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To: Department of the Interior
From: Ecological Restoration Business Association
Filed to Docket No.: DOI-2021-0016
Date: March 7, 2022
Re: **Interagency Efforts to Develop the American Conservation and Stewardship Atlas**

The Ecological Restoration Business Association ("ERBA") appreciates the opportunity to provide comments on development of an American Conservation and Stewardship Atlas (the "Atlas") to the Department of the Interior (the "Department") and interagency working group members, including the Council on Environmental Quality, Department of Agriculture, and Department of Commerce through National Oceanic and Atmospheric Administration (collectively, the "Agencies").

ERBA applauds the Administration's leadership to launch the America the Beautiful initiative and work to implement a goal of conserving 30% of the nation's lands and waters by 2030. ERBA represents the nation's growing industry of organizations in the business of delivering wetland, stream, water quality, and species restoration projects, and the long-term, durable land stewardship that make these projects successful. We collaborate and work closely with state and federal agencies, private landowners, land trusts and the conservation community to achieve lasting ecological outcomes. Our member businesses support job creation and bolster the nation's natural infrastructure through mitigation, restoration, coastal and flood resiliency, and biodiversity outcomes. As an organization, we are firmly committed to our mission to "support private investment in durable environmental results that enable responsible economic growth" and our set of core *Principles for Ecological Restoration* that promote leading industry best practices and policies.[1]

ERBA strongly believes that our nation must enlist both private and public lands and funding to achieve 30% conservation by 2030. Ecological restoration markets incentivize private landowners to not only conserve land, but also generate the environmental uplift critical to the biodiversity goals of the America the Beautiful initiative. Stream, wetland, and species conservation mitigation projects have resulted in the dedication and restoration of hundreds of thousands of acres, with an individual mitigation bank site often covering thousands of acres. Resource uplift at mitigation banks is ensured in perpetuity through long term monitoring and stewardship requirements. This ecological uplift plus long-term stewardship is a key attribute of banks that contributes accountable and measurable conservation towards meeting 30x30 goals.

Considering these high quality, durable environmental benefits, ERBA strongly recommends that the Agencies include conservation resulting from landscape scale mitigation within the America the

[1] Available at: https://ecologicalrestoration.org/advocacy-%26-resources

Beautiful conservation continuum. From our experienced industry perspective, we also offer the following specific comments:

1. *Science and Data. What data sources, standards, and technical approaches should be applied to data included in the Atlas to ensure that it is an authoritative and useful tool for the public?*

The Regulatory In-Lieu Fee (ILF) and Bank Information Tracking System (RIBITS) was developed by the U.S. Army Corps of Engineers (Corps) to track mitigation banking and ILF projects implemented across the country under the Clean Water Act (CWA) § 404 compensatory mitigation program.[2] Since its launch, RIBITS has evolved into a powerful database and information repository tracking major national conservation investments beyond the § 404 wetland and stream program, to now also include some CWA § 402 and state water quality projects,[3] species conservation banks, Natural Resource Damage Assessment restoration projects, and more. RIBITS currently reflects more than 1,156,000 acres under permanent conservation protection across more than 3,000 bank and ILF sites in 47 states. Considering the scale of RIBITS' data, ERBA recommends that the Agencies work with the Corps to integrate RIBITS with the Atlas mapping effort or otherwise source data from RIBITS in real time to be reflected in the Atlas' outward public tracking.

However, it should be noted that RIBITS does not document Permittee-Responsible Mitigation (PRM). PRM projects have improved in quality and scale over the years, with some PRM sites comparable to banks in size and conservation outcomes. ERBA recommends that the Agencies work with the Corps to incorporate PRM tracking into RIBITS to more accurately capture the mitigation sector's contributions to conservation.

In addition to RIBITS, the Agencies should also consider directing resources towards updating and sourcing data from the National Wetlands Inventory and EPA's EnviroAtlas, two databases tracking existing natural resources and ecosystem services. ERBA members use these databases to inform their restoration investments.

2. *Conservation as a Continuum. How can the Atlas reflect the meaningful conservation work already underway in America?*

    a. *What stewardship actions should be considered, in addition to permanent protections, to capture a more complete picture of conservation and restoration in America?*

ERBA recommends that the Agencies consider the contributions of long-term stewardship actions, particularly stewardship actions that are backed by both financial commitments and long-term adaptive management planning. The ecological restoration industry pioneered models to pay for stewardship in

[2] Access RIBITS here: https://ribits.ops.usace.army.mil/ords/f?p=107:2::::::

[3] RIBITS currently tracks water quality projects in Iowa and Virginia, and is in the process of expanding to track water quality conservation in Maryland and Pennsylvania. ERBA supports investment in RIBITS to consistently track water quality projects across all state programs.

perpetuity to ensure adaptive management plans are implemented as needed and, in turn, landscapes remain resilient for centuries into the future.

Building on their wetland and stream restoration skills, ERBA members also implement ongoing stewardship actions to achieve water quality outcomes, such as best management practices to reduce storm water and nutrient pollutant run-off, often to meet "total maximum daily load" targets. ERBA recommends that the Atlas capture these water quality stewardship actions as a component of national restoration efforts.

b. What are the attributes of lands and waters that should be included in the Atlas? Considerations could include, for example, a clearly defined geographic boundary, status of ecological function, representation of species and habitats, extent of disturbance, expected future risks from climate change or other human stressors, ecosystem connectivity, or durability of management status.

1. Natural Process Restoration. ERBA members are leaders in working with nature in their restoration project efforts. This design approach is paramount in the quest for resilient natural systems and should be recognized in the Atlas.

2. Species Recovery Progress. ERBA members regularly implement actions from protected species' recovery plans. These recovery plan actions substantially contribute to species' progress towards recovery and should also be noted in the Atlas.

3. Ecological Uplift via Restoration. ERBA appreciates the America the Beautiful vision for a continuum of conservation. Ecological restoration, i.e., the generation of ecological uplift, is an essential anchor point in this continuum because restoration efforts reverse unique habitats' and ecosystem functions' degradation to achieve biodiversity and resiliency results. Looking at ERBA members' portfolios of projects, we are specialists in siting, constructing, and managing ecological restoration projects at scale and adjacent to or maximizing existing conservation designations. We see that restoration is often the final but necessary outstanding piece in landscape or watershed scale conservation efforts, yet it is left for last and hardest to complete because successful restoration typically requires greater planning, time, and upfront cost expenditures than traditional conservation or preservation efforts.

4. Durability. Many of the high-quality standards and elements of restoration projects are driven by regulatory requirements and resource recovery targets, such as the CWA's "no net loss" of wetlands. This goal underpins the requirements for durable restoration projects and actions that ensure restored aquatic systems will provide ecological benefits in perpetuity. In partnership with the Corps and other Agencies, our industry has become experts in implementing the financial, legal, and ecological practice mechanisms that are critical to achieving durability, including: real estate site protection (typically through a conservation easement), design and construction for self-sustaining ecosystems, adaptive management planning, long-term

management planning, and an endowment with adequate funding to support perpetual stewardship.

To help offset the risks and costs of mitigation and privately funded restoration, and incentivize valuable restoration investments under the America the Beautiful framework, ERBA recommends that the Atlas clearly count and include mitigation conservation efforts, and mark their significant contributions via an indication or classification of their durability and ecological uplift contributions.

c. *How can the Atlas best reflect the contributions of State, local, Tribal, territorial, and private lands?*

ERBA members' primarily work with private landowners to dedicate land towards restoration and conservation efforts. Conservation of private lands is especially impactful because private lands are typically those most vulnerable to damage and development or conversion. Considering this perspective, we again strongly recommend that the Atlas incorporate RIBITS' data tracking of private lands dedicated towards wetland, stream, habitat restoration, and other durable natural resource offset projects that deliver measurable conservation benefits.

3. *Outcomes. How can the Atlas best reflect land and water contributions to biodiversity, climate change mitigation and resilience, and equitable access to nature and its benefits?*

Accountability in conservation outcomes is critical to measuring our progress towards environmental goals and baselines. Ecological outcome data informs which practices and investments are working or failing ecologically, and allows land stewards to enact adaptive management techniques and funding to correct course.[4] Conservationists and the ecological restoration industry would benefit from more widespread, routine, institutionalized data collection methodologies to monitor and account for the successful ecological performance at restoration and conservation sites. ERBA urges the Agencies, Biden Administration, and Congress to use the America the Beautiful initiative to establish and fund data collection for ecological performance oversight across a broad range of programs, in partnership with the academic and scientific communities. For tracking of mitigation program outcomes, ERBA recommends the Agencies work with the Corps to implement greater transparency and accessibility to mitigation sites' annual monitoring report data to regularly track and analyze ecological performance.

Beyond ecological performance, ERBA also supports another relevant interpretation of outcomes – our national pace of permitting and implementing restoration and conservation on the ground. America the Beautiful initiative and tracking towards the nation's 30x30 goal should also include monitoring and tracking progress on permitting conservation and ecological restoration projects. Ecological restoration projects are often subject to long permitting and environmental reviews, essentially "green tape." In

[4] *See* ERBA's *Principles* report for a broader discussion on this point under the Risk-Reduction and Science-Based principles.

some instances it can take longer to permit a restoration or conservation project than it does to permit a project negatively impacting the environment. Shining a light on these green tape delays through a real-time updated public facing dashboard would help policy makers and regulators understand the source of delays and opportunities for improvement in permitting outcomes.[5]

Thank You

Thank you for your consideration of ERBA's comments and important work towards development of the Atlas. Please do not hesitate to reach out to Sara Johnson, Executive Director of ERBA at sjohnson@ecologicalrestoration.org with any questions or requests for further information. ERBA stands ready to serve as an industry resource to the Agencies and the Biden Administration on the perspective of incentivizing private lands and private funds towards durable conservation.

[5] Consider development of a permitting dashboard similar to Fast41 for infrastructure projects for high profile, critically needed conservation and restoration projects. *See* https://www.permits.performance.gov/projects/fast-41-covered; Current efforts of the California Natural Resources Agency (CNRA) to develop a Pathways Plan with data investments tracking "Cutting Green Tape" progress may also be instructive. *See* https://www.californianature.ca.gov/pages/30x30.