



US Army Corps
of Engineers®
New England District

696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Date: April 19, 2016

File Number: NAE-2009-1349

In Reply Refer To: Michael S. Adams

Or by e-mail: michael.s.adams@usace.army.mil

This public notice is to share with the public the **“Ducks Unlimited – Vermont In-Lieu Fee Program 2015 Annual Report”** dated **“March 30, 2016”**. 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>.

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
2015 Annual Report
March 30, 2016**



Ducks Unlimited Vermont In-Lieu Fee Program

Annual Report – January 1, 2015 – December 31, 2015

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, 2015 to December 31, 2015.

2. IMPACTS and FEES RECEIVED

During the period of this annual report, eight (8) 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.
- 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

As a result of the payments received into this program and the timeframe within which projects must be delivered, the DU-VT ILF Program has identified and drafted a mitigation plan for a project site within the Richelieu Service Area.

Table 1: Payments Received in 2015 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	VT Agency of Transportation	8/4/2015	Vtrans Williston Park & Ride	NAE-2012-2590	Williston	0.25	PSS	0.25	\$33,518.00
Richelieu	Lot 2 Brentwood, LLC	5/27/2015	Lot 2 Brentwood, LLC	NAE-2015-0626	Milton	0.067	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
Richelieu	Black Rock Construction, LLC	5/4/2015	Spring Village at Freeman Woods	NAE-2014-1749	Essex	0.52	PEM	0.45	\$59,760.00
Richelieu	South Village Communities, LLC	7/27/2015	South Village Communities, LLC	NAE-2004-4064	South Burlington	0.22	PSS	0.18	\$23,468.00
Richelieu	K.H., LLC	9/29/2015	Raevin Meadows	NAE-2014-2263	Shelburne	0.53	PSS	0.53	\$70,278.00
St. Francois	Vermont Electric Power Company	6/12/2015	Newport Supstation	NAE-2009-2350	Newport	0.42	PEM & PSS	0.21	\$23,959.00
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	0.2605	\$33,700.00
Totals						11.347		2.1705	\$282,158.00

Table 2: 2015 Financial Account Ledger

DU-VT ILF Service Area	January 1, 2015 Account Balance	Payments	Administration Fee	Interest Earned	Disbursements	Remaining Account Balance
Connecticut River	\$35,820.85	\$0.00	\$0.00	\$67.22	\$0.00	\$35,888.06
St. Francois	\$725,498.28	\$23,959.00	\$3,593.85	\$1,399.51	\$0.00	\$747,262.94
Richelieu	\$806,484.23	\$224,499.00	\$33,674.85	\$1,727.87	\$76,376.27	\$922,659.99
Upper Hudson	\$0.00	\$33,700.00	\$5,055.00	\$53.75	\$0.00	\$28,698.75
Totals	\$1,567,803.36	\$282,158.00	\$42,323.70	\$3,248.35	\$76,376.27	\$1,734,509.74

Table 3: 2015 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	0	0	0	24.62
St. Francois	25	7.62	0.21	0	0	17.17
Richelieu	152.94	7.39	1.7	0	0	143.85
Upper Hudson	25	0	0.26	0	0	24.74

Table 4: Percent of Total 2015 Funds Available for all Service Areas

DU-VT ILF Service Area	Funds Available	% of Total Funds Available	Interest Earned
Connecticut River	\$35,888.06	2.07%	\$ 67.21
St. Francois	\$747,262.94	43.08%	\$ 1,399.46
Richelieu	\$922,659.99	53.19%	\$ 1,727.94
Upper Hudson	\$28,698.75	1.65%	\$ 53.75
Total	\$1,734,509.74	100.00%	\$ 3,248.35

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
Richelieu	\$212,020.50	October, 2015
Richelieu	\$458,594.68	October, 2016
Richelieu	\$302,626.68	October, 2017
Richelieu	\$224,499.00	October, 2018
St. Francois	\$852,706.48	October, 2017
St. Francois	\$23,959.00	October, 2018
Upper Hudson	\$33,700.00	October, 2018

Appendix A
2015 Funds Collected

DU-VT ILF Program 2015 Funds Collected

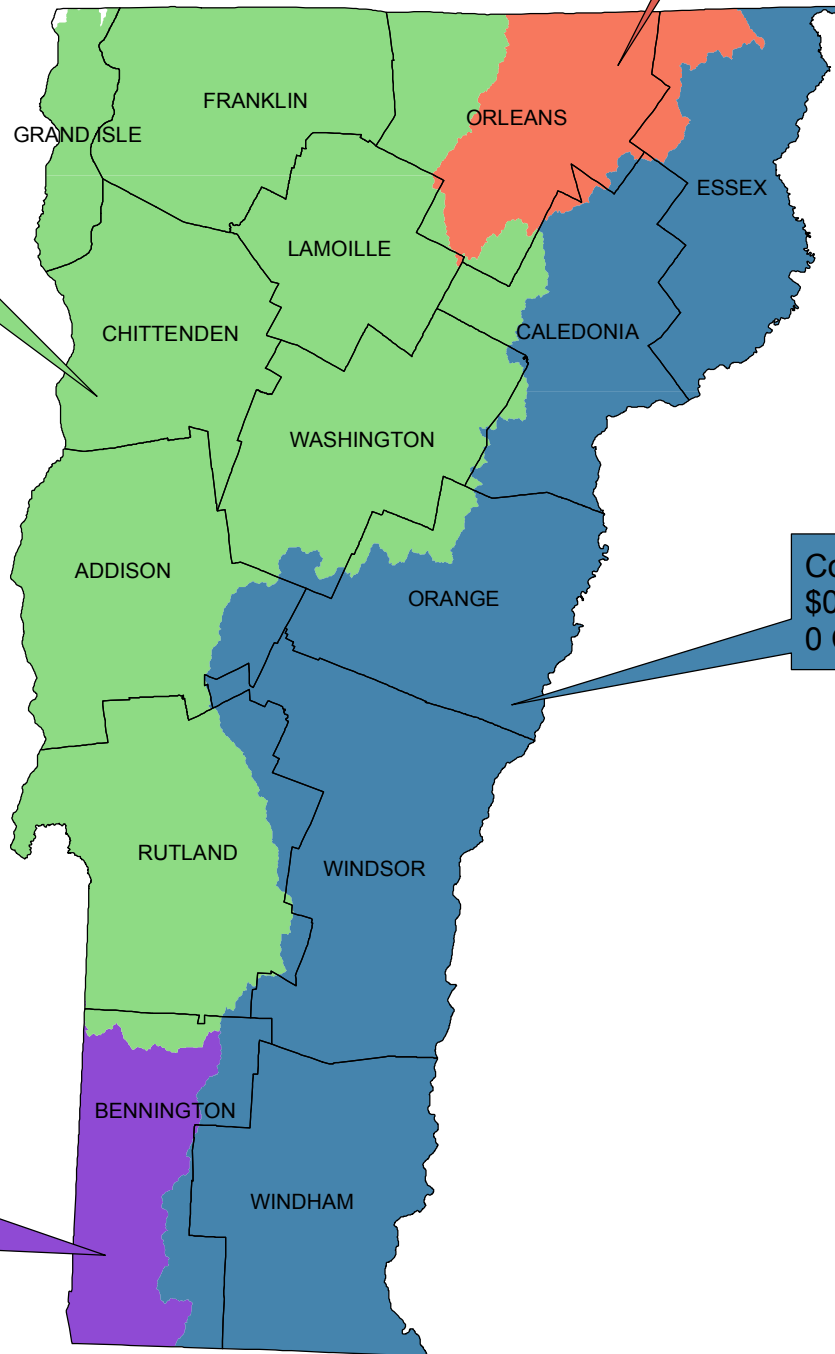
Total Funds Collected: \$282,158.00
Total Credits Sold: 2.17

St. Francois
\$23,959.00
0.21 Credits

Richelieu
\$224,499.00
1.7 Credits

Connecticut River
\$0.00
0 Credits

Upper Hudson
\$33,700.00
0.26 Credits



**GREAT LAKES &
ATLANTIC REGION**

