



SPECIAL PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT

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Proposed Expansion of an In-Lieu Fee Program Service Area

Public Notice/Application No.: SPL-1999-15223-CLH

Project: Ventura River Watershed In-Lieu Fee Program Service Area Expansion

Comment Period: January 14, 2014 through February 13, 2014

Project Manager: Crystal Huerta; 805-585-2143; crystal.huerta@usace.army.mil

Sponsor and Contact:

Brian Stark
Ojai Valley Land Conservancy
P.O. Box 1092
Ojai, California 93024

Location

Along the Ventura River and adjacent watersheds in the City and County of Ventura, CA. See attached map.

Activity

To expand the sponsor's existing In-Lieu Fee Program service area (see attached map and drawings). For more information see page 2 of this notice. Supporting documents are available online or at the address below.

Interested parties are hereby notified that a request has been received to expand an existing in-lieu fee program's service area for the purpose of mitigating for impacts to waters of the United States authorized under Section 404 of the Clean Water Act. Interested parties are invited to provide their views on the proposed expansion), which will become a part of the record and will be considered in our review of the proposal. Comments should be mailed to:

U.S. Army Corps of Engineers
Attn: Crystal L.M. Huerta
Ventura Field Office
2151 Alessandro Drive, Suite 110
Ventura, California 93001

Alternatively, comments can be sent electronically to: crystal.huerta@usace.army.mil

Additional Project Information

The proposed project is the expansion of the Ojai Valley Land Conservancy's (OVLC) existing In-Lieu Fee Program (ILFP) in the City and County of Ventura, California. The expansion would include three distinct geographic areas. The first addition is the lower Ventura River watershed and is located within the same (Hydrologic Unit Code) HUC-10 watershed as the existing ILFP service area. The second addition captures a set of small coastal draining watersheds along the Rincon coast and an urbanized portion of the city of Ventura, all located within the same HUC-8 watershed as the existing service area. The third addition consists of a portion of the Santa Paula Creek sub-watershed (tributary to Santa Clara River), and is located adjacent to the Ventura River HUC-10 watershed. This third area is proposed by the sponsor as it is ecologically and geomorphically similar to tributary streams in the Ventura River watershed, such as San Antonio Creek, where mitigation projects are likely to be initiated. In addition, highway 150 traverses the Ventura River watershed and the proposed secondary service area.

This ILFP would continue to receive monies from individuals or entities receiving Corps Section 404 permits and, when appropriate resolve Section 404 enforcement actions within the service area (see attached map). As a conservation organization, OVLC has previously acquired fee title for 1,630 acres and conservation easements for an additional 220 acres separately from the ILF program, and has been restoring native vegetation communities and wildlife habitat in Ojai Valley since 1994. Under the ILFP, OVLC has initiated re-establishment or enhancement of 120 acres of freshwater marsh, riparian woodlands, riparian scrub, vernal wetlands, and associated buffer areas with an additional 55 acres anticipated in the next 5 years. ILFP mitigation projects have included invasive non native plant removal, native plant vegetation, wetland re-creation, and streambank stabilization.

The Ventura River Watershed lies primarily within Ventura County with a small portion in Santa Barbara County. The river flows approximately 24 miles from the Santa Ynez Mountains to the Pacific Ocean. This watershed includes the cities of Ventura and Ojai.

Mitigation requirements for a particular project are negotiated between the project proponent and the Corps to compensate for impacts to waters of the U.S. If the Corps determines that the Ventura River Watershed ILFP could satisfy the mitigation requirements, then the project proponent can contact OVLC to discuss mitigation options. OVLC would then submit a letter to the project proponent that would quote the cost and proposed location of the mitigation work and request copies of all permits. Upon receipt of permit copies, OVLC reviews mitigation requirements described in each permit to verify that the requested mitigation fulfills all mitigation requirements. Once the requested mitigation is verified, a contract is entered, through which the OVLC receives payment of in-lieu fees, a letter of receipt is sent to the project proponent, and OVLC becomes responsible for completing the necessary mitigation and monitoring.

Upon receipt of payment, the Program sponsor becomes legally responsible for initiating the necessary mitigation and monitoring within three growing seasons of receipt of payment. During this time, the Program sponsor would submit a complete Mitigation Plan¹ to the Corps and Interagency Review Team (IRT)² as well as an application for Corps permit(s)³ should the proposed in-lieu fee

¹ The content of a complete Mitigation Plan is described in the Mitigation Rule, at 33 CFR 332.4(c)(2-14).

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 Los Angeles Regional Water Quality Control Board

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

mitigation project 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, as appropriate, under the Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act, the National Historic Preservation Act, the Coastal Zone Management Act and other applicable laws, prior to any permit authorization.

Program funds would be held in a Program account, and all credit sales would be tracked and reported by the Program 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) (<http://geo.usace.army.mil/ribits/index.html>).

To ensure permanent protection of the Program mitigation sites, the Program sponsor would secure in-perpetuity conservation easements or grant deed restrictions to be recorded at the appropriate County's Registry of Deeds.

For additional information please contact Crystal L.M. Huerta of my staff at 805-585-2143 or via e-mail at crystal.huerta@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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Ventura River Watershed In-Lieu Fee Program

Draft Instrument Modification

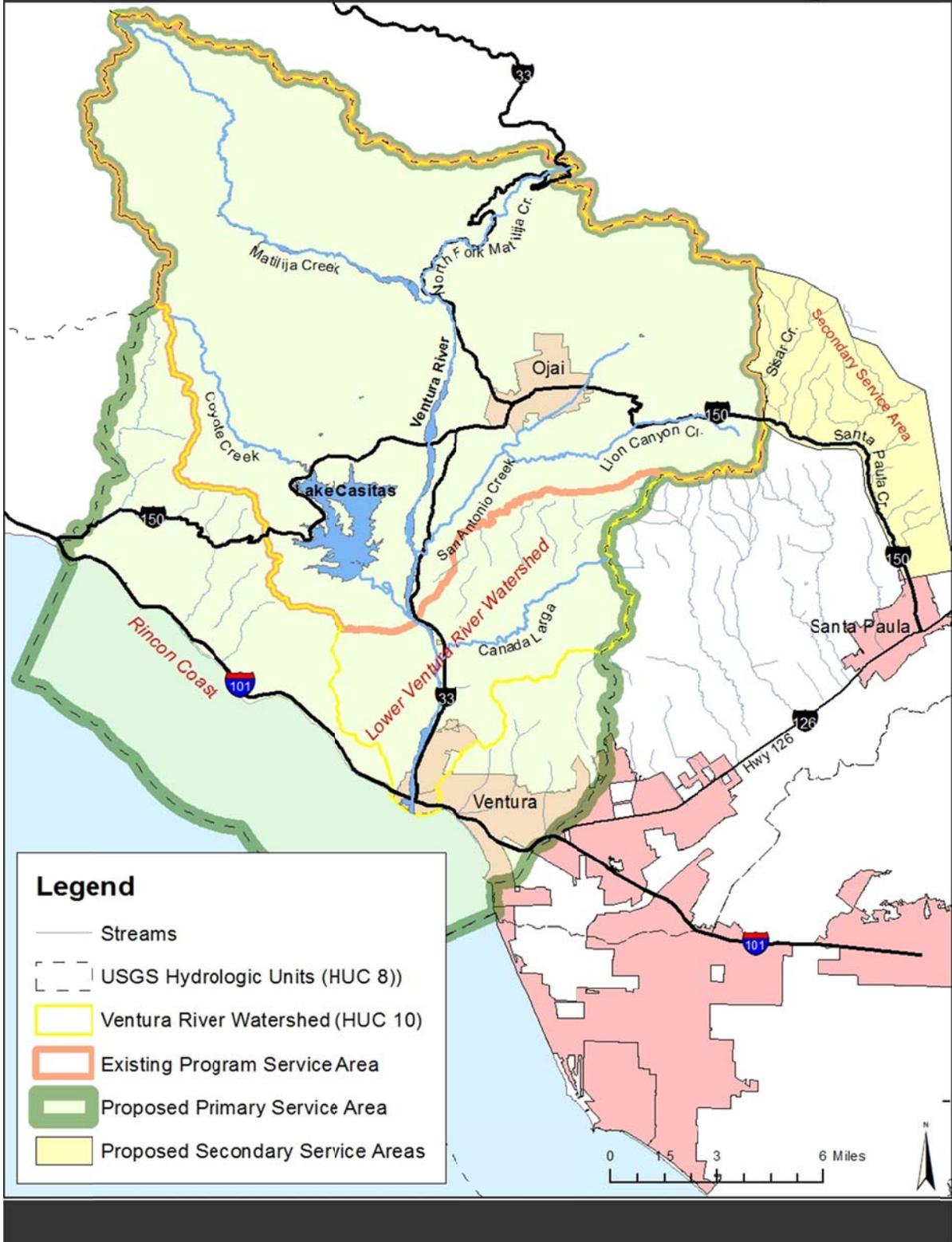
Introduction

The Ojai Valley Land Conservancy, as Program Sponsor for the Ventura River Watershed In-Lieu Fee (VRWILF) Program (the “Program”), seeks to amend the Enabling Instrument for the program to revise the Program’s Service Area. The modification would increase the size of the service area to include areas for which no other active mitigation options exist to address local impacts. The areas to be included are geographically proximate and ecologically similar to the lands within the existing service area. These areas are also subject to the same threats considered in the Program Prospectus.

The expanded primary service area includes two distinct areas (See Map #1). The first area is the lower Ventura River Watershed. Because this land is in the same 10-digit HUC watershed as the existing service area, there is a strong environmental and geographic nexus between these areas and the existing area. All the data compiled for the Program Prospectus and Conservation Planning Framework was gathered at the watershed level, so adding this area is a logical extension that creates no new impacts to, or by, the Program. The remaining additions capture a set of small coastal-draining watersheds along the Rincon coast and an urbanized portion of the City of Ventura. These areas are all within the same 8-digit HUC watershed as the existing service area. These are small watersheds and finding appropriate mitigation for impacts to these waterways within the very small watersheds may not be practical or possible. The larger Ventura River Watershed is the most proximate watershed where restoration projects can have bona fide long-term benefits to local resources.

This proposed expansion also contains one proposed secondary service area. This area includes the Santa Paula Creek Sub-Watershed located in the greater Santa Clara River Watershed (shown on Map 1.). The Santa Paula Creek Sub-Watershed is included because it is ecologically and geomorphically similar to tributary streams in the Ventura River Watershed, such as San Antonio Creek, where mitigation projects are likely to be initiated. Those seeking a like-kind mitigation project for impacts on Santa Paula Creek, and tributaries such as Sisar Creek, might find that projects in the San Antonio Creek drainage to be the most proximate and like-kind. In addition, Highway 150 traverses the Ventura River Watershed and the proposed secondary service area. Impacts caused by infrastructure maintenance along these areas are likely to be similar. It is also common for the transportation agencies to group a number of small projects along the highway into a single permit. For simplicity, the secondary service area can be used to aggregate mitigation into a single transaction. In the event that specific mitigation projects are developed within in the secondary service area, we request that their status be considered as a primary service area for the purpose of generating mitigation ratios. More information on the expanded service area is included in this proposed amendment.

Ventura River Watershed ILF Program Area

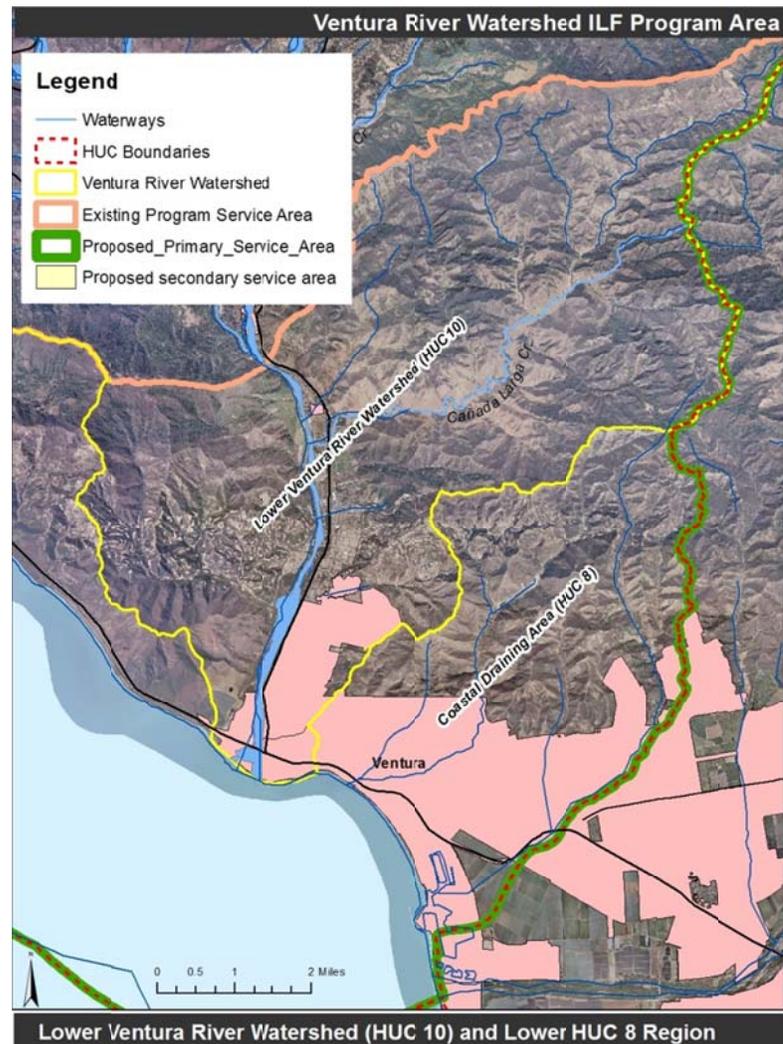


Map 1 - Proposed Program Area Designation

Descriptions of Program Area Additions

Lower Ventura River Watershed and HUC 8 Region

The proposed expansion of the Primary Service Area brings in the lower Ventura River Watershed (HUC 10 Region), as well as a coastal-draining region within the HUC 8 watershed. The lower Ventura River Watershed is directly connected to the existing Program Area ecologically and physically. It is delineated using the watershed boundaries and encompasses the portion of the watershed downstream of Foster Park and extending to the river outlet. Adding this section to the Program Area creates no new program impacts as the mitigation work will be localized within the same watershed as any impacts occurring within the watershed as described in the ILF Program's Conservation Planning Framework. This entire area also lays within the same 8-digit and 10-digit USGS HUC regions as the existing Program Area.



The primary water bodies in this addition are the lower Ventura River and Cañada Larga Creek.

The areas along Highway 33 and Ventura Avenue are primarily in urban uses, while most of the remaining portions of the lower watershed are zoned for Open Space. A strip of land traversing the lower watershed, and also zoned as Open Space, is used for oil extraction. It is not likely that further urban development is a substantial threat to watershed resources. There may be future impacts caused by oil extraction activities and associated uses, as well as impacts from flood control projects and maintenance of transportation infrastructure.

The added area of the lower HUC 8 watershed includes an urbanized portion of the City of Ventura. The main waterways are the Arundell Barranca, Barlow Barranca, Prince Barranca, and San Jon Barranca. The land use in this area is urban within the City of Ventura, and zoning for the areas outside of the City is for open space and agriculture. The 4 main barrancas are seasonal drainages that mainly carry storm

water. Throughout the urban areas, these waterways are confined in concrete channels or piped underground. Impacts in this area may be better mitigated in areas with more flow, and where ecological connections add value to the restored habitats. In the past, several projects in this area were mitigated in the Ventura River Watershed through the VRWILF Program.

Rincon Coast

The Rincon Coast addition lies within the same USGS Hydrologic Unit (8-digit HUC) as the Ventura River Watershed, and extends from Rincon Creek at the North to the outlet of the Ventura River. The area contains a set of coastal-draining watersheds that are small in size. Rincon Creek is the most substantial waterway in this added area, and impacts to this area can be successfully mitigated either within the Rincon Cr. Watershed or the Ventura River Watershed. It is also the waterway most likely to have impacts from highway maintenance work. The region also includes ephemeral drainages including Los Sauces Creek, and the drainages from Mandranio and Javon Canyons.

The Rincon Creek watershed encompasses 9,352 acres. Land use in the area includes residential areas that are primarily located along the coast. The inland portions have low density residential uses, but are primarily used for orchards in the northern part of the area and oil extraction in the southern portion. The Ventura County planning designations for most of this added area is Open Space. Extensive additional development is not likely. Most of the upper Rincon Creek drainage lies within the Los Padres National Forest.

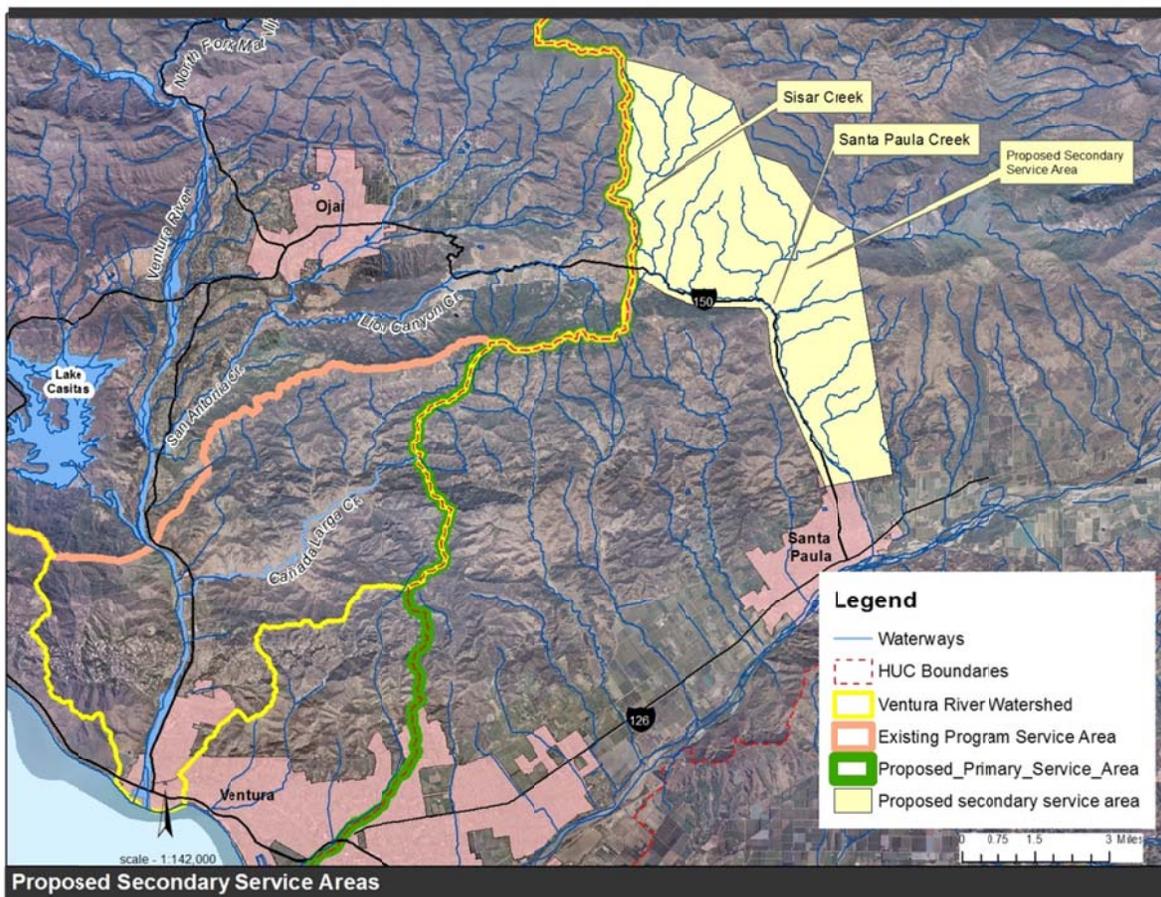
The water resources in the expanded area are similar to those found in the existing Program Service Area, and the projects undertaken within the Program will restore the same

resource types. Undertaking mitigation in the nearby Ventura River Watershed is advantageous due to the scale of restoration activities currently ongoing in the Watershed. Mitigation in this area will build on past and existing efforts to improve water and habitat quality. There is also a possibility of developing projects within the Rincon Cr. Watershed, as a watershed plan exists for the area.



Secondary Service Areas

In addition to the expansion of the Primary Service Area to the entire HUC 8 watershed, one secondary service area is proposed for the Santa Paula Creek Sub-watershed.



The Santa Paula Creek drainage is added because it contains similar habitats to those that are likely to be restored through the VRWILF Program. The area is not currently covered in another mitigation program, so impacts in this area requiring like-kind mitigation will have the option to seek like-kind mitigation in the nearby Ventura River Watershed. The VRWILF is developing mitigation projects on San Antonio Creek, which is substantially similar ecologically and geomorphically, to Sisar and Santa Paula Creeks.

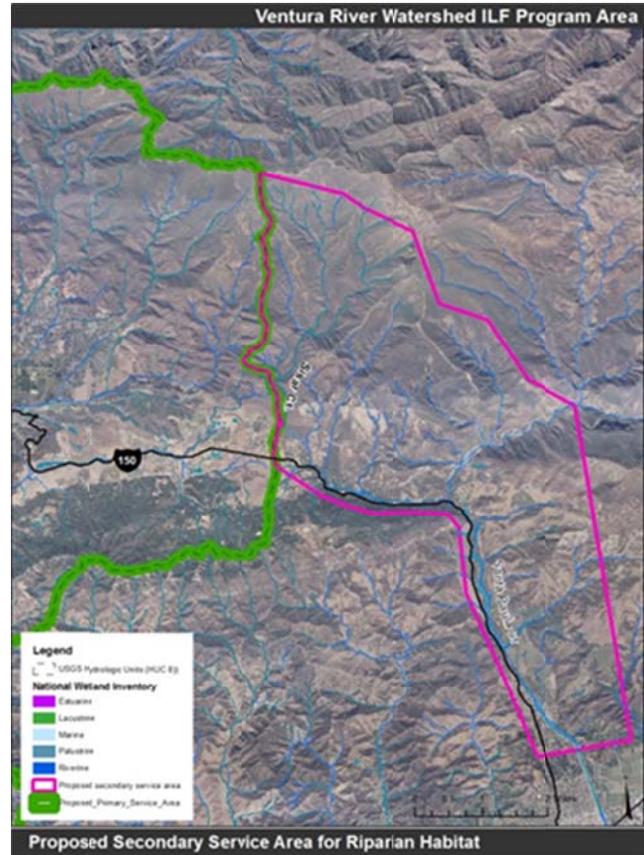
Wetland habitat types found in the proposed secondary service area are the same as those in the primary service area. It has also been the program's experience that damage caused to Highway 150 from severe storms often spans the areas within the primary service area (Ventura River Watershed) and portions of the Santa Clara River Watershed proposed as a secondary service area. The purpose is to allow for the aggregation of mitigation needs for impacts that span the length of the highway and 2 watersheds. Caltrans, for instance, often seeks permits for repairs by grouping the individual sites along

the highway into a single permit utilizing a single mitigation purchase. A secondary service area is proposed over the areas along the highway as a way of grouping potentially required mitigation needs with the multiple repair sites in a single mitigation transaction.

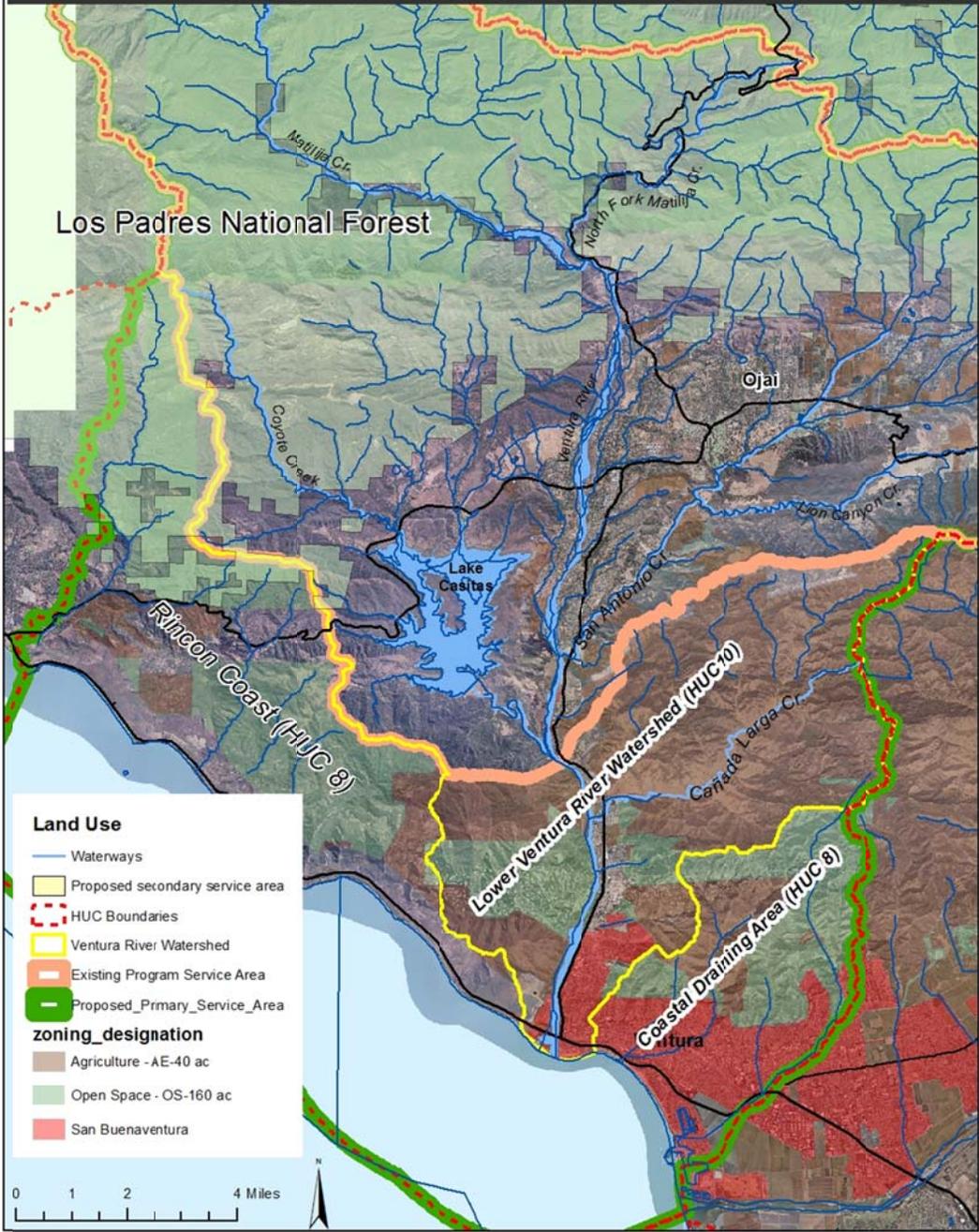
Additional Considerations for Determining the Service Area

From a regional perspective, the expanded Service Area proposed captures areas that are similar in existing land uses, planned land uses, and wetland habitat types. The service area is also consistent with the area serviced prior to the certification of the Program under the 2008 Mitigation Rule.

Most of the land in the expanded Service Area is currently used for open space and Ventura County land use plans designate much of the area for open space uses. The only departure is the addition of a portion of the urban area of Ventura. The City of Ventura straddles the Ventura River Watershed and the Santa Clara River Watershed and the proposed service area will encompass about one half of the City of Ventura. Impacts to waterways in the urban areas are better mitigated in areas designated for open space and areas where existing restoration efforts contribute to long-term opportunities for successful habitat development.



Ventura River Watershed ILF Program Area - Land Use



Lower Ventura River Watershed (HUC 10) and Lower HUC 8 Region

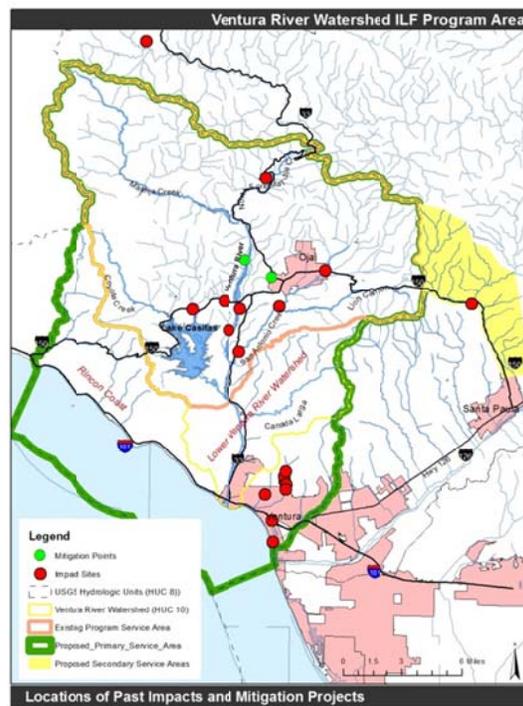
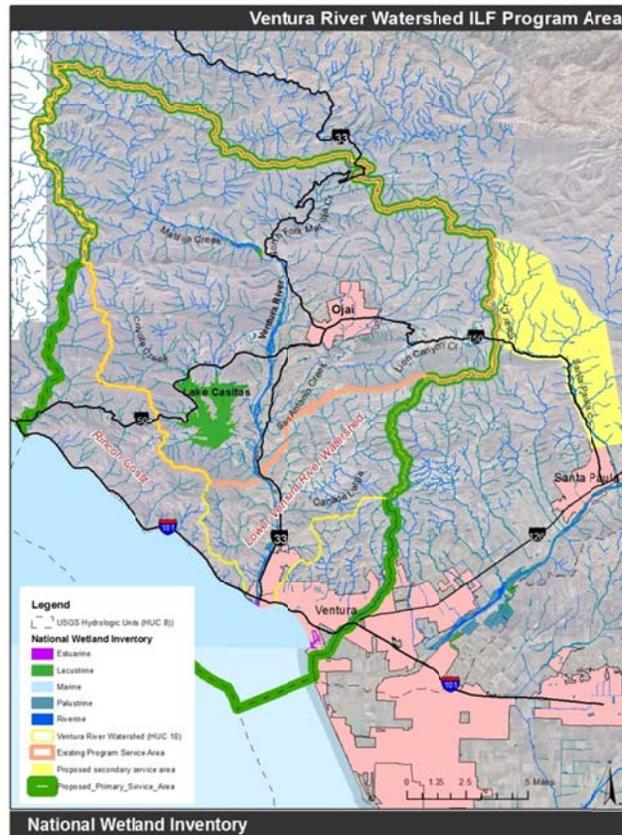
Wetland Habitat Types

The National Wetland Inventory describes wetland habitat types found in the proposed program area. The wetland habitat types within the proposed expanded service area are similar to those found in the existing Service Area, primarily riparian and palustrine, so the types of resources likely to be impacted within the expanded area are the same as those in the existing Service Area. The mitigation projects to be undertaken through the Ventura River Watershed ILF will enhance riparian and palustrine habitats.

The map on the following page shows the locations of impacts and mitigation projects associated with the Ventura River Watershed ILF Program prior to the certification of the Program under the 2008 Mitigation Rule. The expanded Service Area is consistent with the areas the Program has been servicing since the Program was first approved in 1999.

One additional justification for the expanded Service area is consistency with the guidance document prepared by U.S. Army Corps of Engineers -Sacramento District (Action ID: SPK-2010-00374) regarding the selection of program service areas. The guidance in this document states that “at a minimum, the service area will be the 10-digit watershed containing the sites”. Adding the remainder of the Ventura River Watershed is consistent with this guidance.

This same guidance document describes the level of documentation and justification the Program Sponsor must provide for establishing the program service area. As stated in the guidance document “Additions where all of the following are true require minimal justification:



a) areas abutting the 10 digit watershed in which the site is located, b) within the same 8-digit sub-basin and c) within the same eco-region as the site”. The proposed additions to the Service Area are all either within the 8-digit watershed, abutting the 10-digit watershed, and within an eco-region currently covering the existing Service area (see map below).

