



The Southeast Alaska Mitigation Fund: An In Lieu Fee Program

What is Aquatic Resource Mitigation, and why does it matter in Southeast Alaska?

In Southeast Alaska wetlands and waterways make up a large portion of the region's landscape. Aquatic resources perform many ecosystem functions including providing fish and wildlife habitat, water storage, and water filtration.

Land development and other human activities that require dredging, filling, and construction on wetlands and surface waters can significantly impact the functions and values of these aquatic resources.

The Clean Water Act has measures in place to regulate and mitigate for such activities, in an effort to achieve "no net loss" of our nation's wetland functions and values in the face of unavoidable impacts. CWA regulations affect waters of the US, including rivers and streams, wetlands, and tidal zones, and are enforced by the US Army Corps of Engineers through the Section 404 Program. Impacts to more than 1/10 an acre generally require a permit through the ACOE.



According to the EPA, "Compensatory mitigation refers to the restoration, establishment, enhancement, or in certain circumstances preservation of wetlands, streams or other aquatic resources for the purpose of offsetting unavoidable adverse impacts." If you impact an acre of wetland, you are required to make up for it.

What is an In Lieu Fee Program?

There are three different mechanisms a permit applicant can use to fulfill their mitigation requirements:

- 1. In-Lieu Fee Program:** *Permittee provides funds to an in-lieu-fee sponsor (a public agency or non-profit organization). Usually, the sponsor collects funds from multiple permittees in order to pool the financial resources necessary to build and maintain the mitigation site. The in-lieu fee sponsor is responsible for the success of the mitigation.*
- 2. Mitigation Bank:** *A wetland area that has been restored, established, enhanced or preserved, which is then set aside to compensate for future conversions of wetlands for development activities. Permittees,*



upon approval of regulatory agencies, can purchase credits from a mitigation bank to meet their requirements for compensatory mitigation. The bank sponsor is ultimately responsible for the success of the project.

3. Permittee Responsible Mitigation: *The permittee performs the mitigation after the permit is issued and is ultimately responsible for implementation and success of the mitigation.*

What is the Southeast Alaska Mitigation Fund?

SAMF is a voluntary program and the in lieu fees are used to identify, develop, implement, monitor, and adaptively manage mitigation sites throughout Southeast Alaska. SAMF will work with mitigation fund partners and technical service providers to carry out compensatory mitigation site planning, development, implementation and monitoring.

The SAMF was developed in response to the following regional needs and desires:

- A region-wide desire to keep mitigation funds in permittee's communities
- No active restoration ILF program operating in Southeast Alaska
- Provide developers the opportunity for quality restoration mitigation

To note when purchasing credits through the SAMF to carry out mitigation:

- Keeps mitigation dollars in communities, employing contractors to carry out restoration work and monitoring
- Helps reduce development costs
- Protects valued community resources
- Mitigation sites must be protected and cannot be impacted once complete

How are SAMF credits calculated?

SAMF sells both wetland and stream credits to the regulated public to offset unavoidable impacts to aquatic resources. The SAMF uses a wetland and stream credit method to determine the functional value of the potential mitigation site, and to estimate the cost to lift the aquatic functional value of that site through restoration, enhancement, or creation methods. Currently SAWC plans to use the WESPAK-SE method to calculate wetland credits.

When will the SAMF be operational?

The Southeast Alaska Watershed Coalition has submitted the Final Instrument for the SAMF, and awaits program approval from the US Army Corps of Engineers. When the program is approved, SAWC will be legally authorized to sell credits through the Southeast Alaska Mitigation Fund.

Stay up to date on the SAMF and other SAWC projects by subscribing to our newsletter at www.alaskawatershedcoalition.org