



**US Army Corps
of Engineers®**

PUBLIC NOTICE

Applicant:
The Wetland Trust

Published: July 8, 2025
Expires: August 7, 2025

Buffalo & New York Districts
Department of the Army No. LRB-2010-00963 &
NAN-2021-00247

TO WHOM IT MAY CONCERN:

INTERESTED PARTIES ARE HEREBY NOTIFIED THAT A PROPOSAL HAS BEEN RECEIVED PURSUANT TO 33 CFR 332 REQUESTING MODIFICATION OF THE WETLAND TRUST'S (TWT) APPROVED IN-LIEU FEE PROGRAM (ILFP) INSTRUMENT. PROPOSED MODIFICATIONS INCLUDE CONSOLIDATION OF SERVICE AREAS, CLOSURE OF SERVICE AREAS, ADDITION OF A SERVICE AREA AND ADJUSTMENT OF ADVANCE WETLAND CREDIT PRICES. TWT IS PROPOSING VARIOUS UPDATES TO THE OPERATION AND REQUIREMENTS OF THE ILFP. TWT CURRENTLY PROVIDES MITIGATION FOR IMPACTS TO WATERS OF THE UNITED STATES UNDER SECTION 404 OF THE CLEAN WATER ACT WITHIN SIXTEEN SERVICE AREAS WITHIN THE STATE OF NEW YORK. THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC AND TO INFORM THE PUBLIC REGARDING THE PROPOSED MODIFICATIONS TO THE TWT ILFP INSTRUMENT. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT THE PROPOSED MODIFICATIONS WILL BE APPROVED.

THIS IS NOT AN APPLICATION FOR WORK IN FEDERALLY REGULATED WATERS; HOWEVER, AUTHORIZATION UNDER SECTION 404 OF THE CLEAN WATER ACT MAY BE REQUIRED FOR IMPLEMENTATION OF PARTICULAR MITIGATION SITES LATER PROPOSED UNDER THE ILFP. SUCH SITES WOULD BE ADVERTIZED UNDER SEPARATE PUBLIC NOTICES.

APPLICANT: The Wetland Trust
4729 State Route 414,
Burdett, NY 14818

WATERWAY & LOCATION: The TWT ILFP is authorized to provide compensatory wetland mitigation via sale of advance credits in fifteen service areas(SA) within the State of New York, including Unadilla/Susquehanna Basin (U.S. Geological Survey 8-digit Hydrologic Unit Code (HUC) 02050101), Tioughnioga/Chenango SA (HUC 02050102), Cayuta/Catatonk/Owego SA (HUC 02050103), Canisteo SA (HUC 02050104), Cohocton/Chemung SA (HUC 02050105), Mohawk SA (HUC 02020004), Schoharie SA (HUC 02020005), Schoharie NYC (HUC 02020005), Upper Delaware SA,

(HUC 02040101), Upper Delaware NYC (HUC 02040101) Lower Genesee SA (HUC04130002), Upper Genesee SA (HUC 04130003), Finger Lakes SA (HUC 04140201), and Oneida/Oswego SA (HUC 04140202 & HUC 04140203).

BACKGROUND: Under Section 404 of the Clean Water Act (CWA), applicants requesting Department of the Army permits to discharge dredged or fill material into waters of the United States, including wetlands, are often required to mitigate for permitted wetland losses by establishing, restoring, enhancing, or in exceptional circumstances, preserving wetlands. One method of fulfilling this obligation can be to purchase advance credits from an approved ILFP. The establishment and use of an ILFP mitigation site must be in accordance with the ILFP instrument signed by the Interagency Review Team (IRT). The IRT is comprised of the U.S. Army Corp of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the New York State Department of Environmental Conservation, the New York City Department of Environmental Protection, and National Oceanic and Atmospheric Administration Fisheries. The TWT ILFP Instrument, *The Wetland Trust Susquehanna Basin Headwaters and Adjacent Basins In-Lieu Fee Program Instrument*, was originally approved in October 2013 and has since been modified several times.

DESCRIPTION OF PROPOSED ACTIVITY: TWT has proposed to modify the current service areas in their ILFP Instrument including the removal of the Upper Genesee, Lower Genesee, Schoharie and Schoharie NYC Service Areas, the combination of the Unadilla/Susquehanna, Tioughnioga/Chenango, Canisteo Cayuta/Catatonk/Owego, and Cohocton/Chemung into a single Susquehanna Service Area and the addition of the Hudson-Hoosic Service Area, and proposed pricing per wetland credit increases. The changes are summarized in the table below:

8-Digit HUC(s)	Current Service Area Name	Proposed Service Area Name	8-digit HUC(s)	Current Advance Wetland Credit Price	Proposed Advance Wetland Credit Price
02050101	Unadilla/Susquehanna	New York Susquehanna River	02050101, 02050102, 02050103, 02050104, 02050105	\$91,580	\$115,578
02050102	Tioughnioga/Chenango			\$91,580	
02050103	Cayuta/Catatonk/Owego			\$91,580	
02050104	Canisteo			\$91,580	
02050105	Cohocton/Chemung			\$91,580	
02020004	Mohawk River	Mohawk River	02020004	\$98,022	\$123,708
02040101	Upper Delaware			\$98,022	
04140201	Finger Lakes	Finger Lakes	04140201	\$98,022	\$123,708
04140202, 04140203	Oneida/Oswego River	Oneida/Oswego	04140202, 04140203	\$98,022	\$123,708
02020003	Hudson-Hoosic	Hudson-Hoosic	02020003	\$98,022	\$123,708
02040101	Upper Delaware	Upper Delaware	02040101	\$98,022	\$123,708

02040101	Upper Delaware NYC	Upper Delaware NYC	02040101	\$98,022	\$123,708
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The entire proposal can be found at [<insert link>](#).

EVALUATION: The decision whether to modify the TWT ILFP Instrument will be based on an evaluation of the probable impact including cumulative impacts and environmental effects of the proposed activity. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

COMMENTS: The Corps 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 proposed activity. Any comments received will be considered by the Corps to determine whether to approve or deny this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, and environmental effects. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Buffalo District will receive written comments on the proposed modifications, as outlined above, until August 7, 2025. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs> or to Shaina Souder at shaina.r.souder@usace.army.mil or to George Casey at george.d.casey@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Buffalo District, Attention: Shaina Souder at shaina.r.souder@usace.army.mil or to George Casey at george.d.casey@usace.army.mil, 478 Main Street, Buffalo, New York 14207 or to Commander, U.S. Army Corps of Engineers, Upstate Regulatory Field Office, 1 Buffington Street, Building 10, 3rd Floor North, Watervliet, New York 12189. Please refer to the Department of the Army processing number, LRB-2010-00963 and NAN-2021-00247 in your comments.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the proposed modifications. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

A handwritten signature in black ink, appearing to read "Stephan A. Ryba".

Stephan A. Ryba
Chief, Regulatory Branch
New York District

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for **30** days from the date of issuance.

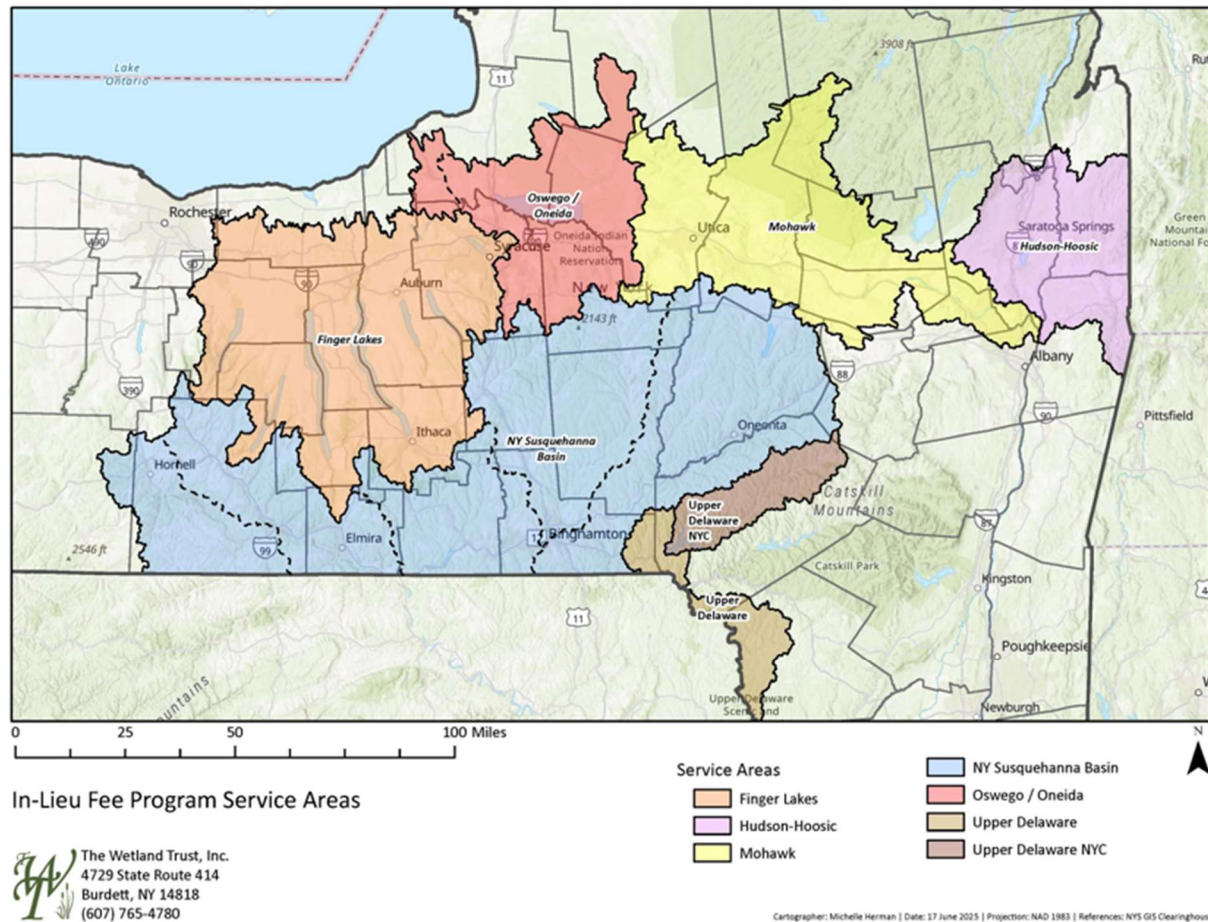


Figure 1. Service Areas in the TWT Central New York In-Lieu Fee Wetland Mitigation Program.

Figure 1 (above): Proposed Instrument Service Area map.

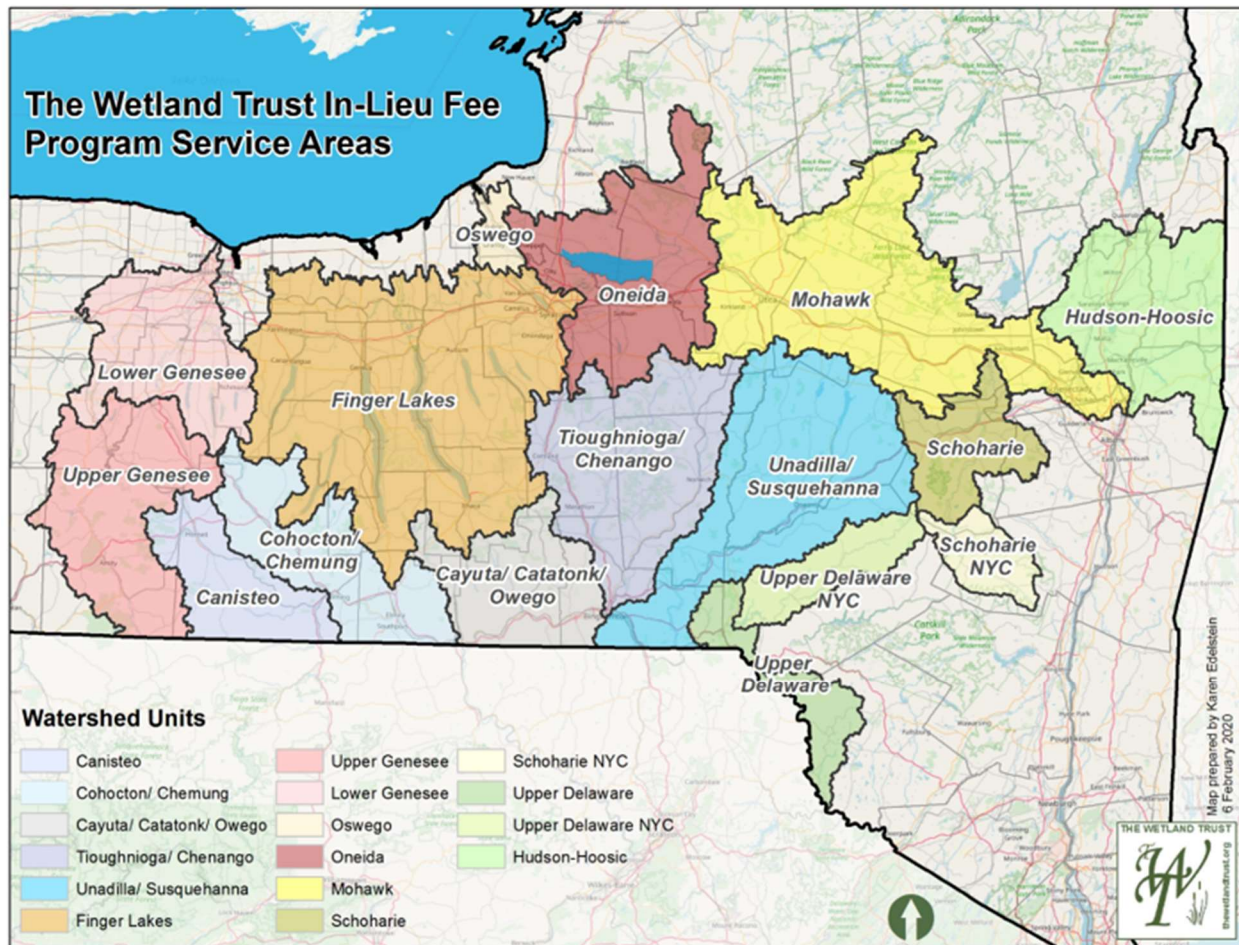


Figure 1. Service Areas in the Susquehanna Basin Headwaters and Adjacent Basins In-Lieu Fee Wetland Mitigation Program.

Figure 2 (above): Currently active and approved Instrument Service Area map.