



# DMR FACT SHEET

## Atlantic Salmon Restoration and Conservation Program In Lieu Fee Compensation Program

**Effective:** September 20, 2018

**Contact:** DMR Bureau of Marine Science, PO Box 8, West Boothbay Harbor, ME 04575-0008, (207) 633-9500

Mitigating adverse impacts to aquatic resources is an integral part of the Clean Water Act and the Rivers and Harbors Act. The Endangered Species Act and other federal statutes provide for mitigation for actions affecting endangered and threatened or at-risk species such as Atlantic salmon. In general, mitigation is a sequential process of avoiding adverse impacts to resources, minimizing impacts that cannot practicably be avoided, and then compensating for those impacts that cannot be further minimized. Governmental agencies administering resource protection regulations may require appropriate and practicable compensatory mitigation as a condition of their permit approvals and authorizations.

Compensation is required to off-set an adversely affected resource function with a function of equal or greater value. If on-site or off-site ecologically appropriate permittee-responsible mitigation is not available, practicable or otherwise wholly or in part acceptable to off-set lost resource function and value, an applicant may opt to pay a fee in lieu of (ILF) a compensation project.

**The Atlantic Salmon Restoration and Conservation Program is an ILF compensation program established to provide applicants with a flexible compensation option.**

Resource Compensation Rates 7/1/18 to 6/30/19			
SERVICE AREA	PRICE PER CRITICAL HABITAT UNIT	PRICE PER SQ. METER OF CRITICAL HABITAT	PRICE PER SQ. FOOT OF CRITICAL HABITAT
Merrymeeting Bay SHRU	\$4,856	\$48.56	\$4.51
Penobscot Bay SHRU	\$3,408	\$34.08	\$3.17
Downeast Coastal SHRU	\$6,347	\$63.47	\$5.90

This ILF resource compensation rates for the period July 1, 2018 thru June 30, 2020 shall be as outlined this table. Atlantic salmon critical habitat compensation fees shall be calculated using the resource dependent formula outlined.

**NOTE: All ILF payments received by the Department of Marine Resources will be made available for grant awards to qualified Atlantic Salmon critical habitat conservation projects. The Department reserves the right to deny a request for conditional payment of a compensation fee based on an applicant's prior payment record.**

All compensation fee amounts could be directly reduced by decreasing the amount of habitat degradation associated with each project.



Service Areas

## CALCULATING IMPACTED ATLANTIC SALMON HABITAT UNITS

**Habitat Unit:** A habitat unit is defined as 100 square meters or 1076 square feet.

**GIS-Based Atlantic Salmon Habitat Model:** A predictive Atlantic salmon habitat model was created to help inform the listing of critical habitat as well as inform decisions on species stocking, barrier removal, and prioritizing restoration projects. Generally the habitat model calculates the amount of habitat by multiplying the area of a stream (length x mean width) by the mean percentage of potential rearing habitat.

**Upstream Habitat Units:** The Maine Stream Habitat Viewer calculates habitat units upstream of surveyed barriers and provides potential habitat units ([link to habitat viewer below](#)).

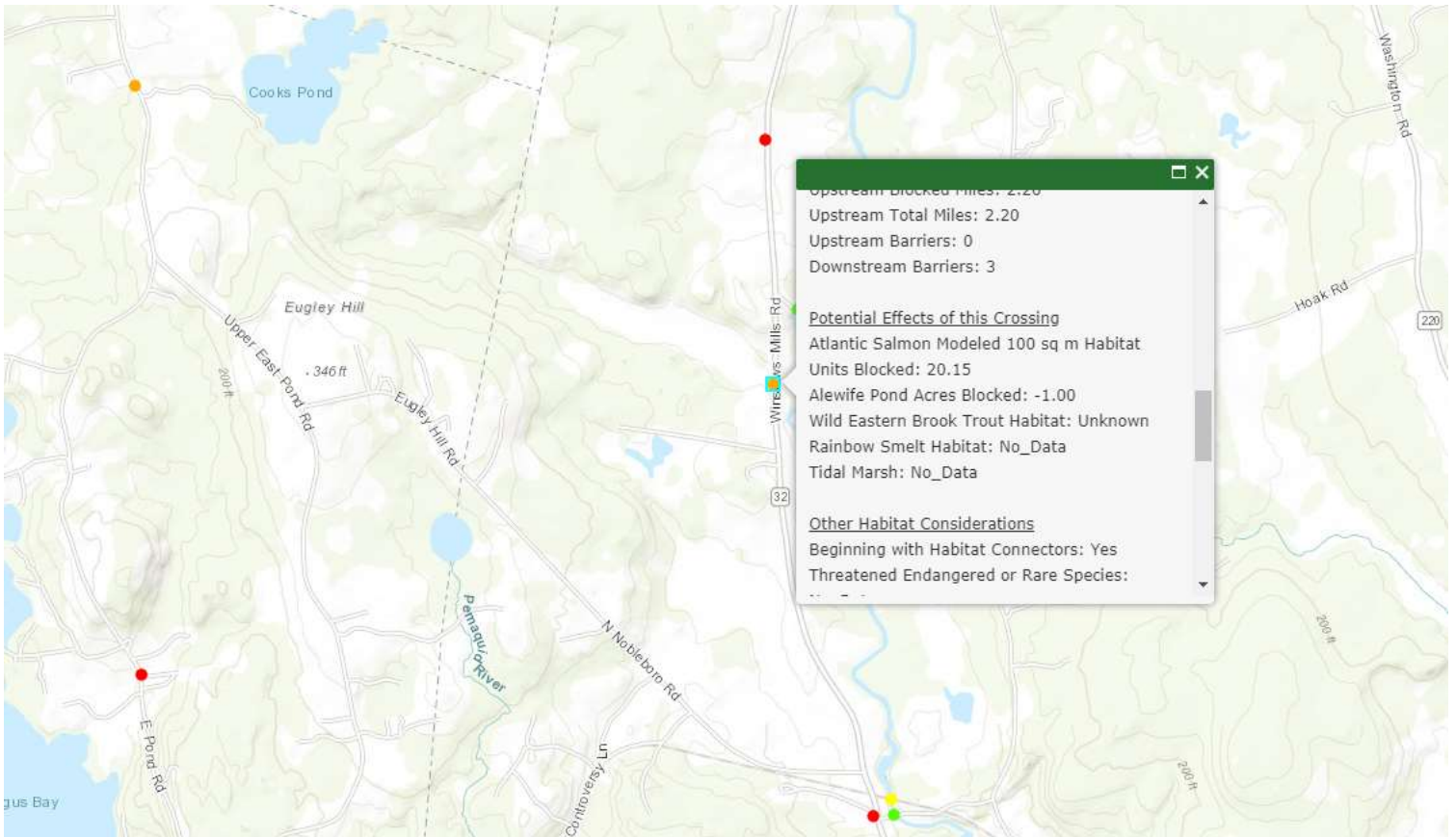
<http://maine.gov/dmr/mcp/environment/streamviewer/index.htm>

If the upstream habitat unit value has not yet been calculated, GIS can be used to perform the same calculation. The habitat model is available as a shapefile. Users are expected to be able to select all the stream extent upstream of a crossing represented by the habitat model. The User can then sum up the predicted values of habitat units to develop the total units affected.

If a stream is not mapped as perennial, the stream must be surveyed and a habitat unit number should be calculated from the survey. This field survey should be conducted in coordination with the USFWS and MaineDMR.

**Direct Impact of Habitat Units:** They are impact areas for a project proposal area calculated and reported to the ACOE and other natural resource agencies as a part of a standard Corps permit or authorization application. Impacts to ATS habitat can be calculated in the same way for non-Corps permit impacts under review by the USFWS.

## EXAMPLE HABITAT UNIT CALCULATION



A bridge replacement project is planned over Hoak Brook which is a tributary to the Medomak River. The snapshot below is an example of the crossing information from the Maine Stream Habitat Viewer. It shows that there are 20.15 habitat units upstream of this crossing.

The crossing replacement is expected to affect 1200 square feet of stream (mean 12 foot width for 100 linear feet). This is 1.1 ATS habitat units.

This project potentially impacts 21.25 habitat units w.

As it is in the Merrymeeting Bay Service Area, the fee would be  $21.25 \times \$4856/\text{habitat units} = \$103,190$ .