



American Road
& Transportation
Builders Association

**Statement of Nick Goldstein
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American Road & Transportation Builders Association
United States Environmental Protection Agency
United States Army Corps of Engineers
Small Business Session on Proposal to Modify Compensatory Mitigation Policies for Aquatic
Resources
Thursday, June 20, 2019**

Good afternoon. I'm Nick Goldstein, Vice President of Regulatory and Legal Issues with the American Road and Transportation Builders Association or A-R-T-B-A.

A-R-T-B-A, a 117-year old organization based in the Nation's Capital, represents all sectors of the U.S. transportation construction industry; an industry that generates \$500 billion in U.S. economic activity and helps sustain more than 4 million American jobs. Small, family-owned businesses are the core of the transportation construction marketplace. Specifically, according to Census Bureau data, small businesses account for 94 percent of highway, street, bridge and other heavy and civil engineering construction firms.

A-R-T-B-A thanks the E-P-A and the Corps for holding today's session on its upcoming proposal to modify compensatory mitigation policies for aquatic resources. The transportation construction industry participates in a variety of activities regulated under the Clean Water Act, including the federal wetlands permitting program. A-R-T-B-A members actively work to combine the complementary interests of improving our nation's transportation infrastructure with protecting essential water resources. In many cases, state Departments of Transportation and the transportation community are the biggest mitigation producers in a state. As such the concerns of the transportation construction community are highly relevant to the upcoming proposal.

A-R-T-B-A is supportive of the overall concept of mitigation banking. Mitigation banking is particularly beneficial to the highway construction industry as it allows project developers flexibility in meeting wetlands restoration obligations by allowing the choice of a mitigation site based on environmental value rather than proximity to a highway project. Mitigation banking also enables project sponsors to choose areas for mitigation that are well suited for wildlife and wetlands management (such as the enhancement of already degraded wetlands).

With this in mind, A-R-T-B-A offers the following thoughts on the upcoming EPA and Corps proposal:

- The goal of the proposal should be to protect essential environmental resources in as efficient a manner as possible. Unnecessary project delays carry severe financial consequences. According to a 2016 report by the Texas A&M Transportation Institute, project delay is estimated to cost \$87,000 per month for small projects (e.g., reconstruction), \$420,000 per month for medium-sized projects (e.g., widening) and \$1.3 million per month for large projects. With transportation funding scarce on the state and federal level, it is essential to assure the public the government is making every dollar spent of transportation go as far as possible without sacrificing necessary regulatory safeguards.
- Once the rule is promulgated, Corps districts should work directly with the regulated community in developing all associated guidance and metrics. The regulated community should be involved early in the process in order to help develop common-sense policies to accomplish the goals of the new rule.

Once the proposal is released, A-R-T-B-A will expand upon this statement with written comments to the docket.

Again, thank you for the opportunity to present the views of our membership.