



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

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

Public Notice/Application No.: SPL-2000-00018-JWM

Program: Santa Monica Mountains Conservancy In-Lieu Fee Program

Comment Period: May 4, 2012 to June 2, 2012

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

Program Sponsor

Paul Edelman, Deputy Director
Natural Resources and Planning
5750 Ramirez Canyon Road
Malibu, California 90265-4474

Location

The Program service area would encompass the following watersheds:

- Santa Monica Bay (Counties of Los Angeles and Ventura)
- Los Angeles River (Counties of Los Angeles and Ventura)
- San Gabriel River (Los Angeles County)
- Antelope Valley (Los Angeles County)
- Calleguas Creek (Counties of Los Angeles and Ventura)
- Santa Clara River (Counties of Los Angeles and Ventura)

Activity

To modify the existing Santa Monica Mountains Conservancy 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 as well as a portion of the lower Santa Clara River watershed (see attached map). For more information see pages 2 and 3 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 Santa Monica Mountains Conservancy (“Conservancy”) has requested the Corps re-authorize the 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 Conservancy (www.smmc.ca.gov) was established by the California State Legislature in 1980. Since that time, it has helped to preserve over 60,000 acres of parkland in both wilderness and urban settings, and has improved more than 114 public recreational facilities throughout Southern California. Through direct action, alliances, partnerships, and joint powers authorities, the Conservancy's mission is to strategically buy back, preserve, protect, restore, and enhance treasured pieces of Southern California to form an interlinking system of urban, rural and river parks, open space, trails, and wildlife habitats that are easily accessible to the general public.

Much of the Conservancy's success is attributable to its participation in joint powers authorities pursuant to Section 6500 of the California Government Code. The primary Conservancy member joint powers authorities that work with the Conservancy in the ILF Program are the Mountains Recreation and Conservation Authority (MRCA) (www.mrca.ca.gov) and the Santa Clarita Watershed Recreation and Conservation Authority (SCWRCA). A six-year-old joint powers authority comprised of the Conservancy and the Antelope Valley Resource Conservation District is named the Desert and Mountain Conservation Authority (DMCA) (www.dmca.ca.gov). These three agencies and the Conservancy own or manage over 65,000 acres of permanent public open space extending over the region as far the Kern and San Bernardino County lines. This extensive, well-distributed land base would be available for restoration via the proposed Program. The availability of this permanently protected land base in multiple watersheds is a key qualification of the existing and proposed Program extension.

With the existing Program, the Program sponsor has accepted fees associated with 36 Corps permits. Mitigation work has commenced or been completed for 21 of those permits. To date over 16 acres of riparian habitat has been created or restored, and over 22 acres of riparian habitat has been preserved through the fee simple acquisition of approximately 387 acres of open space. Restoration projects have included invasive non native plant removal, native plant vegetation installation, wetland re-establishment & re-habilitation, and streambank stabilization.

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) (.).

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 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 online at the following link: <ftp://smmcftp.com/> (username: smmcftp; password: Mount@ins2012). The Prospectus is also available at the Corps' Ventura Field office at the address above.

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.

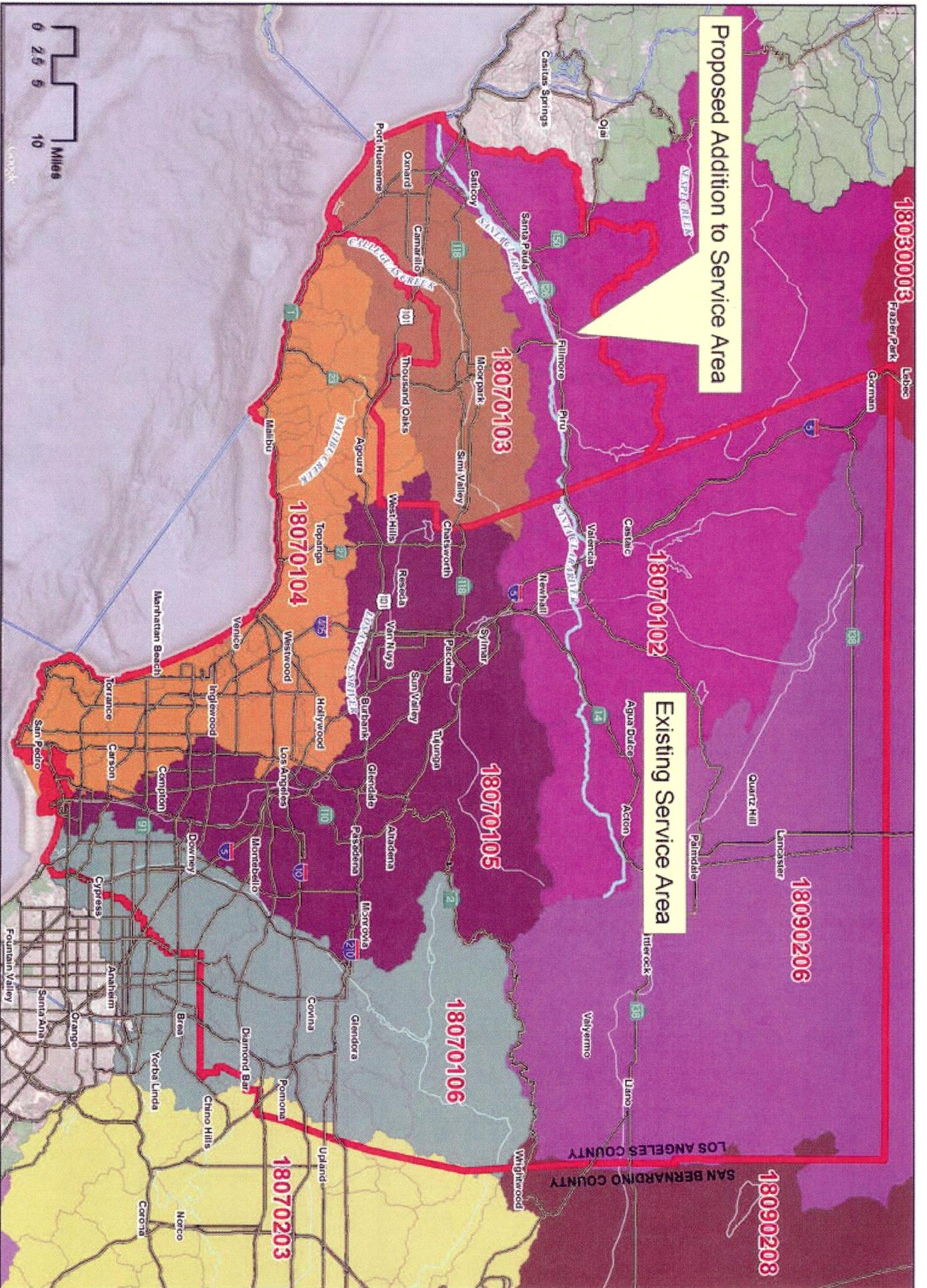
For additional information please contact John Markham of my staff via phone at 805-585-2150 or via e-mail at John.W.Markham@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.



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



Watersheds in Santa Monica Mountains Conservancy In-Lieu Fee Program Service Area (8-digit Hydrologic Unit code)