



**US Army Corps
of Engineers** ®
New England District

696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Date: June 6, 2017
File Number: NAE-2009-1349
In Reply Refer To: Michael S. Adams
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This public notice is to share with the public the **“Ducks Unlimited – Vermont In-Lieu Fee Program 2016 Annual Report” dated “March 31, 2017”**. 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>.

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 MCCARTHY, JENNIFERLYNN.1180850887
 DN: cn=US, ou=U.S. Government, ou=DOD,
 ou=PKI, ou=USA,
 c=US, email=MCCARTHY, JENNIFERLYNN.1180850887
 Date: 2017.05.30 14:15:24 -0400

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. 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
2016 Annual Report
March 31, 2017**



Ducks Unlimited Vermont In-Lieu Fee Program

Annual Report – January 1, 2016 – December 31, 2016

1. 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 in the State of Vermont. 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.”; through the Rivers and Harbors Act Section 10 for structures or work in or affecting navigable waters of the U.S.; and by the Vermont Department of Environmental Conservation (“DEC”) under section 8.5 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 (4) service areas that cover the entire state of Vermont (See Appendix A for a Service Area Map and payment distribution for the current reporting year). This report outlines the DU-VT ILF program activities from January 1, 2016 to December 31, 2016.

2. EXECUTIVE SUMMARY

Since the program was established in 2011, thirty-one applicants have purchased 21.5 credits to mitigate for 71.3 acres of wetland impacts. Most of the impacted acreage is in the St. Francois (59.9%) and Richelieu (23.8%) Service Areas. Lesser impacts occurred in the Upper Hudson (12.8%) and Connecticut River (3.5%) Service Areas.

During the 2016 calendar year, DU sold 3.96 compensatory mitigation credits to nine applicants for 4.01 acres of wetland impacts. The impacted acreage was in the Richelieu (50.0%) and Connecticut River (50.0%) Service Areas. There were no credit sales in the St. Francois or Upper Hudson Service Areas in 2016.

Credit sales in 2016 resulted primarily from impacts to palustrine emergent wetland acreage (60.0%). Wetlands with various combinations of palustrine emergent, scrub-shrub, and forested habitat types accounted for 39.5% of the impacted acreage. Credit sales for palustrine forested wetlands only accounted for 0.5% of the impacted acreage.

Energy transmission and supply projects accounted for 58.0% of the impacted acreage in 2016, while residential and commercial development accounted for 22.4% and transportation accounted for 19.6%.

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 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 payment date.

- 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.
- Table 4 indicates the funds distribution by service area. This table shows where funds are available to do projects.
- Table 5 indicates the dates by which initial hydrological or vegetative improvements must be made to a site that will compensate for impacts for the sold advance credits. This table is broken down by service area and year.

3. PROJECT IMPLEMENTATION

In October 2016, the Wetlands America Trust (WAT) purchased a 137.8-acre property in Middlebury, VT at the confluence of Otter Creek and the Middlebury River. This site will mitigate for approximately 23.2 credits in the Richelieu Service Area. Plans for the site include approximately 65.5 acres of wetland rehabilitation (43% forested, 37% emergent, and 20% scrub-shrub), 60.5 acres of wetland preservation (78% forested and 22% scrub-shrub), 9.5 acres of upland warm season grass establishment, and 1.3 acres of upland buffer preservation. DU is currently in the process of applying for the permit for wetland impacts. Further cultural resources review will occur in the spring of 2017. Construction will start on this site during the 2017 field season. After site work is complete, WAT will transfer the site to the Vermont Agency of Natural Resources – Fish and Wildlife Department, which will serve as the long-term steward.

Efforts have been expended in the St. Francois, Upper Hudson, and Connecticut River service areas to find and secure a site. At the time of this report, searches have been unsuccessful.

Table 1: Payments Received 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	5/16/2012	VTrans Bristol	VT ANR - 2011-183, NAE-2010-1881	Bristol	1.06	0.83 PEM/SS, 0.23 R2UB	1.09	\$143,391.00
Richelieu	City of Burlington	2/4/2013	Moran Center at Waterfront Park	DA - 2009-0587	Burlington	0.33	0.33 PEM/SS	0.52	\$68,629.50
Connecticut River	Green Mountain Railroad Corporation	9/18/2013	GMRC Propane Off-Loading Facility	DA - 2013-1802	Rockingham	0.52	0.038 PEM/0.564 PSS/PEM	0.38	\$42,054.61
Richelieu	Vermont Agency of Transportation	9/30/2013	Rutland Airport	DA - 2012-0279	Clarendon	2.66	1.496 PFO/1.163 PEM/0.009 RSB	2.01	\$264,896.28
Richelieu	Vermont Agency of Transportation	9/30/2013	Morrisville-Stowe Airport	DA - 2013-0415	Morristown	4.17	4.157 PFO/0.012 PEM/.009 RSB	1.24	\$163,729.60
Richelieu	Paul Bouffard	12/13/2013	Paul Bouffard Subdivision	DA - 2009-0081	Essex	0.06	.057 PSS/PEM (ILF)/ 0.692 PSS/PEM (Preservation)	0.06	\$7,500.00
Richelieu	Clarendon Solar Farm, LLC.	3/7/2014	Clarendon Solar Farm	DA - 2012-0489	North Clarendon	0.34	0.34 PEM	0.17	\$22,468.00
St. Francois	Barton Solar, LLC.	5/27/2014	Barton Solar Farm	DA - 2013-2247	Barton	0.238	0.2 PEM, 0.2 PFO	0.10	\$10,848.00
Richelieu	Vermont Gas Systems, Inc.	6/23/2014	Addison Natural Gas Project	DA - 2012-0123	Middlebury	2.08	23.48 PFO	0.6	\$79,464.35
Richelieu	Town of Castleton	9/9/2014	Castleton Fire Department & Rescue Squad	DA - 2014-1544	Castleton	0.04	0.037 PEM	0.04	\$4,908.00
Richelieu	NextSun Energy	9/30/2014	NextSun Energy Park Street Solar Array	DA - 2014-0398	Rutland	0.44	0.07 PEM, 0.41 PFO	0.15	\$19,643.59
St. Francois	VT Agency of Transportation	11/24/2014	Newport State Airport	DA - 2009-2555	Coventry	42.08	38.43 PFO, 3.67 PEM, 0.01 PSS	7.52	\$841,858.00
Richelieu	Sideline Properties,	12/16/2014	Sideline Solar Aray	DA - 2013-2639	Williston	0.86	0.03 PEM, 0.83 PFO	0.28	\$37,080.00
Richelieu	VT Agency of Transportation	12/16/2014	Rutland Airport	DA - 2012-0279-M2	Clarendon	1.23	1.228 PFO	1.23	\$161,530.74
Richelieu	Black Rock Construction, LLC	5/4/2015	Spring Village at Freeman Woods	NAE-2014-1749	Essex	0.44	PEM	0.45	\$59,760.00

Richelieu	Lot 2 Brentwood, LLC	5/27/2015	Lot 2 Brentwood, LLC	NAE-2015-0626	Milton	0.07	PEM	0.07	\$8,864.00
Richelieu	Berlin Mall, LLC	6/12/2015	Kohl's Department Store	NAE-2013-2592	Berlin	0.22	PEM	0.22	\$28,611.00
St. Francois	Vermont Electric Power Company	6/12/2015	Newport Supstation	NAE-2009-2350	Newport	0.38	PEM & PSS	0.22	\$23,959.00
Richelieu	South Village Communities, LLC	7/27/2015	South Village Communities, LLC	NAE-2004-4064	South Burlington	0.18	PSS	0.18	\$23,468.00
Upper Hudson	VT Agency of Transportation	8/3/2015	VT Agency of Transportation Bennington Bypass	NAE-2005-0641-M11	Bennington, VT	9.12	PSS & PEM	0.26	\$33,700.00
Richelieu	VT Agency of Transportation	8/4/2015	Vtrans Williston Park & Ride	NAE-2012-2590	Williston	0.25	PSS	0.25	\$33,518.00
Richelieu	K.H., LLC	9/29/2015	Raevin Meadows	NAE-2014-2263	Shelburne	0.53	PSS	0.53	\$70,278.00
Connecticut River	Green Mountain Railroad Corporation	2/8/2016	GMRC Propane Off-Loading Facility	NAE-2013-1802	Rockingham	0.28	PSS/PEM	0.39	\$43,300.00
Richelieu	Avangrid, Inc.	6/20/2016	Deerfield Wind Project	NAE-2008-0549	Readsboro	0.34	PEM/PFO	0.34	\$37,996.00
Richelieu	RG Kismet	7/18/2016	RG Kismet, LLC	NAE-2016-01412	Williston	0.35	PEM	0.18	\$23,254.00
Connecticut River	Vermont Transco LLC	8/1/2016	Connecticut River Valley Project	NAE-2016-0054	Cavendish	0.96	PFO/PEM/PSS	0.96	\$105,726.00
Richelieu	Vermont Railway, Inc.	10/5/2016	Park Street Track Expansion Project, Vermont Railway, Inc.	NAE-2016-00558	Rutland	0.26	PEM	0.26	\$33,682.00
Connecticut River	Plymouth Notch, LLC	10/18/2016	Plymouth Notch, LLC	NAE-2011-1119	Plymouth	0.02	PFO	0.02	\$1,665.00
Connecticut River	Vermont Transco LLC	10/20/2016	K32/350 Line ROW Access Road	NAE-2016-02130	Ludlow	0.741	PEM	0.75	\$81,962.00
Richelieu	Vermont Railway, Inc.	10/25/2016	Cold River Road Track Expansion Project, Vermont Railway, Inc.	NAE-2016-00559	Rutland	0.524	PEM	0.53	\$69,397.00
Richelieu	Jack Dubrul	11/18/2016	The Automaster	NAE-2012-0116	Shelburne	0.53	PEM	0.53	\$69,155.00
Totals						71.303		21.54	\$2,616,296.67

Table 2: 2016 Financial Account Ledger

DU-VT ILF Service Area	January 1, 2016 Account Balance	Payments	Administration Fee	Interest Earned	Disbursements	Remaining Account Balance
Connecticut River	\$35,888.06	\$232,653.00	\$34,897.95	\$418.05	\$6,913.55	\$227,147.61
St. Francois	\$747,262.94	\$0.00	\$0.00	\$1,353.99	\$12,976.91	\$735,640.02
Richelieu	\$922,659.99	\$233,484.00	\$35,022.60	\$1,874.12	\$104,551.20	\$1,018,444.31
Upper Hudson	\$28,698.75	\$0.00	\$0.00	\$52.92	\$0.00	\$28,751.67
Totals	\$1,734,509.74	\$466,137.00	\$69,920.55	\$3,699.08	\$124,441.66	\$2,009,983.61

Table 3: 2016 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	0.38	2.111	0	0	22.509
St. Francois	25	7.84	0	0	0	17.16
Richelieu	154	9.09	1.84	0	0	143.07
Upper Hudson	25	0.26	0	0	0	24.74

Table 4: Percent of Total 2016 Funds Available for all Service Areas

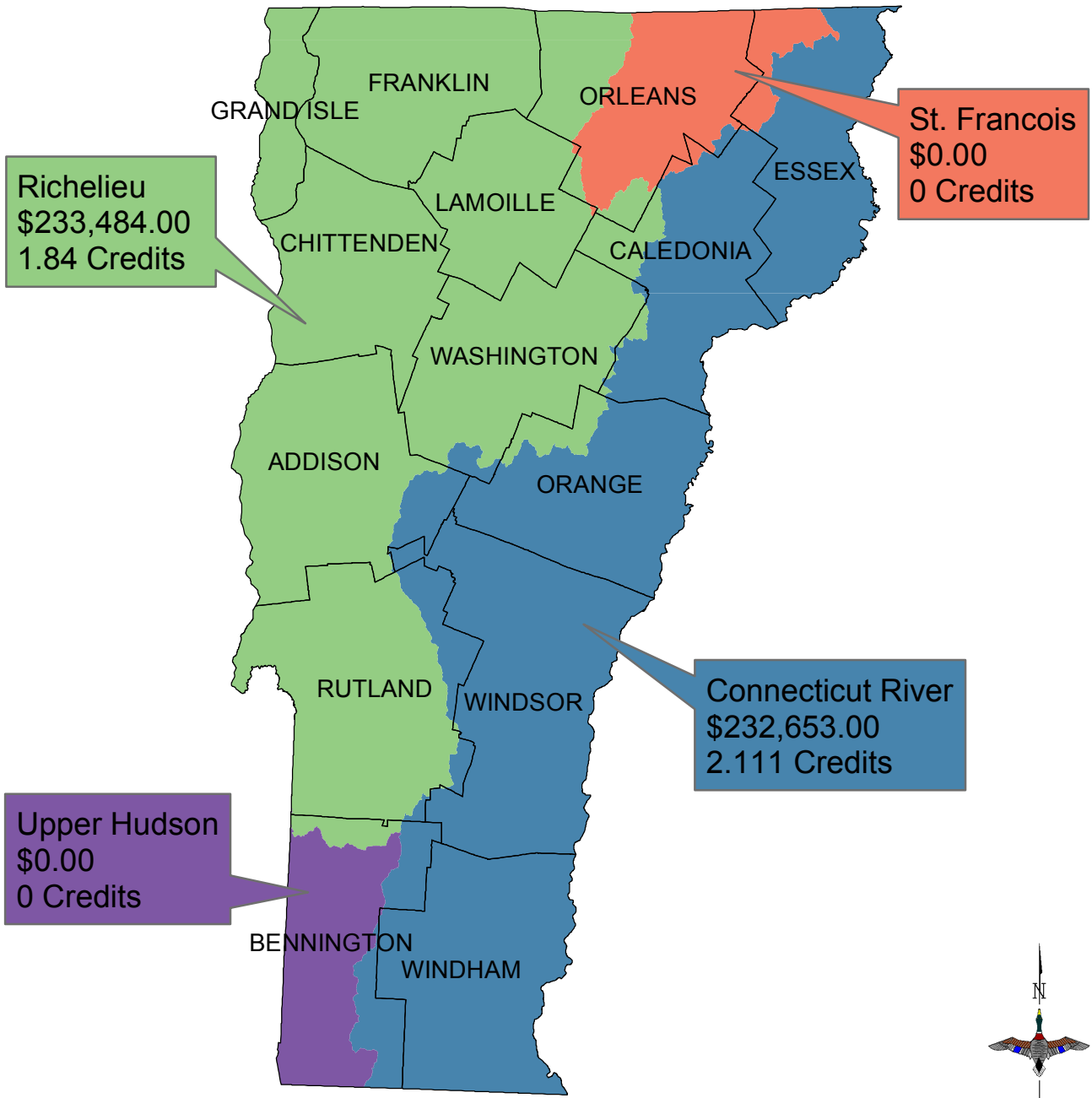
DU-VT ILF Service Area	Funds Available	% of Total Funds Available	Interest Earned
Connecticut River	\$227,147.61	11.30%	\$ 418.03
St. Francois	\$735,640.02	36.60%	\$ 1,353.84
Richelieu	\$1,018,444.31	50.67%	\$ 1,874.30
Upper Hudson	\$28,751.67	1.43%	\$ 52.91
Total	\$2,009,983.61	100.00%	\$ 3,699.08

Table 5: Dates for Payments to be Utilized by in Each Service Area

DU-VT ILF Service Area	Payments received	Date to be utilized by
Connecticut River	\$42,054.61	October, 2016
Connecticut River	\$232,653.00	October, 2019
Richelieu	\$212,020.50	October, 2015
Richelieu	\$458,594.68	October, 2016
Richelieu	\$302,626.68	October, 2017
Richelieu	\$224,499.00	October, 2018
Richelieu	\$233,484.00	October, 2019
St. Francois	\$852,706.48	October, 2017
St. Francois	\$23,959.00	October, 2018
Upper Hudson	\$33,700.00	October, 2018

Appendix A
2016 Funds Collected

DU-VT ILF Program | 2016 Funds Collected



Funds Collected (2016): **\$466,137.00**
Credits Sold (2016): **3.951**