



For Immediate Release:  
Jan. 31, 2012  
Release No. NH 2012-005

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## New Hampshire Department of Environmental Services submits In Lieu Fee program draft instrument to Corps

**CONCORD, Mass.** – The U.S. Army Corps of Engineers, New England District has received a draft instrument dated January 2012 for an In Lieu Fee Program covering the state of New Hampshire. The sponsor is the New Hampshire Department of Environmental Services.

This is an existing In Lieu Fee (ILF) Program and the draft instrument which, when finalized, is intended to bring it into compliance with 33 CFR 332, Compensatory Mitigation for Losses of Aquatic Resources (“Mitigation Rule”). The Mitigation Rule was published in the Federal Register on April 10, 2008.

If the draft instrument is deemed sufficient, the revised ILF program will be established through the development of a final ILF instrument to be signed by the sponsor, the Corps, and other agencies which choose to do so. The process will follow the Mitigation Rule.

The proposed revised ILF program would continue to provide an alternative to permittee-responsible mitigation if it is deemed appropriate during the review process to be used to compensate for proposed unavoidable impacts authorized under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. The entire draft instrument, titled “New Hampshire Aquatic Resource Mitigation Fund, Draft In-Lieu Fee Program Instrument,” is included with the Corp public notice available online.

The decision whether to authorize the sponsor to proceed to the next step of developing a final ILF instrument will be based on the Corps determination of the potential of the proposed revised ILF program to provide compensatory mitigation for activities authorized by Department of Army permits. The Corps is seeking comments from the public; federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to allow the sponsor to proceed to develop a final ILF instrument.

Comment letters will be provided to the sponsor and the Interagency Review Team consisting of representatives of the Corps, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. The public notice with the In Lieu Fee Program draft instrument can be viewed on the website at <http://www.nae.usace.army.mil>. Select Regulatory/Permitting and then weekly public notices.

Public comments on this proposal (File # NAE-2005-1142) should be forwarded no later than March 2, 2012 to U.S. Army Corps of Engineers, New England District, Regulatory Division (ATTN: Ruth Ladd), 696 Virginia

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**New Hampshire DES submits In Lieu Fee Program draft instrument to Corps/2-2-2-2-2**

Road, Concord, MA 01742-2751. Additional information is available from Permit Project Manager Ruth Ladd at 978-318-8818 or toll free 800-343-4789 or 800-362-4367 (if calling from within Massachusetts) or by email to: [ruth.m.ladd@usace.army.mil](mailto:ruth.m.ladd@usace.army.mil).

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