

**AMENDMENT #2
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. Amendment #1 was signed by Ducks Unlimited on March 9, 2015 and the Corps on January 30, 2015.

NOW THEREFORE,

Amendment #1 added to the Richelieu and Hudson River service areas in the instrument. This amendment modifies the instrument to exclude the Hudson River service area that extends into New York State. Therefore, the modified first sentence of the second paragraph under “Introduction and Statement of Need” in the instrument shall be modified as follows with new wording underlined and deleted wording crossed out:

The DU-VT ILF Program may be used for compensatory mitigation for unavoidable impacts to waters of the United States that are located within the State of Vermont; and two of 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.~~ Specifically, this would include the 8-digit Hydrologic Unit Code watershed identified as Lake Champlain and Richelieu River as identified on the attached map. However, all compensation projects will be in the State of Vermont.

The first paragraph under “Establishment and Operation” in the instrument 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 identified on the attached map. 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, may designate different representatives of the

agencies listed above, and may invite additional members to serve on the IRT for individual mitigation projects.

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


_____ Date: 6/10/2015
H. Dale Hall
CEO, Program Sponsor
Ducks Unlimited, Inc.


_____ Date: 6/29/15
COL Christopher J. Barron
Colonel, New England District Corps of Engineers
District Engineer

Ducks Unlimited, Inc. Vermont In-Lieu Fee Program

Revised Richelieu Service Area

revised June 23, 2015

