



US Army Corps
of Engineers
Alaska District

Date: May 14, 2013
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SPN POA-2012-138

SPECIAL PUBLIC NOTICE (SPN) POA-2012-138

U.S. Army Corps of Engineers Regulatory Program The Southeast Alaska Watershed Coalition Mitigation Fund

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Alaska District (Corps) is seeking comments on a proposal to establish an in-lieu fee program. A prospectus describing the proposed program has been received from the program sponsor, the Southeast Alaska Watershed Coalition (SAWC) and is attached to this notice (Enclosure 1). On October 29, 2012 the Corps published a Special Public Notice for SAWC's proposed in-lieu fee program. After review of comments received SAWC has updated their prospectus and has submitted the document for further review.

The Term "in-lieu fee program" refers to a program involving the restoration, establishment, enhancement, and/or preservation of aquatic resources through funds paid to a governmental or non-profit natural resources management entity to satisfy compensatory mitigation requirements. Similar to a mitigation bank, an in-lieu fee program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the in-lieu fee program sponsor. The operation and use of an in-lieu fee program are governed by an in-lieu fee program instrument.

The Southeast Alaska Watershed Coalition Mitigation Fund in-lieu fee program is being proposed as a means to meet the requirements for compensatory mitigation associated with projects, which may be permitted by the Corps. If the program is approved, it would provide an alternative to permittee-responsible mitigation. The program would be designed and administered in a manner consistent with the Final Rule for Compensatory Mitigation for Losses of Aquatic Resources, which was published in the Federal Register on April 10, 2008. This Public Notice is focused solely on the Federal review and approval process. Regardless of whether the proposed program is approved, the Corps is willing to consider other proposals from qualified entities to develop in-lieu fee mitigation projects.

The Corps has convened an Interagency Review Team (IRT) comprised of Federal and State agencies. This team will work with SAWC to create an instrument and legal agreement that specifies watershed-based aquatic resource objectives, default and closure provisions, reporting protocols, and financial accounting requirements. If the instrument is approved, individual mitigation plans will be prepared as in-lieu fee project sites are identified. These plans would be incorporated as amendments to the instrument. Additional Tribal and local representatives may be invited to join the IRT during review of individual mitigation projects.

The prospectus, which outlines the purpose and structure of the proposed program, is attached to this notice. Comments should be submitted to the Corps, and should be received no later than the expiration date of this public notice. Comments received in response to this notice will be provided to SAWC and the IRT.

Please provide comments to the following:

Alaska District, Corps of Engineers
Attn: CEPOA-RD (Mr. Matthew Brody)
P.O. Box 22270
Juneau, Alaska 99802
Matthew.T.Brody@usace.army.mil

This Special Public Notice can also be access at:

<http://www.poa.usace.army.mil/Missions/Regulatory/SpecialPublicNotices.aspx>

District Engineer
U.S. Army, Corps of Engineers