



US Army Corps  
of Engineers  
Alaska District

# Special Public Notice

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

**Date: December 2, 2022**

**Identification No.: POA-2012-00138**

**Expiration date: January 2, 2023**

---

## Southeast Alaska Mitigation Fund

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps), Alaska District is soliciting comments on a mitigation plan submitted by the Southeast Alaska Watershed Coalition (SAWC) to modify the existing In-Lieu Fee Instrument by adding the South Fork Skanâxheen and Shorty Creek Wetland and Stream Restoration, Kuiu Island, Southeast Alaska Mitigation Site (Site). The Mitigation Plan site is located in the Tongass National Forest on Kuiu Island, approximately 12 air miles southeast from Kake and 39 air miles from Petersburg. The project area is on the South Fork Skanâxheen located approximately 750 feet upstream of the confluence with the main branch of Skanâxheen Latitude 56.82768° N., Longitude 134.16641° W. The second portion of the project is located on Shorty Creek within Rowan Bay watershed 0.4 miles upstream of the confluence with Rowan Creek at Latitude 56.72245° N., Longitude 134.22313° W. The Southeast Alaska Mitigation Fund (SAMF), as the sponsor, has provided a mitigation plan describing the proposed Site.

You can download and view the referenced mitigation plan for the Site on our Regulatory In-Lieu Fee and Bank Information Tracking System (RIBITS) website at:  
[https://ribits.ops.usace.army.mil/ords/f?p=107:378:7834849905629::::P378\\_PROGRAM\\_ID:2741](https://ribits.ops.usace.army.mil/ords/f?p=107:378:7834849905629::::P378_PROGRAM_ID:2741)

The above link will take you to RIBITS Cyber Repository, then click on the small triangle to the left of the Site Additions folder to reveal the PFD of the Site for downloading. Written comments referencing this notice must be submitted on or before January 2, 2021. Comments may be submitted via email to Andrew Gregory at [andrew.w.gregory@usace.army.mil](mailto:andrew.w.gregory@usace.army.mil) 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 in-lieu fee sponsor.

The in-lieu fee 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.

An in-lieu fee 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).

In accordance with the Final Rule, the mitigation for the proposed Site includes the following information:

- (1) Objectives of the proposed site addition
- (2) Site Selection
- (3) Site Protection Instrument
- (4) Baseline Information
- (5) Determination of Credits
- (6) Mitigation Work Plan
- (7) Maintenance Plan
- (8) Performance Standards
- (9) Monitoring Requirements
- (10) Long-Term Management
- (11) Adaptive Management
- (12) Financial Assurances

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 in-lieu fee program site addition. Comments received during the comment period will be submitted to the IRT and the bank sponsor for consideration during the Federal review and approval process.

**CULTURAL RESOURCES:** The U.S. Forest Service Petersburg Ranger District (USFS) has determined that a finding of No Historic Properties Affected is appropriate for this project in the Environmental Assessment completed. The project meets the provisions stipulated in the Programmatic Agreement between the Forest Service, Alaska Region, the Advisory Council on Historic Preservation, and the State Historic Preservation Officer.

**ENDANGERED SPECIES:** No threatened or endangered species are known to use the project area. Biological evaluations were completed for threatened, endangered, proposed and sensitive species by the USFS. There would be no effect on any threatened, endangered, or proposed species.

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 National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

The project area is within the known range of pink salmon (*Oncorhynchus gorbuscha*), chum salmon (*Oncorhynchus keta*), coho salmon (*Oncorhynchus kitsuch*), steelhead (*Oncorhynchus mykiss*), coastal cutthroat trout (*Oncorhynchus clarkii clarkii*), and Dolly Varden char (*Salvolinus malma*).

The USFS initiated consultation on March 13, 2017. The USFS determined the project may adversely affect EFH in the short-term, because the project would have direct effects to EFH. These short-term negative effects are expected as a result of the construction of instream large wood structures. However, these actions would restore and enhance habitat and likely contribute to increased fish production in the long term, thus having an overall beneficial effect on EFH.

Any questions or requests for additional information should be directed to Andrew Gregory, who may be reached by phone at (907) 753-2791, toll free from within Alaska at (800) 478-2712, or by email at [andrew.w.gregory@usace.army.mil](mailto:andrew.w.gregory@usace.army.mil).

District Commander  
U.S. Army Corps of Engineers