



NEWS RELEASE

U.S. ARMY CORPS OF ENGINEERS

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For Immediate Release:
Oct. 2, 2012
Release No. MA 2012-091

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Massachusetts Dept. of Fish and Game proposes In-Lieu Fee program as alternative to mitigation for aquatic resource impacts

CONCORD, Mass. – The U.S. Army Corps of Engineers, New England District has received a prospectus dated Sept. 26, 2012 for an In-Lieu Fee program covering the Commonwealth of Massachusetts. The sponsor is the Massachusetts Department of Fish and Game in Boston, Mass.

The proposed In-Lieu Fee (ILF) program would provide an alternative or a supplement to permittee-responsible mitigation if it is deemed appropriate during the review process for proposed unavoidable impacts to aquatic resources and wetlands authorized under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899.

The entire prospectus, titled “Prospectus for a State-wide In-Lieu Fee Program Administered by the Massachusetts Department of Fish and Game” is attached to the Corps public notice and available for review at <http://www.nae.usace.army.mil/Regulatory/Public%20Notices/>.

This prospectus proposes an In-Lieu Fee program in 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 this prospectus is deemed sufficient, the sponsor will be authorized to develop a draft ILF instrument for review by an interagency review team of federal and state agencies. If the draft instrument is acceptable, the 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 decision whether to authorize the sponsor, the Massachusetts Department of Fish and Game, to proceed to the next step of developing a draft In-Lieu Fee instrument will be based on the Corps determination of the potential of the proposed ILF program to provide compensatory mitigation for activities authorized by Department of Army permits.

The Corps is soliciting comments from the public; federal, state and local agencies and officials; Indian Tribes; and other interested groups 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 draft In-Lieu Fee instrument.

All comments will be considered a matter of public record. Copies of comment letters will be forwarded 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, the National Marine Fisheries Services, the Massachusetts Department of Environmental Protection, and the Massachusetts Coastal Zone Management office.

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U.S. ARMY CORPS OF ENGINEERS – NEW ENGLAND DISTRICT
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<http://www.nae.usace.army.mil>



Massachusetts Dept. of Fish and Games proposes In Lieu Fee Program/2-2-2-2-2

The public notice with the proposed prospectus by the Massachusetts Department of Fish and Game can be viewed on the Corps website at <http://www.nae.usace.army.mil>. Select Regulatory and then public notices or go directly to <http://www.nae.usace.army.mil/Regulatory/Public%20Notices/>.

Public comments on this proposal by the Massachusetts Department of Fish and Game (file # NAE-2007-2926) should be submitted in writing no later than Nov. 1, 2012 to the U.S. Army Corps of Engineers, New England District, Regulatory Division (ATTN: Ruth Ladd), 696 Virginia 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.

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