

## **APPENDIX C3**

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### JURISDICTIONAL DELINEATION

# NORTHERN GATEWAY LOGISTICS CENTER

CITY OF MENIFEE, RIVERSIDE COUNTY, CALIFORNIA

ROMOLAND USGS 7.5-MINUTE TOPOGRAPHIC QUADRANGLE

SECTION 16, TOWNSHIP 5 SOUTH, RANGE 3 WEST

APNs: 331-060-007, -008, -020, -023, AND -030

## DELINEATION OF STATE AND FEDERAL JURISDICTIONAL WATERS

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July 2023

# NORTHERN GATEWAY LOGISTICS CENTER

CITY OF MENIFEE, RIVERSIDE COUNTY, CALIFORNIA

## DELINEATION OF STATE AND FEDERAL JURISDICTIONAL WATERS

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The undersigned certify that the statements furnished in this report and exhibits present data and information required for this biological evaluation, and the facts, statements, and information presented is a complete and accurate account of the findings and conclusions to the best of our knowledge and beliefs.



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Travis J. McGill  
Director



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Thomas J. McGill, Ph.D.  
Managing Director

July 2023

# Executive Summary

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ELMT Consulting (ELMT) has prepared this Delineation of State and Federal Jurisdictional report for the Northern Gateway Logistics Center Project (project) located in the City of Menifee, Riverside County, California. The jurisdictional delineation documents the regulatory authority of the U.S. Army Corps of Engineers (Corps), the Regional Water Quality Control Board (Regional Board), and the California Department of Fish and Wildlife (CDFW) pursuant to Section 401 and 404 of the Federal Clean Water Act (CWA), the California Porter-Cologne Water Quality Control Act, and Sections 1600 *et. seq.* of the California Fish and Game Code.<sup>1</sup>

A single drainage feature (Drainage 1, Ethanac Wash) extends northwest along the eastern boundary of the site. According to historic aerials, this drainage was installed between 2014 and 2016 as part of the master drainage plan for the City of Menifee. This drainage mainly receives flows via a box culvert beneath Barnett Road, and some flows enter the drainage from a culvert located in the southern wall of the channel. As part of the proposed project, a storm drain will be installed from the western bank of Drainage 1, that will include the installation of riprap within the channel bottom. It should be noted that there are no jurisdictional waters within the proposed project site footprint. The installation of the storm drain outlet will be the only impact to the storm drain channel.

Drainage 1 flows into an underground storm water system that is part of the City’s master drainage plan. Storm flows within the flood control channel are assumed to eventually connect into the San Jacinto River, approximately 2.5 miles west of the project site.

Since Drainage 1 was created wholly in the uplands and did not replace an existing blueline stream it will not qualify as waters of the United States and will not fall under the regulatory authority of the Corps. However, the Regional Board and CDFW may assert jurisdiction over the storm drain channel which would require a Report of Waste Discharge and Streambed Alteration Agreement. Table ES-1 identifies the areas within the flood control channel that will be impacted from the installation of the storm drain outlet.

**Table ES-1: Jurisdictional Area and Impact Analysis**

Jurisdictional Feature	Regional Board Jurisdiction	CDFW Jurisdictional Streambed
	Acreage (Linear Feet)	Acreage (Linear Feet)
Drainage 1	0.033 (26)	0.042 (26)
<b>TOTAL</b>	<b>0.033 (26)</b>	<b>0.042 (26)</b>

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<sup>1</sup> The field surveys for this jurisdictional delineation were conducted on June 15, 2023 pursuant to the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, Version 2.0* (Corps 2008); and *Minimum Standards for Acceptance of Aquatic Resources Delineation Reports* (Corps 2017); *The MESA Field Guide: Mapping Episodic Stream Activity* (CDFW 2014); and a *Review of Stream Processes and Forms in Dryland Watersheds* (CDFW 2010).

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# Section 1 Introduction

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This delineation has been prepared for the proposed Northern Gateway Logistics Center Project in order to document the jurisdictional authority of the U.S. Army Corps of Engineers' (Corps), the Regional Water Quality Control Board (Regional Board), and the California Department of Fish and Wildlife (CDFW) pursuant to Section 401 and 404 of the Federal Clean Water Act (CWA), the California Porter-Cologne Water Quality Control Act, and Sections 1600 *et seq.* of the California Fish and Game Code. The analysis presented in this report is supported by a field survey of site conditions conducted on June 15, 2023.

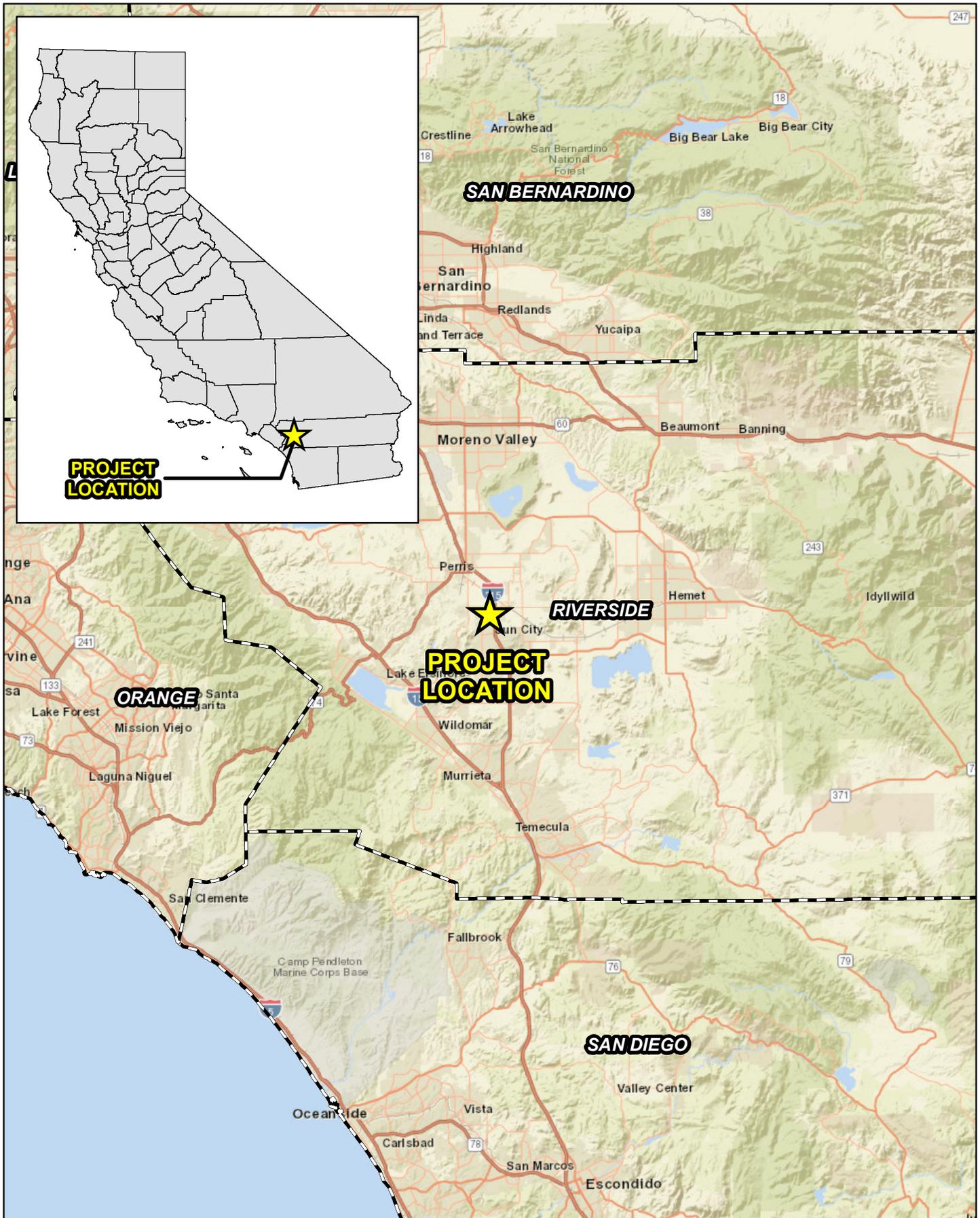
This jurisdictional delineation explains the methodology undertaken by ELMT Consulting (ELMT) to define the regulatory authority of the aforementioned regulatory agencies and documents the findings made by ELMT. This report presents our best effort at documenting the jurisdictional boundaries using the most up-to-date regulations, written policy, and guidance from the regulatory agencies. Ultimately the regulatory agencies make the final determination of jurisdictional boundaries.

## 1.1 PROJECT LOCATION

The project site is generally located south and west of Interstate 215, east of State Route 74, and north of Interstate 15 in the City of Menifee, Riverside County, California (Exhibit 1, *Regional Vicinity*). The project site is depicted on the Romoland quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map within Section 16 of Township 5 South, Range 3 West (Exhibit 2, *Site Vicinity*). Specifically, the project site is bounded to the west by Evans Road and roughly bounded to the east by Barnett Road and is located north of McLaughlin Road and south of Ethanac Road within Assessor Parcel Numbers 331-060-007, -008, 020, 023, and 030 (Exhibit 3, *Project Site*).

## 1.2 PROJECT DESCRIPTION

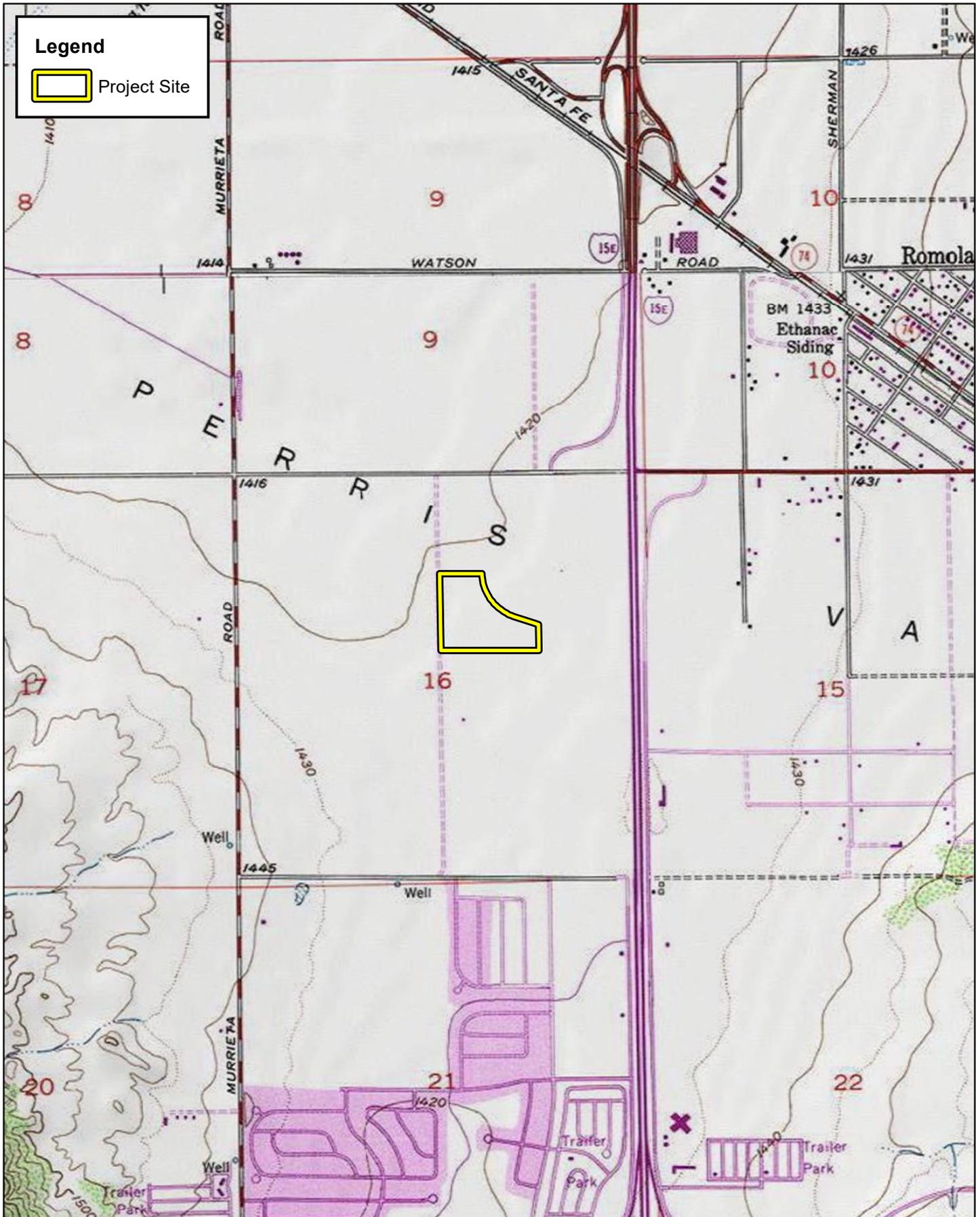
The project proposes to construct two (2) concrete tilt-up buildings. This includes office and warehouse space with associated landscaping and parking. All on an approximately 18.74 net-acre project site. Refer to Attachment A, *Site Plan*.



NORTHERN GATEWAY LOGISTICS CENTER  
 DELINEATION OF STATE AND FEDERAL JURISDICTIONAL WATERS  
**Regional Vicinity**

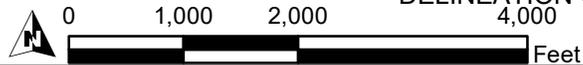


Source: World Street Map, Riverside County



NORTHERN GATEWAY LOGISTICS CENTER  
 DELINEATION OF STATE AND FEDERAL JURISDICTIONAL WATERS

Site Vicinity



Source: USA Topographic Map, Riverside County



**Legend**

Project Site

NORTHERN GATEWAY LOGISTICS CENTER  
 DELINEATION OF STATE AND FEDERAL JURISDICTIONAL WATERS

**Project Site**

0 125 250 500 Feet

Source: ESRI Aerial Imagery, Riverside County

## Section 2 Regulations

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There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The Corps Regulatory Division regulates activities pursuant to Section 404 of the CWA, Section 10 of the Rivers and Harbors Act, and Section 103 of the Marine Protection, Research, and Sanctuaries Act. The Regional Board regulates activities pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act and the CDFW regulates activities under Sections 1600 *et seq.* of the California Fish and Game Code.

### 2.1 U.S. ARMY CORPS OF ENGINEERS

Since 1972, the Corps and U.S. Environmental Protection Agency (EPA) have jointly regulated the discharge of dredged or fill material into waters of the United States, including wetlands, pursuant to Section 404 of the CWA. The Corps and EPA define “fill material” to include any “material placed in waters of the United States where the material has the effect of: (i) replacing any portion of a water of the United States with dry land; or (ii) changing the bottom elevation of any portion of the waters of the United States.” Examples include, but are not limited to, sand, rock, clay, construction debris, wood chips, and “materials used to create any structure or infrastructure in the waters of the United States.”

On April 21, 2020, the Environmental Protected Agency and Corps published a final rule defining the scope of waters subject to federal regulation under the Clean Water Act ("Navigable Waters Protection Rule"). The rule codifies the long-standing exclusion of "water-filled depressions constructed or excavated upland or in non-jurisdictional waters incidental to mining or construction activity, and pits excavated in upland or in non-jurisdictional waters for the purpose of obtaining fill, sand, or gravel." (33 CFR 328.3(b)(9); *see also* 85 FR 22252, 22323 (Apr. 21, 2020).)

On December 30, 2022, the agencies announced the final "Revised Definition of 'Waters of the United States'" rule. This rule also considers the best available science and extensive public comment to establish a definition of “waters of the United States” that supports public health, environmental protection, agricultural activity, and economic growth. In accordance with the Revised Definition of “Waters of the United States” (March 20, 2023), “waters of the United Sates” are defined as follows:

The “waters of the United States” are defined in paragraph (a) of this rule:

- (1) traditional navigable waters, the territorial seas, and interstate waters;
- (2) impoundments of “waters of the United States”;
- (3) tributaries to traditional navigable waters, the territorial seas, interstate waters, or impoundments when the tributaries meet either the relatively permanent standard or the significant nexus standard (“jurisdictional tributaries”);
- (4) wetlands adjacent to traditional navigable waters; wetlands adjacent to and with a continuous surface connection to relatively permanent paragraph impoundments or to jurisdictional tributaries when the jurisdictional tributaries meet the relatively permanent standard; and wetlands adjacent to impoundments or jurisdictional tributaries when the wetlands meet the significant nexus standard (“jurisdictional adjacent wetlands”); and

(5) intrastate lakes and ponds, streams, or wetlands not identified in (1) through (4) above that meet either the relatively permanent standard or the significant nexus standard.

The “relatively permanent standard” means relatively permanent, standing or continuously flowing waters connected to traditional navigable waters, and waters with a continuous surface connection to such relatively permanent waters or to traditional navigable waters. The “significant nexus standard” means waters that, either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of traditional navigable waters, the territorial seas, or interstate waters.

The EPA and the Corps are in receipt of the U.S. Supreme Court’s May 25, 2023, decision in the case of *Sackett v. Environmental Protection Agency*. In light of this decision, the agencies are interpreting “waters of the United States” consistent with the Supreme Court’s decision in *Sackett*. The agencies are developing a rule to amend the final "Revised Definition of 'Waters of the United States'" rule, consistent with the U.S. Supreme Court’s May 25, 2023 decision in the case of *Sackett v. Environmental Protection Agency*. The agencies intend to issue a final rule by September 1, 2023.

## 2.2 REGIONAL WATER QUALITY CONTROL BOARD

Pursuant to Section 401 of the CWA, any applicant for a federal license or permit to conduct any activity which may result in any discharge to waters of the United States must provide certification from the State or Indian tribe in which the discharge originates. This certification provides for the protection of the physical, chemical, and biological integrity of waters, addresses impacts to water quality that may result from issuance of federal permits and helps insure that federal actions will not violate water quality standards of the State or Indian tribe. In California, there are nine Regional Boards that issue or deny certification for discharges to waters of the United States and waters of the State, including wetlands, within their geographical jurisdiction. The State Water Resources Control Board (SWRCB) assumes this responsibility when a project has the potential to result in the discharge to waters within multiple Regional Boards.

Additionally, the California Porter-Cologne Water Quality Control Act gives the State very broad authority to regulate waters of the State, which are defined as any surface water or groundwater, including saline waters. The Porter-Cologne Water Quality Control Act has become an important tool post *Solid Waste Agency of Northern Cook County vs. United States Corps of Engineers*<sup>2</sup> (SWANCC) and *Rapanos v. United States*<sup>3</sup> (Rapanos) court cases with respect to the State’s regulatory authority over isolated and insignificant waters. Generally, any applicant proposing to discharge waste into a water body must file a Report of Waste Discharge in the event that there is no Section 404/401 nexus. Although “waste” is partially defined as any waste substance associated with human habitation, the Regional Board also interprets this to include discharge of dredged and fill material into water bodies.

Under the State Water Resources Control Board State Wetland Definition, an area is a wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by

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<sup>2</sup> *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, 531 U.S. 159 (2001)

<sup>3</sup> *Rapanos v. United States*, 547 U.S. 715 (2006)

groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area's vegetation is dominated by hydrophytes or the area lacks vegetation.

## **2.3 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

Sections 1600 *et seq.* of the California Fish and Game Code establishes a fee-based process to ensure that projects conducted in and around lakes, rivers, or streams do not substantially adversely impact fish and wildlife resources, or, when adverse impacts cannot be avoided, ensures that adequate mitigation and/or compensation is provided. Pursuant to Section 1602 of the California Fish and Game Code, a notification must be submitted to the CDFW for any activity that will divert or obstruct the natural flow or alter the bed, channel, or bank (which may include associated biological resources) of a river or stream or use material from a streambed. One CDFW guidance document, although not a formally adopted rule or policy, requires notification for activities taking place within rivers or streams that flow perennially or episodically and that are defined by the area in which surface water currently flows, or has flowed, over a given course during the historic hydrologic regime, and where the width of its course can reasonably be identified by physical and biological indicators. If the project will not “substantially adversely affect an existing fish or wildlife resource,” following notification to CDFW, the project may commence without an agreement with CDFW. (Fish & G. Code, § 1602(a)(4)(A)(i).)

## Section 3 Methodology

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The analysis presented in this report is supported by field surveys and verification of site conditions conducted on June 15, 2023. ELMT conducted a field delineation to determine the jurisdictional limits of “waters of the State” and jurisdictional streambed (including potential wetlands), located within the boundaries of the project site. While in the field, jurisdictional features were recorded on an aerial base map at a scale of 1" = 50' using topographic contours and visible landmarks as guidelines. Data points were obtained with a Garmin Map62 Global Positioning System to record and identify specific widths for ordinary high water mark (OHWM) indicators and the locations of photographs, soil pits, and other pertinent jurisdictional features, if present. This data was then transferred as a .shp file and added to the Project's jurisdictional exhibits. The jurisdictional exhibits were prepared using ESRI ArcInfo Version 10 software.

### 3.1 WATERS OF THE UNITED STATES

In the absence of adjacent wetlands, the limits of the Corps jurisdiction in non-tidal waters extend to the OHWM, which is defined as “. . . *that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.*”<sup>4</sup> Indicators of an OHWM are defined in *A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States* (Corps 2008). An OHWM can be determined by the observation of a natural line impressed on the bank; shelving; changes in the character of the soil; destruction of terrestrial vegetation; presence of litter and debris; wracking; vegetation matted down, bent, or absent; sediment sorting; leaf litter disturbed or washed away; scour; deposition; multiple observed flow events; bed and banks; water staining; and/or change in plant community. The Regional Board shares the Corps’ jurisdictional methodology, unless SWANCC or Rapanos conditions are present. In the latter case, the Regional Board considers such drainage features to be jurisdictional waters of the State.

Pursuant to the Corps Wetland Delineation Manual (Corps 1987), the identification of wetlands is based on a three-parameter approach involving indicators of hydrophytic vegetation, hydric soils, and wetland hydrology. In order to qualify as a wetland, a feature must exhibit at least minimal characteristics within each of these three parameters. It should also be noted that both the Regional Board and CDFW follow the methods utilized by the Corps to identify wetlands. For this project location, Corps jurisdictional wetlands are delineated using the methods outlined in the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, Version 2.0* (Corps 2008).

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<sup>4</sup> CWA regulations 33 CFR §328.3(e).

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## 3.2 WATERS OF THE STATE

### 3.2.1 REGIONAL WATER QUALITY CONTROL BOARD

The California *Porter-Cologne Water Quality Control Act* gives the Regional Board very broad authority to regulate waters of the State, which are defined as any surface water or groundwater, including saline waters. The Regional Board shares the Corps' methodology for delineating the limits of jurisdiction based on the identification of OHWM indicators and utilizing the three parameter approach for wetlands.

### 3.2.2 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Sections 1600 *et seq.* of the California Fish and Game Code applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the State. Generally, the CDFW's jurisdictional limit is not defined by a specific flow event, nor by the presence of OHWM indicators or the path of surface water as this path might vary seasonally. Instead, CDFW's jurisdictional limit is based on the topography or elevation of land that confines surface water to a definite course when the surface water rises to its highest point. Further, the CDFW's jurisdictional limit extends to include any habitat (e.g. riparian), including wetlands and vernal pools, supported by a river, stream, or lake regardless of the presence or absence of hydric soils and saturated soil conditions. For this project location, CDFW jurisdictional limits were delineated using the methods outlined in the *MESA Field Guide* (Brady, III and Vyverberg 2013) and *A Review of Stream Processes and Forms in Dryland Watersheds* (Vyverberg 2010), which were developed to provide guidance on the methods utilized to describe and delineate episodic streams within the inland deserts region of southern California.

## Section 4 Literature Review

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ELMT conducted a thorough review of relevant literature and materials to preliminarily identify areas that may fall under the jurisdiction of the regulatory agencies. A summary of materials utilized during ELMT's literature review is provided below and in Appendix A. In addition, refer to Section 8 for a complete list of references used throughout the course of this delineation.

### 4.1 WATERSHED REVIEW

The project site is located within the Perris hydrologic area in the Lower San Jacinto River Watershed, which is a subset of the larger San Jacinto River Watershed (HUS 18070202). The San Jacinto River flows approximately 1.62 miles to the northwest of the project site. This feature consolidates surface flows from the north and west (via the Perris Valley Storm Drain) conveys them to the San Jacinto River. The San Jacinto River conveys flows through Canyon Lake (Railroad Canyon Reservoir) and terminates at Lake Elsinore.

The Lower San Jacinto Watershed encompasses approximately 765 square miles in western Riverside County. This watershed is bounded by several mountain ranges, including the Badlands Mountain Range to the north, San Jacinto Mountains to the east, the Santa Ana Mountains to the west, and the Santa Margarita Mountains to the south. Currently, this watershed is primarily undeveloped. With natural open spaces at the headwaters area and mostly agricultural and urban development in the middle and downstream areas.

The San Jacinto River Watershed consists of a single major drainage, the San Jacinto River, which is comprised of several smaller tributaries. The San Jacinto River begins in the San Jacinto Mountains and veers northwest to follow the lower elevations of the San Jacinto Valley. The mainstem begins at the confluence of South Fork San Jacinto River and North Fork San Jacinto River. The most notable south-flowing tributary is the Perris Valley Storm Drain and Salt Creek flows westward from the San Jacinto Mountains to meet the San Jacinto River at Canyon Lake. The San Jacinto River is approximately 42 miles long, supports the majority of existing agricultural land in the San Jacinto Valley, and discharges into Canyon Lake, the overflow from which discharges into Lake Elsinore, which qualifies as a traditional navigable water (TNW). Discharges from Lake Elsinore drain into Walker Canyon, which is a tributary to Temescal Wash, and Temescal Wash is a tributary to the Santa Ana River, which ultimately conveys flows to the Pacific Ocean, a TNW.

### 4.2 LOCAL CLIMATE

Western Riverside County features a somewhat cooler version of a Mediterranean climate, or semi-arid climate, with warm, sunny, dry summers and cool, rainy, mild winters. Relative to other areas in Southern California, winters are colder with frost and with chilly to cold morning temperatures common. Climatological data obtained for the nearby City of Riverside indicates the annual precipitation averages 11.2 inches per year. Almost all of the precipitation in the form of rain occurs in the months between December and March, with hardly any occurring between the months of April and November. The wettest month is February, with a monthly average total precipitation of 3.31 inches, and the driest months are June

and July, both with monthly average total precipitation of 0.04 inch. The average maximum and minimum temperatures are 82.6- and 46.5-degrees Fahrenheit (° F) respectively with July and August (monthly average high 100° F) being the hottest months and December (monthly average low 34° F) being the coldest.

### **4.3 USGS TOPOGRAPHIC QUADRANGLE**

The USGS 7.5 Minute Series Topographic Quadrangle maps show geological formations and their characteristics, describing the physical setting of an area through contour lines and major surface features including lakes, rivers, streams, buildings, landmarks, and other factors that may fall under an agency's jurisdiction. Additionally, the maps depict topography through color and contour lines, which are helpful in determining elevations and latitude and longitude within a project site.

The proposed project site is depicted on the Romoland quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map series within Section 16 of Township 5 South, Range 3 West. The project site ranges in elevation from approximately 1,413 to 1,425 feet above mean sea level. On-site topography is largely flat with the exception of an area along the middle of the northeast boundary that extends into an adjacent flood control channel.

### **4.4 AERIAL PHOTOGRAPH**

Prior to conducting the field delineation, ELMT reviewed current and historical aerial photographs (1985-2023) of the project as available from Google Earth Pro Imaging. Aerial photographs can be useful during the delineation process, as they often indicate the presence of drainage features and riverine habitat within the boundaries of the project site, if any.

The project site occurs in an area that historically supported agricultural land uses that are gradually being replaced by urban land uses. Land use in the vicinity of the site primarily supports ongoing agricultural land uses to the north, west, and east, and residential development to the south. At present, the site is bounded to the north by residential agricultural land uses; to the east by a flood control channel with undeveloped, vacant land beyond; to the south by a high-voltage transmission easement with McLaughlin Road and residential development beyond; and to the west by Evans Road with agricultural land uses beyond.

The project site primarily supports undeveloped land with some developed areas. The entirety of the site has been subject to several decades of anthropogenic disturbances associated with historic agricultural land uses, grading activities, flood control infrastructure development, weed abatement, and other on-site and surrounding development. Historic aerials show these activities have been ongoing since at least 1966. The flood control channel that intersects with site boundaries was installed between 2014 and 2016, as part of an overhaul of flood control infrastructure in the vicinity of the site.

### **4.5 SOILS**

On-site and adjoining soils were researched prior to the field visits using the U.S. Department of Agriculture National Resources Conservation Service and Soil Survey for Western Riverside Area, California. Soil surveys furnish soil maps and interpretations originally needed in providing technical assistance to farmers

and ranchers; in guiding other decisions about soil selection, use and management; and in planning, research and disseminating the results of the research. In addition, soil surveys are now heavily utilized in order to obtain soil information with respect to potential wetland environments and jurisdictional areas (i.e., soil characteristics, drainage, and color). Based on the NRCS USDA Web Soil Survey, the project site is historically underlain by Exeter sandy loam (0 to 2 percent slopes) (Exhibit 4, *Soils*).

#### **4.6 HYDRIC SOILS LIST OF CALIFORNIA**

ELMT reviewed the USDA NRCS Hydric Soils List of California in an effort to verify whether on-site soils are considered to be hydric<sup>5</sup>. It should be noted that lists of hydric soils along with soil survey maps provide off-site ancillary tools to assist in wetland determinations, but they are not a substitute for field investigations. The presence of hydric soils is initially investigated by comparing the mapped soil series for the site to the County list of hydric soils. According to the hydric soils list, Exeter sandy loam (0 to 2 percent slopes) has not been listed as hydric in Western Riverside County.

#### **4.7 NATIONAL WETLANDS INVENTORY**

The USFWS NWI and the USGS National Hydrography Dataset were reviewed to determine if any blueline streams or riverine resources have been documented within or immediate surrounding the project site. Based on this review, no riverine features were observed within or adjacent to the boundaries of the site. Refer to Appendix B, *Documentation*.

#### **4.8 FLOOD ZONE**

The Federal Emergency Management Act (FEMA) website was searched for flood data for the project site. Based on Flood Insurance Rate Map Nos. 06065C2055H, the western portion of the project site is located within Zone X – areas determined to be within the 1.0% annual chance floodplain; and the eastern portion of the site is located within Zone X – areas determined to be outside the 0.2% annual chance floodplain, minimal risk of flooding. Refer to Appendix B, *Documentation*.

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<sup>5</sup> A hydric soil is a soil that formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part.



**Legend**



Project Site



Exeter sandy loam, 0 to 2% slopes (EnA)



Source: ESRI Aerial Imagery, Soil Survey Geographic Database, Riverside County

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 DELINEATION OF STATE AND FEDERAL JURISDICTIONAL WATERS

**Soils**

Exhibit 4

## Section 5 Site Conditions

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ELMT biologists Jacob H. Lloyd Davies conducted a field delineation on June 15, 2023, to verify existing site conditions and document the extent of potential jurisdictional areas within the boundaries of the project site. ELMT field staff encountered no limitations during the field delineation. Refer to Appendix B for representative photographs taken throughout the project site.

### 5.1 JURISDICTIONAL FEATURES

#### 5.1.1 DRAINAGE FEATURES

ELMT carefully assessed the site for depressions, inundation, presence of hydrophytic vegetation, staining, cracked soil, ponding, and indicators of active surface flow and corresponding physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris. Suspected jurisdictional areas were checked for the presence of definable channels, soils, and hydrology.

##### Drainage 1

A single drainage feature (Drainage 1, Ethanac Wash) extends along the eastern boundary of the site. Drainage 1 is a mostly earthen flood control channel that receives flows from the east via a box culvert beneath Barnett Road and from the south via a box culvert located in the southern wall of the channel. Flows within Drainage 1 are conveyed northward for approximately 1,600 linear feet before entering a culvert beneath Ethanac Road, where they are further conveyed into an underground storm drain system. Typically, this drainage only conveys flows during and following storm events. According to historic aerials, this drainage was installed between 2014 and 2016, as part of a large retrofitting of the flood control infrastructure in the vicinity of the site. Drainage 1 did not replace a blue line stream or existing water feature and was wholly created in the uplands.

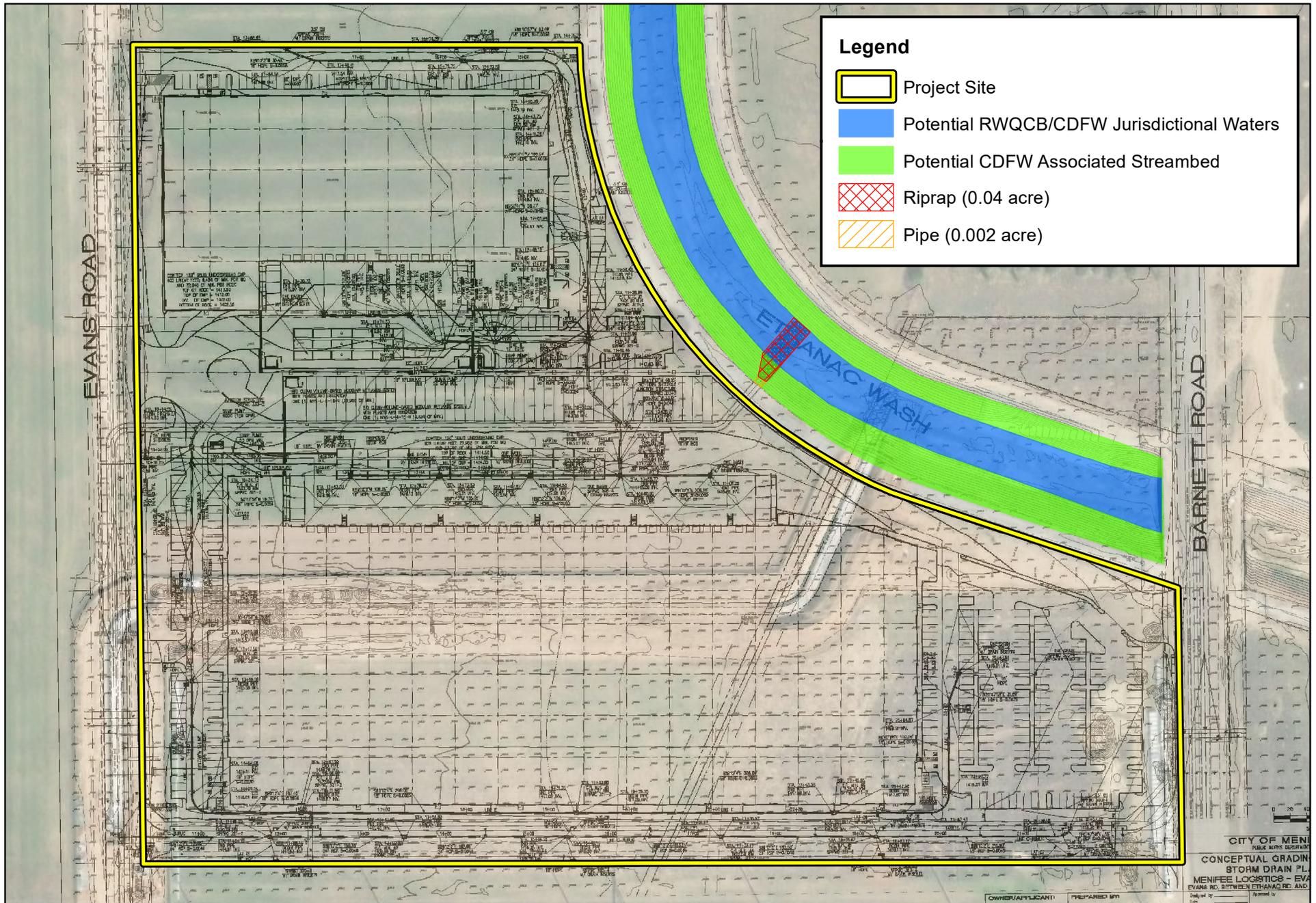
Limited surface water was present within and immediately downstream of the Barnett Road culvert. Evidence of an OHWM was observed via scour, changes in substrate, shelving, and lack of vegetation.

In-channel vegetation within site boundaries consisted primarily of non-native plant species such as Russian thistle (*Salsola tragus*, UPL), saltcedar (*Tamarix ramosissima*), tree tobacco (*Nicotiana glauca*, FACU), common sunflower (*Helianthus annuus*, FAC), stinknet (*Oncosiphon pilulifer*, FACU), mustard (*Hirschfeldia incana*), filaree species (*Erodium botrys* [FACU], *E. brachycarpum*, *E. cicutarum*), barley (*Hordeum murinum*, FACU), cheese weed (*Malva parviflora*), chamomile (*Anthemis cotula*, FACU), heliotrope (*Heliotropium curassavicum*, FACU), mulefat (*Baccharis salicifolia*, FAC), and rough cocklebur (*Xanthium strumarium*, FAC).

#### 5.1.2 WETLAND FEATURES

In order to qualify as a wetland, a feature must exhibit all three wetland parameters (i.e., vegetation, soils, and hydrology) described in the Corps Arid West Regional Supplement. No riparian vegetation or wetland obligate plant species were observed within Drainage 1. Further, Drainage 1 does not hold water for long

enough to create anaerobic condition, ultimately forming hydric soils. Therefore, Drainage 1 does not meet wetland requirements. Standing water was present in upstream portions of the drainage due to recent historic precipitation and surrounding agricultural runoff.



## Section 6 Findings

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This report presents the extent of jurisdictional features using the most up-to-date regulations, written policy, and guidance from the regulatory agencies. Please refer to the following sections for a summary of jurisdictional areas within the Project site.

### 6.1 U.S. ARMY CORPS OF ENGINEERS DETERMINATION

#### 6.1.1 WATERS OF THE UNITED STATES DETERMINATION

It was preliminarily determined that water dissipation from this drainage feature has an insubstantial or speculative effect on the chemical, physical or biological significant nexus to the downstream waters (i.e., the San Jacinto River). Drainage 1 was created wholly in the uplands and did not replace an existing blue-line stream; it will not qualify as waters of the United States and will not fall under the regulatory authority of the Corps.

#### 6.1.2 WETLAND DETERMINATION

No wetlands occur within the drainage.

### 6.2 REGIONAL WATER QUALITY CONTROL BOARD

Drainage 1 is a manmade flood control channel that was installed approximately 10 years ago. Even though this feature was created in the uplands, the Regional Board may assert jurisdiction over this feature since it is part of the City's master drainage plan. Table 2 identifies the areas within the flood control channel that will be impacted from the installation of the storm drain outlet.

**Table 1: Regional Board Jurisdictional Waters**

Jurisdictional Feature	Regional Board Jurisdiction
	Acreage (Linear Feet)
Drainage 1	0.033 (26)
<b>TOTAL</b>	<b>0.033 (26)</b>

### 6.3 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Drainage 1 exhibits characteristics consistent with CDFW's methodology and would be considered CDFW streambed/riparian totaling approximately 0.042 acre (26 linear feet) within boundaries of the project site. Refer to Table 3 for a summary of on-site jurisdictional streambed, and Exhibit 5, *Jurisdictional Areas*, for an illustration of on-site CDFW jurisdictional areas. Based on the proposed project description, the pipe installation will result in temporary impacts and the riprap will result in permanent impacts.

**Table 2: CDFW Jurisdictional Streambed**

<b>Jurisdictional Feature</b>	<b>CDFW Jurisdictional Streambed</b>
	Acreage (Linear Feet)
Drainage 1	0.042 (26)
<b>TOTAL</b>	<b>0.042 (26)</b>

**Exhibit 6: Jurisdictional Areas**

## **Section 7      Regulatory Approval Process**

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The following is a summary of the various permits, certifications, and agreements that may be necessary prior to construction and/or alteration within jurisdictional areas. Ultimately the regulatory agencies make the final determination of jurisdictional boundaries and permitting requirements.

### **7.1      U.S. ARMY CORPS OF ENGINEERS**

The Corps regulates discharges of dredged or fill materials into waters of the United States and wetlands pursuant to Section 404 of the CWA. No Corps jurisdictional areas were identified within the project site and a CWA Section 404 permit would not be required for the proposed project. It recommended that the project applicant coordinate with the Corps to confirm existing site conditions and document the absence of Corps jurisdiction within the boundaries of the project site. The Corps may require a Approved Jurisdictional Determination (AJD) to be processed to confirm the absence of waters of the United States.

### **7.2      REGIONAL WATER QUALITY CONTROL BOARD**

The Regional Board regulates discharges to surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

In the absence of federal waters of the United States, the Regional Board regulates waters under the California Porter-Cologne Water Quality Control Act. Impacts to the flood control channel may require a Report of Waste Discharge permit from the Regional Board, or a waiver prior to project implementation.

### **7.3      CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

Pursuant to Section 1602 of the California Fish and Game Code, the CDFW regulates any activity that will divert or obstruct the natural flow or alter the bed, channel, or bank (which may include associated biological resources) of a river or stream. Impacts to the flood control channel may require a Section 1602 Streambed Alteration Agreement from the CDFW prior to project implementation, if the project will have a substantial adverse impact on an existing fish or wildlife resource.

### **7.4      RECOMMENDATIONS**

It is recommended that this delineation be forwarded to the regulatory agencies for their review and concurrence. The concurrence/receipt would solidify findings noted within this report.

## Section 8      References

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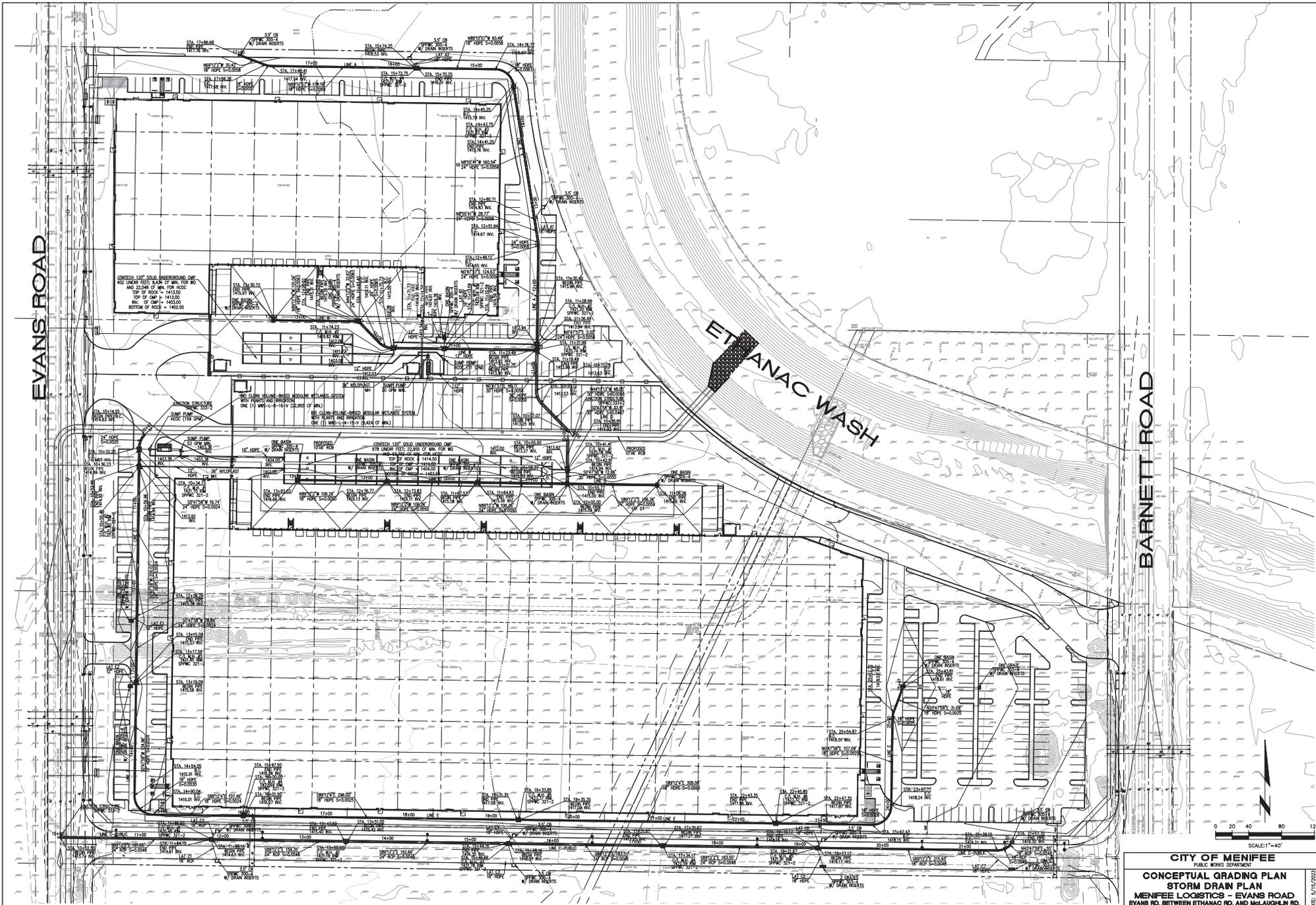
**Appendix A      Site Plan**

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EVANS ROAD

BARNETT ROAD

ETHANAC WASH



**CITY OF MENEFEE**  
 PUBLIC WORKS DEPARTMENT  
**CONCEPTUAL GRADING PLAN**  
**STORM DRAIN PLAN**  
**MENEFEE LOGISTICS - EVANS ROAD**  
**EVANS RD. BETWEEN ETHANAC RD. AND McLAUGHLIN RD.**

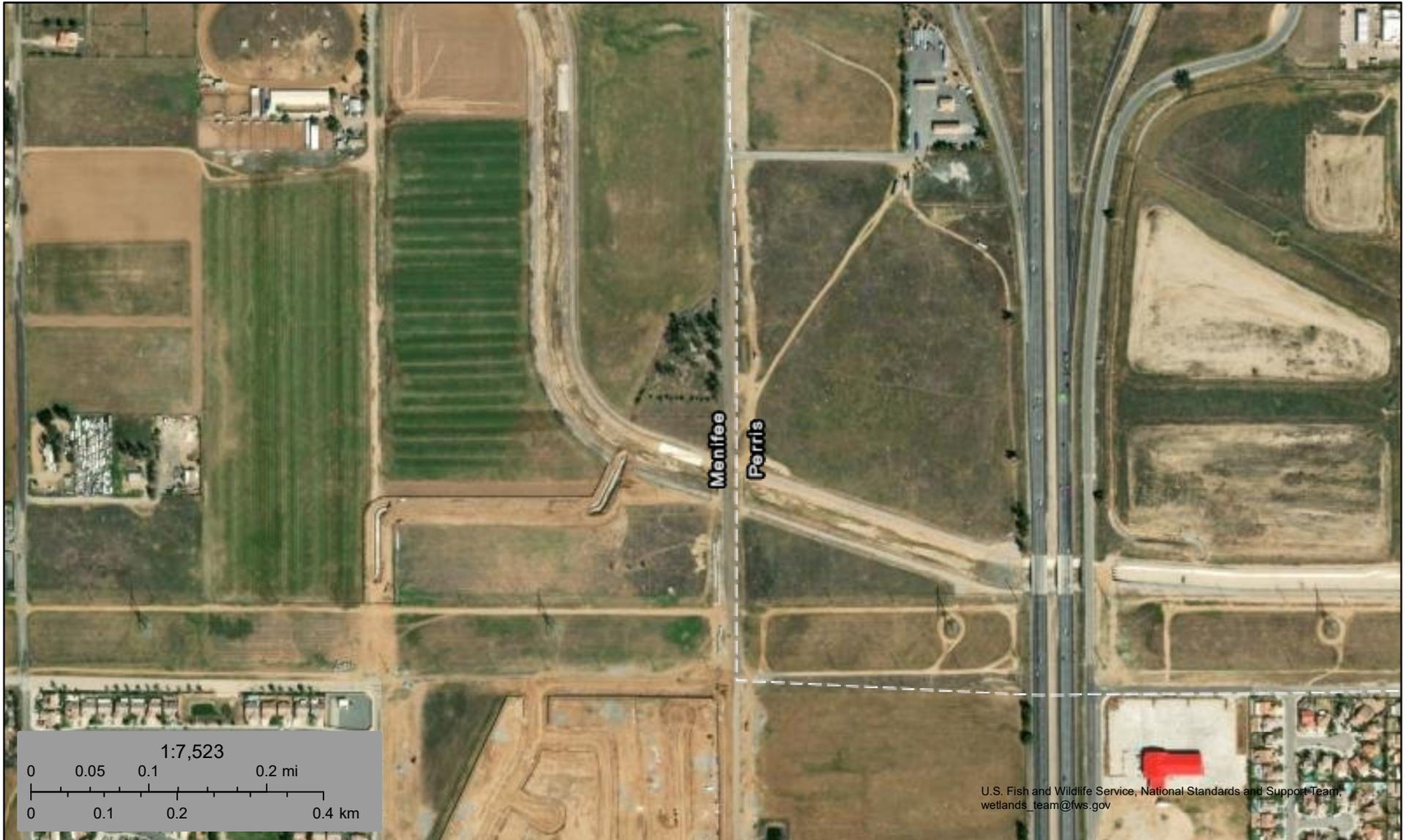
OWNER/APPLICANT:  
 LOVETT INDUSTRIAL  
 130 NEWPORT CENTER DRIVE, SUITE 217  
 NEWPORT BEACH, CA 92660  
 CONTACT: TERRY HANSON  
 PHONE: 949-802-2760  
 terry.hanson@lovettindustrial.com

PREPARED BY:  
 Thiess Engineering, Inc.  
 CIVIL, ENGINEERING & LAND SURVEYING  
 11000 WILSON AVENUE, SUITE 200  
 NEWPORT BEACH, CALIFORNIA 92646  
 PHONE: 949-861-1100  
 www.thiesseng.com

Designed by: \_\_\_\_\_ Date: \_\_\_\_\_  
 Checked by: \_\_\_\_\_ Date: \_\_\_\_\_  
 Delivered by: \_\_\_\_\_ Date: \_\_\_\_\_  
 Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
 Public Works Director: \_\_\_\_\_  
 Scale: 1" = 40'  
 Sheet **6** of 10 Sheets  
 TEL. No. 4119 - PL07 DATE: 5/15/2023

## **Appendix B      Documentation**

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July 18, 2023

### Wetlands

- |   |                                |   |                                   |   |          |
|---|--------------------------------|---|-----------------------------------|---|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Emergent Wetland       |  | Lake     |
|  | Estuarine and Marine Wetland   |  | Freshwater Forested/Shrub Wetland |  | Other    |
|   |                                |  | Freshwater Pond                   |  | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Additional information in areas where **Base Flood Elevations** (BFEs) have been determined, users are encouraged to consult the Floodway Data and/or Summary of Stillwater Elevations within the Flood Insurance Study (FIS) report that accompanies this map. It should be aware that BFEs shown on the FIRM represent spot elevations. These BFEs are intended for flood insurance only and should not be used as the sole source of flood elevation information. Flood elevation data presented in the FIS report should be used in conjunction with the FIRM for purposes of construction and/or other flood hazard information.

**Flood Elevations (BFEs)** shown on this map apply only to landward ocean Vertical Datum of 1989 (NAVD 89). Users of the FIRM that coastal flood elevations are also provided in the Summary of one table in the Flood Insurance Study report for this jurisdiction. In the Summary of Stillwater Elevations table should be used for floodplain management purposes when they are higher than shown on this FIRM.

**Floodways** were computed at cross sections and interpolated contours. The floodways were based on hydraulic considerations requirements of the National Flood Insurance Program. Floodway pertinent floodway data are provided in the Flood Insurance Study report for information on flood control structures for this jurisdiction.

In Special Flood Hazard Areas may be protected by flood insurance. Refer to Section 24 "Flood Protection Measures" in the FIS report for information on flood control structures for this jurisdiction.

used in the preparation of this map was Universal Transverse zone 11. The horizontal datum was NAD83. CRS1989 spheroidal datum, spheroidal projection or State Plane zones used in the FIRM for adjacent jurisdictions may result in slight positional differences across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

on this map are referenced to the North American Vertical Datum of 1989. Flood elevations must be compared to structure and ground elevations to the same vertical datum. For information regarding the National Geodetic Vertical Datum of 1929 and the North American Datum of 1989, visit the National Geodetic Survey website at [nads.gov](http://nads.gov) or contact the National Geodetic Survey at the following telephone numbers:

Services  
 Survey  
 Highway 20910-3282

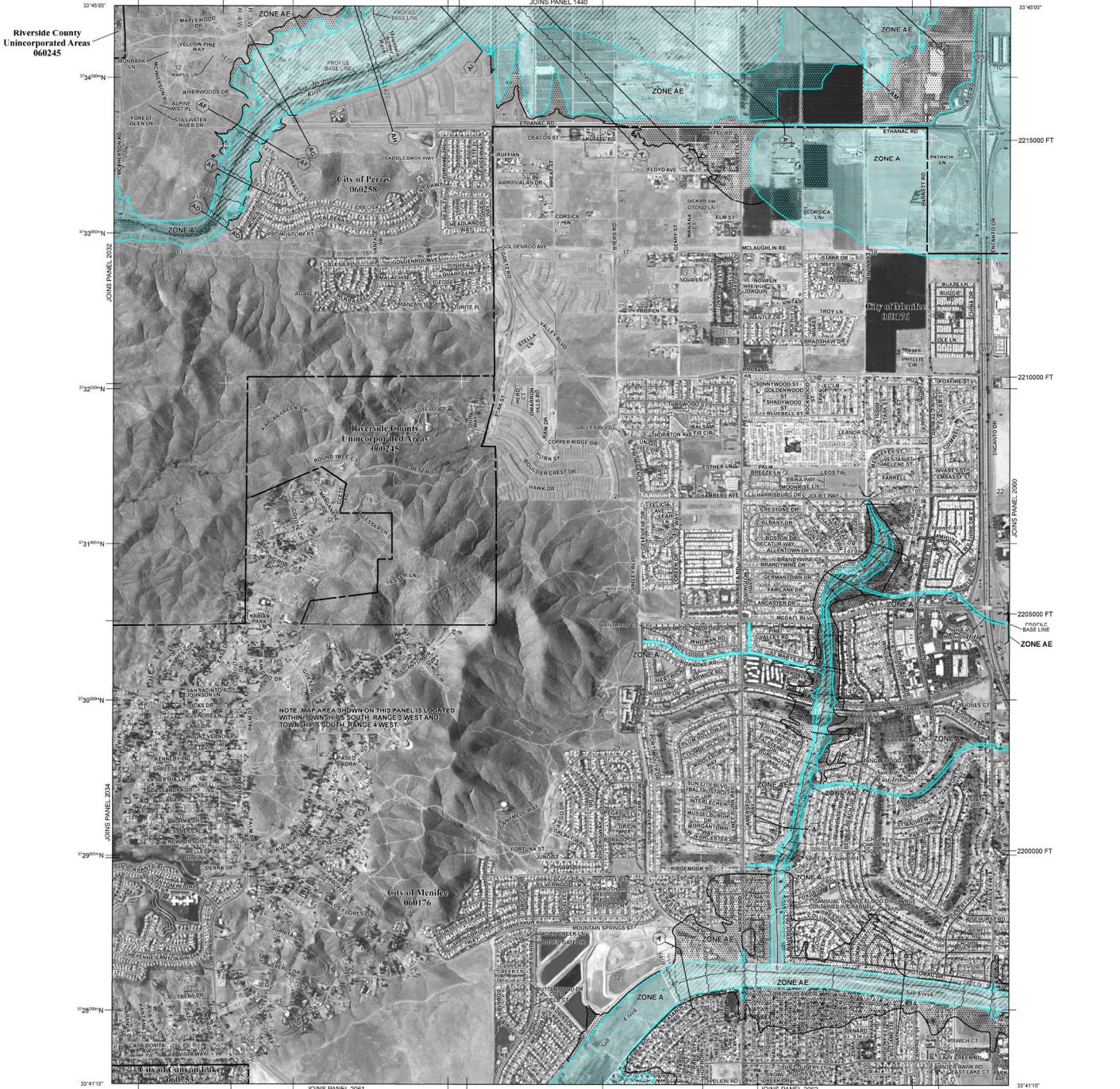
if elevation, description, and/or location information for bench marks is needed, please contact the Information Services Branch of the U.S. Survey at (201) 713-2424 or visit its website at [nads.gov](http://nads.gov).

shown on this FIRM was derived from multiple sources including County, CA effective database, and the National Geodetic Survey imagery for Riverside County, CA, is a mosaic of the NADP 2009 resolution.

**Profile lines** depicted on this map represent the hydraulic modeling used to determine the BFEs in the FIS report. As a result of improved hydraulic modeling techniques, in some cases, may deviate significantly up or down from the BFE.

the separately printed Map Index for an overview map of the County of Riverside, California, community map repository addresses; Communities table containing National Flood Insurance Program community as well as a listing of the panels on which each is shown.

and questions about this map, available products associated with historic versions of this FIRM, how to order products or the Insurance Program in general, please call the FEMA Map Service Center at 1-877-FEMA-MAP (1-877-336-2827) or visit the FEMA website at <http://www.fema.gov>. Available products may be issued Letters of Map Change, a Flood Insurance Study report, or other products. Many of these products can be ordered online from the website. Users may determine the current map date for a community by visiting the FEMA Map Service Center website or by calling 1-877-FEMA-MAP.



NOTE: MAP FARGA SHOWN ON THIS PANEL IS LOCATED WITHIN TOWNSHIP SOUTH RANGE 3 WEST AND TOWNSHIP SOUTH RANGE 4 WEST

The 1% annual chance flood (100-year flood), also known as the base flood, is the chance of being equalled or exceeded in any given year. The Special Flood Hazard Areas subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard A, AE, AH, AU, AR, AV, and VE. The Base Flood Elevation is the water surface elevation of the 1% annual chance flood.

- ZONE A** Base Flood Elevation determined.
- ZONE AE** Base Flood Elevations determined.
- ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); I determined.
- ZONE AU** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); determined. For areas of actual fan flooding, velocities also determined.
- ZONE AR** Special Flood Hazard Area formerly protected from the 1% to 3% annual chance flood by a levee system that was subsequently determined to be inoperable; flood control system is being restored to provide 1% annual chance flood protection.
- ZONE AV** Areas to be protected from 1% annual chance flood over protection system under construction; no Base Flood Elevation shown.
- ZONE V** Coastal flood zone with velocity hazard (wave action); no I determined.
- ZONE VE** Coastal flood zone with velocity hazard (wave action); B determined.

**FLOODWAY AREAS IN ZONE AE**  
 The floodway is the channel of a stream plus any adjacent floodplain areas that encroachments so that the 1% annual chance flood can be carried without a flood height.

**OTHER FLOOD AREAS**  
**ZONE X** Areas of 0.2% annual chance flood; areas of 1% annual chance flood with depths of less than 1 foot, or with damage areas less than areas protected by levees from 1% annual chance flood.

- OTHER AREAS**
- ZONE X** Areas determined to be outside the 0.2% annual chance flood.
- ZONE D** Areas in which flood hazards are undetermined, but possible.
- COASTAL BARRIER RESOURCES SYSTEM (CBRS) AI**
- OTHERWISE PROTECTED AREAS (OWPA)**

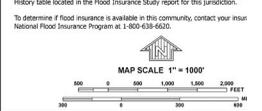
- CBRS areas and CPAs are normally located within or adjacent to Special Flood Hazard Area.
- 1% annual chance floodplain boundary
- 0.2% annual chance floodplain boundary
- floodway boundary
- Zone D boundary
- CBRS and CPA boundary
- Boundary dividing Special Flood Hazard Area into Special Flood Hazard A, AE, AH, AU, AR, AV, and VE.
- Base Flood Elevation line and value; elevated Base Flood Elevation value where uniform in feet

- \* Referenced to the North American Vertical Datum of 1989
- Profile section line
- Transect line
- Geographic coordinates referenced to Datum of 1983 (NAD 83), Western Hemisphere
- 1000-meter Universal Transverse Mercator
- 5000-foot grid values: California State Plane Zone VI (NAD 83) - 400; Lambert projection
- Bench mark (see explanation in Notes to FIRM panel)
- Map Repository
- Refer to Map Repository List on Map Index

EFFECTIVE DATE OF REVISIONS TO THIS PANEL  
 August 28, 2008  
 FLOOD INSURANCE RATE MAP

For community map revision history prior to courtwide mapping, refer to Historic table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call 1-800-438-6649.



PANEL 205

**NFIP**

**FIRM**  
 FLOOD INSURANCE |  
 RIVERSIDE COUNTY  
 CALIFORNIA  
 AND INCORPORATED

**PANEL 2055 OF 3805**  
 (SEE MAP INDEX FOR FORMS)

CONTAINS	NUMBER
COMMUNITY	
CANTONIA, CITY OF	00075
MENIFEE, CITY OF	00079
PERRIS, CITY OF	00080
RIVERSIDE COUNTY UNINCORPORATED AREAS	00084

Notice to User: The Map Number shown above among many other map features should be used on insurance applications.

M O  
M I  
A I G I

## **Appendix C      Site Photographs**

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**Photograph 1:** From atop the box culvert beneath Barnett Road looking northwest (upstream) along Drainage 1.



**Photograph 2:** Looking northeast towards the box culvert beneath Barnett Road. The surface water within and adjacent to the culvert was the only surface water present within Drainage 1.



**Photograph 3:** Looking northwest (downstream) across the portion of Drainage 1 that will support the proposed stormwater discharge culvert and riprap.



**Photograph 4:** Looking southeast (downstream) across the portion of Drainage 1 that will support the proposed stormwater discharge culvert and riprap.



**Photograph 5:** From the downstream limits of Drainage 1 in proximity to the project site looking southeast (upstream) along Drainage 1.



**Photograph 6:** From the downstream limits of Drainage 1 in proximity to the project site looking north (downstream) along Drainage 1.

## **Appendix D      Methodology**

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## WATERS OF THE UNITED STATES

### *Section 404 of the Clean Water Act*

In accordance with the Revised Definition of “Waters of the United States” (March 20, 2023), “waters of the United States” are defined as follows:

The “waters of the United States” are defined in paragraph (a) of this rule:

- (1) traditional navigable waters, the territorial seas, and interstate waters;
- (2) impoundments of “waters of the United States”;
- (3) tributaries to traditional navigable waters, the territorial seas, interstate waters, or impoundments when the tributaries meet either the relatively permanent standard or the significant nexus standard (“jurisdictional tributaries”);
- (4) wetlands adjacent to traditional navigable waters; wetlands adjacent to and with a continuous surface connection to relatively permanent paragraph impoundments or to jurisdictional tributaries when the jurisdictional tributaries meet the relatively permanent standard; and wetlands adjacent to impoundments or jurisdictional tributaries when the wetlands meet the significant nexus standard (“jurisdictional adjacent wetlands”); and
- (5) intrastate lakes and ponds, streams, or wetlands not identified in (1) through (4) above that meet either the relatively permanent standard or the significant nexus standard.

The “relatively permanent standard” means relatively permanent, standing or continuously flowing waters connected to traditional navigable waters, and waters with a continuous surface connection to such relatively permanent waters or to traditional navigable waters. The “significant nexus standard” means waters that, either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of traditional navigable waters, the territorial seas, or interstate waters.

The EPA and the Corps are in receipt of the U.S. Supreme Court’s May 25, 2023, decision in the case of *Sackett v. Environmental Protection Agency*. In light of this decision, the agencies are interpreting “waters of the United States” consistent with the Supreme Court’s decision in *Sackett*. The agencies are developing a rule to amend the final “Revised Definition of ‘Waters of the United States’” rule, consistent with the U.S. Supreme Court’s May 25, 2023 decision in the case of *Sackett v. Environmental Protection Agency*. The agencies intend to issue a final rule by September 1, 2023.

## WETLANDS

For this project location, Corps jurisdictional wetlands are delineated using the methods outlined in the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, Version 2.0* (Corps 2008). This document is one of a series of Regional Supplements to the Corps Wetland Delineation Manual (Corps 1987). The identification of wetlands is based on a three-parameter approach involving indicators of hydrophytic vegetation, hydric soil, and wetland hydrology. In order to be considered a wetland, an area must exhibit at least minimal characteristics within these three (3)

parameters. The Regional Supplement presents wetland indicators, delineation guidance, and other information that is specific to the Arid West Region. In the field, vegetation, soils, and evidence of hydrology are examined using the methodology listed below and documented on Corps wetland data sheets, when applicable. It should be noted that both the Regional Board and the CDFW jurisdictional wetlands encompass those of the Corps.

## Vegetation

Nearly 5,000 plant types in the United States may occur in wetlands. These plants, often referred to as hydrophytic vegetation, are listed in regional publications by the U.S. Fish and Wildlife Service (USFWS). In general, hydrophytic vegetation is present when the plant community is dominated by species that can tolerate prolonged inundation or soil saturation during growing season. Hydrophytic vegetation decisions are based on the assemblage of plant species growing on a site, rather than the presence or absence of particular indicator species. Vegetation strata are sampled separately when evaluating indicators of hydrophytic vegetation. A stratum for sampling purposes is defined as having 5 percent or more total plant cover. The following vegetation strata are recommended for use across the Arid West:

- ◆ *Tree Stratum*: Consists of woody plants 3 inches or more in diameter at breast height (DBH), regardless of height;
- ◆ *Sapling/shrub stratum*: Consists of woody plants less than 3 inches DBH, regardless of height;
- ◆ *Herb stratum*: Consists of all herbaceous (non-woody) plants, including herbaceous vines, regardless of size; and,
- ◆ *Woody vines*: Consists of all woody vines, regardless of size.

The following indicator is applied per the test method below.<sup>1</sup> Hydrophytic vegetation is present if any of the indicators are satisfied.

### Indicator 1 – Dominance Test

Cover of vegetation is estimated and is ranked according to their dominance. Species that contribute to a cumulative total of 50% of the total dominant coverage, plus any species that comprise at least 20% (also known as the “50/20 rule”) of the total dominant coverage, are recorded on a wetland data sheet. Wetland indicator status in California (Region 0) is assigned to each species using the *National Wetland Plant List, version 2.4.0* (Corps 2012). If greater than 50% of the dominant species from all strata were Obligate, Facultative-wetland, or Facultative species, the criteria for wetland vegetation is considered to be met. Plant indicator status categories are described below:

<sup>1</sup> Although the Dominance Test is utilized in the majority of wetland delineations, other indicator tests may be employed. If one indicator of hydric soil and one primary or two secondary indicators of wetland hydrology are present, then the Prevalence Test (Indicator 2) may be performed. If the plant community satisfies the Prevalence Test, then the vegetation is hydric. If the Prevalence Test fails, then the Morphological Adaptation Test may be performed, where the delineator analyzes the vegetation for potential morphological features.

- ◆ *Obligate Wetland (OBL)*: Plants that almost always occur in wetlands;
- ◆ *Facultative Wetland (FACW)*: Plants that usually occur in wetlands, but may occur in non-wetlands;
- ◆ *Facultative (FAC)*: Plants that occur in wetlands and non-wetlands;
- ◆ *Facultative Upland (FACU)*: Plants that usually occur in non-wetlands, but may occur in wetlands; and,
- ◆ *Obligate Upland (UPL)*: Plants that almost never occur in wetlands.

## Hydrology

Wetland hydrology indicators are presented in four (4) groups, which include:

### Group A – Observation of Surface Water or Saturated Soils

Group A is based on the direct observation of surface water or groundwater during the site visit.

### Group B – Evidence of Recent Inundation

Group B consists of evidence that the site is subject to flooding or ponding, although it may not be inundated currently. These indicators include water marks, drift deposits, sediment deposits, and similar features.

### Group C – Evidence of Recent Soil Saturation

Group C consists of indirect evidence that the soil was saturated recently. Some of these indicators, such as oxidized rhizospheres surrounding living roots and the presence of reduced iron or sulfur in the soil profile, indicate that the soil has been saturated for an extended period.

### Group D – Evidence from Other Site Conditions or Data

Group D consists of vegetation and soil features that indicate contemporary rather than historical wet conditions, and include shallow aquitard and the FAC-neutral test.

If wetland vegetation criteria is met, the presence of wetland hydrology is evaluated at each transect by recording the extent of observed surface flows, depth of inundation, depth to saturated soils, and depth to free water in the soil test pits. The lateral extent of the hydrology indicators are used as a guide for locating soil pits for evaluation of hydric soils and jurisdictional areas. In portions of the stream where the flow is divided by multiple channels with intermediate sand bars, the entire area between the channels is considered within the OHWM and the wetland hydrology indicator is considered met for the entire area.

## Soils

A hydric soil is a soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper 16-20 inches.<sup>2</sup> The concept of hydric soils includes soils developed under sufficiently wet conditions to support the growth and regeneration of hydrophytic vegetation. Soils that are sufficiently wet because of artificial measures are included in the concept of hydric soils. It should also be noted that the limits of wetland hydrology indicators are used as a guide for locating soil pits. If any hydric soil features are located, progressive pits are dug moving laterally away from the active channel until hydric features are no longer present within the top 20 inches of the soil profile.

Once in the field, soil characteristics are verified by digging soil pits along each transect to an excavation depth of 20 inches; in areas of high sediment deposition, soil pit depth may be increased. Soil pit locations are usually placed within the drainage invert or within adjoining vegetation. At each soil pit, the soil texture and color are recorded by comparison with standard plates within a *Munsell Soil Chart* (2009). Munsell Soil Charts aid in designating color labels to soils, based by degrees of three simple variables – hue, value, and chroma. Any indicators of hydric soils, such as organic accumulation, iron reduction, translocation, and accumulation, and sulfate reduction, are also recorded.

Hydric soil indicators are present in three groups, which include:

#### All Soils

“All soils” refers to soils with any United States Department of Agriculture (USDA) soil texture. Hydric soil indicators within this group include histosol, histic epipedon, black histic, hydrogen sulfide, stratified layers, 1 cm muck, depleted below dark surface, and thick dark surface.

#### Sandy Soils

“Sandy soils” refers to soil materials with a USDA soil texture of loamy fine sand and coarser. Hydric soil indicators within this group include sandy mucky mineral, sandy gleyed matrix, sandy redox, and stripped matrix.

#### Loamy and Clayey Soils

“Loamy and clayey soils” refers to soil materials with a USDA soil texture of loamy very fine sand and finer. Hydric soil indicators within this group include loamy mucky mineral, loamy gleyed matrix, depleted matrix, redox dark surface, depleted dark surface, redox depressions, and vernal pools.

## **SWANCC WATERS**

The term “isolated waters” is generally applied to waters/wetlands that are not connected by surface water to a river, lake, ocean, or other body of water. In the presence of isolated conditions, the Regional Board and CDFW take jurisdiction through the application of the OHWM/streambed and/or the 3 parameter wetland methodology utilized by the Corps.

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<sup>2</sup> According to the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, Version 2.0 (Corps 2008), growing season dates are determined through on-site observations of the following indicators of biological activity in a given year: (1) above-ground growth and development of vascular plants, and/or (2) soil temperature.