



VT Ducks Unlimited In-Lieu Fee Program

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House Committee on Environment & Energy
Testimony on the Wetlands Section of S.213
Vermont State House

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Wetlands Provide: Flood Resiliency



Wetlands Provide: Wildlife Habitat



Photos: Sue Elliot



Photos: Michael Kondratowicz



Wetlands Provide: River Corridor Benefits



Wetlands Provide: Water Quality Benefits



Need for Wetland Restoration

- Protection of existing wetlands is important but not always possible as communities grow and infrastructure is improved
- Restoration of wetlands is needed to replace those lost historically and more recently
- Restoration is needed to help address climate change and biodiversity loss



How do you restore a wetland?

- Think like (and hopefully work with) beavers
- Earthwork to restore natural hydrology
- Reestablish microtopography
- Remove invasive plants
- Add woody debris (logs/branches)
- Plant native trees and shrubs
- Protect with easement



Why Ducks Unlimited?



Acreage conserved in Canada:	6,522,052
Acreage conserved in Mexico:	2,070,640
Acreage conserved in the U.S.:	7,322,633
Total Acreage Conserved in North America:	15,915,325
Acres Influenced in North America:	228,228,317*
Total Acreage Influenced and Conserved in North America:	244,143,642

- Our Mission is to conserve, restore and manage wetlands and associated habitats for North America's waterfowl. These habitats also benefit other wildlife and people.
- Ducks Unlimited is a nonprofit which got its start in 1937 during the Dust Bowl when North America's drought-plagued waterfowl populations had plunged to unprecedented lows.
- DU has conserved nearly 16 million acres in priority areas across North America.
- The United States alone has lost more than half of its original wetlands, and tens of thousands of wetland acres continue to be lost—at an accelerating rate—each year.
- Ducks Unlimited is a grassroots, volunteer-based organization. Its members are conservationists and outdoor enthusiasts and their donations support restoration work and allow DU to provide match for federal grants.
- Work by DU occurs throughout North America, as we know waterfowl and other migrating birds require quality wetland habitat for all stages of life, from breeding in the north to wintering in the south and along the coasts.
- The DU In-Lieu-Fee programs in Vermont and other States allows for DU to further our mission using an additional source funding that is not dependent on grants or donations.



Ducks Unlimited Vermont In-Lieu Fee Program Facts:

- Program is administered by the US Army Corps of Engineers
- An Interagency Review Team reviews and comments on all ILF projects and includes representatives from the State of VT Wetland Program, VT Fish & Wildlife Dept., US Fish & Wildlife Service, US Environmental Protection Agency, and USDA Natural Resources Conservation Service
- Funded through the Army Corps and State permitting processes
- State of Vermont Wetland Program uses the program occasionally for impacts that cannot be avoided
- The State of Vermont already uses the program in cases where permittee responsible mitigation is not appropriate
- Increased usage of the DU VT ILF Program through State permitting would allow for more wetland restoration projects to be completed throughout the State



APPENDIX C – MULTIPLIER/RATIO TABLES

TABLE C1 – RECOMMENDED COMPENSATORY MITIGATION RATIOS FOR DIRECT PERMANENT IMPACTS TO WETLANDS¹

Mitigation \ Impacts	Restoration ² (re-establishment)	Creation (establishment)	Rehabilitation ³	Preservation (protection/ management)
Emergent Wetlands	1:2 ⁴	1:3	1:5 if hydrology 1:10 if vegetation	1:20
Scrub-shrub Wetlands	1:2	1:3	1:5 if hydrology 1:10 if vegetation	1:20
Forested Wetlands	1:2	1:4	1:5 if hydrology 1:10 if vegetation	1:20
Vernal Pools	Use the same ratios as above for the pool itself plus , when pool is to be eliminated: high rated VP: PRM = preservation of 5 pools and their life zone moderate rated VP: PRM = preservation of 3 pools and their life zone low rated VP: PRM = preservation of 1 pool and their life zone			
Upland⁵	≥10 ⁶	N/A	project specific	1:15 ⁷

Ducks Unlimited Vermont In-Lieu Fee Program Facts:

- When a permittee purchases credits, they are transferring liability for the success of the restoration site to DU in perpetuity
- A complete ILF Site typically includes:
 - Permanent protection of entire site including existing wetlands through a conservation easement or transfer to State of VT as a Wildlife Management Area
 - Restoration of lands that are currently upland and were historically wetland
 - Rehabilitating existing wetlands that have been disturbed by humans
 - Restoration and Rehabilitation occur in areas that were previously drained or filled, are affected by flooding and/or a high groundwater table, and were previously drained via ditches, earthwork and/or tile

January 2024
Program Status

- ◆ Completed - Long-Term Management Phase
- ◇ Constructed in 2018
- Constructed in 2019/2020
- + Constructed in 2020

- Constructed in 2021
- Constructed in 2023
- Approved
- In Final Revision
- Plan in Development
- Pending Acquisition
- Coming Soon

NY ILF

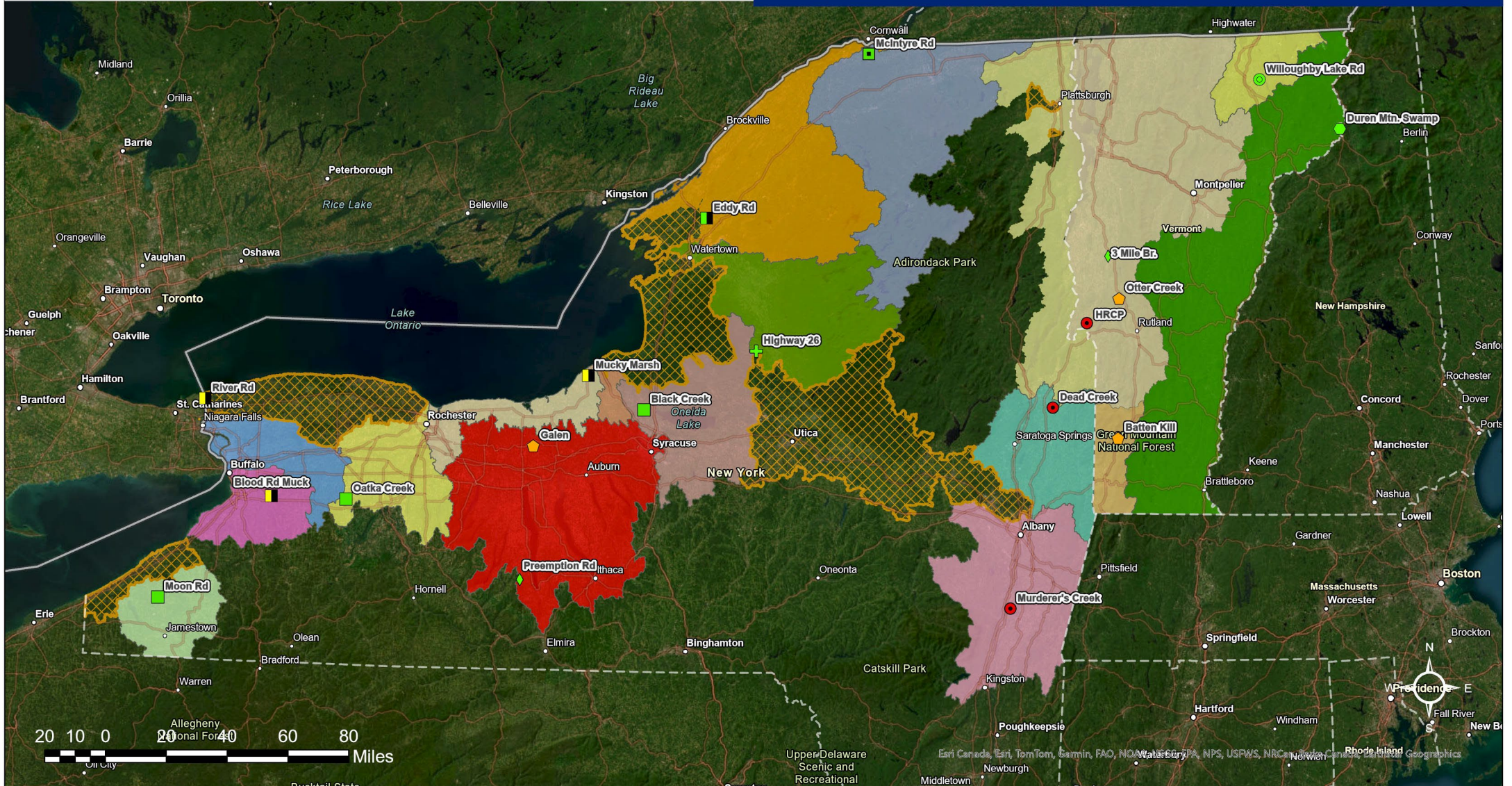
- Black River
- Buffalo-Eighteenmile Creek
- Conewango River
- Eastern St. Lawrence River
- Hudson-Hoosic

- Irondequoit-Ninemile Creek
- Lower Genesee River
- Middle Hudson
- Niagara River
- Oneida Lake
- Oswego River
- Seneca-Finger Lakes Region

- VT ILF
- Connecticut River
 - Richelieu
 - St. Francois
 - Upper Hudson
 - NY Portion of Richelieu (VT-ILF)



MITIGATION & ECOLOGICAL SERVICES



Three Mile Bridge, Middlebury, VT

136 Acres protected on Middlebury River and Otter Creek

Now part of Cornwall Swamp WMA

Constructed 2018; 5 years monitoring adaptive management completed and 5 remaining



Otter Creek Twin Oaks Property, Brandon 169 acres protected (Proposed ILF Site)



Otter Creek Twin Oaks Restoration Area




DUCKS
UNLIMITED

Willoughby Lake Rd ILF Site, Barton, VT

243 Acres protected; Construction anticipated in 2025 or 2026



**Battenkill ILF Site in Sunderland, VT
(128 Acres purchased; Proposed ILF Site)**



Vermont In-Lieu Fee Program

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