



SPECIAL PUBLIC NOTICE

APPLICATION FOR PERMIT

LOS ANGELES DISTRICT

Public Notice/Application No.: SPL-2011-00694-SAS

Project: San Luis Rey Mitigation Bank Prospectus

Comment Period: September 2, 2011 through September 23, 2011

Project Manager: Shanti Abichandani Santulli; 760-602-4834; Shanti.A.Santulli@usace.army.mil

Applicant

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Contact

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Location

The proposed San Luis Rey Mitigation Bank (also known as the Singh Property) is located on the San Luis Rey River north of State Route 76 and south of North River Road in the City of Oceanside, San Diego County, California (Figure 1). The site is located just north of the Singh & Sons tomato processing plant and just east of Mission Vista High School. The proposed mitigation bank site is in Township 10 South, Range 4 West, Section 36, with a small section of land in Township 11 South, 4 West, Section 1, San Bernardino Meridian Survey as shown on the United States (U.S.) Geological Survey 7.5-minute Morro Hill quadrangle map (Figure 2). (Latitude: 33.257788, Longitude -117.258982)

Activity

The review of a prospectus from Wildlands (proposed mitigation bank sponsor) associated with the development of the San Luis Rey Mitigation Bank for compensatory mitigation for Department of the Army (DA) permits. For more information see page 2 of this notice.

Interested parties are hereby notified that a prospectus has been received from Wildlands for a proposed mitigation bank for compensatory mitigation for DA permits. Interested parties are invited to provide their views on the proposed prospectus, which will become a part of the record and will be

considered in the decision to authorize or not authorize the proposed in-lieu fee program. Comments should be mailed to:

Los Angeles District, U.S. Army Corps of Engineers
South Coast Branch, Carlsbad Field Office
ATTN: Shanti Abichandani Santulli, Project Manager
6010 Hidden Valley Road, Suite 105
Carlsbad, California 92011

Alternatively, comments can be sent electronically to: Shanti.A.Santulli@usace.army.mil

Evaluation Factors

The decision whether to authorize the San Luis Rey Mitigation Bank 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 Environmental Protection Agency (EPA) Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the CWA.

The U.S. Army Corps of Engineers (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 of this proposed activity. The District Engineer (DE) will review the comments received in response to this notice and make a written initial evaluation as to the potential of the proposed mitigation bank to provide compensatory mitigation. 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, if applicable, 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. In addition, all comments will be distributed to the members of the Interagency Review Team (IRT) and the sponsor within 15 days of the close of the comment period. The DE and the IRT members will also have the opportunity to comment to the sponsor. After considering comments from the DE, the IRT, and the public, if Wildlands chooses to proceed with establishment of the mitigation bank, Wildlands will prepare a draft instrument and submit it to the DE.

Background

On April 10, 2008, the Corps and the EPA published the Final Rule on Compensatory Mitigation for Losses of Aquatic Resources ("Mitigation Rule"), which went into effect June 9, 2008. The rule replaced most previous guidance concerning compensatory mitigation.

Consistent with the requirements of the rule at 33 CFR § 332.8(d), Wildlands has submitted a prospectus to the Corps for the purpose of establishing and managing a mitigation bank consistent with the mitigation rule. The Corps seeks comments from interested parties on the prospectus. This public notice provides a summary of the mitigation bank prospectus submitted by Wildlands. The full prospectus may be obtained from the Corps by contacting Shanti Abichandani Santulli at 760-602-4834, or by viewing the prospectus at the following website:

http://www.spl.usace.army.mil/regulatory/SLR_MITIGATION_BANK_PROSPECTUS.pdf

Objectives

The primary objective of the proposed mitigation bank would be to replace functions and services of aquatic resources and associated habitats that have been degraded or destroyed as a result of activities conducted in compliance or in violation of Section 404 of the CWA. The proposed mitigation bank would provide mitigation for both permanent and temporary impacts to waters of the U.S. In addition, the proposed mitigation bank may be used to offset environmental losses resulting from unavoidable impacts related to regulated activities by the California Department of Fish and Game and the San Diego Regional Water Quality Control Board. Specific objectives include:

1. Restoring self-sustaining fluvial processes onsite.
2. Improving the existing habitat and restoring a riparian floodplain thereby improving habitat services. Restoration of the floodplain could potentially provide habitat for state and federally listed species including the arroyo toad (*Anaxyrus californicus*), least Bell's vireo (*Vireo bellii pusillus*), and southwestern willow flycatcher (*Empidonax traillii extimus*).
3. Improving the channel design to accommodate current and future flood flows.
4. Realigning the San Luis Rey River through the site.
5. Grading of the site to remove the berms along both sides of the river and approximately 500,000 to 700,000 cubic yards of materials from the floodplain.
6. Abandoning several agricultural wells located on the site that would not be needed in the future. The associated utility corridors to these wells and any other unnecessary utility corridors are also proposed to be abandoned.
7. Permanent protection of the project site through recordation of a conservation easement on the property.

8. Permanent management of the site as funded by a non-wasting endowment.

Service Area

The proposed service area for the proposed mitigation bank is located entirely within the coastal portion of the San Diego Planning Area and consists of portions of three 8-digit Hydrologic Unit Codes, listed as follows:

- 18070303 Escondido Creek—San Luis Rey River
 - 1807030302 Middle San Luis Rey River
 - 1807030303 Lower San Luis Rey River
 - 1807030304 Escondido Creek
 - 1807030305 San Marcos Creek—Frontal Gulf of Santa Catalina

- 18070302 Santa Margarita River
 - 1807030205 Santa Margarita River (within the boundaries of Camp Pendleton)

- 18070301 Aliso Creek—San Onofre Creek
 - 1807030104 San Onofre Creek—Frontal Gulf of Santa Catalina (within the boundaries of Camp Pendleton)

Establishment and Operation of the Program

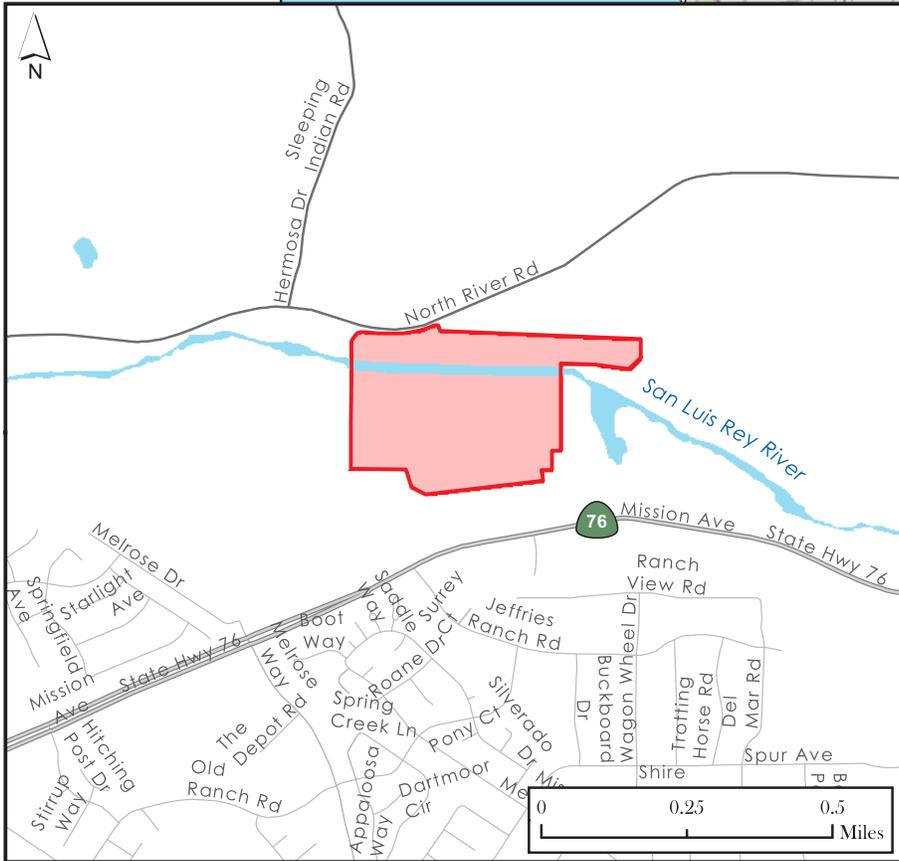
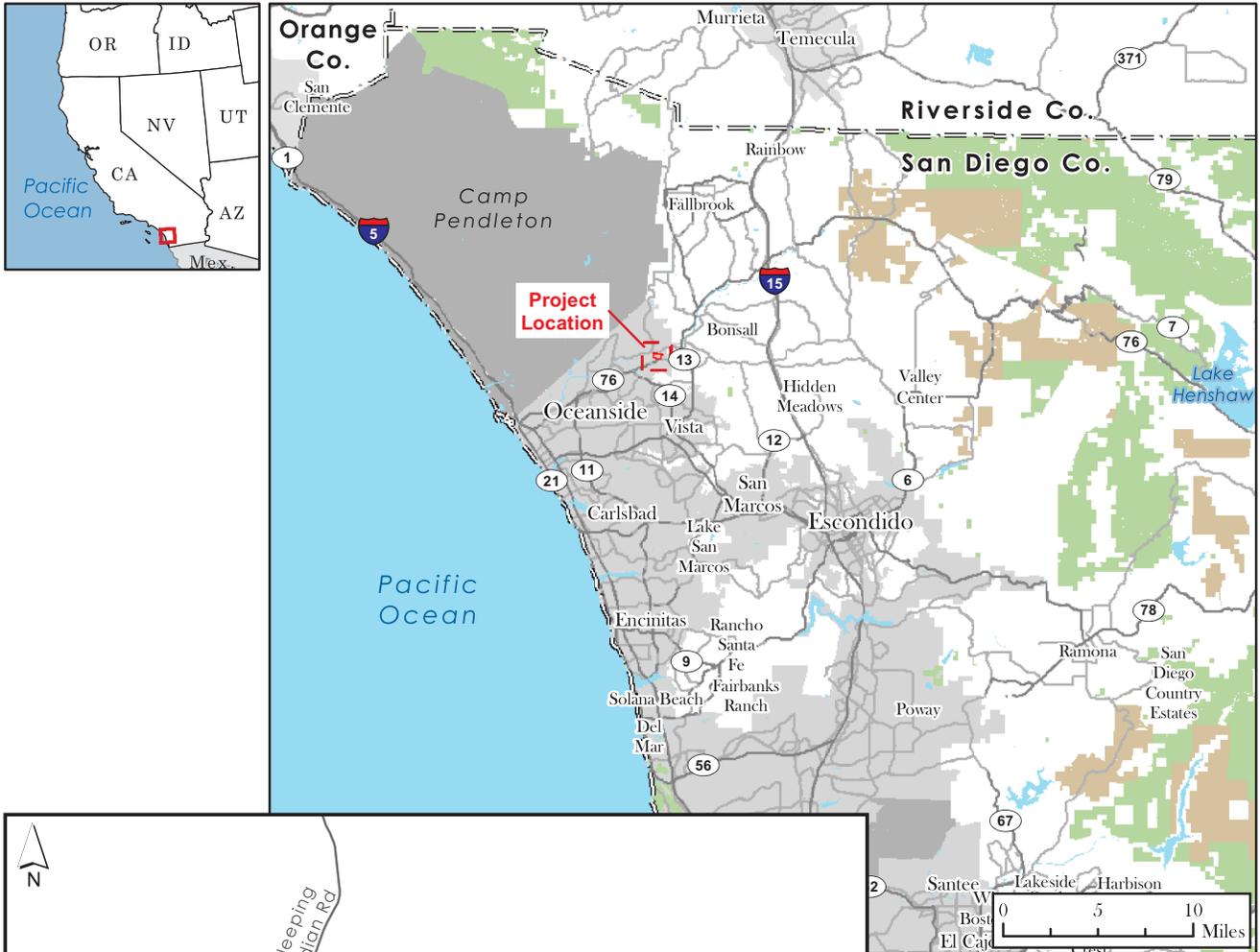
Wildlands is under contract to the Singh Property Management Company to purchase approximately 64 acres of property, commonly referred to as the “Singh Property,” located along the San Luis Rey River in Oceanside in northwestern San Diego County. Based on preliminary information developed for the Prospectus, the proposed mitigation bank would encompass approximately 58 acres of land almost entirely within the 100-year floodplain. Entitlement of the proposed mitigation bank is anticipated to result in the rehabilitation and re-establishment of approximately 50 acres of wetlands, riparian floodplain, and upland buffer habitat, providing compensatory mitigation to offset lost aquatic resource functions and services. Due to its location along the San Luis Rey River and its high potential for successful restoration upon removal of historic fill within the floodplain, the proposed mitigation bank location has been identified by several state and Federal agencies as a high-priority restoration site.

Wildlands is seeking to preserve the proposed mitigation bank site in perpetuity through the placement of a conservation easement over the site. Wildlands would be responsible for the mitigation bank design, entitlement, construction, and long-term operations and management. Wildlands proposes that the Wildlife Heritage Foundation (WHF) hold the conservation easement on the property and the National Fish and Wildlife Foundation (NFWF) hold the long-term management endowment.

Qualifications of the Sponsor

Wildlands is a habitat-development and land-management company dedicated to the restoration and preservation of wetlands and special-status species habitat. Wildlands has been developing and entitling mitigation and conservation banks and permittee-responsible mitigation and conservation projects for approximately 20 years, including the successful establishment of the Rancho Jamul Mitigation Bank at the Rancho Jamul Ecological Reserve in the San Diego Region. The company has a staff comprised of restoration ecologists, wildlife biologists and botanists, regulatory permitting specialists, land and range managers, conservation planners, licensed landscape architects, GIS analysts, and real estate specialists.

For additional information please call Shanti Santulli of my staff at 760-602-4834 or via e-mail at Shanti.A.Santulli@usace.army.mil.



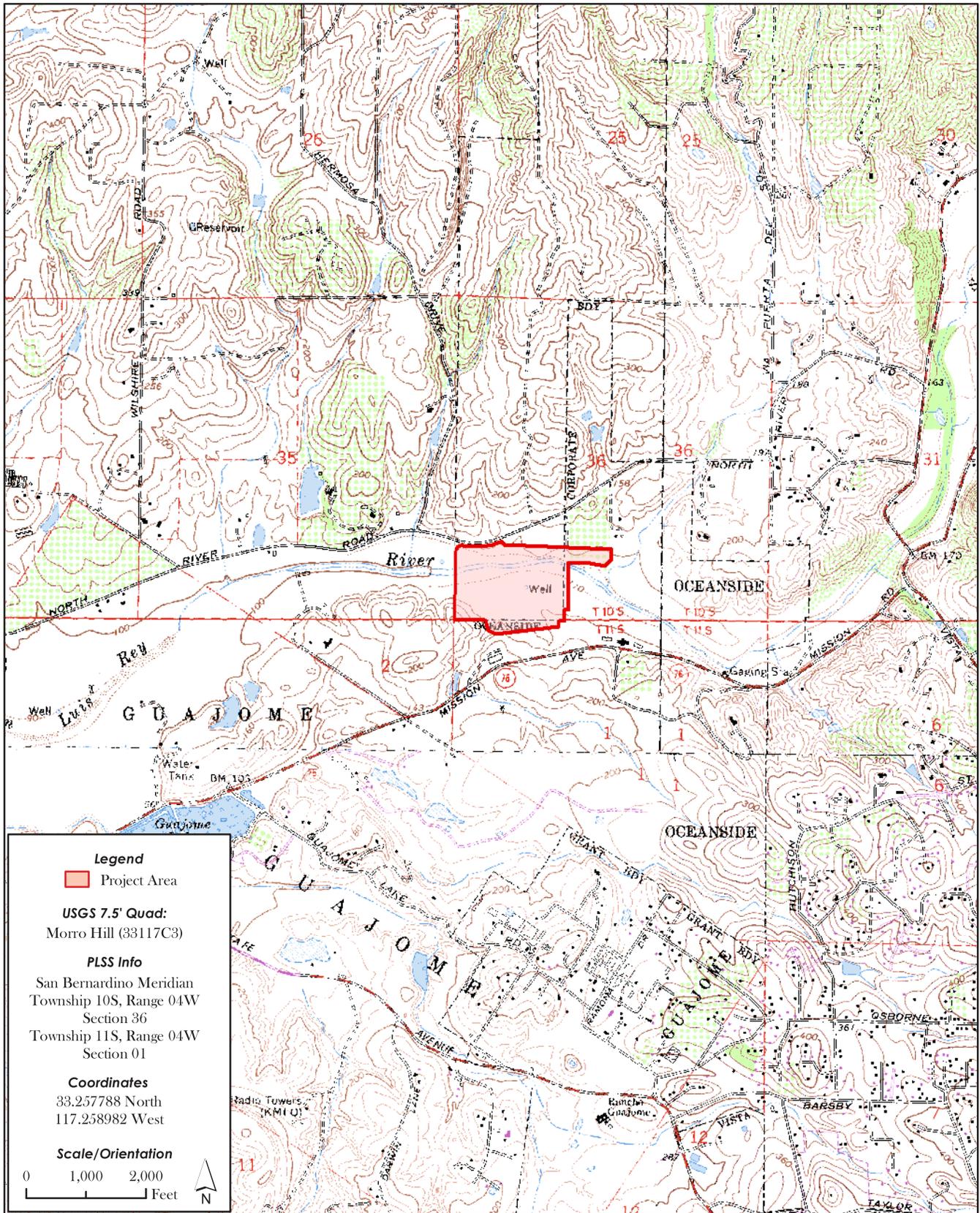
Legend
 Project Area

WILDLANDS

San Luis Rey Mitigation Bank
 Prospectus

Figure 1
 Regional Vicinity Map





WILDLANDS

San Luis Rey Mitigation Bank
Prospectus

Figure 2
USGS Topographic Map

