



**Ecological Restoration Business Association**  
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April 2, 2020

The Honorable Mitch McConnell, Majority Leader  
U.S. Senate  
Washington, D.C. 20510

The Honorable Nancy Pelosi, Speaker  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Charles Schumer, Minority Leader  
U.S. Senate  
Washington, D.C. 20510

The Honorable Kevin McCarthy, Minority Leader  
U.S. House of Representatives  
Washington, D.C. 20515

RE: ***Stimulus Legislation and Recommendations to Expedite High Priority Infrastructure, Maintain Environmental Protections & Spur Job Growth***

Dear Leader McConnell, Minority Leader Schumer, Speaker Pelosi and Minority Leader McCarthy:

On behalf of the Ecological Restoration Business Association (ERBA), we thank you for your tireless work to protect the nation during this time of crisis. As Congress looks towards legislation to help speed the COVID-19 economic recovery, ERBA offers strong support for critical investments that will stimulate and invest in our nation's economy, such as infrastructure spending.

These investments will produce long-term value for the American public if directed to increasing communities' natural resiliency, building sustainable infrastructure, and supporting family-wage jobs. America's ecological restoration industry, at 225,000 jobs and growing, stands ready to meet and deliver on these goals. Our member companies consult with public utilities and agencies daily on construction and improvements for our country's roads, bridges, and dams, making us acutely aware of their unique regulatory challenges, and ready to respond with permitting solutions. Our industry generates diverse job opportunities, often in rural areas, on purposeful work with large scale positive community impacts. With targeted policy incentives, our industry can deliver infrastructure and ecological services that provide extensive public benefits, while stimulating economic growth and jobs creation.

Based on ERBA members' extensive experience, we offer the following recommendations that will expedite high priority infrastructure, maintain environmental safeguards, and spur job growth:

**Fund and Support Advanced Mitigation for Large Infrastructure Impacts**

- *Direct use of mitigation bank and ILF credits for Clean Water Act 404 regulated impacts consistent with the preference for advanced mitigation in the 2008 Compensatory Mitigation Rule (the Rule).* Use of mitigation credits cuts permitting time by 50% and reduces delays because the Corps has already reviewed and approved the mitigation. This means that mitigation credits can expedite major infrastructure priorities, while maintaining high environmental standards. Support of major credit purchases from these mitigation projects will incentivize further investment in large scale mitigation projects with proven success.

- When mitigation bank or ILF credits are not available, the Corps *must* maximize the flexibility provided under the Rule that allows permittees to accomplish high quality mitigation while also expediting their permits for mitigation.
- Direct Corps Regulatory to prioritize and expedite approval of mitigation projects proposed to support infrastructure utilizing stimulus funding. Districts should prioritize and fast track the review timelines of mitigation project proposals if the project sponsor can demonstrate that the mitigation would service a high priority infrastructure project utilizing stimulus funding.
  - The Rule outlines 225 Regulatory Review days for the District to review and approve a mitigation proposal, however in practice this 225 day benchmark is rarely met. Under a fast track approach, Districts should redirect staff priorities to, at a minimum, meet the 225 day timeline, limit the number of time extensions granted to IRT members, and implement best practices for streamlined communication between the District, IRT members and sponsor.
  - It might be appropriate to limit the fast track review option to a year or two years following passage of the stimulus package and to require an after action review between the District and sponsor to confirm the mitigation project's viability.
- For Corps Civil Works' project impacts, direct the Corps to outsource mitigation needs to experienced third party providers for faster delivery of ecological services and reduction of temporal loss. Engage the private sector through creative contracting that ensures the efficient, timely delivery of ecological outcomes, e.g. pay for performance or outcome based contracting.

#### **Prioritize Landscape-Scale Restoration Infrastructure: Resiliency, Flood & Water Quality Benefits**

- Identify high priority dam removal and/or reservoir improvement projects and provide full funding. Recent research and Corps' guidance acknowledges the value of dam/culvert removal/improvement projects for generating stream restoration and broader watershed uplift, as well as aquatic species and community recreational benefits. These critical projects often suffer from limited annual funding, however they offer substantial economic, water quality, and water supply benefits.
- Offer funding and/or creative financing options for shovel ready resiliency projects at the local level. Funding should be made available to support 1) Hazard Mitigation Plans and other pre-disaster/resiliency focused plans and 2) post-disaster recovery efforts.
  - Many states and communities develop Hazard Mitigation Plans in accordance with FEMA guidance to document strategies and projects that will enhance state and community resilience, yet they lack resources to make those investments.
    - Expand funding for FEMA's Pre-Disaster Mitigation Grant Program, with extra incentives for projects that deliver multiple benefits, i.e. resiliency and water quality. Applications to the program are consistently higher than the funding available, e.g. in 2018 the program was funded at \$250M, but received \$512M in application. FEMA should also consider implementation of project review streamlining recommendations to expedite approval of grant-awarded projects.
    - In a state level example, also consider the Louisiana Coastal Protection and Restoration Authority, which developed a state Master Plan of high priority projects, but lacks necessary funding for comprehensive implementation.
  - Additionally, communities post-disaster might have access to federal disaster funds that could be applied towards rebuilding grey and green infrastructure with resiliency practices and designs built in. However, many communities lack local resources to provide the necessary match to access federal funds for this much needed work aimed at enhancing resilience. These resiliency projects might include repairing erosion to

coastal wetlands, restoring coastal wetlands within damaged areas to their full ecological and storm protection potential, or even water quality focused projects that also expand a system's capacity to handle large quantities of flood or stormwaters.

- Direct the Corps to collaboratively and transparently engage the private sector and community partners for beneficial use of dredged material toward restoration projects. ERBA recommends an RFP process that works through any ownership, incremental costs and other administrative issues to quickly apply dredged materials in a beneficial manner for communities' resiliency needs.

Thank you for your consideration of our industry and the potential role we can play to support your public goals. Please do not hesitate to reach out on the recommendations we present here. ERBA would welcome the opportunity to work with your Congressional office on identifying where these ideas would best fit within bill text and crafting legislative language.

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