

**AMENDMENT #1
TO THE
VERMONT IN-LIEU FEE PROGRAM INSTRUMENT**

WHEREAS, the approved Ducks Unlimited, Inc. Vermont In-lieu Fee Program instrument, was signed by Ducks Unlimited on January 6, 2011 and the New England District Corps of Engineers (“Corps”) on January 4, 2011.

NOW THEREFORE,

The first sentence of the second paragraph under “Introduction and Statement of Need” shall be modified as follows with new wording underlined and deleted wording crossed out:

The DU-VT ILF Program ~~will~~may be used for compensatory mitigation for unavoidable impacts to waters of the United States that are located within the State of Vermont, the 8-digit Hydrologic Unit Code watersheds of the Richelieu River within the State of New York, and the 8-digit Hydrologic Unit Code watersheds of the Hudson River that exist within the State of Vermont but extend into New York. However, all compensation projects will be in the State of Vermont.

The first paragraph under “Establishment and Operation” shall be modified as follows with new wording underlined and deleted wording crossed out:


DU intends to establish itself as a qualified ILF Program sponsor for Corps and DEC authorizations in Vermont and for impacts authorized in New York if the impacts occur in the 8-digit Hydrologic Unit Code watersheds of the Richelieu River and the 8-digit Hydrologic Unit Code watersheds of the Hudson River that exist within the State of Vermont but extend into New York. As a non-profit conservation organization, DU will work with the Corps and DEC to assure their requirements for resource compensation are being met. An Interagency Review Team (IRT) will advise the Corps on the establishment and management of the DU-VT ILF Program. The team will be comprised of representatives invited by the Corps from other federal, state, tribal and local resources agencies that would have a substantive interest in the establishment and management of the DU-VT ILF Program. The New England District Corps will serve as the IRT chair, and ~~The Corps~~ may designate different representatives of the agencies listed above, and may invite additional members to serve on the IRT for individual mitigation projects.

ALSO,

“Provision of legal responsibility” on page 10 shall be modified to add a paragraph as follows:

Corps approval of this Instrument constitutes the regulatory approval required for the Ducks Unlimited, Inc. - Vermont In-lieu Fee Program to be used to provide compensatory mitigation for Department of the Army permits pursuant to 33 C.F.R. 332.8(a)(1). This Instrument is not a contract between the Sponsor and the Corps or any other agency of the federal government. Any dispute under this Instrument will not give rise to any claim by the Sponsor for monetary damages. This provision is controlling notwithstanding any other provision or statement in the Instrument to the contrary.

IN WITNESS WHEREOF, the undersigned have caused this amendment to be duly executed.



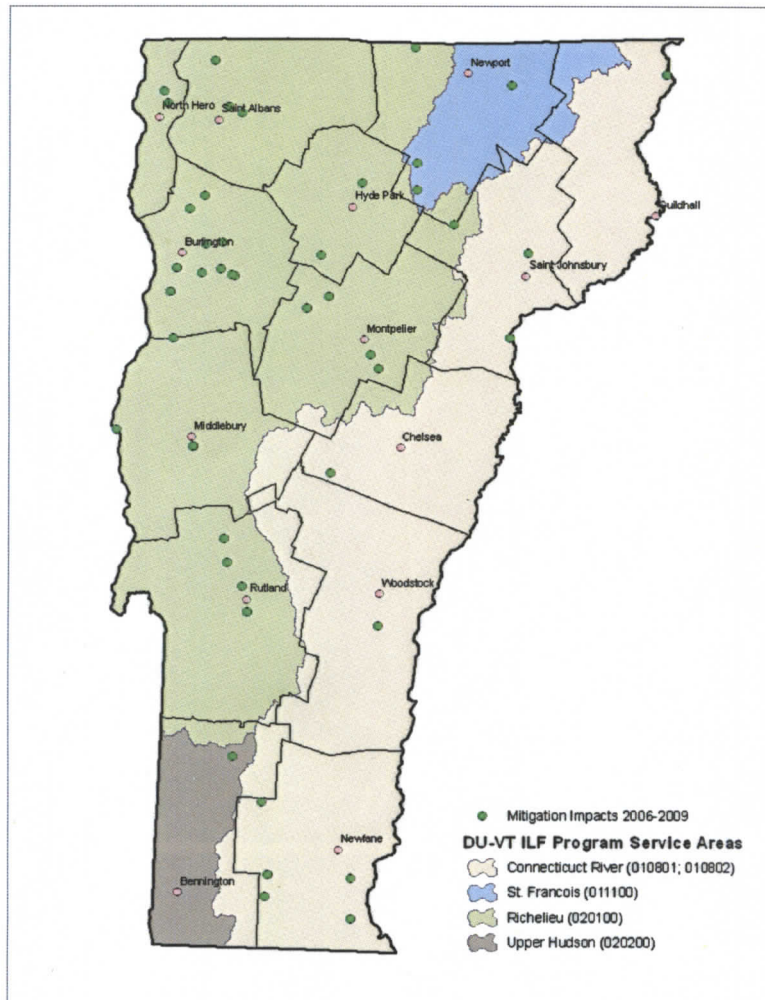
CEO, Program Sponsor
Ducks Unlimited, Inc.

Date: 3-9-15



COL Christopher J. Barron
Colonel, New England District Corps of Engineers
District Engineer

Date: 30 JAN 2018



Advanced credits will be converted to released credits as milestones specified in specific mitigation plans are achieved. Credit release schedules may vary by project and will vary between restoration/enhancement and preservation. For example, a typical credit release schedule for restoration/enhancement might include a 20% release at approval of the mitigation plan, further release of 20% at as-built production, 15% after the first year of successfully meeting the monitoring performance standards, 15% after the second year of successfully meeting the monitoring performance standards, 15% after the third year of successful monitoring, and the final 15% upon Corps sign-off. A typical release schedule for preservation might be 75% credit release at the signing of the preservation documents and the final release of 25% once financial assurances are documented and in place.