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For Immediate Release:
Oct. 9, 2012
Release No. MA 2012-097

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Annual report published on Massachusetts In-Lieu Fee program for coastal aquatic habitat, essential fish habitat

CONCORD, Mass. – The U.S. Army Corps of Engineers recently made available for review the “2012 Annual Report of the Massachusetts In-Lieu Fee Program,” dated September 2012.

The program serves as an alternative form of compensation for impacts to coastal aquatic resources, that are also Essential Fish Habitat as defined by the National Marine Fisheries Service, and that are authorized by the Corps of Engineers’ New England District under the Massachusetts General Permit. The report only covers the existing program.

Compensatory mitigation occurs in circumstances where a permittee is required to compensate for the functions and values of aquatic resources lost as a result of the authorization after all efforts are made to avoid and minimize impacts. In-Lieu Fee is an option available to the permit applicant instead of completing permittee-responsible mitigation. Use of the In-Lieu Fee program is contingent upon Corps approval.

All In-Lieu Fee agreements in New England are available on the Corps’ website at <http://www.nae.usace.army.mil> under “Regulatory,” then “General Information,” and then “Mitigation.”

In 2008, the Corps of Engineers, the Massachusetts Department of Fish and Game (DFG) and the Massachusetts Division of Marine Fisheries (DMF) entered into a Memorandum of Understanding authorizing DMF as the program administrator for the Massachusetts In-Lieu Fee Program. This compensatory mitigation program addresses authorized impacts to aquatic resources, in particular Essential Fish Habitat and aquatic habitats of managed diadromous fish and marine finfish and shellfish species in Massachusetts’ waters, resulting from projects permitted under the Massachusetts General Permit.

The Massachusetts Division of Marine Fisheries operates this program under the direction of an Interagency Review Team (IRT) consisting of representatives from the Corps, the Massachusetts Office of Coastal Zone Management (CZM), the Massachusetts Department of Environmental Protection (DEP), the U.S. Environmental Protection Agency (EPA), the National Marine Fisheries Service (NMFS) and the DFG.

The Interagency Review Team developed this program to provide an alternative to permittee-responsible compensatory mitigation under the Massachusetts General Permit in order to achieve the goal of “no net loss” to aquatic habitat area, functions and values.

The public notice with the annual report can be viewed on the Corps website at <http://www.nae.usace.army.mil/Regulatory/Public%20Notices/>.

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Massachusetts In-Lieu Fee annual report published/2-2-2-2

For additional information on this program (File # NAE-2007-2926) contact the U.S. Army Corps of Engineers, New England District, Regulatory Division (ATTN: Ruth Ladd), 696 Virginia Road, Concord, MA 01742-2751 or by email to: ruth.m.ladd@usace.army.mil or by phone to 978-318-8818.

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