

TO: President Joseph R. Biden Jr.
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

CC: US Army Corps of Engineers Col. Timothy R. Vail
USACE Principal Deputy Assistant Secretary of Civil Works Jamie Pinkham
EPA Administrator Michael Regan
Director of the Office of Environmental Justice Matthew Tejada
CEQ Chair Brenda Mallory
White House National Climate Advisor Gina McCarthy
US Fish & Wildlife Service Principal Deputy Director Martha Williams

Dear President Biden,

The undersigned organizations are writing to urge you to revoke authorization for the planned Matagorda Ship Channel Deepening Project (“Project”) in Calhoun County, Texas. At a bare minimum, the US Army Corps of Engineers (USACE) should conduct a Supplemental Environmental Impact Study (SEIS) to remedy the dangerous inadequacies of the project’s environmental review.

The project threatens to smother up to 700 acres of oyster reefs, increase salinity into the bay, and unearth methyl mercury pollution from the existing Alcoa Superfund site, potentially devastating local fisheries and harming the already-overburdened environmental justice communities in Calhoun County, Texas. In addition, the project, a public-private partnership between startup oil company Max Midstream and the Port of Calhoun, is solely intended to [facilitate the export of crude oil to foreign markets](#). It is unconscionable to cause such significant harm to local communities in order to ship climate-polluting fossil fuels overseas.

We write as fourth-generation shrimper Diane Wilson completes her [third week of hunger strike](#) in fierce opposition to this project. The tremendous personal risk of Ms. Wilson’s fast reflects the severity of this project’s threat to the livelihood and health of Diane and her community. In 2019, after decades of tireless advocacy, Ms. Wilson won the [largest Clean Water Act citizen suit in US History](#) against Formosa Plastics. The settlement committed [\\$20 million](#) to establish a [fishing cooperative](#) to restore and revitalize Lavaca Bay and support a locally rooted, sustainable economy. Diane has not only worked for decades to hold polluters accountable; she is actively developing a [Just Transition](#) to a sustainable economy in Lavaca Bay. The ill-conceived Matagorda Ship Channel Improvement Project threatens to destroy this progress.

The Project threatens the health and livelihoods of Environmental Justice communities

In Calhoun County, the commercial fishing industry primarily consists of Vietnamese, Latinx and working class white shrimpers, oystermen, and crabbers. Once a thriving local industry, Lavaca Bay fisherfolk are struggling to revitalize a fishing economy [devastated by the legacy](#) of the Alcoa

superfund site. The USACE Final Environmental Impact Statement (“FEIS”) for the Project did not study potential impacts to these environmental justice fishing communities in Lavaca Bay, nor did the review process include outreach to nearby environmental justice communities such as the Vietnamese, Latinx, and/or low-income communities that rely on shrimping, fishing, crabbing, and oystering for their livelihoods and food.

The FEIS for the project is dangerously inadequate, and changed circumstances mandate an SEIS

The Corps failed to conduct mercury testing and analyze the risks of contamination, despite the acknowledged potential for the project to impact sediments that are contaminated with mercury from the Alcoa superfund site and for those contaminated sediments to be picked up and redistributed by the dredging. Because the authorization of the project was based on an environmental review process that failed to analyze the risks to people, fisheries, endangered species, and the environment from dredging in an area with mercury contamination, the project authorization should be revoked.

At a bare minimum, the Corps should conduct a Supplemental Environmental Impact Study (“SEIS”) to remedy the significant omissions in the initial review process and allow the public to understand and comment on the full impacts and risks of this project, particularly from mercury contamination. NEPA mandates a Supplemental study when “there are significant new circumstances or information relevant to the environmental concerns that have bearing on the proposed action or its impacts.” Here, current data about the distribution of mercury contamination in the project area is not available. Moreover, the Corps changed the disposal site design and locations of mercury contaminated sediments, and thus must re-evaluate the environmental and health risks of mercury entering the food chain and impacts on fisheries and oyster reefs, among others. (See also attached Letter from Matagorda Bay Foundation to U.S. Army Corps of Engineers, “Need for Supplemental EIS for Matagorda Channel Dredging,” April 15, 2021)

The Project is being developed under an arbitrary and rushed timeline

The US Army Corps is proceeding at an abnormally fast pace in the development of such a risky project. In a recent public meeting, the Corps [told concerned stakeholders](#) that they are “under tight deadlines” and “cannot redesign the project,” condensing a two year process “down to 4 to 5 months so we’re tightening our timelines and working as fast as we can.” We are concerned that this project is proceeding at this artificially expedited pace, without proper environmental review. The Army Corps’ priorities should include proper consultation with impacted communities, completing adequate study of mercury contamination, and ensuring project safety. The Corps should alert the Port of Calhoun that the design and construction of the Project will pause until proper consultation and an SEIS is conducted.

Oil exports pose unnecessary risks and are not in the national interest, undercutting the project’s statement of need

Diane Wilson's protest echoes grave concerns about [several port terminals](#) proposed throughout the Gulf of Mexico off the Texas and Louisiana coasts to accommodate the international export of massive quantities of crude oil. Each of the proposals has the capacity to load and export as much as 2 million barrels per day of fracked crude largely produced in Texas' Permian Basin. With [little domestic demand](#) for the crude, the sole purpose of these projects – to grow oil and gas industry profits – is entirely at the expense of our climate, Gulf Coast ecosystems, and frontline communities that have long-served as sacrifice zones for the fossil fuel industry.

Projects like the Max Midstream export terminal would lock-in new and expanded fossil fuel production, and transport and processing infrastructure, thereby perpetuating fossil fuel dependence for decades to come. Cumulatively, the projects' contributions to global climate change and environmental injustice undermine the national interest and the Biden-Harris Administration's commitment to tackling these crises through environmental and public health protections, and investment in a clean, sustainable, and just energy future. To this end, we echo [calls to the Biden Administration](#) to declare a National Climate Emergency and reinstate the ban on crude oil exports. Reinstating the crude export ban would negate the need for the Project entirely.

Presidential authority to conduct an SEIS and revoke project authorization

President Biden's recent [Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis](#) and [Executive Order on Tackling the Climate Crisis at Home and Abroad](#) mandate an all-of-government approach to address environmental injustice and climate change. The Biden Administration has called upon all federal agencies, including the US Army Corps of Engineers, to “immediately review and, as appropriate and consistent with applicable law, take action to address the promulgation of Federal regulations and other actions during the last 4 years that conflict with these important national objectives, and to immediately commence work to confront the climate crisis.” The US Army Corps' completed a woefully inadequate FEIS under the Trump Administration. Completing an SEIS, and ultimately revoking authorization for the Project, would be consistent with the intent for these executive orders.

For all of the above stated reasons, we urge you to revoke authorization for the Matagorda Ship Channel Deepening Project. With Diane Wilson pledging not to eat until the project is halted, the urgency to act is life-and-death. Representatives from our group are willing to meet as soon as possible to discuss this issue further.

With urgency,

San Antonio Bay Estuarine Waterkeeper
Earthworks
Healthy Gulf
Texas Campaign for the Environment
Texas Environmental Justice Advocacy Services
Center for Biological Diversity
Center for International Environmental Law (CIEL)

Carrizo Comecrudo Tribe of Texas
Turtle Island Restoration Network
Waterkeeper Alliance
198 methods
350 New Orleans
A Community Voice
Appalachian Youth Climate Coalition
Beaver County Marcellus Awareness Community (BCMAC)
Break Free From Plastic US
Businesses for a Livable Climate
Call to Action Colorado
CatholicNetwork US
Citizens Coalition for a Safe Community
Citizens for Clean Air and Clean Water
Clean Energy Now Texas
Climate Reality Project, New Orleans, LA Chapter
Coalition Against Death Alley
Coalition Against Pipelines
Coming Clean
Community Earth Alliance
Concerned Citizens of St. John
Concerned Citizens of Surfside Beach TX
Concerned Ohio River Residents
Defenders of Somi Se'k
Dock to Dish Community Supported Fishery
Earth Action, Inc.
Environment Texas
Extinction Rebellion ATX (Austin, Texas)
Extinction Rebellion Houston
Extinction Rebellion Kentucky
Extinction Rebellion San Francisco Bay Area
Food & Water Watch
FracTracker Alliance
FreshWater Accountability Project Ohio
Friends of the Earth US
Good Fish Commonwealth
Greater New Orleans Interfaith Climate Coalition
GreenFaith
Hollyhock Run
Inclusive Louisiana
Indigenous People of the Coastal Bend
Institute for Policy Studies Climate Policy Program
IWLA Allegheny County chapter

Justice & Beyond
Justice For Formosa's Victims
Louisiana Bucket Brigade
Louisiana League of Smart Voters
National Family Farm Coalition
NC Climate Justice Collective
Network for Oil and Gas Accountability and Protection (NEOGAP)
New York Climate Action Group
NH Community Seafood
No Waste Louisiana
North American Marine Alliance
North Range Concerned Citizens
Ohio River Guardians
Oil Change International
Port Arthur Community Action Network (PACAN)
Property Rights and Pipeline Center
RapidShift Network
Seeding Sovereignty
Society of Native Nations
SouthWings
Spirit of the Sun
Tackling the A-Z Impacts of Plastic
Taiwan Zero Waste Alliance
The Emergence Collective
The Williams Agency
Unite North Metro Denver
Veterans For Peace - Phil Berrigan Memorial Chapter (Baltimore, MD)
Veterans for Peace Chapter 113-Hawai'i
Wall of Women
West Texas Wind
Wild Salmon Nation