope that you will not adopt this provision, which could create even more challenges for this legislation during this already difficult time.

The SHEP project includes several environmental mitigation measures required under federal law, including a fish passage facility at the New Savannah Bluff Lock and Dam (NSBLD), which is located approximately 180 miles upstream near Augusta, GA. The development of the facility is also required as a result of a settlement agreement entered into in 2013 between the U.S. Army Corps of Engineers, the Georgia Ports Authority, the South Carolina Department of Health and Environmental Control, the Savannah River Maritime Commission, and conservation organizations.

The controversial language under consideration would disregard that agreement, redirecting funding that had been earmarked for this environmental mitigation project to instead repair the lock and dam. This sets a dangerous precedent that will undermine future attempts to reach consensus on similar issues.

This amendment also weakens the National Environmental Policy Act (NEPA) as it was through NEPA's examination of alternatives that the environmental mitigation opportunity came to light. The fish passage facility has been in development for years, with the Corps arriving at a preferred alternative in late 2019. In November 2019, South Carolina filed a federal lawsuit in the District of South Carolina against the Corps, challenging the preferred alternative because of concerns that the Corps' preferred alternative would lower the pool of water behind the dam below 114.5 feet mean sea level. This lawsuit is currently pending.

Locks and dams impede access for anadromous fish, such as federally-protected Atlantic and shortnose sturgeon, to upstream spawning habitat, and fish passage facilities are critically important tools for restoring fragmented habitats for these fish species. Our organizations oppose redirecting funding intended to fulfill the Corps' required fish passage mitigation to rebuild the

NSBLD – a lock and dam structure that, for decades, has not fulfilled its original intended purpose of commercial navigation.

The redirection of funding would amount to an end run around previous legislative agreements, the NEPA process, and the 2013 settlement agreement and would create uncertainty regarding the completion of the SHEP and the Corps' mitigation commitments under federal law, to say nothing of harming federally-protected species. For these reasons, we respectfully request that any such language not be included in the 2020 Water Resources Development Act as it moves to the floor.

Sincerely,

American Rivers
Center for Biological Diversity
Defenders of Wildlife
League of Conservation Voters
National Wildlife Federation
The Nature Conservancy
Southern Environmental Law Center

Altamaha Riverkeeper & Coastkeeper
Atchafalaya Basinkeeper
Audubon South Carolina
Bayou City Waterkeeper
Cahaba Riverkeeper
Cape Fear Water Watch
Catawba Riverkeeper Foundation
Center for a Sustainable Coast
Charleston Audubon and Natural History Society
Charleston Waterkeeper
Chattahoochee Riverkeeper
Choctawhatchee Riverkeeper
Citizens Against Widening the Industrial Canal New Orleans
Citizens Committee to Complete the Refuge
Climate Reality Project of Coastal Georgia
Coastal Conservation League
Coosa Riverkeeper
Endangered Habitats League
Environment Georgia
Georgia River Network
Great Egg Watershed Association

GreenLaw
Healthy Gulf
Hoosier Environmental Council
Hudson Riverkeeper
Hurricane Creekkeeper
Kentucky Resources Council
Kentucky Waterways Alliance
LA Waterkeeper
LEAD Agency, Inc.
Levees.org
Louisiana Audubon Council
Mill Creek Alliance
Milwaukee Riverkeeper
Mountain Watershed Association
Mountain Watershed Association
NY /NJ Baykeeper
North Carolina Wildlife Federation
Northwest Environmental Advocates
Ogeechee Riverkeeper
Planning and Conservation League
Savannah Riverkeeper
Save the Sound
Severn Riverkeeper
South Carolina Environmental Law Project
South Carolina Wildlife Federation
St. Johns Riverkeeper
The Harambee House
The River Project
Tualatin Riverkeepers
Upstate Forever
Veterans for Clean Water
Waterkeeper Alliance International
Waterkeepers Bangladesh
Winyah Rivers Alliance
WWALS Watershed Coalition, Inc.
Yellow Dog Watershed Preserve