



US Army Corps
of Engineers
Alaska District

Public Notice For a Mitigation Bank

FAIRBANKS FIELD OFFICE
Regulatory Division (1145)
CEPOA-RD
2175 University Avenue, Suite 201E
Fairbanks, Alaska 99709-4927

PUBLIC NOTICE DATE: May 23, 2012

EXPIRATION DATE: June 21, 2012

REFERENCE NUMBER: POA-2009-1211

WATERWAY: Tanana River

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Alaska District (Corps) under the authority of Section 404 of the Clean Water Act (CWA) (public Law 95-217, 33 U.S.C. 1344 et.seq.) and Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403) is soliciting comments on the proposed Middle Tanana River Watershed Umbrella Stream and Wetland Mitigation Bank Prospectus.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact **Melissa Riordan** at (907) 474-2166, by fax at (907) 474-2164, or by email at melissa.c.riordan@usace.army.mil if further information is desired concerning this notice.

AVAILABILITY OF THE COMPLETE MITIGATION BANK PROSPECTUS: A copy of the Middle Tanana River Watershed Umbrella Stream and Wetland Mitigation Bank Prospectus may be downloaded at <http://www.poa.usace.army.mil/reg/PNNNew.htm> or you can view in hard copy form at the Fairbanks Field Office, 2175 University Avenue, Suite 201E, Fairbanks, Alaska and Salcha-Delta Soil and Water Conservation District Office, Jarvis Office Center #219, Mile 1420.5 Alaska Hwy, Delta Junction, Alaska

APPLICANT/SPONSOR: Salcha-Delta Soil & Water Conservation District (SWCD), P.O. Box 547, Mile 1420.5 Alaska Highway, Jarvis Office Center Suite #215, Delta Junction, Alaska 99737, Attn: Jeff Durham, phone: (907)895-7426, e-mail: jeffswcd@wildak.net

LOCATION: Initially, the proposed Middle Tanana River Watershed Umbrella Stream and Wetland Mitigation Bank would consist of two sites: The Chena Flats Greenbelt Mitigation Bank Site located within Section 28, T. 1 S., R. 11 E., Fairbanks Meridian; USGS Quad Map Fairbanks D-2; Latitude 64.800° N., Longitude 147.962° W.; Fairbanks, Alaska (Figure 1);

and the Jarvis Creek Overflow Mitigation Bank located within Section 20, T. 10 S., R. 11 E., Fairbanks Meridian; USGS Quad Map Big Delta A-4; Latitude 64.028° N., Longitude 145.645° W.; in Delta Junction, Alaska (Figure 2).

PURPOSE: The purpose of the Middle Tanana River Watershed Umbrella Stream and Wetland Mitigation Bank is to provide a framework under which aquatic resources can be preserved, restored, established or enhanced to serve as compensatory mitigation for unavoidable impacts authorized under Department of Army (DA) permits.

PROPOSED WORK: At this time the Salcha-Delta SWCD proposes to establish two preservation-based, wetland mitigation banks. The Chena Flats Greenbelt mitigation bank site would establish compensatory mitigation credits for impacts to waters of the United States (U.S) that are lost through actions permitted by the Corps for impacts on Military lands in the Tanana Flats and Yukon Training Areas. The Jarvis Creek Aufeis Overflow Mitigation Bank Site in Delta Junction would provide compensatory mitigation credits for impacts to waters of the U.S. on Military lands in the Donnelly East Training Area.

The two proposed mitigation bank sites, within the framework of Middle Tanana River Watershed Umbrella Stream and Wetland Mitigation Bank, would provide an alternative to permittee-responsible and an in-lieu fee program available in the area for compensatory mitigation.

The proposed umbrella mitigation bank must meet the requirements in the regulations on Compensatory Mitigation for Losses of Aquatic resources (33 CFR Part 332/40 CFR Part 230, effective June 2008, (referred to as the Final Mitigation Rule). More information on the Final Mitigation Rule and mitigation banks may be found at the following link: Final mitigation Rule: http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/mitig_info.aspx

ADDITIONAL INFORMATION: This prospectus is for a proposed umbrella mitigation bank, with two specific banks sites which if approved by the Corps, with the coordination with the Interagency Review Team (IRT), would authorize the mitigation bank to provide credits for compensatory mitigation for permits issued by the Corps under Section 404 of the CWA (33 U.S. Code 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. Code 403). All parcels proposed for preservation would be analyzed pursuant to the Preservation Criteria at 33 CFR 332.3 (h).

Comments on the prospectus received in response to this public notice would be reviewed by the Corps assisted by the IRT, which includes representatives from local, State, and Federal agencies, and their recommendations would be provided to Salcha-Delta SWCD to consider in the development of the Umbrella Instrument they submit to the Corps and IRT.

The umbrella instrument would state the guidelines, terms, agreements that are common to all future proposed bank parcels. Proposed bank parcels would be reviewed as outlined in 33 CFR 332.8(d), and modifications would be consistent with 33 CFR 332.8(g). The Corps in consultation with the IRT would review and approve future bank parcels, prior to any additional sites added to the Umbrella Mitigation Bank Instrument.

The two proposed mitigation bank sites would be established under the Umbrella mitigation instrument for use to produce "credits" to purchase in exchange for "debits" resulting from wetland development projects authorized by the Corps within the proposed service areas as presented in the proposed

Middle Tanana River Watershed Umbrella Stream and Wetland Mitigation Bank Prospectus.

WATER QUALITY CERTIFICATION: A DA permit is not required for the proposed mitigation bank. Therefore, a 401 Water Quality Certification is not required.

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 no listed or eligible properties in the vicinity of the Jarvis Creek Aufeis Overflow Proposed Bank Site. There is a registered or eligible property within the property boundaries of the proposed Chena Flats Greenbelt Mitigation Bank Site. It has been designated **AHRSNO FAI-27, Chena Ridge Site**. Because it has been determined to be within the project area, a determination of effect would be made in consultation with the State Historic Preservation Officer (SHPO). Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time. 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.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Therefore, 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 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 proposed mitigation bank sites. Therefore, we have determined the described activity would not adversely affect EFH in the project area.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider

this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a mitigation bank program approval will be based on the evaluation of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

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 the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

AUTHORITY: Issuance of a public Notice regarding a proposed mitigation bank is required pursuant to the "Compensatory Mitigation for Losses of Aquatic resources; Final Rule, "as published in the April 10, 2008, Federal register, Vol. 73, No. 70, Pages 19594 - 19705 (33CFR Parts 325 and 332).

District Commander
U.S. Army, Corps of Engineers

Enclosures

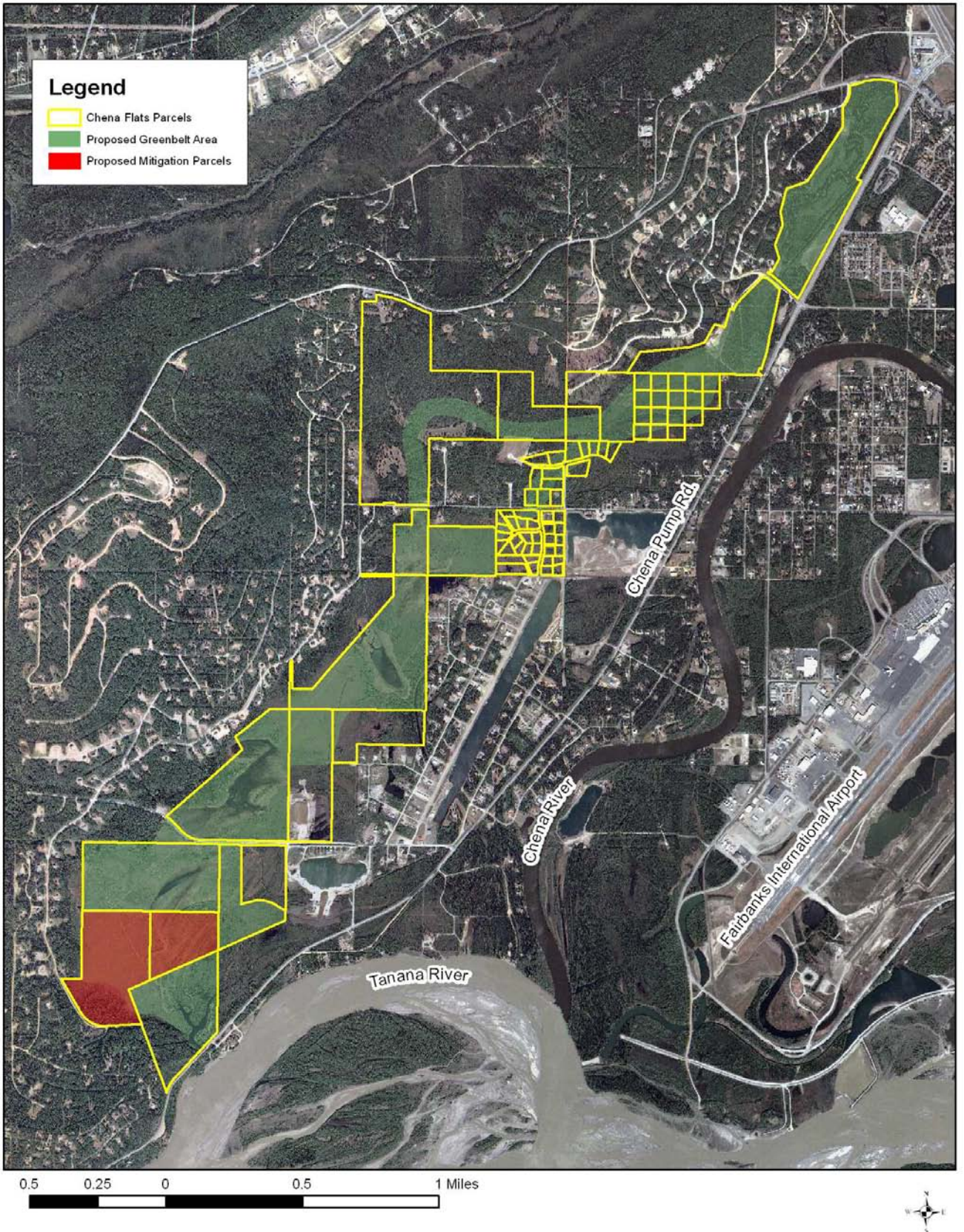


Figure 1. Chena Flats Greenbelt Mitigation Bank Site Overview

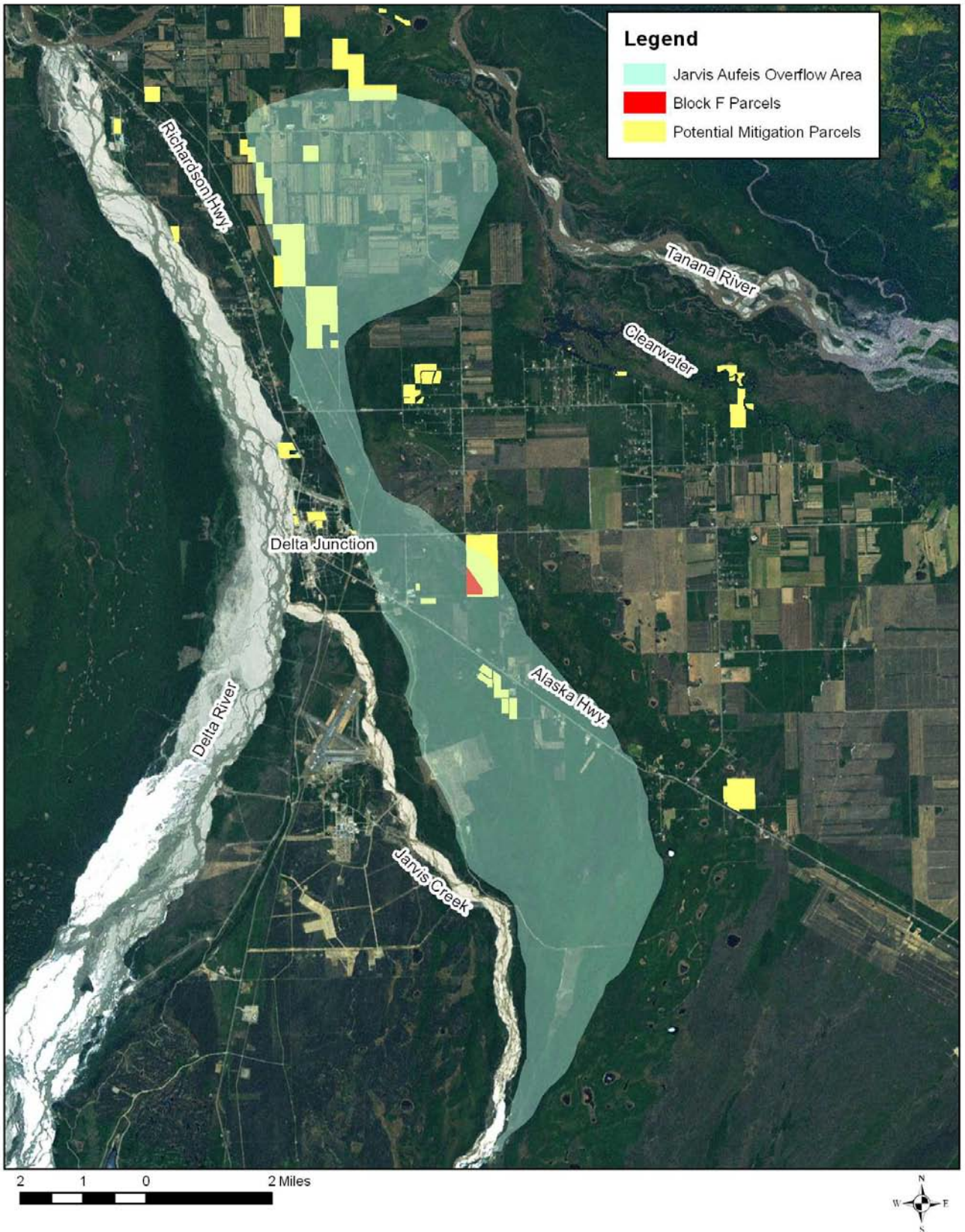


Figure 2. Jarvis Creek Aufeis Overflow Mitigation Bank Site Overview