



US Army Corps
of Engineers
Alaska District

SITKA FIELD OFFICE
Regulatory Division (1145)
CEPOA-RD
Post Office Box 16
Sitka, Alaska 99835

Public Notice of Mitigation Bank Prospectus

PUBLIC NOTICE DATE: March 20, 2014

EXPIRATION DATE: April 21, 2014

REFERENCE NUMBER: POA-2013-0395

The District Engineer has received a prospectus to establish a wetland and stream compensatory mitigation bank. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate this proposed mitigation site. This is not an application for work in Waters of the U. S.

COMMENT PERIOD: Comments on the proposed mitigation site, with the reference number POA-2013-0395, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Comments on the proposed mitigation site should be made in writing to the Alaska District, U.S. Army Corps of Engineers ATTN: Linda Speerstra, Post Office Box 16, Sitka, Alaska 99835, or e-mail linda.speerstra@usace.army.mil.

BANK SPONSOR: Trillium Mitigation Bank, Mr. Steve Segoy, Waterman Mitigation Partners, Post Office Box 32542, Juneau, Alaska 99803 - (206) 661-2401.

WATERWAY AND LOCATION OF THE PROPOSED WORK: The proposed mitigation site is located on North Prince of Wales Island in Southeast Alaska. The proposed site encompasses approximately 1,227 acres. A majority of the site was logged during the 1970s. The Tongass National Forest abuts the proposed site on the north, east and west. The southern boundary abuts the shoreline of El Capitan Passage where eight privately owned recreational lots are located.

PROPOSED WORK AND PURPOSE: The sponsor proposes to establish, design, construct, and operate a compensatory wetland and stream mitigation site to be known as Trillium Mitigation Bank. The purpose of the mitigation project is to provide off-site compensatory mitigation for projects that result in unavoidable impacts to wetlands and streams and other waters of the United States in the El Capitan Watershed.

The Sponsor plans to preserve the entire proposed site in perpetuity; re-establish wetlands and stream channel connectivity through the removal of road fill, logging debris and degraded log water crossing structures; and, rehabilitate wetlands and streams by improving water crossing structures and removal of road fill.

The Sponsor has proposed, for purposes of Section 404 of the Clean Water Act, that the geographic service area of this mitigation site would include the National Watershed Boundary Dataset Hydrologic Unit Codes 19010101, 19010102, 19010103, and 19010202. This proposed service area would include cities located on Prince of Wales Island, and areas surrounding Ketchikan, Petersburg, Kake and Wrangell.

ADDITIONAL INFORMATION: The term "mitigation bank" refers to a site or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing compensatory mitigation for impacts authorized by Department of the Army (DA) permits. In general, a mitigation bank sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the mitigation bank sponsor. The operation and use of a mitigation bank are governed by a Mitigation Banking Instrument (MBI) which is the legal document for the establishment, operation, and use of a mitigation bank. The term "service area" refers to the geographic area in which impacts can be mitigated at a specific mitigation bank, as designated in its MBI. Oversight of this mitigation site will be by a group of federal, state, and local agency representatives. This group will be known as the Interagency Review Team (IRT). The Alaska District of the U.S. Army Corps of Engineers (Corps) shall chair the IRT.

The actual approval of the use of this mitigation site for a specific project is the decision of the Corps pursuant to Section 404 of the Clean Water Act. The Corps provides no guarantee that any particular individual or general permit will be granted authorization to use this mitigation site to compensate for unavoidable wetland/stream impacts associated with a proposed permit.

AUTHORITY: Issuance of a public notice regarding proposed mitigation sites is required pursuant to the "Compensatory Mitigation for Losses of Aquatic Resources; Final Rule," (Rule) as published in the April 10, 2008, Federal Register, Vol. 73, No. 70, Pages 19594-19705 (33 CFR Parts 325 and 332).

FEDERAL EVALUATION OF PROPOSAL

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, we have determined the described activity would have no effect on any listed or proposed threatened or endangered species, and would have no effect on any designated or proposed critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). El Capitan Creek contains EFH for the following species:

- Chum salmon (*Oncorhynchus keta*); Adult,
- Pink salmon (*O. gorbuscha*); Adult and,
- Coho salmon (*O. kisutch*); Adult and rearing

Our assessment of the project leads us to a preliminary determination that it will not have a substantial adverse effect on EFH and potentially has a beneficial effect through restoration and rehabilitation efforts; therefore expanded EFH consultation is not required. This Public Notice initiates EFH consultation with the NMFS. Any comments or recommendations they may have concerning EFH will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

If you have any questions about the proposed mitigation site, please contact: **Linda Speerstra** at **linda.speerstra@usace.army.mil**.

Attachment: Prospectus and Drawings