

Connecticut Wetland In Lieu Fee Program

Annual Report

January 1, 2019 – December 31, 2019



A Stand of Wild Rice grows along a tidal creek at Ayer's Marsh, Old Saybrook, CT

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 Section 10 of the Rivers and Harbors Act which addresses structures or work in or affecting navigable waters of the US. The Army Corps of Engineers requires that aquatic resource functions and values lost due to the effects of any regulated activity 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 (Appendix B). This report outlines the ACT ILF program activities from January 1, 2019 – December 31, 2019.

2. Impacts & Fees Received

During the reporting period, 0.27 compensatory mitigation credits were sold to seven applicants for 0.57 acres of wetland impacts, for a total of \$100,018.59. The impacted acreage was located in the Connecticut River, Housatonic River, Southeast Coast, Southwest Coast, and Thames River Service Areas. There were no credit sales in the South-Central Coast Service Area during the reporting period.

The tables located in Exhibit A 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 during the reporting period. 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 broken down 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, administrative fees collected, interest earned, disbursements made and the remaining account balance. This table is also 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, again broken down by service area.

3. Project Implementation

3.1 2019 Project Round

3.1.1 Projects Funded in 2019

ACT announced the availability of funds for five out of six service areas in a formal Request for Letters of Intent (RFLOI) issued on March 12, 2019. The RFLOI was posted on the ACT website, and in the electronic newsletters of the following organizations: ACT’s *News from the Nest*, and eNews

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issued by the Connecticut Land Conservation Council, and the Connecticut Association of Wetland Scientists.

Additional outreach activities were undertaken in 2019 as follows:

- The results of the 2018 ILF Program were presented at the Connecticut Association of Wetland Scientists (CAWS) on March 14, 2019 by Anthony Zemba of Fitzgerald & Halliday, Program Manager of the CT ILF Grant Program;
- Anthony Zemba of FHI presented on Wetland Preservation, Restoration, Creation, & Enhancement at the Connecticut Wetlands Law and Compliance Seminar held in North Haven, CT on March 28, 2019; and
- Information on the ILF program was also posted to social media at FHI's Facebook page and via Linked In.

A postcard was also developed as a handout or to be emailed directly to anyone with interest in the ILF program. ACT, FHI, or both brought stacks to distribute at the following conferences:

- Connecticut Association of Wetland Scientists (CAWS) Annual Meeting in Cromwell, CT on March 14, 2019.
- Connecticut Conference of Natural Resources (CCNR) at UCONN in Storrs, CT on March 18, 2019.
- Soil and Water Conservation Society Annual Meeting in Berlin, CT on March 22, 2019
- Connecticut Land Conservation Council Annual Meeting in Middletown, CT on March 23, 2019
- Wetland Preservation, Restoration, Creation, & Enhancement at the Connecticut Wetlands Law and Compliance Seminar held in North Haven, CT on March 28, 2019

FHI also did an email blast of the postcard on March 11, 2019 to over 500 recipients, primarily including land trusts but also to other non-profit organizations, architectural and engineering firms, wetland consultants, town Inland Wetland and Conservation Commissions, academic institutions, and lawyers that represent land trusts. The Letter of Intent Deadline was April 26th, 2019.

Thirteen LOIs were submitted to ACT by responding applicants. No LOIs were received by ACT for projects proposed in the Southeast Coast Service Area, due to the aforementioned minimal amount of available funds.

An LOI review committee was formed consisting of two members of ACT (Leslie Kane, and Dennis Riordan) and Ruth Ladd and Taylor Bell of the Corps. The LOI review committee met on May 3, 2019 and screened each LOI for consistency with the ILF program criteria. Feedback was provided to all applicants after review of the LOIs. Out of the original thirteen submissions, all were notified that they were welcome to submit full proposals. However, four applicants were informed that they did not have strong projects in comparison to other projects in the same service area competing for the same funds. Among these projects one proposal focused on the removal of invasive species from a waterbody in a municipal park, and another requested funding to map invasive species in the lower Connecticut River Watershed. Still another requested funding for trail maintenance along a riparian corridor, and the last requested funding for construction of a living shoreline and dune system in the Fenwick section of Old Saybrook. Out of the thirteen original applicants, eight chose to submit full proposals. The full proposals were received by Audubon on June 7, 2019.

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The year 2019 marked the fourth year for the Project Advisory Committee (PAC), which meant that the three original three-year rotating member slots that had completed their terms in 2018, were replaced with three new rotating members who will serve from 2019-2021. The PAC changes for 2019 were as follows:

- The position vacated by Beth Evans, President of CAWS, was replaced by the new CAWS President, Joshua Wilson.
- The position vacated by Gwen MacDonald from Save the Sound was replaced by Dr. Shimon Anisfeld of the Environment School at Yale (Formerly Yale School of Forestry and Environmental Science)
- The position vacated by Frogard Ryan – Executive Director, The Nature Conservancy was replaced by Patrick Comins from the Connecticut Audubon Society.

Additionally, the two positions held by Michael Chambers (PAC Chairperson) and Patrick Comins for AudubonCT were filled by Dennis Riordan and Leslie Kane, respectively.

The 2019 PAC Meeting convened on July 31, 2019. The PAC reviewed and evaluated all eight project proposals, which resulted in the recommendation of funding seven projects to the IRT and denying funding for one project.

A summary of 2019 projects recommended for funding to the IRT are as follows:

Weston/Wilton Forest Block Project: Fromson/Strassler Property Acquisition – Weston & Wilton, CT (Southwest Coast Service Area): The Aspetuck Land Trust (ALT) requested and was awarded \$79,300 out of a total project cost of \$1,143,240 needed to purchase the 85-acre Fromson/Strassler property in Wilton and Weston, CT for preservation in perpetuity. The property lies adjacent to the ALT's Honey Hill Preserve which was recently expanded to 119 acres with the acquisition of the Belknap Parcel (in part) by an ILF grant in 2017. The Honey Hill Preserve is a key parcel in the ALT's Weston Forest Block Project - a local initiative that aims to protect a 705 acre forest block on the Weston/Wilton border, effectively connecting the Norwalk River Valley and Wilton Land Trust preserved lands to the west with ALT protected lands, and other lands to the east including the 1,756-acre Lucius Pond Ordway/Devil's Den Preserve, and the 1009-acre Trout Brook Valley Conservation Area.

The Fromson/Strassler property contains palustrine forested seasonally saturated wetlands, riverine upper perennial watercourses that are headwater tributaries to the West Branch of the Saugatuck River, and at least five vernal pools. The property is known habitat for two species listed as "Special Concern" in the CT Endangered Species Act and provides habitat for over a dozen other species identified as "Greatest Conservation Need" in the CT Wildlife Action Plan.

Mill River Protection Project – Cheshire, CT (Southcentral Service Area): The Cheshire Land Trust requested and was awarded \$200,000 toward the total project cost of \$678,080 for the acquisition of 45.14 acres of land off of Fenn Road in the Town of Cheshire, CT. The site is referred to as the Fenn Road (or "Ricci") property and lies adjacent to the 184-acre DeDominicis Preserve. It lies on the east side of Cheshire and is bisected by the Mill River. The property contains palustrine forested and

scrub/shrub wetlands, a reach of the Mill River (riverine upper perennial unconsolidated bottom) and associated tributary streams, and a portion of the Town of Cheshire's aquifer protection zone.

Ayer's Point Acquisition – Old Saybrook, CT (CT River Service Area): The Old Saybrook Land Trust proposed to acquire an 11-acre parcel adjacent to Essex Road and Hyde's Point Road in Old Saybrook. This parcel lies adjacent to Hyde's Point Creek and the CTDEEP-owned Ferry Creek Wildlife Management Area (WMA) in the Ayer's Marsh system. The Old Saybrook Land Trust requested and was awarded \$176,000 towards the total project cost of \$304,000 to acquire this parcel for preservation in perpetuity. It is estimated that five to six acres of palustrine emergent marsh lie on this property. The emergent marsh contains stands of wild rice (*Zizania* sp.) which is an important wildlife food source. At least two species of birds listed on the CT Endangered Species Act are known to occur within the marsh system inclusive of this site.

421 Bush Hill Road Acquisition – Manchester, CT (CT River Service Area): The Manchester Land Conservation Trust (MLCT) requested and was awarded \$150,000 towards the project cost of \$154,500 to acquire a 21.24-acre forested parcel at 421 Bush Hill Road in Manchester, CT. This request is the purchase price of the parcel which the MLCT plans to acquire for conservation in perpetuity. There is an estimated four acres of vegetated wetlands on the property and an intermittent watercourse that is an upstream headwater tributary to Porter Brook also bisects the property. Downstream reaches of Porter Brook are known to support three species of Greatest Conservation Need (GCN) including a wild population of Brook Trout (GCN – Most Important), American Eel (GCN – Most Important), and Blacknose Dace (GCN – Important).

Peltier Property Acquisition – Franklin/Sprague, CT (Thames River Service Area): The Friends of the Shetucket River Valley (FoSRV) requested and was awarded \$77,000 out of a total project cost of \$250,000 for the acquisition of a 66.36-acre forested parcel that contains wetlands, intermittent streams, and vernal pools. The applicant has acquired \$158,200 to date via the CT Open Space and Watershed Land Acquisition (OSWA) grant program. This proposal was a re-submittal by the FoSRV from last year in case the pending project approved for funding in this service area (the Mashapaug Woods and Waters project proposed by the Opaccum Land Trust) was not finalized by the end of June 2019, after which the applicant would need to forfeit their funding. The Mashapaug Woods and Waters project withdrew their application in June 2019, freeing up additional funding for the Thames River Service Area, thereby allowing funding of this project.

Tri-town Ridgeline Forest Preserve (Dyer Property Acquisition) – Preston, Griswold, & North Stonington, CT (Thames River Service Area): The Avalonia Land Conservancy requested the combined advertised amounts in the Thames River (\$11,359) and the Southeast Coast (\$1,638) service areas for a total fund request of \$12,977 toward a total project cost of \$941,847. This project includes the preservation of 379 acres of upland buffering aquatic resources and 30 acres of Palustrine Forested wetland. The property has been acquired using a bridge loan from The Conservation Fund and Avalonia Land Conservancy has been striving to pay off the loan by March of 2020. CT Wetland ILF funds from both the Thames River and Southeast coast service areas were requested and granted

despite the property being completely within the Thames River service area. This parcel would provide significant linkage to existing preserved land in the area such as the CTDEEP-owned Patchaug State Forest property, a large private parcel of land subject to a conservation easement in favor of The Nature Conservancy, and other Avalonia Land Conservancy property.

Mono Pond State Park Expansion – Columbia and Hebron, CT (Thames River and Connecticut River Service Areas): The Trust for Public Lands (TPL) was granted \$90,000 from the ILF program toward the acquisition of a 303-acre parcel adjacent to Mono Pond State Park. Approximately 229 acres lay in the Town of Columbia and 74 acres lay in the Town of Lebanon. The property contains 295 acres in the Thames River service area and approximately 20.95 acres in the Connecticut River service area. The total project cost is \$757,000 (which includes the purchase price of \$625,000). Other funding sources include the State of Connecticut National Park Service funding (\$500,000), the Town of Columbia open space fund (\$40,000), and the Town of Lebanon open space fund (\$25,000). Private fundraising would provide the balance of funding needed toward this acquisition.

3.1.2 Projects Denied Funding in 2019

Sluice Creek – Guilford, CT (Southcentral Service Area):

This project was proposed by the CTDEEP to restore full tidal flow to the East River marsh complex by creating a new channel connecting Sluice Creek with the East River in Guilford, CT. Sluice Creek marsh is a 125-acre tidal wetland in southeastern Guilford whose primary connection to Long Island Sound is through a tide-gated box culvert under Old Whitfield Street. This marsh also fronts the East River and is an extension of the 600+ acre East River Marsh Complex, and CT DEEP's East River Marsh Wildlife Management Area. The tide gate is owned and operated by the Town of Guilford and has not functioned properly for over 10 years. The faulty operational status of this tide gate currently serves as a restriction to tidal flow into the marsh. Further, the Town has been unwilling, over the past decade, to address the problem, in large part, due to concerns with increased tidal flow affecting boat operation in the adjacent marina.

Thus, the marsh, particularly to the north of the Amtrak Northeast Corridor rail line, does not receive full tidal flushing and as a result, the invasive Common Reed (*Phragmites australis*) has become the dominant vegetation type north of the rail line. The establishment and subsequent encroachment of *Phragmites* has significantly reduced the ecological function and benefit of the marsh. The entire marsh complex, including the East River complex is one of the most important systems for breeding Saltmarsh Sparrows (*Ammodramus caudacutus*) in the entire state. It is also a critical marsh for nesting Clapper Rails (*Rallus longirostris*), Willets (*Catoptrophorus semipalmatus*), and American Black Ducks (*Anas rubripes*).

At the time the application was submitted, the applicant had not yet conducted a full hydrologic study to assess the potential impact to residential receptors (e.g., properties, septic systems, wells, etc.) adjacent to the marsh from increased flushing in the system, and to assess the anticipated benefit to the upstream marsh north of the Amtrak Northeast Corridor rail line. Nor had any studies

been done to assess the anticipated dispersal of the excavated material generated by the project across the existing marsh (i.e., thin layer deposition), which was anticipated to theoretically maintain/increase marsh elevations as a climate change resiliency measure. As a result of these unknowns, the PAC did not recommend funding for this project during the 2019 grant round. The IRT concurred with the PAC's recommendation.

3.2 Update on Prior Years' Projects:

A summary of prior years' project statuses is provided in **Appendix C**.

Appendix A – Financial & Credit Reporting

Table 1: Payments Received by Service Area (January 1, 2019 – December 31, 2019)

<u>Service Area</u>	<u>Applicant</u>	<u>Date Payment Received</u>	<u>Corps Permit #</u>	<u>Town</u>	<u>Acres of Impact</u>	<u>Habitat Type</u>	<u>Amount of Payment</u>
Housatonic River	Toll Brothers	2/1/2019	NAE-2016-02646	Danbury	0.05	PFO/PSS	\$14,923.44
Thames River	Town of Preston	2/20/2019	NAE-2018-00775	Preston	0.07	E1UBL3	\$11,317.40
Southeast Coast	Docko/Point o Woods Beach Assn.	3/1/2019	NAE-2007-01279	Old Lyme	0.01	E2/SAV	\$1,992.50
Connecticut River	Pratt & Whitney/UT/Loureiro	4/24/2019	NAE-2015-00328	Rocky Hill	0.02	PFO	\$6,886.93
Thames River	CTDOT	5/20/2019	NAE-2019-00148	Willington	0.04	PFO1A	\$13,669.00
Southwest Coast	Town of Weston	7/15/2019	NAE-2002-01889	Weston	0.37	PFO/PSS	\$43,666.56
Southwest Coast	Town of Fairfield	11/21/2019	NAE-2018-01576	Fairfield	0.02	E2/E2EM1	\$7,562.76
						Total	\$100,018.59

Table 2: Financial Account Ledger by Service Area (January 1, 2019 – December 31, 2019)

<u>Service Area</u>	<u>January 1, 2019 Account Balance</u>	<u>Reporting Period Activity</u>					<u>Dec. 31, 2019 Account Balance</u>
		<u>Payments Received</u>	<u>Administrative Fee</u>	<u>Interest Earned *</u>	<u>Disbursements</u>	<u>Net Activity</u>	
Connecticut River	\$599,980	\$6,887	\$1,377	\$2,835.40	\$212,825	(\$204,480)	\$395,500
Housatonic River	\$400,487	\$14,923	\$2,985	\$1,940.87	\$210,500	(\$196,620)	\$203,867
South-Central Coast	\$335,567	\$0	\$0	\$1,567.83	\$14,000	(\$12,432)	\$323,134
Southeast Coast	\$11,516	\$1,993	\$399	\$63.11	\$0	\$1,657	\$13,173
Southwest Coast	\$79,148	\$51,229	\$10,246	\$609.15	\$12,000	\$29,593	\$108,740
Thames River	\$199,521	\$24,986	\$4,997	\$1,048.94	\$0	\$21,038	\$220,559
Total	\$1,626,218	\$100,019	\$20,004	\$8,065	\$449,325	(\$361,245)	\$1,264,973

**Interest earned is pro-rated based on beginning balances and FY18 payments for each service area. All interest is added to Direct Project Funds.*

Table 3: Credit Ledger by Service Area (January 1, 2019 – December 31, 2019)







Service Area	Authorized Advance Credits	Prior Reporting Periods		Current Reporting Period		Credits Available
		Previous Credits Sold	Previous Credits Released	Reporting Period Credits Sold	Reporting Period Credits Released	
Connecticut River	17.0	2.6	0.0	0.0	1.3	15.8
Housatonic River	10.0	2.9	0.0	0.0	0.0	7.0
South-Central Coast	19.0	1.4	0.0	0.0	0.0	17.6
Southeast Coast	18.0	0.0	0.0	0.0	0.0	18.0
Southwest Coast	10.0	1.2	0.0	0.1	0.0	8.6
Thames River	53.0	1.6	4.4	0.1	0.0	55.7
Total	127.0	9.8	4.4	0.3	1.3	122.7

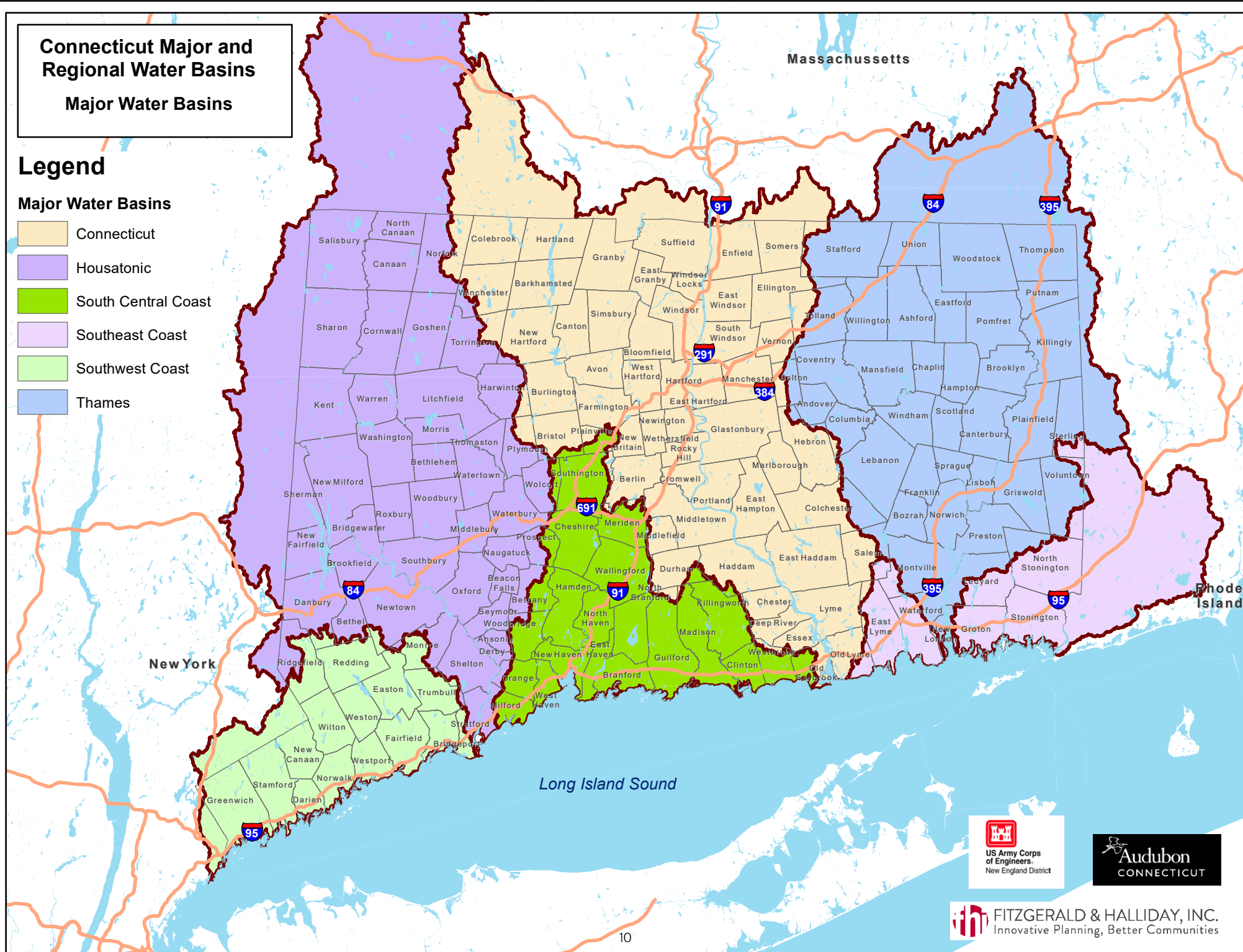
Connecticut Major and Regional Water Basins

Major Water Basins

Legend

Major Water Basins

-  Connecticut
-  Housatonic
-  South Central Coast
-  Southeast Coast
-  Southwest Coast
-  Thames



Appendix C - Prior Years' Projects Status Update as of December 31, 2019 (2016, 2017, and 2018 Project Rounds)

Project Year	Project Site	Town	Entity	Service Area	Project Agreement	Initial Payment	Follow Up/Final Payment(s)	Work Plan	Monitoring Plan or Conservation & Management Plan	Overall Project Status
2016	Indian River	Orange	Town of Orange Conservation Commission	South Central	Completed	Completed	Pending*	Completed	Pending	Town of Orange planted native shrubs in the restoration area. Monitoring during 2019 found evidence of heavy deer browse on new plantings. Town of Orange was informed that plantings would need to be protected with deer fencing. No monitoring reports have been completed/submitted to Audubon to date.
2016	Zemko Sawmill Preserve	Salem	Salem Land Trust, Inc. (SLT)	Connecticut River	Completed	Completed	Completed	Completed	Completed	Final payment issued in April 2019.
2016	Salmon Creek	Salisbury	Trout Unlimited, Inc	Housatonic	Completed	Completed	Completed	Completed	Completed	Project complete. Final payment was issued in April 2019.
2016	Lukazsek	Thompson	Wyndham Land Trust	Thames	Completed	Completed	N/A	Completed	Completed	Management Plan & Monitoring Work Plan completed. Purchase and recording of conservation easement completed - All documents uploaded to RIBITS.
2016	Stratford Point	Stratford	Sacred Heart University	Housatonic	Completed	Completed	Completed	Completed	Completed	* Project complete. Final payment was issued in April 2019.
2017	Danforth Property	Colebrook	Aton Forest	Connecticut River	Completed	Completed	Completed	Completed	Completed	Work Plan and Management Plan received. Final Payment was issued in October 2019
2017	Dolan Pond Fishway	Essex	The Nature Conservancy	Connecticut River	Completed	Completed	Completed	Completed	Completed	Plan Sheets and Monitoring and Maintenance Plan submitted in 2019, construction completed by Summer 2019.
2017	Stoeke Property	Hartland	Hartland Land Trust	Connecticut River	Completed	Completed	Completed	N/A	Pending	Project Agreement completed and payment issued in October 2019.
2017	Grobe Parcel	Bethany	Bethany	Housatonic River	Completed	Completed	Completed	N/A	Completed	Final payment issued in February 2019.
2017	Wimisink IBA	Sherman	Weantinoge Heritage Land Trust and Naromi Land Trust	Housatonic River	Completed*	Completed	Completed	Completed	Completed	Project agreement was finalized in 2019; final payment issued in December, 2019. *Rare sp. populations continue to be monitored. Data will eventually be used to create a Habitat Conservation Plan (HCP) Pursuant to Federal ESA.
2017	Harrison Preserve	North Branford	North Branford Land Conservation Trust	South Central Coast	Completed	Completed	Pending	N/A	Completed	Completed in April 2019.
2017	Belknap Property	Weston	Aspetuck Land Trust	Southwest Coast	Completed	Completed	Completed	Completed	Completed	Final payment issued in Feb 2019.
2017	Quinnipiac River Nature Preserve	New Haven	New Haven Land Trust	South Central Coast	N/A	N/A	N/A	N/A	N/A	Funding was withdrawn due to seller not willing to allow due diligence investigations
2017	Mashapaug Woods and Waters - Rizner Tract	Union	Union Conservation and Safety Association	Thames River	N/A	N/A	N/A	N/A	N/A	Funding was withdrawn; unable to reach an agreement with seller of property on value.
2018	Simpson Property	Bethany	Bethany Land Trust	Housatonic River	Pending	Pending	Pending	N/A	Pending	Project Agreement was still being negotiated as of 12/31/19. Close to being finalized as of March 2020.
2018	Bosco Property	Hartland	Hartland Land Trust	Connecticut River	Pending	Pending	Pending	N/A	Pending	Project Agreement was still being negotiated as of 12/31/19. Close to being finalized as of March 2020.
2018	Paulann Sheets Property	North Stonington	Avalonia Land Conservancy	Southeast Coast	Pending	Pending	Pending	N/A	Pending	Draft Project Agreement was sent to Avalonia Land Conservancy for their review and comment November, 2019. Still pending as of March 2020.