



US Army Corps  
of Engineers  
Alaska District

# Special Public Notice

---

**Date:** June 8, 2016  
**Identification No.:** SPN-2014-28  
*(In reply, refer to above number)*  
**Expiration date:** July 7, 2016

---

## Kuskokwim Mitigation Bank Prospectus

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps), Alaska District is soliciting comments on a proposal submitted by the Calista Corporation to develop a mitigation bank that is located at N. 61.7364, W. 157.4162 and would service Southwest Alaska. The Calista Corporation, as the bank sponsor, has provided a prospectus describing the proposed Kuskokwim River Mitigation Bank. The prospectus has been attached to this notice as Enclosure.

Written comments referencing this notice and the attached prospectus must be submitted on or before July 7, 2016. Comments may be submitted via email to Ms. Estrella Campellone at [Estrella.F.Campellone@usace.army.mil](mailto:Estrella.F.Campellone@usace.army.mil); by fax at (907) 753-5567; or by mail to the address below:

ATTN: Ms. Estrella Campellone  
Regulatory Division  
P.O. Box 6898  
JBER, Alaska 99506-0898

Section 404 of the Clean Water Act (404) establishes a permit requirement, administered by the Corps, for projects that involve discharging dredged or fill material into waters of the United States. The Corps requires compensatory mitigation as a permit condition for stream or wetland losses that are determined to have greater than minimal effects. The goal of compensatory mitigation is to replace the physical, chemical, and biological functions of these waters of the U.S.

The term "mitigation bank" refers to a site, or suite of sites, where 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 bank sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the mitigation bank sponsor. The mitigation banking concept was established to provide alternatives to applicants and ease the regulatory burden associated with permitted impacts. A mitigation bank 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 prospectus for the proposed Kuskokwim River Mitigation Bank includes the following information:

- (1) Objectives of the proposed mitigation bank.
- (2) How the mitigation bank would be established and operated.
- (3) The proposed service area.
- (4) The general need for and technical feasibility of the proposed mitigation bank.
- (5) The proposed ownership arrangements and long-term management strategy for the mitigation bank site.
- (6) The qualifications of the sponsor to successfully complete the type of mitigation project proposed.
- (7) The ecological suitability of the site to achieve the objectives of the proposed mitigation bank and how the site will support the planned types of aquatic resources and functions; and
- (8) Assurance of sufficient water rights to support the long-term sustainability of the proposed mitigation bank.

The Corps has convened 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 mitigation bank. 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.

**PRELIMINARY REVIEW INDICATES THAT:** No environmental impact statement would be required.

**ENDANGERED SPECIES:** 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.

**CULTURAL RESOURCES:** The latest published version of the Alaska Heritage Resources Survey (AHR) 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 is a registered or eligible property in the vicinity of the worksite. It has been designated SLT-00049. Because it has been determined to be outside of the project area, no further action is required.

**ESSENTIAL FISH HABITAT:** The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The Kuskokwim River is a significant salmon fishery and serves as the migration pathway for chinook, chum, sockeye, pink and coho salmon. Salmon rearing habitats occur only at certain locations in the middle Kuskokwim River, and Fuller creek is documented in the Alaska Anadromous Waters Catalogue (AWC)

for coho rearing. Juvenile coho salmon are adapted to rearing in relatively slow moving water and pools. Our assessment of the project leads us to a preliminary determination that it will not have an adverse effect on EFH and therefore expanded EFH consultation is not required. Our rationale for this preliminary determination is based on the objective of the Bank to permanently protect and manage in the long-term the 10,867-acre Fuller Creek Parcel. Based on comments from the National Marine Fisheries Service in response to this public notice, further EFH consultation may be necessary.

Any questions or requests for additional information should be directed to Ms. Estrella Campellone, who may be reached by phone at (907) 753-2518, toll free from within Alaska at (800) 478-2712, or by email at [Estrella.F.Campellone@usace.army.mil](mailto:Estrella.F.Campellone@usace.army.mil).

District Commander  
U.S. Army Corps of Engineers

Enclosure