



US Army Corps
of Engineers
Alaska District

Special Public Notice

Date: March 19, 2024

Identification No.: POA-2012-00138

Expiration date: April 18, 2024

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 Ward Creek Watershed Mitigation. The mitigation site, which includes the entirety of the Ward Creek Watershed (Hydrologic Unit Code 190102140805) is located in the Admiralty National Monument on Admiralty Island, approximately 20 air miles north of Angoon, Alaska and 30 air miles south of Juneau, Alaska, at Latitude 57.8544° N., Longitude 134.6676° W. SAMC, as the sponsor, has provided a mitigation plan describing the proposed Ward Creek Watershed Mitigation.

You can download and view the referenced compensatory mitigation plan for the Ward Creek Watershed Mitigation Plan on our Regulatory In-Lieu Fee and Bank Information Tracking System (RIBITS) website at:

https://ribits.ops.usace.army.mil/ords/f?p=107:378:2302611839034::::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 Ward Creek Watershed Mitigation Site for downloading. Written comments referencing this notice must be submitted on or before April 18th 2024. Comments may be submitted via email to Greg Mazer at: Gregory.J.Mazer@usace.army.mil or by mail to the address below:

Attention: Greg Mazer
Regulatory Division
1046 Marks Road
Fort Wainwright, Alaska 99703

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 Clean Water Act Section 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 Ward Creek Watershed Mitigation 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 no cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the project boundary shown in Figure 1 of the Mitigation Plan (57.8544° N, 134.6676° W), 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).

The project area is not mapped as having EFH, but the watershed is known to support the following anadromous species: coho salmon (*Oncorhynchus kisutch*), chum salmon (*O. keta*), pink salmon (*O. gorbuscha*), and Dolly Varden (*Salvelinus malma*). We are currently gathering information regarding this species and have yet to make a determination of effect. Should we find that the described activity may adversely affect the species listed above, we will follow the appropriate course of action under Section 305(b)(2) of the Magnuson-Stevens Act. Any comments the NMFS may have concerning essential fish habitat will be considered in our final assessment of the described work.

Any questions or requests for additional information should be directed to Greg Mazer, who may be reached by phone at (907) 347-9059, toll free from within Alaska at (800) 478-2712, or by email at Gregory.j.mazer@usace.army.mil.

District Commander
U.S. Army Corps of Engineers

File Number: POA-2012-00138

APPLICANT: Southeast Alaska Watershed Coalition (SAWC)

AGENT: Rob Cadmus rob@sawcak.org

PROPERTY OWNER:

Admiralty Island National Monument – 8510 Mendenhall Loop Road; Juneau, AK 99801

ADJACENT PROPERTY OWNERS:

USFS, Alaska Regional Office – PO Box 21628, 709 W. 9th Street, Juneau, AK 99802-1628

Other:

John Hudson

john@sawcak.org

Kelsey Dean

kelsey@sawcak.org

MUNICIPAL OFFICES:

City of Angoon; 700 Aandeinaatt St; PO Box 189; Angoon, AK 99820

CONGRESSIONAL OFFICES:

Representative Peltola Office – anton.mcparland@mail.house.gov

Senator Sullivan Office – carrie_keil@sullivan.senate.gov

Senator Murkowski Office – services@murkowski.senate.gov

FEDERALLY RECOGNIZED TRIBES:

Angoon Community Association

cjames.agntribe@gmail.com;

sramey.agntribe@gmail.com

MAILING LISTS USED:

List Used	Date of list used	# on list
Master list (Paper) [Always use this list]		4
Master list (email) [Always use this list]		

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