



PUBLIC NOTICE

**U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT**

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Proposed Authorization of an In-Lieu Fee Mitigation Program

Public Notice/Application No.: SPL-2012-00771-JWM

Project: Southern California Wetlands Recovery Project (SCWRP) In-Lieu Fee Program

Comment Period: August 23, 2012 to September 23, 2013

Program Manager: John Markham; 805-585-2150; John.W.Markham@usace.army.mil

Program Sponsor

Moira McEnespy
California State Coastal Conservancy
1330 Broadway, 13th Floor
Oakland, California 94612
mmcenespy@scc.ca.gov

Location

The Program service area would encompass coastal watersheds from Point Conception (Santa Barbara County) to the international border with Mexico (San Diego County), in the state of California.

Activity

To evaluate the proposed Southern California Wetlands Recovery Project (SCWRP) In-Lieu Fee Program ("ILF") Program ("Program"), pursuant to the requirements of the Corps-EPA Compensatory Mitigation Rule¹ (33 CFR 332.8(d)) ("Mitigation Rule") (see attached map). For more information refer to the following pages of this notice. Supporting documents are available online or at the address below.

Interested parties are hereby notified that a Prospectus has been received in order to authorize an ILF Program for the purpose of mitigating impacts to waters of the United States authorized, or enforcement actions resolved, under section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act. Interested parties are invited to provide their comments on the proposed authorization of this Program, which will become a part of the record and will be considered as part of this proposal.

¹ The mitigation rule was promulgated by the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency at 33 C.F.R. Part 332 and 40 C.F.R. Part 230, respectively.

Comments should be mailed to:

U.S. Army Corps of Engineers
Los Angeles District, Regulatory Division
Attn: John W. Markham, Project Manager
Ventura Field Office
2151 Alessandro Drive, Suite 110
Ventura, CA 93001

Alternatively, comments can be sent electronically to: john.w.markham@usace.army.mil.

Background

The California State Coastal Conservancy (“Conservancy”), as sponsor of the proposed Program, has requested the Corps’ and Interagency Review Team² (IRT) authorization of this Program. If authorized, this Program would receive monies from individuals or entities (“project proponent”) receiving Corps authorization under section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act, and when appropriate, to resolve Section 404 or Section 10 enforcement actions within the proposed service areas (see attached map).

The Conservancy (<http://scc.ca.gov/>) was established in 1976, as a state agency that uses entrepreneurial techniques to purchase, protect, restore, and enhance coastal resources, and to provide public access to the shore. The Conservancy, pursuant to its authority under Division 21 of the California Public Resources Code, undertakes projects and awards grants to public agencies and nonprofit organizations for the restoration and enhancement of coastal watersheds.

The [Southern California Wetlands Recovery Project](#) (SCWRP) is a broad-based partnership of 18 state and federal agencies working in concert with scientists, local governments, environmental organizations, business leaders, and educators. The SCWRP began as an agency initiative in 1998 to improve coordination, pool resources, and advance the recovery of wetlands in the region. The partnership is structured to include a Board of Governors, a high-level policymaking body, a [Wetlands Managers Group](#), and a [Science Advisory Panel](#), which includes leading researchers and restoration practitioners in fields related to wetlands science. The SCWRP’s signatory agencies use a coordinated approach to plan, construct, and monitor projects in cooperation with local and regional agencies and non-profit organizations, as well as measure, track, and publicly report on the progress of the program in meeting its objectives. The State Coastal Conservancy (SCC) provides staffing and serves as a fiscal agent.

The SCWRP seeks to improve a mosaic of functioning wetland and riparian systems that supports a diversity of species while providing refuges for humans within the urban landscape. The SCWRP’s regional prioritization plan is its [Regional Strategy](#), which describes the following six goals:

² The Interagency Review Team (IRT) is chaired by the Corps, and consists of member Agencies which may include U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, National Marine Fisheries Service, California Department of Fish and Wildlife, California Coastal Commission, and Los Angeles Regional Water Quality Control Board

1. Preserve and restore coastal wetland ecosystems
2. Preserve and restore stream corridors and wetland ecosystems in coastal watersheds
3. Recover native habitat and species diversity
4. Integrate wetlands recovery with other public objectives
5. Promote education and compatible access related to coastal wetlands and watersheds
6. Advance the science of wetlands restoration and management in Southern California.

Mitigation Approval and Permitting Processes

Mitigation requirements for a particular project which results in impacts to waters of the United States are negotiated between the project proponent and the Corps. In general, mitigation requirements describe the location, future condition, and size of a mitigation site, or the number of credits to purchase from a third party mitigation entity (Mitigation Bank or ILF Program), and are based upon a number of factors evaluated under the South Pacific Division Mitigation Ratio Checklist (<http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticesandReferences/tabid/10390/Article/7554/12501-spd.aspx>). The project proponent must therefore first submit a mitigation proposal to the Corps that describes the proposed use of a Mitigation Bank or ILF Program. If appropriate credits are not available at a Mitigation Bank located within the service area, and the Corps determines that the Program is the most appropriate approach to mitigation implementation, then the project proponent would contact the Program sponsor to discuss mitigation options. The Program sponsor would review copies of all permits issued to the project proponent and then submit a proposal to the project proponent, including the estimated cost of the proposed mitigation work. Prior to acceptance of payment (“credit sale”), the Program sponsor would also contact the Corps in order to verify the Corps’ requirements.

Upon receipt of payment, the Program sponsor becomes legally responsible for initiating the necessary mitigation and monitoring within three growing seasons of receipt of payment. During this time, the Program sponsor would submit a complete Mitigation Plan³ to the Corps and IRT as well as an application for Corps permit(s)⁴ should the proposed in-lieu fee mitigation project activities involve a discharge of dredge or fill material within waters of the U.S. or work within navigable waters of the U.S. The Corps would complete consultation, as appropriate, under the Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act, the National Historic Preservation Act and other applicable laws, prior to any permit authorization.

Program funds would be held in a Program account, and all credit sales would be tracked and reported by the Program sponsor to the Corps at a minimum on an annual basis, and also uploaded to the Corps’ Regulatory In-lieu Fee and Banking Information Tracking System (RIBITS) (<http://geo.usace.army.mil/ribits/index.html>).

Program funds would provide for restoration, establishment, and enhancement activities, preservation, in-perpetuity protection, long-term maintenance, and monitoring on Conservancy-owned and managed lands. To ensure permanent protection of the Program mitigation sites, the

³ The content of a complete Mitigation Plan is described in the Mitigation Rule, at 33 CFR 332.4(c)(2-14).

⁴ The proposed mitigation activities may also require separate approvals from the CaliforRegional Water Quality Control Board and California Department of Fish and Game.

Program sponsor would secure in-perpetuity conservation easements or grant deed restrictions to be recorded at the appropriate County's Registry of Deeds.

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 and benefits of the proposed authorization of the Program. Any comments received will be considered by the Corps to determine whether the proposal has the potential to provide mitigation opportunities for Permittees authorized to impact waters of the U.S. under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act, or as a means of resolving Section 404 or Section 10 enforcement actions.

Additional details are provided in the Prospectus, available in the *Cyber Repository* (library) for the *Southern California Wetlands Recovery Project ILF Program* on Los Angeles District's list of pending ILF Programs under *ILF Programs* on the Corps' Regulatory In-lieu Fee and Bank Information Tracking System (RIBITS) site: <http://geo.usace.army.mil/ribits/index.html>. The Prospectus is also available at the Corps' Ventura Field office at the address above.

For additional information please contact John Markham of my staff via phone at 805-585-2150 or via e-mail at John.W.Markham@usace.army.mil . This public notice is issued by the Chief, Regulatory Division.



Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.

U.S. ARMY CORPS OF ENGINEERS – LOS ANGELES DISTRICT
DEPARTMENT OF THE ARMY
VENTURA FIELD OFFICE
2151 ALESSANDRO DRIVE, SUITE 110
VENTURA, CALIFORNIA 93001

EXHIBIT 1: WRP ILF Program proposed service area expressed via USGS 10-digit Hydrologic Code watersheds (HUC-10s)

- Region 18 (partial): California
 - Subregion 1807 (all): Southern California Coastal
 - Basin/Accounting Unit 180701: Ventura-San Gabriel Coastal
 - Seven Subbasins/Cataloging Units:
 1. 18070101: Ventura
Two watersheds:
 1. 1807010101
 2. 1807010102
 2. 18070102: Santa Clara
Nine watersheds:
 3. 1807010201
 4. 1807010202
 5. 1807010203
 6. 1807010204
 7. 1807010205
 8. 1807010206
 9. 1807010207
 10. 1807010208
 11. 1807010209
 3. 18070103: Calleguas
Two watersheds:
 12. 1807010301
 13. 1807010302
 4. 18070104: Santa Monica Bay
Five watersheds:
 14. 1807010401
 15. 1807010402
 16. 1807010403
 17. 1807010404
 18. 1807010405
 5. 18070105: Los Angeles
Six watersheds:
 19. 1807010501
 20. 1807010502
 21. 1807010503
 22. 1807010504
 23. 1807010505
 24. 1807010506
 6. 18070106: San Gabriel
Seven watersheds:

- 25. 1807010601
- 26. 1807010602
- 27. 1807010603
- 28. 1807010604
- 29. 1807010605
- 30. 1807010606
- 31. 1807010607
- 7. 18070107: San Pedro Channel Islands
 - One watershed:
 - 32. 1807010700
- Basin/Accounting Unit 180702: Santa Ana
 - Four Subbasins/Cataloging Units:
 - 8. 18070201: Seal Beach
 - One watershed:
 - 33. 1807020100
 - 9. 18070202: San Jacinto
 - Three watersheds:
 - 34. 1807020201
 - 35. 1807020202
 - 36. 1807020203
 - 10. 18070203: Santa Ana
 - 10 watersheds:
 - 37. 1807020301
 - 38. 1807020302
 - 39. 1807020303
 - 40. 1807020304
 - 41. 1807020305
 - 42. 1807020306
 - 43. 1807020307
 - 44. 1807020308
 - 45. 1807020309
 - 46. 1807020310
 - 11. 18070204: Newport Bay
 - Two watersheds:
 - 47. 1807020401
 - 48. 1807020402
 - Five Subbasins/Cataloging Units:
 - 12. 18070301: Aliso-San Onofre
 - Four watersheds:
 - 49. 1807030101
 - 50. 1807030102
 - 51. 1807030103
 - 52. 1807030104
 - 13. 18070302: Santa Margarita
 - Five watersheds:

53. 1807030201

54. 1807030202

55. 1807030203

56. 1807030204

57. 1807030205

14. 18070303: San Luis Rey-Escondido

Five watersheds:

58. 1807030301

59. 1807030302

60. 1807030303

61. 1807030304

62. 1807030305

15. 18070304: San Diego

13 watersheds:

63. 1807030401

64. 1807030402

65. 1807030403

66. 1807030404

67. 1807030405

68. 1807030406

69. 1807030407

70. 1807030408

71. 1807030409

72. 1807030410

73. 1807030411

74. 1807030412

75. 1807030413

16. 18070305: Cottonwood-Tijuana

Six watersheds:

76. 1807030501

77. 1807030502

78. 1807030503

79. 1807030505

80. 1807030504

81. 1807030506

○ Subregion 1806 (partial): Central California Coastal

▪ Basin/Accounting Unit 180600: Central California Coastal

• Two Subbasins/Cataloging Units:

17. 18060010: Santa Ynez

Seven watersheds:

82. 1806001001

83. 1806001002

84. 1806001003

85. 1806001004

86. 1806001005

87. 1806001006

88. 1806001007

18. 18060013: Santa Barbara Coastal

Two watersheds:

89. 1806001301

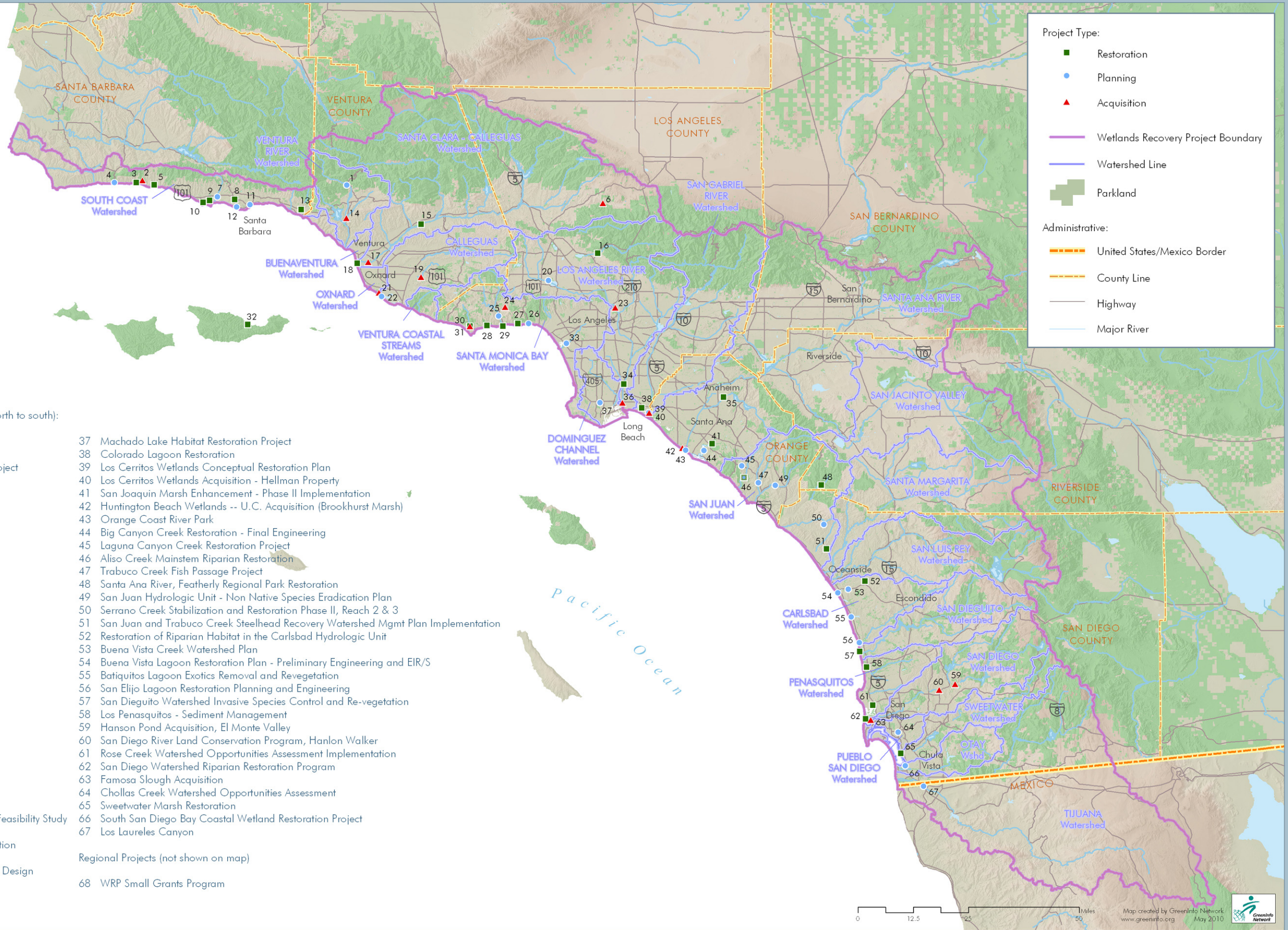
90. 1806001302

EXHIBIT 2: Southern California Wetlands Recovery Project Service Area Boundary

(see next page)



2010 Wetlands Recovery Project Work Plan Projects



Wetlands Recovery Project - Work Plan Projects (listed from north to south):

- 1 Matilija Dam Removal Engineering and Design
- 2 Baron Ranch Acquisition
- 3 Arroyo Hondo Creek Steelhead Habitat Enhancement Project
- 4 Gaviota State Park Watershed Restoration/Enhancement
- 5 Lower Refugio Creek Restoration
- 6 Santa Clara River White Rock Lake Acquisition
- 7 Maria Ygnacio Fish Passage Project
- 8 Arroyo Burro Creek Arundo Removal Project
- 9 Western Goleta Slough Wetland Restoration Project
- 10 Devereux Slough Restoration
- 11 Mission Creek Steelhead Passage Project
- 12 Arroyo Burro Restoration at Las Positas
- 13 Carpinteria Creek Restoration Project
- 14 Ventura River Parkway
- 15 Hedrick Ranch Nature Area Restoration Project
- 16 Arundo Removal North San Fernando Valley
- 17 Santa Clara River Parkway Acquisitions
- 18 Santa Clara River Estuary McGrath State Beach
- 19 Lower Conejo Creek Acquisition
- 20 Sepulveda Basin Plan
- 21 Ormond Beach Wetlands Acquisition, Part 2
- 22 Ormond Beach Wetlands Restoration Plan
- 23 Los Angeles River Revitalization - Taylor Yard Acquisition
- 24 Cold Creek Riparian Acquisitions, Part 2
- 25 Upper Malibu Creek Feasibility Study (Rindge Dam)
- 26 Topanga Creek Restoration Program
- 27 Las Flores Creek Restoration
- 28 Solstice Creek Steelhead Access Implementation
- 29 Malibu Lagoon Restoration and Enhancement
- 30 Zuma Canyon Restoration and Steelhead Enhancement Feasibility Study
- 31 Solstice Canyon Acquisitions
- 32 Prisoners Wetland and Lower Canada del Puerto Restoration
- 33 Ballona Wetlands Restoration Planning
- 34 DeForest-Dominguez Wetlands Restoration Planning and Design
- 35 Santiago Creek Arundo Control and Habitat Restoration
- 36 Lower Los Angeles River Acquisitions

- 37 Machado Lake Habitat Restoration Project
- 38 Colorado Lagoon Restoration
- 39 Los Cerritos Wetlands Conceptual Restoration Plan
- 40 Los Cerritos Wetlands Acquisition - Hellman Property
- 41 San Joaquin Marsh Enhancement - Phase II Implementation
- 42 Huntington Beach Wetlands -- U.C. Acquisition (Brookhurst Marsh)
- 43 Orange Coast River Park
- 44 Big Canyon Creek Restoration - Final Engineering
- 45 Laguna Canyon Creek Restoration Project
- 46 Aliso Creek Mainstem Riparian Restoration
- 47 Trabuco Creek Fish Passage Project
- 48 Santa Ana River, Featherly Regional Park Restoration
- 49 San Juan Hydrologic Unit - Non Native Species Eradication Plan
- 50 Serrano Creek Stabilization and Restoration Phase II, Reach 2 & 3
- 51 San Juan and Trabuco Creek Steelhead Recovery Watershed Mgmt Plan Implementation
- 52 Restoration of Riparian Habitat in the Carlsbad Hydrologic Unit
- 53 Buena Vista Creek Watershed Plan
- 54 Buena Vista Lagoon Restoration Plan - Preliminary Engineering and EIR/S
- 55 Batiqitos Lagoon Exotics Removal and Revegetation
- 56 San Elijo Lagoon Restoration Planning and Engineering
- 57 San Dieguito Watershed Invasive Species Control and Re-vegetation
- 58 Los Penasquitos - Sediment Management
- 59 Hanson Pond Acquisition, El Monte Valley
- 60 San Diego River Land Conservation Program, Hanlon Walker
- 61 Rose Creek Watershed Opportunities Assessment Implementation
- 62 San Diego Watershed Riparian Restoration Program
- 63 Famosa Slough Acquisition
- 64 Chollas Creek Watershed Opportunities Assessment
- 65 Sweetwater Marsh Restoration
- 66 South San Diego Bay Coastal Wetland Restoration Project
- 67 Los Laureles Canyon

Regional Projects (not shown on map)

- 68 WRP Small Grants Program