

PUBLIC NOTICE

US Army Corps of Engineers ® New England District 696 Virginia Road Concord, MA 01742-2751 Comment Period Begins: August 15, 2017 Comment Period Ends: September 14, 2017 File Number: NAE-2010-02215 In Reply Refer To: Michael S. Wierbonics Phone: (978) 318-8723 E-mail: michael.s.wierbonics@usace.army.mil

The District Engineer is soliciting comments on the thirteen projects which have applied for funding through the National Audubon Society's Connecticut In Lieu Fee ("ILF") program. The National Audubon Society, Inc., through its Connecticut program (Audubon Connecticut) is the sponsor of the Connecticut ILF Program which serves as an alternative form of compensatory mitigation for aquatic resource impacts. The Connecticut ILF program is authorized by the New England District, Army Corps of Engineers (the "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, 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

The Connecticut ILF Program accrued funds that 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 13 applications to conduct work in waters of the United States from various applicants who have applied for 2017 funding under the ILF Program.

The funds currently available are:

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Attached are the proposed project descriptions and locus maps for the 13 applications.

The decision whether to approve funding for projects will be based on an evaluation of each proposed activity as well as how and where it will compensate for aquatic resources lost through authorizations issued under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. The decision will reflect the national concern for no net loss of aquatic resources. The benefit that may reasonably accrue from each proposal must be balanced against its reasonably foreseeable detriments and/or its appropriateness considering the ecological needs of the service area in which it is located.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to determine the most appropriate projects to receive funding from the ILF Fund. Any comments received will be provided to the Project Advisory Committee which makes recommendations to the Interagency Review Committee, including the Corps of Engineers, and will be considered in the evaluation of the projects and the determination of which will receive funding. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

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").

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.

SECTION 106 COORDINATION

Based on his initial review, the District Engineer has determined that one or more of the 13 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 activities for which funding is being sought is designed, 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.

COASTAL ZONE MANAGEMENT

The State of Connecticut has an approved **Coastal Zone Management Program**. Coastal Zone Management consistency will be required for some of the individual proposals and by this public notice we are requesting the state provide any applicable comments at this time.

PUBLIC COMMENT

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 Michael Wierbonics at (978) 318-8723, (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 projects. Requests for a public hearing shall specifically state the reasons for requesting 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.

Jennifer L. McCarthy 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 <u>bettina.m.chaisson@usace.army.mil</u>. 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

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 March 2017 and the LOIs were due by April 17, 2017. 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. A summary of these proposals is as follows:

Proposed Projects and Location	Latitude & Longitude coordinates	Applicant	Fund Request	Funding Match	Service Area
Belknap Property Acquisition, Weston, CT	41° 14' 06" N 73° 24' 43" W	Aspetuck Land Trust	\$200,000	\$188,770	Southwest Coast
Hoyt's Island Restoration in Norwalk, CT	41° 04' 23" N 73° 25' 11" W	Norwalk Land Trust	\$35,200		Southwest Coast
Beard Rookery Preserve in Kent, CT	41° 41' 40" N 73° 28' 57" W	Kent Land Trust	\$84,240	\$11,800	Housatonic River
Grobe Parcel Acquisition in Bethany, CT	41° 26' 46" N 73° 01' 15" W	Bethany Land Trust	\$73,571		Housatonic River
Wimisink IBA Addition in Sherman, CT	41° 38' 20" N 73° 30' 05" W	Naromi Land Trust / Weantinoge Land Trust	\$140,500	\$66,100	Housatonic River
Danforth Property Acquisition in Colebrook, CT	42° 01' 41" N 72° 59' 00" W	Aton Forest, Inc.	\$50,000	\$10,000	Connecticut River
Stoeke Property Acquisition in Hartland, CT	41° 59' 55" N 72° 52' 52" W	Hartland Land Trust	\$192,000	\$5,895	Connecticut River
Dolan Pond Fishway in Essex, CT	41° 21' 11" N 72° 52' 52" W	The Nature Conservancy	\$150,000	\$21,128	Connecticut River
Mill Brook Greens Acquisition in Windsor, CT	41° 51' 36" N 72° 39' 36" W	Trust for Public Land	\$497,490	\$1,747,810	Connecticut River

Harrison Preserve Acquisition – North Branford, CT	41° 20' 01" N 72° 46' 04" W	North Branford Land Conservation Trust	\$50,000		South Central Coast
Mill River Stormwater Mitigation, Habitat Enhancement, and Public Education Project at Town Center Park Hamden, CT	41° 22' 47" N 72° 54' 39" W	Town of Hamden	\$142,000	\$314,000	South Central Coast
Quinnipiac Meadows Nature Preserve – New Haven, CT	41° 19' 19" N 72° 25' 05" W	New Haven Land Trust	Est. \$20,000	Est. \$80,000	South Central Coast
Mashapaug Woods & Waters Project in Union, CT	42° 00' 50" N 72° 07' 45" W	Union Conservation & Safety Society	\$196,960	\$2,157,040	Thames River

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

SOUTHWEST COAST SERVICE AREA

Belknap Property Acquisition – Weston, CT:

This acquisition project proposal was submitted by the Aspetuck Land Trust (ALT) which operates in the Towns of Fairfield, Easton, Weston, Westport, and Bridgeport (Figure 1). They have applied for funding to acquire a portion of a 38-acre parcel located west of the terminus of Wilson Road, in Weston, CT and adjacent to Aspetuck Land Trust's existing 81-acre Honey Hill Preserve which is located at the terminus of Wampum Hill Road in Weston. The ALT also proposes to acquire a conservation easement over the remainder of the property. The property is a key parcel in Aspetuck Land Trust's forest block assemblage project to conserve 410 acres (yellow on map in Appendix 1) in one of the last undeveloped interior forest blocks in Weston and Wilton.

The forest block assemblage project is adjacent to the Norwalk River Valley Trail and contains protected lands owned by the Wilton Land Conservation Trust, Aspetuck Land Trust, The Nature Conservancy, and undeveloped municipal land owned by the towns of Wilton and Weston. Taken together, these lands encompass 2,652 acres of undeveloped open space. To the east of this area is the Saugatuck Reservoir and Aspetuck Land Trust's 1,009-acre Trout Brook Valley Conservation Area which is surrounded by 10 square miles of Centennial Watershed State Forest and Aquarion Water Company lands.

The subject property and surrounding lands were identified as "Undeveloped Lands of Regional Conservation Value" (top 33% of undeveloped lands in the county) by the Fairfield County Regional Conservation Partnership.



Figure 1. – Belknap Property Location in Weston, CT



Figure 1.a. Road map of the vicinity. Access off Wilson Road.

Hoyts Island Wetland Restoration, South Norwalk, CT:

The Norwalk Land Trust (NLT) proposes to remove small amounts of hazardous materials from, and restoration of, a cottage cellar ruin on Hoyt's Island off the coast of South Norwalk, CT (Figure 2). The cottage cellar has become a pitfall trap to Diamondback Terrapins, a wetland-dependent turtle that is listed in the CT Endangered Species Act as a Special Concern species. The NLT requests funding to pay for materials and equipment and the contract mobilization fees to the island by barge in order to complete the work. Funding was requested to bulldoze the existing ruin (chimney and foundation) of the former cottage and convert to a wetland depression. Topsoil and impermeable backfill material would be barged in and distributed, and the area would be planted with wetland plants. Upon completion, the ruin will be converted into a wetland depression to provide fresh water for protected species including Diamondback Terrapin, migratory waterfowl, bats, and other wildlife.



Figure 2. Hoyt Island, South Norwalk, CT

HOUSATONIC RIVER SERVICE AREA

Grobe Parcel Acquisition. Bethany, CT:

The 25.2± acre Grobe Parcel is proposed for acquisition via fee purchase by the Bethany Land Trust, Inc. (BLT). The Grobe Parcel is located in an area of un-fragmented upland forest which would complete the connection between two existing Bethany Land Trust preserves, Mendell's Folly (125 acres) to the north and west and the Woodard Preserve (36 acres) to the south (Figure 3). Mendell's Folly contains Hockanum Brook (also known as Lebanon Brook), and an unnamed tributary stream, and a large wetland area subject to periodic beaver activity. The Woodward Preserve contains a large wetland area just south of the Grobe parcel. During periods of high water, the wetlands on the Woodward Preserve drain via a forested dale to the north, across the Grobe Parcel and downgradient to the Mendell's Folly Preserve. The Grobe Parcel acquisition would capture the critical upland just north of this wetland. Together the parcels would form a block of 186 acres of BLT protected lands in a larger area of ecological integrity which includes the Naugatuck State Forest directly across Route 42 to the north. The Town of Bethany also owns a large block of land in close proximity to the east. Acquisition of this parcel would preserve the hydrologic connection between the two existing preserves and conserve forested habitat in the upland buffers adjacent to palustrine forested seasonally saturated wetlands containing seasonal pools.



Figure 3. Grobe Parcel in Relation to other Bethany Land Trust Preserves



Figure 3.a Grobe locus map

Wimisink IBA Expansion in Sherman, CT:

Weantinoge Heritage Land Trust (WLT) and Naromi Land Trust (Naromi) have submitted an application to purchase a perpetual conservation easement over 20 acres along CT Route 55 in Sherman, CT (Property outlined in blue but excluding the house lot as indicated in Figure 4). The property is located adjacent to the Wimisink Preserve in Sherman, which is owned by Naromi. The Wimisink Preserve is an Audubon-designated Important Bird Area (IBA) and is home to numerous bird and butterfly species of conservation concern including species listed on CT's Endangered Species Act. Bloomingfields Farm is a keystone parcel in the continued protection and expansion of the Wimisink Preserve. As conceived, Naromi Land Trust will hold the conservation easement, and WLT will serve as a back-up grantee and hold enforcement rights. This arrangement ensures that (a) if Naromi becomes the fee-title owner in the future (a possibility), Weantinoge will become the easement holder affording the property two layers of protection; and (b) should there be a major violation, the resources of both organizations can be brought in to resolve such a violation. Wetlands on the property and the adjacent Wimisink Marsh IBA contain biota of state and federal conservation concern. The wetlands include palustrine scrub/shrub and palustrine emergent wetlands.



Figure 4 – Wimisink Expansion Map



Figure 4.a Wimisink street map. Site is at Bloomingfields Farm.

Beard Rookery Preserve in Kent, CT:

The Kent Land Trust (KLT) proposes to restore portions of the palustrine forested wetland system on their Beard Rookery Preserve located on South Kent Road in Kent, CT, approximately 2.1 miles south of Kent Village (Figure 5). The Beard Rookery Preserve holds great promise both as a conservation property and as an educational resource. However, the land is presently marred by an historic agricultural dump that poses a physical hazard, inhibits property maintenance, disrupts grassland and wetland habitats, and impairs water quality. Portions of this dump have extended into the wetland. Invasive species also diminish the property's conservation value. The KLT application to the ILF Program proposes to clean up the unpermitted dump, control invasive species, and expand its educational partnership with neighboring South Kent School. The work would restore degraded wetland and grassland habitats, improve water quality in the impaired Womenshenuk Brook watershed, protect state-listed species, restore non- productive agricultural land, enhance the site's aesthetic value, and engage youth in natural resource conservation.



CT RIVER SERVICE AREA

Danforth Property Acquisition in Colebrook, CT:

Aton Forest, Inc. intends to acquire 15 acres of undeveloped land off of Route 183 in the Town of Colebrook (Figure 6) and will place conservation restrictions on the property. The property is adjacent to Aton Forest, a 1300-acre field research station and nature preserve. The organization has been protecting this core of contiguous lands not only to preserve these as open space, but also to conduct and promote natural history studies. The property contains approximately 2.5 acres of mature palustrine forested wetland, the hydrology of which is supported by sustained groundwater discharge. The groundwater discharged into this wetland flows downgradient into Sandy Brook – a Class A perennial watercourse.



Stoeke Property Acquisition in Hartland, CT:

Hartland Land Trust (HLT) is applying to the ILF program for funding to purchase approximately 67.7 undeveloped acres of the Stoeke property in West Hartland, Connecticut (Figure 7). This land would be

set aside for conservation purposes and preserved in perpetuity for preservation of the on-site wetland and watercourse resources which include an intermittent stream, a reach of perennial stream, and approximately 10 acres of palustrine forested wetland. The property drains into both the east and west branches of the Wild and Scenic Farmington River, essential to the drinking water supply for the greater Hartford region and an important tributary of the Connecticut River. Preserving the Stoeke property in perpetuity would build on existing conservation lands thereby countering fragmentation and sensitive habitat loss. The property borders Tunxis State Forest and HLT's Bassett-Kell Preserve, and is connected to the nearby Audubon Pasquariello Property through the Bassett-Kell Preserve.



Dolan Pond Fishway in Essex, CT:

The Nature Conservancy (TNC) has received federal funding through the 2016 National Fish and Wildlife Foundation's (NFWF) Long Island Sound Futures Fund to develop engineered designs for fish passage and permit applications for the construction of fish passage at two dams on the Falls River in Essex, CT (Figure 8). This watercourse drains a portion of the lower Connecticut River Watershed. The Dolan Pond dam and the next dam upstream, the Mill Pond Dam in Centerbrook, currently thwart diadromous fish species from running the river to and from apparently suitable breeding habitat. Earlier this year (April) TNC hired a contractor, Nathan L. Jacobson and Associates of Chester to develop engineered designs for fish passage and associated permitting. Final designs and permit applications for construction of the two fishways are expected to be completed in the early part of 2018.





Figure 8.a Dolan Pond Fishway street map

The dam is approximately 30' wide and 5' tall. TNC seeks funding for construction of the Dolan Pond Fishway thorough the AudubonCT ILF Program. The engineered designs for fish passage at these dams have not yet been fully developed. TNC and the property owner, working with the CTDEEP Inland Fisheries Divsion have envisioned a steep-pass fishway recessed into the fieldstone dam. TNC will be pursuing additional grant opportunities and soliciting donor support for construction funds for the upstream Mill Pond Dam fishway. Restoration of fish passage on the Falls River will significantly increase the production of river herring on this drainage and in Long Island Sound.

Mill Brook Open Space Protection – Windsor, CT:

The Trust for Public Land (TPL) holds an option contract, running until March 2018, to purchase an approximately 95 acre parcel in Windsor, CT (Figure 9). The property is bisected by Mill Brook. TPL would then direct a deed to the subject property to the Town of Windsor, which would own and manage approximately 94 of the acres for wildlife and wetlands preservation, as well as public open space. Through an anticipated grant from the State of Connecticut Department of Energy and Environmental Protection's Open Space and Watershed Land Acquisition Grant program (OSWA), the State of Connecticut will hold

a conservation easement over the property, protecting it in perpetuity. An approximately one-acre portion of the property that contains a former golf clubhouse, would likely be used for compatible community and municipal functions, and would be excluded from the conservation easement area.



Ortho-Photo Map

MILLBROOK OPEN SPACE

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Figure 9. Mill Brook Open Space map

SOUTH CENTRAL COAST SERVICE AREA

Mill River Watershed Stormwater Mitigation, Habitat Enhancement, and Public Education Project at Town Center Park in Hamden, CT:

The Mill River Watershed Stormwater Mitigation, Habitat Enhancement, and Public Education Project is sponsored by the Town of Hamden and located within the town's signature open space Town Center Park located at 2761 Dixwell Ave, Hamden, CT (Figure 10). The goals and objectives of this proposed project is to treat urban runoff, create a diversity of habitats, and raise awareness of the importance of preserving and protecting natural resources. The project site is situated within a highly used municipal corridor that encompasses the Hamden Middle School, the town's public library and senior center, and the Hamden Government Center. Surrounding the site are mixed-use commercial areas and established residential neighborhoods.

Project applicants believe that while the project site is highly visible, the conventional stormwater infrastructure that collects runoff from the surrounding streets, parking areas, and lawns within the 90-acre watershed is not evident to the many visitors and surrounding residents. What is also not readily apparent to many park users is that this watershed eventually enters into a series of watercourses including the Pardee Brook diversion channel which discharges to Shepard Brook. Shepard Brook in turn, discharges to the Mill River. Water quality data suggest that all three drainages are currently being impacted by stormwater runoff containing sediments, petroleum hydrocarbons, heavy metals, bacteria, and other pollutants. The stormwater system of the contributing watershed converges at a low point on Dixwell Avenue and enters into a 48-inch concrete pipe that discharges into Town Center Park north of and adjacent to Hamden Middle School.

To address this perceived threat to the downgradient watercourses, the applicants plan to create a palustrine wetland system containing open water (pond) and landscaped perimeter featuring native vegetation with wildlife and pollinator value.



1934 Fairchild Aerial Comparison of Project Area, Courtesy of UCONN MAGIC 2012 Figure 10. Mill River Watershed project location

Harrison Preserve Acquisition in North Branford, CT:

Ethyl and Dudley Harrison, lifetime residents of North Branford, are donating two tracts of land located at 89 North Street, North Branford, CT to the North Branford Land Conservation Trust, Inc. (NBLCT) (Figure 11). The property encompasses approximately 18+ acres of land together with an easement and right of way extending from North Street in the town's Historic District. The Harrisons wish is for the land to be maintained in more or less its current condition. The land is primarily woodlands and wetlands, with one open field. NBLCT is accepting this land as a donation and agrees to protect and provide stewardship of the property as open space. NBLCT is applying to the ILF program to fund the cost of the conveyance of this property, including parcel surveys, attorney's fees, and title search. NBLCT is also requesting funding via the ILF program for stewardship and the preparation of a conservation and management plan. The NBLCT would also cover the expenses for creating a culvert for a drivable right of way and a small gravel parking lot for visitors, and money to clear solid wastes deposited on the property over the years.



Quinnipiac River Nature Preserve in New Haven, CT:

The New Haven Land Trust (NHLT) is requesting funding to help purchase 26 acres of undeveloped wetland and coastal upland adjacent to the existing Quinnipiac Meadows Nature Preserve (Figure 12). Quinnipiac Meadows is currently the NHLT's largest nature preserve at 35 acres and it includes a portion of the Quinnipiac River's tidal salt marsh (an ecosystem designated as an Important Bird Area by Audubon), as well as coastal grasslands and coastal forest. The preserve also has two walking trails outfitted with nine permanent educational signs, three active osprey nesting platforms, a bird blind overlooking the salt marsh and the Quinnipiac River, and a bat house. Quinnipiac Meadows is used as a location for educational and volunteer events that the Land Trust provides free-of-charge to community members, such as a canoeing trip, bird walks, and trail maintenance events that attracted over 250 visitors. This preserve is also used by elementary and middle school groups who visit the preserve for research projects and for bird walks. Acquisition of the additional 26 acres will expand the preserve and secure upland habitat allowing for the landward migration of saltmarsh with future expected sea level rise.



Figure 12. Parcels proposed for acquisition on the Quinnipiac River



Figure 12.a Quinnipiac River preservation locus map

THAMES RIVER SERVICE AREA

Mashapaug Woods and Waters - Rizner Tract Acquisition in Union, CT:

The Union Conservation and Safety Association is spearheading an effort to engage stakeholders to acquire fee ownership of, and place conservation easements on, 134 upland forested acres and wetlands (the Rizner Tracts) along the shores of Mashapaug Pond in Union, CT (Figure 13). This land would otherwise be at risk of development. The Rizner Tracts include near pristine riparian habitats, a small island in Mashapaug Lake, palustrine forested wetlands, lacustrine shoreline (a large reach of the eastern shores of Mashapaug Lake) and associated fringing emergent zones. Palustrine wetlands include potential vernal pool resources as well. The property lies within a regional conservation planning area and is part of a larger forested habitat block extending for several hundred acres to the north and east. For fee ownership, the conservation partner is the New England Forestry Foundation, and for a Conservation Restriction Easement the partner is the Opacum Land Trust. The fundraising and stakeholder capacity-building efforts are being led by the Union Conservation and Safety Association.



The Rizner Tracts

- 134 forested acres on 1.4 mile of the pristine eastern shore of Lake Mashapaug, the Quinebaug River headwaters, in Union Connecticut.
- Abuts Nipmuc State Forest, is near Bigelow Hollow State Park and Yale Forest
- Had been managed as sustainable forest by now-deceased owner
- 2 Parcels and an island in CT, 1 parcel in MA
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Figure 13. Mashapaug Woods and Waters preservation



Figure 13.a Mashapaug locus map