Jurisdictional Delineation Report

Antelope Valley Commerce Center Project
Palmdale, California

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EXECUTIVE SUMMARY

The purpose of this Jurisdictional Delineation Report is to provide baseline data concerning the type and extent of jurisdictional resources that occur at the Palmdale Logistics Park Project Site in the city of Palmdale, Los Angeles County, California. Jurisdictional resources considered for this report include wetlands and non-wetland "waters of the United States" (WOTUS) regulated by the U.S. Army Corps of Engineers (USACE); "waters of the State" regulated by the Regional Water Quality Control Board (RWQCB); and the bed, bank, and channel of all lakes, rivers, and/or streams (and associated riparian vegetation), as regulated by the California Department of Fish and Wildlife (CDFW).

The jurisdictional delineation work was performed by Psomas Regulatory Specialist David Hughes on March 22, 2022. Based on the results of the jurisdictional delineation field work, it was determined that the total amount of jurisdictional resources on the Project site are as follows:

- **USACE Jurisdictional "waters of the U.S.":**

  Wetlands: 0.00 acre

  Non-wetland waters: 0.00 acre (due to lack to connectivity to Traditional Navigable Waterway)

- **RWQCB Jurisdictional "waters of the State":**

  Wetlands: 0.00 acre

  Non-wetland waters: 0.015 acre

- **CDFW Jurisdictional Streambeds:**

  Streambeds/Riparian Habitat: 0.498 acre

Based on the proposed project construction footprint, no impacts to jurisdictional waters are expected.

1.0 INTRODUCTION

This Jurisdictional Delineation Report has been prepared to provide baseline data concerning the type and extent of resources under the jurisdiction of the U.S. Army Corps of Engineers (USACE), Lahontan Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) for the Antelope Valley Commerce Center Project site located in the city of Palmdale, California (hereinafter referred to as the "Project site").

1.1 PROJECT LOCATION

The Antelope Valley Commerce Center Project site is an approximate 434-acre parcel of undeveloped land located southeast of the intersection of Sierra Highway and West Avenue M (Exhibit 1). The project site is located on the U.S. Geological Survey's (USGS') Lancaster East and Lancaster West 7.5-minute quadrangle maps (Exhibit 2) in Township 6 North, Range 12 West, Sections 1 and 2. The Project is bounded by East Avenue M to the north, Sierra Highway to the west, and Palmdale Regional Airport to the south. Additional undeveloped land abuts the Project site to the east.

1.2 EXISTING CONDITIONS

The Project site consists of an undeveloped parcel of land that is dominated by relatively undisturbed vegetation communities that are characteristic of the Antelope Valley (Exhibit 3). The terrain is generally flat with some minor undulations.

1.3 REGULATORY AUTHORITY

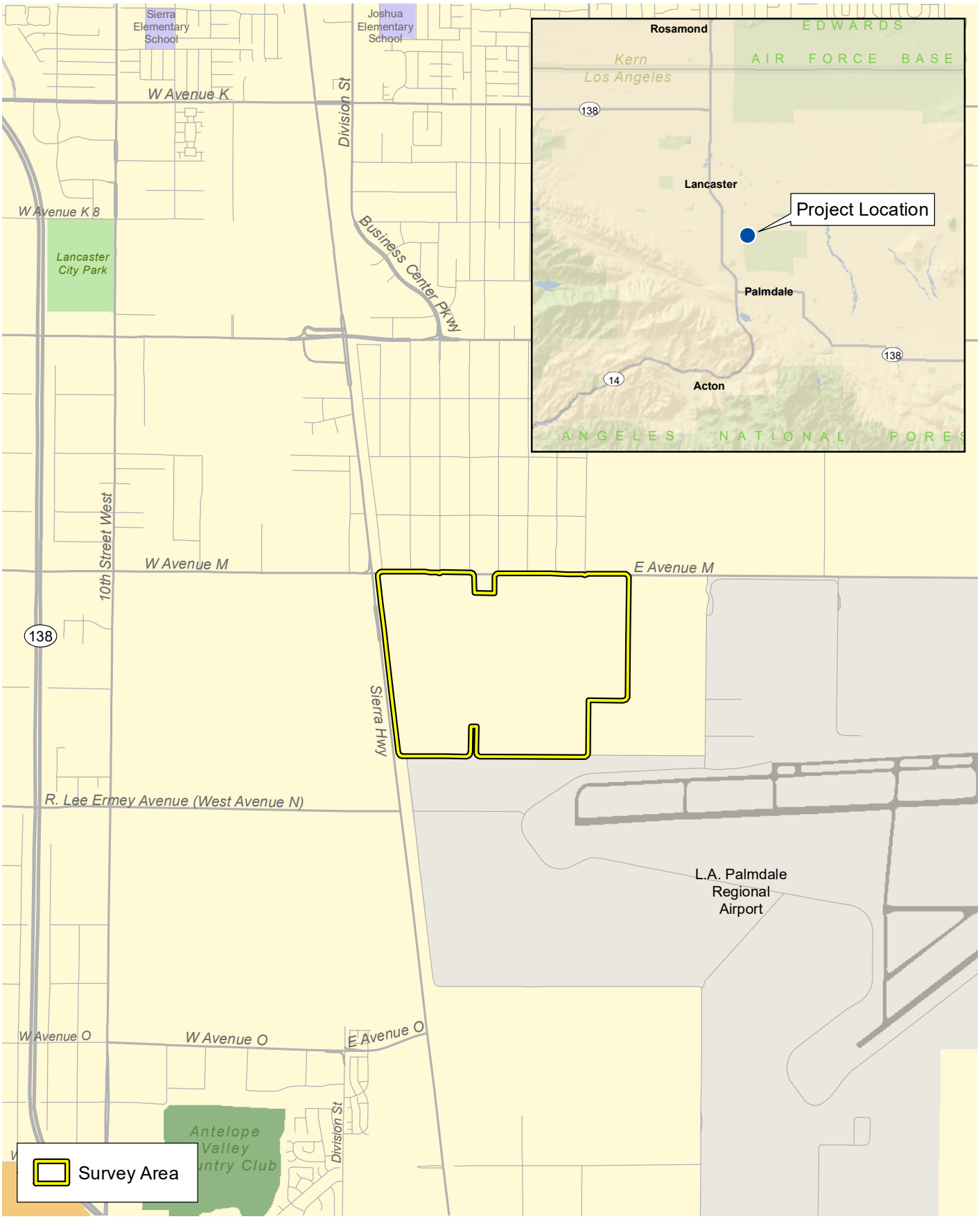
This section summarizes the federal and State agencies' regulatory jurisdiction over activities that have a potential to impact jurisdictional resources. A detailed explanation of each agency's regulatory authority is provided in Attachment A.

1.3.1 U.S. Army Corps of Engineers

The USACE Regulatory Branch regulates activities that discharge dredged or fill materials into "waters of the United States" (WOTUS) under Section 404 of the Federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Its authority applies to all WOTUS where the material (1) replaces any portion of a WOTUS with dry land or (2) changes the bottom elevation of any portion of any WOTUS. Activities that result in fill or dredge of WOTUS require a permit from the USACE.

Recently, the definition of WOTUS has been the subject of shifting regulations. In June of 2020, the United States Environmental Protection Agency (USEPA) and the USACE published the Navigable Waters Protection Rule (NWPR). On August 30, 2021, the U.S. District Court for the District of Arizona vacated the NWPR, which led regulatory agencies to define WOTUS according to the pre-2015 regulatory regime. The USACE will utilize the pre-2015 definition of WOTUS until the USEPA issues a new final rule which is expected to be released in the spring of 2023. The current definition of the WOTUS includes the following:

1. All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or



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Local Vicinity

Exhibit 1

Jurisdictional Delineation Report for the Antelope Valley Commerce Center Project

N W E S

3,000 1,500 0 3,000 Feet

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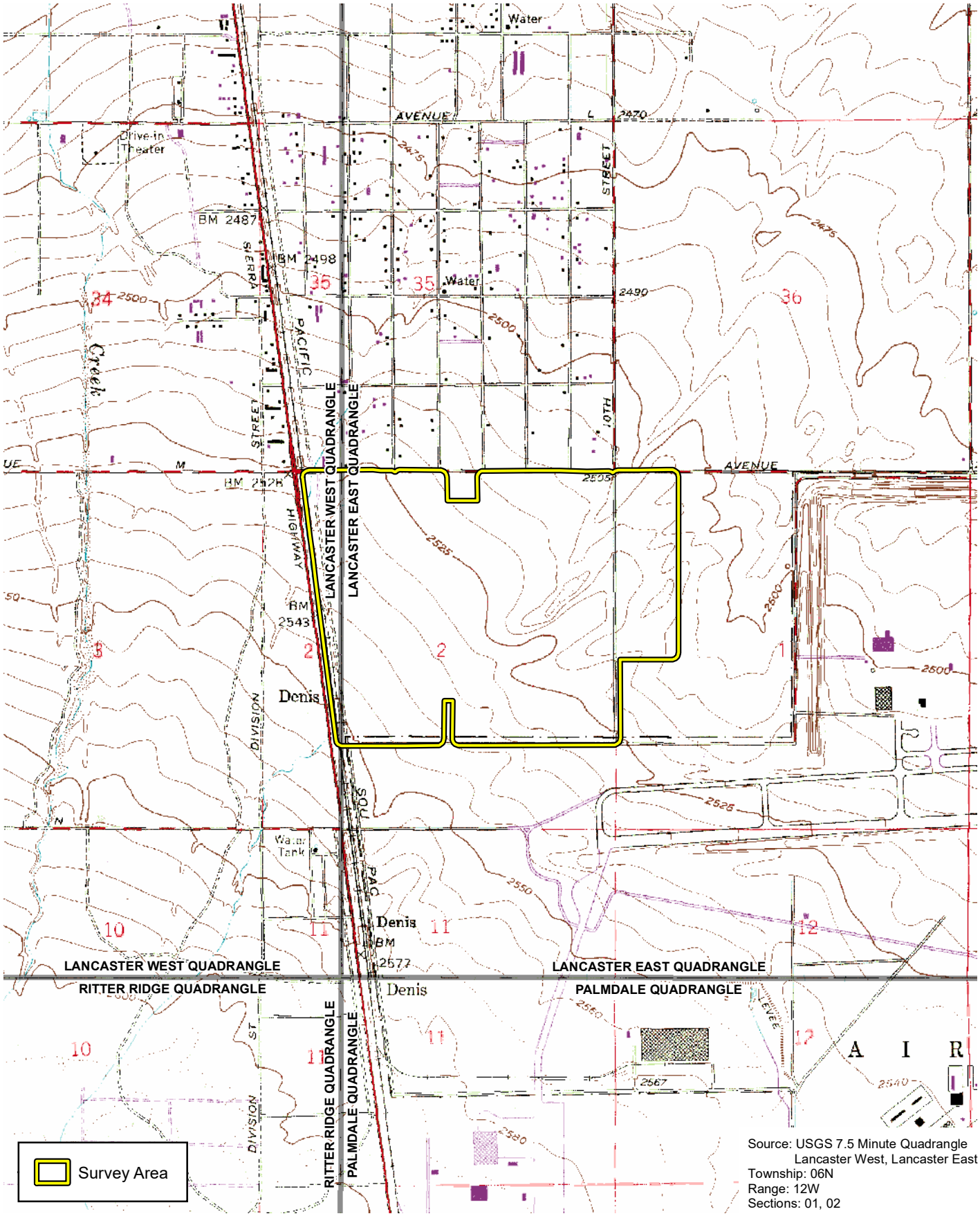

Source: USGS 7.5 Minute Quadrangle
Lancaster West, Lancaster East
Township: 06N
Range: 12W
Sections: 01, 02

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U.S. Geological Survey 7.5-Minute Quadrangle

Exhibit 2

Jurisdictional Delineation Report for the Antelope Valley Commerce Center Project

N W E S

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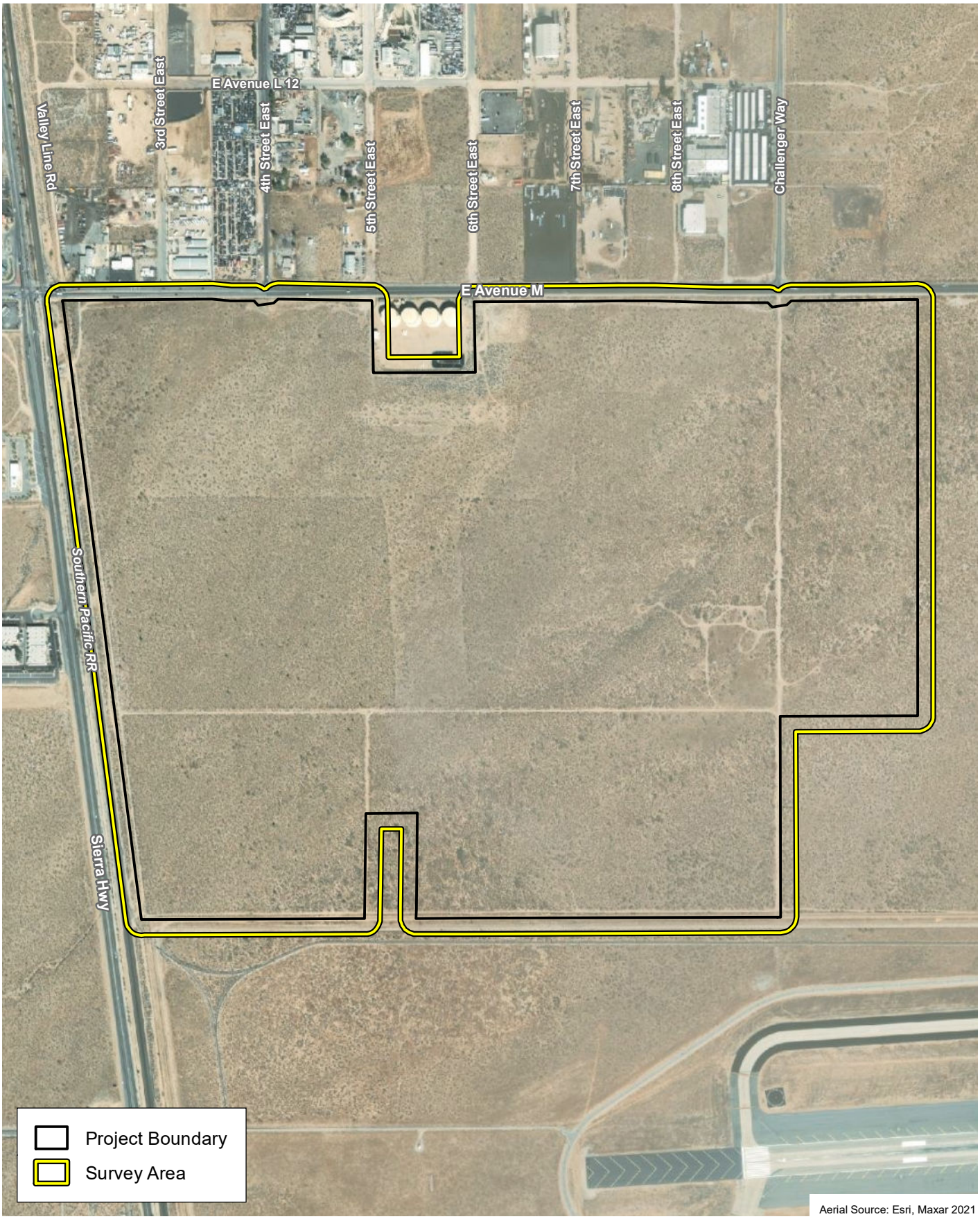

Aerial Source: Esri, Maxar 2021

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Project Site

Exhibit 3

Jurisdictional Delineation Report for the Antelope Valley Commerce Center Project

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natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:

a. Which are or could be used by interstate or foreign travelers for recreational or other purposes; or

b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

c. Which are used or could be used for industrial purposes by industries in interstate commerce;

4. All impoundments of waters otherwise defined as waters of the United States under this definition;

5. Tributaries of waters identified in paragraphs 1 through 4 of this section;

6. The territorial sea.

Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in this section; waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States.

1.3.2 Regional Water Quality Control Board

The State Water Resources Control Board (SWRCB), in conjunction with the nine RWQCBs, is the primary agency responsible for protecting water quality in California through the regulation of discharges to surface waters under the CWA and the California Porter-Cologne Water Quality Control Act (Porter-Cologne Act). The SWRCB's and RWQCBs' jurisdictions extend to all "waters of the State" and to all WOTUS, including wetlands (isolated and non-isolated).

The Porter-Cologne Act broadly defines "waters of the State" as any surface water or groundwater, including saline waters, within the boundaries of the State." On August 28, 2019, the Office of Administrative Law approved the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to "waters of the State", which went into effect on May 28, 2020. Under these new regulations, the SWRCB and its nine RWQCBs will assert jurisdiction over all existing WOTUS, and all waters that have been considered WOTUS under any historical definition.

Impacts to WOTUS are authorized by the RWQCBs through a Water Quality Certification per Section 401 of the CWA. Impacts to "waters of the State" that are not considered WOTUS would be authorized by Waste Discharge Requirements issued by the RWQCB.

On April 6, 2022, the U.S. Supreme Court issued a stay of the October 2021 order by the U.S. District Court for the Northern District of California that vacated EPA's 2020 Clean Water Act Section 401 Certification Rule (2020). The stay of the vacatur applies nationwide. Therefore, the CWA section 401 certification process is once again governed by the CWA section 401 certification regulations promulgated by EPA in 2020, codified at 40 CFR 121. This 2020 rule requires all project proponents to request a pre-filing meeting with the RWQCB at least 30 days prior to filing a 401 "Certification Request". The filing procedure has been simplified to require the filing of a "Certification Request", rather than the acceptance of a "complete application".

There is a mandatory 30 day wait period between a pre-filing meeting request and the filing of a Certification Request. A Certification Request must be filed with the RWQCB and the USACE concurrently. USACE reviews the Certification Request for the nine required components. The USACE has 15 days to review the Certification Request. The USACE then notifies the RWQCB

that request is complete. And concurrently notifies the RWQCB of the reasonable time period to act on the Certification Request. The reasonable time period is not to exceed 1 year. Within 15 days of receipt of the Certification Request the RWQCB must provide the applicant with the following: 1) date of receipt; 2) applicable reasonable period of time to act on the Certification Request; and 3) date upon which waiver will occur if the certifying authority fails or refuses to act on the Certification Request.

Once the RWQCB issues the 401 Certification, the USACE has 5 days to notify the USEPA that the 401 Certification has been issued. The USEPA then has 30 days to notify neighboring jurisdictions of the 401 Certification. Neighboring jurisdictions have 60 days to respond. If there are no objections to the 401 Certification, then the USACE issues the 404 permit.

1.3.3 California Department of Fish and Wildlife

The CDFW regulates activities that may affect rivers, streams, and lakes pursuant to the *California Fish and Game Code* (§§1600–1616). According to Section 1602 of the *California Fish and Game Code,* the CDFW has jurisdictional authority over any work that will (1) substantially divert or obstruct the natural flow of any river, stream, or lake; (2) substantially change or use any material from the bed, channel, or bank of any river, stream, or lake; or (3) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

2.0 METHODS

2.1 LITERATURE REVIEW

Prior to conducting the delineation and during the course of report preparation, Psomas reviewed the following documents to identify areas that may fall under agency jurisdiction: the USGS' Lancaster West and Lancaster East 7.5-minute topographic quadrangle maps; color aerial photography provided by Google Earth; soil data provided by the U.S. Department of Agriculture's Natural Resources Conservation Service (USDA NRCS 2022a); the National Hydric Soils List (USDA NRCS 2022b); the National Wetlands Inventory's Wetland Mapper (USFWS 2022); and the Water Quality Control Plan for the Lahontan Region (Lahontan RWQCB 1995).

2.2 FIELD SURVEY

The analysis contained in this report uses the results of a field survey conducted by Psomas Regulatory Specialist David Hughes on March 22, 2022. Jurisdictional features were delineated using a 1 inch equals 100 feet (1″ = 100′) scale aerial photograph. Jurisdictional drainage features were mapped as a line and the width of the agency jurisdiction was noted.

2.3 JURISDICTIONAL DELINEATION

2.3.1 Non-Wetlands

Non-wetland WOTUS are delineated based on the limits of the Ordinary High Water Mark (OHWM), which can be determined by a number of factors, including the presence of a clear, natural line impressed on the bank; shelving; changes in the character of the soil; destruction of terrestrial vegetation; and the presence of litter and debris. The OHWM limits (i.e., active floodplain) occurring on the Project site as based on methods contained in *A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States*, *A Delineation Manual* (Lichvar and McColley 2008) and the *Updated Datasheet for the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States* (Curtis and Lichvar 2010).

It should be noted that the RWQCB shares USACE jurisdiction unless isolated conditions are present. If isolated waters are present, the RWQCB takes jurisdiction using the USACE's definition of the OHWM and/or the three-parameter wetlands method pursuant to the 1987 Wetlands Manual. The CDFW's jurisdiction is defined as the top of the bank on either side of a stream, channel, or basin or to the outer limit of riparian vegetation located within or immediately adjacent to the river, stream, creek, pond, lake, or other impoundment.

2.3.2 Wetlands

Technical methods and guidelines to determine the presence and extent of wetlands is described by the USACE in the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (USACE 2008). The presence of wetlands is determined by a three-parameter approach requiring evidence of (1) wetland hydrology, (2) hydrophytic vegetation, and (3) hydric soils.

Wetland hydrology is determined by the presence of indicators such as observed surface water; presence of past surface flow; and the depth to saturated soils or free water in soil test pits.

Procedures for determining whether the hydrophytic vegetation criterion is met is based three potential indicators as described in *Regional Supplement to the Corps of Engineers Wetland*

Delineation Manual: Arid West Region (USACE 2008). These include the “Dominance Test”, using the “50/20 Rule”; the “Prevalence Index”; or the presence of “Morphological Adaptation” of vegetation that is present. These indicators are based on determining the presence and relative abundance of plant species that are categorized as Obligate Wetland (typically associated with wetland conditions); Facultative Wetland (predominantly present in wetland conditions); Facultative (equally likely to occur in wetland or non-wetland areas); Facultative Upland (predominantly found in non-wetland areas); or Upland (typically found in mesic to xeric non-wetland habitats). Plant species are categorized in the National Wetland Plant List, created by the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, and the U.S. Department of Agriculture.

Soils are determined to be hydric when they form under conditions of saturation, flooding, or ponding that occurs long enough during the growing season to develop anaerobic conditions (or conditions of limited oxygen) at or near the soil surface and that favor the establishment of hydrophytic vegetation (USDA NRCS 2022c). The presence of hydric soil conditions is determined where various indicators are observed by digging soil test pits to a depth of approximately 20 inches. Common hydric soil indicators include presence of redoximorphic features (i.e., areas where iron is reduced under anaerobic conditions and oxidized following a return to aerobic conditions); buried organic matter; organic streaking; reduced soil conditions; or sulfuric odor.

3.0 LITERATURE REVIEW

This section provides a summary of literature review results that were reviewed prior to the field survey and during report preparation that have helped inform the analysis provided in this report.

3.1 USGS TOPOGRAPHIC QUADRANGLE

The USGS topographic quadrangle maps show geological formations and their characteristics; they describe the physical settings of an area through topographic contour lines and other major surface features. These features include lakes, streams, rivers, buildings, roadways, landmarks, and other features that may fall under the jurisdiction of one or more regulatory agencies. In addition, the USGS maps provide topographic information that is useful in determining elevations, latitude and longitude, and Universal Transverse Mercator (UTM) Grid coordinates.

The Project site occurs on the USGS' Lancaster West and Lancaster East 7.5-minute topographic quadrangle maps. The project site slopes very gently from the southwest corner where the elevation is 2,565 feet above mean sea level (msl) to the northeast corner where the elevation is approximately 2,495 feet above msl. An unnamed blueline stream appears in the extreme northwest corner of the Project site.

3.2 SOIL SURVEY

The presence of hydric soils is one of the chief indicators of jurisdictional wetlands. Psomas reviewed the USDA's soil data for the survey area (Exhibit 4). The project site contains the following soils that are in the Antelope Valley Soil Survey Area:

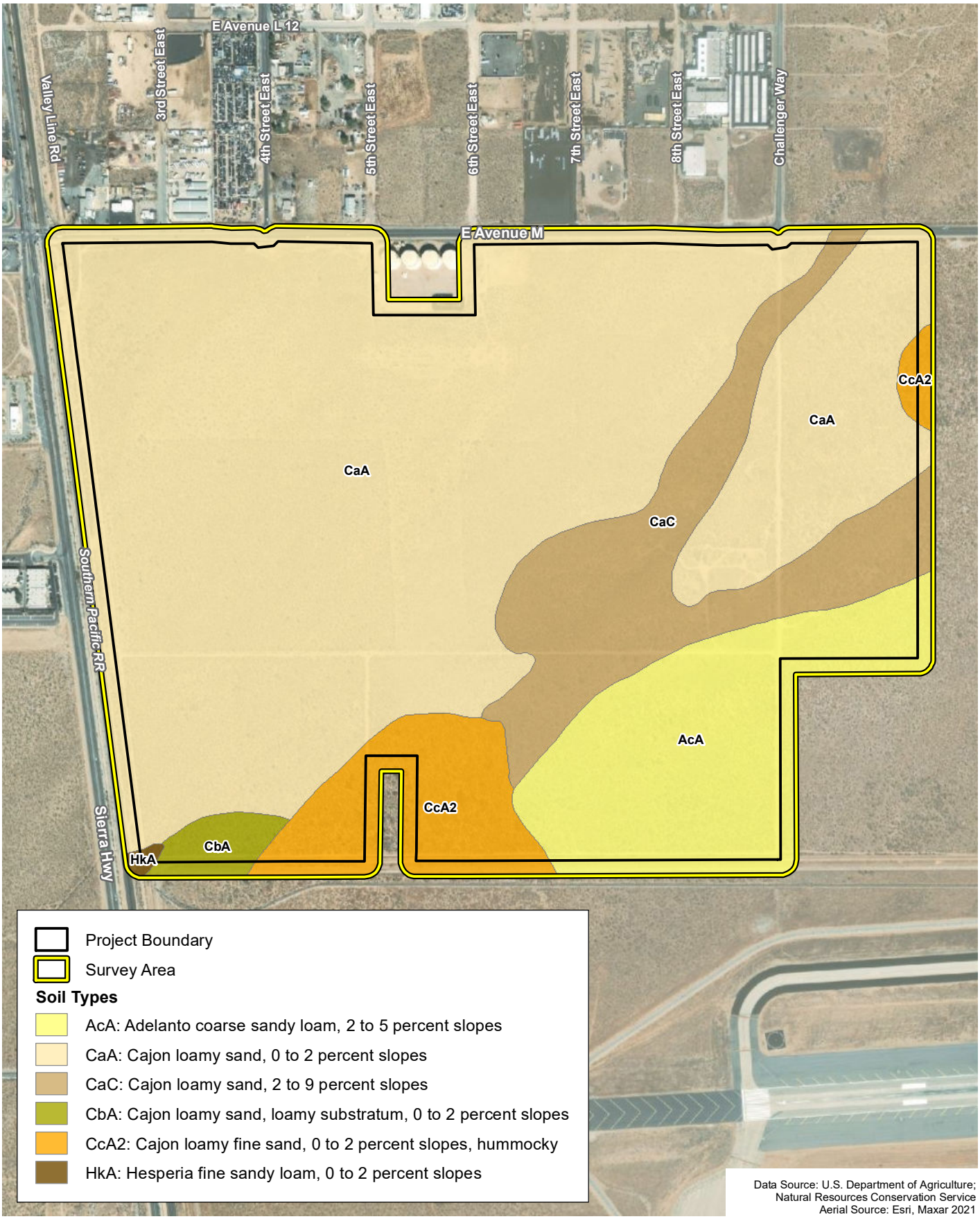
- Adelanto coarse sandy loam, 2 to 5 percent slopes;
- Cajon loamy sand, 0 to 2 percent slopes;
- Cajon loamy sand, 2 to 9 percent slopes;
- Cajon loamy sand, loamy substratum, 0 to 2 percent slopes;
- Cajon loamy fine sand, 0 to 2 percent slopes; and
- Hesperia fine sandy loam, 0 to 2 percent slopes.

Of these soil types, Cajon loamy sand, 0 to 2 percent slopes and Hesperia fine sandy loam, 0 to 2 percent slopes are listed as hydric on the National Hydric Soils List (USDA NRCS 2022b), based on the criterion that the components of these soils are frequently ponded during the growing season. The National Hydric Soils List identifies potentially hydric soils based on information from the Natural Resource Conservation Service's soil surveys. These soils can range from hydric to non-hydric and are intended as a starting point for field investigation.

A brief description of these soils is provided in Attachment B of this report.

3.3 NATIONAL WETLANDS INVENTORY

The U.S. Fish and Wildlife Service's Wetland Mapper (USFWS 2022) shows wetland resources available from the Wetlands Spatial Data Layer of the National Spatial Data Infrastructure. This resource provides the classification of known wetlands following the Classification of Wetlands and Deepwater Habitats of the United States (FGDC 2013). This classification system is arranged in a hierarchy of (1) Systems that share the influence of similar hydrologic, geomorphologic, chemical, or biological factors (i.e., Marine Estuarine, Riverine, Lacustrine, and Palustrine); (2) Subsystems (i.e., Subtidal and Intertidal; Tidal, Lower Perennial, Upper Perennial, and



Data Source: U.S. Department of Agriculture; Natural Resources Conservation Service
Aerial Source: Esri, Maxar 2021

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Soil Map

Exhibit 4

Jurisdictional Delineation Report for the Antelope Valley Commerce Center Project

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Intermittent; or Littoral and Limnetic); (3) Classes, which are based on substrate material and flooding regime or on vegetative life forms; (4) Subclasses; and (5) Dominance Types, which are named for the dominant plant or wildlife forms. In addition, there are modifying terms applied to Classes or Subclasses.

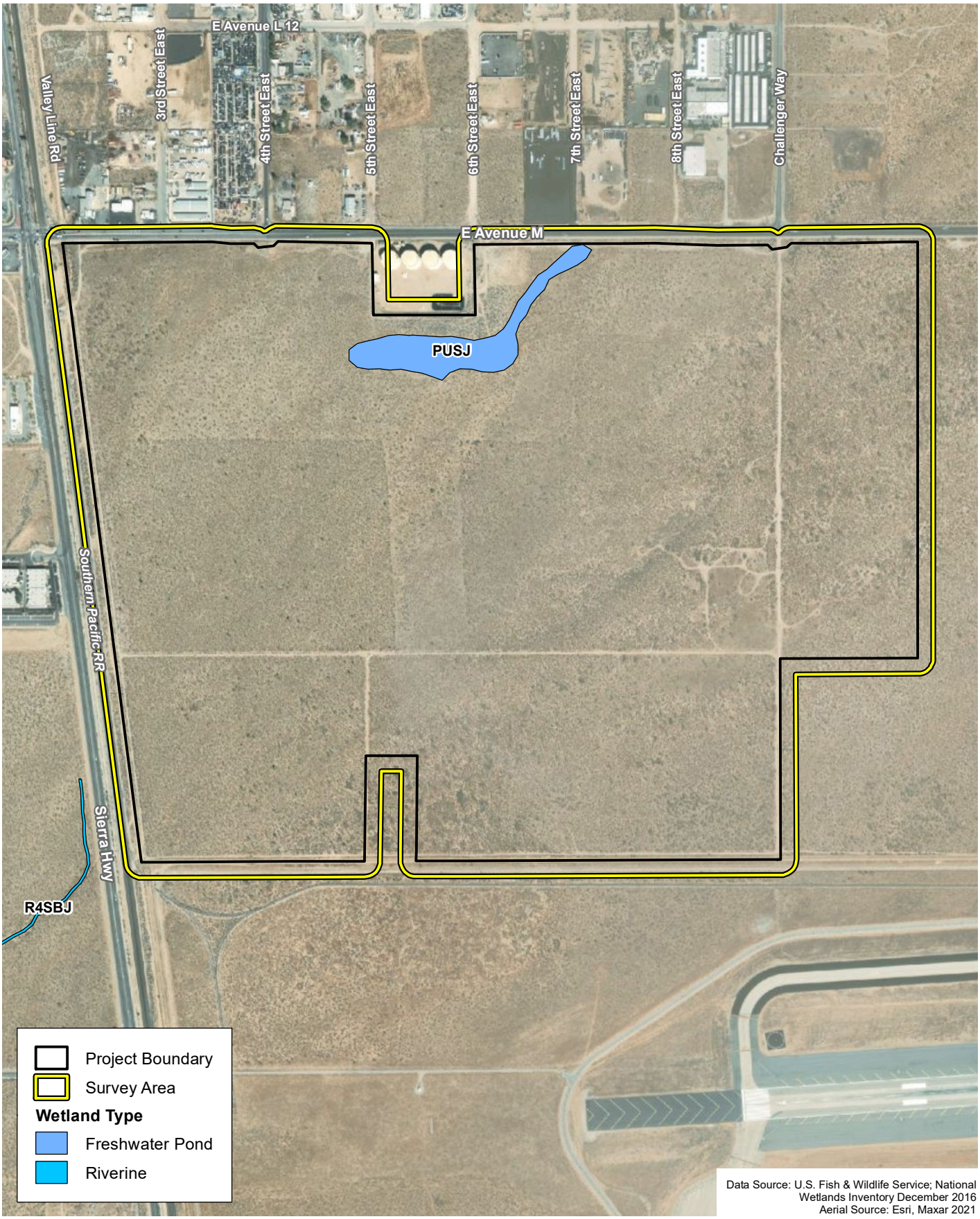
One area on the Project site is represented in the National Wetland Inventory (Exhibit 5). This feature occurs in the northern-central portion of the Project site and is mapped as PUSJ (Palustrine, Unconsolidated Shore, Intermittently Flooded) (USFWS 2022). This wetland classification is described as follows:

- **P: System PALUSTRINE.** The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt.
    - **US: Class UNCONSOLIDATED SHORE.** Includes all wetland habitats having two characteristics: (1) unconsolidated substrates with less than 75 percent areal cover of stones, boulders or bedrock and; (2) less than 30 percent areal cover of vegetation. Landforms such as beaches, bars, and flats are included in the Unconsolidated Shore class.
        - **J: Water Regime INTERMITTENTLY FLOODED.** The substrate is usually exposed, but surface water is present for variable periods without detectable seasonal periodicity. Weeks, months, or even years may intervene between periods of inundation. The dominant plant communities under this Water Regime may change as soil moisture conditions change. Some areas exhibiting this Water Regime do not fall within our definition of wetland because they do not have hydric soils or support hydrophytes. This Water Regime is generally limited to the arid West.

3.4 REGIONAL WATER QUALITY CONTROL PLAN

There are nine Regional Water Quality Control Boards in California. The Project site is located within Regional Water Quality Control Board Region 6, the Lahontan Region. The SWRCB and the Lahontan RWQCB have adopted a Water Quality Control Plan (or “Basin Plan”) for the Lahontan Region. The Basin Plan contains goals and policies, descriptions of conditions, and proposed solutions to surface and groundwater issues. The Basin Plan also establishes water quality standards for surface and groundwater resources and includes beneficial uses and levels of water quality that must be met and maintained to protect these uses. These water quality standards are implemented through various regulatory permits pursuant to CWA Section 401 for Water Quality Certifications and Section 402 for Report of Waste Discharge permits.

The unnamed channel that passes through the Project site is not described in the Lahontan Basin Plan. Amargosa Creek is the nearest drainage feature to the Project site (located approximately 0.6 acre to the west) that is described in the Lahontan Basin Plan. Amargosa Creek occurs within the Lancaster Hydrologic Area (Hydrological Unit Number 626.50). Beneficial Uses associated with Amargosa Creek include: Municipal Water Supply (MUN); Agricultural Supply (AGR); Commercial and Sportfishing (COMM); Freshwater Replenishment (FRSH); Ground Water Recharge (GWR); Warm Freshwater Habitat (WARM); Cold Freshwater Habitat (COLD); Wildlife



Data Source: U.S. Fish & Wildlife Service; National Wetlands Inventory December 2016
Aerial Source: Esri, Maxar 2021

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National Wetland Inventory

Exhibit 5

Jurisdictional Delineation Report for the Antelope Valley Commerce Center Project

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Habitat (WILD); Limited Water Contact Recreation (REC1); and Non-Contact Water Recreation (REC2) (Lahontan RWQCB 1995).

Descriptions of the various Beneficial Uses associated with Amargosa Creek are provided in Attachment B.

4.0 JURISDICTIONAL ANALYSIS

One jurisdictional feature was identified during the field survey which consists of an unnamed sandy wash in the extreme northwest corner of the Project site. This feature appears to historically be an overflow channel in the Amargosa River floodplain. Subsequently urbanization of the surrounding areas has cut off this channel hydrologically from the Amargosa River so that it currently conveys stormwater runoff in a northerly direction. The remainder of the Project site was surveyed carefully but it is generally flat and no other jurisdictional features were observed.

A summary of on-site jurisdictional resources is provided in Table 1 and photographs are provided in Attachment C that illustrate the general conditions on the Project site.

TABLE 1
SUMMARY OF JURISDICTIONAL RESOURCES ON THE PROJECT SITE

Feature	Latitude/Longitude (decimal degrees)		Feature Length (linear feet)	OHWM Width Range (feet)	Area of RWQCB Jurisdiction (acres)		CDFW Jurisdiction Width Range (feet)	Area of CDFW Jurisdiction (acres)
	Upstream End	Downstream End			Wetland	Non-wetland		
Unnamed sandy wash	34.644716°, -118.127546°	34.645723°, -118.127408°	330	2-3	0.00	0.015	50–93	0.498
Total					**0.00**	**0.015**		**0.498**

OHWM: Ordinary High Water Mark; USACE: U.S. Army Corps of Engineers; RWQCB: Regional Water Quality Control Board; CDFW: California Department of Fish and Wildlife

4.1 "WATERS OF THE UNITED STATES" DETERMINATION

Connectivity to a Traditional Navigable Water

Water that passes through the on-site drainage continues northward through a culvert that passes under Avenue M. North of the Project site, water would potentially flow through drainage ditches that occur between the railroad and various developed lots. Water flows toward Rosamond Lake (an inland dry lakebed on Edwards Air Force Base) though the gradient of the urban ditches appear to fluctuate so that water would likely infiltrate the soil somewhere south of Avenue H. Because there are no Traditional Navigable Waterways in the region that would receive water from the Project site, the on-site waters would not be considered WOTUS and would not be under the USACE's jurisdiction.

Wetlands Determination

No hydrophytic vegetation was observed during the field survey and no depressions were noted where ponded water conditions would occur that would suggest development of wetland conditions. The National Wetland Inventory shows one area in the northern-central part of the site that is noted as a potential wetland area. In reviewing historic aerial photographs of that area, surface water is observed in 2009 but appears to be in a small rectangular area where some ground disturbance had occurred, suggesting an artificial feature. No surface water was observed in any subsequent aerial photographs. Aerial photographs prior to 2009 indicated no noticeable difference between the area and the surrounding landscape. To determine if wetland conditions were present in this area, a wetland sampling point was excavated there to determine if hydric soil conditions were present.

A Wetland Determination Data Form was filled out at the sampling point and is included in Attachment D with a summary of findings provided in Table 2.

TABLE 2
SUMMARY OF WETLAND SAMPLING DATA

Sampling Location	Vegetated	Dominance Test Result*	Prevalence Index Result	Hydrophytic Vegetation Present	Hydric Soil Indicators	Wetland Hydrology Indicators	Wetland?
1	Yes	0%	5.0	No	None	None	No
* Percent of dominant species that are OBL, FACW, or FAC.							

Vegetation at the sampling location was dominated by rubber rabbitbrush, a species that is common to recently disturbed areas, further suggesting that past water ponding was the result of some type of soil disturbance. Only upland vegetation was present in the vicinity of the sampling point and no indicators of hydric soil or wetland hydrology were observed. Therefore, no wetland conditions are considered present on the Project site.

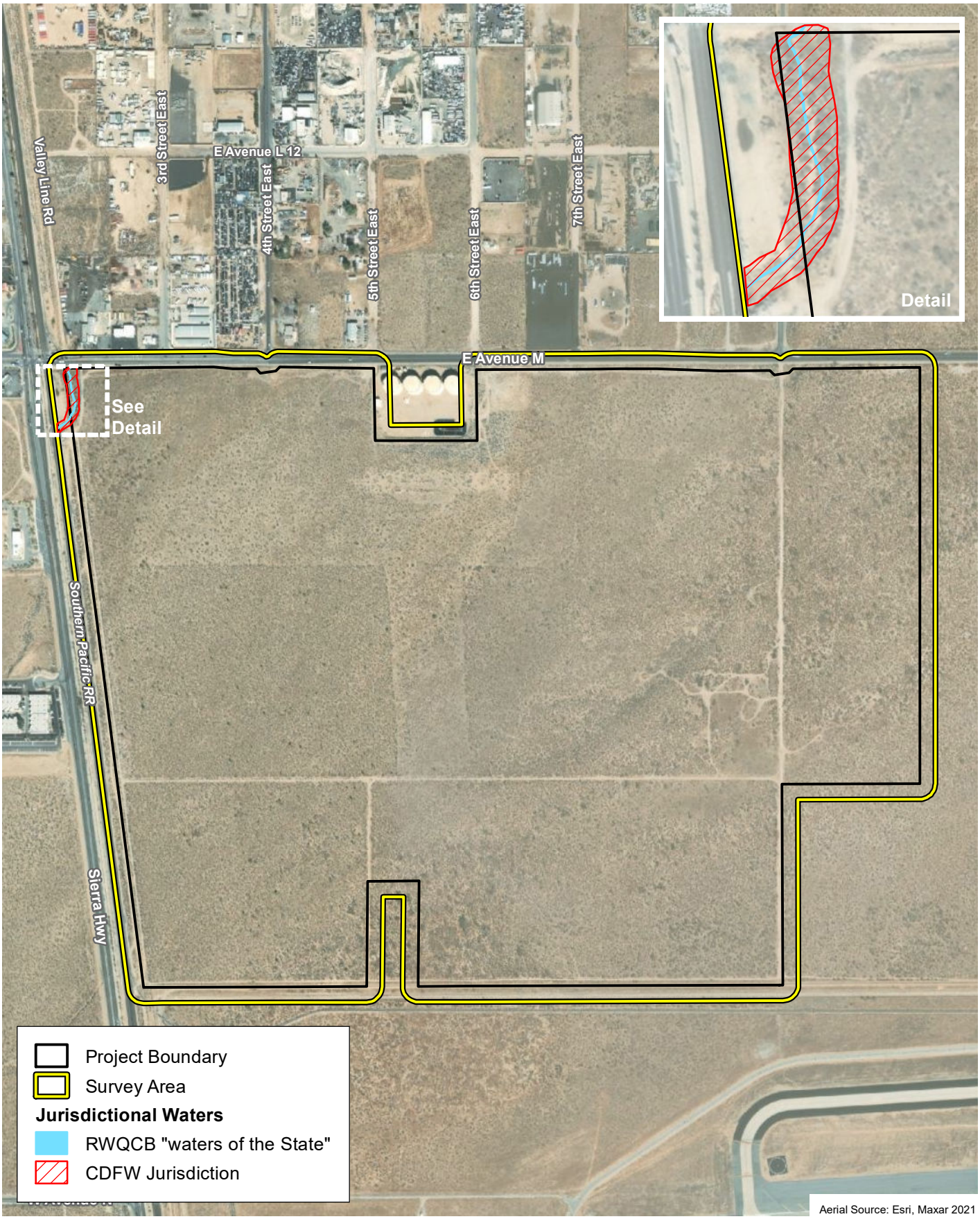
4.2 REGIONAL WATER QUALITY CONTROL BOARD JURISDICTION

WOTUS are not considered present in the survey area due to the lack of connectivity to a TNW. However, the RWQCB's definition of "waters of the State" is much broader and includes intermittent and ephemeral waters and those that are not connected to a TNW. Therefore, the sandy wash described above would be considered "waters of the State".

The limits of non-wetland "waters of the State" were defined by the presence of the OHWM. Evidence of an OHWM in the survey area consists of scour marks created by storm water flowing through the survey area. Approximately 0.015 acre of non-wetland "waters of the State" under the regulatory authority of the Lahontan RWQCB occur on the Project site (Table 1). The extent of RWQCB jurisdiction is shown on Exhibit 6.

4.3 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE JURISDICTION

The limits of CDFW jurisdiction on the Project site were mapped to the top of the bank. There is no adjacent riparian habitat present along these features so that CDFW's jurisdiction is limited to the top of the stream bank. Based on this boundary, the total amount of CDFW's jurisdictional area is 0.498 acre (Table 1). The extent of CDFW jurisdiction is shown on Exhibit 6.



Aerial Source: Esri, Maxar 2021

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Jurisdictional Waters

Exhibit 6

Jurisdictional Delineation Report for the Antelope Valley Commerce Center Project

N W E S

850 425 0 850 Feet

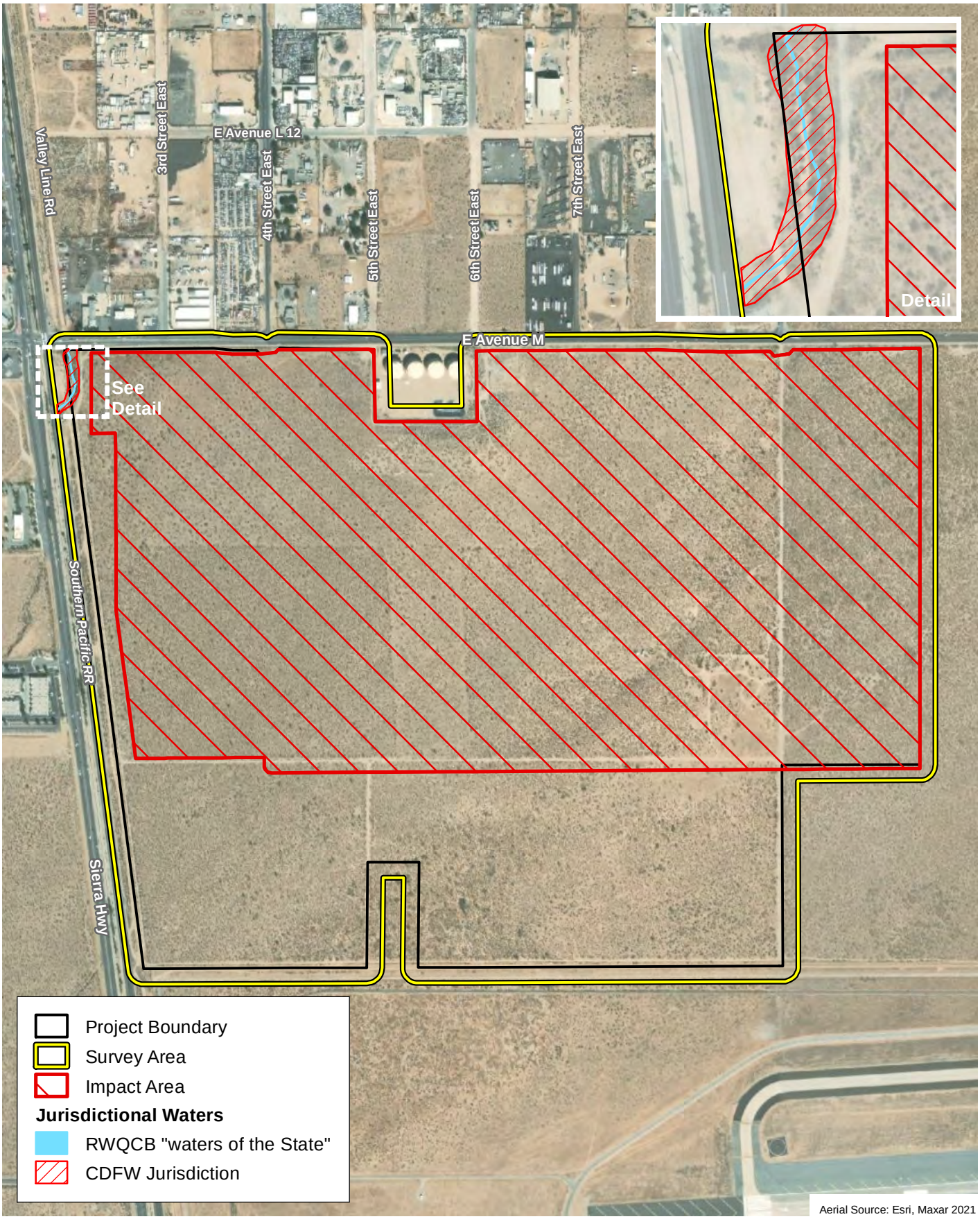
PSOMAS

(Rev: 09/28/2022 MMD) R:\Projects\TBP\3TBP010200\Graphics\JD\ex_Juris.pdf

5.0 IMPACT ANALYSIS

Based on the proposed project limits of disturbance as shown in Exhibit 7, the sandy wash in the northwest corner of the property will be avoided so that no direct impacts to jurisdictional waters are expected.

Erosion control and other Best Management Practices during construction should be implemented to avoid any indirect impacts to jurisdictional waters, such as discharges of sediment or pollutants during construction.



Aerial Source: Esri, Maxar 2021

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Impacts to Jurisdictional Waters

Exhibit 7

Jurisdictional Delineation Report for the Antelope Valley Commerce Center Project

N W E S

850 425 0 850 Feet

PSOMAS

(Rev: 11/18/2022 JVR) R:\Projects\TBP\3TBP010200\Graphics\JD\ex_Impacts_JD.pdf

6.0 REGULATORY APPROVAL PROCESS

This section summarizes the various permits, agreements, and certifications that are expected to be required prior to initiation of the proposed Project activities that involve impacts to jurisdictional waters, including:

- RWQCB Section 401 Waste Discharge Requirements
- CDFW Section 1602 Notification of Lake or Streambed Alteration

It should be noted that regulatory permit applications can be processed concurrently.

6.1 U.S. ARMY CORPS OF ENGINEERS

Due to the lack of connectivity to a downstream TNW, WOTUS are considered absent from the Project site. Therefore, no permits from the USACE are expected to be required.

6.2 REGIONAL WATER QUALITY CONTROL BOARD

As noted above, the issuance of a Section 401 Water Quality Certification from the Lahontan RWQCB would not be required if the USACE confirms that WOTUS are not present in the Project survey areas. Instead, the RWQCB would issue a “Notice of Applicability” that would authorize the proposed project activities conditioned on compliance with statewide general waste discharge requirements (WDRs). The RWQCB would require the LADWP to address urban storm water runoff during and after construction in the form of Best Management Practices (BMPs). These BMPs are intended to address the treatment of pollutants carried by storm water runoff and are required in all complete applications.

Based on the current project disturbance footprint, no impacts to “waters of the State” are anticipated, so that no permitting from the RWQCB would be required.

6.3 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Prior to construction, Notification of a Lake or Streambed Alteration (LSA) must be submitted to the CDFW that describes any proposed streambed alteration contemplated by the proposed project. If an LSA Agreement is required, the CDFW may want to conduct an on-site inspection.

In addition to the formal application materials and the fee, a copy of the appropriate environmental document (e.g., Mitigated Negative Declaration) should be included in the submittal, consistent with CEQA requirements. The CDFW will not deem the application to be complete until the application fees have been paid and the agency is provided with a certified CEQA document and a signed copy of the receipt of County Clerk filing fees for the Notice of Determination (NOD).

Based on the current project disturbance footprint, no impacts to the bed or bank of the on-site channel are anticipated, so that no permitting from the CDFW would be required.

7.0 REFERENCES

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ATTACHMENT A

SUMMARY OF REGULATORY AUTHORITY

REGULATORY AUTHORITY

This attachment summarizes the regulatory authority of the U.S. Army Corps of Engineers (USACE), the Regional Water Quality Control Board (RWQCB), and the California Department of Fish and Wildlife (CDFW) over activities that have potential to impact jurisdictional resources.

U.S. Army Corps of Engineers

The USACE Regulatory Branch regulates activities that discharge dredged or fill materials into "waters of the United States" (WOTUS) under Section 404 of the Federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. This permitting authority applies to all WOTUS where the material (1) replaces any portion of WOTUS with dry land or (2) changes the bottom elevation of any portion of any WOTUS. These fill materials would include sand, rock, clay, construction debris, wood chips, and materials used to create any structure or infrastructure in these waters.

Waters of the United States

The definition of WOTUS has shifted over the past several years. The USEPA under the Obama Administration published the Clean Water Rule in May of 2015 in an attempt to incorporate direction that the U.S. Supreme Court provided via three decisions that provided context and guidance in determining the appropriate scope of WOTUS, including *United States v. Riverside Bayview Homes* (1985); *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers* ("SWANCC", issued in 2001); and *Rapanos v. United States* ("Rapanos", 2006). The Clean Water Rule was contested by several states via litigation so that the WOTUS definition was applied differently between states that contested the Clean Water Rule and those that did not. On April 21, 2020, the USEPA under the Trump Administration published in the *Federal Register* the Navigable Waters Protection Rule (NWPR) which revised the definition of WOTUS. The NWPR subsequently became effective on June 22, 2020. On June 9, 2021, USEPA under the Biden Administration announced plans to again revise the definition of WOTUS. On August 30, 2021, the U.S. District Court for the District of Arizona vacated the NWPR pursuant to the case of *Pascua Yaqui Tribe v. U.S. Environmental Protection Agency* (2021). This has subsequently led to the USACE announcing on January 5, 2022 that the agency will utilize the pre-2015 definition of WOTUS until the USEPA issues a new final rule which is expected to be released in the spring of 2023.

Therefore, the current definition of WOTUS that is implemented by the USACE includes the following:

1. All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
    a. Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
    b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

   c. Which are used or could be used for industrial purposes by industries in interstate commerce;

4. All impoundments of waters otherwise defined as waters of the United States under this definition;
5. Tributaries of waters identified in paragraphs 1 through 4 of this section;
6. The territorial sea;
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in this section; waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States.

Ordinary High Water Mark

The landward limit of tidal "waters of the U.S." is the high-tide line. In non-tidal waters where adjacent wetlands are absent, the lateral limits of USACE jurisdiction extend to the ordinary high water mark (OHWM).[1] The OHWM 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 the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas".[2] When wetlands are present, the lateral limits of USACE jurisdiction extend beyond the OHWM to the limits of the adjacent wetlands.[3]

Wetlands

A wetland is a subset of jurisdictional waters and is defined by the USACE and the USEPA as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions".[4] Wetlands generally include swamps, marshes, bogs, and areas containing similar features.

The definition and methods for identifying wetland resources can be found in the USACE's *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region*,[5] a supplement to the 1987 *Corps of Engineers Wetlands Delineation Manual*.[6] Both the 1987 Wetlands Manual and the 2008 Arid West Supplement to the manual provide technical methods and guidelines for determining the presence of wetland "waters of the U.S.". Pursuant to these manuals, a three-parameter approach is used to identify wetlands and requires evidence of wetland hydrology, hydrophytic vegetation, and hydric soils. In order to be considered a wetland, an area must exhibit one or more indicators of all three of these parameters. However, problem areas may periodically or permanently lack certain indicators for reasons such as seasonal or annual variability of rainfall, vegetation, and other factors. Atypical wetlands lack certain indicators

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1 U.S. Army Corps of Engineers (USACE). 2005 (December 7). Regulatory Guidance Letter. Ordinary High Water Mark Identification. Washington, D.C.: USACE.

2 *Code of Federal Regulations* (CFR), Title 33, §328.3(e)

3 USACE 2005

4 33 CFR §328.3(b)

5 USACE. 2008a. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0)*. (J.S. Wakeley, R.W. Lichvar, and C.V. Noble, Eds.). Vicksburg, MS: U.S. Army Engineer Research and Development Center.

6 Environmental Laboratory. 1987. Cor*ps of Engineers Wetlands Delineation Manual (Technical Report Y-87-1)*. Vicksburg, MS: U.S. Army Engineer Waterways Experiment Station.

due to recent human activities or natural events. Guidance for determining the presence of wetlands in these situations is presented in the regional supplement.

Section 404 Permit

Except as specified in Section 323.4 of the CFR, impacts to "waters of the U.S." require a Section 404 Permit. Permit authorization may be in the form of (1) a "general permit" authorizing a category of activities in a specific geographical region or nationwide or (2) an "individual permit" (IP) following a review of an individual application form (to be obtained from the district office having jurisdiction over the waters in which the activity is proposed to be located).

Regulatory authorization in the form of a Nationwide Permit (NWP) is provided for certain categories of activities such as repair, rehabilitation, or replacement of a structure or fill which was previously authorized; utility line placement; or bank stabilization. NWPs authorize only those activities with minimal adverse effects on the aquatic environment and are valid only if the conditions applicable to the permits are met or waivers to these conditions are provided in writing from the USACE. Please note that waivers may require consultation with affected federal and State agencies, which can be a lengthy process with no mandated processing time frames. Certain activities do not require submission of an application form but may require a separate notification. If the NWP conditions cannot be met, an IP will be required. "Waters of the U.S." temporarily filled, flooded, excavated, or drained but restored to pre-construction contours and elevations after construction are not included in the measurement of loss of "waters of the U.S.". The appropriate permit authorization will be based on the amount of impacts to "waters of the U.S.", as determined by the USACE. There is no filing fee for the Section 404 Permit.

Approximately three or four months are typically required to process a routine permit application; large or complex activities may take longer to process. When a permit application is received, it will be assigned an identification number and reviewed for completeness by the District Engineer. If an application is incomplete, additional information will be requested within 15 days of receipt of the application. If an application is complete, the District Engineer will issue a public notice within 15 days unless specifically exempted by provisions of the CFR. Public comments will be accepted no more than 30 days but not less than 15 days from the date of public notice; these will become part of the administrative record of the application. Generally, the District Engineer will decide on the application no later than 60 days after receipt of the completed application. Additional permit situations may increase the permit processing time (e.g., projects involving a Section 401 Water Quality Certification, a coastal zone management consistency analysis, historic properties, a federal agency, and/or Endangered species). The Project Applicant will be given time, not to exceed 30 days, to respond to requests of the District Engineer.

On January 31, 2007, the USACE published a memorandum clarifying the Interim Guidance for Amendments to the National Historic Preservation Act and the Advisory Council on Historic Preservation (ACHP) implementing regulations.[7] The Interim Guidance applies to all Department of the Army requests for authorization/verification, including Individual Permits (IPs, i.e., standard permits and letters of permission) and all Regional General Permits (RGPs) and Nationwide Permits (NWPs). The State or Tribal Historic Preservation Officer (SHPO/THPO) has 30 days to respond to a determination that a proposed activity, which otherwise qualifies for an NWP or an RGP, has no effect or no adverse effect on a historic property. If the SHPO/THPO does not respond within 30 days of notification, the Los Angeles District may proceed with verification. If the SHPO/THPO disagrees with the District's determination, the District may work with the SHPO/THPO to resolve the disagreement or request an opinion from the ACHP. The USACE will submit the Draft

[7] USACE. 2007 (January 31). Memorandum: Interim Guidance for Amendments to the National Historic Preservation Act and the Advisory Council on Historic Preservation (ACHP) Implementing Regulations. Washington, D.C.: USACE.

Jurisdictional Delineation Report to the SHPO/THPO for review prior to initiating the actual regulatory process.

Please note that, if the USACE determines that the drainages/waterbodies are jurisdictional and would be impacted by project implementation, the Applicant will be required to obtain a CWA Section 401 Water Quality Certification from the RWQCB before the USACE will issue the Section 404 Permit. If the USACE determines that the impacted drainage/waterbody is not jurisdictional, the Applicant will be required to obtain RWQCB authorization under the provisions of a Report of Waste Discharge (ROWD).

Jurisdictional Determinations

Pursuant to USACE Regulatory Guidance Letter (RGL) 08-02 (dated June 26, 2008), the USACE can issue two types of jurisdictional determinations to implement Section 404 of the CWA: Approved Jurisdictional Determinations and Preliminary Jurisdictional Determinations.[8] An Approved Jurisdictional Determination is an official USACE determination that jurisdictional "waters of the U.S.", "Navigable Waters of the U.S.", or both are either present or absent on a site. An Approved Jurisdictional Determination also identifies the precise limits of jurisdictional waters on a project site.

The USACE will provide an Approved Jurisdictional Determination when (1) an Applicant requests an official jurisdictional determination; (2) an Applicant contests jurisdiction over a particular water body or wetland; or (3) when the USACE determines that jurisdiction does not exist over a particular water body or wetland. The Approved Jurisdictional Determination then becomes the USACE's official determination that can then be relied upon over a five-year period to request regulatory authorization as part of the permit application.

In addition, an Applicant may decline to request an Approved Jurisdictional Determination and instead obtain a USACE IP or General Permit Authorization based on a Preliminary Jurisdictional Determination or, in certain circumstances (e.g., authorizations by non-reporting nationwide general permits), with no Jurisdictional Determination.

Preliminary Jurisdictional Determinations are non-binding, advisory in nature, and may not be appealed. They indicate that there may be "waters of the U.S." on a project site. An Applicant may elect to use a Preliminary Jurisdictional Determination to voluntarily waive or set aside questions regarding CWA jurisdiction over a site, usually in the interest of expediting the permitting process. The USACE will determine what form of Jurisdictional Determination is appropriate for a particular project site.

The USACE Regulatory Branch Offices will coordinate with the USEPA Regional Office and USACE Headquarters (HQ), as outlined in its January 28, 2008, memorandum entitled "Process for Coordinating Jurisdictional Determinations Conducted Pursuant to Section 404 of the Clean Water Act in Light of the *Rapanos* and *SWANCC* Supreme Court Decisions".[9] The guidance provided in this memorandum is quoted as follows:

1. Effective immediately, unless and until paragraph 5(b) of the June 5, 2007, Rapanos guidance coordination memorandum is modified by a joint memorandum from Army and EPA, we will follow these procedures:

[8] USACE. 2008b (June 26). Regulatory Guidance Letter. Jurisdictional Determinations. Washington, D.C.: USACE.

[9] USACE. 2008c (January 28). *Memorandum for Commander, Major Subordinate Commands and District Commands. Process for Coordinating Jurisdictional Determinations Conducted Pursuant to Section 404 of the Clean Water Act in Light of the Rapanos and SWANCC Supreme Court Decisions.* Washington, D.C.: USACE.

a. For jurisdictional determinations involving significant nexus determinations, USACE districts will send copies of draft jurisdictional delineations via e-mail to appropriate EPA regional offices. The EPA regional office will have 15 calendar days to decide whether to take the draft jurisdictional delineation as a special case under the January 19, 1989, "Memorandum of Agreement Between the Department of the Army and the USEPA Concerning the Determination of the Section 404 Program and the Application of the Exceptions under Section 404(f) of the Clean Water Act." If the EPA regional office does not respond to the district within 15 days, the district will finalize the jurisdictional determination.

b. For jurisdictional determinations involving isolated waters determinations, the agencies will continue to follow the procedure in paragraph 5(b) of June 5, 2007, coordination memorandum, until a new coordination memorandum is signed by USACE and EPA. (In accordance with paragraph 6 of the June 5, 2007, coordination memorandum, this is a 21-day timeline that can only be changed through a joint memorandum between agencies).

2. Approved JDs are not required for non-reporting NWPs, unless the project proponent specifically requests an approved JD. For proposed activities that may qualify for authorization under a State Programmatic General Permit (SPGP) or RGP, an approved JD is not required unless requested by the project proponent.

3. The USACE will continue to work with EPA to resolve the JDs involving significant nexus and isolated waters determinations that are currently in the elevation process.

4. USACE districts will continue posting completed Approved JD Forms on their web pages.

Regional Water Quality Control Board

The RWQCB is the primary agency responsible for protecting water quality in California through the regulation of discharges to surface waters under the CWA and the California Porter-Cologne Water Quality Control Act (Porter-Cologne Act). The RWQCB's jurisdiction extends to all "waters of the State" and to all "waters of the U.S.", including wetlands (isolated and non-isolated).

Section 401 of the CWA provides the RWQCB with the authority to regulate, through a Water Quality Certification, any proposed, federally permitted activity that may affect water quality. Among such activities are discharges of dredged or fill material permitted by the USACE pursuant to Section 404 of the CWA. Section 401 requires the RWQCB to provide certification that there is reasonable assurance that an activity which may result in discharge to navigable waters will not violate water quality standards. Water Quality Certification must be based on a finding that the proposed discharge will comply with water quality standards, which contain numeric and narrative objectives that can be found in each of the nine RWQCBs' Basin Plans.

The Porter-Cologne Act provides the State with very broad authority to regulate "waters of the State" (which are defined as any surface water or groundwater, including saline waters). The Porter-Cologne Act has become an important tool in the post-SWANCC (Solid Waste Agency of Northern Cook Counties vs. Unites States Army Corps of Engineers) and Rapanos era with respect to the State's authority over isolated waters. Generally, any person proposing to discharge waste into a water body that could affect its water quality must file an ROWD when there is no federal nexus, such as under Section 404(b)(1) of the CWA. Although "waste" is partially defined

as any waste substance associated with human habitation, the RWQCB interprets this to include fill discharge into water bodies.

Section 401 Water Quality Certification

Issuance of the USACE Section 404 Permit would be contingent upon the approval of a Section 401 Water Quality Certification from the RWQCB. Also, the RWQCB requires certification of the project's California Environmental Quality Act (CEQA) documentation before it will approve the Section 401 Water Quality Certification or ROWD. The RWQCB, as a responsible agency, will use the project's CEQA document to satisfy its own CEQA-compliance requirements.

On June 1, 2020, the USEPA finalized the "Clean Water Act Section 401 Certification Rule" to implement the water quality certification process consistent with the text and structure of the Clean Water Act (CWA). The final rule establishes procedures that promote consistent implementation of CWA section 401 and regulatory certainty in the federal licensing and permitting process. The new regulation includes reviews and approvals by the USACE prior to the RWQCB issuing a 401 Certification and reviews and approvals by the EPA prior to the USACE issuing a 404. The new 401 rule went into effect on September 11, 2020.

The new certification rule defines a discharge subject to 401 Certification as a discharge from a point source into a water of the United States. The new rule also states that States with additional water quality regulations cannot use these to expand the certification request.

The new rule requires all project proponents to request a pre-filing meeting with the RWQCB at least 30 days prior to filing a 401 "Certification Request". The filing procedure has been simplified to require the filing of a "Certification Request", rather than the acceptance of a "complete application". The certification request has nine mandatory components:

1. identify the project proponent(s) and a point of contact;
2. identify the proposed project;
3. identify the applicable federal license or permit;
4. identify the location and nature of any potential discharge that may result from the proposed project and the location of receiving waters;
5. include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge;
6. include a list of all other federal, interstate, tribal, state, territorial, or local agency authorizations required for the proposed project, including all approvals or denials already received;
7. include documentation that a pre-filing meeting request was submitted to the certifying authority at least 30 days prior to submitting the certification request;
8. contain the following statement: 'The project proponent hereby certifies that all information contained herein is true, accurate, and complete, to the best of my knowledge and belief; and
9. contain the following statement: 'The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.'

There is a mandatory 30 day wait period between a pre-filing meeting request and the filing of a Certification Request. A Certification Request must be filed with the RWQCB and the USACE concurrently. USACE reviews the Certification Request for the nine required components. The

USACE has 15 days to review the Certification Request. The USACE then notifies the RWQCB that request is complete. And concurrently notifies the RWQCB of the reasonable time period to act on the Certification Request. The reasonable time period is not to exceed 1 year. Within 15 days of receipt of the Certification Request, the RWQCB must provide the applicant with the following: (1) date of receipt; (2) applicable reasonable period of time to act on the Certification Request; and (3) date upon which waiver will occur if the certifying authority fails or refuses to act on the Certification Request.

Once the RWQCB issues the 401 Certification, the USACE has 5 days to notify the USEPA that the 401 Certification has been issued. The USEPA then has 30 days to notify neighboring jurisdictions of the 401 Certification. Neighboring jurisdictions have 60 days to respond. If there are no objections to the 401 Certification, then the USACE would issue the 404 permit.

On June 2, 2021, the USEPA published a notice of intention to reconsider and revise the Clean Water Act Section 401 Certification Rule. At this time, they are currently accepting public comment. Until a new rule goes into effect, the current 401 Certification Rule stands.

The RWQCB is required under the *California Code of Regulations* (CCR) to have a "minimum 21-day public comment period" before any action can be taken on the Section 401 application.[10] This period closes when the RWQCB acts on the application. Since projects often change or are revised during the Section 401 permit process, the comment period can remain open. The public comment period starts as soon as an application has been received. Generally, the RWQCB Section 401, USACE Section 404, and CDFW Section 1602 permit applications are submitted at the same time.

The RWQCB requires the Applicant to address urban storm water runoff during and after construction in the form of Best Management Practices (BMPs). These BMPs are intended to address the treatment of pollutants carried by storm water runoff and are required in all complete applications. The notification/application for a CWA Section 401 Water Quality Certification must also address compliance with the Basin Plan. Please note that filing an application would also require the payment of an application fee which would be based on project impacts. The fee schedule calculator is available at https://www.waterboards.ca.gov/resources/fees/water_quality/docs/dredgefillcalculator.xlsm.

California Department of Fish and Wildlife

The CDFW has jurisdictional authority over wetland resources associated with rivers, streams, and lakes pursuant to the *California Fish and Game Code*.[11] Activities of State and local agencies as well as public utilities that are project proponents are regulated by the CDFW under Section 1602 of the *California Fish and Game Code.* This section regulates any work that will (1) substantially divert or obstruct the natural flow of any river, stream, or lake; (2) substantially change or use any material from the bed, channel, or bank of any river, stream, or lake; or (3) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. Section 1602 of the *California Fish and Game Code* applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the State.

The CDFW jurisdictional limits are not as clearly defined by regulation as those of the USACE. While they closely resemble the limits described by USACE regulations, they include riparian habitat supported by a river, stream, or lake regardless of the presence or absence of hydric and saturated soils conditions. In general, the CDFW takes jurisdiction from the top of a stream bank or to the outer limits of the adjacent riparian vegetation (outer drip line), whichever is greater.

[10] 23 CCR §3858(a)
[11] See §§1600–1616.

Notification is generally required for any project that will take place within or in the vicinity of a river, stream, lake or within or in the vicinity of tributaries to a river, stream, or lake. This includes rivers or streams that flow at least periodically or permanently through a bed or channel with banks that support fish and other aquatic plant and/or wildlife species. It also includes watercourses that have a surface or subsurface flow that support or have supported riparian vegetation.

Section 1602 Lake or Streambed Alteration Agreement

The CDFW enters into a Lake or Streambed Alteration (LSA) Agreement with a project proponent to ensure protection of wildlife and habitat values and acreages.

Prior to construction, a Notification of an LSA must be submitted to the CDFW that describes any proposed lake or streambed alteration that would occur with implementation of a project. The Notification of an LSA must address the initial construction and long-term operation and maintenance of any structures (such as a culvert or a desilting basin) included in the project design that are located within any river, stream, or lake and that may require periodic maintenance. In addition to the formal application materials and the fee, a copy of the appropriate environmental document (e.g., a Mitigated Negative Declaration) should be included in the submittal, consistent with CEQA requirements. The complete notification package must be completed on CDFW's Environmental Permit Information Management System (EPIMS). This notification will serve as the basis for the CDFW's issuance of a Section 1602 LSA Agreement. Note that notification is not required before beginning emergency work, but the CDFW must be notified in writing within 14 days after beginning the work.

After receiving Notification of an LSA Agreement, the CDFW will determine whether an LSA Agreement will be required for the proposed activity. An LSA Agreement will be required if the activity could substantially adversely affect an existing fish and wildlife resource. If an LSA Agreement is required, the CDFW may want to conduct an on-site inspection.

If the CDFW does not respond in writing concerning the completeness of the Notification within 30 days of its submittal, the Notification automatically becomes complete. If the CDFW does not submit a draft LSA Agreement to the Applicant within 60 days of the determination of a completed Notification package, the CDFW will issue a letter that either (1) identifies the final date to transmit a draft LSA Agreement or (2) indicates that an LSA Agreement was not required. The CDFW will also indicate that it was unable to meet this mandated compliance date and that, by law, the Applicant is authorized to complete the project without an LSA Agreement as long as the Applicant constructs the project as proposed and complies with all avoidance, minimization, and mitigation measures described in the submitted Notification package. Please note that, if the project requires revisions to the design or project construction, the CDFW may require submittal of a new Notification/application with an additional 90-day permit process.

If determined to be necessary, the CDFW will prepare a draft LSA Agreement, which will include standard measures to protect fish and wildlife resources during project construction and during ongoing operation and maintenance of any project element that occurs within a CDFW jurisdictional area. The draft Agreement must be transmitted to the Applicant within 60 calendar days of the CDFW's determination that the notification is complete. It should be noted that the 60-day timeframe might not apply to long-range agreements.

Following receipt of a draft LSA Agreement from the CDFW, the Applicant has 30 calendar days to notify the CDFW concerning the acceptability of the proposed terms, conditions, and measures. If the Applicant agrees with these terms, conditions and measures, the Agreement must be signed and returned to the CDFW. The Agreement becomes final once the CDFW executes it and an

LSA Agreement is issued. Please note that all application fees must be paid and the final certified CEQA documentation must be provided prior to the CDFW's execution of the Agreement.

ATTACHMENT B

LITERATURE REVIEW DETAILS

DESCRIPTIONS OF SOILS IN SURVEY AREA

ANTELOPE VALLEY AREA, CALIFORNIA

Adelanto coarse sandy sand, 2 to 5 percent slopes

Map Unit Setting

- National map unit symbol: hccm
- Elevation: 2,000 to 3,000 feet
- Mean annual precipitation: 6 inches
- Mean annual air temperature: 63 degrees F
- Frost-free period: 250 to 260 days
- Farmland classification: Prime farmland if irrigated

Map Unit Composition

- Adelanto and similar soils: 85 percent
- Minor components: 15 percent
- Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Adelanto

Setting

- Landform: Alluvial fans
- Landform position (two-dimensional): Backslope
- Landform position (three-dimensional): Tread
- Down-slope shape: Linear
- Across-slope shape: Linear
- Parent material: Alluvium derived from granite

Typical profile

- H1 - 0 to 16 inches: coarse sandy loam
- H2 - 16 to 41 inches: sandy loam
- H3 - 41 to 80 inches: sandy loam
- H4 - 80 to 86 inches: stratified loamy sand to coarse sandy loam

Properties and qualities

- Slope: 0 to 2 percent
- Depth to restrictive feature: More than 80 inches
- Drainage class: Well drained
- Runoff class: Very low
- Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
- Depth to water table: More than 80 inches
- Frequency of flooding: None
- Frequency of ponding: None
- Calcium carbonate, maximum content: 5 percent
- Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
- Available water supply, 0 to 60 inches: Low (about 7.0 inches)

Interpretive groups

- Land capability classification (irrigated): 2s
- Land capability classification (nonirrigated): 7e
- Hydrologic Soil Group: A
- Ecological site: R030XG021CA - LOAMY 4-9"

- Hydric soil rating: No

Minor Components

Cajon

- Percent of map unit: 10 percent
- Hydric soil rating: No

Mojave

- Percent of map unit: 5 percent
- Hydric soil rating: Yes

Cajon loamy sand, 0 to 2 percent slopes

Map Unit Setting

- National map unit symbol: hccx
- Elevation: 400 to 4,000 feet
- Mean annual precipitation: 3 to 9 inches
- Mean annual air temperature: 63 to 70 degrees F
- Frost-free period: 200 to 300 days
- Farmland classification: Prime farmland if irrigated

Map Unit Composition

- Cajon and similar soils: 85 percent
- Minor components: 15 percent
- Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Cajon

Setting

- Landform: Alluvial fans
- Landform position (two-dimensional): Backslope
- Landform position (three-dimensional): Tread
- Down-slope shape: Linear
- Across-slope shape: Linear
- Parent material: Alluvium derived from granite

Typical profile

- H1 - 0 to 9 inches: loamy sand
- H2 - 9 to 60 inches: sand

Properties and qualities

- Slope: 0 to 2 percent
- Depth to restrictive feature: More than 80 inches
- Drainage class: Excessively drained
- Runoff class: Negligible
- Capacity of the most limiting layer to transmit water (Ksat): High to very high (5.95 to 19.98 in/hr)
- Depth to water table: More than 80 inches
- Frequency of flooding: None
- Frequency of ponding: None
- Calcium carbonate, maximum content: 5 percent
- Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
- Available water supply, 0 to 60 inches: Low (about 4.3 inches)

Interpretive groups

- Land capability classification (irrigated): 3e
- Land capability classification (nonirrigated): 7e
- Hydrologic Soil Group: A
- Ecological site: R030XG022CA - SANDY 4-9"
- Hydric soil rating: No

Minor Components

Arizo

- Percent of map unit: 4 percent

- Hydric soil rating: No

Rosamond

- Percent of map unit: 4 percent
- Hydric soil rating: No

Hesperia

- Percent of map unit: 4 percent
- Hydric soil rating: No

Unnamed

- Percent of map unit: 3 percent
- Landform: Playas
- Hydric soil rating: Yes

Cajon loamy sand, 2 to 9 percent slopes

Map Unit Setting

- National map unit symbol: hccy
- Elevation: 400 to 4,000 feet
- Mean annual precipitation: 3 to 9 inches
- Mean annual air temperature: 63 to 70 degrees F
- Frost-free period: 200 to 300 days
- Farmland classification: Prime farmland if irrigated

Map Unit Composition

- Cajon and similar soils: 85 percent
- Minor components: 15 percent
- Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Cajon

Setting

- Landform: Alluvial fans
- Landform position (two-dimensional): Backslope
- Landform position (three-dimensional): Tread
- Down-slope shape: Linear
- Across-slope shape: Linear
- Parent material: Alluvium derived from granite

Typical profile

- H1 - 0 to 9 inches: loamy sand
- H2 - 9 to 60 inches: sand

Properties and qualities

- Slope: 0 to 2 percent
- Depth to restrictive feature: More than 80 inches
- Drainage class: Excessively drained
- Runoff class: Negligible
- Capacity of the most limiting layer to transmit water (Ksat): High to very high (5.95 to 19.98 in/hr)
- Depth to water table: More than 80 inches
- Frequency of flooding: None
- Frequency of ponding: None
- Calcium carbonate, maximum content: 5 percent
- Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
- Available water supply, 0 to 60 inches: Low (about 4.3 inches)

Interpretive groups

- Land capability classification (irrigated): 3e
- Land capability classification (nonirrigated): 7e
- Hydrologic Soil Group: A
- Ecological site: R030XG022CA - SANDY 4-9"
- Hydric soil rating: No

Minor Components

Arizo

- Percent of map unit: 4 percent
- Hydric soil rating: No

Hesperia

- Percent of map unit: 4 percent
- Hydric soil rating: No

Unnamed

- Percent of map unit: 3 percent
- Landform: Playas
- Hydric soil rating: Yes

Cajon loamy sand, loamy substratum, 0 to 2 percent slopes

Map Unit Setting

- National map unit symbol: hccz
- Elevation: 1,800 to 2,800 feet
- Mean annual precipitation: 4 to 9 inches
- Mean annual air temperature: 66 degrees F
- Frost-free period: 240 to 260 days
- Farmland classification: Prime farmland if irrigated

Map Unit Composition

- Cajon and similar soils: 85 percent
- Minor components: 15 percent
- Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Cajon

Setting

- Landform: Alluvial fans
- Landform position (two-dimensional): Backslope
- Landform position (three-dimensional): Tread
- Down-slope shape: Linear
- Across-slope shape: Linear
- Parent material: Alluvium derived from granite

Typical profile

- H1 - 0 to 9 inches: loamy sand
- H2 - 9 to 30 inches: sand
- H3 - 30 to 60 inches: stratified sand to clay loam

Properties and qualities

- Slope: 0 to 2 percent
- Depth to restrictive feature: More than 80 inches
- Drainage class: Excessively drained
- Runoff class: Very low
- Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)
- Depth to water table: More than 80 inches
- Frequency of flooding: None
- Frequency of ponding: None
- Calcium carbonate, maximum content: 5 percent
- Maximum salinity: Nonsaline to very slightly saline (2.0 to 8.0 mmhos/cm)
- Available water supply, 0 to 60 inches: Low (about 5.4 inches)

Interpretive groups

- Land capability classification (irrigated): 2e
- Land capability classification (nonirrigated): 7e
- Hydrologic Soil Group: B
- Ecological site: R030XG022CA - SANDY 4-9"
- Hydric soil rating: No

Minor Components

Unnamed

- Percent of map unit: 10 percent
- Hydric soil rating: No

Cajon

- Percent of map unit: 4 percent
- Hydric soil rating: No

Unnamed

- Percent of map unit: 1 percent
- Landform: Playas
- Hydric soil rating: Yes

Cajon loamy fine sand, 0 to 2 percent slopes, hummocky

Map Unit Setting

- National map unit symbol: hcd0
- Elevation: 400 to 4,000 feet
- Mean annual precipitation: 3 to 9 inches
- Mean annual air temperature: 63 to 70 degrees F
- Frost-free period: 200 to 300 days
- Farmland classification: Prime farmland if irrigated

Map Unit Composition

- Cajon and similar soils: 85 percent
- Minor components: 15 percent
- Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Cajon

Setting

- Landform: Alluvial fans
- Landform position (two-dimensional): Backslope
- Landform position (three-dimensional): Tread
- Down-slope shape: Linear
- Across-slope shape: Linear
- Parent material: Alluvium derived from granite

Typical profile

- H1 - 0 to 9 inches: loamy sand
- H2 - 9 to 60 inches: sand

Properties and qualities

- Slope: 0 to 2 percent
- Depth to restrictive feature: More than 80 inches
- Drainage class: Excessively drained
- Runoff class: Negligible
- Capacity of the most limiting layer to transmit water (Ksat): High to very high (5.95 to 19.98 in/hr)
- Depth to water table: More than 80 inches
- Frequency of flooding: None
- Frequency of ponding: None
- Calcium carbonate, maximum content: 5 percent
- Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
- Available water supply, 0 to 60 inches: Low (about 4.3 inches)

Interpretive groups

- Land capability classification (irrigated): 3e
- Land capability classification (nonirrigated): 7e
- Hydrologic Soil Group: A
- Ecological site: R030XG022CA - SANDY 4-9"
- Hydric soil rating: No

Minor Components

Dune Land

- Percent of map unit: 10 percent
- Hydric soil rating: No

Hesperia

- Percent of map unit: 4 percent
- Hydric soil rating: No

Hesperia fine sandy loam, 0 to 2 percent slopes

Map Unit Setting

- National map unit symbol: hcfd
- Elevation: 200 to 4,000 feet
- Mean annual precipitation: 6 to 9 inches
- Mean annual air temperature: 61 to 70 degrees F
- Frost-free period: 225 to 310 days
- Farmland classification: Prime farmland if irrigated

Map Unit Composition

- Hesperia and similar soils: 85 percent
- Minor components: 15 percent
- Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Hesperia

Setting

- Landform: Alluvial fans
- Landform position (two-dimensional): Backslope
- Landform position (three-dimensional): Tread
- Down-slope shape: Linear
- Across-slope shape: Linear
- Parent material: Alluvium derived from granite

Typical profile

- H1 - 0 to 4 inches: fine sandy loam
- H2 - 4 to 54 inches: fine sandy loam
- H3 - 54 to 77 inches: sandy loam

Properties and qualities

- Slope: 0 to 2 percent
- Depth to restrictive feature: More than 80 inches
- Drainage class: Well drained
- Runoff class: Very low
- Capacity of the most limiting layer to transmit water (Ksat): High (1.98 to 5.95 in/hr)
- Depth to water table: More than 80 inches
- Frequency of flooding: None
- Frequency of ponding: None
- Calcium carbonate, maximum content: 10 percent
- Maximum salinity: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
- Available water supply, 0 to 60 inches: Moderate (about 8.0 inches)

Interpretive groups

- Land capability classification (irrigated): 2e
- Land capability classification (nonirrigated): 7e
- Hydrologic Soil Group: A
- Ecological site: R030XG021CA - LOAMY 4-9"
- Hydric soil rating: No

Minor Components

Cajon

- Percent of map unit: 5 percent
- Hydric soil rating: No

Rosamond

- Percent of map unit: 5 percent
- Hydric soil rating: No

Tray

- Percent of map unit: 3 percent
- Hydric soil rating: No

Unnamed

- Percent of map unit: 2 percent
- Landform: Playas
- Hydric soil rating: Yes

BASIN PLAN BENEFICIAL USES

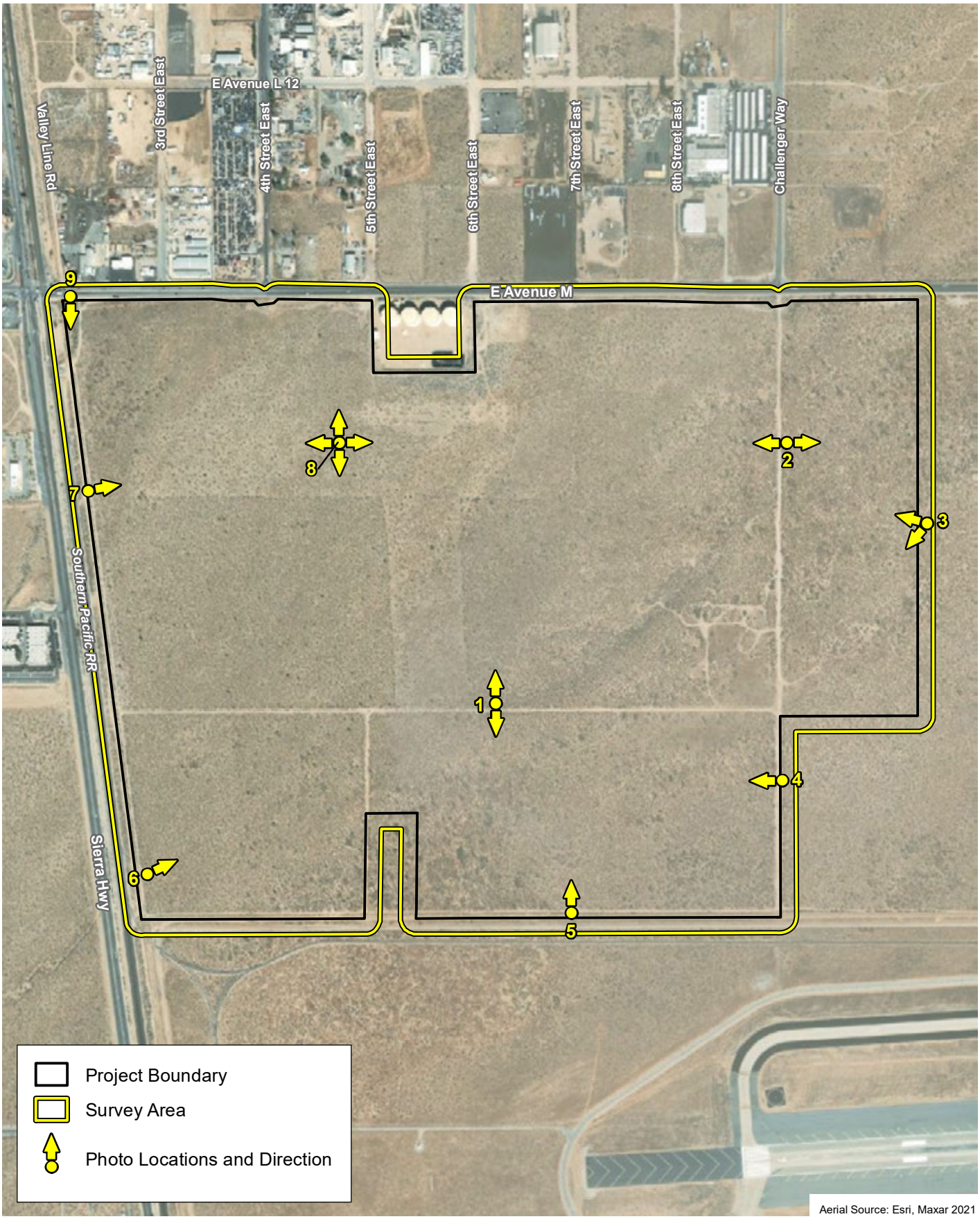
The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) identifies a number of Beneficial Uses, some or all of which may apply to a specific hydrologic unit (HSA), including: Agricultural Supply (AGR) waters; Aquaculture (AQUA) waters; Preservation of Biological Habitats of Special Significance (BIOL) waters; Cold Fresh Water Habitat (COLD) waters; Commercial and Sport Fishing (COMM) waters; Estuarine Habitat (EST) waters; Freshwater Replenishment (FRSH); Groundwater Recharge (GWR) waters; Industrial Service Supply waters (IND); Marine Habitat (MAR) waters; Migration of Aquatic Organisms (MIGR) waters; Municipal and Domestic Water Supply (MUN) waters; Navigation (NAV) waters; Hydropower Generation (POW) waters; Industrial Process Supply (PROC) waters; Rare, Threatened or Endangered Species (RARE) waters; Water Contact Recreation (REC1) waters; Non-Contact Water Recreation (REC2) waters; Inland Saline Water Habitat (SAL) waters; Shellfish Harvesting (SHELL) waters; Spawning, Reproduction and Development (SPWN) waters; Warm Fresh Water Habitat (WARM) waters; Wetland Habitat (WET) waters; and Wildlife Habitat (WILD) waters.

Beneficial Uses associated with Amargosa Creek which flows along the western edge of the Project site, are described below; Beneficial Uses not described below do not apply to Amargosa Creek.

- MUN waters support community, military, or individual water supply systems including, but not limited to, drinking water supply.
- AGR waters are used for farming, horticulture, or ranching, including, but not limited to, irrigation, stock watering, and support of vegetation for range grazing.
- GWR waters are used for natural or artificial recharge of groundwater for purposes that may include, but are not limited to, future extraction, maintaining water quality, or halting saltwater intrusion into freshwater aquifers.
- FRSH waters are used for natural or artificial maintenance of surface water quantity or quality (e.g., salinity).
- WARM waters support warm water ecosystems that may include, but are not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, and wildlife (including invertebrates).
- COLD waters support cold water ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.
- COMM waters are used for commercial or recreational collection of fish or other organisms including, but not limited to, uses involving organisms intended for human consumption.
- REC-1 waters are used for recreational activities involving body contact with water, where ingestion of water is reasonably possible. These uses include, but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, white water activities, fishing, or use of natural hot springs.
- REC-2 waters are used for recreational activities involving proximity to water, but not normally involving body contact with water, where ingestion of water is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities.

ATTACHMENT C

SITE PHOTOGRAPHS



Aerial Source: Esri, Maxar 2021

D:\Projects\3TBP\010200\MXD\JD\ex_Photo_Locations_20220401.mxd

Photo Locations

Exhibit C-1

Jurisdictional Delineation Report for the Antelope Valley Commerce Center Project

N
W E
S

850 425 0 850
Feet

PSOMAS

(Rev: 09/28/2022 JVR) R:\Projects\TBP\3TBP010200\Graphics\JD\ex_Photos.pdf

Photo Location 1, facing north. March 22, 2022. Overview of project site conditions.

Photo Location 1, facing south. March 22, 2022. Overview of project site conditions.

D:\Projects\3TBP\010200\GRAPHICS\JD\ex_SP1_20220401.ai

Site Photos

Exhibit C-2

Jurisdictional Delineation Report for the Antelope Valley Commerce Center Project

PSOMAS

(04/01/2022 MMD) R:\Projects\TBP\3TBP010200\Graphics\JD\ex_Photos.pdf

Photo Location 2, facing east. March 22, 2022. Overview of project site conditions.

Photo Location 2, facing west. March 22, 2022. Overview of project site conditions.

D:\Projects\3TBP\010200\GRAPHICS\JD\ex_SP2_20220401.ai

Site Photos

Exhibit C-3

Jurisdictional Delineation Report for the Antelope Valley Commerce Center Project

PSOMAS

(04/01/2022 MMD) R:\Projects\TBP\3TBP010200\Graphics\JD\ex_Photos.pdf

Photo Location 3, facing northwest. March 22, 2022. Overview of project site conditions.

Photo Location 3, facing southwest. March 22, 2022. Overview of project site conditions.

D:\Projects\3TBP\010200\GRAPHICS\JD\ex_SP3_20220401.ai

Site Photos

Exhibit C-4

Jurisdictional Delineation Report for the Antelope Valley Commerce Center Project

PSOMAS

(04/01/2022 MMD) R:\Projects\TBP\3TBP010200\Graphics\JD\ex_Photos.pdf

Photo Location 3, facing northwest. March 22, 2022. Overview of project site conditions.

Photo Location 3, facing southwest. March 22, 2022. Overview of project site conditions.

D:\Projects\3TBP\010200\GRAPHICS\JD\ex_SP3_20220401.ai

Site Photos

Exhibit C-4

Jurisdictional Delineation Report for the Antelope Valley Commerce Center Project

PSOMAS

(04/01/2022 MMD) R:\Projects\TBP\3TBP010200\Graphics\JD\ex_Photos.pdf

Photo Location 6, facing northeast. March 22, 2022. Overview of project site conditions.

Photo Location 7, facing east. March 22, 2022. Overview of project site conditions.

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Site Photos

Exhibit C-6

Jurisdictional Delineation Report for the Antelope Valley Commerce Center Project

PSOMAS

(04/01/2022 MMD) R:\Projects\TBP\3TBP010200\Graphics\JD\ex_Photos.pdf

Photo Location 8, facing north. March 22, 2022. Overview of project site conditions.

Photo Location 8, facing east. March 22, 2022. Overview of project site conditions.

D:\Projects\3TBP\010200\GRAPHICS\JD\ex_SP6_20220401.ai

Site Photos

Exhibit C-7

Jurisdictional Delineation Report for the Antelope Valley Commerce Center Project

PSOMAS

(04/01/2022 MMD) R:\Projects\TBP\3TBP010200\Graphics\JD\ex_Photos.pdf

Photo Location 8, facing south. March 22, 2022. Overview of project site conditions.

Photo Location 8, facing west. March 22, 2022. Overview of project site conditions.

D:\Projects\3TBP\010200\GRAPHICS\JD\ex_SP7_20220401.ai

Site Photos

Exhibit C-8

Jurisdictional Delineation Report for the Antelope Valley Commerce Center Project

PSOMAS

(04/01/2022 MMD) R:\Projects\TBP\3TBP010200\Graphics\JD\ex_Photos.pdf

Photo Location 9, facing south. March 22, 2022. View of unnamed drainage ditch.

D:\Projects\3TBP\010200\GRAPHICS\JD\ex_SP8_20220928.ai

Site Photos

Exhibit C-9

Jurisdictional Delineation Report for the Antelope Valley Commerce Center Project

PSOMAS

(09/28/2022 MMD) R:\Projects\TBP\3TBP010200\Graphics\JD\ex_Photos.pdf

ATTACHMENT D

WETLAND DETERMINATION DATASHEET

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Antelope Valley Commerce Center City/County: Palmdale / Los Angeles Sampling Date: 3/22/2022

Applicant/Owner: Covington Group Inc. State: CA Sampling Point: 1

Investigator(s): David Hughes Section, Township, Range: Section 2, Township 6N, Range 12W

Landform (hillslope, terrace, etc.): flat Local relief (concave, convex, none): flat Slope (%): 1

Subregion (LRR): Mediterranean California (LRR C) Lat: 34.643670° Long: -118.120543° Datum: WGS 84

Soil Map Unit Name: Cajon sandy loam, 0 to 2 percent slopes NWI classification: PUSJ

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ✓ No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes ✓ No _____

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes _____	No ✓	**Is the Sampled Area within a Wetland?** **Yes** _____ **No** ✓
Hydric Soil Present?	Yes _____	No ✓	
Wetland Hydrology Present?	Yes _____	No ✓	

Remarks:

Sampling point in a flat area in central portion of site. No field indications of wetland conditions, but this area is shown in USFWS national wetlands inventory.

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: 15')	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	0 = Total Cover		
Sapling/Shrub Stratum (Plot size: 5')			
1. Ericameria nauseosa	30	Y	UPL
2.			
3.			
4.			
5.			
	30 = Total Cover		
Herb Stratum (Plot size: 5')			
1. Malacothrix californica	10	Y	UPL
2. Amsinckia intermedia	5	Y	UPL
3. Crypthantha sp.	5	Y	UPL
4.			
5.			
6.			
7.			
8.			
	20 = Total Cover		
Woody Vine Stratum (Plot size: 15')			
1.			
2.			
	0 = Total Cover		

% Bare Ground in Herb Stratum 80 % Cover of Biotic Crust 0

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 4 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 0% (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species _____	x 3 = _____
FACU species _____	x 4 = _____
UPL species 50	x 5 = 250
Column Totals: 50 (A)	250 (B)

Prevalence Index = B/A = 5.0

Hydrophytic Vegetation Indicators:

___ Dominance Test is >50%

___ Prevalence Index is ≤3.0[1]

___ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes** _____ **No** ✓

Remarks:

SOIL

Sampling Point: 1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox %	Type[1]	Loc[2]	Texture	Remarks
0-24	10YR 3/2	100					loamy sa	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

___ Histosol (A1)
___ Histic Epipedon (A2)
___ Black Histic (A3)
___ Hydrogen Sulfide (A4)
___ Stratified Layers (A5) (**LRR C**)
___ 1 cm Muck (A9) (**LRR D**)
___ Depleted Below Dark Surface (A11)
___ Thick Dark Surface (A12)
___ Sandy Mucky Mineral (S1)
___ Sandy Gleyed Matrix (S4)
___ Sandy Redox (S5)
___ Stripped Matrix (S6)
___ Loamy Mucky Mineral (F1)
___ Loamy Gleyed Matrix (F2)
___ Depleted Matrix (F3)
___ Redox Dark Surface (F6)
___ Depleted Dark Surface (F7)
___ Redox Depressions (F8)
___ Vernal Pools (F9)

Indicators for Problematic Hydric Soils[3]:

___ 1 cm Muck (A9) (**LRR C**)
___ 2 cm Muck (A10) (**LRR B**)
___ Reduced Vertic (F18)
___ Red Parent Material (TF2)
___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** _____ **No** ✓

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

___ Surface Water (A1)
___ High Water Table (A2)
___ Saturation (A3)
___ Water Marks (B1) (**Nonriverine**)
___ Sediment Deposits (B2) (**Nonriverine**)
___ Drift Deposits (B3) (**Nonriverine**)
___ Surface Soil Cracks (B6)
___ Inundation Visible on Aerial Imagery (B7)
___ Water-Stained Leaves (B9)
___ Salt Crust (B11)
___ Biotic Crust (B12)
___ Aquatic Invertebrates (B13)
___ Hydrogen Sulfide Odor (C1)
___ Oxidized Rhizospheres along Living Roots (C3)
___ Presence of Reduced Iron (C4)
___ Recent Iron Reduction in Tilled Soils (C6)
___ Thin Muck Surface (C7)
___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

___ Water Marks (B1) (**Riverine**)
___ Sediment Deposits (B2) (**Riverine**)
___ Drift Deposits (B3) (**Riverine**)
___ Drainage Patterns (B10)
___ Dry-Season Water Table (C2)
___ Crayfish Burrows (C8)
___ Saturation Visible on Aerial Imagery (C9)
___ Shallow Aquitard (D3)
___ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes _____ No ✓ Depth (inches): 6

Water Table Present? Yes _____ No ✓ Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No ✓ Depth (inches): _____

Wetland Hydrology Present? **Yes** _____ **No** ✓

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: