

# REQUEST FOR LETTERS OF INTENT

## Connecticut Wetland Mitigation In Lieu Fee Program Grant

May 4, 2023

Revised June 26, 2023 \*

### Background

The National Audubon Society, Inc., through its Connecticut program (Audubon Connecticut) is the sponsor of the Connecticut Wetland 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 Wetland ILF Program has accrued funds available for the restoration, creation, enhancement or preservation, 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 Program 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. These credit sales are tracked by service area (Connecticut River, Housatonic, Thames, South-central Coastal, Southeast Coastal, and Southwest Coastal; See Appendix A). **Funds generated via the sale of credits are eventually made available, through a competitive grant process, to various conservation entities seeking funding for wetland preservation, enhancement, restoration and creation projects.** Implementation of such projects results in the "release of credits" – which means credits are then regenerated for future sales via the ILF Program.

Via this process of credit sales and release, 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

\* This revision removes the prioritization statement for tidal wetland projects in the Thames River Service Area (as LOIs for both tidal and inland wetland creation, restoration, and enhancement projects are equally encouraged); and it provides an updated web address for Question No. 6 in Appendix D

- 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.

**Funds accrued via credit sales to date are now available to Cooperating Entities interested in wetland restoration, enhancement, creation, and preservation via the ILF Grant Program. Response to this Request for Letters of Intent is the first step in the ILF Program Grant application process as described below.**

### **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.

### **Due Date**

All Letters of Intent must be submitted online to Audubon Connecticut's agent at the following address: [azemba@landtechconsult.com](mailto:azemba@landtechconsult.com) and **all submissions must be received by 5:00 pm EST on July 16, 2023.**

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 late July 2022 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 a mitigation plan in accordance with the federal Mitigation Rule (33 CFR332(c) (2)-(14) 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. For those projects that are deemed appropriate, Applicants 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 that of 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:

- **Restoration and enhancement projects are strongly encouraged and will likely score and rank higher than preservation projects.** Preservation will often be a component of a restoration and enhancement project. Audubon Connecticut adheres to the mitigation hierarchy utilized by the Corps under their regulatory program, in which mitigation projects are prioritized in the following order: restoration, enhancement, preservation, and creation.
- **For restoration and enhancement projects, consultation with qualified professionals is recommended.** In order to appropriately scope the feasibility of a project, to accurately estimate projects costs, and to design a successful restoration project, Audubon Connecticut recommends consultation with wetland consultants, engineers, or other qualified restoration practitioners. Note that the costs for professionals to assist with the project can be included in the proposed project's budget.
- Preservation projects are eligible for Connecticut ILF funding. However, preservation-only projects must meet the following criteria:
  - The resources to be preserved provide important physical, chemical, or biological functions for the watershed;
  - The resources to be preserved contribute significantly to the ecological sustainability of the watershed;
  - The resources are under threat of destruction or adverse modifications.

Preservation projects have a higher likelihood of success if the resources they are preserving are difficult to restore, enhance, or create. For example: Bogs, Vernal Pools, and tidal wetlands with adjacent uplands that could allow for marsh migration. Preservation projects must have resources that cannot be restored, or enhanced, therefore they are of a reference condition.

Where preservation is used to provide compensatory mitigation, to the extent appropriate and practicable the preservation shall be done in conjunction with aquatic resource restoration, establishment, and/or enhancement activities.

- 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.
- **Most ILF-funded projects will need to be conserved in perpetuity via a conservation restriction or conservation easement.** However, it is not mandatory, since real estate instruments are not applicable in tidal waters and stream mitigation projects may have difficulty obtaining multiple easements for a single project. 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, but** wetland restoration on already-preserved lands (would need to be preserved for conservation in perpetuity, not just in a town's ownership) is encouraged.
- Active property uses, including habitat management or recreational activities, must not compromise the ecological health or function of the natural resources that the proposal intends to protect. Projects that contemplate habitat management, recreational activities, or other active property uses will be asked to describe these proposed activities in subsequent submissions should the Applicant be invited to submit a Full Proposal. Where such activities would occur on the property would need to be indicated 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 could 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.

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 Sr. Ecologist for LANDTECH Consultants via email at [azemba@landtechconsult.com](mailto:azemba@landtechconsult.com) or via telephone at (203) 454-2110 x190.

**All interested applicants must use the attached form. Additional information about the ILF Program can be found in the program's instrument entitled "*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>

## **APPENDIX A**

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

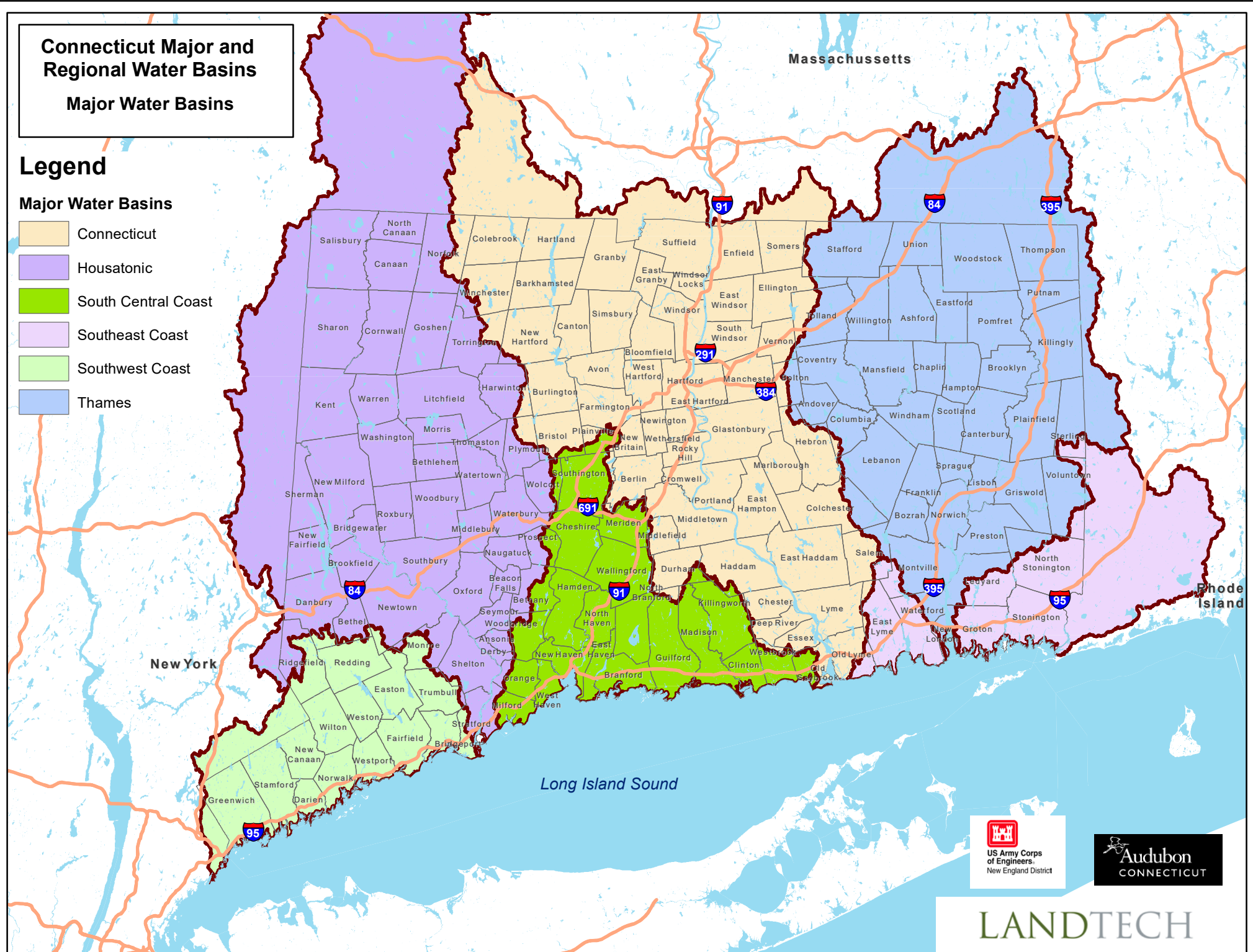
# Connecticut Major and Regional Water Basins

## Major Water Basins

### Legend

#### Major Water Basins

- Connecticut
- Housatonic
- South Central Coast
- Southeast Coast
- Southwest Coast
- Thames



## APPENDIX B

### Connecticut ILF PROGRAM PROPOSAL AND AWARD PROGRAM

#### 2023 TENTATIVE SCHEDULE

| Stage  | Deadline                         |
|--|----------------------------------|
| Request for Letters of Intent Released   | Early May                        |
| <b>Letters of Intent Deadline</b>  | <b>July 16<sup>th</sup></b>      |
| LOIs screened, applicants of appropriate projects sent letters to request full proposals | Late July                        |
| <b>Deadline for Invited Parties to submit Full Proposals</b>                             | <b>September 29<sup>th</sup></b> |
| PAC Reviews Plans, conducts site visits, and ranks projects                              | Mid-October                      |
| Provide finalists to IRT   | Late October                     |
| IRT Meets and Reviews Full Proposals   | Early November                   |
| IRT selects finalist   | Early December                   |
| Notification Letters to finalists  | Mid-December                     |
| Project Agreements for Approved Projects   | Mid-December – January 2024      |

**Note:** dates and times are predicted estimates and may be adjusted as the process progresses through the calendar year.

## APPENDIX C

### FUNDS AVAILABLE PER SERVICE AREA

(as of March 2023)

| Service Area        | Available Funding              |
|---------------------|--------------------------------|
| Connecticut River   | No Available Funding this Year |
| Housatonic River    | \$130,389                      |
| South-Central Coast | \$270,173                      |
| Southeast Coast     | \$325,138                      |
| Southwest Coast     | \$88,641                       |
| Thames River        | \$3,737,558                    |

**APPENDIX D**

**WETLAND ILF PROGRAM  
LETTER OF INTENT FILLABLE FORM**

**Letter of Intent for Mitigation Projects/  
Instructions**

**Application Date:**

**Project Title:**

**Project Sponsor:**

Name:

Phone:

Organization:

Email:

Address:

**3. Project Location:**

Town:

Watershed:

County:

Coordinates:

Service Area:

Address:

**4. Project Description (brief overview of project context, goals and readiness):**

**5. Preliminary Estimated Project Cost:**

Total Project Cost:

Fund Request:

Other Funding Sources:

## 6. Priority of Project Site:

Within or adjacent to an Audubon Important Bird Area (<https://ct.audubon.org/conservation/important-bird-areas>)

IBA name:

Within or adjacent to existing public or private conservation lands:

Site Name:

Owner:

Within or adjacent to other natural resource priority areas (e.g., identified in regional or municipal plan, land trust strategic plan, etc.)

Area Name:

Brief Description:

Contains natural resources of significant value and/ or rarity ([http://www.cteco.uconn.edu/map\\_catalog.asp](http://www.cteco.uconn.edu/map_catalog.asp)):

Habitats, species:

## 7. Types of Mitigation

## Project Acres

## Wetland / Watercourse Resource Type \*

Enhancement and restoration (w/ preservation)

Restoration (w/ preservation)

Enhancement (w/ preservation)

Creation (w/ preservation)

Preservation of uplands serving as buffer to  
aquatic resources *(in addition to preservation of restored,  
enhanced areas)*

Preservation only

Total Project Acreage:

\* Please see [www.fws.gov/wetlands/data/mapper.html](http://www.fws.gov/wetlands/data/mapper.html)

Add additional sheets as needed for any of the above requested information. Label added sheets by their applicable section number.