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New England District

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PUBLIC NOTICE

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This public notice is to share with the public the **“Ducks Unlimited Vermont In-Lieu Fee Program Annual Report – January 1, 2018 – December 31, 2018” dated “March 31, 2019”**. The In-lieu Fee (ILF) program serves as an alternative form of compensation for impacts to aquatic resources authorized by the New England District Army Corps of Engineers (Corps) and/or the State of Vermont Department of Environmental Conservation.

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/Missions/Regulatory/Mitigation/InLieuFeePrograms.aspx>.

Robert J. DeSista
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. 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: _____

Ducks Unlimited Vermont In-Lieu Fee Program

Annual Report – January 1, 2018 – December 31, 2018



Wetland construction at Three Mile Bridge Rd, Middlebury Vermont



**GREAT LAKES &
ATLANTIC REGION**

March 31, 2019

1. Executive Summary

The Ducks Unlimited (DU) Vermont In-Lieu Fee Program (DU-VT-ILF) was established in 2011 as an option for compensatory mitigation in Vermont. The program has four Service Areas. Thus far the larger majority of payments received have been in the Richelieu Service Area. As a result, DU has concentrated its habitat delivery in this service area. Payments received in 2018 were for impacts to aquatic resources in Burlington, Rutland, and Leicester in the Richelieu Service Area. One payment was received in the Connecticut River Service Area for a project in Rockingham. One payment was received in the Upper Hudson Service Area for a project in Pownal. Several of these projects were associated with transportation, energy, and a hospital expansion. As of 2019, DU has initiated projects in all Service Areas except the Upper Hudson Service Area where only two credit sales totaling 1.08-credits have occurred. DU continues to work closely with the Army Corps of Engineers to devise an appropriate strategy to implement a project in the Upper Hudson. The following sections describe program mechanics, and funds collected, and progress towards implementation in each Service Area.

2. Introduction

The Ducks Unlimited Vermont In-Lieu Fee Program (DU-VT-ILF) is an option for compensatory mitigation for unavoidable impacts to waters of the United States (U.S.) in the State of Vermont, and adjacent portions of New York. Permits are required by the U.S. Army Corps of Engineers (“Corps”) for the discharge of dredged or fill material into waters of the U.S. under Section 404 of the Clean Water Act (CWA); for work and structures in or affecting navigable waters of the U.S. under Section 10 of the Rivers and Harbors Act; and by the Vermont Department of Environmental Conservation (DEC) under Section 9 of the Vermont Wetland Rules. These regulatory agencies require that aquatic resource functions and services lost due to impacts be replaced through compensatory mitigation after addressing avoidance and minimization of impacts. The DU-VT ILF program contains four service areas that cover the entire state of Vermont, and three 8-digit Hydrologic Unit Code watersheds that extend into New York (Figure 1). This report outlines the DU-VT ILF program activities from January 1, 2018 to December 31, 2018.

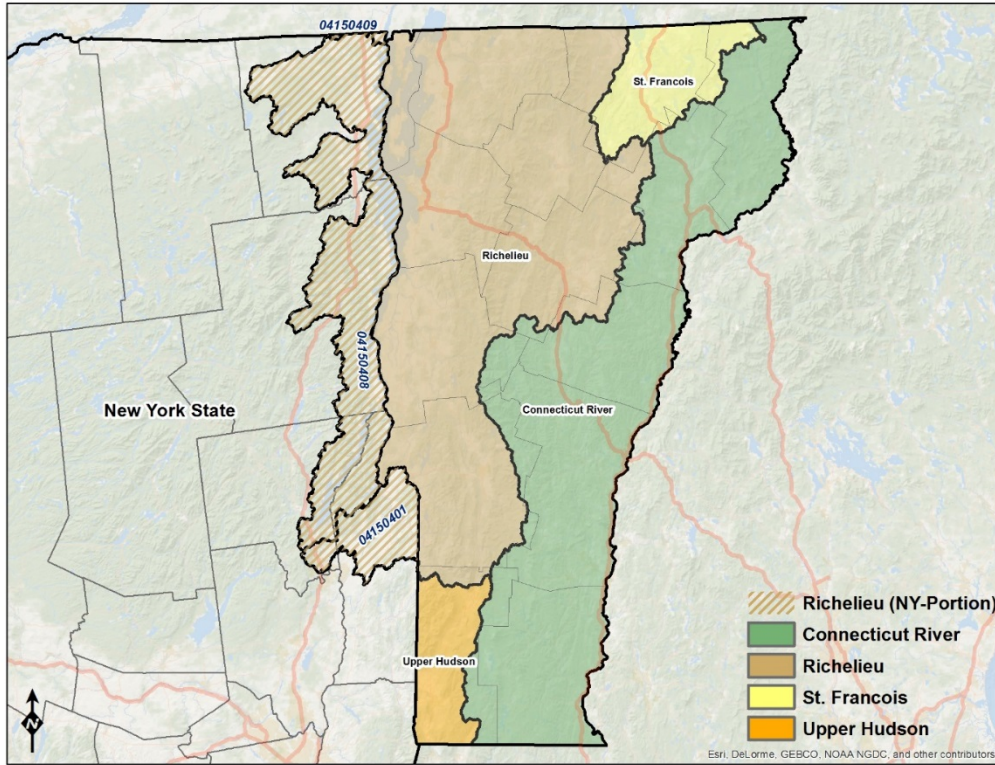


Figure 1. Service Area Map. The VT-ILF program consists of 4-services areas. The Richelieu Service Area extends into New York – payments into the VT-ILF program for New York Impacts must be satisfied in Vermont.

3. Impacts and Fees Received

During the period of this annual report, five (5) In-Lieu Fee (ILF) payments in three (3) service areas were received. 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, project name, 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 DU-VT 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 DU-VT 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.

4. Project Implementation

Richelieu Service Area

The DU-VT ILF Program completed construction of a site in the Richelieu Service Area in August of 2018. An as-built report was submitted in early 2019. The site lies at the confluence of Otter Creek and the Middlebury River. The site will be planted with shrubs and trees in the spring of 2019. The site is expected to produce 22.81 wetland credits. The project at Three Mile Bridge road consists of adding flood storage to the Middlebury River floodplain through installation of ditch plugs and contouring along old swale features. Additionally, there is an extensive vegetation management component at the site, whereby DU is controlling reed canary grass and using a combination of tilling, herbicide application, and seeding/planting to steer the community toward a native wetland plant community. DU plans to donate the property to the State of Vermont for incorporation into the Wildlife Management Area system, it is expected that this will occur in 2019.

Connecticut River Service Area

In 2018 DU closed on a 183.39-acre (+/-) property in the Connecticut River SA. DU submitted a draft mitigation plan for the Connecticut River site in early 2019. The site boasts a rare plant community (northern white cedar swamp), big game species (moose, deer, bear), and a beaver ponded wetland provides habitat for waterfowl (e.g., mallard, black, wood duck). DU intends to donate the property to the Northeast Wilderness Trust for long-term stewardship and management.

St. Francois Service Area

DU closed on a 243.90-acre property in the St. Francois SA in early 2019; planning work will be initiated in 2019. The site – located at Willoughby Lake Road protects two tributaries

to the Willoughby River – a notable trout stream. The property contains a mixture of rolling fields, forested wetlands, and upland forests. The open fields have been in hay for the last several years, and some appear to be reverting to wetlands. DU will identify areas where restoration activities can occur on the property. It is estimated that the site will produce 20-30-credits when completed.

Upper Hudson Service Area

Thus far only two credit sales totaling 1.08-acres have occurred in the Upper Hudson River SA, this amount is insufficient for a reestablishment-type project at present – DU will continue to coordinate with the IRT on appropriate strategies and timelines to satisfy credits in the Upper Hudson.

Table 1: Payments Received in 2018 by Service Area

DU-VT ILF Service Area	Applicant	Date Payment Received	Project Name	Permit Numbers	Town	Acres of Impact	Habitat Type Impacted	Required Compensatory Mitigation (Acres)	Amount of Payment
Richelieu	Vermont Agency of Transportation	10/10/2018	Vtrans Leicester VTRY(17) North Leg Wye Rehabilitation	NA-2017-00384	Leicester	0.84	PSS	1.23	\$161,805.27
Richelieu	Rutland Hospital Inc.	3/16/2018	Rutland Regional Medical Center	NAE-2016-00828	Rutland	0.15	PEM	0.15	\$19,579.00
Richelieu	Snyder Braverman Development Co. and South Burlington City Center, LLC	3/20/2018	South Burlington City Center	NAE-2016-02311	South Burlington	1.185	PSS & PEM	1.185	\$155,986.00
Upper Hudson	Vermont Electric Power Company	6/1/2018	Access road Improvement Project - K4 Line ROW	NAE-2018-00508	Pownal	0.82	PEM, Stream	0.82	\$106,047.32
Connecticut River	Green Mountain Railroad	7/27/2018	Riverside Reload Center Track Expansion	NAE-2018-01405	Rockingham	0.44 & 0.035 permanent; temporary: 0.763	PSS	0.48	\$52,814.88
Totals								3.865	\$496,232.47

Table 2: 2018 Financial Account Ledger

DU-VT ILF Service Area	January 1, 2018 Account Balance	Payments	Administration Fee	Interest Earned	Disbursements	Remaining Account Balance
Connecticut River	\$218,742.49	\$52,814.88	\$7,922.23	\$1,322.97	\$97,216.62	\$167,741.49
St. Francois	\$744,182.69	\$0.00	\$0.00	\$3,625.51	\$59,556.88	\$688,251.32
Richelieu	\$1,702,968.71	\$337,370.27	\$50,605.54	\$9,940.13	\$595,246.58	\$1,404,426.99
Upper Hudson	\$27,956.24	\$106,047.32	\$15,907.10	\$652.84	\$126.07	\$118,623.23
Totals	\$2,693,850.53	\$496,232.47	\$74,434.87	\$15,541.46	\$752,146.15	\$2,379,043.03

Table 3: 2018 Credit Ledger by Service Area

Service Area	Authorized Advance Credits	Previous Advance Credits Sold	Advance Credits Sold	Credits Released	Released Credits Sold	Credits Available
Connecticut River	25	2.83	0.48	0	0	21.69
St. Francois	25	8.08	0	0	0	16.92
Richelieu	152.94	17.31	2.57	0	0	133.06
Upper Hudson	25	0.26	0.82	0	0	23.92