



US Army Corps  
of Engineers  
Alaska District

# Special Public Notice

Date: August 4, 2020  
Identification No.: SPN-2012-00138  
Expiration date: September 3, 2020

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## 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 Southeast Alaska Mitigation Fund (SAMF) In-Lieu Fee Program to modify the existing In-Lieu Fee Instrument by adding the Castor Creek Culvert Removal Mitigation Site. The proposed site is within the Florence Lake watershed within Admiralty Island National Monument, Tongass National Forest Section 17, T. 47 S., R. 67 E., Copper River Meridian; USGS Quad Map Sitka D-2; Latitude 57.800532° N., Longitude 134.583971° W.; Alaska. SAMF, as the sponsor, has provided a mitigation plan for the proposed Castor Creek Culvert Removal Mitigation Site.

You can download and view the referenced mitigation plan for Castor Creek Culvert Removal Mitigation Site on our Regulatory In-Lieu Fee and Bank Information Tracking System (RIBITS) website at:

[https://ribits.ops.usace.army.mil/ords/f?p=107:378:3202330525105::NO::P378\\_PROGRAM\\_ID:2741](https://ribits.ops.usace.army.mil/ords/f?p=107:378:3202330525105::NO::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 pdf of the mitigation plan for Castor Creek Culvert Removal Mitigation Site for downloading. Written comments referencing this notice must be submitted on or before September 2, 2020. Comments may be submitted via email to Bryan Herczeg at: [bryan.a.herczeg@usace.army.mil](mailto:bryan.a.herczeg@usace.army.mil); or by mail to the address below:

Attention: Bryan Herczeg  
Regulatory Division  
Post Office Box 6898  
JBER, Alaska 99506-0898

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 United States. 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, an in-lieu fee sponsor 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 plan for the proposed Castor Creek Culvert Removal Mitigation 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 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/are no cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the area from 100 feet downstream of the culvert to be removed on Castor Creek to 615 feet upstream of the culvert (57.800532 N, -134.583971W), with 100 feet stream buffers on each side of the channel. Consultation of the AHRS constitutes the extent of cultural resource investigations by the Corps at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Historic Properties Affected (No Effect) determination for the proposed project. 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. The Corps is requesting the SHPO's concurrence with this determination.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. 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). Therefore, no consultation with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (NMFS) is required. However, 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.

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).

No EFH species are known to use the project area. We have determined the described activity would not adversely affect EFH.

Any questions or requests for additional information should be directed to Bryan Herczeg, who may be reached by phone at (907) 753-2772, toll free from within Alaska at (800) 478-2712, or by email at: [bryan.a.herczeg@usace.army.mil](mailto:bryan.a.herczeg@usace.army.mil).

District Commander  
U.S. Army Corps of Engineers