

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