



US Army Corps  
of Engineers®  
New England District

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# PUBLIC NOTICE

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This notice is to share with the public the attached report titled “**Audubon Connecticut In-Lieu Fee Program/ Program Account Annual Report/ July 1, 2014 - June 30, 2015**”.

The National Audubon Society, Inc., through its Connecticut program (Audubon-CT) is the sponsor of an “in-lieu fee” (ILF) program for aquatic resource compensatory mitigation required by Department of the Army authorizations. This program was approved by the New England District Corps of Engineers (Corps) and Audubon-CT on August 21, 2013. The program provides an alternative to Corps permittees who are required to compensate for their impacts to wetlands and waters of the United States in the State of Connecticut.

All ILF agreements in New England are available on the Corps’ website:  
<http://www.nae.usace.army.mil/Missions/Regulatory/Mitigation/InLieuFeePrograms.aspx>.

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: \_\_\_\_\_

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**In Lieu Fee Program  
Program Account Annual Report  
July 1, 2014 – June 30, 2015**

**Executive Summary**

FY2015 (July 1, 2014 – June 30, 2015) saw an increased and more significant utilization of the ACT In-Lieu Fee program. Sufficient resources are now in place, and a consultant hired, so that 2016 will be an active year of project identification, selection, and implementation. 17 applications have used this form of mitigation from inception of the program through the end of FY2015. In FY2015 8 applicants utilized the ILF program and contributed a total of \$1,341,576 to respond to 4.072 acres of impact. No grants were made, nor any projects initiated in FY2015 given that the project pipeline was not sufficiently full. As noted above, we anticipate a significant increase in ILF funded work in 2016. \$1,301,965.78 is currently available for direct program support.

**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 regulated activities 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, 2014 to June 30, 2015 and cumulatively since inception.

**2. Impacts and Fees Received**

For the period of July 1, 2014 – June 30, 2015 a total of 8 permits in 4 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.

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

Service Area	Applicant	Date Payment Received	Corps Permit #	Town	Acres of Impact	Habitat Type Impacted	Amount of Payment
Housatonic	The United Illuminating Company	9/30/2014	NAE-2012-443	Shelton	0.008	.008 PFO	\$2,578.00
Housatonic	FirstLight Power Resources	10/12/2014	NAE-2014-1884	Kent	0.260	.26 PEM	\$84,672.00
Housatonic	CT DOT	12/22/2014	NAE-2012-01062	Waterbury	1.100	1.1 PSS/PEM/PFO	\$363,817.00
Southwest Coast	Town of Ridgefield	9/5/2015	NAE-2013-1638	Ridgefield	0.030	03 R4SB	\$800.00
Southwest Coast	Richard Wolf	2/19/2015	NAE-2014-729	Greenwich	0.130	.13 R1RB1	\$7,500.00
Thames	Mystic Cycle	4/2/2015	NAE-2006-2976	Mystic/ Stonington	0.020	.02 PSS	\$1,000.00
Connecticut River	City of Middletown	6/5/2015	NAE-2012-571	Middletown	0.004	.004 PFO/PSS	\$1,630.00
Housatonic, Connecticut River, Thames	Algonquin Gas Transmission	6/30/2015	NAE-2013-01233	Danbury, Cromwell, Rocky Hill, Lebanon	2.520	0.22 PEM/PSS 1.44 PFO 0.59 PFO – Permanent 0.18 PSS/PFO	\$879,579.00
			<b>Total</b>		<b>4.072</b>		<b>\$1,341,576.00</b>



# Audubon CONNECTICUT

**Table 2: Financial Account Ledger by Service Area**

Service Area	July 1, 2014 Account Balance	FY15 Payments	Administration Fee	Interest Earned*	June 30, 2015 Account Balance	Account Balance Since Inception thru 6/30/2015
Connecticut	\$0.00	\$208,612.00	\$41,722.40	\$97.97	\$166,987.57	\$ 166,987.57
Housatonic	\$29,276.76	\$595,962.00	\$119,192.40	\$279.89	\$477,049.49	\$ 506,326.24
South Central Coast	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$ -
Southeast Coast	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$ -
Southwest Coast	\$6,423.63	\$8,300.00	\$1,660.00	\$3.90	\$6,643.90	\$ 13,067.53
Thames	\$24,011.77	\$528,702.00	\$105,740.40	\$248.30	\$423,209.90	\$ 447,221.67
<b>Total</b>	<b>\$59,712.16</b>	<b>\$1,341,576.00</b>	<b>\$268,315.20</b>	<b>\$630.06</b>	<b>\$1,073,890.86</b>	<b>\$ 1,133,603.02</b>

\*Interest earned is pro-rated based on FY15 payment for each service area.

\*\*All interest for FY15 is to be added to Direct Project Funds.

**Table 3: Credit Ledger by Service Area**

Service Area	Advance Credits Available	Advance Credits Sold	Credits Released	Released Credits Sold	Credits Available
Connecticut	17	0.74	0	0	16.26
Housatonic	9.89	1.91	0	0	7.98
South Central Coast	19	0	0	0	19
Southeast Coast	18	0	0	0	18
Southwest Coast	9.98	0.18	0	0	9.8
Thames	52.92	1.6	0	0	51.32
<b>Total</b>	<b>126.79</b>	<b>4.43</b>	<b>0</b>	<b>0</b>	<b>122.36</b>