



# PUBLIC NOTICE

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

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**Request for ILF Instrument Modification  
CVCC In-Lieu Fee Program**

**Public Notice/Application No.:** SPL-2013-00757-MAL

**Project:** Coachella Valley ILF Program

**Comment Period:** September 1, 2020 through October 1, 2020

**Project Manager:** Michael LaDouceur; (760) 602-4840; [Michael.A.Ladouceur@usace.army.mil](mailto:Michael.A.Ladouceur@usace.army.mil)

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**Applicant**

Coachella Valley Conservation Commission  
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(760) 346-1127  
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Palm Desert, CA 92260

**Contact**

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ICF  
(858) 444-3928  
525 B Street, Suite 1700  
San Diego, CA 92101

**Location**

The proposed project site is located south of CA-111 and north of the Salton Sea near the city of Mecca, Riverside County, CA (at: 33.535107, -116.064089).

**Activity**

To modify the Coachella Valley Conservation Commission In-Lieu Fee Program Instrument (Instrument) to include a new In-Lieu Fee Project (see attached drawings). For more information see Additional Project Information section below.

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**Submittal of Public Comments**

Interested parties are hereby notified a modification request has been received for a Department of the Army In-Lieu Fee Program for the activity described herein and shown on the attached drawing(s). We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 404 of the Clean Water Act.

**During the Coronavirus Health Emergency, Regulatory Program staff are teleworking. Please do not mail hard copy documents, including comments to any Regulatory staff. Instead, your comments should be submitted electronically to: [Michael.A.Ladouceur@usace.army.mil](mailto:Michael.A.Ladouceur@usace.army.mil). Should you have any questions or concerns about the Corps' proposed action or our comment period, you may contact Michael LaDouceur directly at (760) 602-4840.**

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's

aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

### **Additional Information**

The Mitigation Rule (Rule) established a process and defined requirements for the establishment and management of mitigation banks, in-lieu fee (ILF) programs, and Permittee-responsible mitigation (33 CFR §332). In addition, the Rule established a public review process and timeline for the development of mitigation banks and in-lieu fee programs. This Bank establishment process will include the following: 1) public review and comment on the Prospectus, 2) Interagency Review Team (IRT) coordination on the Prospectus and the Bank Enabling Instrument (BEI), 3) development of a program account, and 4) development of a credit release schedule.

The IRT consists of member resource agencies, and may include the 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 the Regional Water Quality Control Board. More information on the Rule and the Mitigation Banking Process can be found at <https://www.spl.usace.army.mil/Missions/Regulatory/Mitigation.aspx>.

### **Background**

The Instrument was finalized on July 16, 2014 and allowed Coachella Conservation Commission to begin selling credits in advance of implementing a restoration project. This modification request would amend the Instrument to include the mitigation site (Site) described above and shown on the attached figures. The proposed site is located within the Hidden Springs Canyon – Frontal Salton Sea river HUC 10 (1810020410) watershed. The Site drains in a southerly direction and eventually empties into the Salton Sea.

The primary goal for the restoration is to recreate an ecologically functional, self-sustaining desert dry wash system with an associated ephemeral wetland at the downstream end. The following are the specific goals and objectives of the project:

- Mimic historic hydrology and hydraulic patterns on the Site to the maximum extent practicable through grading of upland terraces / hills.
- Re-establish several desert dry washes and associated active floodplains.
- Remove invasive plant species that have outcompeted native species and replant with native desert wash species.
- Restore lost riverine functions and services such as sediment transport and maintenance of desert plant and animal communities.
- Establish an ephemeral desert wetland at the downstream end of the Site.
- Expand upon the existing Mesquite Scrub through supplemental planting.
- Create and maximize habitat diversity and structural complexity.
- Maximize opportunities for wildlife habitat and use by species including the federally and state listed Yuma clapper rail (federally endangered, state threatened) and California black rail (state threatened).

Corps permits are necessary for any work, including construction and dredging, in the Nation's

navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and services.

### **Proposed Long Term Management Strategy**

The Site is currently protected with a Restrictive Covenant. An additional site protection may be necessary to meet the requirements of the ILFP and the Mitigation Rule. Coachella Valley Conservation Commission will manage the site in perpetuity and will fund long-term management through the In-Lieu Fee Program Account.

### **Proposed Service Area**

The service area of the In-Lieu Fee Program was established at the time when the Instrument was finalized. The Site is located within the established service area.

### **Mitigation Bank Approval and Permitting Processes**

Mitigation requirements for a particular project are discussed between the project proponent and the Corps. The project proponent must first submit a compensatory mitigation proposal to the Corps describing the proposed use of an In-Lieu Fee Program. Per the Mitigation Rule, preference is first given to use of Mitigation Banks over In-Lieu Fee (ILF) Programs and Permittee-responsible mitigation types, as Bank credits are usually in place prior to the permitting of a proposed project.

As part of the process of establishing the Site, the IRT would determine the types and number of potential credits that may be generated. Upon meeting either administrative milestones (e.g., Instrument Modification, funding of long-term management) or performance-based milestones (e.g., 1-year, 3-year, 5-year conditional assessments), potential credits then become released credits and are available for sale. The Corps will review the proposal to generate wetlands reestablishment, rehabilitation, enhancement, and preservation credits as well as upland buffer credits. All credit sales would be tracked and reported by the ILF sponsor to the Corps at minimum on an annual basis, and also uploaded to the Corps' Regulatory In-lieu Fee and Banking Information Tracking System (RIBITS) at <https://ribits.usace.army.mil>.

The ILF sponsor would need to obtain the appropriate federal, state, and local permits required to implement the restoration activities. The ILF sponsor would submit an application for Corps permit(s) should the proposed mitigation 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,

if appropriate, under the Endangered Species Act, the National Historic Preservation Act and other applicable federal laws, prior to any DA permit authorization.

### **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, 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 the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers 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 of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

For additional information please call Michael Ladouceur of my staff at (760) 602-4840 or via e-mail at [Michael.A.Ladouceur@usace.army.mil](mailto:Michael.A.Ladouceur@usace.army.mil). This public notice is issued by the Chief, Regulatory Division.



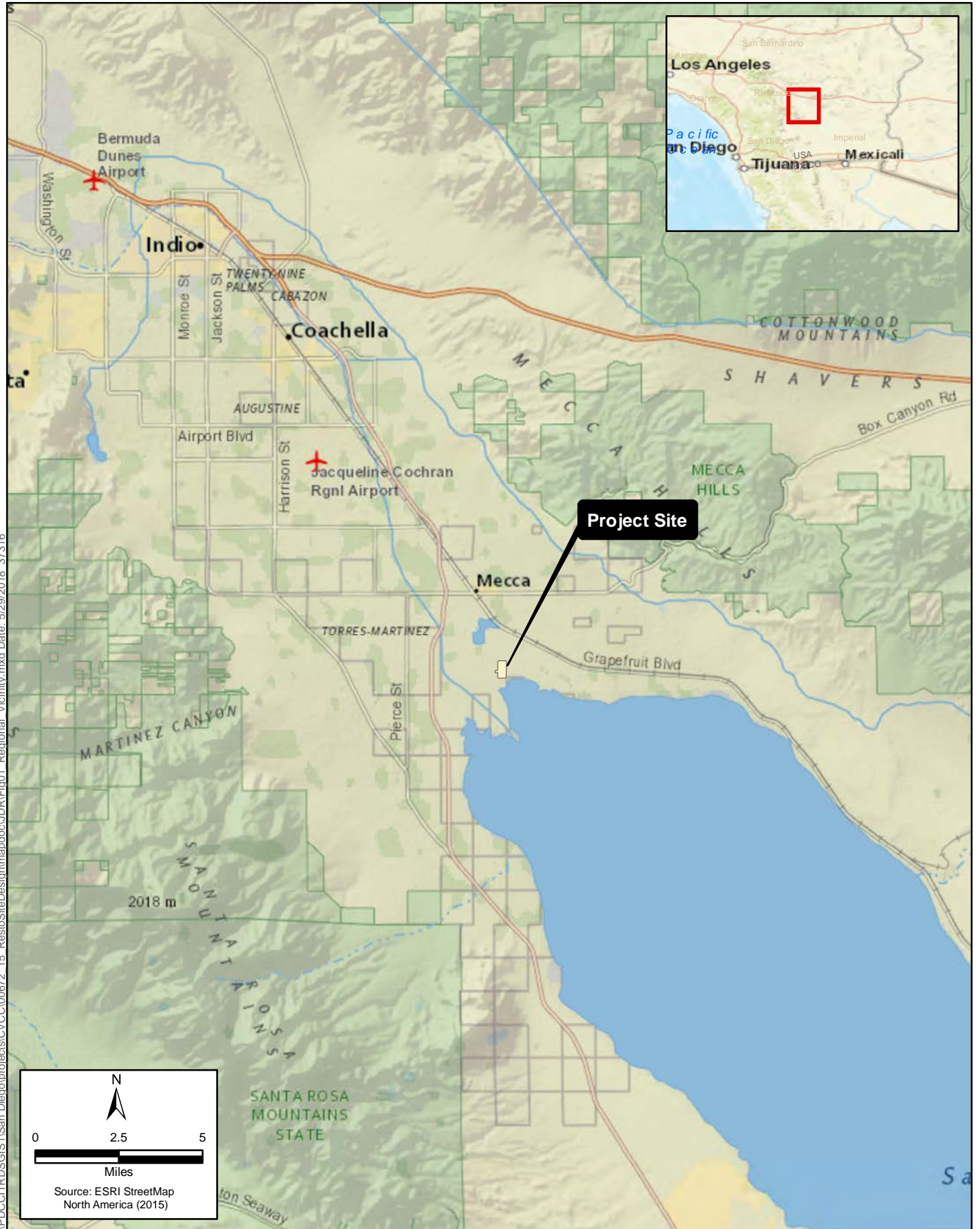
#### *Regulatory Program Goals:*

- 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.

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**DEPARTMENT OF THE ARMY  
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
[WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY](http://WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY)**





**Figure 1**  
**Regional Vicinity Map**  
**CVCC In-Lieu Fee Program - MRBL ILF Site**

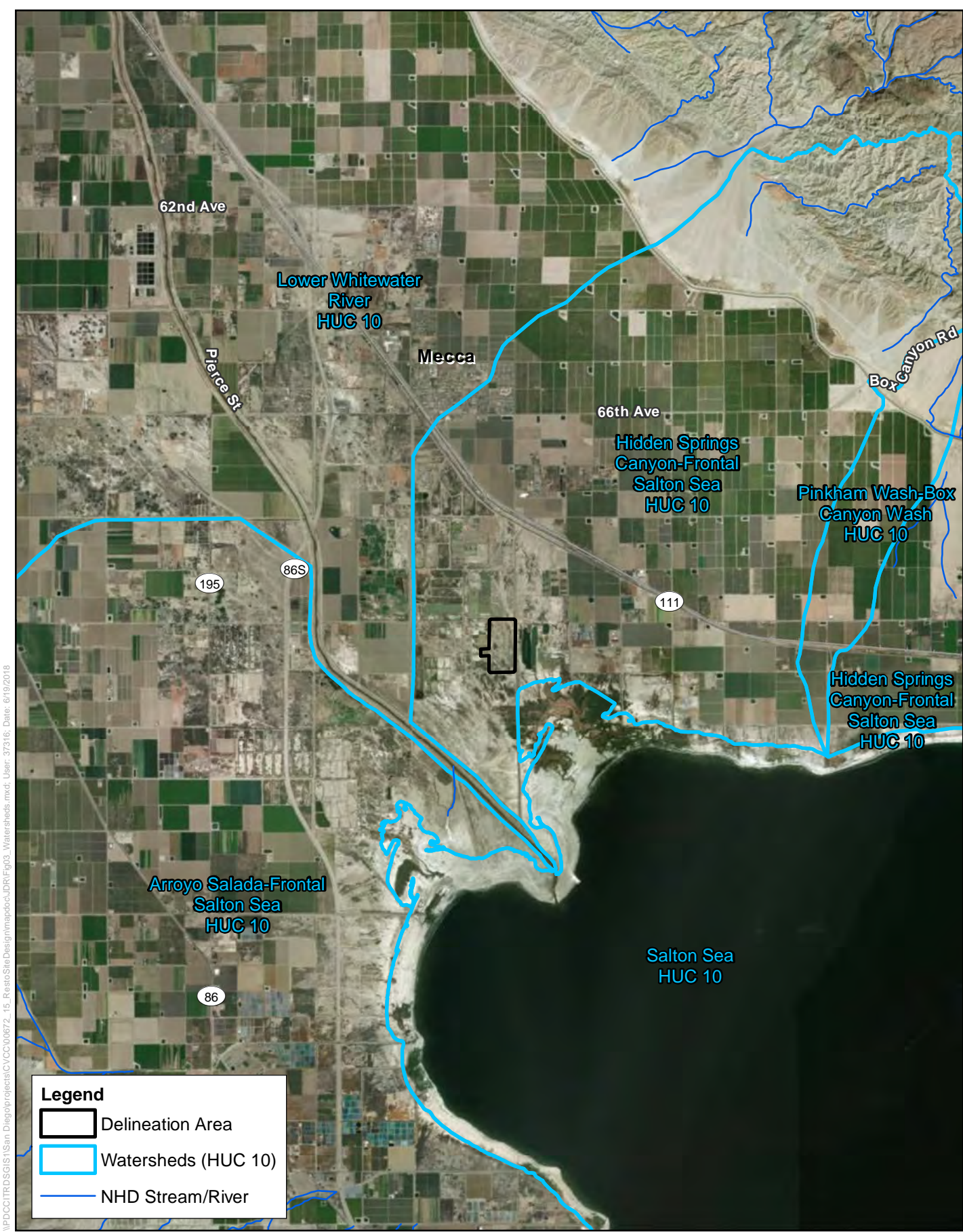


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**Legend**

- Delineation Area
- Watersheds (HUC 10)
- NHD Stream/River

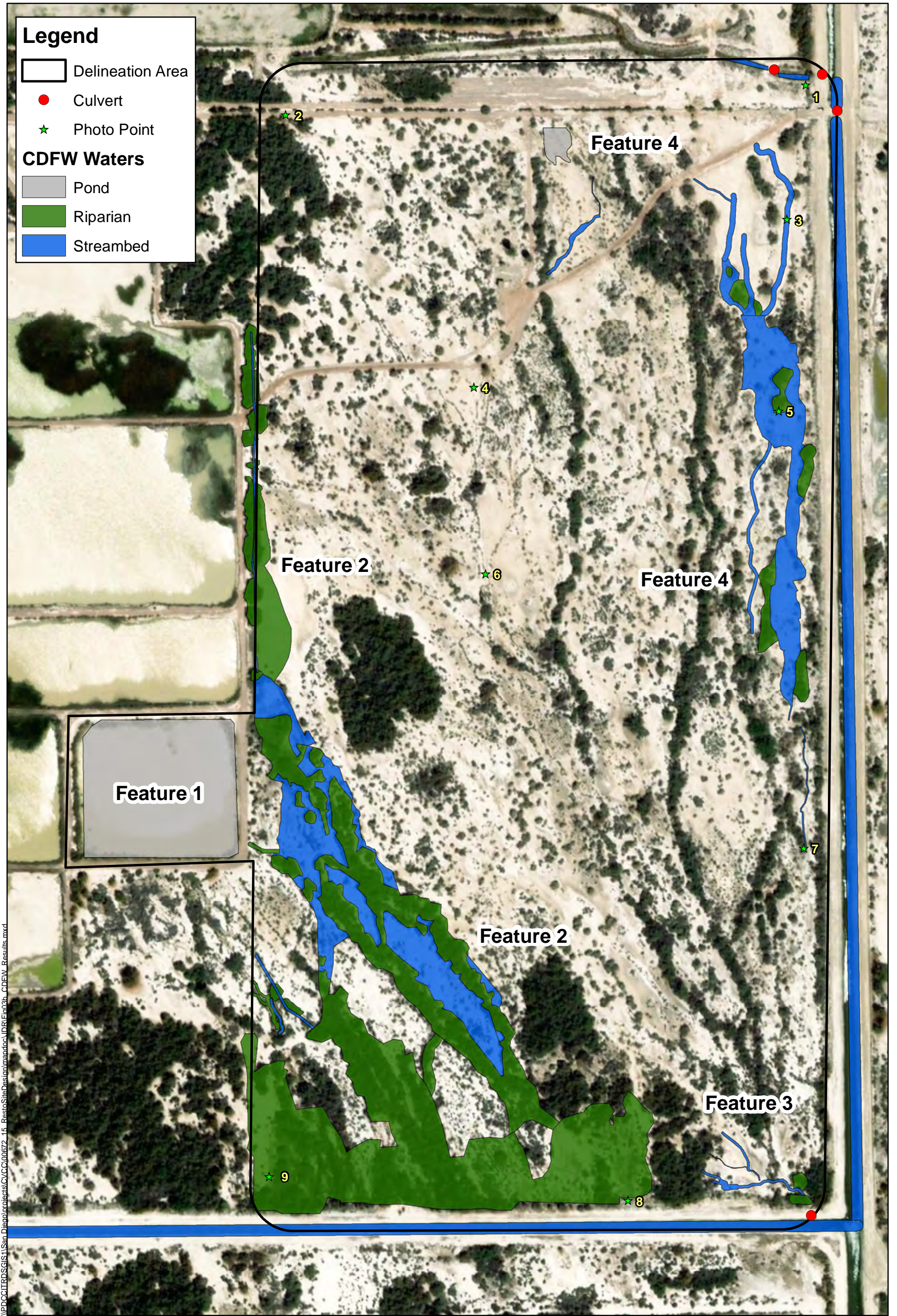


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 Source: ICF, ESRI Basemaps (2018)

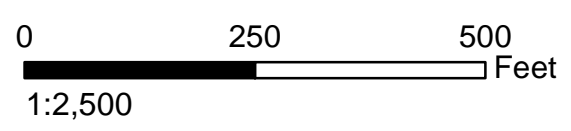
**Figure 3**  
**Watersheds**  
**CVCC In-Lieu Fee Program - MRBL ILF Site**

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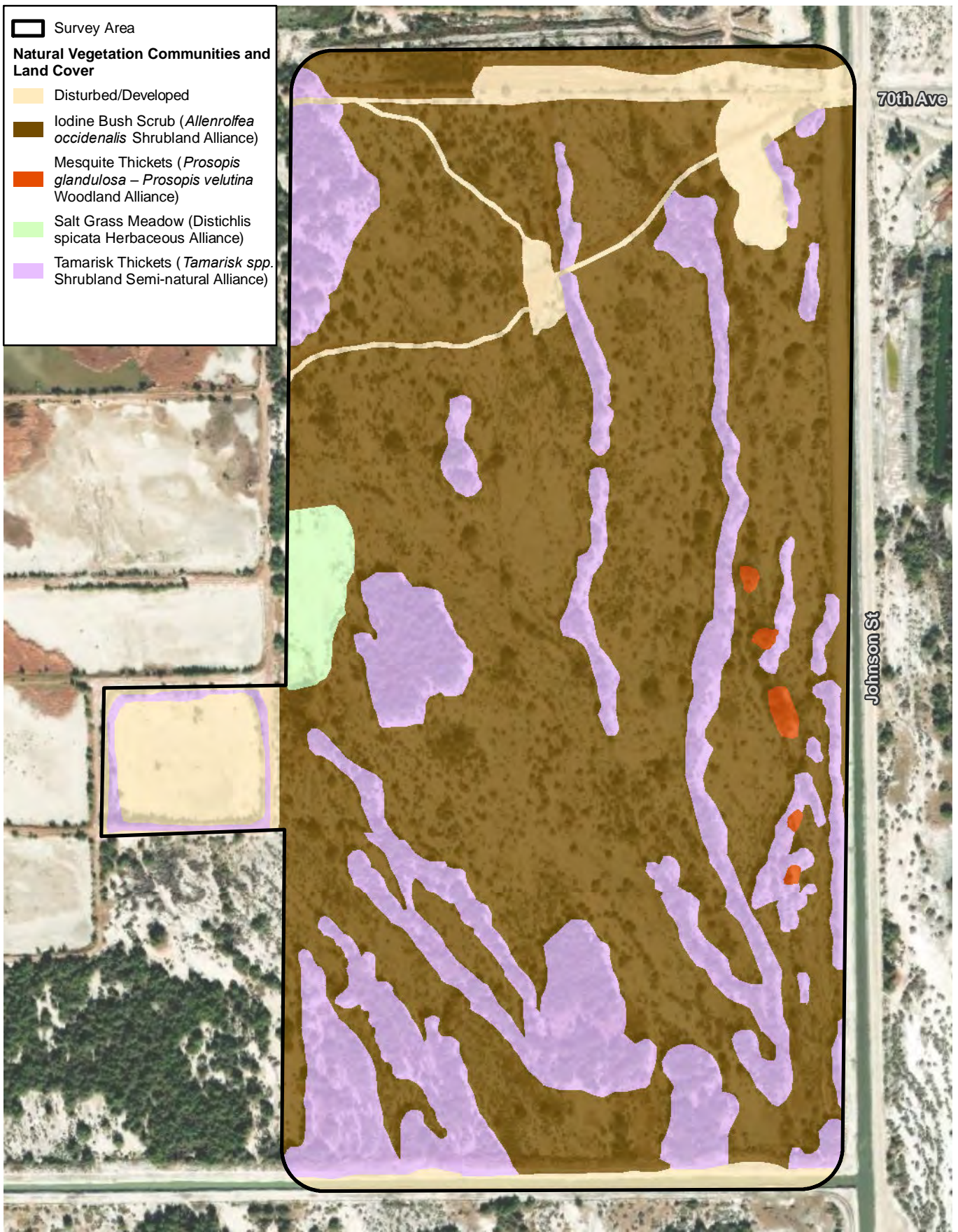
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**Figure 4b**  
**Potential CDFW Jurisdictional Waters**  
 CVCC In-Lieu Fee Program- MRBL ILF Site



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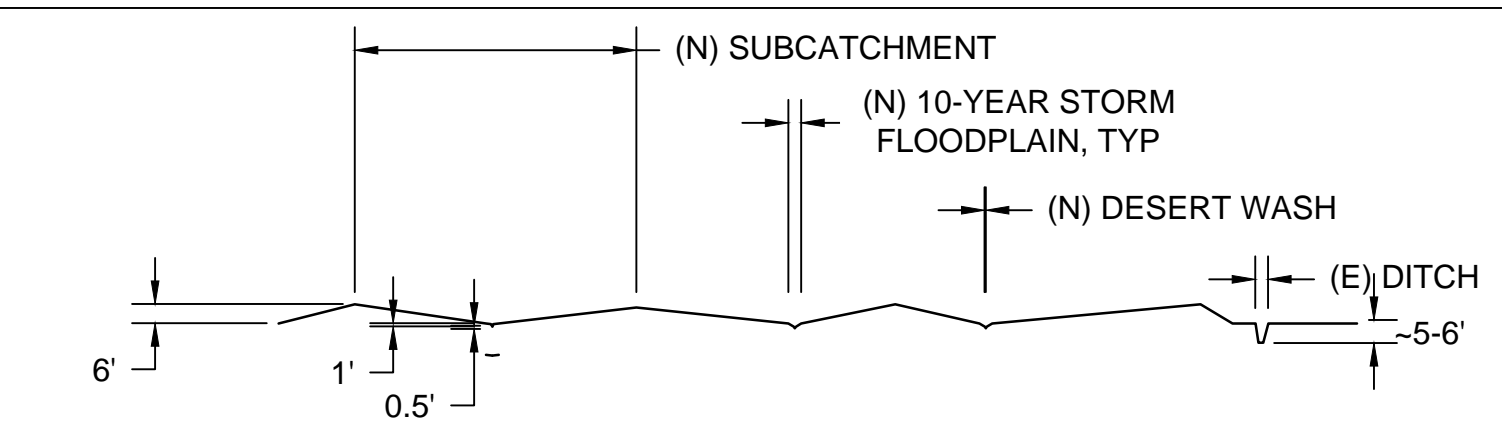
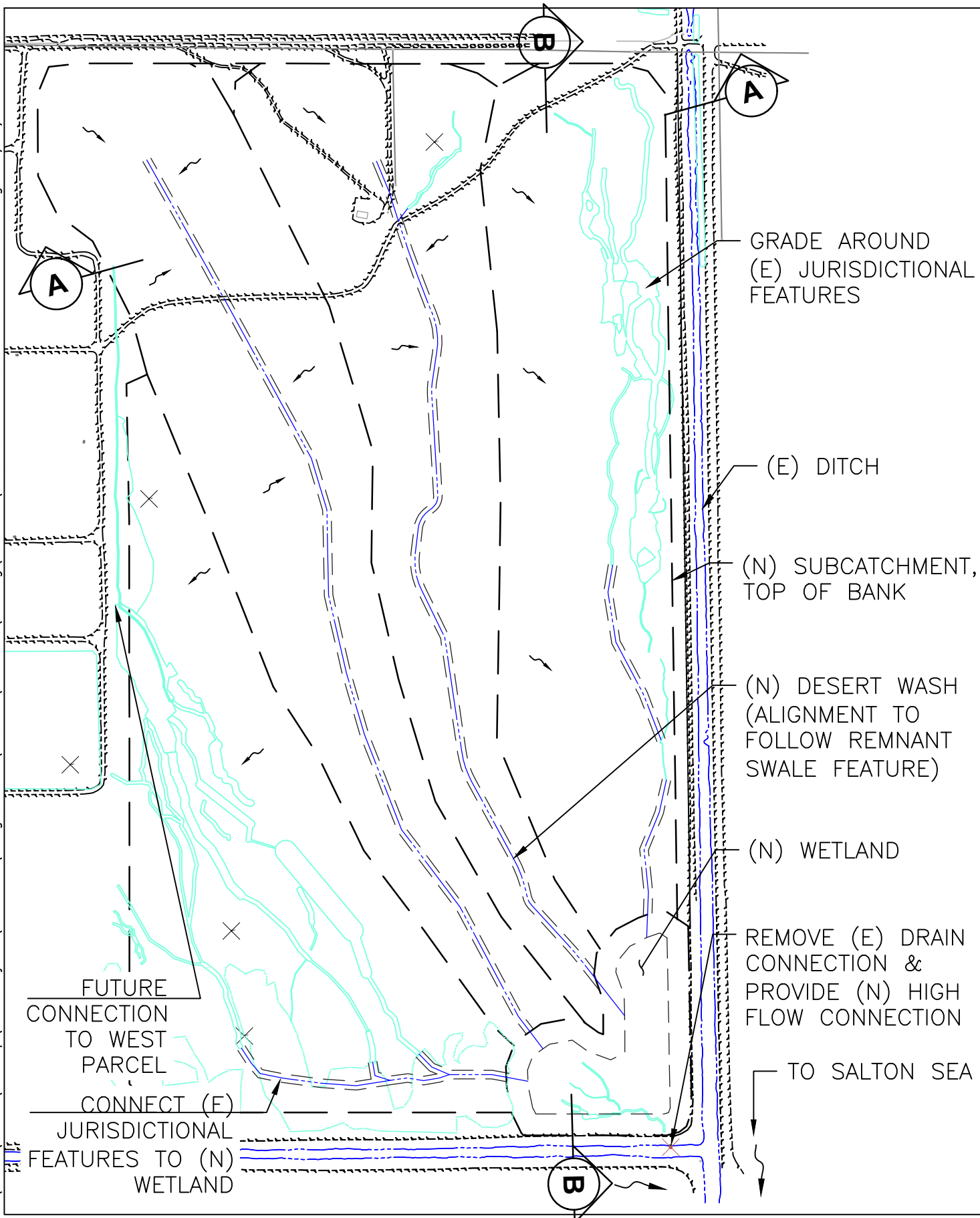


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1 in = 320 ft Feet

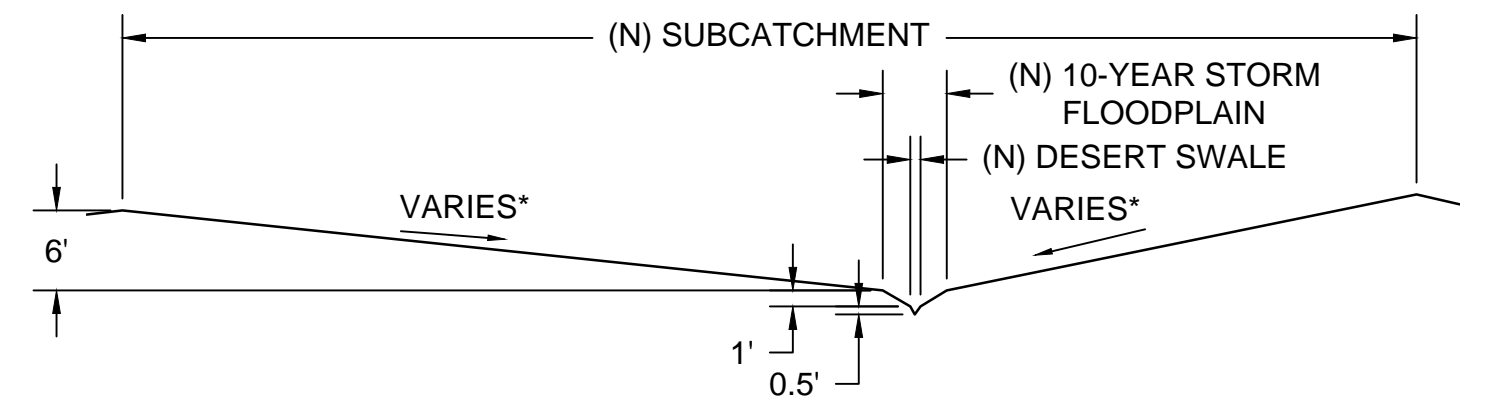
**Figure 5**  
**Vegetation Communities and Land Cover**  
**CVCC In-Lieu Fee Program - MRBL ILF Site**



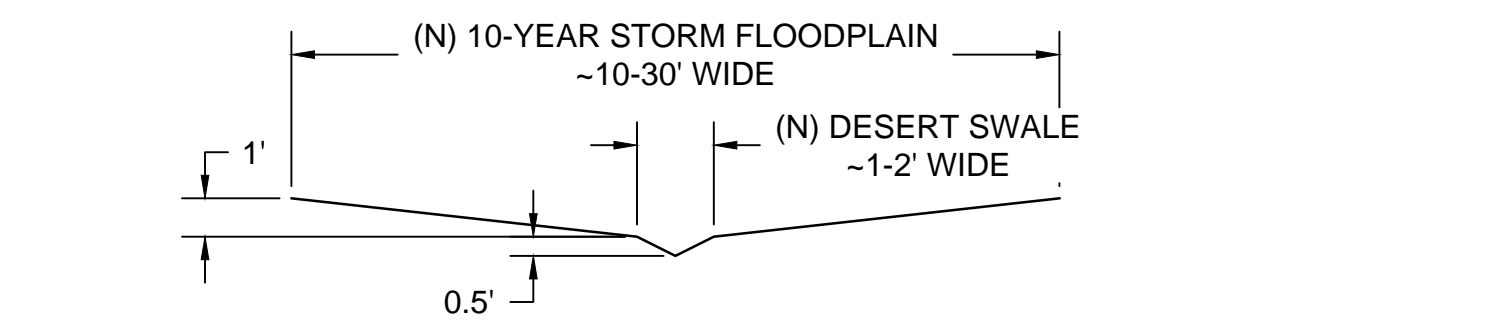
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**VALLEY CROSS SECTION**  
 SCALE: 1"=300'  
 VERT: 1:5



**SUBCATCHMENT CROSS SECTION**  
 SCALE: 1"=60'  
 VERT: 1:5



**10-YEAR STORM FLOODPLAIN CROSS SECTION**  
 SCALE: 1"=5'  
 VERT: 1:1

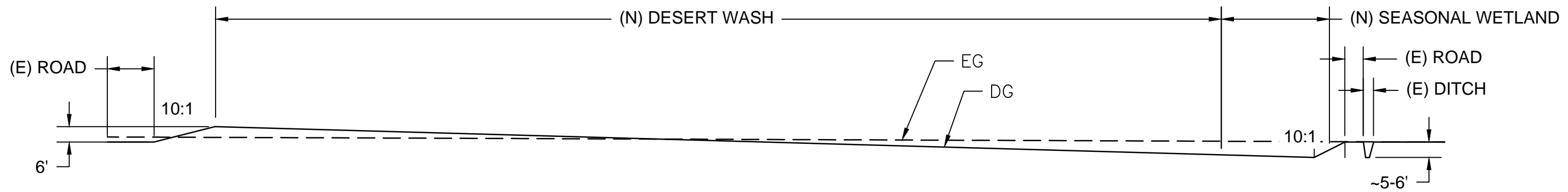
**NOTES:**  
 \*MAX 10:1 SIDE SLOPES  
 \*\*COMPACT SUBCATCHMENT SURFACE SOILS TO DECREASE INFILTRATION



FIGURE  
 CONCEPT GRADING PLAN  
 COACHELLA VALLEY MITIGATION



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**B** DESERT WASH PROFILE

SCALE: 1"=200'  
VERT: 1:5



FIGURE  
CONCEPT GRADING PLAN  
COACHELLA VALLEY MITIGATION