



Brief History of RCD Mitigation Work and the ILFP

The Riverside-Corona Resource Conservation District (RCRCD) works to create sustainable communities by helping people conserve natural resources, so that high quality water, land, soil, wildlife, air, and plant life will be abundant forever.

RCRCD started mitigation work in mid-1990's, working on exotic removal, restoration and 5-year permit compliance.

2008 rule changed how projects were to be implemented and managed going forward.

Native Habitats



Urban Areas



Agriculture



First ILFP in the ACOE's Los Angeles District.

ACOE LOS ANGELES DISTRICT





Riverside-Corona Resource Conservation District

Riverside-Corona RCD's ILFP:

- Development of the ILFP initially was done by a resource inventory to determine potential sites.
- Initially prioritized 21 different sites for potential restoration under the program including but not limited to alluvial scrub, alkali meadow, riparian and wetlands.



Prospectus for the

In-Lieu Fee Program

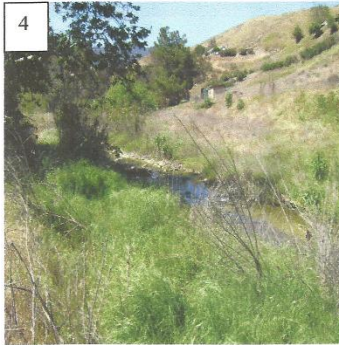
Prepared by the **Riverside-Corona Resource Conservation District**

for the

Army Corps of Engineers

June 12, 2009





Location: Dawson Canyon, Temescal Canyon area, Riverside Co., CA. in the Cajalco Hydro Subarea, Lake Mathews Hydro Subunit (§332.8(c)(2)(i))

Acreage: 50 acres of riparian and ephemeral habitat preservation with 15 acres of restoration, 30 acres of enhancement, 5 acres of non-corps jurisdictional oak/riparian and 500 linear feet of non-corps jurisdictional aquatic enhancement.

Condition: Poor to Fair (photo documented/aerials)

Threats: Streamside impacts from homeowners, invasive plants, dumping, off-road use.

Goals: Establishment of conservation easements, enhancement and preservation of native habitat, removal of trash, prevention of fill.

Threats to this site are from streamside uses by homeowners, placement of fill, dredging, road culverts, illegal dumping and degradation of the stream habitat (§332.8(c)(2)(ii)).

Historic aquatic losses at this location include displacement of native vegetation, planting of non-native vegetation in the form of landscaping, off-road use in the main creek channel. Between ten and fifteen acres of streamside habitat have been lost due to off road use, removal of mule-fat scrub, manipulation of the stream channel for control of flood waters (§332.8(c)(2)(iii)).

Current aquatic resources are poor to fair. The site consists of sycamore woodland, with mule-fat and willow scrub habitats and open cobble streambed. Fifty acres of this habitat type currently exists, with approximately 15 acres of the habitat needing restoration. Perennial flows occur in the upper reaches of the canyon, with ephemeral flows in the lower half of the canyon. Flows can remain in the lower half during heavy rainfall years, but are not consistent. Flows range from .50 cubic feet to over 10 cubic feet per second, depending upon the year. (see also page 33) (§332.8(c)(2)(iv)).

Preservation objectives, amounts, types and locations of aquatic resources in the Dawson Canyon area include both the upper and lower reaches of the watershed that contain twenty five acres of restoration area and a total of fifty acres that will be preserved and managed under a series of conservation easements that will be established under the program. Control of weeds and planting of riparian and ephemeral habitat will be conducted as reduction in of off-road access (§332.8(c)(2)(v)).

Proposed Dawson Canyon Conservation Easement Area.



Compensatory Mitigation Rule Timeline for Bank or ILF Instrument Approval*

		Event	# of Days**	
Phase I		Optional Preliminary Review of Draft Prospectus	30	DE provides copies of draft prospectus to IRT and will provide comments back to the sponsor within 30 days.
	Sponsor Prepares and Submits Prospectus ~DE must notify sponsor of completeness w/in 30 days of submission~			
Day 1** Complete Prospectus Received by DE				
Phase II	Day 30	Public notice must be provided within 30 days of receipt of a complete prospectus	30	
	Day 60	30-Day Public Comment Period	30	
	Day 90	DE must provide the sponsor with an initial evaluation letter within 30 days of the end of the public comment period.	30	15
Sponsor Considers Comments, Prepares and Submits Draft Instrument ~DE must notify sponsor of completeness w/in 30 days of submission~				
Day 1 Complete Draft Instrument Received by IRT Members				
Phase III	Day 90	30-day IRT comment period begins 5 days after DE distributes draft instrument to IRT members	30	Within 90 days of the receipt of a complete draft instrument by IRT members, the DE must notify the sponsor of the status of the IRT review.
	Day 90	DE discusses comments with IRT and seeks to resolve issues ~ # of days variable~	60	
Sponsor Prepares Final Instrument ~Sponsor provides copies to DE and all IRT members~				
Day 1 Final Instrument Received by DE & IRT				
Phase IV	Day 30	DE must notify IRT members of intent to approve/not approve instrument within 30 days of receipt.	30	45 IRT members have 45 days from submission of final instrument to object to approval of the instrument and initiate the dispute resolution process.
	Day 45	Remainder of time for initiation of dispute resolution process by IRT members	15	
Day 45 INSTRUMENT APPROVED/NOT APPROVED, or DISPUTE RESOLUTION PROCESS INITIATED				

EPA/Corps draft 4/02/08

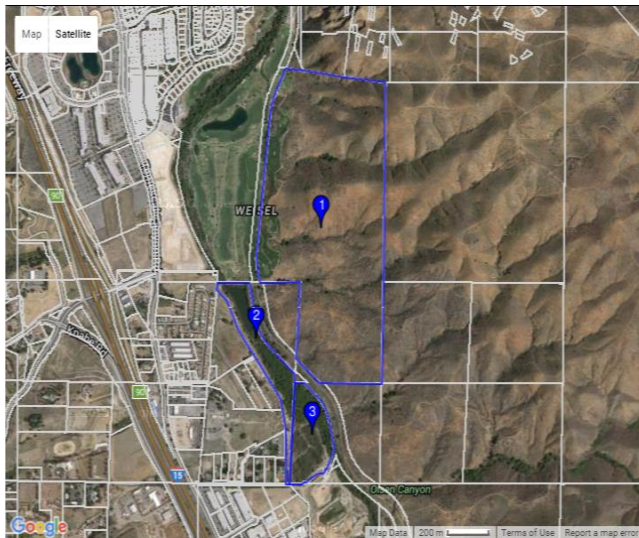
Total Required Federal Review (Phases II-IV): ≤225 Days

*Timeline also applies to amendments

**The timeline in this column uses the maximum number of days allowed for each phase.

Site visits were made by the RCRCDD team to determine acreage, conditions, threats, goals, historic aquatic losses, current aquatic resource and preservation objectives. It is critical to understand each particular site.

The RCD's restoration team then assessed current conservation and fee title lands under their control to determine which could be used.



Research on purchasing lands vs. conservation easements – which is right for you?

If you are going to do an ILFP, you need to have competent staff :

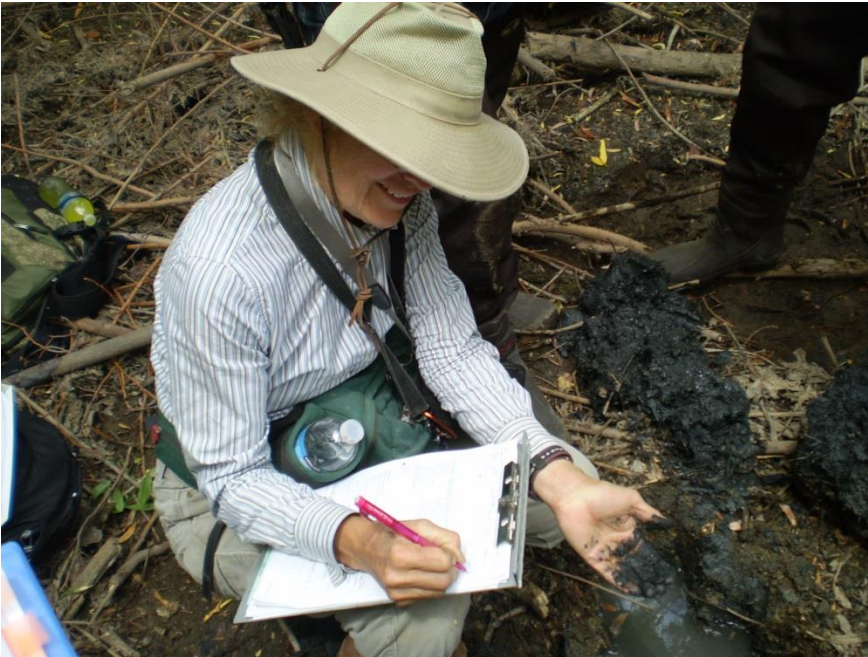
The RCRCDD's restoration team consists of a Natural Resources Manager, Habitat Restoration Specialist, Resource Conservationists, Biologist and some specialized assistance from the RCRCDD's Senior Plant Restoration Ecologist, Biological Resources Specialist, financial advisor, CPA, legal counsel and the District Manager.

This team works to develop the 3 plans required under the ILFP:

- The Development Plan
- Interim Management Plan
- Long Term Management Plan



The California Rapid Assessment Method (CRAM) is one of the tools used to determine buffer and landscape context; physical structure; hydrology; and biotic structure along with wetland delineation, soil analysis, drought conditions, etc.



- When program was set up the agencies that signed on to the program were ACOE, EPA and the Santa Ana Regional Water Quality Control Board (Interagency Review Team, IRT).
- The IRT does invite other agencies on monthly calls such and the California Department of Fish & Wildlife and the U S Fish & Wildlife Service since they are not signatories to our ILF Program Instrument.
- The RCRCDD works closely with the IRT to obtain input and feedback on particular sites before they are submitted for an amendment to the instrument.
- The RCRCDD & IRT meet so the IRT is familiar with the types of credits available from our program.
- Work with IRT to keep the process moving forward in a timely manner which lessens the delay in work due to weather conditions, endangered species and the migratory bird treaty act.
- If you have concerns about whether the IRT will accept any particular project, consider sharing the potential project or site with the IRT before acquiring the land. Preliminary IRT sign-off can smooth the process when finalizing the development plans later.



Summer



Winter

Work is determined by season, conditions and species present.

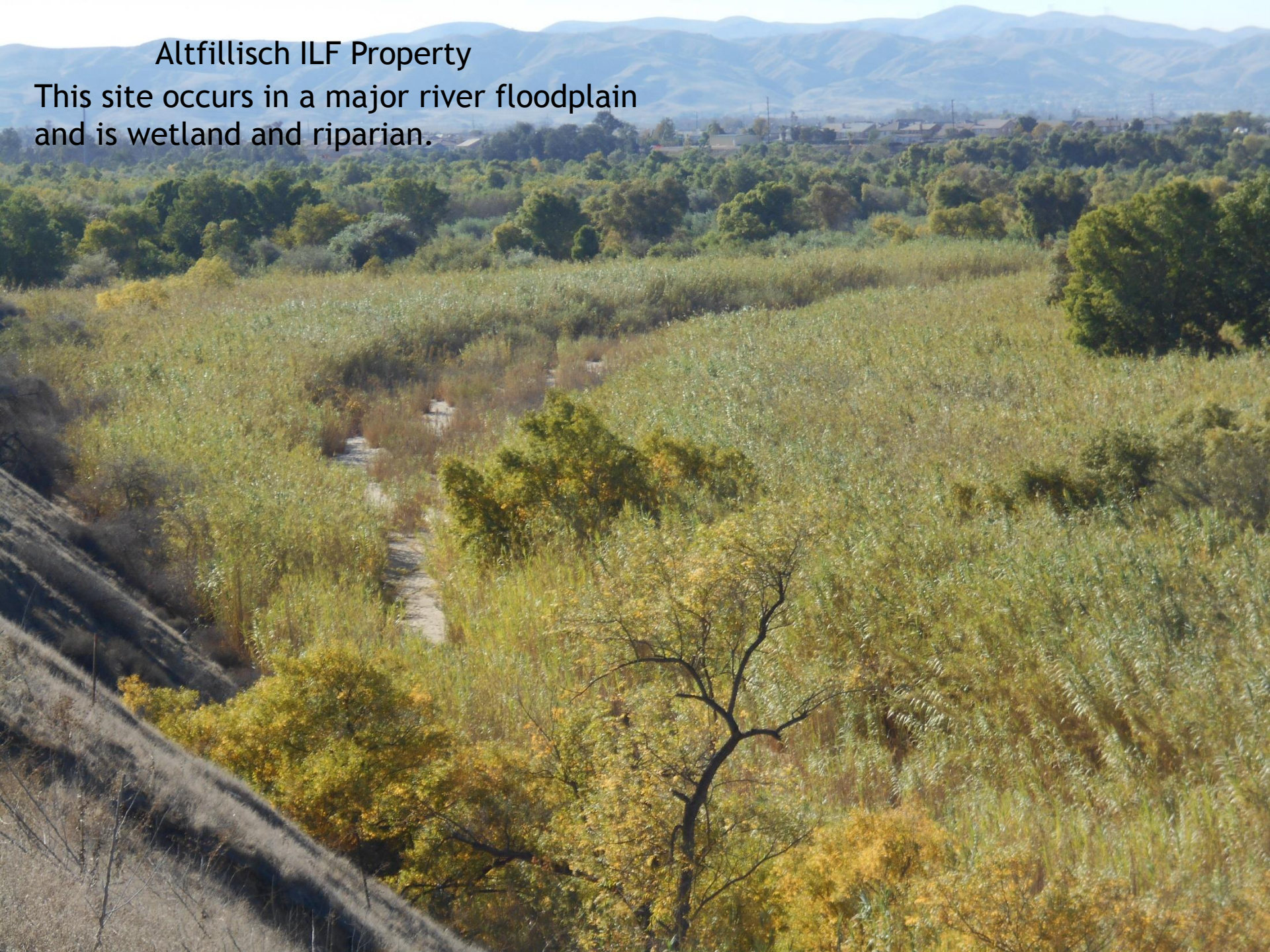
Deleo ILF Property

This site is a mix of alluvial scrub, riparian and upland habitat types.



Altfillisch ILF Property

This site occurs in a major river floodplain and is wetland and riparian.





RCRCD collects local seeds and plant materials to ensure local genetic diversity for their restoration efforts.

This should be considered and started immediately. Otherwise materials may not be available for purchase or you purchase from out of the region.

Administrative Challenges to ILFP mitigation

- Site Selection – Before you acquire a site, the most critical item is to get is a title report to help determine if there are any potential red flags that would preclude the site from being used, such as old utility easements, structures and their maintenance (flood control), surrounding landuses, and that mineral rights have not been reserved or severed.
- If you are partnering and using someone else's land for mitigation be aware that once that property is approved and put into the program, the landowner will have a legally binding conservation easement that will limit their ability to use the land for conflicting values.
- Knowing what it will cost to do the restoration and to come up with a realistic budget that will satisfy the IRT and allow you to do the work. Credit costs cover land acquisition (expensive in California), planting, other on the ground work, monitoring, perpetual management of the site, catastrophic events and other related costs.

Administrative Challenges to ILFP mitigation cont.

- Prevailing wage vs Davis-Bacon Act: Check your local state to determine if federal laws or state laws for prevailing wage may be applicable for any contractors you hire. In California, prevailing wage laws make projects more costly than if you do them with staff
- Fronting initial costs – this includes land purchase, due diligence, staff and legal costs. This could require you to advance these costs
- Finding mitigation sites for non-ILFP partners such as California Department of Fish & Wildlife and US Fish & Wildlife Service
- Permits – General NPDES Permit for Residual Aquatic Pesticide Discharges, Nationwide Permits, Regional General Permits, 401, 1600 and grading
- Conflicting uses of restoration land: recreation, homeless camps, invasive animal and plant species, dumping, etc



Riverside-Corona Resource Conservation District

QUESTIONS?

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