



**US Army Corps  
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New England District

# PUBLIC NOTICE

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Concord, MA 01742-2751

Date: June 13, 2017  
File Number: NAE-2010-02215  
In Reply Refer To: Ruth M. Ladd  
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**This public notice is to share with the public the annual report on Connecticut's In Lieu Fee (ILF) program entitled, "Audubon Connecticut In Lieu Fee Program, Program Account Annual Report, July 1, 2015 – June 30, 2016".** The report was submitted by the sponsor, Audubon Connecticut, to the Corps of Engineers on June 2, 2017. The program serves as an alternative form of compensation for impacts to aquatic resources resulting from work authorized by the New England District Army Corps of Engineers (Corps).

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. ILF is an option available to the applicant instead of completing permittee-responsible mitigation. Use of the ILF program is contingent upon Corps and/or State approval.

All ILF agreements in New England are available on the Corps' website: <http://www.nae.usace.army.mil> under Regulatory/Permitting >> Mitigation.

Digitally signed by MCCARTHY, JENNIFER L. 1103050287  
DN: cn=US, ou=U.S. Government, ou=DOD, ou=PEL, ou=USA,  
email=MCCARTHY.JENNIFER.L@USACE.ARMY.MIL, c=US  
Date: 2017.06.13 09:34:48 -0400

JENNIFER L. MCCARTHY  
Chief, Regulatory Division

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil). You may also check here ( ) and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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## **In Lieu Fee Program Program Account Annual Report July 1, 2015 – June 30, 2016**

### **1. Introduction**

The Audubon Connecticut In Lieu Fee Program (ACT ILF) is an option for compensatory mitigation for unavoidable impacts to waters of the United States in the State of Connecticut. Permits are required by the U.S. Army Corps of Engineers (“Corps”) through the Clean Water Act (“CWA”) Section 404 for discharge of dredge or fill materials within “waters of the U.S.” and through the Rivers and Harbors Act Section 10 for structures or work in or affecting navigable water of the U.S. The Army Corps of Engineers requires that aquatic resource functions and services lost due to the effects of any regulated activity be replaced through compensatory mitigation, after addressing avoidance and minimization of impacts. The ACT ILF program contains six (6) service areas that cover the entire state of Connecticut (See Appendix A for a Service Area Map). This report outlines the ACT ILF program activities from July 1, 2015 to June 30, 2016.

### **2. Impacts and Fees Received**

For the period of July 1, 2015 – June 30, 2016 a total of nine payments for permits in three service areas were received by the ACT ILF Program. The tables that follow provide information on ILF payments, impact types and amounts, and funds available for future ILF projects.

Table 1 provides a full list of all of the permitted impacts that have generated ILF payments. Included in this table is the applicant, date the payment was received, permit numbers, town of impact, habitat type impacted, required amount of compensatory mitigation and the amount of the payment. This table is sorted by service area.

Table 2 shows the financial account ledger for the ACT ILF program. Included in this table is the starting balance, payments received, administration fees collected, interest earned, disbursements made and the remaining account balance. This table is broken down by service area.

Table 3 is the credit ledger for the ACT ILF program. This table shows the authorized advance credits, advance credits sold, credits released, released credits sold (in excess of satisfied advance credits), and the total credits available, broken down by service area.

### **3. Project Implementation**

No funds have been expended during this reporting period.

Project implementation activities commenced with the issuance of a Request for Letters of Intent which was released Feb. 4th, 2016. The LOI was posted on the AudubonCT website, and in the electronic newsletters of the following organizations: Connecticut Land Conservation Council, the Connecticut Association of Wetland Scientists, and the Society of Wetland Scientists – New England Chapter. It was also advertised via social media. The Letter of Intent Deadline was March 5th, 2017.

Initially, 10 LOIs were received, with no projects located within the Thames River Basin Service Area, prompting the reissuance of the LOI for the Thames River Basin only. The re-issued Request for Letters of Intent generated an additional three projects, for a total of 13 LOIs for the 2016 ILF Program Year. An LOI review committee was formed consisting of three members of AudubonCT (S. Hudson, L. Kane, and P. Comins) and two members of the ACOE (R. Ladd and B. Newman). The LOI review committee met on March 24th, 2016 and screened each LOI for consistency with the ILF program. For those projects deemed consistent with the goals and objectives of the ILF program, the applicants were sent letters by April 1st requesting they submit Full Proposals by May 15th, 2016.



For those projects that did not appear to meet the goals and objectives of the ILF program, the applicants were informed of the reasons why their project was not eligible for further consideration or would not be competitive with other projects competing for the same limited funding.

One applicant was advised that their project was not competitive leaving a total of 12 potential projects. Another applicant was advised that their project did not qualify for ILF funding due to the fact that the project funding as proposed would be used to implement the remediation of environmental media for which the property owner already had an obligation under CT law to do. This left 11 potentially viable projects for implementation in 2016. However, two projects failed to get property owner commitments, resulting in 9 viable projects for which full proposals were submitted to the PAC for consideration. A PAC Meeting was held to select finalists on June 15th, 2016.

As a result of this meeting, one project was not recommended by PAC, while an additional one withdrew their application, resulting in seven full proposals recommended to the IRT for full or partial funding. All recommendations were made to the IRT by June 30th, 2016.

Note: The IRT met to review projects in July, and selected finalists by July 30th. Of the seven full proposals evaluated by the IRT, two were not approved. The remaining five projects were approved for full funding. Subsequent Notification Letters were sent to finalists by August 15th, 2016.

**Table 1: Payments Received by Service Area**

<u>Service Area</u>	<u>Applicant</u>	<u>Date Payment Received</u>	<u>Corps Permit #</u>	<u>Town</u>	<u>Acres of Impact</u>	<u>Habitat Type Impacted</u>	<u>Amount of Payment</u>
South-Central Coast	Killingworth Cranberries LLC	8/11/2015	NAE-2013-00032	Killingworth	0.03	0.03 PEM	\$ 10,000.00
Connecticut River	The Metropolitan District	8/25/2015	NAE-2014-00261	Hartford	0.48	0.24 PEM 0.24 PFO/PSS	\$ 113,000.00
Connecticut River	Dept. of Defense	10/15/2015	NAE-2008-02372	Lyme	0.20	0.20 PEM	\$ 88,241.02
Housatonic River	CPV Towantic LLC	12/21/2015	NAE-2014-02062	Oxford	0.24	0.12 PEM 0.12 PFO	\$ 79,380.00
South-Central Coast	Wallingford Group LLC	2/10/2016	NAE-2014-00638	Wallingford	0.23	0.23 R	\$ 74,500.00
Housatonic River	Connecticut Department of Transportation	3/18/2016	NAE-2015-01185	Monroe	0.152	0.16 PFO1	\$ 50,474.07
Connecticut River	Connecticut Airport Authority	6/3/2016	NAE-2012-01441	Windsor Locks	0.012	0.012 PEM	\$ 5,000.00
Connecticut River	Town of Enfield, Connecticut	6/15/2016	NAE-2015-02309	Enfield	0.36	0.01 R 0.11 PEM 0.24 PFO	\$ 160,455.81
South-Central Coast	MTG Inc Central Auto Auction	6/27/2016	NAE-2009-00086	Hamden	0.24	PSS^2	\$ 78,923.00
					<b>1.94</b>		<b>\$ 659,973.90</b>



Table 2: Financial Account Ledger by Service Area

<u>Service Area</u>	<u>July 1, 2015 Account Balance</u>	<u>Payments Received</u>	<u>Administration Fee</u>	<u>Interest Earned *</u>	<u>Disbursements</u>	<u>Total FY16 Activity</u>	<u>June 30, 2016 Account Balance</u>
Connecticut River	\$ 167,188.69	\$ 366,696.83	\$ 73,339.37	\$ 802.80	\$ -	\$ 294,160.26	\$ 461,348.95
Housatonic River	\$ 506,943.05	\$ 129,854.07	\$ 25,970.81	\$ 956.97	\$ -	\$ 104,840.23	\$ 611,783.28
South Central Coast	\$ -	\$ 163,423.00	\$ 32,684.60	\$ 245.83	\$ -	\$ 130,984.23	\$ 130,984.23
Southeast Coast	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Southwest Coast	\$ 13,084.80	\$ -	\$ -	\$ 19.66	\$ -	\$ 19.66	\$ 13,104.46
Thames River	\$ 447,766.03	\$ -	\$ -	\$ 672.73	\$ -	\$ 672.73	\$ 448,438.77
-	<b>\$ 1,134,982.57</b>	<b>\$ 659,973.90</b>	<b>\$ 131,994.78</b>	<b>\$2,697.99</b>	<b>\$ -</b>	<b>\$ 530,677.11</b>	<b>\$ 1,665,659.68</b>

\*Interest earned is pro-rated based on beginning balances and FY16 payments for each service area. All interest for FY16 is to be added to Direct Project Funds.

Table 3: Credit Ledger by Service Area

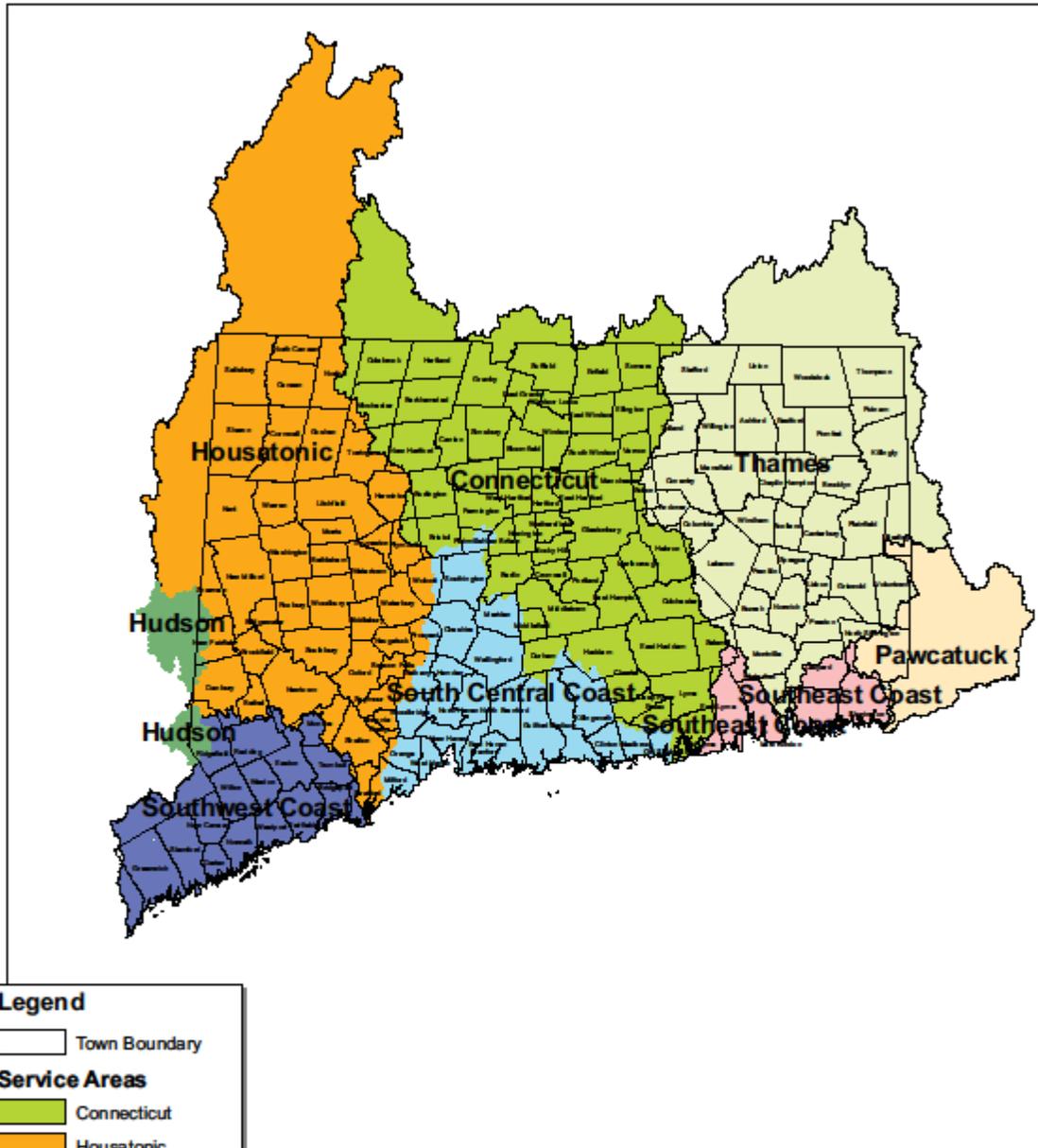
<u>Service Area</u>	<u>Authorized Advance Credits</u>	<u>Advance Credits Sold</u>	<u>Credits Released</u>	<u>Released Credits Sold</u>	<u>Credits Available</u>
Connecticut	17.0	1.5	0.0	0.0	15.5
Housatonic	10.0	2.3	0.0	0.0	7.7
South Central Coast	19.0	0.5	0.0	0.0	18.5
Southeast Coast	18.0	0.0	0.0	0.0	18.0
Southwest Coast	10.0	0.2	0.0	0.0	9.8
Thames	53.0	1.6	0.0	0.0	51.4
<b>Total</b>	<b>127.0</b>	<b>6.1</b>	<b>0.0</b>	<b>0.0</b>	<b>120.9</b>



# Audubon CONNECTICUT

## Appendix A – Service Area Map

### A1 - Service Areas



**Legend**

- Town Boundary
- Service Areas**
- Connecticut
- Housatonic
- Hudson
- Pawcatuck
- South Central Coast
- Southeast Coast
- Southwest Coast
- Thames

1 inch = 90,743 feet

