



Natural building blocks for quality of life

September 27,2004

The Honorable Richard Baker
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Baker:

On behalf of the National Stone, Sand & Gravel Association (NSSGA), I am writing to thank you for your efforts to improve the nation's policies regarding wetlands, and to express our strong support for your legislation, the "Federal Wetlands Jurisdiction Act of 2004," H.R. 4843. Specifically, the legislation clarifies a recent Supreme Court ruling by drawing a sensible jurisdictional line between the Federal government and the states; promotes regulatory consistency; and, helps end the often confusing duplicative requirements of two federal agencies.

First, NSSGA agrees with the Supreme Court and your legislation that Section 404 of the Clean Water Act should only cover those bodies of waters or wetlands directly adjacent to, or having a direct surface connection to, navigable waters. Importantly, it clarifies whether the states or the federal government are responsible for managing and protecting bodies of waters and wetlands. The contradictory federal regulations cause considerable confusion and the possibility of unintentional non-compliance on the part of the regulated community.

Second, your legislation bases wetland regulation on the value and function of the affected wetland or water of the U.S. Many waters found at aggregate sites are small, isolated, man-made, upland areas that do not have the same environmental benefits of larger natural wetlands found to be an integral part of a much larger ecosystem. We agree with you that this is good environmental management and good government.

Third, both the Environmental Protection Agency and the U.S. Army Corps of Engineers administer Section 404 of the Clean Water Act. Having multiple agencies with different requirements for the same section of law causes confusion and significant delay in what should be a relatively simple permitting process. No other federal permitting program has two agencies administering it. NSSGA supports your proposal to confer to the Army Corps the full responsibility for administering the law.

NSSGA represents the nation's aggregate industries—producers of crushed stone, sand and gravel, as well as suppliers of equipment and services to aggregate producers. Our member companies produce 90 percent of the crushed stone and 70 percent of the sand and gravel consumed annually in the United States. During 2002, a total of about 2.73 billion metric tons of crushed stone, sand and gravel, valued at \$14.6 billion, were produced and sold in the United States. The aggregate industry workforce is made up of about 120,000 men and women across

America. Just to provide perspective, there are over 10,000 crushed stone, sand or gravel operations nationwide, located in virtually every Congressional District. Our members share in the belief that the Earth's resources, upon which all life depends, are finite and that wise environmental stewardship is necessary today to preserve the quality of life for future generations.

NSSGA and its members welcome your common sense and much needed proposal and will work with you to improve wetlands policy for the benefit of this and future generations.

Sincerely,



Jennifer Joy Wilson
President & CEO