



US Army Corps  
of Engineers  
Alaska District

# Public Notice Modification of In Lieu Fee Program – Site Additions

Regulatory Division (1145)  
CEPOA-RD  
Post Office Box 6898  
JBER, Alaska 99506-0898

<b>PUBLIC NOTICE DATE:</b>	<b>MARCH 15, 2016</b>
<b>EXPIRATION DATE:</b>	<b>APRIL 13, 2016</b>
<b>REFERENCE NUMBER:</b>	<b>POA-2010-132</b>
<b>WATERWAY:</b>	<b>Multiple Waterways</b>

## FEDERAL PUBLIC NOTICE

The District Engineer has received a project proposal to establish and In-Lieu Fee (ILF) wetland compensatory mitigation site for Federal permits as described below:

In Lieu Fee Sponsor  
The Conservation Fund  
1655 North Fort Meyer Drive, Suite 1300  
Arlington, VA 22209  
Email: [webmaster@conservationfund.org](mailto:webmaster@conservationfund.org)  
Phone: (703) 525-6300

Program POC  
Mr. Brad Meiklejohn  
Eagle River, AK 99577  
(907) 694-9060

WATERWAY AND LOCATION OF THE PROPOSED WORK: The AR-5 property is located on the Kobuk River in Kobuk Valley National Park and Wilderness, within Sections 13 & 14, T. 20 N., R. 2 W., Kateel River Meridian; Latitude 67.127° N., Longitude 159.036° W. The proposed mitigation site is approximately 159.98 acres in size and is proposed to be preserved as part of Kobuk Valley National Park and Wilderness.

PROPOSED WORK AND PURPOSE: The sponsor is proposing the AR-5 compensatory mitigation site from the preservation of the AR-5 property. The purpose of the preservation is to protect high value aquatic resources, and to help maintain the ecological function of the Kobuk River watershed. The goal of the preservation is to provide compensatory mitigation for impacts to aquatic sites authorized by Department of the Army permits in The Conservation Fund's Arctic Service Area. Factors considered in the selection of this site included the presence of high quality aquatic resources, priority lands, the presence of threats to the aquatic resources, and the practicability of self-sustaining preservation.

The sponsor has proposed, for purposes of Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act, that the geographic service area of this mitigation site is located in the Arctic Service Area.

WATERWAY AND LOCATION OF THE PROPOSED WORK: The AR-6 property is located west of the Tagagawik River in the Selawik National Wildlife Refuge, 66.26185° N, 159.26393° W. The proposed mitigation site is approximately 159.99 acres in size and is proposed to be preserved as part of Selawik National Wildlife Refuge.

PROPOSED WORK AND PURPOSE: The sponsor is proposing the AR-6 compensatory mitigation site from the preservation of the AR-6 property. The purpose of the preservation is to protect high value aquatic resources, and to help maintain the ecological function of the Tagagawik River watershed. The goal of the preservation is to provide compensatory mitigation for impacts to aquatic sites authorized by Department of the Army permits in The Conservation Fund's Arctic service area. Factors considered in the selection of this site included the presence of high quality aquatic resources, priority lands, the presence of threats to the aquatic resources, and the practicability of self-sustaining preservation.

The sponsor has proposed, for purposes of Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act, that the geographic service area of this mitigation site is located in the Arctic Service Area.

WATERWAY AND LOCATION OF THE PROPOSED WORK: The AR-7 property is located on the Chukchi Sea in Cape Krusenstern National Monument, within Section 18, T. 19N, R. 21 W and Section 18, T. 19 N, R. 20W, Kateel River Meridian, 67.048° N, 163.152° W. The proposed mitigation site is approximately 119.96 acres in size and will be proposed to be preserved as part of the Cape Krusenstern National Monument.

PROPOSED WORK AND PURPOSE: The sponsor is proposing the AR-7 compensatory mitigation site from the preservation of the AR-7 property. The purpose of the preservation is to protect high value aquatic resources, and to help maintain the ecological function of the Aukulak Lagoon watershed. The goal of the preservation is to provide compensatory mitigation for impacts to aquatic sites authorized by Department of the Army permits in The Conservation Fund's Arctic service area. Factors considered in the selection of this site included the presence of high quality aquatic resources, priority lands, the presence of threats to the aquatic resources, and the practicability of self-sustaining preservation.

The sponsor has proposed, for purposes of Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act, that the geographic service area of this mitigation site is located in the Arctic Service Area.

WATERWAY AND LOCATION OF THE PROPOSED WORK: The AR-8 property is located on the Chukchi Sea in Cape Krusenstern National Monument, within Section 4, T. 22 N, R. 23 W, Kateel River Meridian, Latitude 67.334° N, 163.804° W. The proposed mitigation site is approximately 159.98 acres in size and is proposed to be preserved as part of Cape Krusenstern National Monument.

PROPOSED WORK AND PURPOSE: The sponsor is proposing the AR-8 compensatory mitigation site from the preservation of the AR-8 property. The purpose of the preservation is to protect high value aquatic resources, and to help maintain the ecological function of the Kilikmak Creek watershed. The goal of the preservation is to provide compensatory mitigation for impacts to aquatic sites authorized by Department of the Army permits in The Conservation Fund's Arctic Service Area. Factors considered in the selection of this site included the presence of high quality aquatic resources, priority lands, the presence of threats to the aquatic resources, and the practicability of self-sustaining preservation.

The sponsor has proposed, for purposes of Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act, that the geographic service area of this mitigation site is located in the Arctic Service Area.

ADDITIONAL INFORMATION:

Oversight of these mitigation sites will be by a group of federal and state agency representatives. This interagency oversight group will be known as the Interagency Review Team (IRT). The Alaska District of the U.S. Army Corps of Engineers shall chair the IRT.

These mitigation sites may be practicable options available to applicants to compensate for unavoidable wetland impacts associated with permits issued under the authority of Section 404 and 401 of the Clean Water Act (Public Law 95-217).

The actual approval of the use of these mitigation sites for a specific project is the decision of the Corps pursuant to Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. The Corps provides no guarantee that any particular individual or general permit will be granted authorization to use this mitigation sites to compensate for unavoidable wetland impacts associated with a proposed permit, even though compensatory mitigation may be available.

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: 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 these proposed mitigation sites. This is not an application for work in Waters of the United States. The Corps of Engineers in evaluating this proposal will consider any comments received. Comments are used to assess the viability of the compensatory mitigation sites.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Alaska District Corps of Engineers (ATTN: Danielle Shack), CEPOA-RD-SA, Post Office Box 6898 JBER, Alaska 99506-0898 or by email to [danielle.g.shack@usace.army.mil](mailto:danielle.g.shack@usace.army.mil) with the project name and number in the subject line. Comments must be received by the close of business on April 13, 2016.

FOR THE DISTRICT ENGINEER:

District Commander  
U.S. Army Corps of Engineers

Enclosures

**Instrument Modification Request - Site Addition**

**AR-8 Mitigation Plan**

Alaska In-Lieu Fee Compensatory Mitigation Program  
The Conservation Fund

**Project Details:**

Identification	AR-8
Mitigation Type	Preservation
General Location	Cape Krusenstern National Monument
Service Area	Arctic (AR)
Project Partner	National Park Service
NPS Reference	CAKR- 03-112
Coordinate System	Decimal Degrees, WGS 84
Coordinates	67.334, -163.804
Legal Description	Lot 8, USS 12805, S 4, T 22 N, R 23 W, Kotzebue Recording District; T. 22N, R. 23W, S. 4; Kateel River Meridian, Northwest Arctic Borough, Kotzebue Recording District, State of Alaska

<b>Total Area Protected:</b>	<b>159.98</b>
<b>Total Credits Proposed</b>	<b>89.04</b>
Palustrine Credits	80.41
Marine/Estuarine Credits	8.63

**1. OBJECTIVES** [33 CFR § 332.4(c)(2)]

The Conservation Fund (Fund) is proposing to establish the AR-8 mitigation site from the preservation of the AR-8 property located on the Chukchi Sea in Cape Krusenstern National Monument (Monument). The proposed AR-8 mitigation site will compensate for impacts to wetlands and other waters of the U.S. (WOUS) authorized by Department of the Army permits in TCF's Arctic (AR) Service Area. The AR-8 property consists of 159.98 acres of marine shoreline, wetlands, and coastal upland. The property has been incorporated into the Monument and is now managed by the National Park Service (NPS) to protect and preserve the site's aquatic functions in perpetuity. The resource functions of this compensatory mitigation project will address the needs of the Kilikmak Creek watershed and the Monument by maintaining and further protecting the undeveloped, undisturbed nature of the area.

The proposed AR-8 mitigation project is consistent with the Fund's Alaska In-lieu Fee Compensatory Mitigation Program Instrument (TCF 2013). This project meets the five criteria for preservation identified in 33 CFR § 332.3(h):

1. *CFR § 332.3(h)(i)*: The resources preserved on the AR-8 property provide important physical, chemical, and biological functions for the watershed. See Section 2, Section 4, and Appendix A for additional information.

2. *CFR § 332.3(h)(ii)*: The resources preserved on the AR-8 property contribute significantly to the ecological sustainability of the watershed. See Section 2 for additional information.
3. *CFR § 332.3(h)(iii)*: Preservation has been determined by the District Engineer to be appropriate and practicable as demonstrated by the U.S. Army Corps of Engineers' (USACE) approval of Section 404 permits that identify the Fund as the mitigation provider. As a result, the Fund has sold over 1,000 advance credits statewide under the executed Alaska In-lieu Fee Compensatory Mitigation Program Instrument, which identifies preservation as the primary type of compensatory mitigation.
4. *CFR § 332.3(h)(iv)*: The resources on the AR-8 were under threat of destruction or adverse modification. See Section 2 for additional information.
5. *CFR § 332.3(h)(v)*: The AR-8 property is permanently protected through an appropriate real estate or other legal instrument. See Sections 3 and 10 for additional information.

The goal of the proposed AR-8 mitigation site is to preserve in perpetuity the ecological integrity of the AR-8 property. The Fund proposes to generate credits from the preservation of the property to offset unavoidable impacts to WOUS that have been authorized under Department of the Army permits pursuant to Section 404 of the Clean Water Act (CWA).

## **2. SITE SELECTION [33 CFR § 332.4(c)(3)]**

The AR-8 property was strategically selected for compensatory mitigation to help preserve the quantity and quality of aquatic resources. Factors considered in selecting this property included the presence of high-functioning wetlands with ecological importance to their watershed, the presence of threats to the property, and the importance of this property for preservation within the Monument.

The resources preserved on the AR-8 property provide important physical, chemical, and biological functions for the Kilikmak Creek watershed. The property is located on the Chukchi Sea's coastline in an area used by polar bears and Arctic ringed seals, both federally threatened species. Kotlik Lagoon, located less than 0.5 mile north of the property, provides important estuary habitat for numerous shorebird and migrating species. Kilikmak Creek enters the lagoon near the property and provides valuable functions and services to the region. A detailed description of the property and the functions performed by its aquatic resources can be found in the attached functional assessment (FA) report (Appendix A).

Prior to the Fund acquiring the property for the Monument, the AR-8 property was under threat of destruction or adverse modification. Access to the AR-8 property contributed to threat and is available by all terrain vehicle or snow machine along the coastline and coastal uplands. The neighboring communities of Kivalina, Noatak, and Shehalik are hubs for season hunting and fishing activities. Threats to the property included habitat destruction and fragmentation, wetland functional loss, and adverse impacts to fish and wildlife. The primary sources of these threats was land alteration (e.g., developments, trails), noise pollution, chemical pollution (e.g., septic, fuel, motor oil), and trash (e.g., garbage, abandoned vessels) associated with commercial, recreational, and subsistence operations for hunting, fishing, hiking, lodging, and wildlife viewing. Such operations by a private landowner had the potential to not only adversely affect the AR-8 property, but also effect the greater watershed area, including adjacent Monument

lands, by increasing anthropogenic use in the area. Preservation of this property increased protection to this sensitive area. By acquiring this property for NPS and removing the threats, the Fund helped to protect the ecological sustainability and habitat continuity within the Monument and the Kilikmak Creek watershed.

The preservation of the AR-8 property was a priority for the Fund because the property was under threat, was available for purchase from a willing landowner on the open real estate market, contains valuable aquatic resources within the watershed, contributes to the protection and sustainability of the Monument, and was able to be permanently protected through an appropriate real estate instrument. The Monument's General Management Plan, prepared in 1986, identifies privately-owned lands within the Monument's boundaries that contain valuable archaeological sites and fish and wildlife habitat for potential acquisition from willing sellers. Development of the AR-8 property and the resulting impacts threatened the integrity of the undisturbed landscape for which the Monument was created. The Fund has a high level of confidence that the preservation of this site will result in self-sustaining compensatory mitigation.

### **3. SITE PROTECTION INSTRUMENT [33 CFR § 332.4(c)(4)]**

The Fund provided project funding to enable NPS to acquire all interests in the AR-8 property. The United States now owns the AR-8 property in fee simple (i.e., all surface and subsurface rights). NPS incorporated the property into the Cape Krusenstern National Monument, and, as a part of the National Park System, the AR-8 property is under one of the highest levels of protection available for land. The protection instrument is the Monument's General Management Plan. The protections afforded by this Management Plan add confidence that the property will be preserved in perpetuity.

The Cape Krusenstern National Monument was created in 1980 by the Alaska National Interest Lands Conservation Act (ANILCA 1980). ANILCA §201(3) specifically directs:

"The monument shall be managed for the following purposes, among others: To protect and interpret a series of archeological sites depicting every known cultural period in arctic Alaska; to provide for scientific study of the process of human population of the area from the Asian Continent, in cooperation with Native Alaskans, to preserve and interpret evidence of prehistoric and historic Native cultures, to protect habitat for seals and other marine mammals; to protect habitat for and populations of, birds, and other wildlife, and fish resources; and to protect the viability of subsistence resources. Subsistence uses by local residents shall be permitted in the monument in accordance with the provisions of title VIII."

The Cape Krusenstern General Management Plan, developed in 1986, is the guiding document for management of the Monument. As stated in the Monument's General Management Plan, "The concept of perpetuating a total natural environment or ecosystem, in contrast to the protection of individual features or species, is a distinguishing aspect of the National Park Service's management of natural lands." (NPS 1986). By integrating the AR-8 property into the Monument, NPS will manage the property according to these same principles. The Management Plan provides a high-level of confidence that the AR-8 property will be protected in perpetuity for preservation purposes.

The wetlands and waterbodies on the property are further protected through Executive Order 11990 (EO 1977) and Director's Order 77-1 (NPS 2012), which, under the goal of "no net loss of wetlands," directs federal agencies to provide leadership and to take action to minimize the destruction, loss, or degradation of wetlands; preserve and enhance the natural and beneficial values of wetlands; and avoid direct or indirect support of new construction in wetlands unless there are no practicable alternatives to such construction and the proposed action includes all practicable measures to minimize harm to wetlands.

Cape Krusenstern National Monument is managed by the Western Arctic National Parklands, based in Kotzebue, Alaska. Four parks comprise Western Arctic National Parklands: Kobuk Valley National Park, Cape Krusenstern National Monument, Noatak National Preserve, and Bering Land Bridge National Monument (Wilderness.net 2015).

**4. BASELINE INFORMATION [33 CFR § 332.4(c)(5)]**

The 159.98 acre AR-8 property is located on the southern Chukchi Sea, approximately 45 miles northwest of Kotzebue, Alaska, in the Monument (Figure1). The property contains intertidal marine shoreline and palustrine scrub-shrub/emergent wetlands, and is an undisturbed property with reference-quality wetlands and waterbodies. The attached wetland and waterbody functional assessment (FA) report (Appendix A) describes the wetlands and waterbodies identified on the property, as well as the hydrological, biological, and social functions that those wetlands and waterbodies contribute to their watershed. The primary wetland assessment tool used in the FA report was the Alaska Wetland Assessment Method (AKWAM), and wetlands and waterbodies were categorized by their Cowardin classification (Cowardin et al. 1979). The FA report provides baseline information for the AR-8 property.

**4.1. Wetland Assessment**

The FA report identifies approximately 148.90 acres of scrub-shrub/emergent palustrine wetlands on the AR-8 property. These wetlands constitute Assessment Area 1 (AA1). When assessed for social values and for 5 of the 10 functions based on the roles these wetlands play in the ecosystem, these wetlands received a score of 2.7 out of 5.0 possible points, or a percentage score of 54% (Table 1).

Table 1. Assessment Area 1 (AA1) Wetland Functions

AA1 Function	Estimate Capacity for Performing Function	Score (Out of 1.0)
1. Habitat for T&E Species	Low	0
2. General Wildlife Support	Moderate	0.7
3. Water Storage	High	0.9
4. Production Export/Food Chain Support	Moderate	0.7
5. Uniqueness	Low	0.3
<b>Bonus.</b> Recreation/Education Potential (Subsistence Use)	Moderate	0.1
<b>Total Score (Out of 5.0)</b>		<b>2.7</b>
<b>Percentage Score</b>		<b>54%</b>

#### 4.2. Waterbody Characterization

The FA report identifies approximately 7.7 acres of Chukchi Sea intertidal shoreline which was assigned in the FA report to 1 of 3 management categories, which range from the highest functional value of 1 to the lowest functional value of 3. The FA report recommended that this unconsolidated marine shore be identified as a Category I waterbody due to the presence of endangered species habitat, anadromous fish and subsistence use (Table 2).

Table 2. Assessment Area Waterbody Characterization

Assessment Area (AA)	Cowardin Type	Acres	Management Category
Marine Unconsolidated Shore (AA2)	Marine	7.70	Category I

#### 4.3. Upland Buffers

The FA report identifies approximately 3.40 acres of upland buffers on the AR-8 property. Upland buffers are identified as uplands within 100 feet of wetlands and waterbodies. These 100-foot wide buffers provide important protections to ecosystem functions and services performed by the property's wetlands and waterbodies. These buffers especially benefit the Chukchi Sea coastline, the dominant aquatic feature in the area (Table 3).

Table 3. Upland Buffer Characterization

Upland Type	Acres	Benefited Cowardin Type
Buffer	3.40	Marine/Estuarine

### 5. DETERMINATION OF CREDITS [33 CFR § 332.4(c)(6)]

Each credit is assigned to 1 of 4 general wetland types - palustrine, riverine, lacustrine, and estuarine - based on the Cowardin classification (Cowardin et al. 1979). The Fund proposes to generate credits from the preservation and maintenance of the AR-8 property. A functional assessment of aquatic resources and a conditional assessment of pre- and post-project site conditions determined credit production. The credits generated from the AR-8 property will be used to compensate for impacts to aquatic resources in an approved service area.

#### 5.1. Units of measure [33 CFR § 332.8(o)(1)]

The principle unit of measure for credits are functional values by acres protected.

#### 5.2. Assessment [33 CFR § 332.8(o)(2)]

The FA report used for the baseline information describes the wetlands, waterbodies, and uplands that are preserved. Table 4 presents a breakdown of the Assessment Areas and their respective wetland types, acres, and functional scores or categories. Full descriptions of the assigned Cowardin classification codes can be found in the FA (Table 4)

Table 4. Property Assessment Summary

Assessment Area - AA	Type	Acreage	Score/Category
Assessment Area 1 (AA1)	Palustrine	148.90	2.7 out of 5.0 (54%)
Assessment Area 2 (AA2)	Marine	7.70	Category I
Buffer	Marine/Estuarine	3.40	N/A

**5.3. Credit production [33 CFR § 332.8(o)(3)]**

Credit production from the preservation and maintenance of the AR-8 property reflects the difference between pre- and post-project site conditions. Pre-project site conditions were undisturbed wetlands, waterbodies, and uplands in an unprotected state. Post-site conditions are undisturbed wetland, waterbodies, and uplands under a high-level state of protection. The difference between pre- and post-project site conditions is the high-level of protection accomplished through the execution of an appropriate protection instrument, as detailed in Section 3. Such a high-level state of protection significantly reduces threats to property. Credits reflect the functional values of aquatic resources and upland buffers under this high-level state of protection.

The Fund proposes to develop the number and type of credits using functional multipliers, which were derived from the FA report and other practicable means. For Assessment Area 1 (AA1), the AKWAM tool produced a total score of 2.7 out 5.0, where 5.0 represents the highest functional score achievable. The Fund proposes to use for AA1 a functional multiplier of 0.54, which was obtained from the wetland assessment score (i.e., 54% or 2.7/5.0), to best represent the functions and values of AA1 in credit production.

AKWAM provides a separate assessment methodology for waterbodies. Instead of assessing the individual functions of a waterbody and producing a total score, AKWAM uses its general characteristics to place it into management categories, which range from the highest functional value of 1 to the lowest functional value of 3. Based on best professional judgment, the Fund proposes a functional multiplier of 0.90 for Category I, 0.80 for Category II, and 0.70 for Category III to reflect categorical values in credit production. Buffers on the AR-8 property provide important functions and values to marine wetlands and waterbodies. Based on best professional judgment, the Fund proposed to apply a functional multiplier of 0.50 to account for functions and values represented by these buffers in credit production.

Using the functional multipliers and assessment areas describe above, the Fund proposes to produce 80.41 palustrine credits and 8.63 marine/estuarine credits from the preservation and maintenance of the AR-8 property in post-project site conditions. A full breakdown of assessment areas, wetland types, functional multipliers, and credits is presented below (Table 5).

Table 5. Post-project site conditions

Assessment Area (AA)	Wetland Type	Acres	Score/Management Category	Functional Multiplier	Credits
AA1	Palustrine	148.90	2.7 out of 5.0 (54%)	0.54	80.41
AA2	Estuarine	7.70	Category I	0.90	6.93
Buffer	Marine/Estuarine	3.40	N/A	0.50	1.70
Total Credits Produced					89.04
<b>Total Palustrine Credits</b>					<b>80.41</b>
<b>Total Marine/Estuarine Credits</b>					<b>8.63</b>

#### **6. MITIGATION WORK PLAN [33 CFR § 332.4(c)(7)]**

The AR-8 property contains undisturbed reference-level wetlands. No work is needed to improve or restore the site's aquatic functions.

#### **7. MAINTENANCE PLAN [33 CFR § 332.4(c)(8)]**

Maintenance of the proposed AR-8 mitigation site will be accomplished through management and monitoring activities detailed in sections 3, 9, and 10.

#### **8. PERFORMANCE STANDARDS [33 CFR § 332.4(c)(9)]**

The ecologically based performance standards are the maintenance of the types, functional values, and acreages of wetlands and waterbodies identified in the office-based delineation and FA report. As the AR-8 property is a preservation site, future deviations from the types, amounts, and functional characteristics described in the FA may suggest that anthropogenic impacts have occurred to the wetlands and shoreline. Detrimental impacts to the site due to anthropogenic disturbance would need to be addressed through adaptive management, as described below.

#### **9. MONITORING REQUIREMENTS [33 CFR § 332.4(c)(10)]**

The Fund will have the primary responsibility for monitoring the wetlands and WOUS on the AR-8 property to ensure that the performance standards to be met. NPS will assist the Fund by inspecting and managing the property in conjunction with its normal management operations of the Monument. Such NPS actions will not materially increase the agency's normal cost of operations, and NPS will not dedicate funds or resources for the monitoring tasks required to maintain compliance with this mitigation plan.

The monitoring period will extend for 5 years following the first full growing season after the mitigation plan has been approved. The Fund will monitor the property each year for 5 years and at the end of the 5-year monitoring period, the Fund will provide to the USACE and Interagency Review Team (IRT) a monitoring report containing information about the previous 5 years of monitoring, the condition of the site for the past 5 years, the current functional condition of the site, and how the current conditions compare to baseline conditions from the approved mitigation plan. Monitoring will occur by visual inspection of the property by the Fund, NPS, or another reliable entity, or by visual inspection of updated aerial imagery. Where available, photographs and videos of the property will be collected during monitoring, which may be conducted by aircraft, boat, or other reasonable means of transportation. If no photographs or videos are provided or available after year 4 of the monitoring period, the Fund will collect photographic and/or video data on year 5 to inform the monitoring report. Monitoring will determine if significant anthropogenic impacts are visible and have occurred on the AR-8 mitigation site. Following the 5-year monitoring period, management will shift to long-term management under NPS, which is further discussed in the following section.

#### **10. LONG-TERM MANAGEMENT PLAN [33 CFR § 332.4(c)(11)]**

Long-term management of the AR-8 mitigation site is provided by NPS. The property will be managed by the NPS in accordance with the statutes, regulations, and policies applicable the Monument and to all Alaska units of the National Park System, and in accordance with the 1986 Cape Krusenstern National Monument General Management Plan, the planning document that provides vision, goals, and objectives for the management of the Monument (NPS 1986). Long-

term management of the property will consist of the standard monitoring activities associated with Monument lands.

**11. ADAPTIVE MANAGEMENT PLAN [33 CFR § 332.4(c)(12)]**

If during the 5-year monitoring the Fund, in consultation with NPS, discovers adverse anthropogenic impacts to aquatic resources on the AR-8 mitigation site, the Fund will notify the district engineer of the identified adverse impacts. NPS will consult with the Fund and the district engineer to determine appropriate measures to address deficiencies in the mitigation site. As part of the Monument, appropriate measures are subject to statutes, regulations, and policies applicable to all Alaska units of the National Park System.

**12. FINANCIAL ASSURANCES [33 CFR § 332.4(c)(13)]**

Providing financial assurances to NPS is not practicable for the AR-8 mitigation site because the U.S. Congress appropriates funds for national monuments. The Fund will allocated \$8,000 from the program account as a financial assurance to cover the requirements of monitoring. If more financial assurances are needed, the Fund will consult with the USACE and IRT before drawing additional funds from the program account. Following the five (5) year monitoring period, remaining financial assurances, if any, will be released back into the program account.

**13. CREDIT RELEASE SCHEDULE [33 CFR § 332.8(o)(8)]**

Protection mechanisms have been implemented on the AR-8 mitigation site. The Fund proposes that 90% of each credit type - 72.37 palustrine credits and 7.77 marine/estuarine credits - shall be released upon approval of this mitigation plan. The remaining 10% of each credit type - 8.04 palustrine credits and 0.86 marine/estuarine credits - shall be released following approval of the 5-year monitoring report. Table 6 shows the credit release schedule.

Table 6. AR-8 credit release schedule

<b>Credit Type</b>	<b>Mitigation Plan Approval (90% release)</b>	<b>5-yr. Monitoring Report Approval (10% release)</b>	<b>Total</b>
Palustrine	72.37	8.04	80.41
Marine/Estuarine	7.77	0.86	8.63
<b>Total</b>	<b>80.14</b>	<b>8.9</b>	<b>89.04</b>

[SIGNATURE PAGE TO FOLLOW]

**14. SIGNATURE FOR APPROVAL**

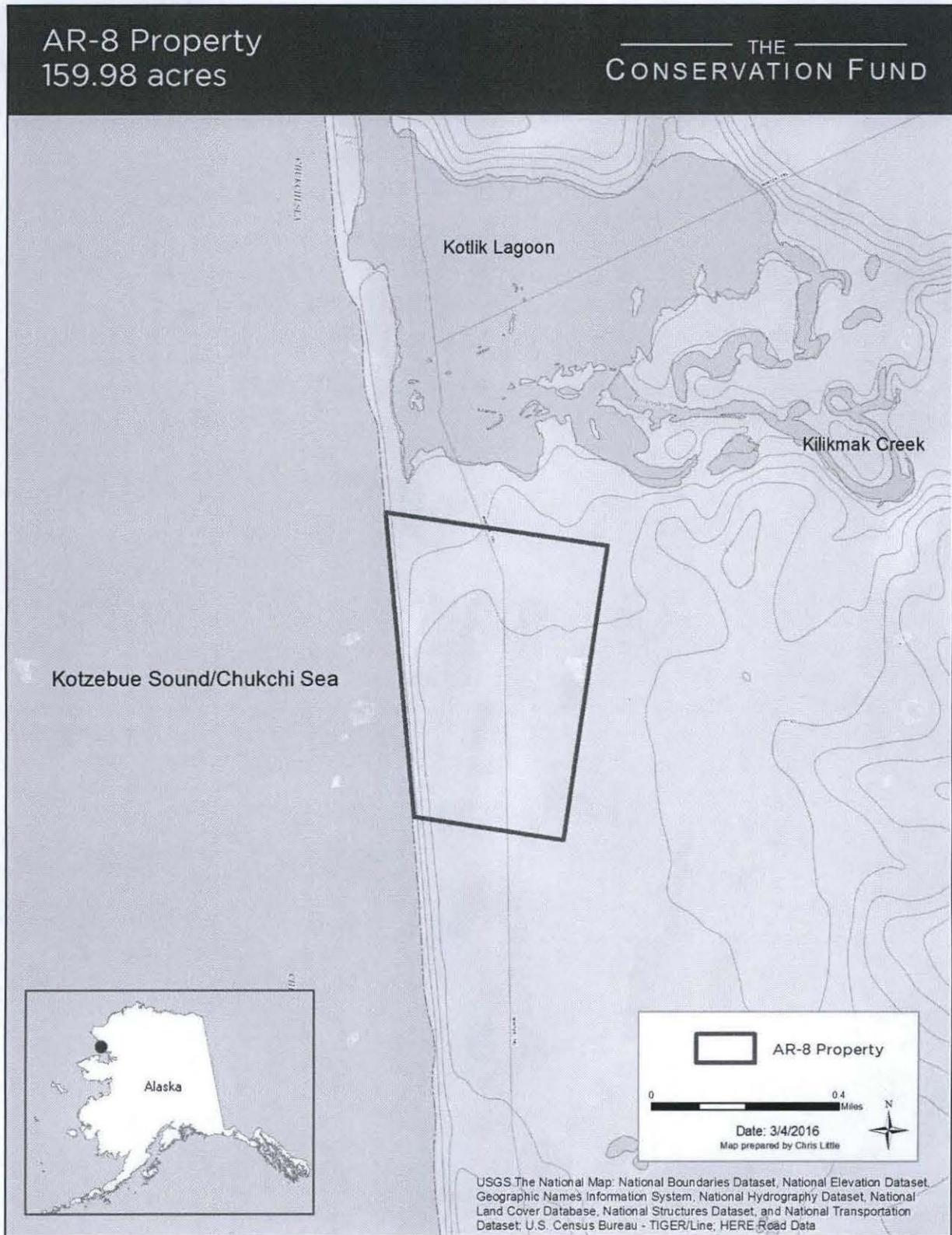
\_\_\_\_\_  
U.S. Army Corps of Engineers, Alaska District

\_\_\_\_\_  
Date

## REFERENCES

- Alaska National Interest Lands Conservation Act (ANILCA). 1980. P.L. 96-487
- Cowardin, L.M., Carter, V., Golet, F.C., and E.T. LaRoe. 1979. Classification of Wetlands and Deepwater Habitats of the United States. Office of Biological Services, U.S. Fish and Wildlife Service, FWS/OBS-79-31. Washington, D.C.
- Exec. Order (EO) No. 11990: "Protection of Wetlands". 1977. 42 Fed. Reg. 26961.
- The Conservation Fund (Fund). 2013. Alaska In-Lieu Fee Compensatory Mitigation Program Instrument. Anchorage, AK.
- National Park Service (NPS). 1986. General Management Plan: Cape Krusenstern National Monument. Kotzebue, AK.
- National Park Service (NPS). 2012. National Park Service Procedural Manual #77-1: Wetland Protection. Fort Collins, CO.
- Wilderness.net. "Kobuk Valley Wilderness" Retrieved 24 September 2015.

**FIGURE 1**  
**Regional Map**



**APPENDIX A**  
**Functional Assessment**

[Functional Assessment (FA) document is attached as a separate document]