



PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

Availability of Prospectus: Elizabeth Lake Mitigation Bank

Public Notice/Application No.: SPL-2012-00152-SLP

Project: Elizabeth Lake Mitigation Bank

Comment Period: June 18, 2013 to July 18, 2013

Project Manager: Shannon Pankratz; 213-452-3412; Shannon.L.Pankratz@usace.army.mil

Bank Sponsor

Tracey Brownfield
Land Veritas, LLC
1001 Bridgeway, No. 246
Sausalito, California 94965

Location

The mitigation bank is located near the town of Lake Hughes, unincorporated Los Angeles County, California (at: 34.66328, -118.41212). The mitigation bank service areas have been proposed by the sponsor to encompass the Santa Clara River watershed (Counties of Los Angeles, Ventura) (HUC 8, 18070102) and portions of the Antelope Valley – Fremont Valley Watershed (Counties of San Bernardino, Kern) (HUC 8, 18090206).

Activity

To establish the Elizabeth Lake Mitigation Bank (“Bank”) pursuant to the requirements of the Corps-EPA Compensatory Mitigation Rule¹ (33 CFR 332.8(d)) (“Mitigation Rule”) near the town of Lake Hughes, unincorporated Los Angeles County (see Figure 1). For more information see pages 2-4 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 authorize a mitigation bank 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 authorization of this Bank, 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: Shannon Pankratz, Project Manager
915 Wilshire Boulevard
Los Angeles, California 90017

Alternatively, comments can be sent electronically to: Shannon.L.Pankratz@usace.army.mil.

Background

Land Veritas, Corp. (“Sponsor”) is a conservation real estate company involved with the preservation and restoration of sensitive habitats throughout California.

The Sponsor has submitted a Prospectus to the Corps for the establishment of the Elizabeth Lake Mitigation Bank. If authorized, this Bank would receive monies from individuals or entities (“project proponent”) receiving Corps authorization under section 404 of the Clean Water Act and, when appropriate, to provide compensatory mitigation credit as part of Section 404 enforcement actions within the proposed service area (see Figures 2-3). Additionally, the proposed mitigation bank may be utilized to offset environmental losses to aquatic and non-aquatic resources resulting from unavoidable impacts related to regulated activities by the California Department of Fish and Game, Los Angeles Regional Water Quality Control Board, and the Lahontan Regional Water Quality Control Board (see Figures 4-5).

The Mitigation Rule established a process and defined requirements for the establishment and management of mitigation banks, in-lieu fee agreements 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 agreements. This mitigation bank development process will include the following: 1) public review and comment on the Prospectus, 2) Interagency Review Team (IRT)² coordination on the Prospectus and the Bank Enabling Instrument (BEI), 3) development of a mitigation credit production approach and credit release schedule, 4) long-term site protection and management measures, 5) financial assurances estimation approach.

The 317 acre Elizabeth Lake Mitigation Bank site would be located adjacent to southern and western portions of Elizabeth Lake near the town of Lake Hughes, abutting Angeles National Forest (ANF) boundaries to the north and south. Due to its location in the Santa Clara River watershed, its adjacency to the ANF and the Portal Ridge-Mojave Desert and San Andreas Rift Riparian Corridors, the presence of onsite habitat, and the presence of approximately 8,178 linear feet (lf) of ephemeral (1.69 acre, 8,178 lf) streams, 5.25 acres of alluvial floodplain, 10.45 acres of open water (Lake Elizabeth), and 19.32 acres of wetland waters of the U.S. onsite, the property is being considered as a mitigation bank. The proposed mitigation activities available onsite include habitat establishment, as well as re-establishment, enhancement and preservation of stream/alluvial fan, wetlands, riparian woodland, valley scrub, and chaparral communities.

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 compensatory mitigation proposal

² 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 the Regional Water Quality Control Board(s).

to the Corps that describes the proposed use of an In-Lieu Fee (ILF) Program or Mitigation Bank. Per the Mitigation Rule, preference is first given to use of Mitigation Banks over In-Lieu Fee Programs and Permittee-based mitigation types, as Bank credits are usually in place prior to the permitting of a proposed project.

A Mitigation Bank contains wetlands, streams and/or other aquatic resources that have been restored, established, enhanced, or preserved. The Bank area is then utilized to compensate for future impacts to aquatic resources resulting from permitted activities. The value of a Bank is determined by quantifying the aquatic resource functions restored, established, enhanced, and/or preserved in terms of "credits." If appropriate credits are available at a Mitigation Bank located within the service area, and the Corps determines that the Bank is the most appropriate approach to mitigation implementation, then the project proponent would contact the Bank sponsor to discuss mitigation options. The Bank 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 Bank sponsor would also contact the Corps in order to verify the Corps' compensatory mitigation requirements.

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 endowment) 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 sponsor proposes to generate habitat establishment, re-establishment, enhancement and preservation credits, including stream/alluvial fan, wetland, riparian woodland, valley scrub, chaparral communities credits and credits for California special status species. In addition to the final IRT approvals of the Bank Prospectus and 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)³ should the proposed bank mitigation activities involve a discharge of dredge or fill material within 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 laws, prior to any permit authorization.

Bank funds would be held in a Bank account, and all credit sales would be tracked and reported by the Bank 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 Bank mitigation site, in coordination with the Corps, the Bank sponsor would secure phased, in-perpetuity conservation easements, to be recorded at the appropriate County's Registry of Deeds following Corps approval. Each phased conservation easement, as required by the Mitigation Rule, would be recorded by the Bank sponsor prior to the release of any Bank credits for the respective phase area. An endowment would be provided by the Bank sponsor to a Corps-approved third party, non-profit, conservation or governmental entity that would manage the bank once all Bank credits have been sold.

To ensure a high level of confidence that the Sponsor's Mitigation Plan⁴ 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, escrow accounts, and casualty insurance.

³ The proposed mitigation activities may also require separate approvals from the Regional Water Quality Control Board and California Department of Fish and Game.

⁴ The content of a complete Mitigation Plan is described in the Mitigation Rule, at 33 CFR 332.4(c)(2-14).

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 Bank. 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: https://rsgisias.crrel.usace.army.mil/ribits/f?p=107:3:2768003956730564:cr:NO::P3_LOCATION: BANK. The Prospectus is also available at the Corps' Los Angeles office at the address above.

For additional information please call Shannon Pankratz of my staff at 213-452-3412 or via e-mail at Shannon.L.Pankratz@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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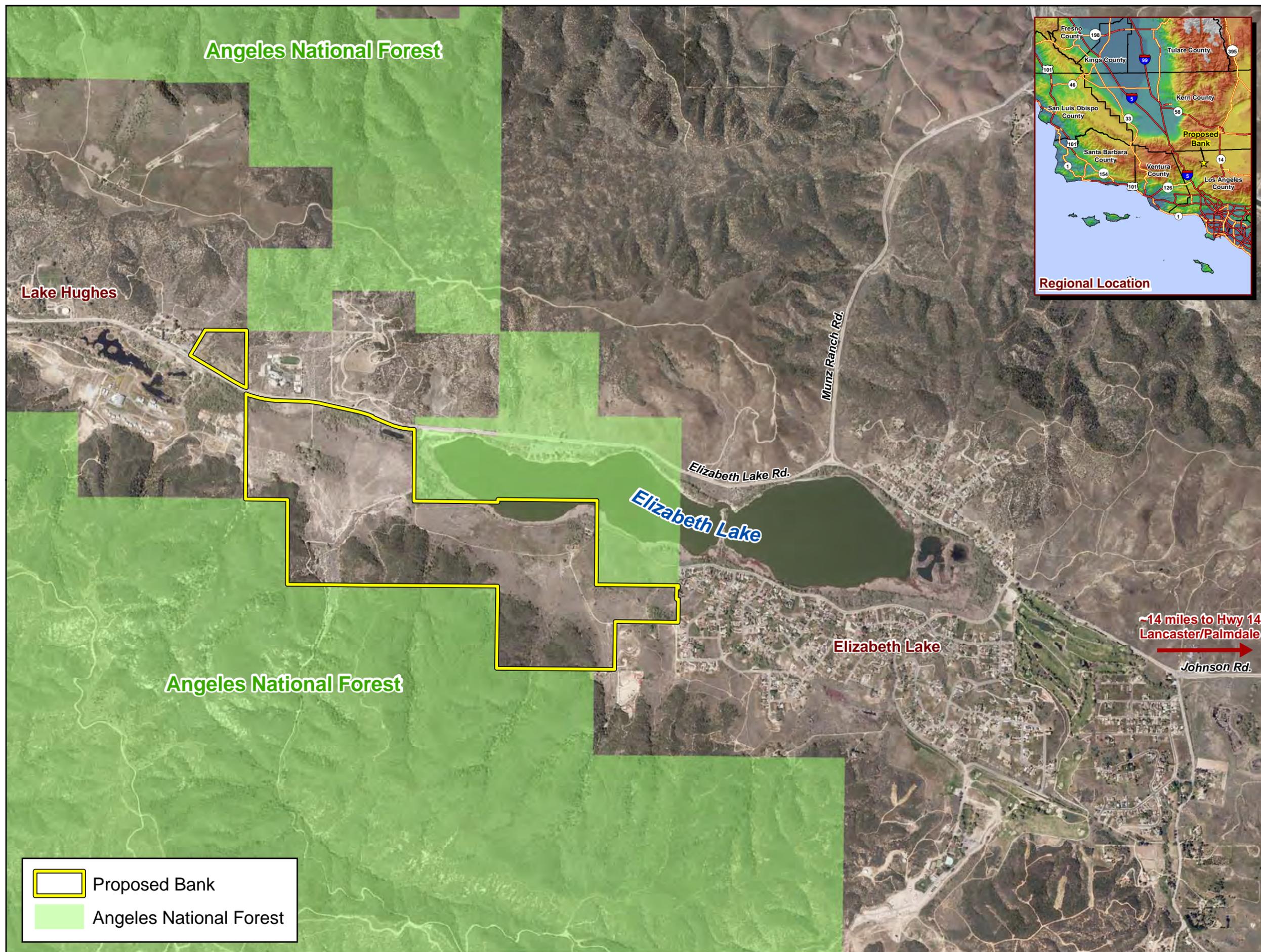
Proposed
Elizabeth Lake Bank

Los Angeles County,
California

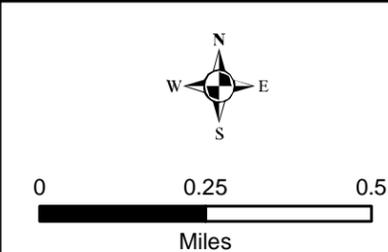


Figure 1.

Proposed Bank
Location Map



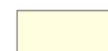
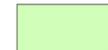
	Proposed Bank
	Angeles National Forest

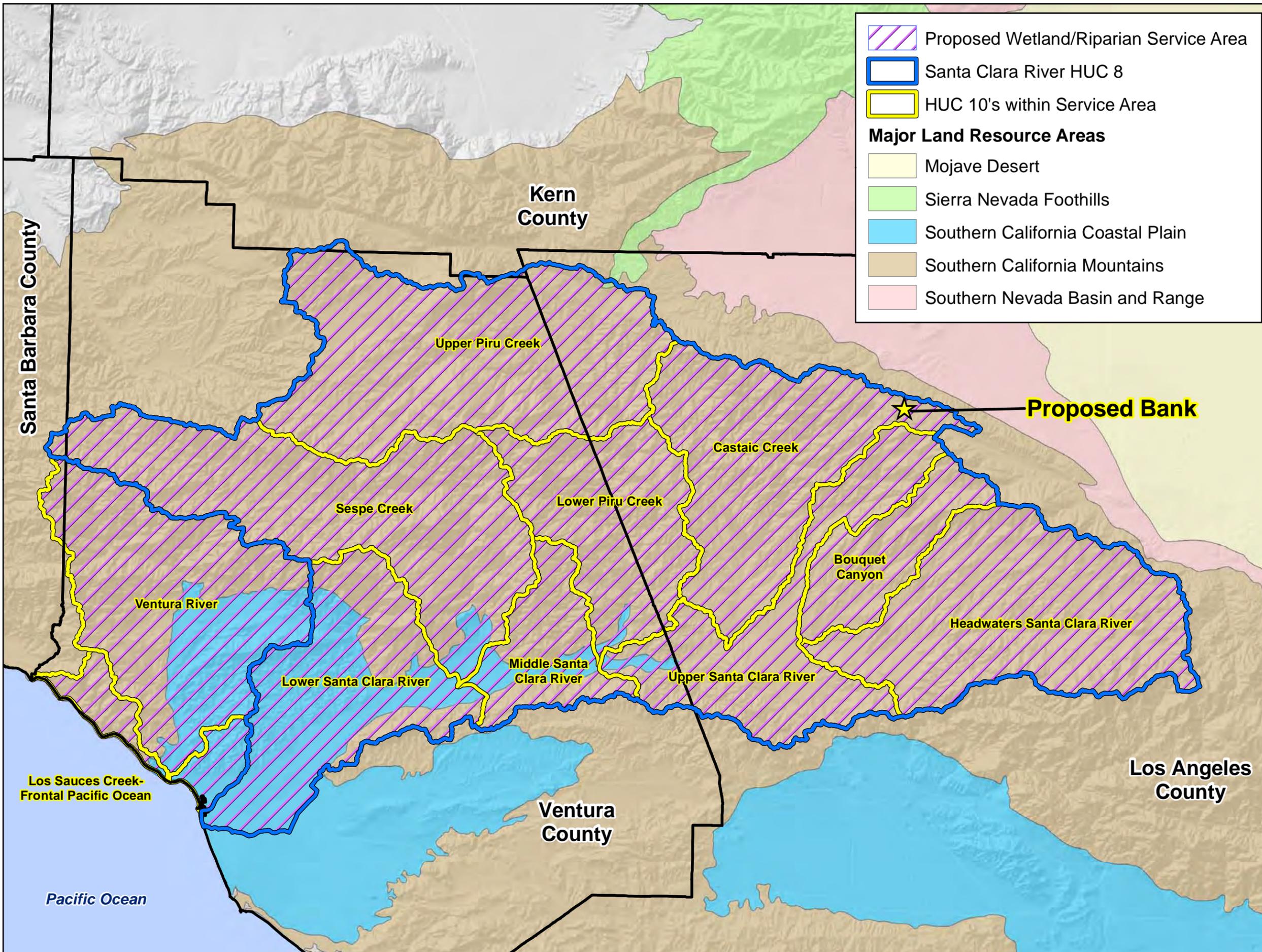


Proposed
Elizabeth Lake Bank
Los Angeles County,
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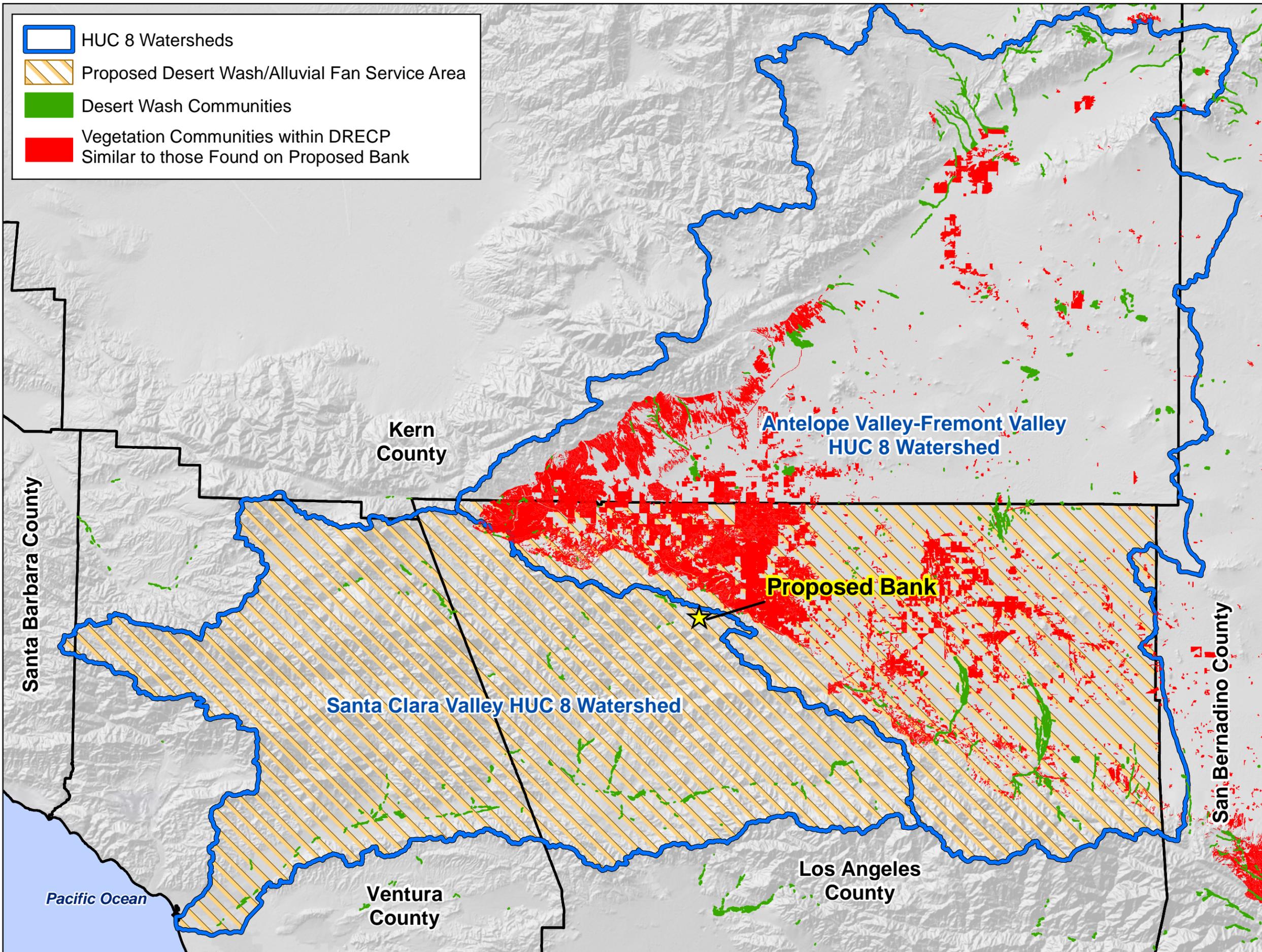
Figure 2.

Proposed
Wetland/Riparian
Service Area

 Proposed Wetland/Riparian Service Area
 Santa Clara River HUC 8
 HUC 10's within Service Area
Major Land Resource Areas
 Mojave Desert
 Sierra Nevada Foothills
 Southern California Coastal Plain
 Southern California Mountains
 Southern Nevada Basin and Range

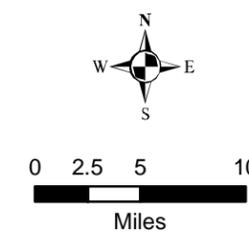


Map Date: July 2012
Map By: Michael Rochelle



Proposed
Elizabeth Lake Bank
Los Angeles County,
California

Figure 3.
Proposed
Desert Wash/Alluvial Fan
Service Area

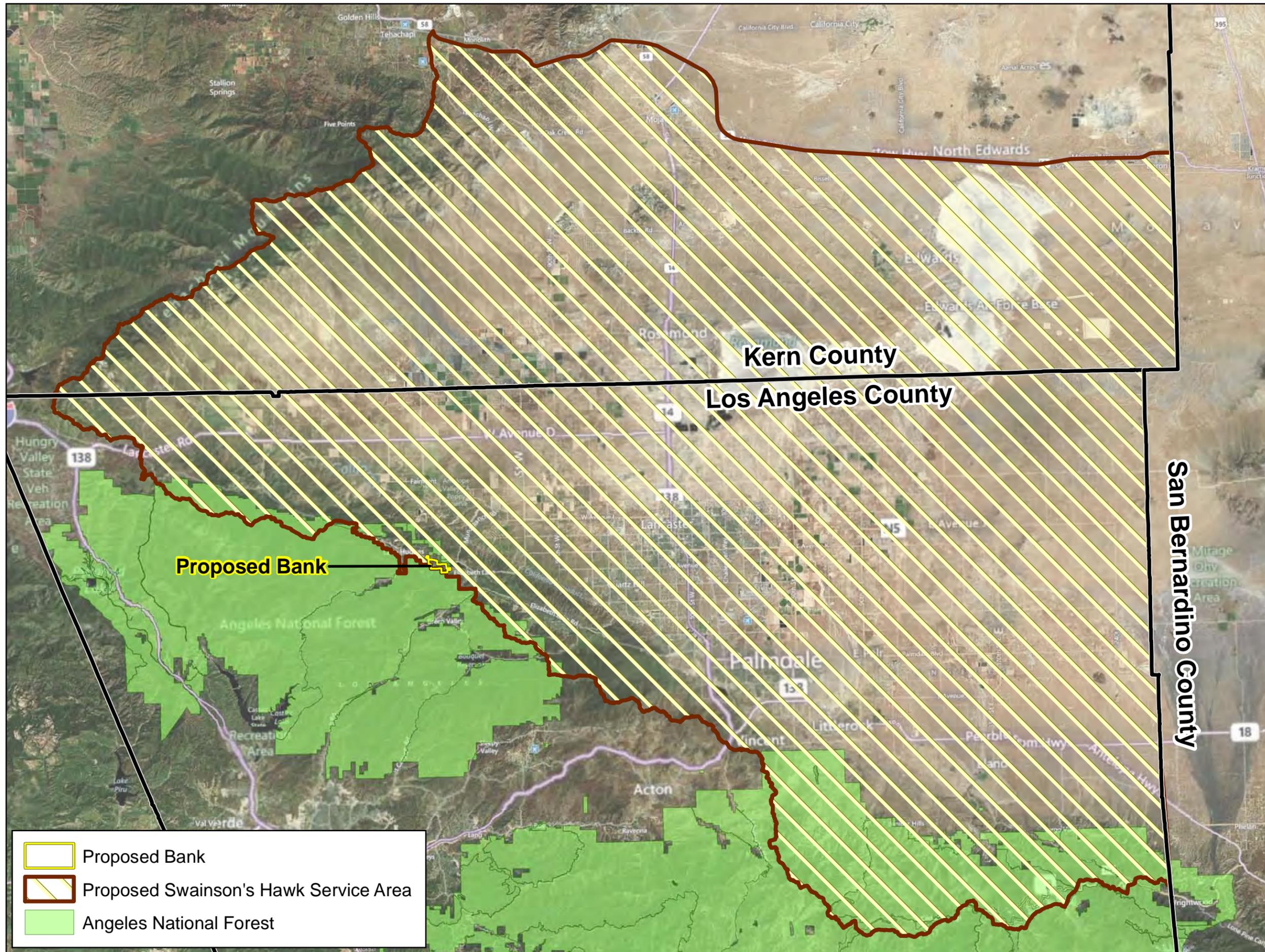


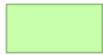
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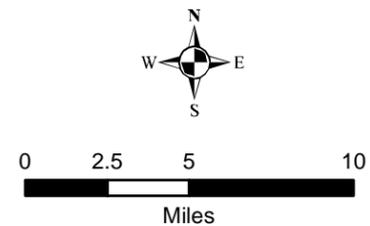
Proposed
Elizabeth Lake Bank

Los Angeles County,
California

Figure 4.
Proposed Swainson's
Hawk Service Area

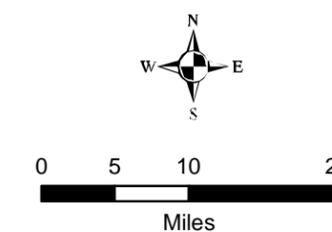
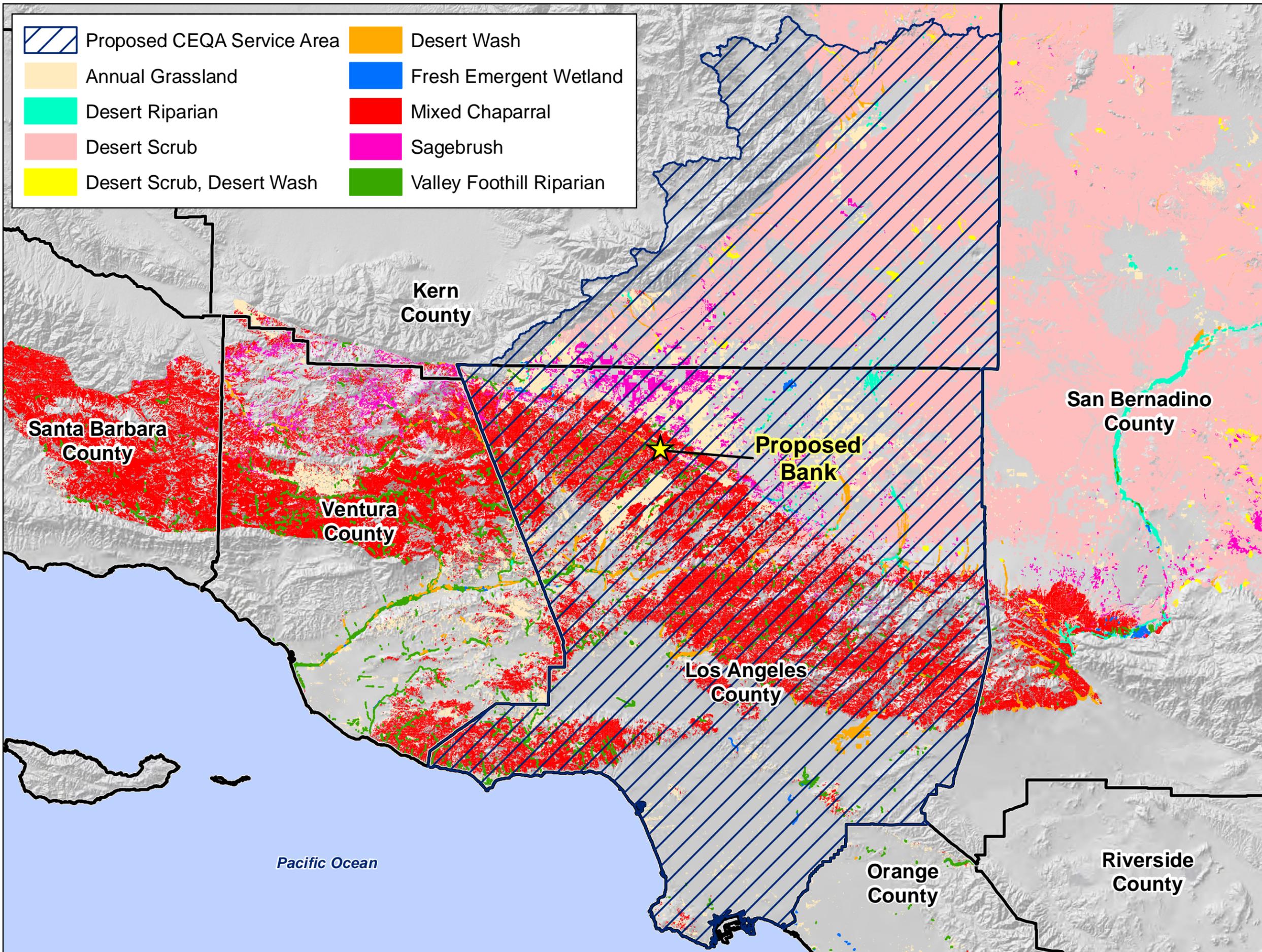


	Proposed Bank
	Proposed Swainson's Hawk Service Area
	Angeles National Forest



Proposed
Elizabeth Lake Bank
Los Angeles County,
California

Figure 5.
Proposed CEQA
Service Area



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