



US Army Corps
of Engineers
Alaska District

Special Public Notice

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

SUBJECT: Methodology for Assessing Functional Gains and Losses for Permittee Responsible Compensatory Mitigation and Calculating Compensatory Mitigation Credits and Debits for Third Party Mitigation Providers in the Alaska District

PUBLIC NOTICE DATE:	April 29, 2016
EXPIRATION DATE:	May 31, 2016
REFERENCE NUMBER:	SPN-2016-00187

PURPOSE: The purpose of this public notice is to distribute and solicit comments on the document titled Methodology for Assessing Functional Gains and Losses for Permittee Responsible Compensatory Mitigation and Calculating Compensatory Mitigation Credits and Debits for Third Party Mitigation Providers in the Alaska District (Methodology).

The purpose of the Methodology is to address the requirements for making a determination of credits or functional gain and debits or functional loss identified in Sections 332.3(f), Sections 332.4(c)(6) and 332.8(o)(1) of the Mitigation Rule (33 CFR 332) and does not replace any other mitigation plan requirements or components identified in the Rule. All mitigation plan documentation must be prepared in accordance with the Mitigation Rule, which governs planning, implementation, and management of permittee responsible and third party compensatory mitigation projects.

Development of this Methodology is an important step in promoting consistency in the Alaska District for determining the sufficiency of compensatory mitigation to offset specific unavoidable losses to aquatic resources authorized by Department of the Army (DA) permits. This document is intended to serve as a tool for determining the amount of debits or functional loss resulting from project specific unavoidable impacts to jurisdictional waters and mitigation credits or functional gain that a specific compensatory mitigation project will generate. Applicants and permittees may propose alternate methodologies to the Corps.

Use of the Methodology allows an option for new third-party mitigation proposals to obtain approval for a credit/debit methodology for their bank site or in-lieu fee program without creating a new methodology. Approved mitigation banks and in-lieu fee programs may choose to modify their instruments to utilize the Methodology or continue to calculate credits utilizing their approved methodology. This Methodology will also allow permittees requiring compensatory mitigation to calculate and propose to the Corps the appropriate amount of compensatory mitigation for their individual projects.

Use of these procedures requires compliance with all other applicable regulations, including the determination that compensatory mitigation is needed to offset specific unavoidable impacts to jurisdictional waters.

COMMENTS OR REQUEST FOR ADDITIONAL INFORMATION: Comments or questions pertaining to the Methodology should be directed to the attention of Calvin Alvarez, who can be contacted at the above address, by calling (907) 753-2778, or by email at Calvin.L.Alvarez@usace.army.mil. All written comments will be made part of the administrative record which is available to the public under the Freedom of Information Act.

The Methodology is enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosure