

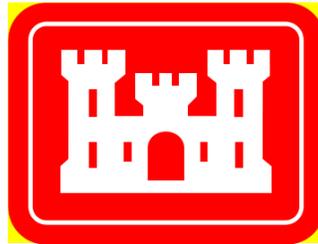
# REQUEST FOR LETTERS OF INTENT

Audubon Connecticut Wetland In Lieu Fee Program

February 2018



AudubonCT



US Army Corps of Engineers

New England District

# **REQUEST FOR LETTERS OF INTENT**

## **Connecticut Wetland Mitigation In Lieu Fee Program**

**February 2018**

### **Background**

The National Audubon Society, Inc., through its Connecticut program (Audubon Connecticut) is the sponsor of the Connecticut In Lieu Fee (ILF) Program for aquatic resource compensatory mitigation required by Department of the Army authorizations. This program was established by the New England District, Corps of Engineers (Corps) and Audubon Connecticut on Aug. 21, 2013.

The Connecticut ILF Program has accrued funds available for the preservation, restoration and enhancement of wetland and watercourse resources and associated upland buffers in the State of Connecticut.

The program receives its funds from applicants who have applied for permits under the Corps' Regulatory process and agree to use the program for mitigation of impacts resulting from their approved work. After the applicant avoids and minimizes the impacts to the extent possible, the Corps may approve the use of the ILF by the applicant. The Corps then determines the number of credits the applicant will need to purchase. The fees for the ILF credits are paid by the permittee to Audubon Connecticut and tracked by service area (Connecticut River, Housatonic, Thames, South-central Coastal, Southeast Coastal, and Southwest Coastal). These funds are eventually made available, through a competitive grant process, to conservation entities seeking funding for wetland preservation, enhancement, restoration and creation projects.

The ILF program's purpose and goals are to:

- Provide an alternative to permittee-responsible compensatory mitigation that will effectively replace functions and values of aquatic resources lost through permitted impacts;
- Substantially increase the extent and quality of restoration, enhancement, creation and preservation of natural resources over that which is typically achieved by permittee-responsible mitigation for activities that impact wetlands, significant wildlife habitats and other waters within Connecticut;
- Reduce the extent of cumulative adverse impacts to aquatic resources that are regulated by the Corps permit program, and provide applicants for permits from the Corps greater flexibility in compensating for adverse impacts to protected natural resources; and
- Achieve ecological success on a watershed basis by directing Audubon Connecticut ILF funds to natural resource types and functions that are appropriate to the geographic service

area, and by integrating Audubon Connecticut ILF projects with other conservation activities whenever possible.

## **Application Process**

As sponsor, Audubon Connecticut continues to administer a competitive grant funding program, and is soliciting Letters of Intent (LOIs) for wetland and watercourse preservation, enhancement, restoration, and/or creation. To be eligible to receive Connecticut ILF funding, a project applicant must first submit the Letter of Intent. All Letters of Intent must be submitted online to Audubon Connecticut's agent at the following address: [azemba@fhiplan.com](mailto:azemba@fhiplan.com) and all submissions must be received by 5:00 pm EST on April 16<sup>th</sup>, 2018.

The Letter of Intent is comprised of the following:

- 1) A Summary Form to outline the proposed project and determine if it meets the Connecticut ILF core requirements; and
- 2) A map of the project location.

Letters of Intent will be evaluated and applicants will be notified by early May 2018 as to whether or not they will be invited to submit a **Full Proposal**\* for their project. For the complete timeline for the upcoming grant cycle, see Appendix B. For a listing of the funds available for award in each "service area", see Appendix C.

\*Note: Full Proposals will require more detailed information including but not necessarily limited to engineering concept designs, where applicable.

## **Review Process**

Letters of Intent (LOIs) are screened by the U.S. Army Corps of Engineers (Corps) and Audubon Connecticut. The Corps and Audubon Connecticut will then determine which submittals represent projects that are appropriate for compensatory mitigation. Applicants for those that are deemed appropriate will be invited to submit Full Proposals.

Invited Full Proposals are then evaluated by the Project Advisory Committee (PAC) composed of representatives of the Corps, the United States Environmental Protection Agency (EPA), the United States Fish and Wildlife Service (USFWS), the Connecticut Department of Energy and Environmental Protection (CTDEEP), Audubon Connecticut, and three other rotating members representing other non-governmental environmental organizations, academia, or both. Those highest scoring full proposals that meet or exceed applicable review criteria may be recommended by the PAC to the Inter-Agency Review Team (IRT), which makes final allocation decisions. The IRT is composed of members of the Corps, EPA, USFWS, National Marine Fisheries Service (NMFS), Natural Resource Conservation Service (NRCS), and CTDEEP.

Audubon Connecticut administers the review process and is responsible for ensuring that approved funds are awarded and that projects are executed.

## Special Considerations

While the Connecticut ILF Program process is designed to include a review and approval of prospective projects via a process similar to other state and federal grant programs, it remains a compensatory mitigation program that must comply with relevant state and federal regulations. As such, there are several aspects of this program that should be considered fully before a potential applicant submits a Letter of Intent:

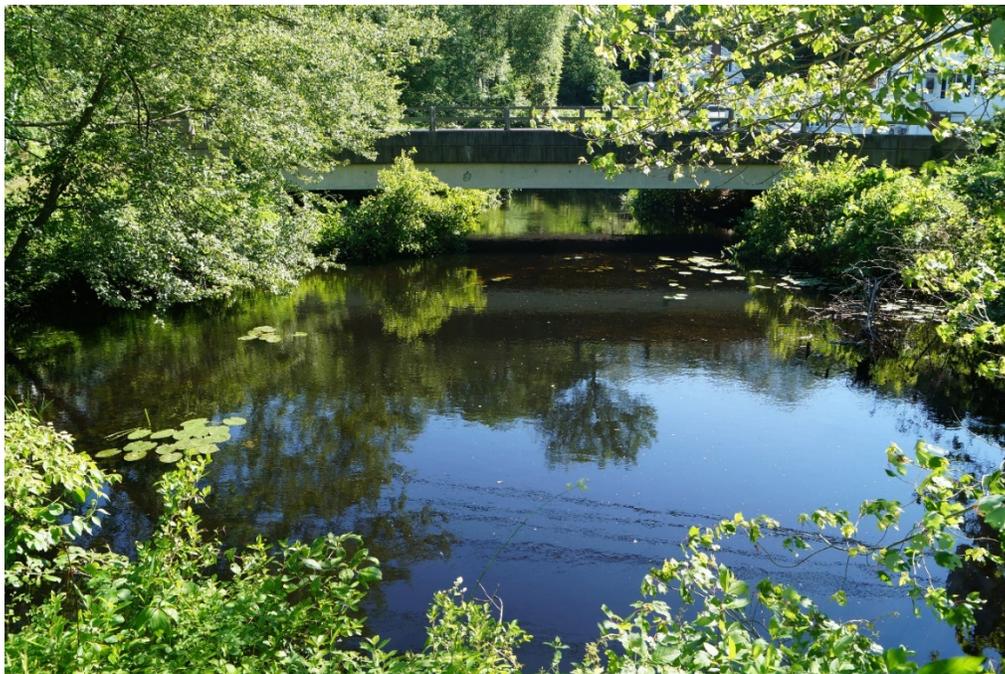
- Preservation projects are eligible for Connecticut ILF funding and **strongly encouraged**. However, preservation-only projects must clearly explain the potential threat of degradation to the aquatic resources on the project site over the next 20 years without conservation. Sites that are mostly or all wetland need to pay especially close attention to these requirements as those sites are usually protected by current laws and may not be under direct development threat.
- Invasive species management to protect aquatic resources is eligible for ILF funding as part of a project's long-term management costs but cannot be the sole objective for a project to be considered as restoration or enhancement. Projects requesting ILF funds for invasive species management will be required to complete an invasive species control plan as part of their long-term management plan.
- **ILF-funded projects must be conserved in perpetuity.** Applicants awarded funds from the Connecticut ILF program are required to sign a Project Agreement and to record a notice of that agreement with the land records for the property where the funded project takes place. Also, **ILF funds may not be used to preserve property that is currently owned by a conservation entity or to reimburse the costs of prior acquisitions.**
- Active property uses, including forest management, habitat management or recreational activities, must not compromise the health or function of the natural resources that the proposal intends to protect. Projects that contemplate active forest or habitat management, recreational activities, or other active property uses will be asked to describe these proposed activities as part of a Full Proposal, and indicate where they will occur on a map, so their compatibility can be evaluated as part of the review process. Projects proposing less active management will generally be more competitive.
- Conservation easements funded through the ILF Program must prohibit any activities that would adversely affect the protected natural resources.
- Connecticut ILF funds may not be eligible to match federal funding sources. According to the federal Mitigation Rule [33 CFR 332.3(j)(2)], "federally-funded aquatic resource restoration or conservation projects undertaken for purposes other than compensatory mitigation, such as the Wetlands Reserve Program (NRCS), Conservation Reserve Program (NRCS), and Partners for Wildlife Program (USFWS), cannot be used for the purpose of generating compensatory mitigation credits." Please follow up with the applicable agency if you are uncertain about the matching requirements for a particular grant program.

- Projects involving multiple parcels under different ownership must submit multiple Letters of Intent. A single proposal for multiple parcels under different ownership will not be accepted unless a clear and convincing case can be made for why the different transactions are linked (e.g., one landowner formally negotiating on behalf of two or more separate owners).

To discuss how any of these program elements may affect a potential project, or any other questions related to Connecticut ILF Program, please contact Anthony Zemba at [azemba@fhiplan.com](mailto:azemba@fhiplan.com) or via telephone at (860) 321-9018.

**All interested applicants must use the form provided in Appendix B of the original “Final Instrument for the Audubon Connecticut In-Lieu Fee Program Sponsored by National Audubon Society, Inc.” Dated August 21, 2013, a copy of which can be found here (along with further instructions for completing the form and sources of additional information to assist in preparation of the form):**

<http://www.nae.usace.army.mil/Portals/74/docs/regulatory/Mitigation/CTILFProgramInstrument.pdf>

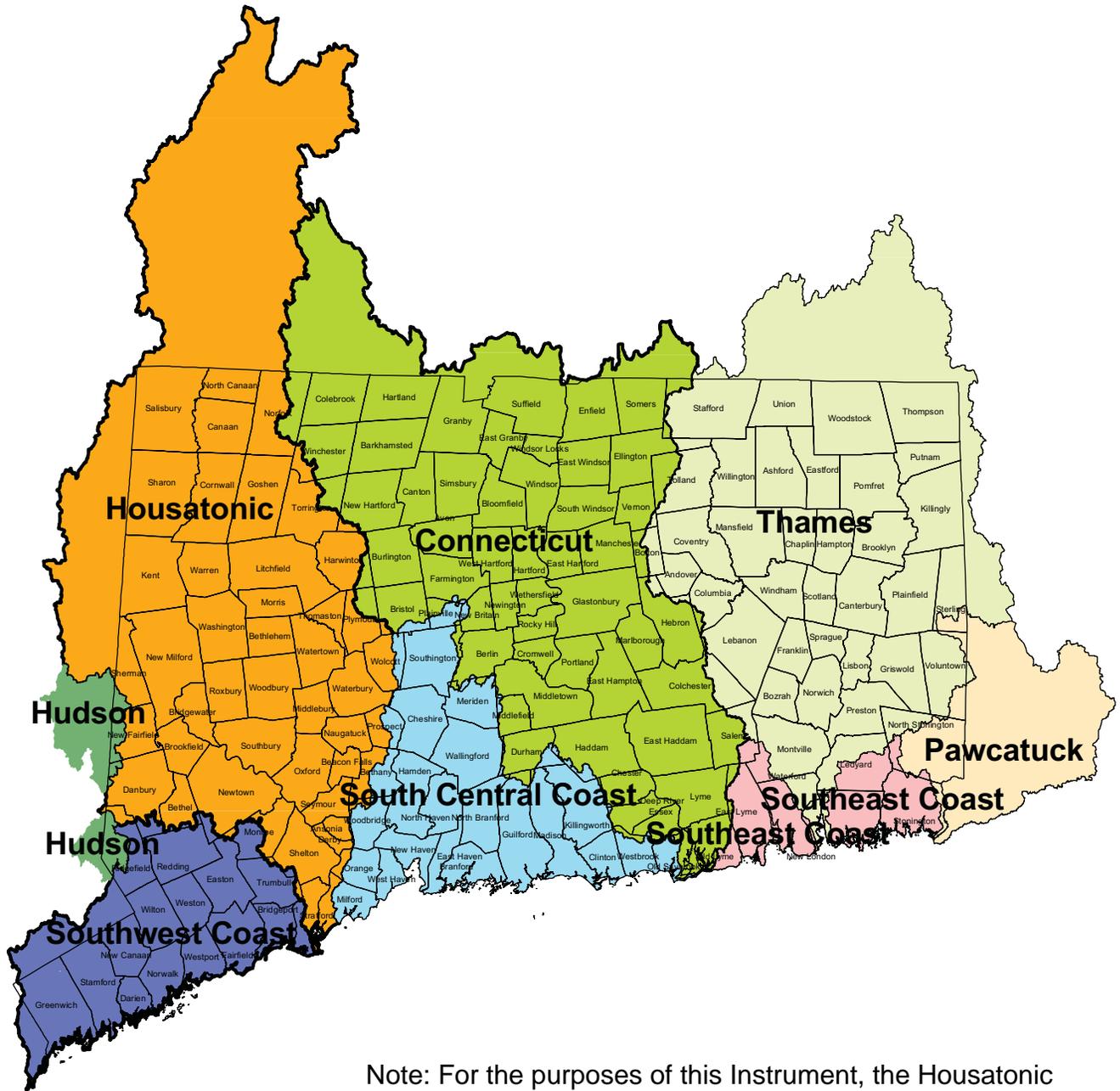


**Featured Project from 2017 ILF Program: Dolan Pond in Centerbrook, CT.** ILF funding will be used to install a fishway at the dam at Dolan Pond on the Falls River in Centerbrook, CT. The fishway will allow passage of diadromous fish runs to breeding habitat upstream providing access to nearly one mile of stream habitat.

## **APPENDIX A**

### **MAP OF THE Connecticut ILF PROGRAM SERVICE AREAS**

# A1 - Service Areas



Note: For the purposes of this Instrument, the Housatonic Service Area includes the Connecticut portion of the Hudson Basin, and the Southeast Coast Service Area includes the Connecticut portion of the Pawcatuck Basin.

## Legend

-  Town Boundary
- Service Areas**
-  Connecticut
-  Housatonic
-  Hudson
-  Pawcatuck
-  South Central Coast
-  Southeast Coast
-  Southwest Coast
-  Thames

1 inch = 90,743 feet



## APPENDIX B

### Connecticut ILF PROGRAM PROPOSAL AND AWARD PROGRAM 2018 SCHEDULE

Stage	Deadline
Request for Letters of Intent Released	February 26
<b>Letters of Intent Deadline</b>	<b>April 16<sup>th</sup></b>
LOIs screened, applicants of appropriate projects sent letters to request full proposals	April 17 <sup>th</sup> – early May
<b>Deadline for Invited Parties to submit Full Proposals</b>	<b>June 8<sup>th</sup></b>
PAC Reviews Plans, conducts site visits, and ranks projects	June
PAC Meeting to select finalists	by early July
Provide finalists to IRT	By July 14 <sup>th</sup>
IRT Meets and Reviews Full Proposals	July – August
IRT selects finalist	End of August
Notification Letters to finalists	Early September
Finalize Project Agreements for Approved Projects	October

**APPENDIX C**

**FUNDS AVAILABLE PER SERVICE AREA**

(as of February 26, 2018)

<b>Service Area</b>	<b>Available Funding</b>
Connecticut River	\$144,410
Housatonic River	\$187,388
South Central Coast	\$176,108
Southeast Coast	\$11,453
Southwest Coast	\$9,498
Thames River	\$1,684