



PUBLIC NOTICE

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

BUILDING STRONG®

Proposed Re-Authorization of an
Existing In-Lieu Fee Program

Public Notice/Application No.: SPL-2004-00121-JWM

Program: Mountains Restoration Trust In-Lieu Fee Program

Comment Period: November 2, 2012 to December 1, 2012

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

Program Sponsor

Debbie Bruschaber

Mountains Restoration Trust

3815 Old Topanga Canyon Road

Calabasas, California 91302

dbruschaber@mountainstrust.org

Location

The Program service area would encompass the following watersheds:

- Santa Monica Bay (Counties of Los Angeles and Ventura)
- Headwaters of Los Angeles River (Counties of Los Angeles and Ventura)
- Calleguas Creek (Ventura County)

Activity

To modify the existing Mountains Restoration Trust In-Lieu Fee ("ILF") Program ("Program") pursuant to the requirements of the Corps-EPA Compensatory Mitigation Rule¹ (33 CFR 332.8(d)) ("Mitigation Rule"), as well as to expand the Program's service area to include the entire Calleguas Creek watershed (see attached maps). 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 re-authorize an existing 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. Interested parties are invited to provide their comments on the proposed re-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 Mountains Restoration Trust (“Trust”) has requested the Corps re-authorization of this Program. If re-authorized, this Program would continue to receive monies from individuals or entities (“project proponent”) receiving Corps authorization under section 404 of the Clean Water Act and, when appropriate, to resolve Section 404 enforcement actions within the proposed service area (see attached map).

The Trust (www.mountainstrust.org) was established in 1981 by the California Coastal Commission and the California State Coastal Conservancy to assist the Coastal Commission with required mitigation projects within the Santa Monica Mountains.

Program funds would provide for enhancement and restoration activities, preservation, in-perpetuity protection, long-term maintenance, and monitoring on MRT-owned and managed lands or lands to be acquired (fee title or conservation easements).

Program objectives include but are not limited to the following:

1. Re-establishment of wetland and riparian habitats in severely degraded sections of existing watercourses.
2. Enhancement of existing degraded wetland and riparian areas
3. Removal of non-native plants and animals from habitat areas.
4. Increase rare, threatened and endangered species monitoring and recovery efforts in protected restored habitats.
5. Collect, document and inventory native seeds and plants for use in restoration projects in association with the Program.
6. Create and manage land in sensitive riparian and wetland areas as either third party or primary managers on lands that are not identified for conservation under MRT.

Since its founding in 1981, MRT has acquired over 6,000 acres of land in fee for parkland or preservation, and has placed conservation easements on over 2,000 acres. Fee acquisition parcels are retained by MRT, transferred to a park agency, or transferred to a park agency while retaining management rights. MRT works cooperatively with the park agencies of the Santa Monica Mountains: California State Parks, National Park Service, Santa Monica Mountains Conservancy, Mountains Recreation and Conservation Authority. Other partners in preservation include the City of Calabasas and the County of Los Angeles.

With the existing Program, the Program sponsor has accepted fees from five project proponents associated with five, separate Corps permits. Mitigation work has commenced or has

been completed for all five of those permits. To date over 3 acres of wetland, riparian, and riparian buffer habitat has been re-established through the Program, and over 97 acres of wetland, riparian, and riparian buffer habitat has been preserved through the fee simple acquisition or conservation easements. Restoration projects have included wetland and riparian re-establishment & re-habilitation, streambank and streambed stabilization, invasive non-native plant removal, and native plant vegetation installation.

Mitigation Approval and Permitting Processes

Mitigation requirements for a particular project are negotiated between the project proponent and the Corps. The project proponent must therefore first submit a mitigation proposal to the Corps that describes the proposed use of an ILF Program or Mitigation Bank. 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 Plan² to the Corps and Interagency Review Team (IRT)³ 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>).

To ensure permanent protection of the Program mitigation sites, the 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 re-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

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

³ The Interagency Review Team (IRT) consists of member Agencies, and may include U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, National Marine Fisheries Service, California Department of Fish and Game, and Los Angeles Regional Water Quality Control Board

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

for permittees authorized to impact waters of the U.S. under section 404 of the Clean Water Act or as a means of resolving Section 404 enforcement actions.

Additional details are provided in the Prospectus, available in the *Cyber Repository* for *Mountains Restoration Trust 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 A: Hydrologic Units for Watersheds in the Service Area

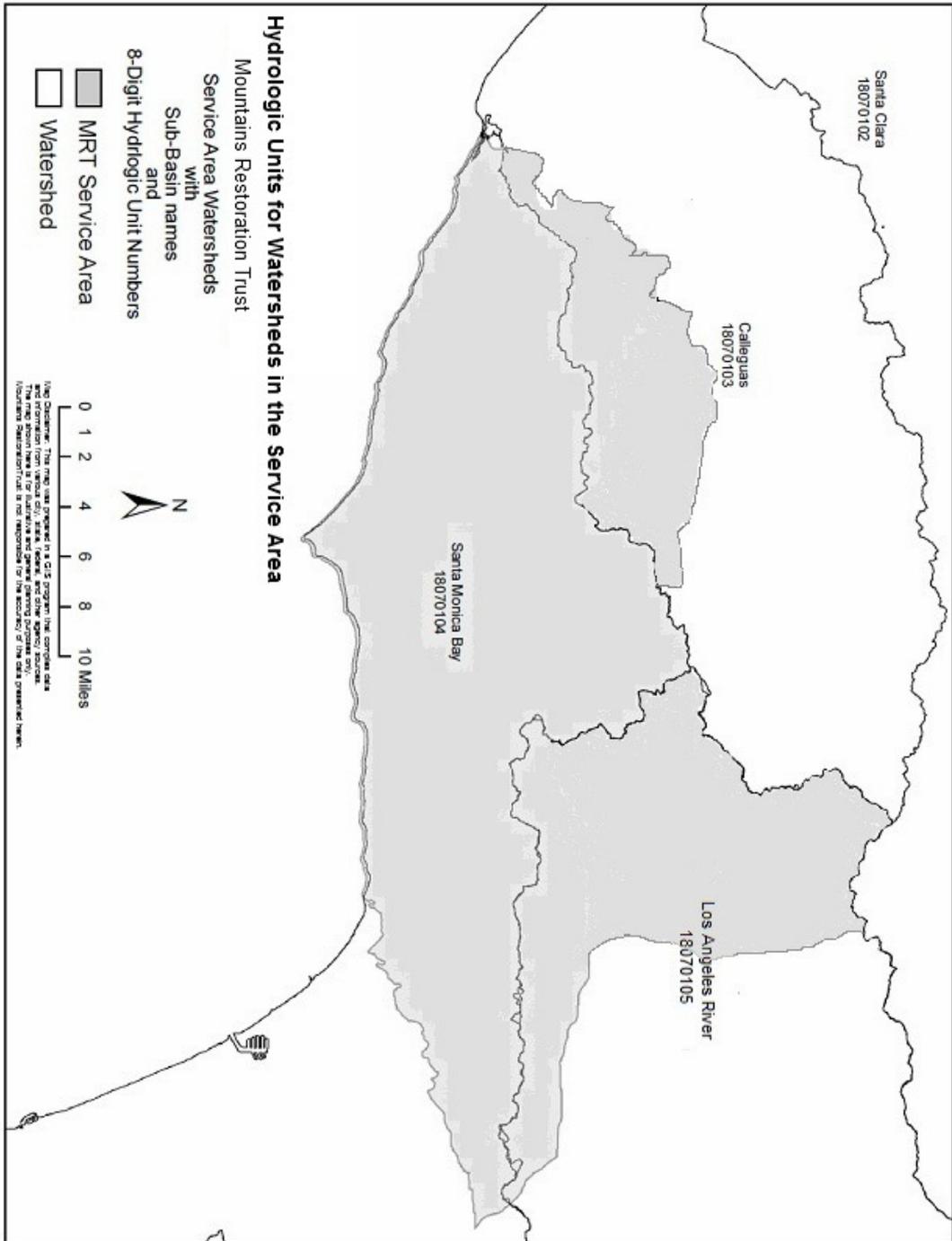


Exhibit B: Service Area over Watersheds, Sub Watersheds, and Major Waterways

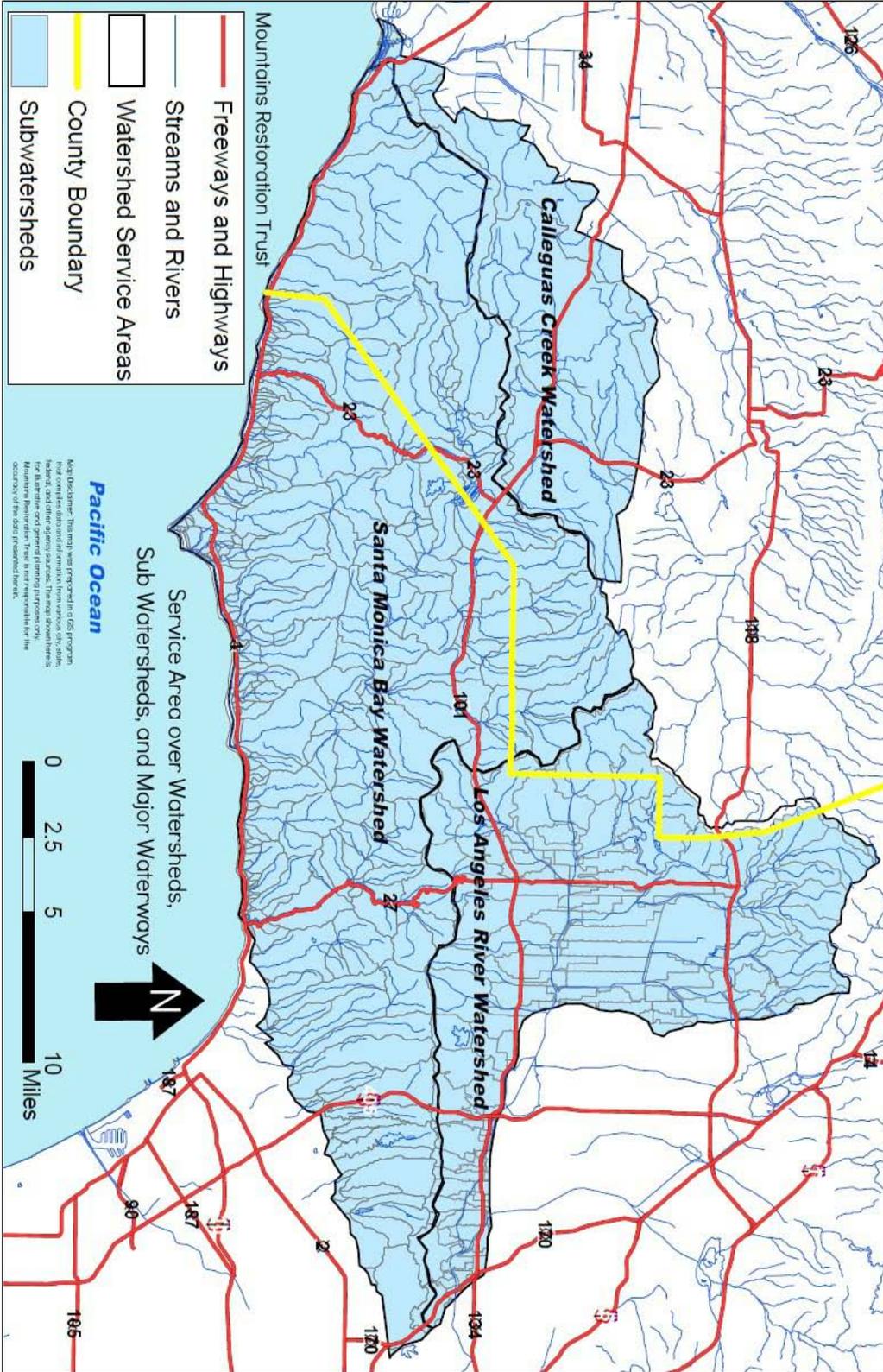


Exhibit C: Santa Monica Bay Watershed in Service Area

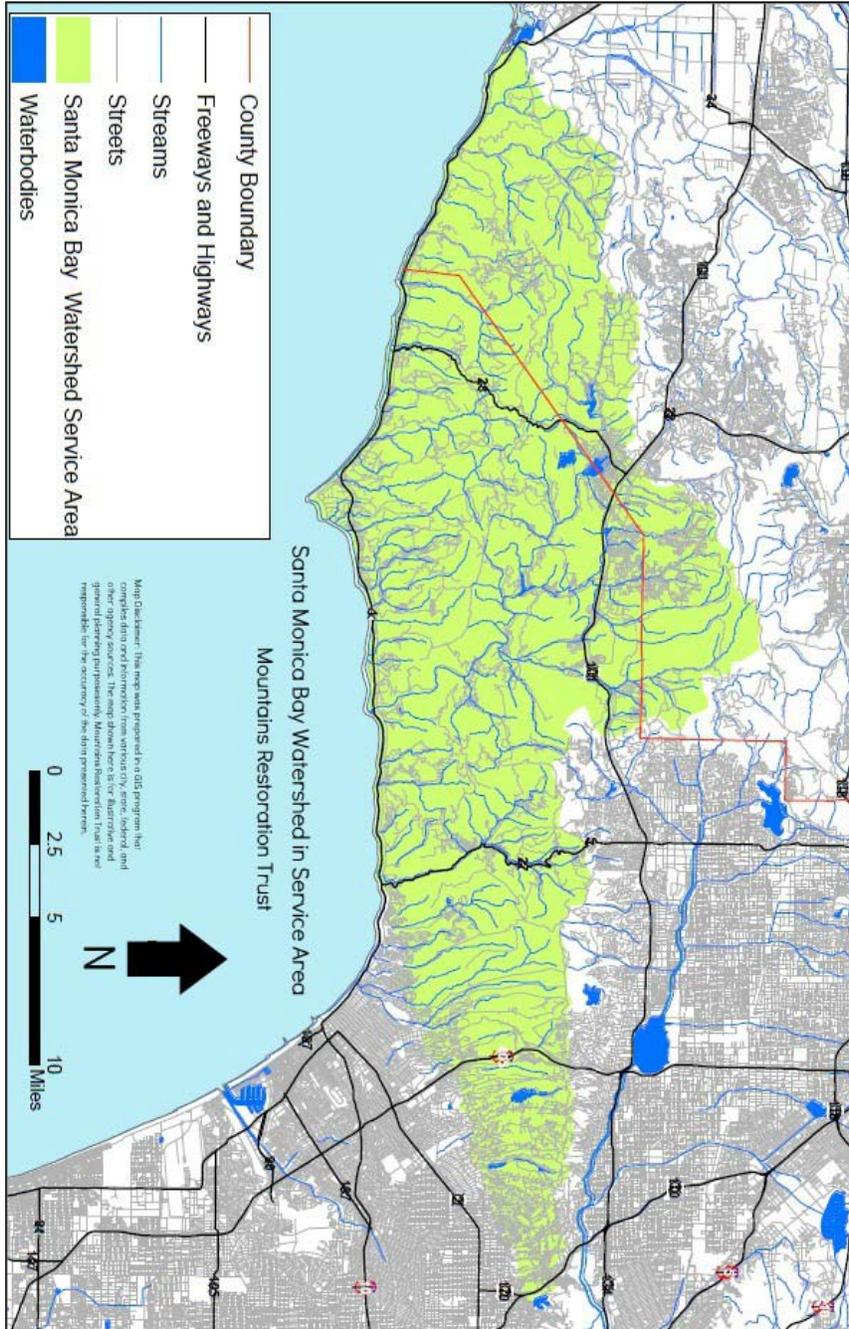


Exhibit D: Los Angeles River Watershed in Service Area

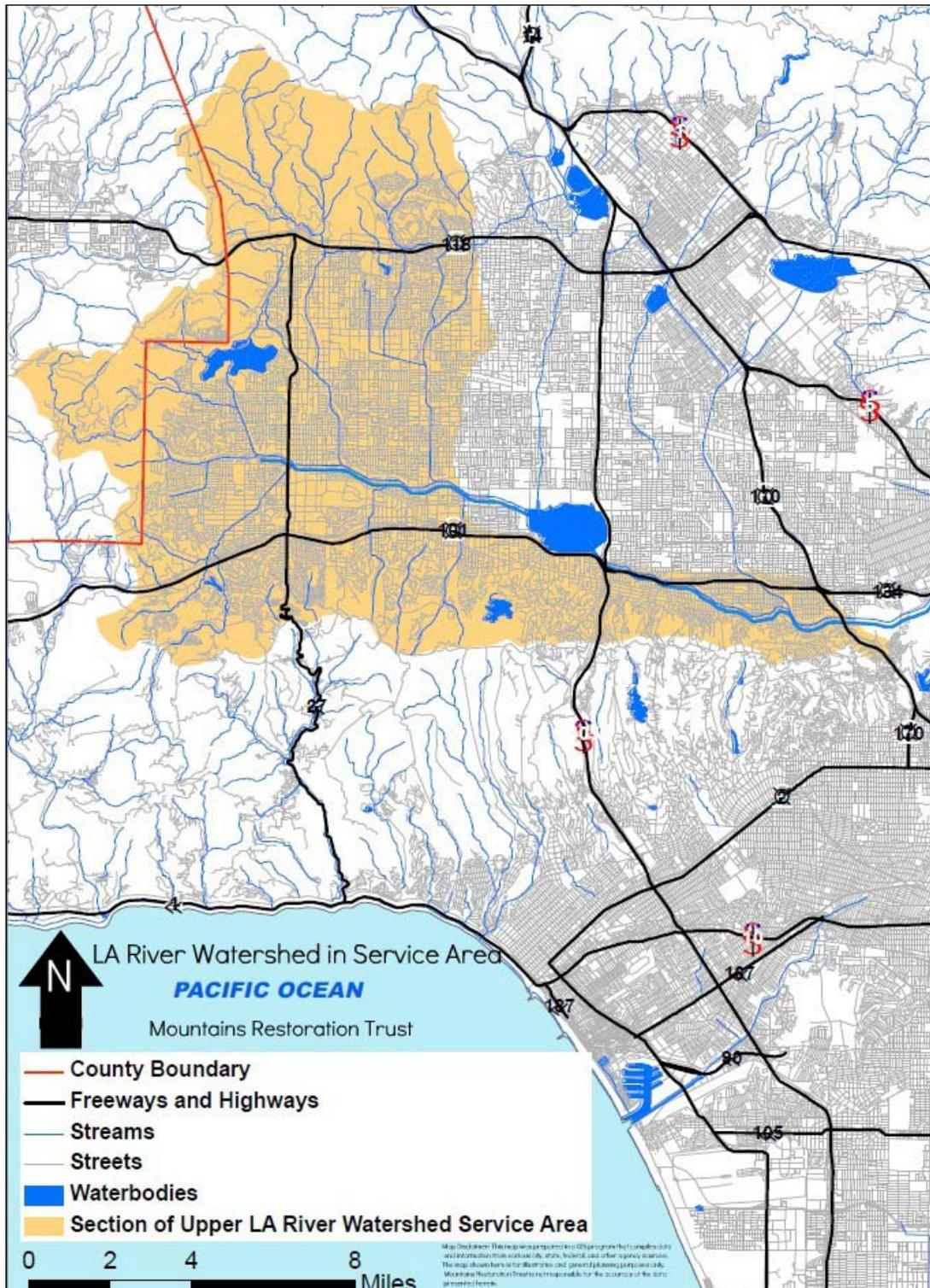


Exhibit E: Calleguas Creek Watershed in Service Area

