



NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

August 21, 2023

Attn: Docket No. FWS–HQ–ES–2023–0018

U.S. Fish and Wildlife Service,
MS: PRB/3W, 5275 Leesburg Pike
Falls Church, VA 22041–3803

Endangered and Threatened Wildlife and Plants; Regulations Pertaining to Endangered and Threatened Wildlife and Plants, 50 CFR 17

To Whom It May Concern:

The National Stone, Sand and Gravel Association (NSSGA) is pleased to submit these comments on proposed U.S. Fish and Wildlife Services (FWS) Endangered and Threatened Wildlife and Plants; Regulations Pertaining to Endangered and Threatened Wildlife and Plants, under the Endangered Species Act (ESA). In general, NSSGA finds the proposed changes unjustifiably expand the scope of the ESA.

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.

Our industry exists side-by-side with nature, and many of our members voluntarily set aside areas of their property for wildlife habitats. NSSGA believes that the protection of endangered species is important, and supports a consistent, transparent and scientific approach to protection, while balancing the need for continued economic growth.

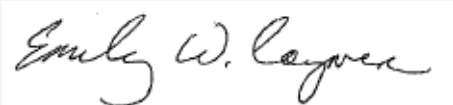
NSSGA disagrees with FWS that endangered species and threatened species should be handled in the same manner, even if that was standard practice previously by FWS (but not the National Marine Fisheries Service). Over time, the list of endangered species has grown considerably, and species are only very rarely delisted. This adds to the problem of resource allocation when subjecting both



threatened and endangered species to the same treatment under the “blanket” rule. There is no justification for the return by the FWS to the blanket rule other than that it was once in place. These designations are different and should be treated as such, so that and that resources should go where they are needed most – endangered species. These two levels are specified in the ESA – if they were intended to be treated alike, why would there be two categories? “Take” requirements for endangered species should logically be more stringent than for those that are threatened. For example, one NSSGA member has worked diligently to protect the habitat and the listed species on a site but has faced a delay of over a year waiting for an incidental take permit for a facility expansion. Delays like this harm the companies producing building materials, the infrastructure projects that rely on those materials and stall important conservation efforts.

Thank you for your consideration of these comments. I can be reached at (703) 772-2499 or at ecoyner@nssga.org.

Sincerely,

A handwritten signature in black ink that reads "Emily W. Coyner". The signature is written in a cursive style and is contained within a white rectangular box.

Senior Director, Environmental Policy
National Stone, Sand & Gravel Association

