



# PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS  
LOS ANGELES DISTRICT

BUILDING STRONG®

## Prospectus for Mitigation Bank Watersedge Mitigation Bank

**Public Notice/Application No.:** SPL-2018-00805-MAL

**Project:** Watersedge Mitigation Bank

**Comment Period:** August 29, 2019 through September 28, 2019

**Project Manager:** Michael LaDouceur; (760) 602-4840; [Michael.A.Ladouceur@usace.army.mil](mailto:Michael.A.Ladouceur@usace.army.mil)

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### **Bank Sponsor**

Pat Brown

Watersedge Elsinore Associates, LLC

11452 El Camino Real, Suite 120

San Diego, CA 92130

[pat@americancottages.com](mailto:pat@americancottages.com)

### **Consultant**

Shawn Gatchel – Hernandez

Hernandez Environmental Services

17037 Lakeshore Drive

Lake Elsinore, CA 92530

[shawn@hernandezenvironmental.com](mailto:shawn@hernandezenvironmental.com)

### **Location**

The proposed Watersedge Mitigation Bank (Bank) would be located on approximately 76 acres in Lake Elsinore, located south of Lakeshore Drive, west of Lakepoint Park, east of Lucerne Street, and north of the inlet channel to Lake Elsinore, within the City of Lake Elsinore, Riverside County, California at approximately 33.660816°N, -117.323245° W.

### **Activity**

The Corps has received a prospectus from the Watersedge Elsinore Associates, LLC (Sponsor) to develop a mitigation bank to generate credits to offset impacts to waters of the United States. The project would restore areas within and along Lake Elsinore within the Bank by removing non-native vegetation and replacing with native vegetation within the lake, establishing depressional Vernal Pool Wetlands, and removing non-native vegetation and replacing with native vegetation in upland areas.

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Interested parties are hereby notified a complete prospectus has been received for consideration of developing a Compensatory Mitigation Bank. We invite you to review today's public notice and provide views on the prospectus. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. Comments should be mailed to:

DEPARTMENT OF THE ARMY  
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
REGULATORY DIVISION  
ATTN: Michael LaDouceur  
Carlsbad Field Office  
5900 La Place Ct., Suite 100  
Carlsbad, CA 92008

Alternatively, comments can be sent electronically to: [Michael.A.Ladouceur@usace.army.mil](mailto:Michael.A.Ladouceur@usace.army.mil)

### **Additional Information**

The Mitigation Rule (Rule) established a process and defined requirements for the establishment and management of mitigation banks, in-lieu fee (ILF) programs, and Permittee-responsible mitigation (33 CFR §332). In addition, the Rule established a public review process and timeline for the development of mitigation banks and in-lieu fee programs. This Bank establishment process will include the following: 1) public review and comment on the Prospectus, 2) Interagency Review Team (IRT) coordination on the Prospectus and the Bank Enabling Instrument (BEI), 3) development of a program account, and 4) development of a credit release schedule.

The IRT consists of member resource agencies, and may include the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, National Marine Fisheries Service, California Department of Fish and Wildlife, California Coastal Commission, and the Regional Water Quality Control Board. More information on the Rule and the Mitigation Banking Process can be found at <https://www.spl.usace.army.mil/Missions/Regulatory/Mitigation.aspx>.

### **Background**

The Bank property is located north of the inlet channel to Lake Elsinore. Lake Elsinore receives water from the San Jacinto River, and discharges to Temescal Wash when the water elevation reaches 1,255 feet above mean sea level. The Sponsor's stated objectives are the following:

- Expand, enhance and preserve the wetland and riparian habitats on the site;
- Create, restore, enhance and maintain ideal habitat conditions to encourage the proliferation of the special status species known to occur, currently or historically, on the site;
- Allow the sale of credits as off-site compensatory mitigation for any of the following impacts within the service areas:
  - Unavoidable impacts to waters of the United States which result from activities authorized under Section 404 of the Clean Water Act ("Section 404");
  - Impacts to waters of the U.S. and waters of the state which result from authorized activities under section 401 of the Clean Water Act ("Section 401") and the Porter-Cologne Water Quality Control Act;
  - Unavoidable impacts to waters of the State of California which result from activities authorized under Section 1600 et seq. of the California Fish and Game Code ("Section 1600");
  - Impacts to sensitive and wildlife resources under the applicable sections of the California Environmental Quality Act (CEQA).

## **Proposed Long Term Management Strategy**

The Bank is proposed to be protected in perpetuity via recordation of a conservation easement. The conservation easement would be held by a non-profit or governmental entity and long-term monitoring / maintenance and management of the Bank Property would be conducted by a qualified biological consultant on behalf of Watersedge Elsinore Associates, LLC.

## **Proposed Service Area**

The service area of a bank is a geographic area, such as a watershed or ecoregion, within which the mitigation bank is authorized to provide compensatory mitigation required by Department of the Army Permits. The proposed primary service area will include the Lower San Jacinto River Watershed and downstream HUC-10 watersheds including Temescal Wash, Middle Santa Ana River, and Lower Santa Ana River watersheds, and HUC-10 watersheds directly abutting the Lower San Jacinto River Watershed, watersheds with similar hydrologic influence, habitat, and connectivity, including the Upper San Jacinto River and Middle San Jacinto River.

## **Mitigation Bank Approval and Permitting Processes**

Mitigation requirements for a particular project are discussed between the project proponent and the Corps. The project proponent must first submit a compensatory mitigation proposal to the Corps describing the proposed use of a Mitigation Bank. Per the Mitigation Rule, preference is first given to use of Mitigation Banks over In-Lieu Fee (ILF) Programs and Permittee-responsible mitigation types, as Bank credits are usually in place prior to the permitting of a proposed project.

As part of the process of establishing a Bank, the IRT would determine the types and number of potential Bank credits that may be generated. Upon meeting either administrative milestones (e.g., BEI completion, funding of long-term management) or performance-based milestones (e.g., 1-year, 3-year, 5-year conditional assessments), potential credits then become released credits and are available for sale. The Corps will review the proposal to generate wetlands reestablishment, rehabilitation, enhancement, and preservation credits as well as upland buffer credits. All credit sales would be tracked and reported by the Bank sponsor to the Corps at minimum on an annual basis, and also uploaded to the Corps' Regulatory In-lieu Fee and Banking Information Tracking System (RIBITS) at <https://ribits.usace.army.mil>.

In addition to the final IRT approvals of the Prospectus and completion of the final BEI, the Sponsor would also need to obtain the appropriate federal, state, and local permits required to implement the Bank restoration activities. The Bank sponsor would submit an application for Corps permit(s) should the proposed Bank mitigation 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, if appropriate, under the Endangered Species Act, the National Historic Preservation Act and other applicable federal laws, prior to any DA permit authorization.

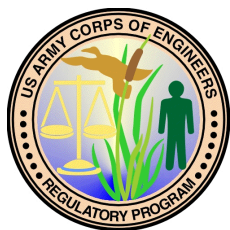
To ensure a high level of confidence that the Sponsor's Mitigation Plan<sup>1</sup> would be successfully completed in accordance with applicable mitigation performance standards, the Bank Sponsor, in coordination with the Corps, would secure sufficient financial assurances following Corps approval. Examples of acceptable financial assurances include performance bonds, letters of credit, and escrow accounts.

The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to help inform the Corps and the IRT as to the overall merits of the proposed Bank, the scope of the proposed mitigation bank, the delineation of the service area, the ecological suitability of the individual sites to achieve wetlands restoration, and to identify project aspects that should be addressed during the development of a draft BEI. Any comments received will be considered by the Corps to determine whether the proposal has the potential to provide mitigation opportunities for project proponents (permittees) authorized to impact waters of the U.S. under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act or as a means of resolving Section 404 and/or Section 10 enforcement actions.

Additional details and project plans will be provided in the Prospectus, available online at <https://ribits.usace.army.mil>. Please use the following steps to navigate to the appropriate documents:

- Under the Navigation Heading, click on “Banks & ILF Sites”
- Using the yellow drop-down arrow under the Banks and ILF Sites heading, filter state to “CA”
- Scroll down the alphabetized listing and click on the Watersedge Mitigation Bank.
- Click on “Cyber Repository” located underneath the frog image.
- Click on “Documents for Review”

For additional information please call Michael LaDouceur of my staff at (760) 602-4840 or via e-mail at [Michael.A.Ladouceur@usace.army.mil](mailto:Michael.A.Ladouceur@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.

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**DEPARTMENT OF THE ARMY**  
**LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS**  
**[WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY](http://WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY)**





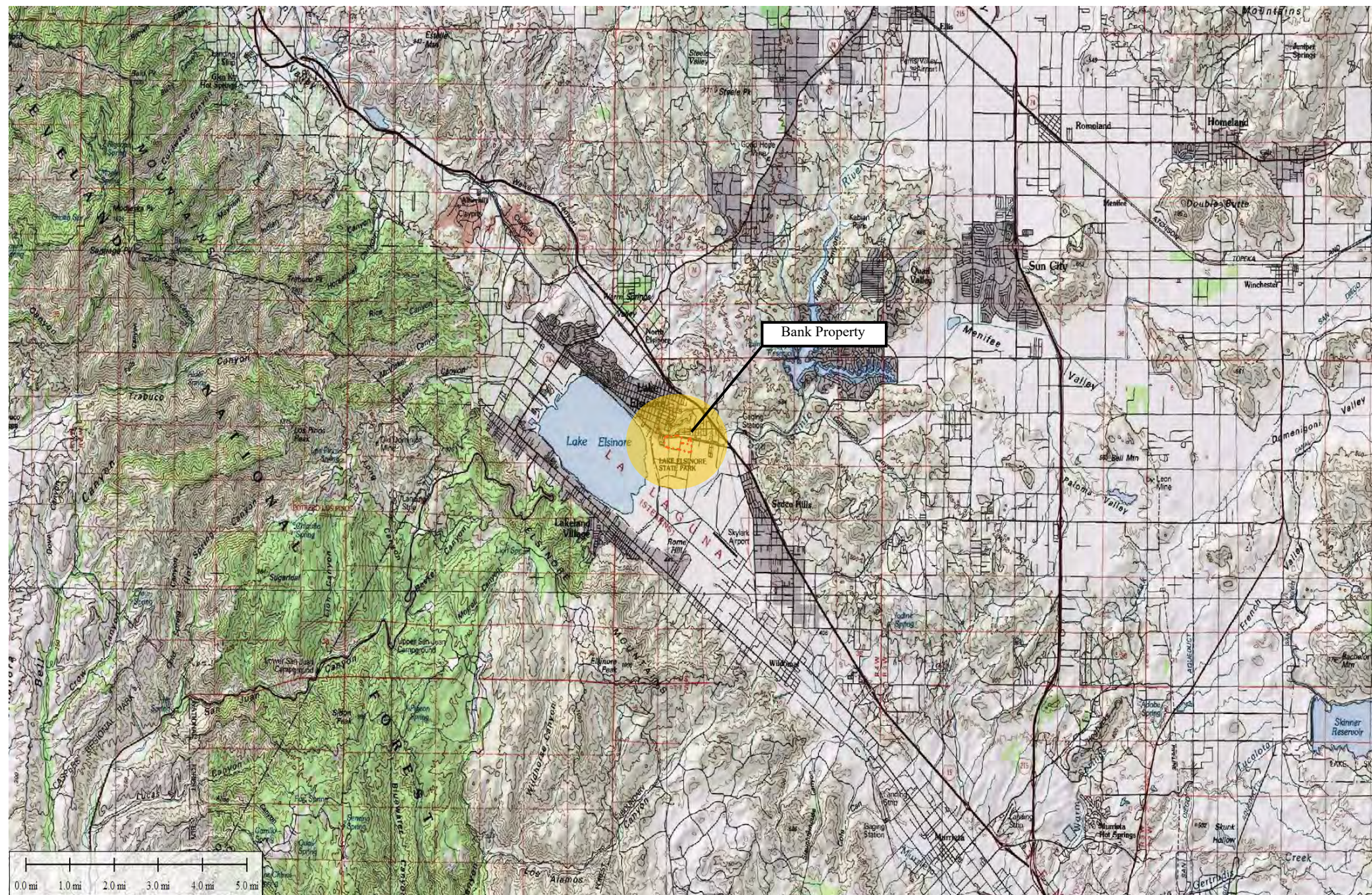
**Figure 1**  
Location Map  
Watersedge Mitigation Bank  
Lake Elsinore, Riverside County, CA

**Legend**

 Bank Property Boundary







**Figure 2**  
Vicinity Map  
Watersedge Mitigation Bank  
Lake Elsinore, Riverside County, CA

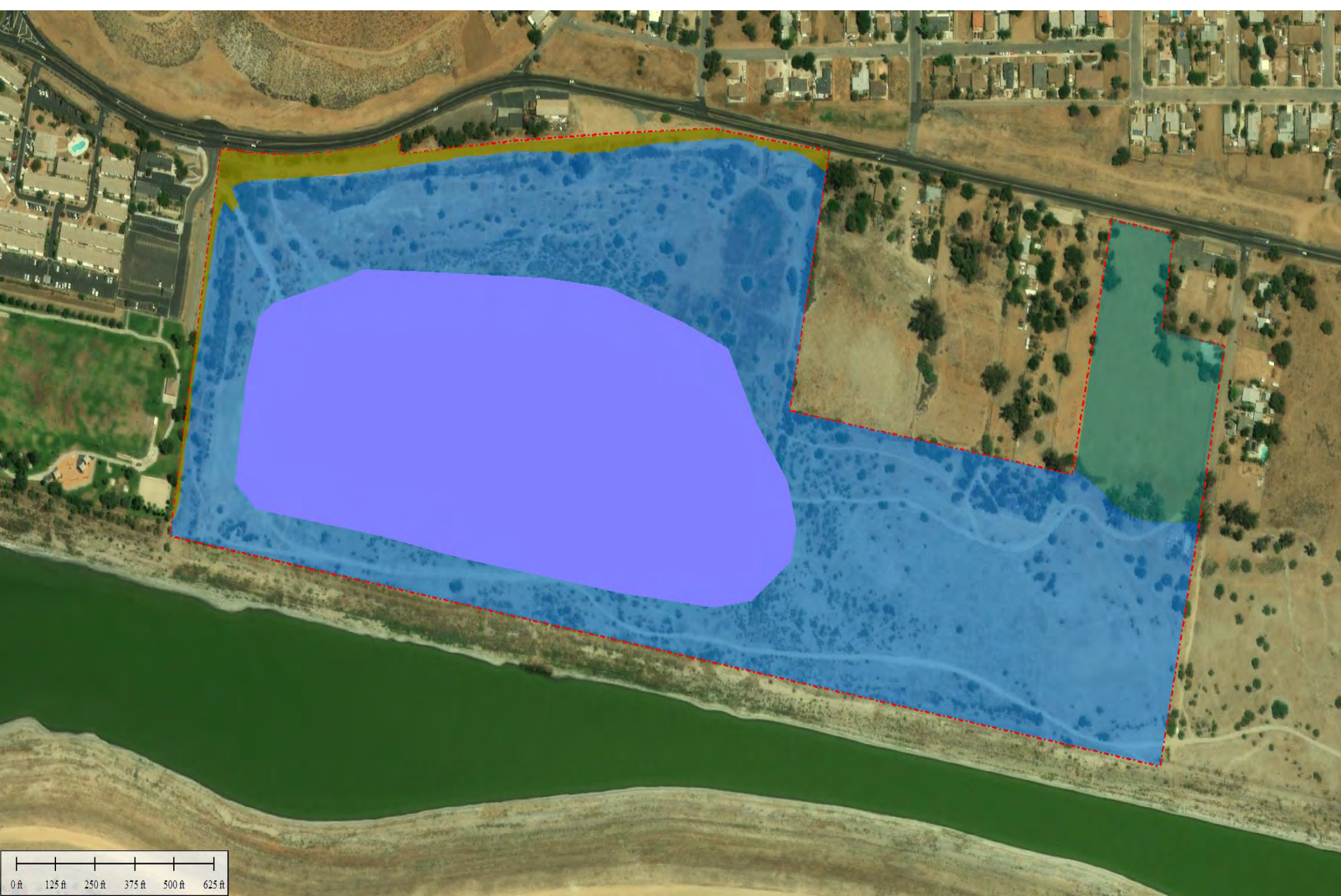
### Legend



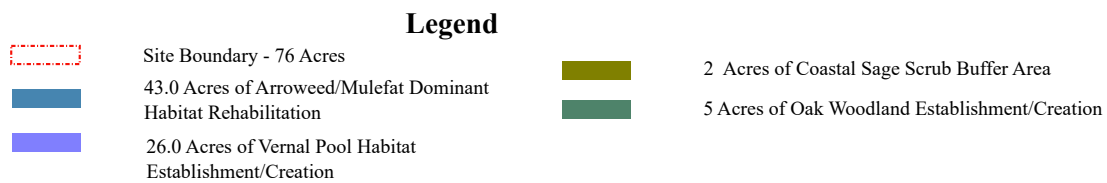
Bank Property Boundary







**Figure 3**  
Conceptual Mitigation Plan  
Watersedge Mitigation Bank  
Lake Elsinore, Riverside County, CA







**Figure 6**  
Habitat Map  
Watersedge Mitigation Bank  
Lake Elsinore, Riverside County, CA

**Legend**

	Site Boundary		4.05 Acres Disturbed
	59.2 Acres Tamarisk Dominant Habitat		1.31 Acres Arrowweed Dominant Habitat
	12.1 Acres Ruderal Habitat		0.47 Acre Eucalyptus Woodland
	Vernal Depressions		







**Figure 7a**

CDFW Jurisdictional Features Map  
Watersedge Mitigation Bank  
Lake Elsinore, Riverside County, CA

**Legend**



Property Line



57.7 Acres of Tamarisk Dominant Habitat



6.64 Acres of Ruderal Habitat



3.33 Acres of Disturbed Non-vegetated Habitat



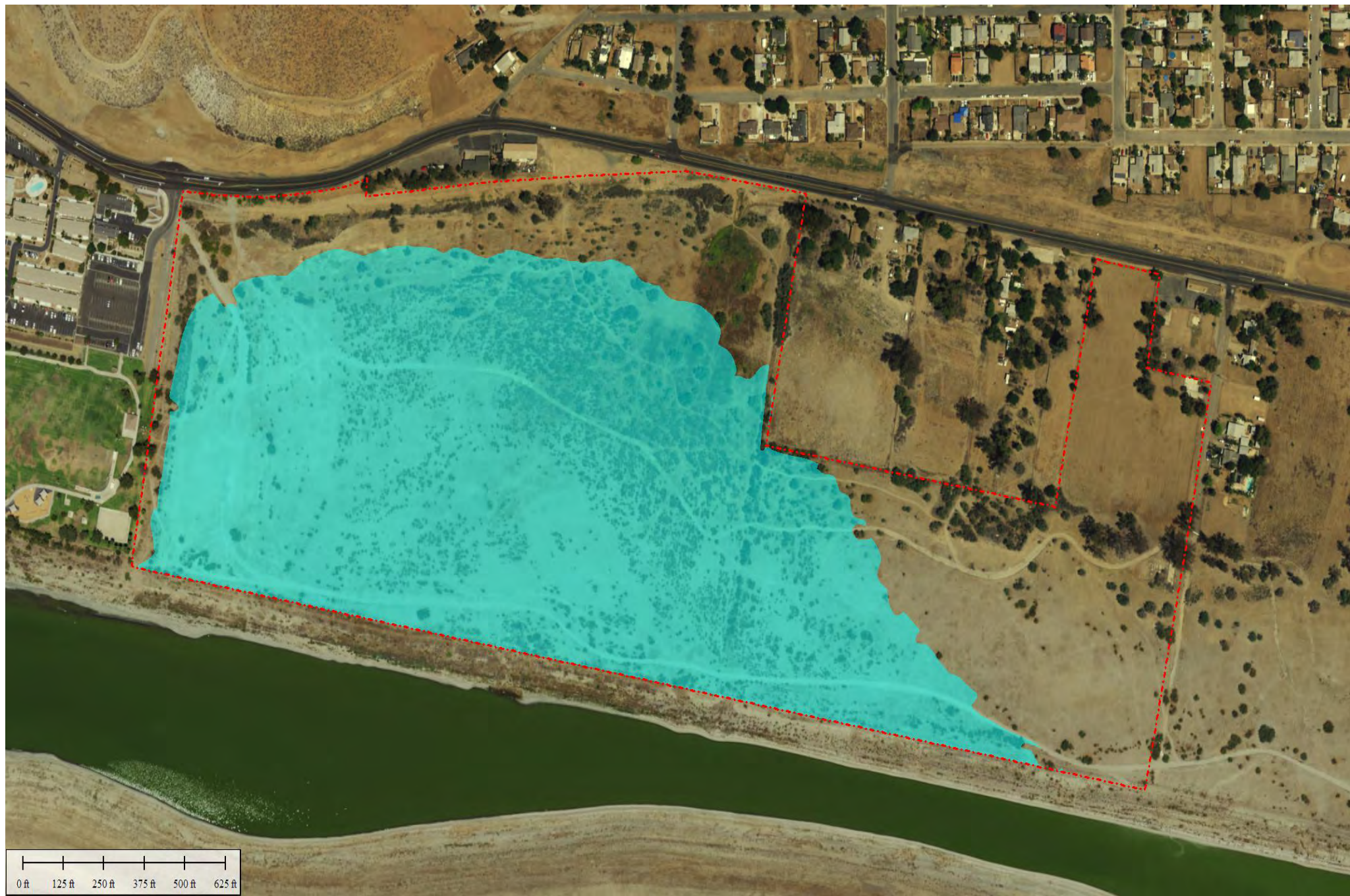
1.21 Acres of Arrowweed Dominant Habitat



0.15 Acre of Euclyptus Woodland







**Figure 7b**  
 Waters of the United States Map  
 Watersedge Mitigation Bank  
 Lake Elsinore, Riverside County, CA

**Legend**



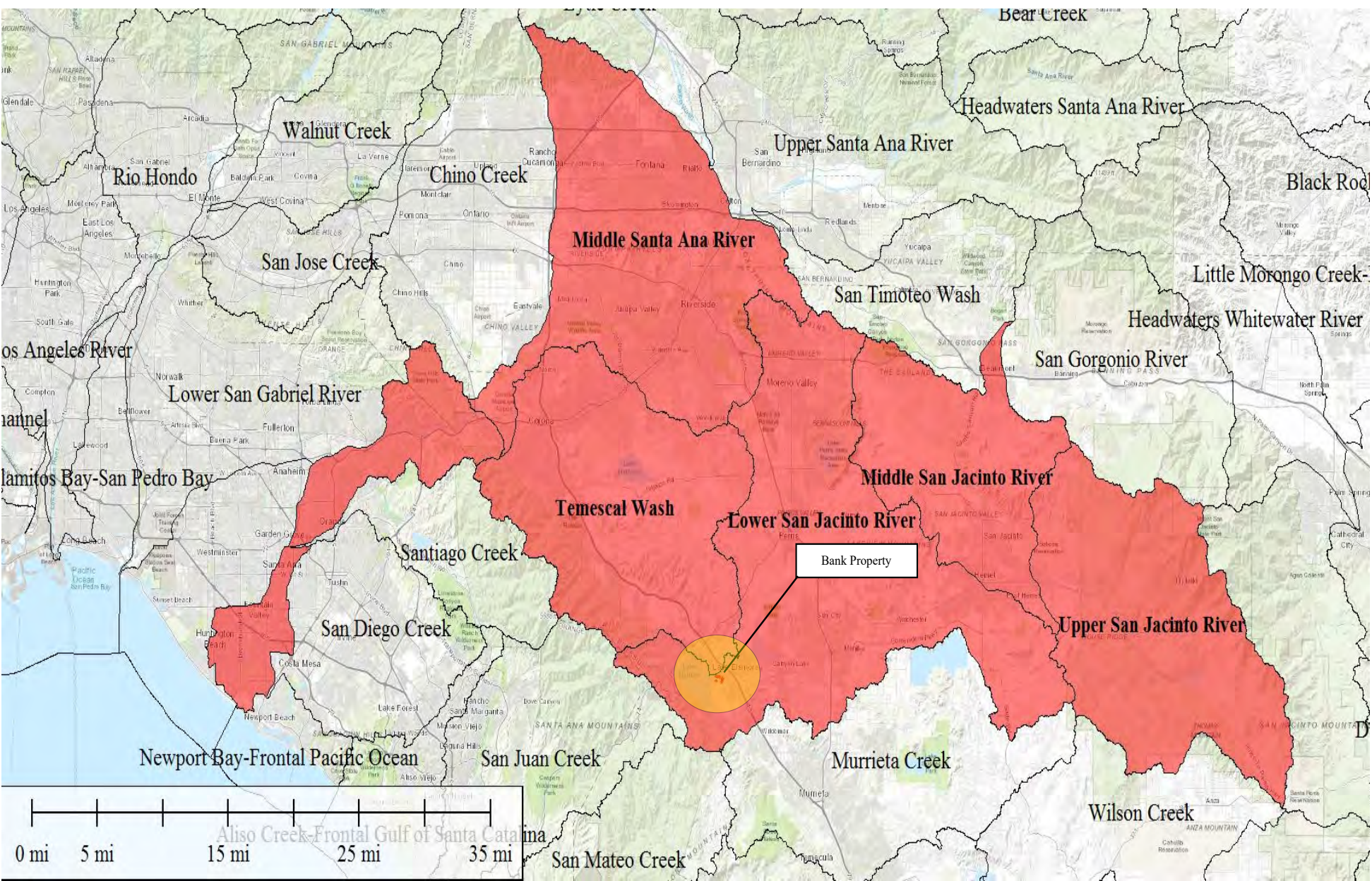
Property Line



47.0 Acres of Waters of the United States







**Figure 9**  
 Proposed Bank Service Area  
 Sections 1602, 404, and 401  
 Watersedge Mitigation Bank  
 Lake Elsinore, Riverside County, CA

**Legend**



Proposed Service Area

