

National Association of Home Builders

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Government Affairs

Lake A. Coulson
Senior Vice President & Chief Lobbyist

February 13, 2024

The Honorable Cliff Bentz
Chairman
Subcommittee on Water, Wildlife
And Fisheries
1324 Longworth HOB
Washington, DC 20515

The Honorable Jared Huffman
Ranking Member
Subcommittee on Water, Wildlife
and Fisheries
1332 Longworth HOB
Washington, DC 20515

Dear Chairman Bentz and Ranking Member Huffman:

On behalf of the more than 140,000 members of the National Association of Home Builders (NAHB), I am writing to convey our support for H.R. 6784, the *ESA Flexibility Act*, which allows the Secretary of the Interior to extend fit-for-purpose Section 4(d) rules to endangered species.

Home builders seeking to build housing in an area occupied by threatened or endangered species, or designated as critical habitat, face a blunt regulatory tool known as the "take" prohibition. This broad instrument places sweeping restrictions on actions that may affect the species, does not promote proactive species conservation efforts for private parties, and fosters an untenable regulatory environment.

As the United States confronts a severe shortage in housing supply, NAHB believes that it is fundamental to strike the appropriate balance between threatened and endangered species conservation, and housing production. Fit-for-purpose 4(d) rules help strike that balance. This tool has been successfully applied to threatened species like the Northern Long-Eared Bat, the Pacific Coast Salmon, California Gnatcatcher, and others. As a result, two objectives are accomplished: home builders have a clear and predictable regulatory process, and the protected species benefits from industry complying with appropriate conservations measures.

Extending 4(d) rules to endangered species adds another conservation tool, which will ensure that endangered species remain protected, and provide private property owners with the clarity and certainty necessary under the ESA. For these reasons, NAHB encourages the Subcommittee to report out the *ESA Flexibility Act* favorably.

Thank you for considering our views.

Sincerely,

A handwritten signature in black ink, appearing to read "Lake A. Coulson". The signature is fluid and cursive, with a large initial "L" and "C".

Lake A. Coulson