



SPECIAL PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

BUILDING STRONG®

AVAILABILITY OF PROSPECTUS Moosa Creek Mitigation Bank

Public Notice/Application No.: SPL-2012-00022-SAS

Project: Moosa Creek Mitigation Bank

Comment Period: February 7, 2014 through March 9, 2014

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

Applicant/Mitigation Bank Sponsor

Moosa Creek, LLC
c/o Conservation Land Group, Inc.
1505 Bridgeway, Ste. 121
Sausalito, CA 94965

Contact

Amanda McCarthy
WRA, Inc.
2169-G East Francisco Blvd
San Rafael, CA 94901
mccarthy@wra-ca.com

Location

The proposed Moosa Creek Mitigation Bank (Bank or Bank Property) is located in the unincorporated community of Bonsall, San Diego County, south and west of Camino del Rey and east of Mission Road. Old River Road bisects the proposed mitigation bank site (Figure 1). The majority of the site is located in Section 20 of Township 10 South, Range 3 West; the easternmost portion is located in Section 21, Township 10 South, Range 3 West; the south/southwest portions are located in Section 29, Township 10 South, Range 3 West. The entire site is within the Bonsall 7.5-minute United States Geological Survey quadrangle map (Latitude: 33.28°, Longitude: -117.22°).

Activity

To establish the proposed mitigation bank pursuant to the requirements of the United States Army Corps of Engineers-United States Environmental Protection Agency (Corps-EPA) Compensatory Mitigation Rule (33 Code of Federal Regulations [CFR] 332.8(d)); the United States Fish and Wildlife Service (USFWS) Guidance for the Establishment, Use, and Operation of Conservation Banks; and the California Department of Fish and Wildlife (CDFW) Fish and Game Code Section 1797. A Final Prospectus has been submitted for consideration by the Interagency Review Team (IRT). The IRT consists of the Corps, EPA, USFWS, San Diego Regional Water Quality Control Board (SDRWQCB), and the CDFW.

This Special Public Notice is a reissuance of the January 13, 2014 Special Public Notice for the same proposed mitigation bank to ensure proper distribution and notification to all interested parties, including adjoining property owners.

Furthermore, the Bank Sponsor, Moosa Creek, LLC, care of Conservation Land Group, Inc. (CLG), will hold a public meeting on February 24, 2014 at 6:00 PM at the San Luis Rey Downs Golf Course Clubhouse to present their proposal and address any questions about the proposed project.

The San Luis Rey Downs Golf Course Clubhouse is located at 31474 Golf Club Drive, Bonsall, California 92003.

Interested parties are hereby notified that a prospectus has been received for a proposed mitigation bank for compensatory mitigation for Department of the Army 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 mitigation bank.

Comments should be mailed to:

U.S. Army Corps of Engineers
Regulatory Division
South Coast Branch, Carlsbad Field Office
Attn: Shanti Abichandani Santulli
5900 La Place Court, Suite 100
Carlsbad, California 92008

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

Evaluation Factors

The decision whether to authorize the proposed 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 EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act (CWA).

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 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 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, the Bank Sponsor 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), the Bank Sponsor 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 the applicant. The full prospectus is attached to this notice with select figures. The full document may also be obtained from the Corps by contacting Shanti Abichandani Santulli at Shanti.A.Santulli@usace.army.mil or (760) 602-4834. All figures and appendices can be obtained by accessing the Corps' Regulatory In-lieu Fee and Bank Information System (RIBITS) website at <http://geo.usace.army.mil/ribits/index.html> (enter website, filter view to Los Angeles District, click on "Existing Banks & ILF Sites," click on "Moosa Creek Mitigation Bank," click on "Cyber Repository" in top right corner.)

Objectives

The proposed mitigation bank is approximately 185 acres and currently supports approximately 37.96 acres of wetlands and 5.72 acres (5,645 linear feet) of non-wetland waters. Implementation of the proposed mitigation bank will rehabilitate and re-establish riverine wetlands, depressional seasonal wetlands, wetland riparian, and non-wetland riparian, and restore and permanently protect covered habitat to mitigate for impacts authorized under the CWA Section 404 and 401, Section 1602 of the California Fish and Game Code, the Endangered Species Act (ESA), California Endangered Species Act (CESA), and the California Environmental Quality Act (CEQA). Covered Habitat is defined in the Final Prospectus as habitat of concern or habitat upon which a special-status species depends for its continued viability.

The mitigation bank proposes to:

- Re-establish and rehabilitate wetland, stream and riparian habitat.
- Restore and preserve covered habitat for at-risk species known to occur, currently or historically, on the proposed mitigation bank site.
- Assist in the recovery and eventual removal of these species from their respective special-status lists.
- Allow the sale of compensatory mitigation and conservation credits, with approval from appropriate agencies, as off-site mitigation for authorized impacts to regulated resources within the respective service area.

Service Area

The proposed service area for Section 404/ 401 impacts (Figure 2) consists of the following sub-watersheds as described by the 10-digit Hydrologic Unit codes:

1807030303	Lower San Luis Rey River
1807030302	Middle San Luis Rey River
1807030304	Escondido Creek
1807030305	San Marcos Creek—Frontal Gulf of Santa Catalina
1807030205	Santa Margarita River (including Camp Pendleton)
1807030104	San Onofre Creek—Frontal Gulf of Santa Catalina

Establishment and Operation of the Program

After completion of the Public Notice comment period, a BEI will be submitted for review by the IRT.

The Bank establishment requires the following actions:

- The BEI must be fully executed by all of the applicable Signatory Agencies,
- The Conservation Easement has been accepted by a Grantee approved by the Corps and other applicable Signatory Agencies and recorded in the Official Records of the county in which the Bank Property is located, and;
- The Bank Sponsor has complied with its obligation to furnish the following financial assurances:
 - A Construction Security ensures that any construction will be completed as proposed.
 - A Performance Security ensures that constructed habitat will function as planned.
 - An Interim Management Security ensures that the Bank will be managed during habitat establishment.
 - Letters of credit are submitted to and approved by the holding agency to satisfy financial assurance requirements.
 - An Endowment Fund ensures that there is adequate funding to provide for the financial requirements of the long-term management of the Bank in accordance with the Long-term Management Plan.

As part of the process of establishing a mitigation bank, the IRT would determine the types and number of potential 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. In addition to the final IRT approvals of the Prospectus and BEI, the Bank Sponsor would also need to obtain the appropriate federal, state, and local permits required to implement the restoration activities. The Bank Sponsor would submit an application for Department of the Army permit(s) should the proposed bank activities involve a discharge of dredge or fill material within waters of the U.S. The Corps would complete consultation, if appropriate, under the ESA, the National Historic Preservation Act, and other applicable laws, prior to any permit authorization.

Qualifications of the Sponsor

Moosa Creek, LLC, care of CLG, is overseeing the bank entitlement process and will serve as the lead contact for consultations with the signatory agencies. CLG will also manage the proposed mitigation bank once it is certified and operational, including handling mitigation credit sales and reporting to the signatory agencies. CLG specializes in facilitating and managing conservation and

mitigation land transactions. CLG is thoroughly familiar with issues pertaining to real estate matters including conservation easements, mineral rights, title encumbrances, hazardous waste issues and other related issues that need to be addressed as part of the establishment of a mitigation bank. CLG also has extensive experience working in partnership with non-profit land conservancies that are potential conservation easement holders for the proposed Bank Property.

WRA, Inc. has been selected by the Bank Sponsor to support the entitlement of the Bank. WRA staff has experience with a wide variety of habitat enhancement techniques, management tools, monitoring methods, and bank design and entitlement. WRA has completed over 60 successful restoration and/or mitigation projects that have involved the combined input from hydrologists, engineers, agency staff, and the public. WRA has prepared mitigation plans for a variety of systems, including wetland habitats (including tidal wetlands, freshwater marshes, vernal pools, and seasonal wetlands) and upland habitats (including riparian habitats and serpentine grasslands).

Additional details are provided in the Prospectus, available online at the following link: <http://geo.usace.army.mil/ribits/index.html>. After clicking on the link, please follow the below steps:

- 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 “Moosa Creek Mitigation Bank”
- Click on “Cyber Repository” located underneath the frog image
- Click on “Documents for Review”
- Both the Prospectus and all figures and appendices are available in this folder. Please note that these files are large and may take several minutes to download.

The Prospectus is also available at the Corps’ Los Angeles office at the address above.

For additional information please call Shanti Abichandani Santulli at 760-602-4834 or via e-mail at Shanti.A.Santulli@usace.army.mil . This public notice is issued by the Chief, Regulatory Division.



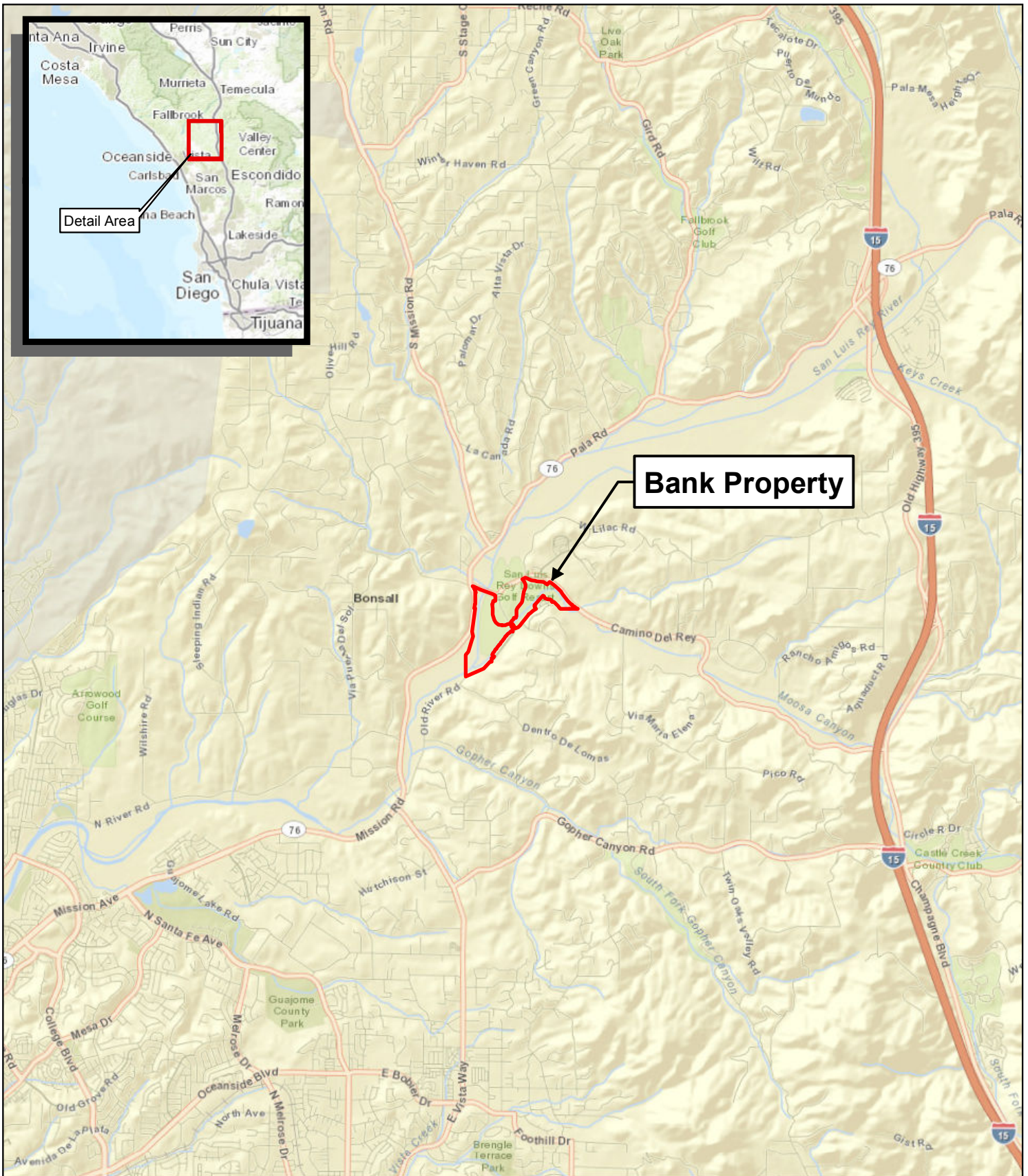
Regulatory Program Goals:

- 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.

U.S. ARMY CORPS OF ENGINEERS – LOS ANGELES DISTRICT

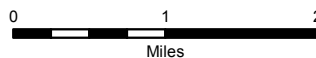
Los Angeles District Corps of Engineers
Regulatory Division, Carlsbad Field Office
5900 La Place Court, Suite 100
Carlsbad, CA 92008

WWW.SPL.USACE.ARMY.MIL



Appendix A.
Figure 1. Bank Property Location Map

Moosa Creek Mitigation Bank
San Diego County, CA



Date: May 2013
Map By: Chris Zumwalt
Base Source: ESRI World Streetmap

Moosa Creek
Mitigation Bank

San Diego County,
California

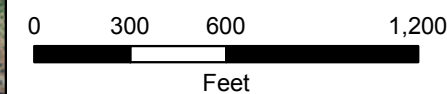
Appendix A.
Figure 3.

Current Aerial Photograph
of Bank Property



Legend

 Bank Property



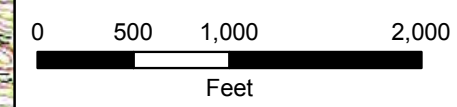
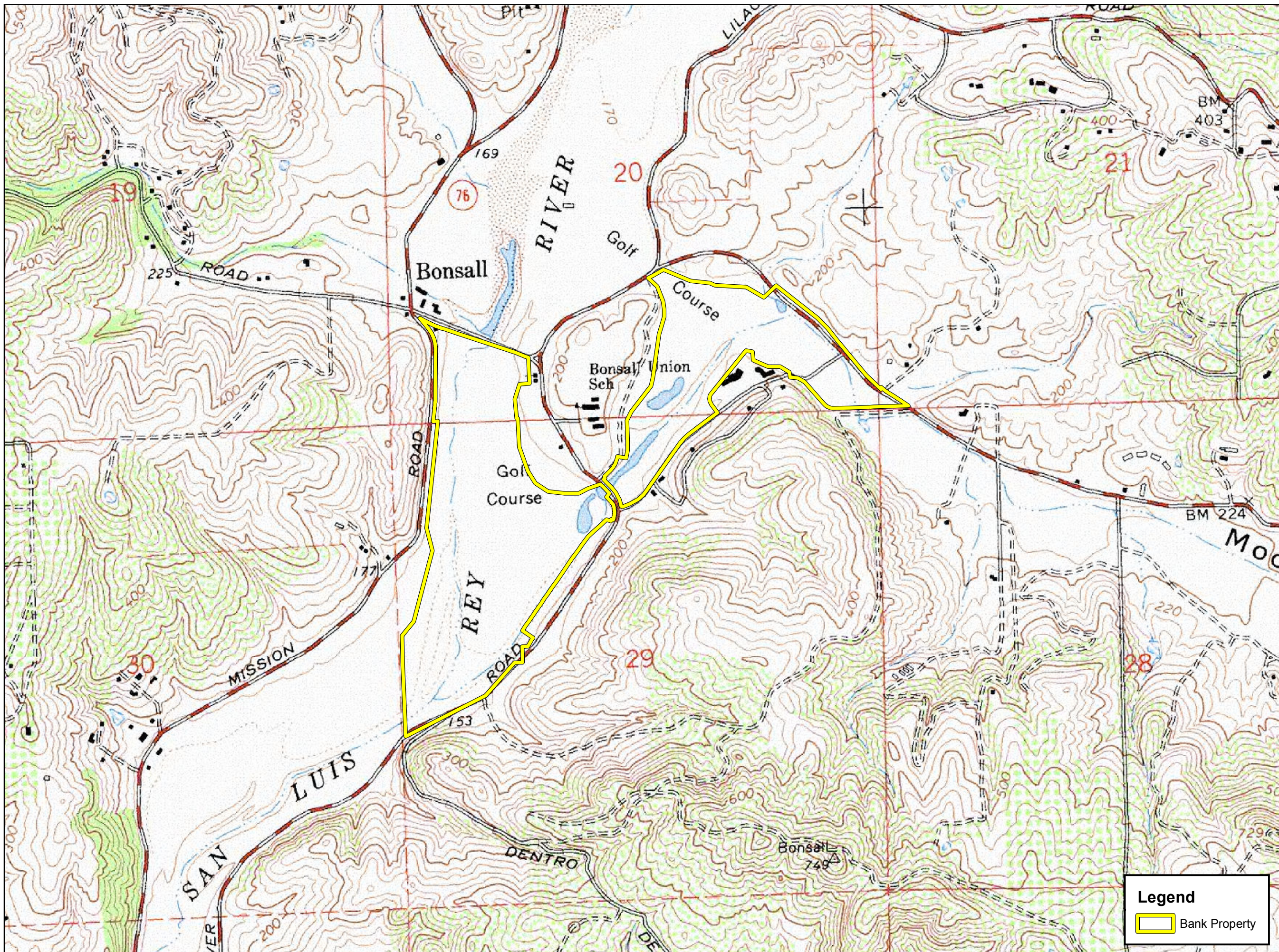
Map Date: May 2013
Map By: Chris Zumwalt
Aerial: NAIP 2012

Moosa Creek
Mitigation Bank


San Diego County,
California

Appendix A.
Figure 5.

USGS Topographic
Map



Legend

 Bank Property

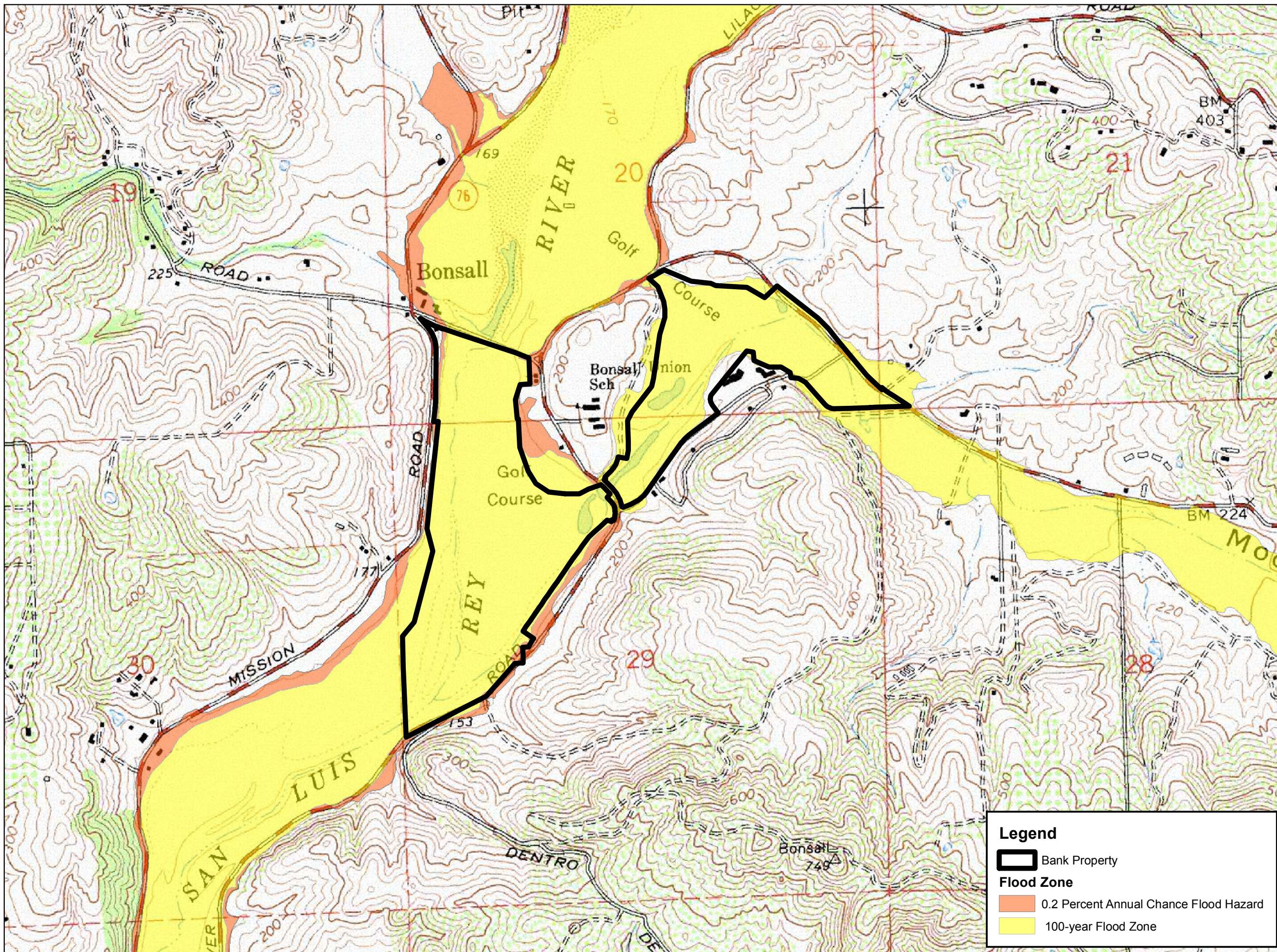
Map Date: May 2013
Map By: Derek Chan
Base Source: USGS

Moosa Creek
Mitigation Bank




San Diego County,
California

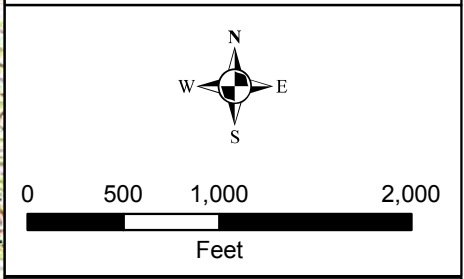
Appendix A.
Figure 7.

100-Year Flood Zone
Map



Legend

-  Bank Property
- Flood Zone**
-  0.2 Percent Annual Chance Flood Hazard
-  100-year Flood Zone



0 500 1,000 2,000
Feet

Map Date: June 2013
Map By: Derek Chan
Base Source: FEMA, USGS