

# U.S. ARMY CORPS OF ENGINEERS ALASKA DISTRICT, REGULATORY PROGRAM

## IMPACTS AND MITIGATION WITHIN WATERS OF THE UNITED STATES

Jeremy Grauf, Project Manager

U.S. Army Corps of Engineers – Alaska District

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*"The views, opinions and findings contained in this report are those of the authors(s) and should not be construed as an official Department of the Army position, policy or decision, unless so designated by other official documentation."*



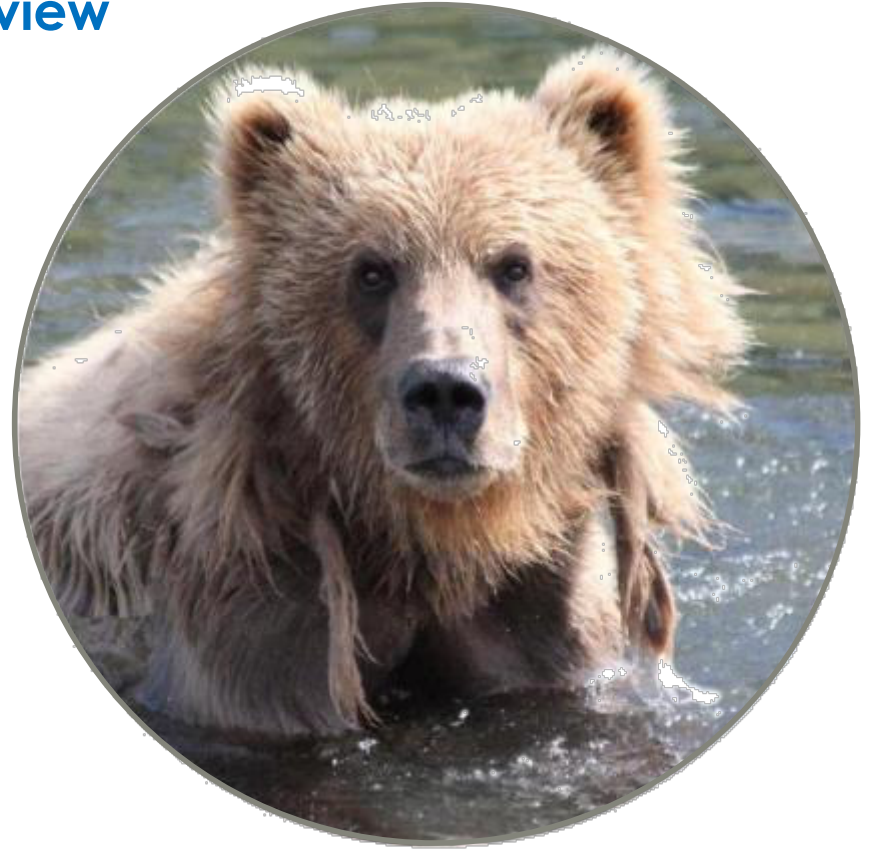
**US Army Corps  
of Engineers**



# OUTLINE

## Corps of Engineers Regulatory Overview

- **Mission and Programs**
- **Authorities and Jurisdiction**
- **Permits**
- **Avoid, Minimize, Compensate**
- **Impacts within the Mat-Su**
- **Good News Stories**



# ALASKA DISTRICT

U.S. ARMY CORPS OF ENGINEERS

**LARGEST DISTRICT IN THE NATION (GEOGRAPHICALLY)**



- 1/5th the size of the lower 48 states
- 48,595 miles of coastline
- 15 million miles of potentially navigable waterways
- 3 million lakes
- 43% of the state is wetlands and 61 % aquatic resources
- 220 million acres of wetlands and other waters
- 95.8% is public land and 4.2% is private

# **MISSION**

## **ALASKA DISTRICT REGULATORY DIVISION**

**Our mission is to serve the public interest, by protecting the Nation's aquatic resources and navigation capacity, while allowing reasonable development through fair, flexible, and balanced permit decisions.**

# Regulatory Authorities:

- Section 10 and Section 404, also Sec 9 and 103
- Geographic and Activity Based Authority



# AUTHORITY

RIVERS AND HARBORS ACT OF 1899

## SECTION 10: NAVIGABLE WATERS

Authorizes the U.S. Army Corps of Engineers to issue permits for **structures or work in or affecting navigable waters of the United States**

**PRIMARY GOAL:**  
**MAINTAIN NAVIGATION**





# AUTHORITY

CLEAN WATER ACT

## SECTION 404:

## WATERS OF THE UNITED STATES

### PRIMARY GOAL:

RESTORE AND MAINTAIN THE PHYSICAL,  
CHEMICAL, AND BIOLOGICAL INTEGRITY OF  
THE NATION'S WATERS

### Geographic Authority:

- All Section 10 waters
- Most streams, tributaries, lakes, wetlands, etc.

### Activity Authorized

- Discharge and/or placement of dredged or fill material into waters of the U.S.



# OTHER LEGAL REQUIREMENTS



**ENDANGERED SPECIES  
ACT**



**FISH & WILDLIFE  
COORDINATION ACT**



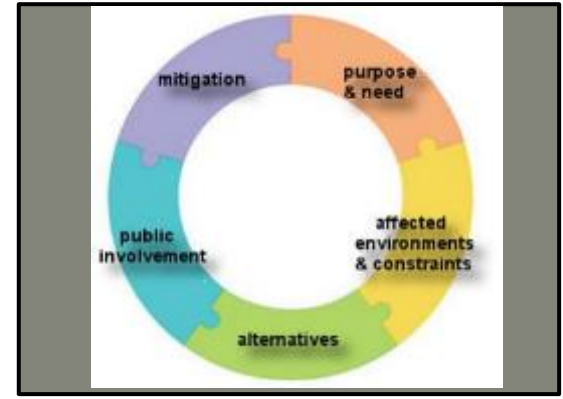
**NATIONAL HISTORIC  
PRESERVATION ACT**



**MAGNUSON-STEVENS  
FISHERY CONSERVATION  
& MANAGEMENT ACT**



**State or local statutes,  
ordinances, and/or  
regulations**



**NATIONAL ENVIRONMENTAL  
POLICY ACT**



# TYPES OF PERMITS

1. **Nationwide General Permits (NWP)**
2. **Regional General Permits (RGP)**
3. **Letters of Permission (LOPs)**
4. **Standard Individual Permits – including Abbreviated Permit Procedures, Permit Modifications, & Emergency Permits**

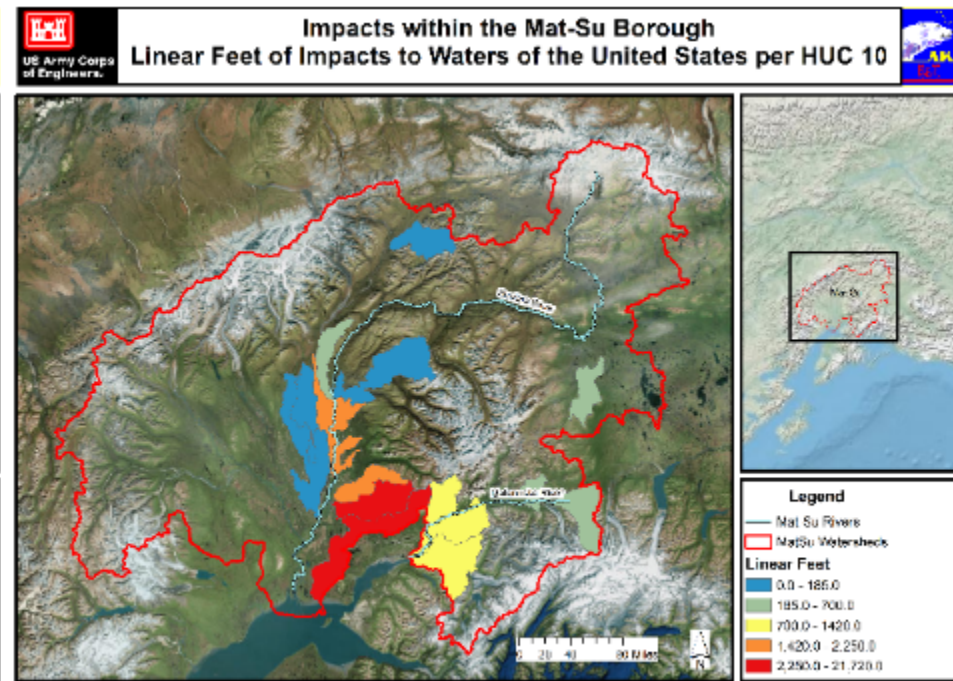
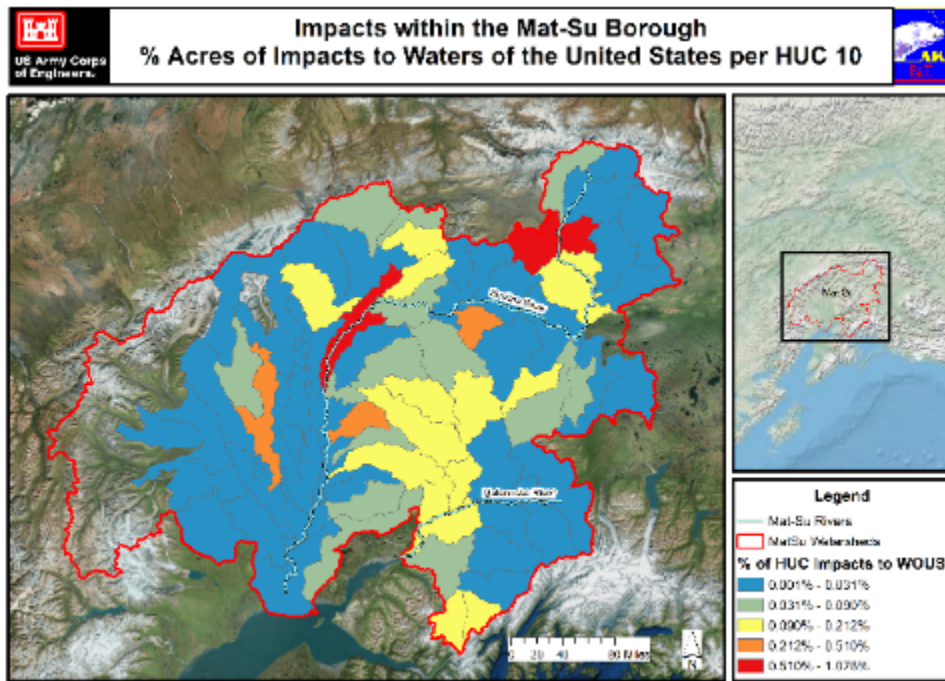
# Typical Permits for Salmon Habitat Restoration Work

- **NWP 12: Utility Line Activities**
- **NWP 13: Bank Stabilization**
- **NWP 14: Linear Transportation Projects**
- **Standard Individual Permits**
- **NWP 27: Aquatic Habitat Restoration, Establishment, and Enhancement Activities**

# MITIGATION SEQUENCING

1. **Avoidance** - avoid impacts to Waters of the United States, including wetlands, whenever possible
2. **Minimization** - minimize impacts that can't be avoided
3. **Compensation** - may be required to compensate for any impacts that remain after avoidance and minimization
  - Amount of compensation
    - Sufficient to replace lost aquatic resource functions
    - Appropriate functional or condition assessment methods or other suitable metrics should be used when available and practicable

# Permanent Impacts to Waters of the United States per HUC 10 Within Mat-Su Watersheds



# Good News Stories

- Westchester Lagoon
  - Enhancement funded in part by Compensatory Mitigation



- Knik River Islands
  - Preservation funded in part by Compensatory Mitigation







# QUESTIONS?

**Jeremy Grauf, Project Manager**  
**Alaska District**

**U.S. Army Corps of Engineers**

**Jeremy.Grauf@usace.army.mil**

**<http://www.poa.usace.army.mil/Missions/Regulatory.aspx>**



***“Building and Preserving Alaska’s Future”***