



PUBLIC NOTICE

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

LOS ANGELES DISTRICT

Public Notice/Application No.: SPL-1999-15223-CLH

Project: Ojai Valley Land Conservancy Ventura River Watershed In-Lieu Fee Program

Comment Period: December 8, 2011 through January 8, 2012

Project Manager: Crystal L.M. Huerta; 805-585-2143; crystal.huerta@usace.army.mil

Applicant and Contact

Brian Stark

Ojai Valley Land Conservancy

P.O. Box 1092

Ojai, California 93024

Location

Along the Ventura River in the city of Ojai, Ventura County, CA. See attached map.

Activity

To modify the existing Ojai Valley Land Conservancy (OVLC) Ventura River Watershed In-Lieu Fee Program (IFLP) per the Mitigation Rule¹ at 33 CFR 332.8(d) along the Ventura River (see attached map and drawings). For more information see page 2 of this notice. Supporting documents are available online or at the address below.

Interested parties are hereby notified that a request has been received to re-establish an existing in-lieu fee program for the purpose of mitigating for impacts to waters of the United States authorized under Section 404 of the Clean Water Act. Interested parties are invited to provide their views on the proposed re-authorization of the Ventura River existing (ILFP), which will become a part of the record and will be considered to approve the re-authorization of the existing Ventura River ILFP. Comments should be mailed to:

U.S. Army Corps of Engineers
Attn: Crystal Huerta
Ventura Field Office
2151 Alessandro Drive, Suite 110
Ventura, CA 93001

Alternatively, comments can be sent electronically to: crystal.huerta@usace.army.mil

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.

Additional Project Information

The proposed project is the re-authorization of an existing ILFP in the city and county of Ventura, California. This ILFP would continue to receive monies from individuals or entities receiving Corps Section 404 permits and, when appropriate, to resolve Section 404 enforcement actions along the Ventura River (see attached map). OVLC has previously acquired fee title for 1,630 acres and conservation easements for an additional 220 acres. OVLC has been restoring native vegetation communities and habitat in Ojai Valley since 1994. OVLC has initiated restoration of 120 acres of freshwater marsh, riparian woodlands, riparian scrub, vernal wetlands, and associated buffer areas with an additional 55 acres anticipated in the next 5 years. Restoration projects have included invasive non native plant removal, native plant vegetation, wetland re-creation, and streambank stabilization.

Mitigation requirements for a particular project are negotiated between the project proponent and the Corps to compensate for impacts to waters of the U.S. within the service area of the IFLP. If the Corps determines that the Ventura River Watershed ILFP is the most appropriate location for mitigation implementation than the project proponent can contact OVLC to discuss mitigation options. OVLC would then submit a letter to the project proponent that would quote the cost and location of the mitigation work and request copies of all permits. Upon receipt of permit copies, OVLC reviews mitigation requirements described in each permit to verify that the requested mitigation fulfills all mitigation requirements. Once the requested mitigation is verified and in-lieu fees have been received by OVLC, a letter of receipt is sent to the project proponent and OVLC becomes responsible for completing the necessary mitigation and monitoring. Work on the mitigation project commences by the next wet season and separate fund tracking is established.

The Service area for the ILFP is equivalent OVLC's 187-square mile area of interest (Appendix A-Service Area Map). It encompasses the Ventura River Watershed upstream of Foster Park. For conservation planning purposes, the entire 223-square-mile watershed is considered since land use and ecological processes below foster Park can impact OVLC's ability to achieve its goals farther upstream.

The Ventura River Watershed lies primarily within Ventura County with a small portion in Santa Barbara County. The river flows approximately 24 miles from the Santa Ynez Mountains to the Pacific Ocean. This watershed includes the cities of Ventura and Ojai.

Two candidate sites make up the ILFP Service area, Ojai Meadows Preserve (OMP) and Ventura River Preserve (VRP). The OMP is a 57-acre area that is located 0.7 miles east of the Ventura River and 12 miles upstream of the Pacific Ocean. The project areas historically were bottomland fed by a drainage network where stormwater converged on its way to the Ventura River. It supported more than 20 acres of various types of wetlands including freshwater marsh, riparian forests, emergent wetlands and vernal wetlands. Over the decade's changes in adjacent land use, sedimentation, dumping of soil in the historic wetland and over 100 years of intense farming and grazing pressure has altered and finally obliterated the natural hydrology and habitats. Two projects within the OMP have been completed the *Ojai Meadows Preserve Habitat Restoration and Flood Control Plan* (Condor 2004) and the *Restoration Plan for the Ojai Meadows Preserve* (2008). The VRP lies just downstream of Robles Water Diversion on the Ventura River, Ventura County, California. The preserve encompasses 1,417 acres that include three miles of Ventura River channel and most of four small tributary watersheds. This project entails the implementation of habitat restoration at the VRP based on the *Restoration Plan for the El Nido Ventura River Preserve* (2006). Two monitoring methods would be used to characterize changes in vegetation in restoration areas at both candidate sites. Annual

quantitative surveys would estimate the percent cover, stature, and species richness from random transects with one meter square quadrants placed every five meters along each transect. An annual functional assessment of restored areas would use the California Rapid Assessment Method (CRAM) and results would be submitted to the Corps in an annual report.

OVLC would maintain accurate records of the ILFP expenditures including a database identifying monies accepted for each project, Corps file number, impact location and acreage, type of mitigation required, type of habitat and species impacted, required mitigation acreage, in-lieu fee amount, date of Corps letter approving acceptance of in-lieu fees, and date monies were received.

To ensure permanent protection of the mitigation sites, OVLC or a qualified organization designated by OVLC and approved by the Corps would obtain in-perpetuity conservation easements or deed restrictions to be recorded at the Ventura county Registry of Deeds. For projects occurring on conservation easements held by OVLC or a partner organization, OVLC shall provide the Corps with copies of the recorded conservation easement agreement, baseline documentation report and title report.

Additional details are provided in the prospectus and supporting documents are available online at the following links:

http://www.spl.usace.army.mil/regulatory/Ventura_River/Prospectus_VenturaRiverILFProgram_FIN_AL_111018.pdf

http://www.spl.usace.army.mil/regulatory/Ventura_River/VRPPlan.pdf

http://www.spl.usace.army.mil/regulatory/Ventura_River/FINAL_OVLC_SHA_signed_4-30-10.pdf

http://www.spl.usace.army.mil/regulatory/Ventura_River/Final_Report_June_2004_reduced.pdf

The documents are also available at the Corps of Engineers Ventura Field office at the address above.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The Los Angeles Regional Water Quality Control Board (LARWQB) has been invited to participate directly in the Interagency Review Team (IRT) throughout the re-authorization of this in-lieu fee. It is anticipated that future projects that would be eligible to utilize this ILFP for their mitigation requirements for impacts authorized under Corps of Engineers Section 404 permits would have similar mitigation requirements under companion certifications issued by the LARWQCB pursuant to Section 401 of the Clean Water Act. The LARWQCB may or may not be signatory to any ILFP instrument that is developed for the subject property. Under either scenario, the LARWQCB would have the discretion to approve or deny use of the proposed ILFP to satisfy mitigation requirements for Section 401 certifications within the service area of the bank. Establishment of the bank does not require Section 401 certification.

Coastal Zone Management- This project is located outside the coastal zone and will not affect coastal zone resources.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. No ground disturbing activities are expected to occur to implement the ILFP, no adverse impacts to any previously undocumented cultural resource would occur. No ground disturbing activities are proposed as part as part of the re-authorization of this ILFP, therefore no adverse impacts to any previously undocumented cultural resource would occur. If there are ground disturbing activities proposed as part of a specific restoration project associated with the ILFP, OVLC would contact the Corps to obtain appropriate permits at which time the Corps would ensure compliance with Section 106 of the National Historic Preservation Act. The Corps is currently processing a nationwide authorization for work proposed on Rice Creek to restore 0.57 miles of natural creek flow and riparian habitat by re-establishing Rice Creek's natural channel. Prior to permit issuance the Corps will determine if the project will have an effect of historic properties and consult with the State Historic Preservation Officer (SHPO) as appropriate.

Endangered Species- At least 44 special status species inhabit or utilize the aquatic, riparian and wetland habitats. Of these 44 species, ten federally threatened or endangered species and 33 California fully protected species or species of special concern inhabit or utilize the aquatic, riparian and wetland habitats in the watershed. It is anticipated that the southern steelhead trout (*Oncorhynchus mykiss*) and/or its critical habitat, tide water goby (*Eucyclogobius newberryi*), California red-legged frog (*Rana draytonii*), southern willow flycatcher (*Empidonax traillii extimus*), and the least Bell's vireo (*Vireo bellii pusillus*) would continue to benefit from the restoration of wetlands. The National Marine Fisheries Service (NMFS) and the Fish and Wildlife Service (FWS) are the agencies responsible for the protection and management of these species and have been invited to participate in the IRT.

No ground disturbing activities are proposed as part of the re-authorization of this ILFP, therefore the Corps has determined there would be no effect to federally listed threatened or endangered species. If there are ground disturbing activities proposed as part of a specific restoration project associated with the ILFP, OVLC would contact the Corps to obtain appropriate permits at which time the Corps would ensure compliance with the Endangered Species Act. The Corps is currently processing a nationwide authorization for work proposed on Rice Creek to restore 0.57 miles of natural creek flow and riparian habitat by re-establishing Rice Creek's natural channel. Prior to permit issuance the Corps will determine if the project will have an effect on listed species and consult with the FWS and/or NMFS as appropriate.

For additional information please contact Crystal L.M. Huerta of my staff at 805-585-2143 or via e-mail at crystal.huerta@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.