



# Wetlands Fact Sheet #3

## Permitting and Mitigation of Wetland Impacts

### Permitting

Development in wetlands is often challenging and expensive. Knowing wetland locations, functions, and values allows individuals to make informed decisions when planning for development.

Some wetland types are so difficult to work in that they are typically avoided, such as peatlands. Others are not as easy to identify, and are sometimes only discovered after a project has begun, yet developing them still presents challenges. Some challenges affect the immediate building site, while others affect neighbors and more distant resources.

A project on lands where wetlands may be present begins with determining where wetlands are located and identifying the functions and values of those wetlands to you and the environment. If there are wetlands on your property, have the U.S. Army Corps of Engineers (Corps) or a qualified wetland delineator define the boundary of your wetlands and avoid those areas if possible. If wetlands are to be impacted, you are required to gain authorization from the Corps prior to starting work.

By Federal Law (Clean Water Act and associated policy), wetlands are protected and carefully managed with the goal of pursuing no-net-loss of wetland functions and values. Specific Mat-Su land use and zoning regulations do not currently exist as a means to manage wetland resources in the Mat-Su area. Therefore, wetland management in the Mat-Su requires a community effort, beginning with awareness and education on management measures every landowner can implement.

### Do I need a permit?

The Corps requires permits for discharges and construction into most wetlands and “navigable waters.” Navigable waters must be semi-permanent and have defined bed and banks.



*Have a qualified delineator define the boundaries of your wetlands.*

All tidal waters are considered navigable and are regulated by federal law. Wetlands that are physically, chemically, or biologically connected to regulated navigable waters, including those that eventually drain into them through tributaries, are regulated by Section 404 of the Clean Water Act.

### Activities that require a permit

- Placing fill in wetlands
- Work in navigable waters
- Clearing or removing existing vegetation

### Activities that may not require a permit

- Normal agricultural practices (except filling, clear cutting trees, or constructing non-agricultural structures)
- Harvesting natural products or recreational activities
- Routine maintenance of existing functional structures
- Selective cutting of trees and harvesting fuel wood

Prior to placing fill or doing work in any waters of the US, it is recommended you contact the Corps regarding whether the activity is regulated or not.

Please keep in mind that vegetation clearing conducted at certain times of the year could impact nesting migratory birds. Impacts to migratory birds are protected under the Migratory Bird Treaty Act.

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## What kind of permit do I need?

The Corps is responsible for issuing all Section 404 permits in Alaska. For individual permits, after public review is complete, the Corps weighs the benefits of the project against the detriments. A permit is granted unless the proposal is found to be contrary to the public interest. Processing time usually takes about 60 to 120 days, or more, unless a public hearing is required or an environmental impact statement must be prepared.

The Corps issues two types of Section 404 permits: **Individual and General Permits**. General Permit applications are either nationwide or regional, and may not require additional public review. For Individual Permit applications, a public notice is issued and there is an opportunity for a public hearing to review the proposed activity.

Planning your project to meet appropriate permit requirements can save you considerable time and money. It is always a good idea to contact the Corps to verify whether notification or additional requirements are necessary. **It is much more costly to undo unauthorized environmental damage than to secure the necessary approvals before starting.**

## Avoiding and Minimizing Wetland Impacts

Federal Clean Water Act rules require “sequencing,” which means that you must first consider all possible ways to avoid wetland impacts. If there is no practicable way to complete your project without affecting a wetland, then you must consider all possible ways you can minimize impacts.

**Avoiding wetlands** is the most effective way to prevent direct impacts to the ecological and hydrological functions of a wetland, and avoid having to secure a costly and possibly time consuming permit. Consider the purpose of your project and whether or not the location, size, or configuration can be changed to avoid wetland impacts completely. There may also be low impact construction techniques such as porous pavement, directional drilling, and linear construction to avoid or further minimize secondary impacts of your project on adjacent and nearby wetlands and water resources.

Check with the Mat-Su Borough Planning Department or Corps office to determine if there are other ways to accomplish your project goals without permanent wetland impact:

**U.S. Army Corps of Engineers**

**Anchorage Area Office: (907) 753-2712**

**Toll Free: (800) 478-2712**

**Fax: (907) 753-5567**

**Mat-Su Borough Planning Department: (907) 745-9833**

## Mitigation

After all appropriate efforts have been made to avoid and minimize wetland impacts, the Corps will generally require compensatory mitigation for remaining environmental impacts. Compensatory wetland mitigation options include:

**Mitigation Bank Credit Purchase:** Mitigation banks are established by private or public third party entities who restore, enhance, or otherwise permanently preserve wetlands in perpetuity and generate credits which may be purchased by permittees to offset unavoidable wetland impacts. In the Mat-Su, there are two resources from which mitigation credits may be purchased:

### *Su-Knik Bank*

Contact Information: Jerome Ryan

Email: [Jerome@envmp.com](mailto:Jerome@envmp.com)

Phone: 707-874-2780 (w), 415-990-0525(c)

Post Office Box 2281, Sebastopol, CA 95473

<http://www.su-knikmitigationbank.com>

### *Pioneer Reserve*

Contact Information: Calli Donn or Scott Walther

Email: [pioneerreserve@hotmail.com](mailto:pioneerreserve@hotmail.com)

Phone: (907) 841-5250 or (907) 947-7042

3602 N. Montrose Ct., Wasilla, AK 99654

<https://www.edgertonreserve.com>

**In-Lieu Fee Payment:** This type of mitigation involves makes a payment to an In-Lieu Fee Payment Program Sponsor who then uses those funds, possibly pooled with other financial resources to acquire or complete a wetland mitigation project. In the Mat-Su Area, there are two In-Lieu Fee Payment-sponsored programs:

### *The Conservation Fund*

Contact Information: Brad Meiklejohn

Email: [BradMeiklejohn@aol.com](mailto:BradMeiklejohn@aol.com)

Phone: (907) 694-9060 Fax: (907) 694-9070

2727 Hiland Road, Eagle River, AK 99577

<http://www.conservationfund.org/mitigation>

### *Great Land Trust*

Mat-Su Office

Email: [info@greatlandtrust.org](mailto:info@greatlandtrust.org)

Phone: (907) 746-64006

Koslosky Center, Suite 202

Palmer, AK 99645

<http://www.greatlandtrust.org/whatwedo/wetlandmitigation.html>