



**US Army Corps
of Engineers®**
New England District
696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Comment Period Begins: October 15, 2019
Comment Period Ends: November 14, 2019
File Number: NAE-2010-02215
In Reply Refer To: Taylor Bell
Phone: (978) 318-8952
E-mail: taylor.m.bell@usace.army.mil

SUBJECT: This notice announces a request to modify the Audubon Connecticut In-Lieu Fee (ILF) Program Instrument for the addition of seven individual projects.

ILF PROGRAM SPONSOR: National Audubon Society – CT Chapter
185 East Flat Hill Road
Southbury, Connecticut 06488

BACKGROUND: The Connecticut ILF program is authorized by the New England District, Army Corps of Engineers (Corps). A copy of the signed ILF agreement entitled “*Final Instrument for the Audubon Connecticut In-Lieu Fee Program Sponsored by National Audubon Society, Inc.*” dated August 21, 2013, and includes details about the ILF Program goals and objectives in general and can be found at the following link: <http://www.nae.usace.army.mil/Portals/74/docs/regulatory/Mitigation/CTILFProgramInstrument.pdf>

Seven projects have been submitted as proposed additions to the ILF Instrument pursuant to 33 CFR 332, Compensatory Mitigation for Losses of Aquatic Resources (Federal Register: April 10, 2008, effective June 9, 2008). Pursuant to 33 CFR 332.8 (d), the District Engineer will provide public notice of the proposed addition of ILF program mitigation sites. As such, we are issuing a public notice to solicit comments for the instrument modification due to the proposed addition of ILF mitigation sites.

The Connecticut ILF Program accrued funds from Army Corps of Engineers Department of the Army permitted impacts throughout the State of Connecticut. The funds were made available through a competitive grant process for the preservation, restoration and enhancement of wetland and watercourse resources and associated upland buffers in the State of Connecticut. The District Engineer has received seven proposed projects from various applicants who have applied for 2019 funding under the ILF Program.

PURPOSE: These seven proposed projects would provide compensatory wetland and stream mitigation for permitted impacts to four Service Areas.

GENERAL INFORMATION: An ILF program involves the restoration, establishment, re-establishment, enhancement, rehabilitation and/or preservation of aquatic resources through funds paid to a governmental or non-profit natural resources management entity to satisfy compensatory mitigation requirements for Department of the Army permits. Similar to a mitigation bank, an ILF program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the ILF

program sponsor. The operation and use of an ILF program are governed by an ILF program instrument. A group of federal and state regulatory and resource agency representatives known as the Interagency Review Team (IRT) oversee the establishment and management of the program. The IRT is chaired by the U.S. Army Corps of Engineers (Corps). The primary role of the IRT is to facilitate the establishment of the ILF program through the development of an ILF Instrument. The IRT also reviews ILF mitigation proposals and provides comments to the Corps. The approval of the use of the ILF program for specific projects is the decision of the Corps pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act (CWA). The Corps provides no guarantee that any particular individual or general permit proposing to use the ILF program for compensation mitigation would be authorized.

PROJECT DESCRIPTION: Attached are the proposed project descriptions and maps for the seven projects. Additionally the full applications are available to be reviewed at the following link:

https://ribits.usace.army.mil/ribits_apex/f?p=107:378:13584004867987::NO::P378_PROGRAM_ID:501

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Essential Fish Habitat describes waters and substrate necessary for fish for spawning, breeding, feeding or growth to maturity.

The District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

NATIONAL HISTORIC PRESERVATION ACT: Based on his initial review, the District Engineer has determined that none of the seven projects may affect properties in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfill requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the proposal review process and the permit review process for those requiring Corps authorization.

ENDANGERED SPECIES CONSULTATION: The New England District, Army Corps of Engineers, has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, that might occur at the project sites. It is our preliminary determination that the proposed projects, situated or will be operated/used in such a manner that it is not likely to adversely affect any federally listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate federal agency concur with our determination.

EVALUATION: After the end of the comment period, the district engineer will review all comments received and make an initial determination as to the potential of the proposed project to provide compensatory mitigation for activities authorized by DA permits. That determination will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. Factors relevant to the proposal will be considered including conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and

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fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; American Indian Tribes; and other interested parties in order to consider and evaluate the proposed activity. All comments received will be considered by the Corps during the formulation of the initial determination of potential for the proposed activity.

COMMENTS: In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Mr. Taylor Bell at (978) 318-8952, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

Tammy R. Turley
Chief, Regulatory Division

If you would prefer not to continue receiving Public Notices by email, 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: _____
PHONE: _____

PROJECT PROPOSALS:

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Audubon Connecticut administers the competitive grant funding program and solicited Letters of Intent (LOIs) for wetland and watercourse restoration, enhancement, creation and/or preservation. The Request for LOIs included the criteria used to evaluate projects, the information required for a proposal, and other related information. The Request for LOIs was issued in on March 12, 2019 and the LOIs were due by April 26, 2019. To be eligible to receive Connecticut ILF funding, project applicants had to first submit their LOIs comprised of a summary of the proposed project, and a map of the project location. The following were received following an invitation to submit a full proposal and were recommend for funding by the Project Approval Committee. A summary of the funds available proposals are as follows:

The funds currently available for the:

Connecticut River Service Area	\$277,404
Housatonic Service Area	\$13,778
South Central Service Area	\$213,696
Southeast Coast Service Area	\$1,638
Southwest Coast Service Area	\$79,300
Thames Service Area	\$11,359

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Proposed Projects and Location	Latitude & Longitude coordinates	Applicant	Fund Request	Funding Match	Service Area
Ayer's Point	41°19'20.76"N 72°22'5.08"W	Old Saybrook Land Trust	\$176,000	\$128,000	Connecticut River
Bush Hill Road	41°44'30.96"N 72°33'5.33"W	Manchester Land Trust	\$154,500	\$0	Connecticut River
Fromson/Strassler Property	41°14'52.02"N 73°25'19.71"W	Aspetuck Land Trust	\$79,3000	\$950,700	Southwest
Mill River Protection Project	41°27'32.78"N 72°54'0.48"W	Cheshire Land Trust	\$200,000	\$650,000	South Central Coast
Peltier Property	41°38'40.48"N 72° 6'57.54"W	Friends of Shetucket River Valley	\$91,800	\$158,200	Thames River
Tri-town Ridgeline Forest Preserve	41°30'50.91"N 71°53'52.93"W	Avalonia Land Conservancy, Inc.	\$11,359 & \$1,638	\$928,870	Thames River
Mono Pond State Park	41°39'3.54"N 72°18'55.11"W	Trust for Public Lands	\$90,000	\$667,000	Thames River

A summary of each proposed activity, its purpose and intended use, including maps, is provided below.

CONNECTICUT RIVER:

Ayer's Point Acquisition

The Old Saybrook Land Trust proposes to acquire an 11-acre parcel adjacent to Essex Road and Hyde's Point Road in Old Saybrook. This parcel lies adjacent to Hyde's Point Creek and the CTDEEP-owned Ferry Creek Wildlife Management Area in the Ayer's Marsh system.

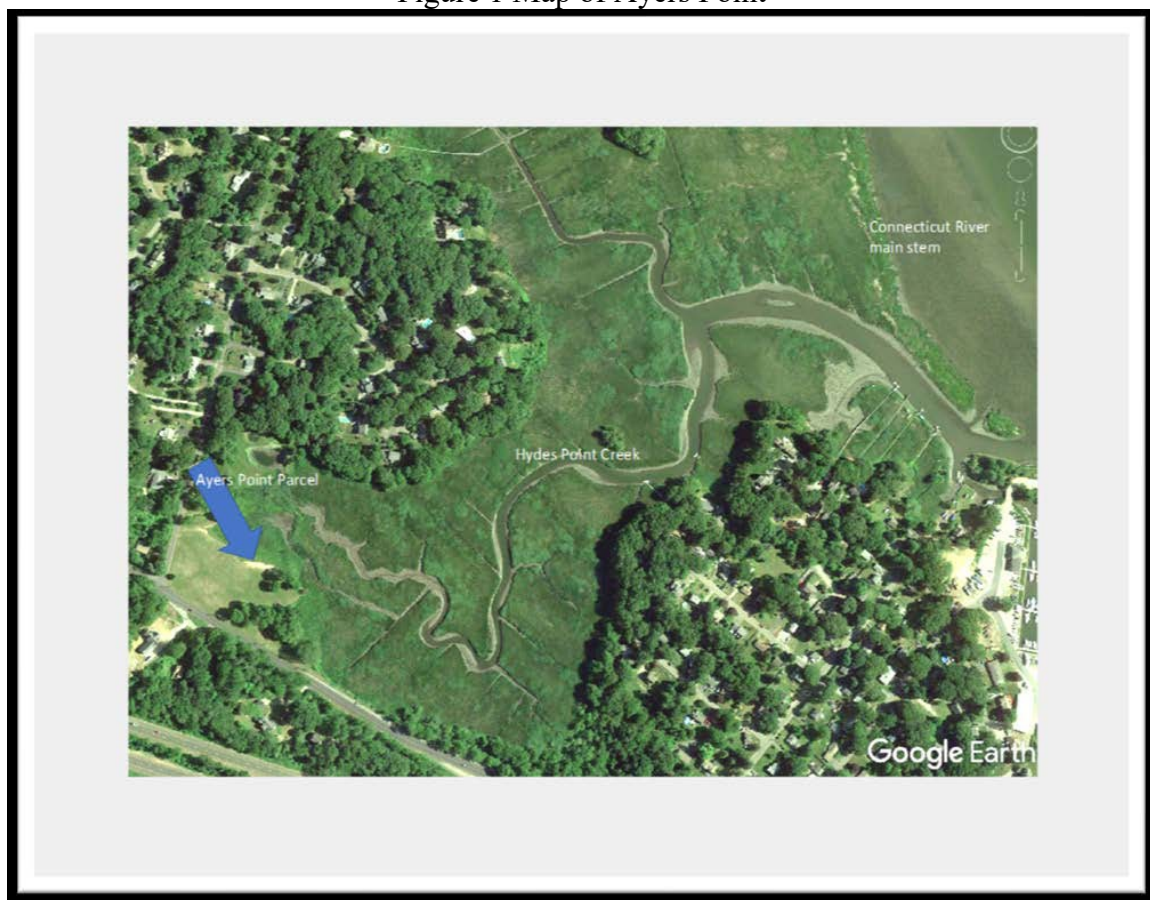
The site is traversed by approximately 1,350-ft of low-order stream (Hyde's Creek) and approximately six acres mapped by the United States Fish & Wildlife Service National Wetlands Inventory as estuarine

emergent persistent marsh, including tidal freshwater or brackish wetlands including a stand of Wild Rice (*Zizania aquatica*).

The site lies adjacent to two other protected parcels within the Ayer's Marsh system. One is the Ferry Creek Wildlife Management Area located to the south of the site, and the other is Town of Old Saybrook Open Space property to the east of the site. Collectively the Ayer's Marsh system is known to provide breeding habitat for a variety of Greatest Conservation Need Species in CT, including Least Bittern (State Threatened) and King Rail – State Endangered (nesting populations).

The Old Saybrook Land Trust proposes to acquire this parcel for preservation in perpetuity. It is estimated that five to six acres of palustrine emergent marsh lie on this property in an undeveloped and highly protected landscape.

Figure 1 Map of Ayers Point



Bush Hill Road Property Acquisition

Manchester Land Conservation Trust is applying for an ILF grant to purchase approximately 22.8 undeveloped acres off Bush Hill Road in Manchester, Connecticut for the purposes of preservation. Preservation in perpetuity will protect the property's predominantly Palustrine Forested Broad-leaved Deciduous seasonally saturated wetlands and its uplands for water quality purposes as well as for maintaining natural habitat for the flora and fauna inhabiting the property. The property drains northward to Porter Brook which is a tributary to the Connecticut River. An intermittent and possibly perennial first order stream bisects the property flowing northward to drain to Porter Brook. Numerous groundwater seeps contribute to the sustaining hydrology of this watercourse and to the wetlands on site, estimated to be approximately four to six acres.

Preserving this property in perpetuity will help to counter the suburban sprawl that has progressed southward from Manchester and eastward from Glastonbury Center. The property borders two powerline right of ways, one to the east and one to the north. A residential development lies adjacent to the property's eastern border, and Bush Hill Road lies adjacent to the property's southern border.

Figure 3 Map of Bush Hill Road Property



SOUTHWEST COAST SERVICE AREA

Fromson/Strassler Forest Block

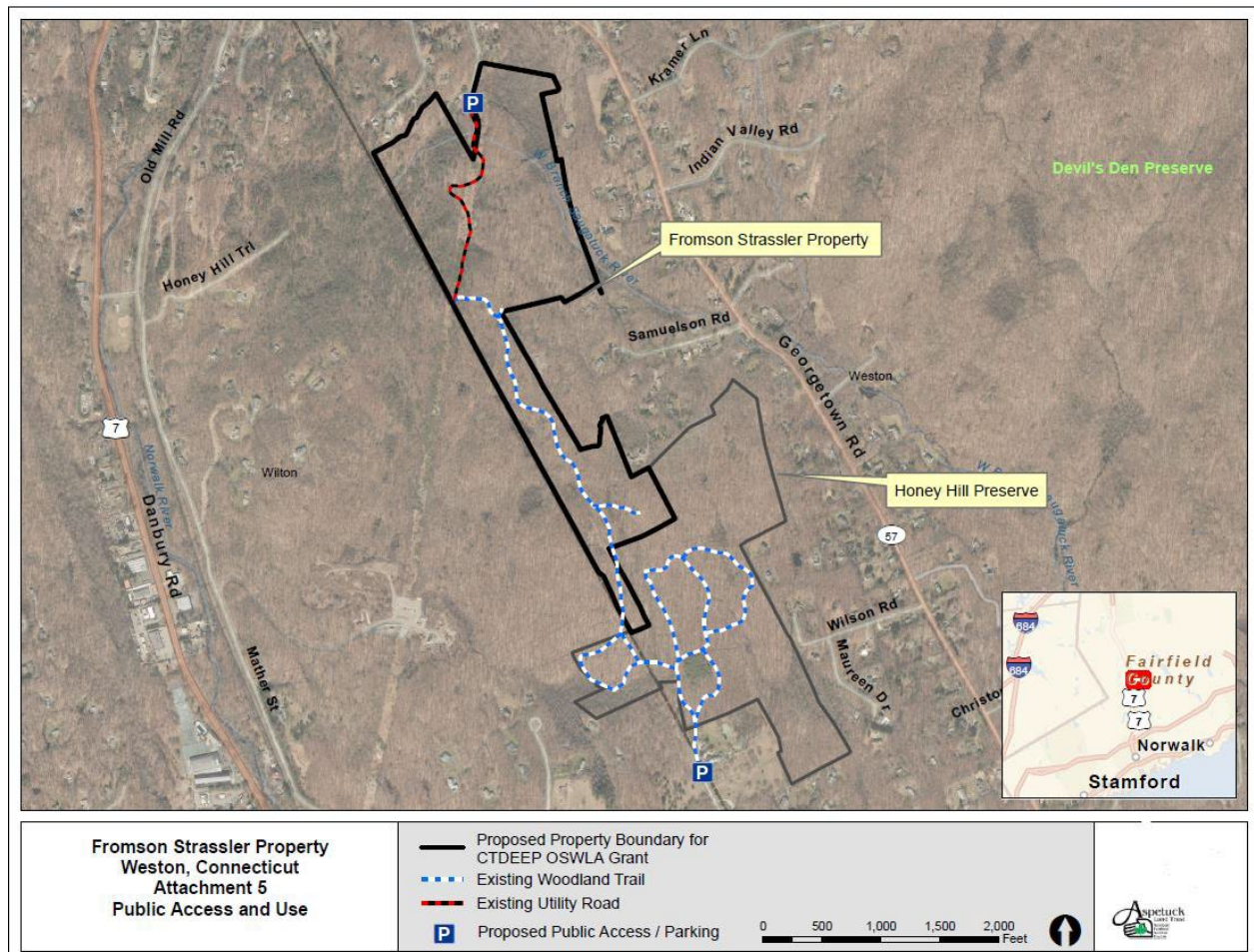
The 85-acre Fromson Strassler subject property is a key parcel in Aspetuck Land Trust's forest block assemblage project (The Weston/Wilton Forest Block) to create a 706-acre protected forest block on the

Weston/Wilton border by preserving 289-acres of unprotected land. The Fromson Strassler property is the largest unprotected property in the assemblage project's matrix which we consider to be "last frontier" of open space in our area.

The parcel contains 21.8 acres of wetland resources including palustrine forested broad-leaved deciduous seasonally saturated wetlands, palustrine scrub/shrub broad-leaved deciduous seasonally saturated wetlands, riverine upper perennial watercourse, and five vernal pools.

The property is owned by the Town of Wilton, but currently there are no legal protections emplaced to prevent development of the property. There have been past attempts to subdivide and develop the property for residential housing.

Figure 4 Map of Fromson/Strassler Forest Block



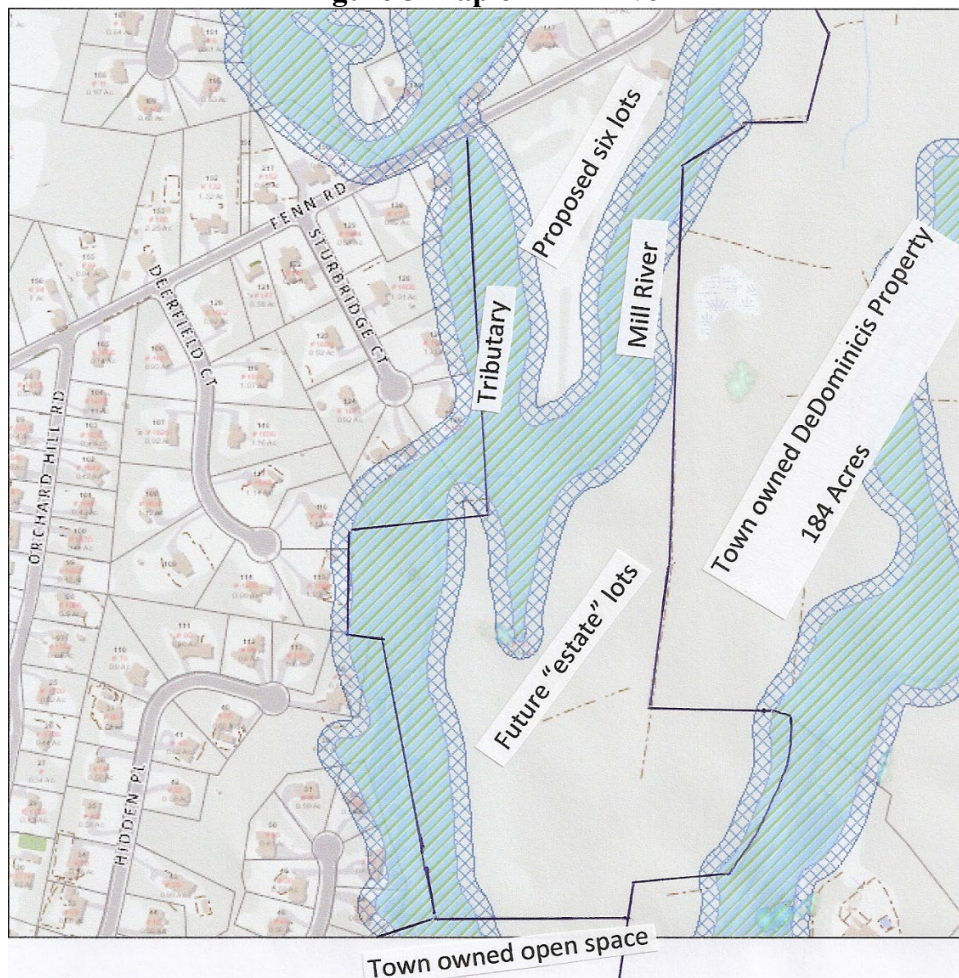
SOUTHCENTRAL COAST SERVICE AREA

Mill River Acquisition

There are an estimated 30 acres of wetland resources on the property including inland deciduous forested and inland deciduous scrub/shrub wetlands, vernal pools, a reach of the Mill River and associated tributary streams. The Mill River provides the City of New Haven with a source of drinking water.

The Mill River is identified by the CTDEEP as an impaired waterbody, largely due to fecal coliform bacteria detected in the watercourse. The Mill River Watershed Association has recently completed the Mill River Watershed-based Plan, which has identified the need to acquire and preserve forested buffers along the watercourse to alleviate non-point discharges of pollutant-laden stormwater into the Mill River. The property would add onto the adjacent and existing 184-acre DeDominicis Preserve to the east and 10 acres of Town Open Space Property to the south, creating a larger (239-acre) preserve with significant acreage for wildlife.

Figure 5 Map of Mill River

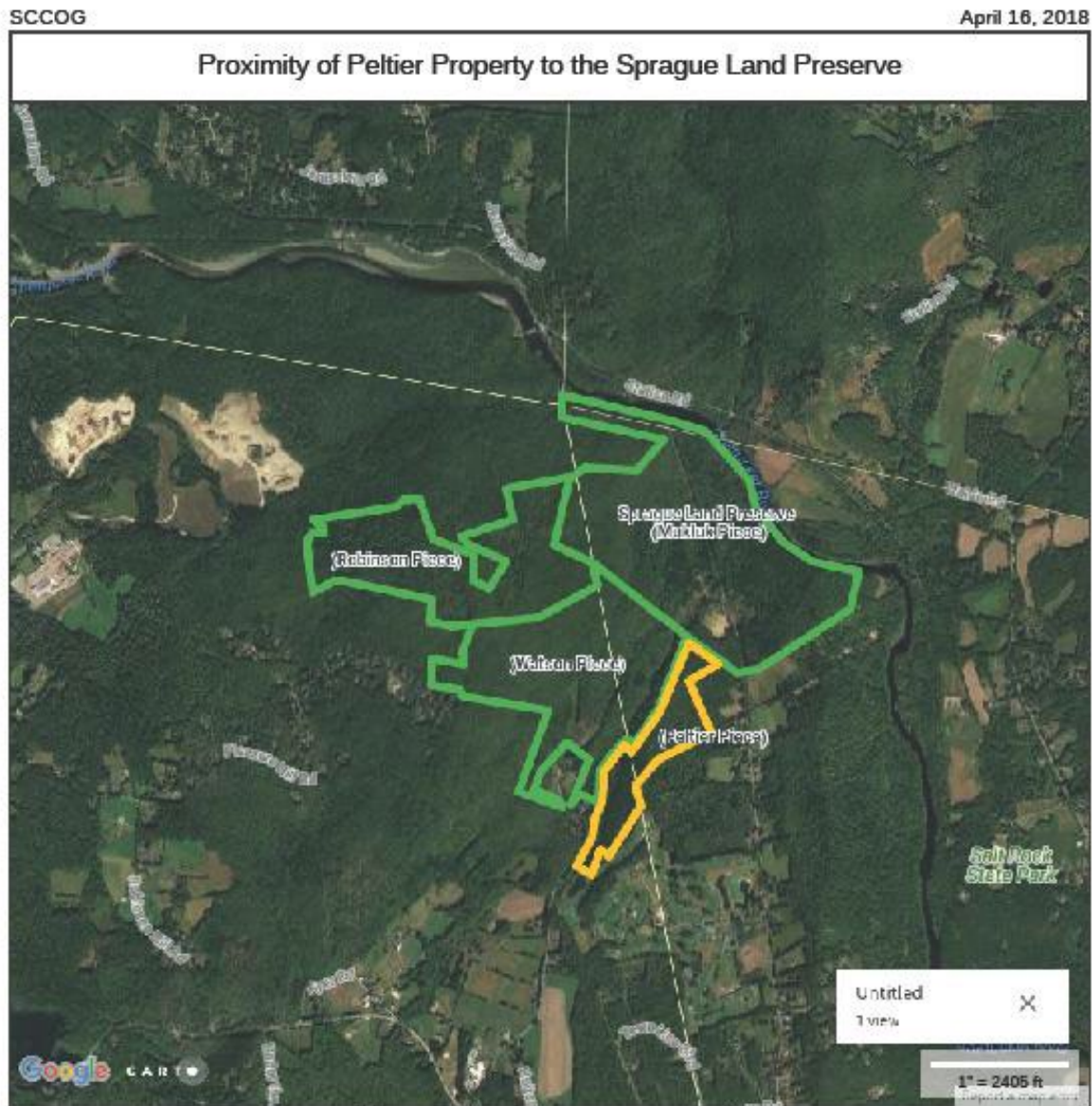


THAMES RIVER SERVICE AREA

Peltier Project

The Friends of the Shetucket River Valley are proposing to purchase the 66.36 acre Peltier Property. The property contains five natural water features. The property hosts a natural spring, contains a vernal pool, a wetlands area, a perennial, and all these waters directly feed into a largely-secluded section of the Shetucket River. The Peltier property also abuts, and would become part of, the existing 625+/- acre Sprague Land Preserve. This Preserve was created by piecing together three large parcels of land. Also the Preserve itself sits in the middle of a nearly 3,000 acre corridor of preserved land.

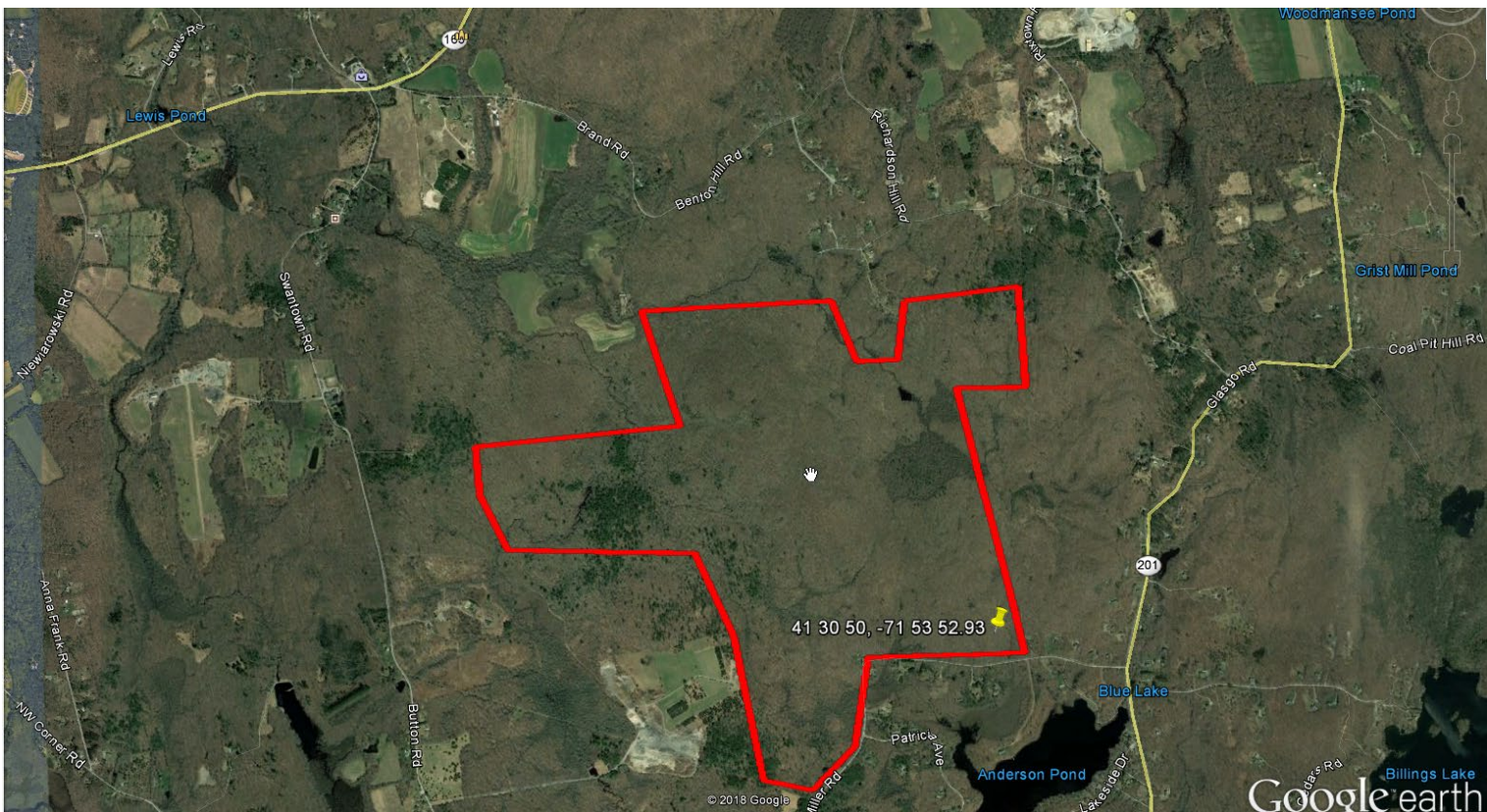
Figure 6 Map of the Peltier Property (Yellow) in relation to the Sprague Land Preserve



Tri-town Ridgeline Forest Preserve

This project includes the preservation of 379 acres of upland buffering aquatic resources and 30 acres of Forested Wetland. This property adjoins two existing Avalonia preserves and would link three other preserves and one conservation easement held by Avalonia. The property protects the headwaters of Miller Brook and Broad brook which flow into the Quinebaug River, the Shetucket and on to the Thames River Basin.

Figure 7 Map of Tri-town Ridgeline Forest Preserve



Mono Pond State Park

The parcel encompasses 31.5 acres of wetlands, the majority of which drain through Bartlett Brook and Lake Williams to the Yantic River regional watershed, and some of which drain through Mint Brook and the Jeremy River to the Salmon River regional watershed basin.

Ecologically the Wells Woods forest block is uninterrupted from housing and development. Many of the properties are located within a Priority Conservation Area, representing the most important and the most suitable areas for the conservation of representative biodiversity within the region. The landscape is rich with natural resource values and conservation of these lands will enhance habitats for a number of species of greatest conservation need that require upland unbroken forest, cold water streams, and other wetland and early successional habitats that make up the property.

Figure 6 Map of Mono Pond State Park Proposed Project

