



US Army Corps
of Engineers
Alaska District

Special Public Notice

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

ISSUANCE DATE: October 27, 2020
EXPIRATION DATE: November 26, 2020
REFERENCE NUMBER.: POA-2019-00156

SPECIAL PUBLIC NOTICE POA-2019-00156 CHARLES ETOK EDWARDSSEN MITIGATION BANK

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps), Alaska District is soliciting comments on a proposal submitted by Ecosystem Investment Partners (EIP), in cooperation with Ukpeaġvik Iñupiat Corporation (UIC) to develop a Wetland Mitigation Bank Instrument. The proposed bank site is within Sections 5, 6, 7, 8, 16, 17, 18, T. 22N., R. 17W., and Section 1, T. 22N; Umiat Meridian; Latitude 71.274042 N., Longitude 156.509503° W.; North Slope Borough; near Utqiagvik, Alaska.

You can download and view the prospectus for the proposed mitigation bank on our Regulatory In-Lieu Fee and Bank Information Tracking System (RIBITS) website at: https://ribits.ops.usace.army.mil/ords/f?p=107:278::NO:RP,278:P278_BANK_ID:5379.

The above link will take you to RIBITS Cyber Repository, then click on the blue arrow to reveal the pdf of the prospectus for downloading. Written comments referencing this notice must be submitted on or before November 26, 2020. Comments may be submitted via email to Mary.R.Romero@usace.army.mil; by fax at (907) 753-2773; or by mail to the address above.

Section 404 of the Clean Water Act (CWA) establishes a permit requirement, administered by the Corps, for projects that involve discharging dredged or fill material into waters of the United States (U.S.). The Corps requires compensatory mitigation as a permit condition for stream or wetland losses that are determined to have significant aquatic resource losses which are specifically identifiable, reasonably likely to occur, and of importance to the human or aquatic environment. The goal of compensatory mitigation is to replace the physical, chemical, and biological functions of these waters of the U.S.

The term "mitigation site" refers to a site, or suite of sites, where aquatic 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 site sells compensatory mitigation credits to Permittees whose obligation to provide compensatory mitigation is then transferred to the mitigation bank sponsor.

The mitigation bank concept was established to provide alternatives to applicants, ease the regulatory burden associated with permitted impacts; they usually involve consolidating compensatory mitigation projects where ecologically appropriate, consolidating resources, and providing financial planning and scientific expertise.

A mitigation bank used to offset aquatic resource impacts through the 404 program must be developed and approved pursuant to the Compensatory Mitigation for Losses of Aquatic Resources; Final Rule, 33 CFR Parts 325 and 332, April 10, 2008 (Final Rule).

We have determined the prospectus for the proposed Charles Etok Edwardsen Mitigation Bank is complete for evaluation and comment. In accordance with the Final Rule, a complete wetland mitigation bank prospectus must contain the following information:

1. Objectives of the proposed mitigation bank.
2. How the mitigation bank would be established and operated.
3. The proposed service area.
4. The general need for and technical feasibility of the proposed mitigation bank
5. The proposed ownership arrangements and long-term management strategy for the proposed mitigation bank.
6. The qualifications of the sponsor to successfully complete the mitigation bank.
7. The ecological suitability of the site to achieve the objectives of the proposed mitigation bank.
8. Assurance of sufficient water rights to support the long-term sustainability of the proposed mitigation bank

The Corps will convene an Interagency Review Team (IRT) comprised of Federal and State agencies for the purpose of developing an instrument or legal document governing the establishment, operation, and use of the proposed mitigation bank. Comments received during the comment period will be submitted to the IRT and the bank sponsor for consideration during the Federal review and decision process.

Following the comment period, the Corps will make a determination as to the potential of the proposed banking project to provide compensatory mitigation for activities authorized by DA permits. The determination will be based on our review of the prospectus, comments generated by this public notice, and obtained from the IRT.

District Commander
U.S. Army Corps of Engineers