



**US Army Corps  
of Engineers®**  
New England District  
696 Virginia Road  
Concord, MA 01742-2751

# PUBLIC NOTICE

**Comment Period Begins:** November 2, 2021  
**Comment Period Ends:** December 2, 2021  
**File Number:** NAE-2010-02215  
**In Reply Refer To:** Taylor Bell  
**Phone:** (978) 318-8952  
**E-mail:** taylor.m.bell@usace.army.mil

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**SUBJECT:** This notice announces a request to modify the Audubon Connecticut In-Lieu Fee (ILF) Program (“ILF”) Program Instrument for the addition of nine individual projects.

**ILF PROGRAM SPONSOR:** National Audubon Society – CT Chapter  
185 East Flat Hill Road  
Southbury, Connecticut 06488

**BACKGROUND:** The Connecticut ILF program is authorized by the New England District, Army Corps of Engineers (Corps). A copy of the signed ILF agreement entitled “*Final Instrument for the Audubon Connecticut In-Lieu Fee Program Sponsored by National Audubon Society, Inc.*” dated August 21, 2013, and includes details about the ILF Program goals and objectives in general and can be found at the following link:  
<http://www.nae.usace.army.mil/Portals/74/docs/regulatory/Mitigation/CTILFProgramInstrument.pdf>

Nine projects have been submitted as proposed additions to the ILF Instrument pursuant to 33 CFR 332, Compensatory Mitigation for Losses of Aquatic Resources (Federal Register: April 10, 2008, effective June 9, 2008). Pursuant to 33 CFR 332.8 (d), the District Engineer will provide public notice of the proposed addition of ILF program mitigation sites. As such, we are issuing a public notice to solicit comments for the instrument modification due to the proposed addition of ILF mitigation sites.

The Connecticut ILF Program accrued funds from Army Corps of Engineers Department of the Army permitted impacts throughout the State of Connecticut. The funds were made available through a competitive grant process for the preservation, restoration and enhancement of wetland and watercourse resources in the State of Connecticut.

**PURPOSE:** The nine proposed projects would provide compensatory wetland and stream mitigation for permitted impacts to the following Service Areas: Southwest Coast, Southcentral Coast, Connecticut River, and Thames River.

**GENERAL INFORMATION:** 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 Department of the Army 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 are governed by an ILF program instrument. A group of federal and state regulatory and resource agency representatives known as the Interagency Review Team (IRT) oversee the

establishment and management of the program. The IRT is chaired by the Corps. 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 particular individual or general permit proposing to use the ILF program for compensation mitigation would be authorized.

**PROJECT DESCRIPTION:** Each project has a map showing the location of the project with a summary. Additionally, information consistent with a prospectus is located here:

[https://ribits.ops.usace.army.mil/ords/f?p=107:378:4209025928691:::P378\\_PROGRAM\\_ID:501](https://ribits.ops.usace.army.mil/ords/f?p=107:378:4209025928691:::P378_PROGRAM_ID:501)

**ESSENTIAL FISH HABITAT:** The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Essential Fish Habitat describes waters and substrate necessary for fish for spawning, breeding, feeding or growth to maturity.

The District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH recommendations is being conducted and will be concluded prior to the final decision.

**NATIONAL HISTORIC PRESERVATION ACT:** Based on the initial review, the District Engineer has determined that none of these projects may affect properties in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the proposal review process and the permit review process for those requiring Corps authorization.

**ENDANGERED SPECIES CONSULTATION:** The New England District, Army Corps of Engineers, has reviewed the list of species protected under the Endangered Species Act of 1973, as amended, that might occur at the project sites. It is our preliminary determination that the proposed projects, situated or will be operated/used in such a manner that it is not likely to adversely affect any federally listed endangered or threatened species or their designated critical habitat. By this Public Notice, we are requesting that the appropriate federal agency concur with our determination.

**EVALUATION:** After the end of the comment period, the district engineer will review all comments received and make an initial determination as to the potential of the proposed project to provide compensatory mitigation for activities authorized by DA permits. That determination 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. Factors relevant to the proposal will be considered including 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.

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The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; American Indian Tribes; and other interested parties to consider and evaluate the proposed activity. All comments received will be considered by the Corps during the formulation of the initial determination of potential for the proposed activity.

**COMMENTS:** In order to properly evaluate the proposals, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Mr. Taylor Bell at (978) 318-8952, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

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 a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**

*Kevin R Kotelly*

**Kevin Kotelly**  
**Chief Permits and Enforcement Branch B**  
**Regulatory Division**

If you would prefer not to continue receiving Public Notices by email, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto: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: \_\_\_\_\_

PHONE: \_\_\_\_\_

**SOUTHWEST COAST SERVICE AREA**

**Montanaro Property Acquisition – Wilton, CT. Applicant: Aspetuck Land Trust (ALT)**

The proposed Montanaro property project will be conserved in perpetuity to protect, buffer, and support aquatic resources and ecological connectivity to other conserved properties within the Weston/Wilton forest block.

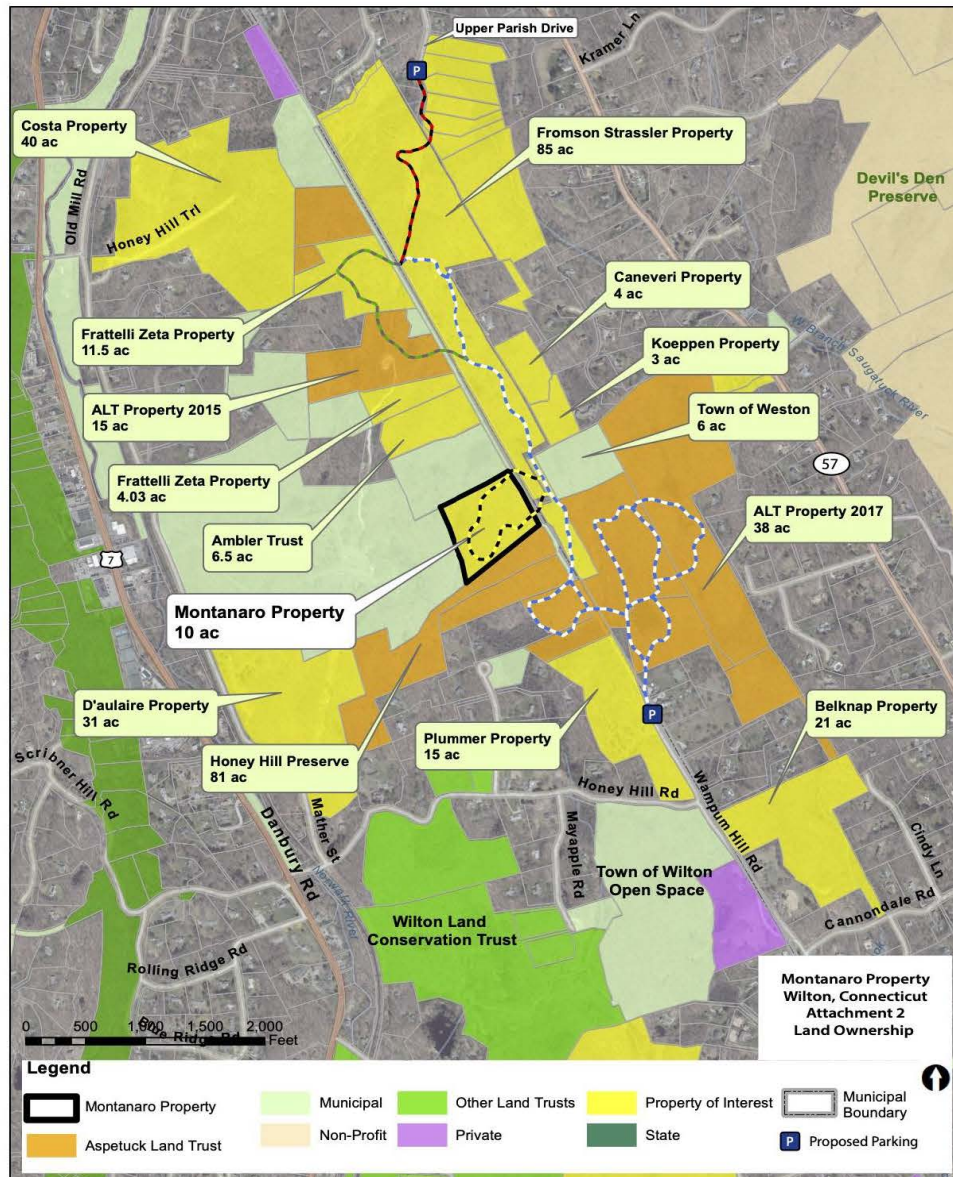
ILF Goals: This project is consistent with the following ILF goals as stated in the 2013 instrument: "*acquire land in riparian areas adjacent to coldwater streams*" and "*encourage habitat connectivity & protection...for rare communities and species...*" and "*pursue wetland restoration and enhancement opportunities (with upland Buffers) in sustainable landscape settings*". The property contains approximately 2.0 acres of Palustrine Forested Broad-leaved Deciduous seasonally flooded/ saturated (PFO1E) wetlands and 550 linear feet of watercourse identified on National Wetlands Inventory Mapping as Riverine Upper Perennial Watercourse (R3UB).

Landscape: This acquisition would further the ALT's effort related to their Weston-Wilton Forest Block project which has a goal of creating a 706-acre forest block between the Norwalk River Valley to the west and the Devil's Den, Trout Brook Valley, Centennial Forest Block habitat matrix (collectively thousands of acres) to the east, thereby countering habitat fragmentation in southern Fairfield County. The forest block in which the Montanaro Property is located is a known location for Eastern Box Turtle and Spotted Turtle, two species that are listed as Special Concern in CT, and that are of conservation priority for the USFWS.

Sponsor Capacity: The ALT has a proven track record of ILF Projects with the completion of the Belknap Addition to the Honey Hill Preserve in 2017 and the successful award of funding for the Fromson Strassler Property in 2019 (closing pending in October or November of 2021).

## Montanaro Property Acquisition – Wilton, CT

Weston/Wilton Forest Block Map



**Norwalk River Restoration – Wilton, CT. Applicant: Trout Unlimited**

The purpose of this proposed project is to restore the habitat conditions in the stream to reduce sedimentation and erosion downstream, reduce water temperature, improve water quality, and improve the spawning and rearing habitat for sea-run fishes, native fish and aquatic organisms and wild brown trout.

ILF Goals: The project, as proposed, would meet various goals of the Norwalk River Watershed Action Plan, and would meet the following Aquatic Resource Goals and Objectives of the Audubon CT, ILF Program listed in the 2013 Instrument:

- Goal and Objective No. 3): “Support projects that control and/or remove invasive species where appropriate and practicable”.
- Goal and Objective No. 6): “Integrate Audubon CT ILF projects with other conservation activities whenever possible in order to promote habitat connectivity”.
- Goal and Objective No 7): “Support projects that include habitats that support federal and state-listed endangered and threatened species”.
- Goal and Objective No. 8): “Support projects that include at-risk habitats identified in Appendix D of the CT Climate Preparedness Plan”.

The project, as proposed, would also meet the following Goals and Objectives specific to the SW Coast:

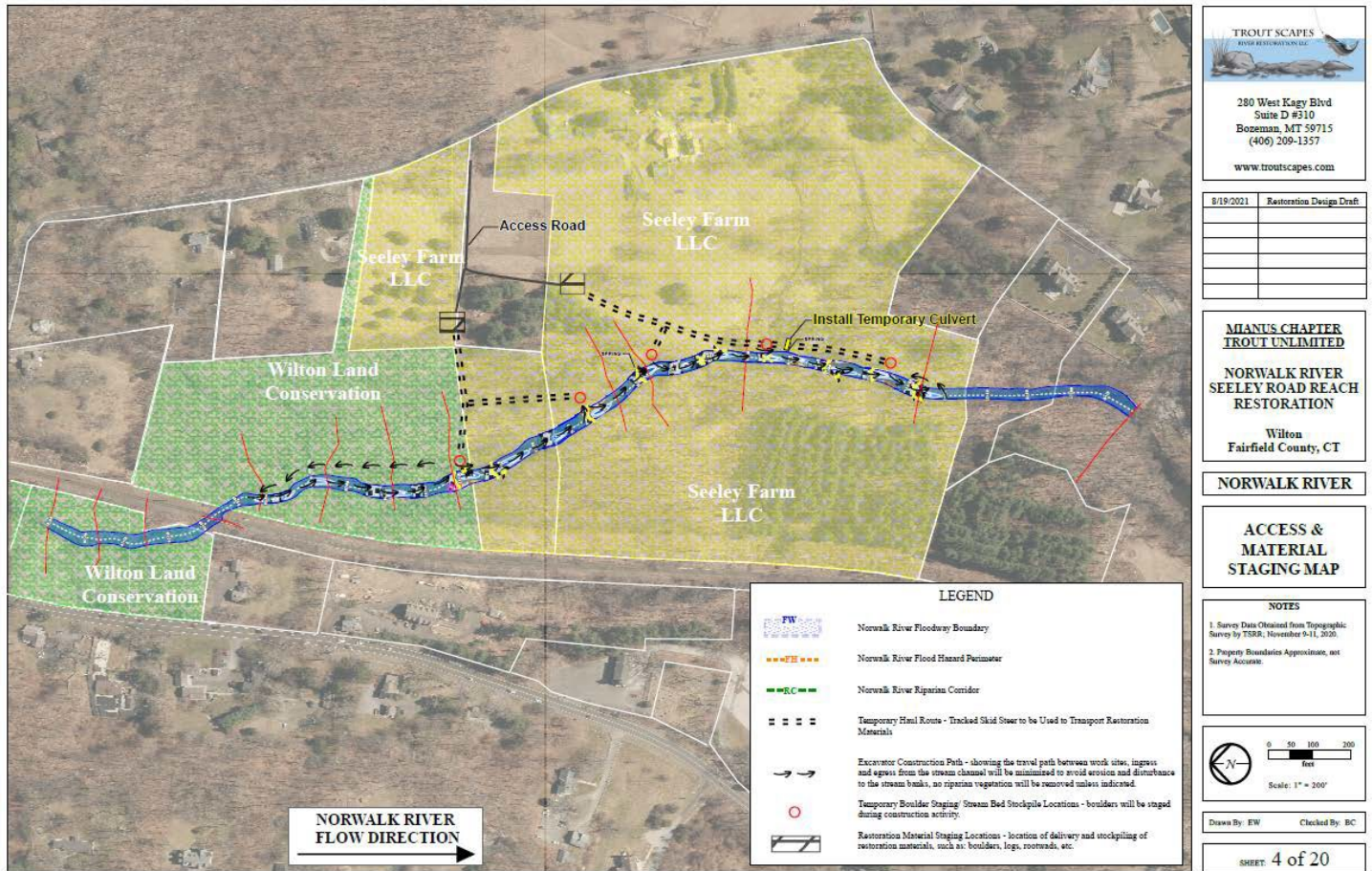
- Pursue wetland restoration and enhancement opportunities (with upland buffers) in sustainable landscape settings.
- Project is located at 41°13'17.6"N 73°25'24.0"W
- 

Landscape: The Norwalk River Habitat Restoration – Seeley Road project is designed to preserve, restore, and enhance the habitat over 1,850 linear feet of stream and improve the native understory of the riparian wetland area over the entire project length with an average width of 50 feet. This totals more than 2.12 acres. The project involves the following:

- Restoration and stabilization of 1,850 linear feet of streambank which is subject to significant erosion resulting in loss of habitat, over-widened stream channels and increased sedimentation and erosion.
- Installation of 16 in-stream habitat structures to restore and enhance original stream conditions prior to development and changing flow regimes caused by climate change.
- Installation of three deep pool habitat structures in Mayapple Brook – an important spawning and thermal refuge tributary; and
- Removal of invasive plant species such as barberry, winged euonymus, knotweed, and multi-flora rose and planting 750 native trees and shrubs along the riparian corridor at an average width of 50 feet.

Sponsor Capacity: The Cooperating Entity (CE) for this project is Trout Unlimited (TU) who has experience with the CT ILF Program with the completion of the Salmon Creek Restoration Project in Salisbury, CT in 2016.

## Norwalk River Restoration – Wilton, CT



## Great Meadow Restoration – Stratford, CT. Applicant: Audubon CT

The applicant for this project is Audubon CT who has applied for ILF funding toward one facet of a multi-faceted restoration project that involves multiple stakeholders. The larger restoration project includes the removal of historic dredging spoils and invasive plants species from the Great Meadow Unit of the Stewart B. McKinney National Wildlife Refuge in Stratford, CT. This ILF application is centered on requesting grant funding to cover the cost of the restoration plantings.

**ILF Goals:** The project meets ILF requirements in that it is part of a larger project that would restore, enhance, create, and preserve - in perpetuity - 34 ac of wetlands (14 ac palustrine emergent wetland + 20 ac of Estuarine

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Intertidal wetland) and three acres of adjacent “transitional” habitat. The center of the restoration project is 41° 09’ 42”N, -73° 09’ 11” W.

**Landscape:** It is consistent with state, regional, and federal conservation planning and would occur in a unit of the Stewart B. McKinney National Wildlife Refuge. The Great Meadows Unit of the SBMNR provides critical habitat for over a dozen or so state-listed species especially the Saltmarsh Sparrow (*Ammodramus caudacuta*) which is proposed for federal ESA listing (currently a petition species).

**Sponsor Capacity:** Stakeholders include a partnership of multiple natural resource management agencies including National Oceanic and Atmospheric Administration National Marine Fisheries (NMFS, USFWS, CTDEEP, etc).



## CT RIVER SERVICE AREA

### **“Bosco B” Property Acquisition - West Hartland, CT. Applicant: Hartland Land Trust**

The proposed project is to preserve approximately 47 undeveloped acres of the Bosco B Property in West Hartland, Connecticut for the purpose of it being forever held in its natural state by Hartland Land Trust.

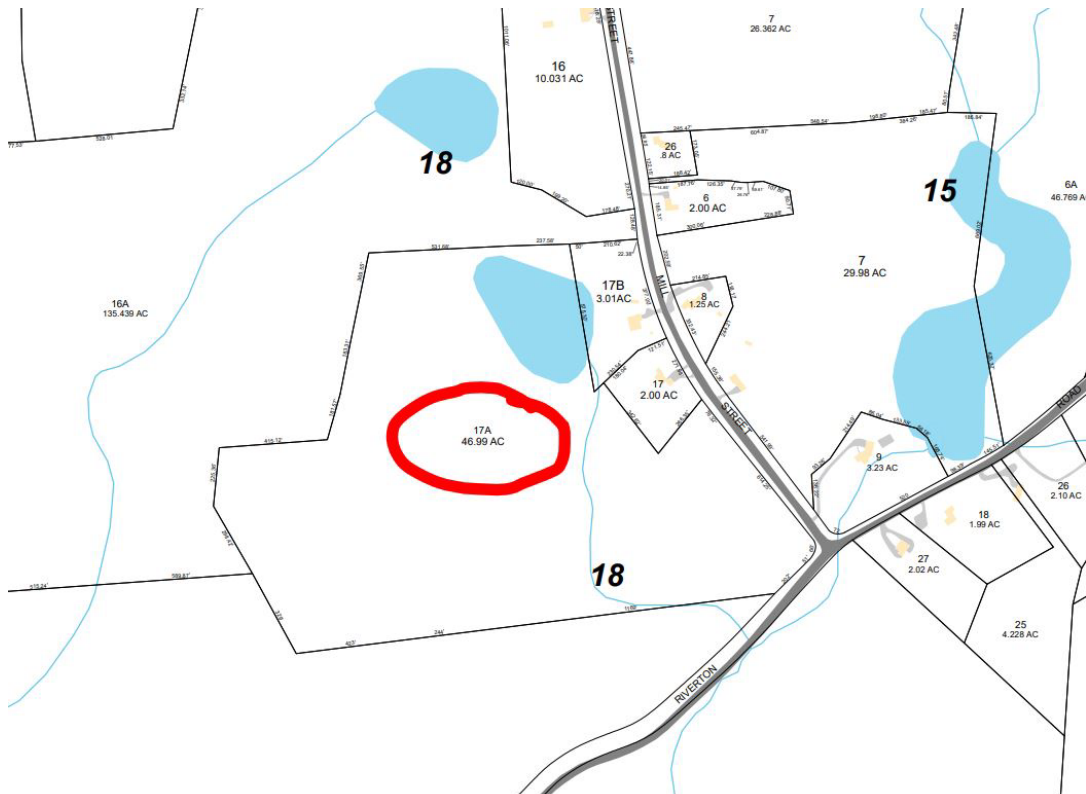
**ILF Goals:** This project meets the ILF goal to *"acquire land in riparian areas adjacent to coldwater streams"* and *"encourage habitat connectivity & protection...for rare communities and species..."* and perhaps has potential to *"pursue wetland restoration and enhancement opportunities (with upland Buffers) in sustainable landscape settings"*

**Landscape:** From a landscape perspective, the creation of a large “core forest” area by adjoining this property with adjacent and existing protected lands will add a buffer to the properties which border it. The property borders the Audubon CT Andrew Pasquariello Sanctuary and Metropolitan District Commission property.

Latitude and Longitude (decimal): 41.9916945 N; -72.9988004 W

**Sponsor Capacity:** The applicant for this project is the Hartland Land Trust who has a proven track record of ILF Projects with the successful completions of the Stoeke Property Acquisition in 2017 and the Bosco A Property in 2019.

### **Bosco B. Property**

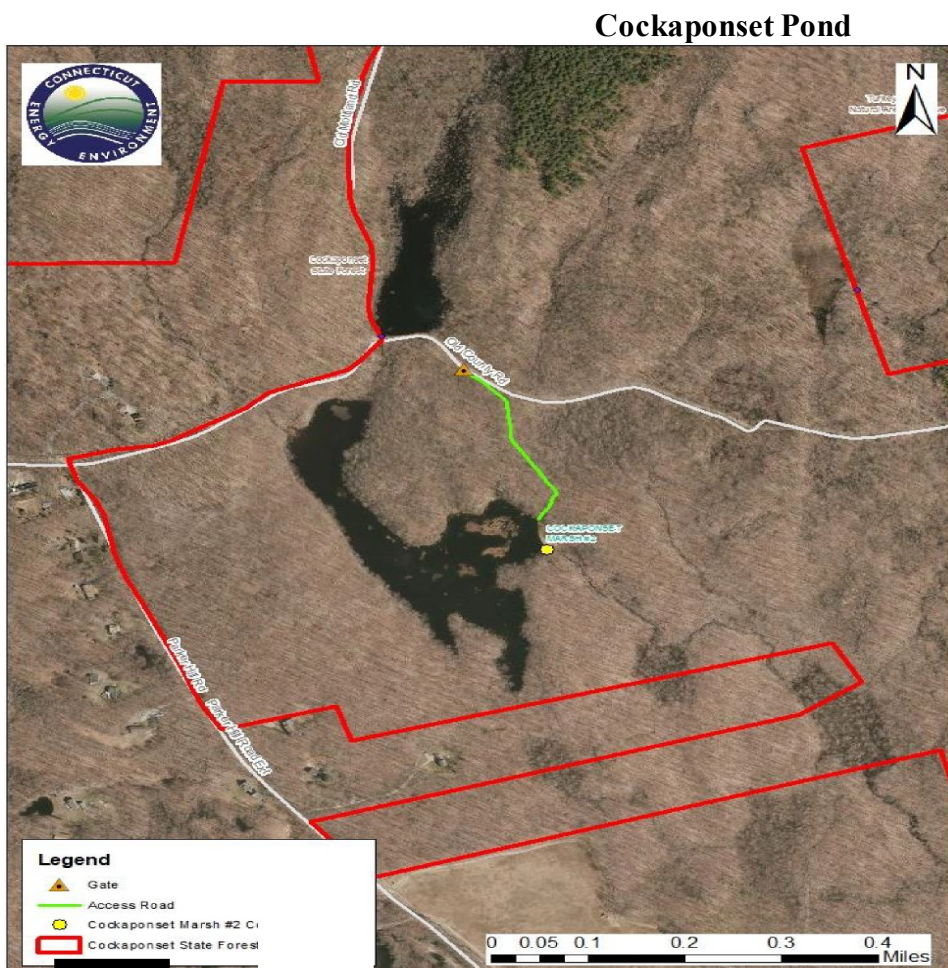


**Cockaponset Marsh Restoration - Haddam, CT. Applicant: CT DEEP Wildlife Division**

ILF Goals: This project involves the restoration of weir boards and outlet structure on an impounded wetland in the Cockaponset Marsh Restoration. It strives to provide habitat for species of greatest conservation need by “encouraging the production of habitat connectivity & protection...for rare communities and species...”. The goal is to be able to conduct moist soil management (manipulation of drawdown zones) in order to enhance waterfowl habitat.

Landscape: The property is within the greater supporting landscape of the Cockaponset State Forest Complex and contains wetlands identified as a priority in the CT Wildlife Action Plan . This particular site was identified by the CTDEEP as a priority among various other impoundments via an assessment scoring protocol. One PAC member stated that the wetlands that these impoundments create add habitat diversity to a larger forested matrix. These impoundments were created many years ago, and the return of the American Beaver is currently providing this ecosystem service, so the need for such impoundments and all the effort and money associated with maintaining them may be called into question.

Sponsor Capacity: CT DEEP would be the Sponsor.



**Roger Tory Peterson Estuarine Center Riparian Habitat Restoration – Old Lyme, CT. Applicant:  
Connecticut Audubon Society**

The applicant for this project is requesting ILF funds toward the completion of a comprehensive restoration project that would re-forest the grounds of the former Bee and Thistle Inn which was originally maintained as an English garden rather than a natural area.

ILF Goals: This project meets several of the Aquatic Resource Goals and Objectives of the CT ILF Program Instrument; and the CT River Service area goal in particular to "*encourage habitat connectivity & protection...for rare communities and species...*".

Landscape: The project would restore a riparian forest corridor that would help to reconnect the habitat along the Lieutenant River with protected lands to the east. Property is located at 100 Lyme St, Old Lyme, CT 06371.

Sponsor Capacity: The Connecticut Audubon Society has a conservation biologist and other natural resource management personnel on staff with habitat restoration experience. They have successfully completed similar projects on lands they own and steward in Westport, Bridgewater, Goshen, Pomfret, Brooklyn, and elsewhere. Restoration work has included invasive species control, early successional and old field habitat management, and habitat enhancements such as pollinator gardens, water features, and native food plots.

**Aerial View**



**Re-wilding the Headwaters of the Mad River – Norfolk, CT. Applicant: Northeast Wilderness Trust**

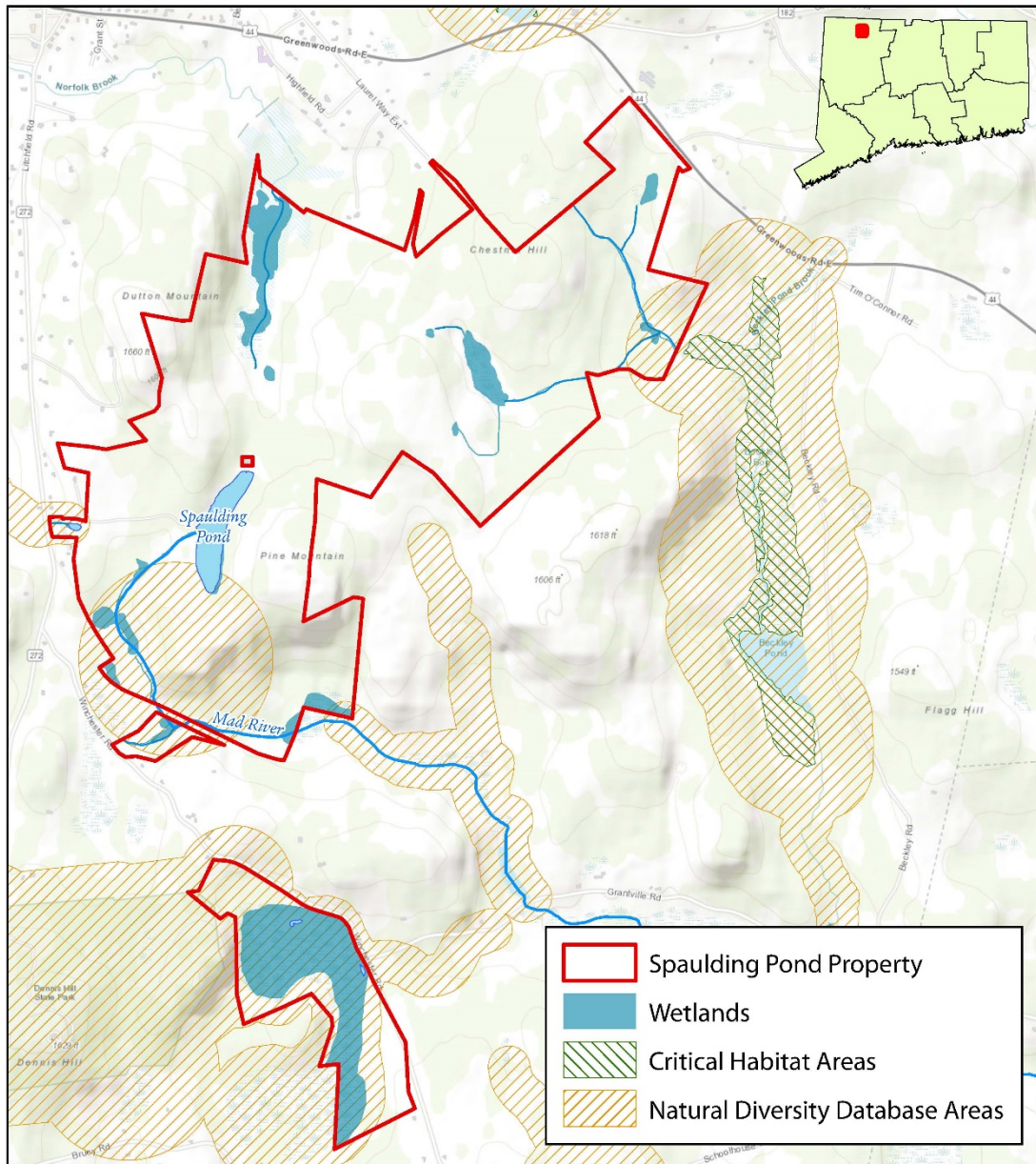
The Northeast Wilderness Trust has requested ILF funds toward the cost of removing the dam from Spaulding Pond located in the center of a 900+ acre forest block in Northwestern, CT.

ILF Goals: Meets the ILF Program Goal to “*Encourage habitat connectivity and protection particularly for .....headwater streams (1st and 2nd order)*” and “*Pursue wetland restoration and enhancement opportunities*”.

Landscape: According to the applicant, “*Spaulding Pond Forest lies adjacent to TNC Tier 1, 2 and 3 Matrix Forest Blocks. According to a description found on the Land Vest website at <https://www.landvest.com/single-family/int/ct0119/0-route-272-norfolk-ct-06058>, the property consists of “963± acres of mostly forested land subject to deed restrictions as well as a conservation easement dedicating the property to wilderness management. The property is dominated by forests with about 10± acres in fields along the west edge and at the southern end. The property abuts an additional 600 acres of conserved land owned by The Nature Conservancy (Beckley Bog) and the Norfolk Land Trust (Pine Mountain). There are several old woods roads and hiking trails through the property. There is a two acre in-holding with a cabin on it at the north end of Spaulding Pond, a 20± acre impoundment. Conservation Easement over the property is held by Aton Forest*”. Property Center Coordinates: 41°58'08.0"N 73°11'26.5"W

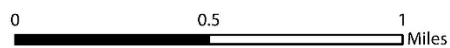
Spaulding Pond Forest is adjacent to several areas identified in the Natural Diversity Database from the CT DEEP (state and federal listed species and significant natural communities).

Re-wilding the Headwaters of the Mad River – Norfolk, CT.



Spaulding Pond Property  
Norfolk, CT  
Biological and Natural Resources

Critical Habitat and Natural Diversity Areas data sourced from CT DEEP



Map created 08/25/2021

**SOUTHCENTRAL COAST**

**Jepp Brook Meadow Preservation and Enhancement Project – Hamden, CT. Applicant: Hamden Land Conservation Trust**

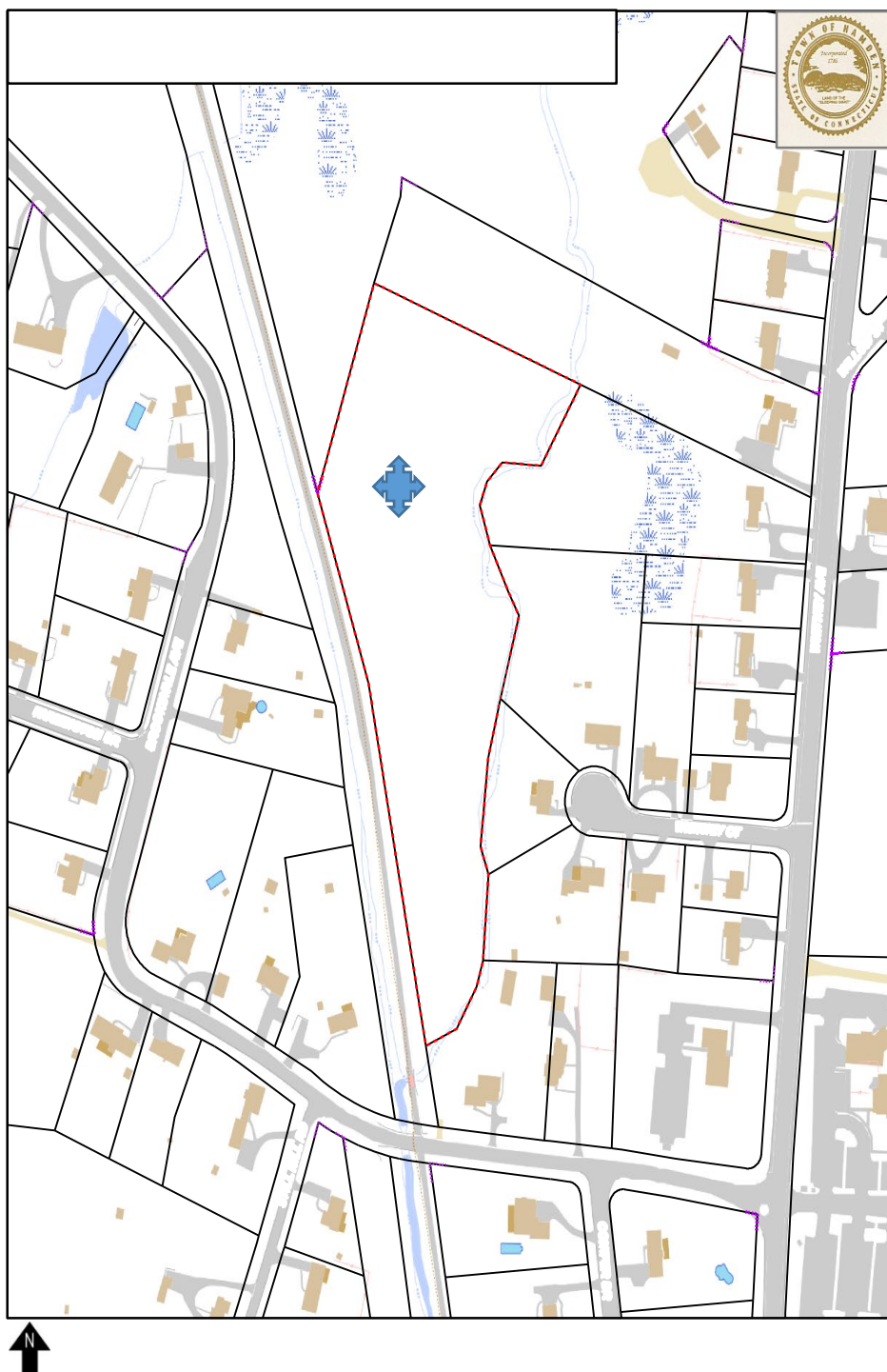
The Hamden Land Conservation Trust (HLCT) is proposing to preserve the 6.21-acre property at 59 Brooksvale Avenue Rear, Hamden CT 06518 adjacent to Jepp Brook to add to the land trust's permanently protected open space holdings and support a project of restoration and enhancement on the property.

**ILF Goals:** The Cooperating Entity of the Jepp Brook Meadow Preservation and Enhancement Project - Property Acquisition is the Hamden Land Conservation Trust located off of 59 Brooksvale Avenue Rear in Hamden, CT meets the goal of "encourage preservation projects, particularly for rare species, vernal pools, headwater streams, and their associated critical terrestrial habitats..." and "Pursue wetland restoration and enhancement opportunities (with upland buffers) in sustainable landscape settings.

**Landscape:** The site is in the Hamden Plan of Conservation and Development as "Upper Whitney Conservation District," is adjacent to 38.92 ac town property FKA the Benedict Property, and includes upland forest and wetlands). The site lies in Aquifer Protection Zone A and drains to the Mill River. The site is within 300 meters of the 500-ac Brooksvale Park that features approximately 470 ac of upland forest. Brooksvale Park connects to the Mount Sanford Block of the 4000 ac Naugatuck State Forest. Property Center Coordinates: 41.750685 - 72.7240613

**Sponsor Capacity:** HLCT has 50 years of experience with proven success in implementing open space acquisitions, installing plantings, and developing educational programs with measurable results. In 50 years, we have protected 126 acres of open space through gift, purchase or easement. Current board includes a real estate attorney, realtor, member of the Hamden Inland Wetlands Commission member of the Hamden Planning & Zoning Commission, member of the Hamden Open Space Commission, member of the Hamden Canal Commission, President of the Spring Glen Civic Association, business owner, environmental educator, Yale-Peabody Museum naturalist and educator, Master Gardener, Master Wildlife Conservationist, communications specialist, and CT Agricultural Experiment Station

**Project Location for Jepp Brook Meadow Preservation and Enhancement  
Project – Hamden, CT.**



**THAMES RIVER SERVICE AREA**

**Tolland Marsh Property Acquisition - Cider Mill Road in Tolland, CT**

The Town of Tolland Conservation Commission has requested to conserve the “north parcel” which contains 123.5 acres of Tolland Marsh wetlands. The second parcel would remain in private ownership but would be subject to the purchase of a Conservation Easement along the edge of wetlands bordering the Skungamaug River (the “South Parcel”).

**ILF Goals:** A major goal for the Thames River Service Area is to “Acquire land and conservation easements in riparian areas adjacent to coldwater streams”: The Project will include acquisition of 300 linear feet of coldwater habitat of the Skungamaug River and 38 acres of the Tolland Marsh Pond. The second programmatic goal is protection of wetlands. Purchase of the Tolland Marsh property will result in protection of 87 acres of wetlands protection in perpetuity. The third goal is preservation of upland areas adjacent to wetlands.

**Landscape:** The Project is found within the Audubon CT important bird area identified as the “Bolton Range / Cockaponset” as noted on Figure A-5 of the CT Wetland ILF Instrument (Audubon, 2013) which shows Locations of Key Habitats for Birds and Wildlife in CT. Also, forested land along the southern boundary of the Project property is considered a “priority focus area” within the Southern New England Heritage Forest (SNEHF), a conservation partnership formed to bring additional attention and funding to important forest regions connecting southern and northern New England through the Regional Conservation Partnership Program of the USDA Natural Resources Conservation Service (NRCS). The “priority focus area” forest lands on the Project site extent onto the adjacent parcel south of the Project property, where the Town is seeking a conservation easement from Mr. Grossman. Property is located at 41.8590795°N, -72.3633004°W.

**Sponsor Capacity:** The Conservation Commission receives full support from the Tolland Town Council on conservation issues and the Tolland Town Council has specifically expressed its support of acquiring the Tolland Marsh property at past public meetings. The Town of Tolland has successfully acquired and managed numerous parcels for conservation within the community. Currently, the Town, in association with the Tolland Conservation Commission and Tolland Conservation Corps, maintains seventeen different Conservation Areas that range in use from park-like settings with trails and benches to land that is left in an undisturbed state. The Tolland Conservation Corps has been responsible for providing stewardship and maintenance of Tolland’s open space parcels since 2003 and has been successful in continuing to maintain and preserve these locations. The Town of Tolland annually budgets \$2,250 for property maintenance within its Conservation Areas, intended to cover minor and routine maintenance items. When more substantial maintenance items are necessary, the Town can budget for those in advance through its Capital Improvements Program.

**Tolland Marsh Property Acquisition - Cider Mill Road in Tolland, CT**

