



PUBLIC NOTICE

Applicant:
Massachusetts Department of
Fish and Game

Published: June 4, 2026
Expires: July 4, 2026

**New England District
Permit Application No. NAE-2026-00888**

TO WHOM IT MAY CONCERN: The New England District (NAE) of the U.S. Army Corps of Engineers (Corps) has received a request from the State of Massachusetts ILF Program (ILF) Program to review a potential ILF mitigation project pursuant to 33 CFR 332, Compensatory Mitigation for Losses of Aquatic Resources (Federal Register: April 10, 2008, effective June 9, 2008). The purpose of this public notice is to solicit comments from the public regarding the proposed ILF program instrument modification for the addition of the Trustee Phase III Enhancement Project as described below:

SPONSOR: Massachusetts Department of Fish and Game
251 Causeway Street, Suite 400
Boston, Massachusetts 02114

ILF PROJECT PURPOSE:

Basic: The Massachusetts Department of Fish and Game is the sponsor of the Massachusetts ILF Program which serves as an alternative form of compensatory mitigation for impacts to aquatic resources. The Massachusetts ILF program is authorized by the New England District, U.S. Army Corps of Engineers. A copy of the signed ILF agreement entitled "Commonwealth of Massachusetts Final In-Lieu Fee Program Instrument" dated "May 23, 2014", includes details about the ILF Program goals and objectives in general and can be found at the following link:
<https://www.nae.usace.army.mil/Portals/74/docs/regulatory/Mitigation/MA/MAILFInstrument.pdf>

The Massachusetts ILF Program accrued funds from the sale of compensatory mitigation credits resulting from Corps and Massachusetts Department of Fish and Game permitted impacts. The Massachusetts ILF Program announced the availability of funds remaining after a previous grant process to eligible entities that work on the restoration, enhancement, and preservation of wetland and watercourse resources with associated upland buffers.

Overall: 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 DA 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 is governed by an ILF program instrument.

A group of federal and state regulatory and resource agency representatives known as the Interagency Review Team (IRT) oversees the establishment and management of the program. The IRT is chaired by the Corps and 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 individual or general permit proposing to use the ILF program for compensatory mitigation would be authorized.

PROPOSED ACTION: This Public Notice is an initial information request about the merits of the Trustee Phase III Enhancement Project. This notice is not an official instrument modification consistent 33CFR 332.8(2) of the 2008 Federal Mitigation Rule.

The Massachusetts ILF Program is proposing to add this project to the Massachusetts ILF Program Instrument. A summary of the proposal is attached to this notice.

Detailed project descriptions consistent with a Prospectus, including project location, nearby waterways, existing conditions, and proposed work, are available for viewing in the Massachusetts ILF Program Cyber Repository Folder located here:

https://ribits.ops.usace.army.mil/ords/f?p=107:278::::278:P278_BANK_ID:7493

CULTURAL RESOURCES:

The Corps is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized tribes and other interested parties.

No resources listed in or eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work; however, the permit area has not been formally surveyed for the presence of cultural resources. Additional work may be necessary to identify and assess any cultural resources that may be present. This notice serves as a request to SHPO, THPO, and/or other interested parties to provide any information they may have regarding historic properties.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full

consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

ENDANGERED SPECIES: The Corps is reviewing the proposed projects for the potential to affect identified species and critical habitat. This notice serves as request to the U.S. Fish and Wildlife Service and NOAA Fisheries for any additional information on whether any listed or proposed to be listed endangered or threatened species or critical habitat may be present in the area which would be affected by the proposed action. The Corps will not make a final decision until any required consultation process is complete.

ESSENTIAL FISH HABITAT: The Corps intends to initiate Essential Fish Habitat (EFH) consultation separately from this public notice. A separate EFH consultation package will be sent to the National Marine Fisheries Service (NMFS). The Corps will not make a final decision until the consultation process is complete.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

WATER QUALITY CERTIFICATION: A 401 Water Quality Certification is not required for the federal action to approve an ILF Program Instrument modification. For site-specific project activities, any necessary Section 401 coordination will be completed as part of the Section 404 permit review action.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the Corps jurisdiction has not been verified by Corps personnel.

EVALUATION: The decision whether to approve the ILF program instrument modification will be based on the determination as to the potential of the proposed ILF projects to provide compensatory mitigation for activities authorized by DA permits. That decision 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. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are 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 fiber production, mineral needs, considerations of property ownership, and in

general, the needs and welfare of the people. Note, this notice is not an authorization to do any work.

COMMENTS: The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The New England District will receive written comments on the proposed action, as outlined above, until July 4, 2026. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to CENAE-R-Mitigation@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, New England District Attention: CENAE-R-Mitigation@usace.army.mil. Please refer to the DA number in your comments.

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 public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Project Name: Trustee Phase III Enhancement Project

Locations: Essex and Ipswich, MA (42.669406°N, -70.758146°W) – (42.669519°N, -70.813861°W)

Project Sponsor: The Trustees of Reservations

Project Size: 248 Acres

The Trustees of Reservations is proposing to implement Phase III of the Great Marsh Restoration Project, a large-scale effort to restore degraded salt marsh habitat within the Great Marsh ecosystem in Essex and Ipswich, Massachusetts. The project aims to improve marsh hydrology, increase resilience to sea-level rise, restore ecological functions, and enhance wildlife habitat across 248-acres of coastal wetland.

The proposed restoration activities include ditch remediation, runneling, and the creation of microtopography features designed to improve marsh hydrology and resilience. Anticipated project benefits include:

- Restoration of natural tidal exchange and hydrologic connectivity;
- Increased sediment transport and marsh surface accretion;
- Reduction of waterlogging, vegetation die-off, and marsh subsidence;
- Enhanced resilience to sea-level rise and climate-related stressors;
- Improved habitat conditions for saltmarsh sparrows and other marsh-dependent wildlife; and
- Improved ecological function and long-term sustainability of the Great Marsh ecosystem.

Salt Marsh Restoration - Phase III In-Lieu Fee Tracts



- Tract Parcels
- Tract Project Areas



USGS Digital Topographic Quad, provided by MassGIS.
Data developed by Northeast Wetland Restoration.
Map produced by The Trustees of Reservations, February 2024.

