



SPECIAL PUBLIC NOTICE

ESTABLISHMENT OF

**US Army Corps
of Engineers®**

THE SANTA ANA RIVER WATERSHED TRUST FUND
FOR ARUNDO ERADICATION AND HABITAT ENHANCEMENT
IN-LIEU FEE MITIGATION PROGRAM

LOS ANGELES DISTRICT

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Sponsor

Shelli Lamb

Santa Ana Watershed Association of Resource Conservation Districts

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Description of the In-Lieu Fee Mitigation Program

The District Engineer is pleased to announce the establishment of the Santa Ana River Watershed Trust Fund for Arundo Eradication And Habitat Enhancement In-Lieu Fee Mitigation Program. This in-lieu fee program will be managed by the Santa Ana Watershed Association of Resources Conservation Districts (SAWA) with financial oversight by the Orange County Water District. The goal of the Fund is to remove invasive, non-native plant species (*Arundo donax* (giant reed), *Ricinius communis* (castor-bean), and *Tamarix* spp. (tamarisk)) within the upper Santa Ana River Watershed.

Implementing Mechanisms for the In-Lieu Fee Mitigation Program

The In-Lieu Fee Mitigation Program will be implemented by a Memorandum of Agreement (MOA) among the U.S. Army Corps of Engineers (Corps), the Santa Ana Watershed Association of Resources Conservation Districts (SAWA), and the Orange County Water District (OCWD). Oversight of the In-Lieu Fee Mitigation Program would be the responsibility of the Corps in conjunction with the OCWD and SAWA.

Establishment and operation of the in-lieu fee program may result in discharge of fill material into waters of the U.S. This discharge of fill would be authorized under Regional General Permit (RGP) No. 41 - Removal of Invasive, Exotic Plants from Waters of the U.S. within the portion of California in the Los Angeles District of the Corps of Engineers. The In-Lieu Fee Mitigation Program has already received a Section 401 water quality certification from the Santa Ana California Regional Water Quality Control Board in a letter dated December 4, 2000. Discharges of fill associated with projects wishing to use the In-Lieu Fee Mitigation Program would need to receive Section 404 authorization on a case-by-case basis through normal permit application procedures.

Use of the Proposed In-Lieu Fee Mitigation Program

Geographic Service Area of the Proposed In-Lieu Fee Mitigation Program: The In-Lieu Fee Mitigation Program will be available for use as compensation for unavoidable impacts to waters of the U.S., including wetlands, resulting from activities authorized under Section 404 of the Clean Water Act. Projects occurring in the Riverside County and San Bernardino County portions of the Santa Ana River Watershed or the Santiago Creek Sub-Watershed in Orange County (see attached map) would be eligible to purchase credits from this In-Lieu Fee Mitigation Program.

Projects Eligible to Use the Proposed In-Lieu Fee Mitigation Program: Recipients of Section 404 permits for projects within the geographic service area may be eligible to purchase credits from the in-lieu fee program in order to satisfy mitigation requirements of their Corps permit. Use of the In-Lieu Fee Mitigation Program is contingent upon Corps approval and subject to the following conditions:

1. The In-Lieu Fee Mitigation Program can only be used to mitigate in-kind impacts to aquatic habitat, *i.e.* only impacts to riparian habitat may be mitigated at the In-Lieu Fee Mitigation Program
2. The In-Lieu Fee Mitigation Program **will not be considered** for mitigation of unavoidable losses to unique wetlands such as, but not limited to, vernal pools, tidal/estuarine wetlands, and/or seep wetlands.
3. The In-Lieu Fee Mitigation Program will be limited to mitigation for i) permanent impacts to aquatic resources authorized by a nationwide or regional general permit (generally less than 0.5 acre); ii) permanent impacts to aquatic resources authorized by an individual permit after the first 1:1 ratio (i.e one acre of mitigation for each acre of impact) incorporates enhancement, restoration, or creation of aquatic resources; iii) temporary impacts to aquatic resources; and iv) unauthorized impacts to wetlands and other waters of the U.S in conjunction with a restoration order.

For individual permits, the Corps will determine mitigation ratios will in consultation with the Environmental Protection Agency (EPA) and the U.S. Fish and Wildlife Service (FWS). For general permits, the Corps will determine mitigation ratios. The determination of the mitigation ratios is based upon the riparian functions established at the In-Lieu Fee Mitigation Program and the riparian functions lost at the permitted project site.

For additional information please call Jae Chung of my staff at (213) 452-3292. This public notice is issued by the Chief, Regulatory Branch.

Santa Ana River Watershed Arundo Eradication In-Lieu Fee Mitigation Program Geographic Service Area

