



**US Army Corps
of Engineers®**
New England District

PUBLIC NOTICE

696 Virginia Road
Concord, MA 01742-2751

Date: 4 December 2018
Comment Period Ends: 4 January 2019
File Number: NAE-2009-01349
In Reply Refer To: Michael S. Adams
Or by e-mail: michael.s.adams@usace.army.mil

The District Engineer of the New England District, Corps of Engineers ("Corps") has received a request dated 31 October 2018 for an amendment to the Ducks Unlimited, Inc. – Vermont In-lieu Fee Program Instrument ("DU-VT-ILF") to establish the Guildhall In-Lieu Fee Site to compensate for wetland impacts in the Connecticut River Service Area the west side of US Route 2 in Guildhall, Vermont (Latitude 44.541460 N, Longitude -71.589660 W). The Corps is soliciting comments on the Guildhall Site Prospectus.

SPONSOR: Ducks Unlimited, Inc., ATTN: Patrick Raney, 159 Dwight Park Circle, Syracuse, New York 13209

ACTIVITY: The Guildhall Site includes the preservation of 183.74 acres of wetlands and uplands to compensate for authorized impacts to waters of the United States in the Connecticut River Service Area for which payments into the DU-VT-ILF program were made in lieu of the permittees doing their own mitigation. The Guildhall Site includes the protection of a northern white cedar swamp that supports rare plant species, beaver-ponded wetlands and a perennial stream that feeds a series of shrub and forested wetlands, and is described in the attached prospectus entitled "Guildhall Site Prospectus," and dated "31 October 2018".

The DU-VT-ILF was approved and signed on January 6, 2011. It can be viewed through the New England District's web site at
<http://www.nae.usace.army.mil/Missions/Regulatory/Mitigation/InLieuFeePrograms/VT.aspx>

The process for review of the request to modify the instrument will follow 33 CFR 332, Compensatory Mitigation for Losses of Aquatic Resources ("Mitigation Rule"). The Mitigation Rule was published in the Federal Register on April 10, 2008.

If the mitigation plan is deemed sufficient, DU will be informed that they can finalize an amendment to the DU-VT-ILF Instrument which will be reviewed by the Interagency Review Team comprised of federal and state agency representatives. If the amendment is deemed acceptable, it will be authorized by the Corps. The decision whether to authorize the sponsor to proceed to a final mitigation plan will be based on the District Engineer's determination of the potential of the proposed site to provide compensatory mitigation for activities authorized by Department of the Army permits.

The Corps of Engineers 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 proposal. Any comments received will be considered by the Corps of Engineers to determine whether to allow the sponsor to proceed to develop a final mitigation plan. Comments are also used to determine the need for a public hearing.

NATIONAL HISTORIC PRESERVATION ACT

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based the fact that the project consists solely of preservation.

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, which might occur at the project site. It is our preliminary determination that the proposed activity for which authorization is being sought is designed, 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 because the project consists solely of preservation. By this Public Notice, we are requesting that the appropriate Federal Agency concur with our determination.

In order to properly evaluate the proposal, 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 Michael Adams at (978) 318-8485 or (802) 872-2893.

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 sponsor who will normally be requested to contact objectors directly in an effort to reach an understanding.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK NOR DOES THE IN-LIEU FEE PROJECT, IF APPROVED, PREJUDGE FUTURE DEVELOPMENT PROJECTS WITHIN THE SERVICE AREA.

**Robert J. DeSista
Deputy Chief, Regulatory Division**

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at 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: _____

Guildhall Site Prospectus

Connecticut River Service Area

Prepared by:

Ducks Unlimited Vermont In-Lieu Fee Program



**GREAT LAKES &
ATLANTIC REGION**



To be considered by:

United States Army Corps of Engineers and
The Interagency Review Team

New England District	New England District
11 Lincoln Street	Regulatory Division
Room 210	696 Virginia Road
Essex Junction, VT 05452	Concord, MA 01742-2751

DATE: 31 October 2018

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Guildhall ILF Prospectus

Ducks Unlimited, Inc., (DU) as the sole sponsor of the Ducks Unlimited Vermont In-Lieu Fee Program, proposes to establish the Guildhall In-Lieu Fee Site to compensate for wetland impacts in the Connecticut River In-Lieu Fee (ILF) Service Area. The program was approved in 2011, and this prospectus is intended to describe a site for inclusion under the existing ILF program. This document provides the basis for initial public comment and IRT response to the site. DU intends to address concerns raised comments through direct communication, and in a full mitigation plan for the site following public notice.

The sponsor's mailing address is:

Ducks Unlimited, Inc.
159 Dwight Park Circle
Syracuse, New York
13209

The contact for Ducks Unlimited:

Patrick Raney, Ph.D.
(o) 315-453-8025
(c) 315-708-9614
praney@ducks.org

Per 33CFR 332.8(d)(2) the prospectus provides an overview of the proposed ILF site and is the basis for public and Interagency Review Team (IRT) initial comment. The prospectus must provide a summary of the information on a proposed ILF site at a sufficient level of detail to support informed public and IRT comment. Information required under 332.8(d)(6) will be submitted after evaluation of this prospectus is complete. This includes information concerning: the basis for the ILF sites proposed service area; accounting procedures; provisions stating that legal responsibility for providing the compensatory mitigation lies with the sponsor once a permittee secures credits from the sponsor; default and closure provisions; reporting protocols; and other information deemed necessary by the district engineer. In addition, a mitigation plan including the specific information required in 332.4(c)(2)-(14) will be provided along with a credit release schedule, which is tied to achievement of specific milestones.

1. Objectives

The primary goal of the **Guildhall Prospectus** is to provide wetland mitigation on a watershed scale to compensate for wetland impacts. More specifically, it will provide an opportunity to:

- Mitigate for lower quality wetland impacts through preservation of one of the rarer wetland types and ecological communities in Vermont (northern white cedar swamp)
- Preserve habitat for at least one rare plant species
- Preserve flood attenuation capacity
- Preserve habitat for big game including moose and black bear
- Preserve a wildlife connective corridor
- Preserve upland buffer on the site to preserve water quality in the Connecticut River watershed
- Preserve a larger wetland complex whose groundwater inputs may buffer populations from heat and moisture stresses that are expected to increase because of climate change
- Potentially provide recreational opportunities for hunting
- Potentially provide educational and research opportunities for nearby universities

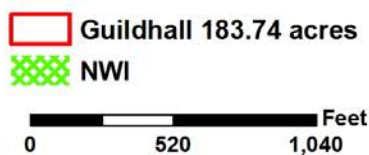
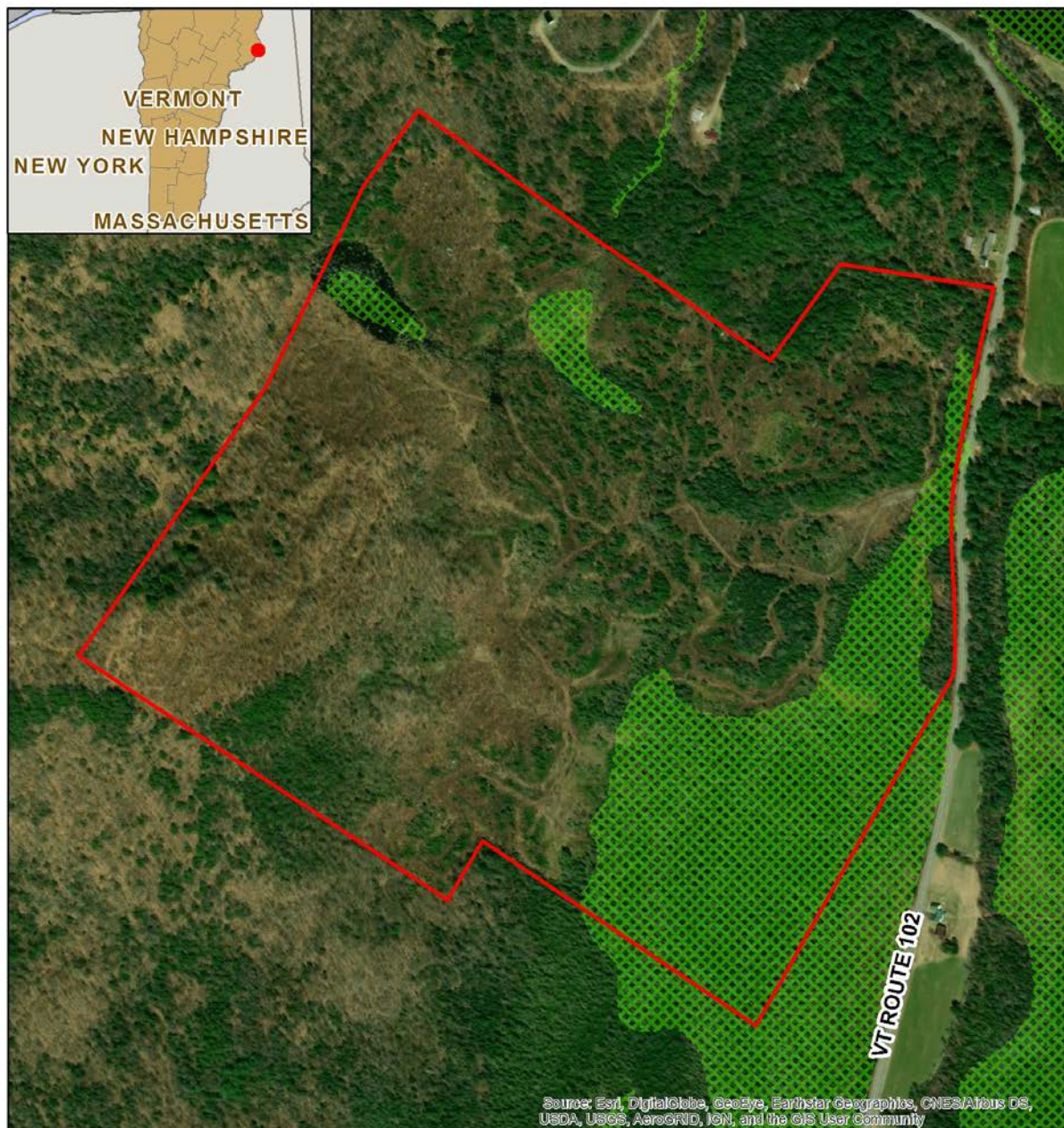


Figure 1. Proposed ILF Site. The site is accessed from a gravel driveway to the west of Vermont Route 102 approximately 2.6 miles to the north of US Route 2. DU owns the property.

2. Establishment and Operation

Establishment

Ducks Unlimited (DU) is the administrator and sponsor of the Ducks Unlimited Inc. Vermont In-Lieu Fee Program, hereafter “ILF Program”. The accounting including fund allocation, reporting procedure requirements, and default and closure provisions are described under the ILF Program Instrument.

3. Service Area

The proposed Guildhall ILF site is located directly to the west of Route 102 approximately 2.6 miles north US Route 2 in the town of Guildhall in Essex County, Vermont as shown in Figure 1. The project site lies within the Connecticut River ILF Service Area shown in Figure 2. The coordinates for the project entrance are: 44°32’25” N, 71°35’08” W. To date DU has only sold 3.31 credits in the Connecticut River Service Area. This amount is insufficient for a traditional reestablishment type project; as a result, DU has focused attention to identification of a project site that would result in the permanent preservation of a site harboring a rare wetland type and species of conservation need.

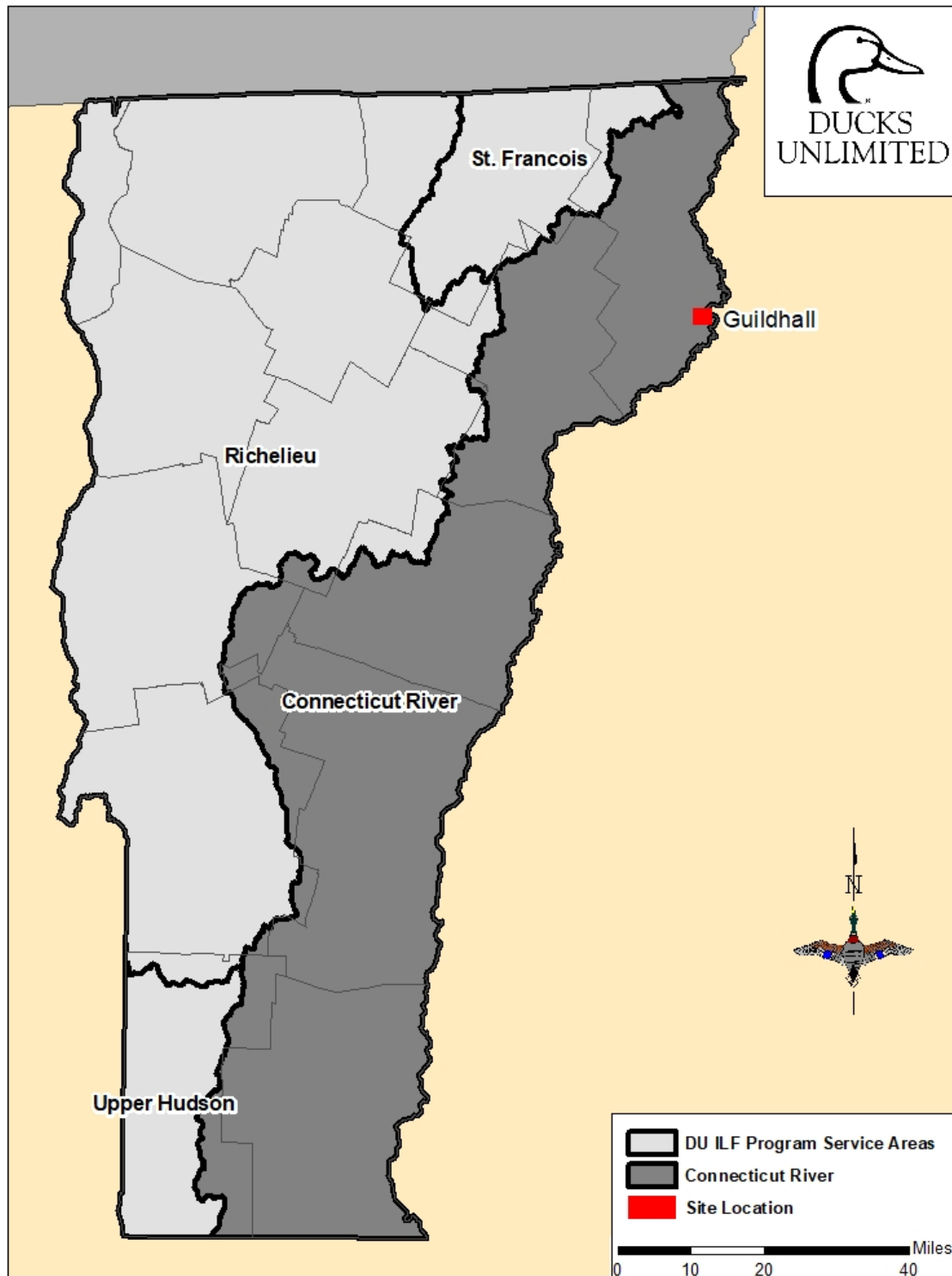


Figure 2. Service Area. The Connecticut River ILF Service Area (Upper Connecticut River – HUC 010801 and Lower Connecticut River – HUC 010802) is shown in dark gray shading.

4. General Need and Technical Feasibility

Need

The Service Areas established within the Vermont ILF Program are congruent with DEC's basin planning efforts and other resource conservation strategies within Vermont, such as The Nature Conservancy's (TNC) natural areas protection projects. The Guildhall site lies within an area with a high density of protected properties and is a connecting parcel between existing Vermont Land Trust Easements (Figure 3). Following discussions with the Interagency Review Team, natural resource professionals (e.g., TNC, NRCS), and a review of conservation targets in the Connecticut River Service Area, DU, with input from partners, identified this property as a priority for permanent protection. The site was identified by TNC models as a wildlife connective corridor. DU biologists in a little more than seven hours identified 151 plant and animal species at the site, including black bear, moose, porcupine, and at least two occurrences of the rare plant species *Platanthera huronensis*. In addition to protecting this rare species, preserving this property will maintain a larger block of moose habitat in the area. Maintaining necessary habitat, especially wetlands is one of the goals in Vermont's 2010-2020 Moose Management Plan.

The site lies within the Northern Connecticut River Watershed Focal Area straddling the Vermont and New Hampshire borders. The site sits just above the Connecticut River floodplain. The Nature Conservancy (TNC; Vermont and New Hampshire Chapters) own more than 11,000 acres in the broader Northern Connecticut River Watershed in Vermont and New Hampshire portions of this watershed. Additionally, this is a focal area of The Northeast Wilderness Trust (NWT); an organization that holds forever-wild conservation easements on the aforementioned TNC properties.

The site also contains a northern white cedar swamp identified by the Vermont Natural Heritage Program as a rare S-3 community (Figure 3), these communities are also rare overall in the Northeast (Podniesinski and Leopold 1998; Scanga et al 2009, Vermont Fish and Wildlife Department 2016). These swamps often support rare plant species. Due to their unique position in the landscape as sites of groundwater discharge, the near-surface microclimates in these communities may be buffered from some aspects of climate change (e.g., Raney et al 2014; Fernández-Pascual et al 2015; Raney et al 2016). Groundwater discharge provides fens and other

groundwater supported wetlands with steadier hydroperiods relative to wetlands whose hydrological inputs are dominated by surface-water and precipitation alone. Moreover, groundwater discharge ameliorates near-surface temperature swings in cedar swamps (Raney et al. 2014). Researchers have also found disjunct populations of balsam fir (*Abies balsamea*) in similar cedar swamps to be buffered from effects of heat stress and warming when compared to nearby firs positioned on drier uplands (Raney et al. 2016). Thus, there is some evidence that these wetland areas may provide important refugia for some plant species from climate change.

This site also contains beaver-ponded wetlands and a small perennial stream feeding a series of small shrub and forested wetlands positioned above the cedar swamp within the local watershed. These types of sloping wetlands are disproportionately impacted by development activities, but due to their small-size and position in the landscape (headwater areas) are rarely restored. Based on habitat characteristics, the upper beaver pond likely supports seasonal use by at least three species of waterfowl including black duck, wood duck, and mallard.



Figure 3a. A northern white cedar swamp at Guildhall. The community is designated as an S-3 in Vermont by the Natural Heritage Program. Rare plant species were found on site during an August 2018 botanical survey conducted by DU biologists.



Figure 3b. A northern white cedar swamp at Guildhall. The cedar swamp has excellent microtopography and is dominated by mosses and liverworts.



Figure 4a. Beaver impounded wetland at Guildhall. Moose were observed feeding in the wetland, which provides palatable emergent wetland vegetation bordering upland habitats.



Figure 4b. Beaver impounded wetland at Guildhall. Beaver were actively expanding wetland areas on the property.

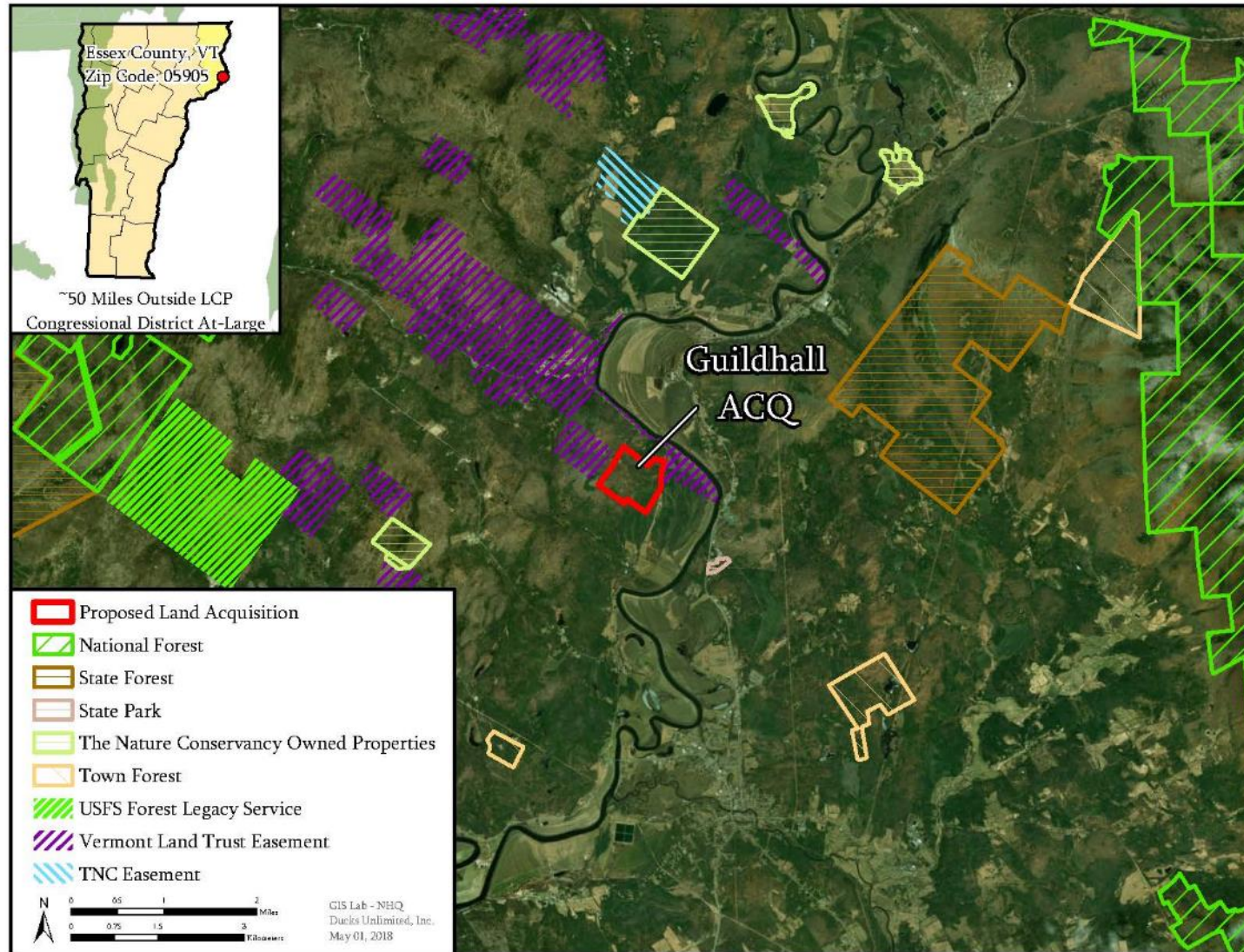


Figure 5. Site Conservation Context. The proposed ILF site is shown in red outline. It is a connecting property between existing VLT easements and lies near several other protected lands. Additional conservation holdings lie to the north of this mapped extent.

Feasibility

To date DU's Vermont ILF Program has only sold 3.31 credits in the Connecticut River Service Area. Of each credit sold, 15% supports ILF Program administrative costs, meaning that a little over \$300,000 from credit sales has been collected to support mitigation activities in this Service Area. Because this amount of funding is insufficient to provide for a full project incorporating reestablishment (i.e., securing a parcel, permitting and construction of wetland features, monitoring, in perpetuity protection), DU has protected this site and plans to advance it as a preservation-only project. This approach allows the program to operate within its financial means; only ILF credit sales are available to support mitigation activities. DU will transfer title to an acceptable third-party (e.g., land trust), and retain a perpetual conservation easement on the property to ensure that the property remains in an undeveloped state as consistent with the final mitigation plan for the site.

Based on established credit-production ratios used in the New England District (wetland preservation (20 to 1), preservation of an upland buffer (15 to 1) it is anticipated that the site will produce 11.16^{+/-} credits. Credits produced in excess of direct costs to implement the project will remain in the Connecticut River ILF Service Area account and can only be used for additional mitigation. DU takes the responsibility of assisting with no-net-loss of wetlands very seriously. DU will use surplus funds in the future to undertake a reestablishment or enhancement type project.

5. Ownership Arrangement and Long-Term Management Strategy**Ownership Arrangement**

The site will be within a 183.74-acre parcel owned as fee simple by DU including all surface and subsurface rights. DU has identified the Northeast Wilderness Trust (NWT) as a possible long-term steward of the property, with DU planning to donate the property to NWT, while retaining a perpetual conservation easement on the property. DU plans to provide NWT with a stewardship endowment for perpetual management against unauthorized use. NWT is certified by the Land Trust Alliance and is a not-for-profit organization with offices in Montpelier, Vermont. NWT's mission and vision is to protect and expand wilderness areas in the Northeast US.

Long Term Management Strategy

The site will be developed as outlined in this prospectus and described in detail in the complete mitigation plan. The Long-term Management Strategy will be implemented once the site has successfully completed the mitigation requirements described in an approved plan, and long-term protections are in place. It will describe the specific needs for optimal conservation of the individual site and also provide a general discussion of positive and negative attributes of the surrounding watershed that should be taken into account for long-term site protection. The site will have funds set aside in an endowment for permanent long-term support. Given the properties' very steep terrain, rugged character and general lack of vehicular access, DU plans to erect a steel-gate at the driveway entrance to control the most likely point of vehicle access to the property.

References

- Big Game Management Plan 2010-2020: Creating a Road Map for the Future (2009) – Moose Management, Chapter 3. Vermont Fish and Wildlife Department
<http://www.vtfishandwildlife.com/moose-study.html>.
- Fernández-Pascual E, Jiménez-Alfaro B, Hájek M, et al (2015) Soil thermal buffer and regeneration niche may favour calcareous fen resilience to climate change. *Folia Geobotanica* 50:293–301. doi: 10.1007/s12224-015-9223-y
- Podniesinski GS, Leopold DJ (1998) Plant community development and peat stratigraphy in forested fens in response to ground-water flow systems. *Wetlands* 18:409–430.
- Raney PA, Fridley JD, Leopold DJ (2014) Characterizing microclimate and plant community variation in wetlands. *Wetlands*. doi: 10.1007/s13157-013-0481-2
- Raney PA, Leopold DJ, Dovciak M, Beier CM (2016) Hydrologic position mediates sensitivity of tree growth to climate: Groundwater subsidies provide a thermal buffer effect in wetlands. *Forest Ecology and Management*. doi: 10.1016/j.foreco.2016.08.004
- Scanga SE, Leopold DJ, Shannon SS (2009) Population Ecology of the Rare Wetland Plant. Vermont Fish and Wildlife Department (2016) Synonymy of Vermont Natural Community Types with National Vegetation Classification Associations Natural Heritage Inventory.