



SPECIAL PUBLIC NOTICE

Public Notice Date: May 21, 2024
In Reply Refer to: Mr. Taylor Bell
Phone: (978) 318-8952
Email: Taylor.m.bell@usace.army.mil

FEE SCHEDULE UPDATE FOR THE MASSACHUSETTS DEPARTMENT OF FISH AND GAME IN-LIEU FEE PROGRAM

SUBJECT:

This notice informs the public of the updated cost of compensatory mitigation credits sold by the Massachusetts Department of Fish and Game's In-Lieu Fee Program.

SPONSOR:

Massachusetts Department of Fish and Game In-Lieu Fee Program
Elisabeth Cianciola, Acting In-Lieu Fee Program Administrator
Email: Elisabeth.cianciola@mass.gov
Phone: 857-248-9874

BACKGROUND:

The purpose of an In-Lieu Fee Program is to sell compensatory mitigation credits that can be purchased to offset impacts associated Department of the Army permits. The In-Lieu Fee Program Instrument was signed by the Massachusetts Department of Fish and Game (DFG) and the U.S. Army Corps of Engineers New England District (District) in May 2014. DFG periodically reviews and updates the fee schedule for its In-Lieu Fee Program to ensure they can deliver compensatory mitigation projects to offset impacts associated with Department of the Army permits. One of the overall goals of reviewing the fee schedule is to ensure that it adheres to the full cost accounting requirements set under 33 CFR Parts 325 and 332 and 40 CFR Part 230, in Compensatory Mitigation for Losses of Aquatic Resources, and to align the fees with standard operating procedures issued by the District. DFG made a clarification to the methodology used to calculate the fee for stream credits in 2016, but otherwise has not changed the fee schedule for the In-Lieu Fee Program since the program was established in 2014. This update to the fee schedule serves to integrate present-day costs of providing compensatory mitigation into the mitigation credit prices for the Massachusetts In-Lieu Fee Program.

ACTION:

Enclosed you will find the updated Fact Sheet on Massachusetts In-Lieu Fee Program Fees, which will replace the current factsheet on websites hosted by both the U.S. Army Corps of Engineers New England District and the Commonwealth of Massachusetts. The updated pricing will be in effect for mitigation credit sales that occur from June 3,

CENAE-R

2024, onward. For the purpose of selling compensatory mitigation credits, DFG does not sell credits to the permittee until the required permit has been issued.

PURPOSE:

The purpose of updating the fee schedule is for DFG to ensure its mitigation credit prices are sufficient to support the cost of mitigating losses of aquatic resource functions authorized under permits issued by the District.

The intent of this notice is to provide transparency for stakeholders who may be considering using the Massachusetts In-Lieu Fee Program to meet compensatory mitigation requirements for future actions that may require permits from the District.



Stephen Rochette
Technical Services Branch Chief
Regulatory Division

Please contact Ms. Tina Chaisson at bettina.m.chaisson@usace.army.mil or (978) 318-8058 if you would like to be removed from our public notice mailing list.