

AMENDMENT #4 TO THE
VERMONT IN-LIEU FEE PROGRAM INSTRUMENT

WHEREAS, the approved Ducks Unlimited, Inc. Vermont In-lieu Fee Program instrument was signed by Ducks Unlimited on January 6, 2011 and the Corps on January 4, 2011. Amendment #1 was signed by Ducks Unlimited on March 9, 2015 and the Corps on January 30, 2015. Amendment #2 was signed by Ducks Unlimited on June 10, 2015 and the Corps on June 29, 2015. Amendment #3 was signed by Ducks Unlimited on November 11, 2016, and the Corps of October 19, 2016.

NOW THEREFORE, the following changes shall be made to the Instrument:

Page 3 is modified with the new wording underlined and deleted wording crossed out:

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~~*and*~~

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In-Lieu Fee Program Account (p.17-18) is modified to change the administrative fee as follows with the new wording underlined and deleted wording crossed out:

DU will receive an administrative fee of ~~15%~~17.5% of the funds when funds are deposited into the DU Program account. The administrative fee will come from the deposited funds and is deemed to represent and reimburse reasonable overhead and related costs of administering the DU-VT ILF Program to accomplish the mitigation projects described herein.

Appendix V 2010 Credit Fee Schedule is deleted so the requirement that an instrument modification is not needed to adjust the pricing schedule.

ALSO, Amendments #1 and #2 modified the use of this instrument to include and exclude 8-digit Hydrologic Unit Code (HUC) watersheds of the Richelieu and Hudson River service areas within the State of New York that exist within the State of Vermont. This amendment clarifies the 8-digit HUC watersheds which are included in New York State. Therefore, the modified first sentence of the second paragraph under "Introduction and Statement of Need" in the instrument shall be modified as follows with new wording underlined and deleted wording crossed out:

The DU-VT ILF Program may be used for compensatory mitigation for unavoidable impacts to waters of the United States that are located within the State of Vermont, ~~and two~~three of the 8-digit Hydrologic Unit Code watersheds of the Richelieu River within the State of New York that exist within the State of Vermont but extend into New York. Specifically, this would include the 8-digit Hydrologic Unit Code watershed identified as Mettawee River, Lake Champlain and Richelieu River as identified on the attached map. However, all compensation projects will be in the State of Vermont.

IN WITNESS WHEREOF, the undersigned have caused this amendment to be duly executed.



H. Dale Hall
CEO, Program Sponsor
Ducks Unlimited, Inc.

Date: 2/11/2019

DESISTA.ROBERT
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Jennifer L. McCarthy
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