



PUBLIC NOTICE

Comment Period Begins: March 19, 2024
Comment Period Ends: April 19, 2024
File Number: NAE-2010-02215
In Reply Refer to: Mr. Taylor Bell
Phone: (978) 318-8952
Email: Taylor.m.bell@usace.army.mil

SUBJECT:

This notice announces a request to modify the Audubon Connecticut In-Lieu Fee (ILF) Program Instrument for the addition of two 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 (USACE). 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>.

Two 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 proposed additions of ILF program mitigation sites. As such, the New England District is issuing this public notice to solicit comments regarding the proposed addition of ILF mitigation sites.

The Connecticut ILF Program accrued funds from Department of the Army (DA) 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 two proposed projects would provide compensatory wetland and stream mitigation for permitted impacts to the following Service Areas: Southcentral Coast and Thames River.

After the comment period, the district engineer will review all comments and make a determination on the potential of the proposed projects to continue 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 proposals, must be balanced against its reasonably foreseeable detriments. All factors potentially relevant to the proposals will be considered, including the cumulative effects. These factors include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The USACE will provide an Initial Evaluation Letter to the sponsor within 30 days of the end of the public comment period.

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) oversees the establishment and management of the program. The IRT is chaired by the USACE and 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 USACE. Ultimately, USACE approves the use of the ILF program for specific projects pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act (CWA). The USACE provides no guarantee that any individual or general permit proposing to use the ILF program for compensatory mitigation would be authorized.

PROJECT DESCRIPTION: Draft mitigation plans are available on RIBITS at the following link:
https://ribits.ops.usace.army.mil/ords/f?p=107:100:::RP:P100_PROGRAM_ID:501. Go to the project and select cyber repository to get to the project.

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). EFH describes waters and substrate necessary for fish to spawn, breed, feed, or grow to maturity.

The District Engineer has made a preliminary determination that site-specific adverse effects will not be substantial, if there is any impact at all. 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 our initial review, the proposed activity would not affect historic properties. Additional review and consultation to fulfill requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the review process.

ENDANGERED SPECIES CONSULTATION

The USACE is reviewing the applications for the potential impact on Federally listed threatened or endangered species and their designated critical habitat pursuant to section 7 of the Endangered Species Act as amended. This review will be concluded prior to the final decision.

OTHER GOVERNMENT AUTHORIZATIONS

The states of Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island have approved Coastal Zone Management Programs. Where applicable, the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. Through this public notice, USACE is requesting the state concurrence or objection to the applicant's consistency statement.

The following authorizations have been applied for, or have been, or will be obtained:

- (X) Permit, license or assent from State.
- (X) Permit from local wetland agency or conservation commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

COMMENTS

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USACE is soliciting comments from the public, federal, state, and local agencies and officials, Native Tribes, and other interested parties to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by USACE to determine whether to issue, modify, condition, or deny a permit if needed for these proposals. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act, and to determine the need for a public hearing and gauge the overall public interest of the proposed activity.

All comments received will be available for public review in their entirety and will be considered a matter of public record. 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 taylor.m.bell@usace.army.mil, (978) 318-8952, (800) 343-4789, or (800) 362-4367.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the modification. Requests for a public hearing shall specifically state the reason(s) for holding a public hearing. The USACE 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. Copies of letters of objection will be forwarded to the applicant. Typically, the USACE will request that the applicant contact objectors directly in an effort to reach an understanding.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

Stephen V. Rochette
Chief, Technical Support Branch
Regulatory Division

Please contact Ms. Tina Chaisson at bettina.m.chaisson@usace.army.mil or (978) 318-8058 if you would like to be removed from our public notice mailing list.

Southcentral Coast

Project: Jarvis Creek Preserve Restoration
Location: Branford, Connecticut
Sponsor: Branford Land Trust, Inc.

The Branford Land Trust, Inc. (BLT) proposes to construct a 1.5-acre tidal marsh in the western portion of the Jarvis Creek Preserve. The Jarvis Creek Preserve parcel is 20.58-acres in size and currently consists of agricultural fields, a fallow farm pond, public trails, and wooded areas punctuated by bedrock outcrops. The western portion is comprised of a tidal salt marsh complex fed by Jarvis Creek that is dominated by low marsh salt marsh cordgrass. The BLT proposes to expand upon previous restoration and land protection efforts to increase tidal marsh habitat in the western portion of the Jarvis Creek Preserve. The project would include a combination of restoration, enhancement, creation, and preservation elements. Restoration activities include removal and regrading of fill along the western and southern portions of the parcel. This earthwork would facilitate marsh migration into areas that were historically tidal wetlands and, as sea level rise advances, into areas further east/northeast within the parcel. Another component of this project would include managed succession of former corn fields. Due to previous uses on site, open fields, dirt roads, paths, etc. have been created and these disturbed patches have led to soil nutrient depletion and patches of non-native species. As part of the long-term management plan for the parcel, the BLT proposes to control invasives by restoring the disturbed patches to native pollinator meadows and mixed deciduous woodlands.



Thames River

Project: Mamacoke Island Aquatic Habitat Restoration Project
Location: Waterford, Connecticut
Sponsor: Connecticut College

The Mamacoke Island Aquatic Habitat Restoration (MIAHR) Project is located on three parcels owned by Connecticut College (CC or “the College”) in the Town of Waterford, which are 95.61 acres, collectively. These parcels are part of the larger Connecticut College Arboretum (CCA) and the Mamacoke Conservation Area (MCA). The MIAHR Project area itself is +11.58-acres, of which 4.08-acres currently contain wetlands as shown on the National Wetland Inventory (NWI) Mapper. Across the entire 11.58-acre project area, 3.83 acres are delineated as Estuarine and Marine Wetland (E2EM1N) habitat; 0.19 acres as Riverine (E2SS1P5) habitat; and 5.11 acres as Marine Deepwater (E1UBL3) habitat. The remaining areas are comprised of coastal upland scrub-shrub, forest, and grasslands that are not classified in the National Wetlands Inventory. The project would include a combination of restoration (re-establishment), enhancement (rehabilitation), and preservation elements. The project would be implemented in two discrete stages. Stage 1 will be funded by the Connecticut In- Lieu Fee Program. The College anticipates funding for Stage 2 through a National Oceanic and Atmospheric Administration (NOAA) Transformational Habitats and Coastal Resilience Grants program. The sponsor proposes to construct a comprehensive coastal ecosystem restoration, including 0.46 acres of existing Phragmites high marsh rehabilitation, 3.56 acres of existing high marsh stabilization, rehabilitation, and preservation, 1.55 acres of low marsh re-establishment, 3.56 acres of intertidal/sub-tidal shallows habitat re-establishment, and 1,500 linear feet of stream restoration with 2.44 acres associated riparian buffer rehabilitation.

