

# Ducks Unlimited Vermont In-Lieu Fee Program

Annual Report – January 1, 2019 – December 31, 2019



*Wetland construction at Three Mile Bridge Rd, Middlebury Vermont*



**GREAT LAKES &  
ATLANTIC REGION**

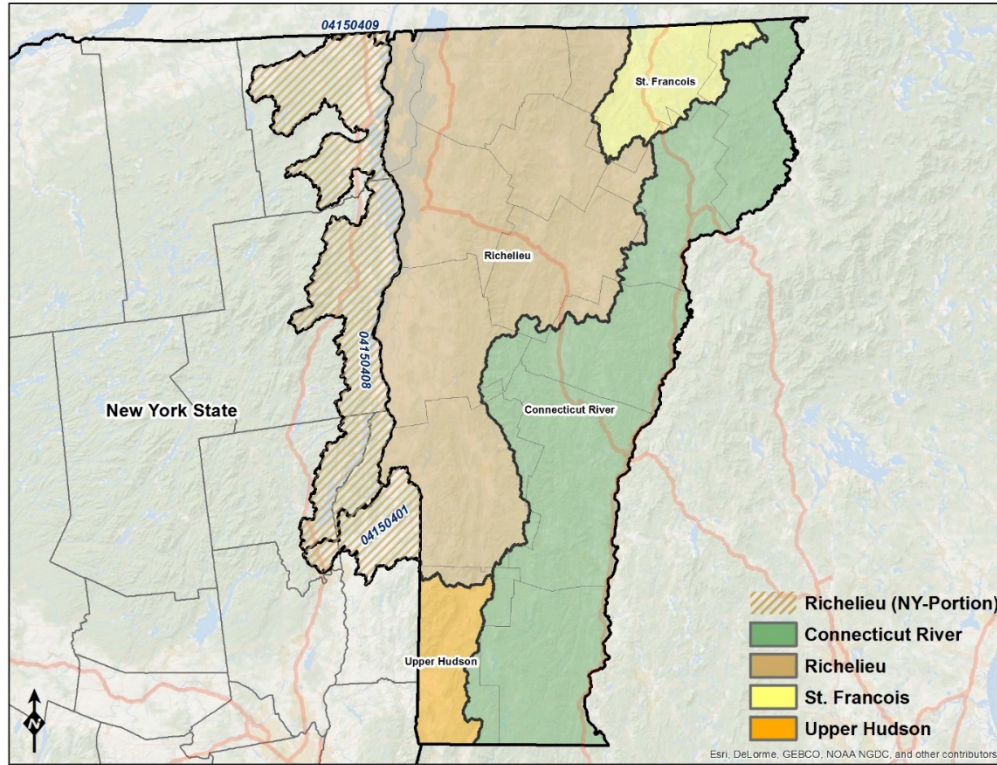
March 12, 2020

## **1. Executive Summary**

The Ducks Unlimited (DU) Vermont In-Lieu Fee Program (DU-VT-ILF) was established in 2011 as an option for compensatory mitigation in Vermont. The program has four Service Areas. Thus far the majority of payments received have been in the Richelieu Service Area. This trend continued in 2019, with the only payments received occurring in the Richelieu Service Area. Several of these projects were associated with transportation projects. DU has acquired and initiated projects in all Service Areas except for the Upper Hudson Service Area where only 1.08-credits have been sold. DU has submitted an instrument modification request to enable the potential for credits to be transferred to an adjacent Service Area where they may be more readily satisfied. DU will continue to work with the Corps and the IRT to see that credit obligations are met. The following sections describe program mechanics, and funds collected, and progress towards implementation in each Service Area. In sum DU has protected three properties in three service areas (Richelieu, Connecticut River, St. Francois) totaling 565.24-acres, and on these sites DU anticipates being able to deliver approximately 55.86-credits. Through 2019, a total of 35.1-credits have been sold through the DU-VT-ILF Program.

## **2. 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 (U.S.) in the State of Vermont, and adjacent portions of New York. Permits are required by the U.S. Army Corps of Engineers (“Corps”) for the discharge of dredged or fill material into waters of the U.S. under Section 404 of the Clean Water Act (CWA); for work and structures in or affecting navigable waters of the U.S. under Section 10 of the Rivers and Harbors Act; and by the Vermont Department of Environmental Conservation (DEC) under Section 9 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 service areas that cover the entire state of Vermont, and three 8-digit Hydrologic Unit Code watersheds that extend into New York (Figure 1). This report outlines the DU-VT ILF program activities from January 1, 2019 to December 31, 2019.



**Figure 1. Service Area Map.** The VT-ILF program consists of 4-services areas. The Richelieu Service Area extends into New York – payments into the VT-ILF program for New York Impacts must be satisfied in Vermont.

### **3. Impacts and Fees Received**

During the period of this annual report, seven (7) In-Lieu Fee (ILF) payments were received in one (1) service area. 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 the permitted impacts that have generated ILF payments in 2019. 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.

#### **4. Project Implementation**

##### Richelieu Service Area

Three Mile Bridge is the first ILF site in the Richelieu Service Area, it was constructed in 2018, and an as-built report was submitted on March 21, 2019. The site was planted with shrubs and trees in the spring of 2019. Based on site conditions at the as-built stage, the site is expected to produce 22.81-wetland credits. The first monitoring report was submitted on December 17, 2019 and indicated that the site is generally progressing well towards performance standards. The project at Three Mile Bridge road adds flood storage to the Middlebury River floodplain through installation of ditch plugs and contouring along old swale features. Additionally, there is an extensive vegetation management component at the site, whereby DU is controlling reed canary grass and using a combination of tilling, herbicide application, and seeding/planting to steer the community toward a native wetland plant community. Herbicide applications were performed in 2019 to control reed canary grass and narrow-leaf cattail south of Three Mile Bridge Rd, DU will continue invasive species management in 2020. DU plans to donate the property to the State of Vermont for incorporation into the Wildlife Management Area system, it is expected that this will occur in 2020.

##### Connecticut River Service Area

In 2018 DU closed on a 183.39-acre (+/-) property in the Connecticut River SA. DU submitted a final mitigation plan for the Connecticut River site in 2019. The site boasts a rare plant community (northern white cedar swamp), big game species (moose, deer, bear), and a beaver ponded wetland provides habitat for waterfowl (e.g., mallard, black, wood duck). DU intends to donate the property to the Northeast Wilderness Trust for long-term stewardship and management. The mitigation plan is awaiting Corps approval.

### St. Francois Service Area

DU closed on a 243.90-acre property in the St. Francois SA in early 2019; planning work including: wetland delineation, topographic survey, soil data collection, engineering design, and mitigation plan development were initiated in 2019. DU has completed approximately 90% of the mitigation plan as of February 2020 and intends to submit a complete mitigation plan in March of 2020. The property contains a mixture of rolling fields, forested wetlands, and upland forests. The open fields have been in hay for the last several years. It is expected that there will be three separate wetland restoration areas on the property and associated upland buffers will be preserved and reforested by both active and passive means. DU estimates the site will produce 21.65-credits.

### Upper Hudson Service Area

Thus far only two credit sales totaling 1.08-credits have occurred in the Upper Hudson River SA, the associated amount of funds is insufficient to implement a project without subsidizing it. DU has submitted an Instrument Amendment request to enable the District Engineer to consider a DU request to transfer associated funds to an adjacent Service Area where they can be more readily satisfied.

**Table 1: Payments Received in 2019 by Service Area**

Prices were increased on February 14, 2019 from original levels. ‘\*’ indicates permittees who paid the original credit rate of \$131,549 per credit.

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
<b>*Richelieu</b>	Vermont Agency of Transportation	1/2/2019	VT Regional Airport	NAE-2012-000279	Clarendon	0.62	PFO	0.62	\$81,560.38
<b>*Richelieu</b>	New York State Canal Corps	3/11/2019	Kingsbury to Fort Ann	NAN-2018-00177-UDE	Kingsbury to Fort Ann, New York	0.474	PFO, PEM, PSS	0.948	\$124,708.45
<b>*Richelieu</b>	Vermont Agency of Transportation	4/17/2019	VTrans Interstate 89 Stormwater Retrofit Williston STP IM SWFR (1)	NAE-2018-00505	Williston, VT	0.96	PSS	0.42	\$55,250.58
<b>Richelieu</b>	Vermont Agency of Transportation	9/27/2019	VTrans Williston Park & Ride [Williston CMG Park (29)]	NAE-2012-02590	Williston, VT	0.0120	PSS	0.012	\$2,045.69
<b>Richelieu</b>	City of Burlington	10/4/2019	Burlington Bike Path Rehabilitation Project Phase 3	NAE-2013-01918	Burlington	0.94	PFO	0.354	\$61,631.75
<b>Richelieu</b>	Town of Charlotte	10/23/2019	Town of Charlotte/Library Addition	NAE-2014-01394	Charlotte	0.03	PEM	0.027	\$4,700.73
<b>Richelieu</b>	Vermont Agency of Transportation	10/24/2019	Pittsford U.S. Route 7 Reconstruction	NAE-2019-01002	Pittsford, VT	1.07	PSS, PEM, PFO	0.414	\$72,077.81
<b>Totals</b>								<b>2.7950</b>	<b>\$401,975.39</b>

Table 2: 2019 Financial Account Ledger

<b>DU-VT ILF Service Area</b>	<b>January 1, 2019 Account Balance</b>	<b>Payments</b>	<b>Administration Fee</b>	<b>Interest Earned</b>	<b>Disbursements</b>	<b>Remaining Account Balance December 31, 2019</b>
<b>Connecticut River</b>	\$167,741.49	\$0.00	\$0.00	\$1,857.17	\$32,573.81	\$137,024.85
<b>St. Francois</b>	\$688,251.32	\$0.00	\$0.00	\$7,391.53	\$150,284.22	\$545,358.63
<b>Richelieu</b>	\$1,404,426.99	\$401,975.39	\$60,296.31	\$20,685.39	\$240,591.51	\$1,526,199.95
<b>Upper Hudson</b>	\$118,785.22	\$0.00	\$0.00	\$1,632.08	\$0.00	\$120,417.30
<b>Totals</b>	<b>\$2,379,043.03</b>	<b>\$401,975.39</b>	<b>\$60,296.31</b>	<b>\$31,566.17</b>	<b>\$423,449.54</b>	<b>\$2,329,000.74</b>

Table 3: 2019 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	3.3100	0.0000	0.0000	0.0000	21.69
St. Francois	25	8.0800	0.0000	0.0000	0.0000	16.92
Richelieu	154	19.8750	2.7950	4.5720	0.0000	135.902
Upper Hudson	25	1.0800	0.0000	0.0000	0.0000	23.92