



US Army Corps  
Of Engineers  
Alaska District

# Special Public Notice

Date: May 27, 2015  
Identification No: SPN-2014-438  
(In reply, refer to above number)  
Expiration date: June 26, 2015

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## Nevada Creek Mitigation Bank Prospectus

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Alaska District (Corps) is soliciting comments on a proposal submitted by the Nevada Creek Mitigation Partners to develop a mitigation bank that would service a portion of Southeast Alaska. The Nevada Creek Mitigation Partners, as the bank sponsor, has provided a prospectus describing the proposed Nevada Creek Mitigation Bank. The prospectus has been attached to this notice as Enclosure 1 and can also be found at our website: <http://www.poa.usace.army.mil/Missions/Regulatory/SpecialPublicNotices.aspx>

Written comments referencing this notice and the attached prospectus must be submitted on or before June 26, 2015. Comments may be submitted via email to Mr. Matthew Brody at [Matthew.T.Brody@usace.army.mil](mailto:Matthew.T.Brody@usace.army.mil) or by mail to the address below:

U.S. Army Corps of Engineers  
Juneau Field Office  
Attn: Matthew Brody  
P.O. Box 22270  
Juneau, Alaska 99802-2270

Section 404 of the Clean Water Act establishes a permit requirement, administered by the Corps, for projects that involve the discharging dredged or fill material into waters of the United States. The Corps requires compensatory mitigation as a permit condition for stream, wetland, or other Waters of the U.S. 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 those 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 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 prospectus for the proposed Nevada Creek 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) Assurances 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, State, and local 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.

Any questions or requests for additional information should be directed to Mr. Matthew Brody, who may be reached by phone at (907) 790-4493, at the address listed above, or by email at [Matthew.T.Brody@usace.army.mil](mailto:Matthew.T.Brody@usace.army.mil)

District Commander  
U.S. Army Corps of Engineers