



**US Army Corps of Engineers**  
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Corps terminates third party's mitigation in lieu fee program in Alaska

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**Contact**

John Budnik 907-753-2615

John.P.Budnik@usace.army.mil

JOINT BASE ELMENDORF-RICHARDSON – The U.S. Army Corps of Engineers – Alaska District has ended The Conservation Fund's in lieu fee program as an option for permit applicants' use in meeting compensatory mitigation requirements for proposed project impacts.

The Alaska District explained in a letter to the organization that due to the fund's failure to fulfill the compensatory mitigation obligations assumed in accordance with federal time requirements, the program will no longer be a viable option for applicants. As of Oct.16, The Conservation Fund is no longer authorized to sell credits under The Conservation Fund's Alaska In Lieu Fee Compensatory Mitigation Program Instrument established between the two organizations in June 2013.

"While disappointing that this is one less option for our permit applicants to use to fulfill their compensatory mitigation requirements, there are still six approved mitigation banks and three in lieu fee programs available," said Col. Michael Brooks, Alaska District commander. "Our project managers will educate applicants on mitigation and identify third-party compensatory mitigation as an option in available service areas and with providers that are in good standing."

Under Section 404 of the Clean Water Act, the Corps regulates the discharge of dredged or fill material into waters of the United States. For every authorized activity, the Corps ensures that adverse impacts to wetlands, streams and other aquatic resources are avoided and minimized to the extent practicable. In some cases, the Corps requires compensatory mitigation to offset any impacts to those resources.

Permit applicants may purchase credits from an in lieu fee provider to fulfill their compensatory mitigation requirements. Once the permittee pays the fee, the sponsor is then responsible for fulfilling the compensatory mitigation obligation. A sponsor has three complete growing seasons from the time of the credit sale to initiate the mitigation in accordance with the federal rule.

No action is required of any permittee that has already purchased credits from The Conservation Fund. Permittees or individuals who have questions about their issued or pending permit should contact the Corps' Regulatory Division at (907) 753-2712. The office will work to ensure that permit applicants are not adversely affected by this action.

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