



NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

June 6, 2023

The Honorable Roger Marshall
U.S. Senator
Russell Senate Office Building, Suite 479A

The Honorable Ron Estes
Member of Congress
2234 Rayburn House Office Building

Dear Senator Marshall and Congressman Estes,

On behalf of the 450 members of the National Stone, Sand & Gravel Association (NSSGA), we express our support for the Promoting Local Management of the Lesser Prairie Chicken Act and extend our gratitude for reintroducing this critical legislation. We firmly believe that the U.S. Fish and Wildlife Service (FWS) should be held accountable for their irresponsible efforts in relisting the Lesser Prairie Chicken as an endangered species. Their thoughtless actions not only impede American construction and energy production but also hinder public-private conservation practices aimed at preserving the species population. We urge lawmakers to side in favor of this bill, reversing the classification of the Lesser Prairie-Chicken as endangered or threatened under the Endangered Species Act and take a stand against FWS' unjustified ruling.

NSSGA represents the aggregates and industrial sand industry of our country, with over 9,000 facilities and more than 100,000 employees in high-paying jobs. This industry procures 2.5 billion tons of aggregates annually, which are crucial in sustaining our lifestyle and constructing our nation's infrastructure and communities. The products sourced by this industry are fundamental components required for building roads, airports, transit, rail, ports, clean water, and energy networks. NSSGA includes the two largest industrial sands producers in the United States. Industrial sand is the primary raw material for all glass, is used to make almost all metal castings and is a proppant that is essential to the production of US oil and gas.

NSSGA and its members support the endeavors of both legislative and administrative entities to modernize the Endangered Species Act to focus on species recovery, encouraging voluntary initiatives, and striking a balance among the interests of landowners, local governments, and other stakeholders. With over 9,000 aggregates operations scattered across the United States, our members have always diligently prioritized the preservation and upkeep of diverse habitats. However, these goals are harder to achieve with problematic red-tape from FWS, barring our members from managing these habitats. If FWS' decision is reversed, our members can do away with constraining forest management practices within the Chicken's habitat range and resume implementing public-private conservation practices with local stakeholders to encourage population recovery.



As you know, in 2014, the Obama administration classified the Lesser Prairie Chicken as a threatened species under the Endangered Species Act, just to be removed from the list in 2016. This was due to the U.S. District Court for the Western District of Texas' 2016 finding that FWS conducted a flawed analysis, ignoring voluntary efforts of private landowners and the oil and gas industry to protect the bird. Despite losing the court case, the FWS continued with a 12-month review process to relist the species as endangered. From 2016 to 2021, the Lesser Prairie-Chicken's population increased by more than 50 %. The population growth of the Lesser Prairie-Chicken is not reliant on decisions made by the FWS and bureaucrats in Washington, D.C. Landowners are closest to the Lesser Prairie-Chicken's habitat and should be the sole stewards of habitat upkeep. From 2016-2021, they repeatedly delivered results as they cared for the land that countless industries rely on.

This FWS ruling merely grants opponents cause to stop vital economic development projects in parts of Texas, New Mexico, Oklahoma, Kansas, and Colorado. To facilitate construction, permit energy production and transmission, and extract resources essential for everyday life, our members require practical habitat conservation plans that safeguard wildlife without jeopardizing our economy.

This bureaucratic overreach by the FWS is costing the Federal Government more money, lawmakers more time, and the Lesser Prairie-Chicken more lives and will continue to do so unless it is reversed. We are grateful to see lawmakers take a stand to FWS, and hopefully put a stop to any future unjustified oversteps.

Please reach out to my office should you have any questions.

Sincerely,



Michael W. Johnson
President and CEO
National Stone, Sand & Gravel Association



