

BIOLOGICAL RESOURCES ASSESSMENT AND CVMSHCP CONSISTENCY ANALYSIS

**RIO DEL SOL INDUSTRIAL BUILDING PROJECT
THOUSAND PALMS, UNINCORPORATED RIVERSIDE COUNTY, CALIFORNIA**

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THOUSAND PALMS, UNINCORPORATED RIVERSIDE COUNTY, CALIFORNIA**

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LIST OF ABBREVIATIONS AND ACRONYMS

ADA	Americans with Disabilities Act
Analysis	Coachella Valley Multiple Species Habitat Conservation Plan Consistency Analysis
APNs	Assessor's Parcel Numbers
Assessment	Biological Resources Assessment
BUOW	Burrowing owl
CAGN	Coastal California gnatcatcher
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CJB	Casey's June beetle
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CVAG	Coachella Valley Association of Governments
CVCC	Coachella Valley Conservation Commission
CVMV	Coachella Valley milkvetch
CVM SHCP	Coachella Valley Multiple Species Habitat Conservation Plan
CWA	Clean Water Act
DETO	Desert tortoise
DRP	DRP Enterprises, LLC
EPA	Environmental Protection Agency
ESRI	Environmental Systems Research Institute
EV	electric vehicle

GIS	Geographic Information System
JPR	Joint Project Review
LSA	LSA Associates, Inc.
MBTA	Migratory Bird Treaty Act
NRCS	Natural Resources Conservation Service
Porter-Cologne Act	Porter-Cologne Water Quality Control Act
project	Rio Del Sol Industrial Building Project
RWQCB	Regional Water Quality Control Board
SAA	Streambed Alteration Agreement
SCE	Southern California Edison
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
WDR	Waste Discharge Requirement

1.0 EXECUTIVE SUMMARY

LSA Associates, Inc. (LSA) was retained by DRP Enterprises, LLC (DRP) to prepare a Biological Resources Assessment (Assessment) and to conduct a Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) Consistency Analysis (Analysis) for compliance with the California Environmental Quality Act (CEQA). The Assessment and Analysis evaluated the proposed Rio Del Sol Industrial Building Project (project) that lies within the planning boundaries of the CVMSHCP. The CVMSHCP provides take coverage for covered species, which include both listed and non-listed species that are adequately conserved by the CVMSHCP. To ensure adequate conservation of covered species, CVMSHCP Conservation Areas provide habitat and other ecological elements.

The project site partially lies within the CVMSHCP Thousand Palms Conservation Area and is subject to the requirements of the CVMSHCP. Additionally, the project site lies within CVMSHCP designated Core Habitat for Palm Springs round-tailed ground squirrel (*Xerospermophilus tereticaudus chlorus*) and Palm Springs pocket mouse (*Perognathus longimembris bangsi*). During construction-related activities, contractors will comply with the required avoidance, minimization, and mitigation measures contained in Section 4.4 of the CVMSHCP.

CVMSHCP designated Other Conserved habitat for Le Conte's thrasher (*Toxostoma lecontei*) is present within the project site. In order to avoid impacts to Le Conte's thrasher during the nesting season, January 15–August 31, a pre-construction survey shall be conducted prior to any vegetation removal or ground disturbance that occurs during the nesting season, as described in Section 4.4 of the CVMSHCP.

The study area contains suitable habitat for the burrowing owl (*Athene cunicularia hypugaea*) and other nesting birds protected by the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code. A burrowing owl pre-construction survey will be required to ensure any direct impacts to this species will be avoided. In addition, it is recommended that vegetation removal be conducted between September 1 and January 15 (outside the general bird nesting season) to avoid impacts to nesting birds. If vegetation cannot be removed outside the bird nesting season, a pre-construction nesting bird survey by a qualified biologist is required prior to vegetation removal.

Sand transport, a CVMSHCP Essential Ecological Process, is present within the project site. Effects to sand transport are not anticipated to be significant.

Based on the recommendations outlined in this Assessment and Analysis, the project is consistent with the CVMSHCP. Because the project will be constructed outside of the Conservation Areas, a Joint Project Review (JPR) will not be necessary with the CVCC as no impacts to Conservation Areas will occur. The project proponent shall obtain a letter from the CVCC to assure that a JPR is not necessary for the proposed project.

A jurisdictional delineation revealed that the project site has nine drainages subject to the jurisdiction of the CDFW and the Regional Water Quality Control Board (RWQCB). Based on the results of the jurisdictional delineation, the project site does not contain potential wetland or non-wetland waters of the United States subject to the regulatory authority of the United States Army

Corps of Engineers (USACE) pursuant to Section 404 of the Federal Clean Water Act (CWA), but it does contain approximately 0.75 acre of potential streambed under the regulatory authority of the CDFW.

The project is anticipated to permanently affect approximately 0.13 acre and 39.12 linear feet of CDFW streambed and temporarily affect approximately 9.10 linear feet of CDFW streambed.

Agency permits required for the project will include a Porter-Cologne Water Quality Control Act Certification from the RWQCB and a California Fish and Game Code Section 1602 Streambed Alteration Agreement from the CDFW.

The proposed project is not within a CVMSHCP-designated wildlife corridor and does not correspond to any natural landscape blocks or potential riparian connections, but the northeastern portion of the site corresponds with an essential connectivity area as documented in the *California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California* report (Spencer et al. 2010).

In order to avoid or minimize indirect effects from development adjacent to or within the Conservation Area, the project will comply with the CVMSHCP Land Use Adjacency Guidelines as described in Section 5.5, below.

2.0 INTRODUCTION

LSA Associates, Inc. (LSA) has prepared this Biological Resources Assessment (Assessment) and Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) Consistency Analysis (Analysis) for compliance with the California Environmental Quality Act (CEQA). This report evaluates the Rio Del Sol Industrial Building Project (project) located in an unincorporated area of Riverside County, California. Specifically, the project lies approximately 0.25 mile southeast of the Rio del Sol and 28th Avenue intersection, within Assessor's Parcel Numbers (APNs) 648-110-016, 648-110-013, and 648-120-001 as shown on the United States Geological Survey (USGS) *Cathedral City, California* 7.5-minute topographic quadrangles in Section 7, Township 4 South, Range 6 East (see Appendix A, Figure 1).

2.1 PROJECT DESCRIPTION

The project proposes to construct a 29,600-square-foot industrial building to establish a steel fabrication facility and an infiltration basin within the three APNs mentioned above. A new ingress access road is proposed along the eastern side of Rio Del Sol Road including an access gate to the proposed project. The new ingress access road will also connect to a new unpaved road leading to the infiltration basin. The parking lot is projected to include 7 parking spaces and 2 Americans with Disabilities Act (ADA) spaces to the west of the office building. The main building is proposed to have three planters along the northern perimeter and two planters along the southern perimeter.

3.0 METHODS

3.1 LITERATURE REVIEW

A literature review was conducted to assist in determining the existence or potential occurrence of special-status plant and animal species on or in the vicinity of the project site. A records search of the CDFW's California Natural Diversity Database *Rarefind 5* (CNDDDB, v 5.3.0), and the California Native Plant Society's *Online Inventory of Rare and Endangered Plants* (CNPS, v9.5) for the *Cathedral City, California* USGS 7.5-minute quadrangle was conducted on July 24, 2024. A review of the Final Recirculated CVMSHCP (CVAG 2007) was also conducted in order to determine CVMSHCP consistency and conservation measures that apply to the proposed project, and to reference vegetation types within the project site. Current and historic aerial photographs (Google Earth 2024 and NETRonline Historic Aerials 2024) were reviewed, and USFWS-listed species and designated critical habitat information was used to determine the locations of any listed species sightings and critical habitat boundaries on and in the vicinity of the project. Soil types were determined using the WebSoil Survey (USDA 2024). The USFWS National Wetland Inventory was also queried (USFWS 2024c). Geographic Information System (GIS) software (ESRI 2024) was used to map the project location. ESRI's Field Maps application for ArcGIS was used to collect data in the field including map habitat types, land uses, etc. and subsequently transferred to LSA's GIS software. Local policies and municipal codes were also consulted to review conservation measures that will apply to the proposed project.

3.2 BIOLOGICAL RESOURCES ASSESSMENT

A general field survey within the project site was conducted by LSA Biologists Denise Woodard and Carla Cervantes on August 1, 2024. Weather conditions consisted of cloudy skies (100% cloud cover at survey start to 30% cloud cover at survey end), temperatures ranging from 86 to 89 degrees Fahrenheit, and winds ranging from 0 to 3 miles per hour. Notes were taken on general site conditions, vegetation, and suitability of habitat for various special-interest elements. All plant and animal species observed or otherwise detected during this field survey were noted and are listed in Appendix B. Appendix C summarizes the special-status plant and animal species potentially present within the project site.

4.0 RESULTS

4.1 EXISTING SITE CONDITIONS

The proposed project is generally located north of Ramon Road, east of Rio del Sol, and south of Sierra del Sol. While the site is mostly undeveloped, an existing Southern California Edison (SCE) utility corridor running northwest to southeast along the southernmost portion of the project is present. The project site itself contains two electrical towers within the southeastern portion of the site along with some piles of concrete rubble. The project falls within the boundaries of the CVMSHCP as discussed in further detail below.

4.1.1 Topography and Soils

Topography within the project is relatively flat and with elevation ranging from approximately 401 feet (ft) to 448 ft above mean sea level.

Soils within the project site consists of sandy and gravelly soils as mapped by the Natural Resources Conservation Service Online Web Soil Survey as the following types:

- CdC: Carsitas Gravelly Sand, 0 to 9 percent slopes; and
- CkB: Carsitas fine sand, 0 to 5 percent slopes.

Soils observed on the site appeared generally consistent with these designations. Appendix A, Figure 3, shows the soils mapped within the project site.

4.1.2 Vegetation

Vegetation within the project site is best described as *Larrea tridentata* Shrubland Alliance (Creosote Bush Shrubland) (Sawyer et al. 2009). Dominant species include creosote bush, common Mediterranean grass (*Schismus barbatus*), and fanleaf crinklemat (*Tiquilia plicata*). Other land covers observed within the project site include disturbed. Based on historic aerial imagery, the project site contains an area on the central northern portion of the site that was used for unknown commercial uses since at least 1996 (NETRonline Historic Aerials 2024). This area is dominated by a sparse cover of ruderal vegetation, including common Mediterranean grass and Sahara mustard (*Brassica tournefortii*). Appendix A, Figure 2, shows the vegetation and land use.

4.1.3 Wildlife

Common wildlife species observed within the project site during the field survey include mourning dove (*Zenaida macroura*) and loggerhead shrike (*Lanius ludovicianus*). A complete list of wildlife species observed is provided in Appendix B.

4.2 COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN

The CVMSHCP is a comprehensive, multi-jurisdictional habitat conservation plan focusing on conservation of species and their associated habitats in the Coachella Valley region of Riverside County. The overall goal of the CVMSHCP is to maintain and enhance biological diversity and

ecosystem processes within the region, while allowing for future economic growth. The CVM SHCP covers 27 sensitive plant and wildlife species (Covered Species) as well as 27 natural communities. Covered Species include both listed and non-listed species that are adequately conserved by the CVM SHCP. The overall provisions for the plan are subdivided according to specific resource conservation goals that have been organized according to geographic areas defined as Conservation Areas. These areas are identified as Conservation Areas for sensitive plant, invertebrate, amphibian, reptile, bird, and mammal species, and the following:

- **Core Habitat:** The areas identified in the plan for a given species that are composed of a Habitat patch or aggregation of Habitat patches that (1) are of sufficient size to support a self-sustaining population of that species, (2) are not fragmented in a way to cause separation into isolated populations, (3) have functional Essential Ecological Processes, and (4) have effective Biological Corridors and/or Linkages to other habitats, where feasible, to allow gene flow among populations and to promote movement of large predators.
- **Essential Habitat:** Certain lands delineated in the Recovery Plan for Bighorn Sheep in the Peninsular Ranges, California (USFWS 2000).
- **Other Conserved Habitat:** Part of a Conservation Area that does not contain Core Habitat for a given species, but which still has Conservation value. These values may include Essential Ecological Processes, Biological Corridors, Linkages, buffering from edge effects, enhanced species persistence probability in proximate Core Habitat, genetic diversity, recolonization potential, and flexibility in the event of long-term habitat change.
- **Essential Ecological Process Areas:** Processes that maintain specific habitat types and are necessary to sustain the habitat (in a state usable by Covered Species). Essential Ecological Processes may include abiotic hydrological processes (both subsurface and surface), erosion, deposition, blow sand movement, substrate development and soil formation, and disturbance regimes such as flooding and fire, and biotic processes such as reproduction, pollination, dispersal, and migration.
- **Biological Corridors:** Wildlife movement area that is constrained by existing development, freeways, or other impediments.
- **Biological Linkages:** Habitat that provides for the occupancy of Covered Species and their movement between larger blocks of habitat over time, potentially over a period of generations. In general, Linkages are large enough to include adequate habitat to support small populations of the species and, thus, do not require that an individual of the species transit the entire Linkage to maintain gene flow between populations. What functions as a Linkage for one species may provide only a Biological Corridor or no value for other species.

Each Conservation Area has specific Conservation Objectives that must be satisfied. Those Conservation Objectives include how the Plan will accomplish the protection of Core Habitat, Essential Ecological Processes, Biological Corridors, and Linkages in the CVM SHCP Reserve System to ensure that the covered species are adequately conserved. The Conservation Objectives for each Conservation Area are also designed to ensure the persistence of natural communities.

The proposed project is not a covered activity under Section 7.3.1.1 of the CVMSHCP.

4.2.1 CVMSHCP Conservation Areas

The project site lies entirely within the boundaries of the CVMSHCP. Specifically, the project is partially within the Thousand Palms Conservation Area (Appendix A, Figure 6).

There are 5.90 acres of the Thousand Palms Conservation Area present within the northeastern corner of the project site. This area is not proposed for development; therefore, no impacts to the Conservation Area are expected.

Core Habitat, Other Conserved Habitat, Essential Ecological Processes, and Biological Corridors and Linkages for each Conservation Area are discussed below as they pertain to the project.

4.2.1.1 Thousand Palms Conservation Area

Core Habitat. Core Habitat for the following species is present within the project site:

- Palm Springs round-tailed ground squirrel (*Xerospermophilus tereticaudus chlorus*); and
- Palm Springs pocket mouse (*Perognathus longimembris bangsi*).

The CVMSHCP Conservation Objectives for Core Habitat within this Conservation Area include the following:

- Conserve Core Habitat and associated ecological processes (as set forth below) for Palm Springs round-tailed ground squirrel and Palm Springs pocket mouse, allowing evolutionary processes and natural population fluctuations to occur. Minimize fragmentation, human-caused disturbance, and edge effects to Core Habitat by conserving contiguous Habitat patches and effective Linkages between patches of Core Habitat. This will also help maintain connectivity with Habitat at Willow Hole through the Edom Hill Conservation Area.
 - Conserve at least 3,082 acres of Core Habitat for the Palm Springs round-tailed ground squirrel.
 - Conserve at least 3,679 acres of Core Habitat for the Palm Springs pocket mouse.

Other Conserved Habitat. Other Conserved Habitat for Le Conte's thrasher is present within the project site. While a viable population for this species is not thought to exist within this portion of the Conservation Area, the Habitat is likely to contribute to the Conservation of these species in their respective ranges.

The CVMSHCP conservation objectives for Other Conserved Habitat within this Conservation Area includes the following:

- Conserve at least 3,972 acres of Other Conserved Habitat for Le Conte's thrasher; Conserve Le Conte's thrasher nesting sites as described in Section 4.4 Avoidance, Minimization, and Mitigation Measures; and
- The Permittees shall comply with the Land Use Adjacency Guidelines as described in Section 4.5.

In order to avoid impacts to the Le Conte's thrasher, a pre-construction survey would be required, using an accepted protocol (as determined by the CVCC in coordination with the Permittees and the Wildlife Agencies).

Essential Ecological Processes. This Conservation Area contains the Indio Hills sand source and sand transport system west and northwest of the existing Coachella Valley Fringe-toed Lizard Preserve. Sand originating in the Little San Bernardino Mountains and Joshua Tree National Park is also delivered through Thousand Palms Canyon and other unnamed canyons to the west. A portion of Thousand Palms Canyon is within this area. The remaining portions of this system are conserved in the West Deception Canyon and Indio Hills/Joshua Tree National Park Linkage Conservation Areas.

Biological Corridors and Linkages. This Conservation Area is linked to the Willow Hole Conservation Area to the west through the Edom Hill Conservation Area, to the East Indio Hills Conservation Area to the east through the Indio Hills Palms Conservation Area, and to Joshua Tree National Park to the north through the Indio Hills/Joshua Tree National Park Linkage Conservation Area. Bobcats, kit foxes, and other species occurring in the Indio Hills depend on that National Park connection. Desert bighorn sheep are also known to cross from the National Park into the Indio Hills, possibly for access to water.

Land Use Adjacency Guidelines. The majority of the project site lies outside of but adjacent to the Conservation Area. Additionally, areas within the project site that are within the Conservation Area will be avoided. The purpose of Land Use Adjacency Guidelines is to avoid or minimize indirect effects from development adjacent to or within Conservation Areas. Adjacent means sharing a common boundary with any parcel in a Conservation Area. Such indirect effects are commonly referred to as edge effects and may include noise, lighting, drainage, intrusion by people, and the introduction of non-native plants and/or non-native predators such as dogs and cats. The following Land Use Adjacency Guidelines shall be implemented during the project design within the Conservation Area to minimize edge effects:

- **Drainage.** Proposed development adjacent to or within a Conservation Area shall incorporate plans to ensure that the quantity and quality of runoff discharged to the adjacent Conservation Area is not altered adversely compared with existing conditions. Storm water systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials, or other elements that might degrade or harm biological resources or ecosystem processes within the adjacent Conservation Area.
- **Toxics.** Land uses proposed adjacent to or within a Conservation Area that use chemicals or that generate bioproducts, such as manure, that are potentially toxic or may adversely affect wildlife and plant species, habitat, or water quality shall incorporate measures to ensure that application of such substances does not result in any discharge to the adjacent Conservation Area.
- **Lighting.** For proposed development adjacent to or within a Conservation Area, lighting shall be shielded and directed toward the developed area. Landscape shielding or other appropriate methods shall be incorporated in project designs to minimize the effects of lighting adjacent to

or within the adjacent Conservation Area in accordance with the guidelines to be included in the Implementation Manual.

- *Noise*. Proposed development adjacent to or within a Conservation Area that generates noise in excess of 75 dBA L_{eq} hourly shall incorporate setbacks, berms, or walls as appropriate to minimize the effects of noise on the adjacent Conservation Area in accordance with the guidelines to be included in the Implementation Manual.
- *Invasive Species*. Invasive, non-native plant species shall not be incorporated in the landscape for land uses adjacent to or within a Conservation Area. Landscape treatments within or adjacent to a Conservation Area shall incorporate native plant materials to the maximum extent feasible; recommended native species are listed in Table 4-112 (Appendix D). The plants listed in Table 4-113 (Appendix D) shall not be used within or adjacent to a Conservation Area.
- *Barriers*. Land uses adjacent to or within a Conservation Area shall incorporate barriers in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping in a Conservation Area. Such barriers may include native landscaping, rocks/boulders, fencing, walls and/or signage.
- *Grading/Land Development*. Manufactured slopes associated with site Development shall not extend into adjacent land in a Conservation Area.

4.3 SPECIAL-STATUS SPECIES

This section discusses special-status species observed or potentially occurring within the limits of the project site. Legal protection for special-status species varies widely, from the comprehensive protection extended to listed threatened/endangered species, to no legal interest at present. The CDFW, USFWS, local agencies, and special-status groups such as the CNPS, publish watch lists of declining species. Species on watch lists can be included as part of the special-status species assessment. Species that are candidates for State and/or Federal listing and species on watch lists are included in the special-status species list. Inclusion of species described in the special-status species analysis is based on the following criteria:

- Direct observation of the species or its sign in the project site or immediate vicinity during previous biological studies;
- Sighting by other qualified observers;
- Record reported by the CNDDDB, published by the CDFW;
- Presence or location information for specific species provided by private groups (e.g., CNPS); and/or
- Project site lies within known distribution of a given species and contains appropriate habitat.

The special-status species analysis revealed 26 special-status species with the potential to occur within the limits of the project site. Appendix C lists these species with a data summary and determination of the likelihood of each species occurring on the project site.

4.3.1 Threatened/Endangered Species

The following nine federally/State listed species were identified as potentially present (Appendix C) in the project vicinity:

- Coachella Valley milkvetch (*Astragalus lentiginosus* var. *coachellae* [CVMV]): Federally listed endangered and CVMSHCP covered species;
- Burrowing owl (*Athene cunicularia* [BUOW]): State candidate for listing as threatened or endangered, California Species of Special Concern, and CVMSHCP covered species;
- Monarch butterfly (*Danaus plexippus*): Federal candidate for listing as endangered;
- Casey's June beetle (*Dinacoma caseyi* [CJB]): Federally listed endangered;
- Desert tortoise (*Gopherus agassizii* [DETO]): Federally and State-listed threatened and CVMSHCP covered species;
- Peninsular bighorn sheep (*Ovis canadensis nelsonii*): Federally listed endangered, State-listed threatened, California Fully Protected species, and CVMSHCP covered species;
- Coastal California gnatcatcher (*Poliophtila californica californica* [CAGN]): Federally listed threatened, California Species of Special Concern;
- Coachella Valley fringe-toed lizard (*Uma inornata* [CVFTL]): Federally listed threatened, State-listed endangered, and CVMSHCP covered species; and
- Least Bell's vireo (*Vireo bellii pusillus* [LBVI]): Federally and state-listed endangered and CVMSHCP covered species.

Habitat within the project site is considered unsuitable for seven of the nine species identified above. The project site provides low quality habitat for Coachella Valley milk vetch and high-quality habitat for burrowing owl.

4.3.2 Non-Listed Special-Status Species

Of the 15 other non-listed special-status species identified and discussed in Appendix C, eight species, Horn's milk-vetch (*Astragalus hornii* var. *hornii*), flat-seeded spurge (*Euphorbia platysperma*), slender cottonheads (*Nemacaulis denudata* var. *gracilis*), desert spike-moss (*Selaginella eremophila*), purple stemodia (*Stemodia durantifolia*), Coachella giant sand treader cricket (*Macrobaenetes valgum*), Coachella Valley Jerusalem cricket (*Stenopelmatus cahuilensis*), and Palm Springs pocket mouse (*Perognathus longimembris bangsii*) are not expected to occur based on lack of suitable habitat. Four species are considered to have a low probability of

occurrence, two species are considered to have a moderate probability for occurrence, and one species is considered to be present. The following non-listed special-status species have a moderate probability for occurrence or are present within the project site:

- Arizona spurge (*Euphorbia arizonica*);
- Loggerhead shrike (nesting) (*Lanius ludovicianus*); and
- Le Conte's thrasher.

Nesting bird species, including special-status species identified in Appendix C, with potential to occur (i.e., burrowing owl, Le Conte's thrasher, and loggerhead shrike) are protected by California Fish and Game Code Sections 3503, 3503.5, and 3800, and by the Migratory Bird Treaty Act (MBTA) (16 United States Code 703–711). These laws regulate the take, possession, or destruction of the nest or eggs of any migratory bird or bird of prey. However, the USFWS has recently determined that the MBTA should apply only to "... affirmative actions that have as their purpose the taking or killing of migratory birds, their nests, or their eggs" and will not be applied to incidental take of migratory birds pursuant to otherwise lawful activities.

4.4 CRITICAL HABITAT

The project does not lie within any federally designated critical habitat (USFWS 2024b).

4.5 JURISDICTIONAL WATERS

The USACE regulates discharges of dredged or fill material into waters of the United States. These waters include wetlands and non-wetland bodies of water that meet specific criteria, including a direct or indirect connection to interstate commerce. The USACE regulatory jurisdiction pursuant to Section 404 of the CWA is founded on a connection, or nexus, between the water body in question and interstate commerce. This connection may be direct (through a tributary system linking a stream channel with traditional navigable waters used in interstate or foreign commerce), or it may be indirect (through a nexus identified in the USACE regulations). In order to be considered a jurisdictional wetland under Section 404, an area must possess three wetland characteristics, each with its unique set of mandatory wetland criteria: hydrophytic vegetation, hydric soils, and wetland hydrology.

The CDFW, under Sections 1600 through 1616 of the California Fish and Game Code, regulates alterations to lakes, rivers, and streams (defined by the presence of a channel bed and banks, and at least an intermittent flow of water) where fish or wildlife resources may be adversely affected.

The RWQCB is responsible for the administration of Section 401 of the CWA. Typically, the areas subject to jurisdiction of the RWQCB coincide with those of the USACE (i.e., waters of the United States, including any wetlands). The RWQCB may also assert authority over "waters of the State" under waste discharge requirements pursuant to the Porter-Cologne Water Quality Control Act (Porter-Cologne Act), which is defined under the act as "any surface water or groundwater, including saline waters, within the boundaries of the state."

Appendix E contains the detailed results of the jurisdictional delineation and assessment of jurisdictional waters prepared for this project. Based on the results of the jurisdictional delineation,

the project site does not contain potential wetland or non-wetland waters of the United States subject to the regulatory authority of the USACE pursuant to Section 404 of the CWA, but it does contain approximately 0.75 acre of potential streambed subject to the regulatory authority of the CDFW. Figure 4 shows the hydrologic features mapped within the project site.

The project is anticipated to permanently affect approximately 0.13 acre and 39.12 linear feet of CDFW streambed. Additionally, the project will temporarily impact 9.10 linear feet of CDFW streambed.

While the nine features detailed in Figure 4 are not identified as subject to USACE jurisdiction, they are considered jurisdictional under the Porter-Cologne Act, as they convey ephemeral surface flows as indicated by the presence of OHWMs, sediments, or minimal bed and banks. RWQCB jurisdiction pursuant to Section 401 of the CWA and/or the Porter-Cologne Act extends across each drainage from top-of-bank to top-of-bank, which coincides with CDFW's 1602 jurisdictional streambed limits. The Jurisdictional Delineation Report is included as Appendix E.

Regulatory permits including a Waste Discharge Requirement (WDR) issued by the RWQCB and Streambed Alteration Agreement (SAA) issued by the CDFW are anticipated to be required for development of the project.

5.0 IMPACTS AND RECOMMENDATIONS

Following is a discussion of potential disturbances and recommendations for avoidance, minimization, and mitigation measures per applicable local, State, and federal policy.

5.1 THREATENED AND ENDANGERED SPECIES

5.1.1 Coachella Valley Milkvetch

CVMV is a covered species under the CVMSHCP. Because the project is avoiding impacting the MSHCP Conservation Area, no focused surveys will be required.

5.1.2 Burrowing Owl

While BUOW is a covered species under the CVMSHCP, the CVMSHCP requires additional avoidance and minimization measures for BUOW prior to any ground-disturbing activities. Additionally, in BUOW is a State Candidate for listing as threatened or endangered. In accordance with Section 4.4 of the CVMSHCP, a pre-construction BUOW survey would be required, using an accepted protocol (as determined by the CVCC in coordination with the Permittees and the Wildlife Agencies). Prior to construction, a qualified biologist will survey the construction area including a 500-foot buffer, or to the edge of the property if less than 500 feet, for burrows that could be used by burrowing owl. If a burrow is located, the biologist will determine whether an owl is present in the burrow. If the burrow is determined to be occupied, the Wildlife Agencies will be contacted to coordinate next steps. In the meantime, the burrow will be flagged and a 160-foot buffer during the non-breeding season or a 250-foot buffer during the breeding season or a buffer to the edge of the property boundary if less than 500 feet will be established around the burrow. The buffer area will be staked and flagged. No development activities will be permitted within the buffer until the young are no longer dependent on the burrow.

5.2 NON-LISTED SPECIAL-STATUS SPECIES

The 15 special-status species identified in Appendix C as having a low to high probability of occurrence in the project site and have limited population distribution in Southern California, and development is further reducing their ranges and numbers. These species have no official State or federal protection status, but they merit consideration under CEQA. The project is anticipated to have a less than significant effect on these non-listed special-status species.

In addition, to ensure compliance with California Fish and Game Code, and to avoid potential impacts to nesting birds, it is recommended that the vegetation removal activities be conducted outside the general bird nesting season (January 15 through August 31). If vegetation cannot be removed outside the bird nesting season, a pre-construction nesting bird survey by a qualified biologist is required prior to vegetation removal.

5.2.1 Le Conte's Thrasher and Other Nesting Birds

As described in Section 4.4 of the CVMSHCP, in order to avoid impacts to the Le Conte's thrasher and other nesting birds during the nesting season (January 15 through August 31), prior to the start

of construction activities, surveys will be conducted by an acceptable biologist on the construction site and within 500 feet of the construction site, or to the property boundary if less than 500 feet. If nesting Le Conte's thrashers are found, a 500-foot buffer, or to the property boundary if less than 500 feet, will be established around the nest site. The buffer area will be staked and flagged. No construction will be permitted within the buffer during the breeding season of January 15 through August 31 or until the young have fledged.

5.3 JURISDICTIONAL WATERS

The project will not affect USACE jurisdictional wetland or non-wetland waters of the United States.

The project will affect 0.13 acre and 39.12 linear feet of non-wetland waters subject to RWQCB under the Porter-Cologne Act.

The project is anticipated to permanently affect approximately 0.13 acre and 39.12 linear feet of CDFW streambed. Additionally, the project will temporarily impact 9.10 linear feet of CDFW streambed.

Project effects to jurisdictional waters will require a Porter-Cologne Water Quality Control Act Certification from the RWQCB and a Fish and Game Code Section 1602 SAA from the CDFW.

Mitigation would be required to offset the loss of jurisdictional waters regulated by the RWQCB and CDFW.

5.4 WILDLIFE MOVEMENT, CORRIDORS, AND NURSERY SITES

Wildlife movement includes seasonal migration along corridors and daily movements for foraging. Migration corridors may include areas of unobstructed movement of deer, riparian corridors providing cover for migrating birds, routes between breeding waters and upland habitat for amphibians, and areas between roosting and feeding areas for birds.

The project site does not contain any natural landscape blocks, natural areas small or potential riparian connections, as documented in the California Essential Habitat Connectivity Project report (Spencer et al. 2010). However, the site contains essential connectivity areas, that are categorized as "less permeable." This area overlaps with the Thousand Palms Conservation Area on the northeast portion of the site. Due to avoidance of this area, no impacts are expected to essential connectivity areas.

The project site is adjacent to existing industrial/commercial development on the north and residential development and Interstate 10 to the far south that already restricts wildlife movement in the project vicinity. The majority of wildlife movement within the project site is anticipated to be limited to wildlife present on site or within the adjacent vacant lots to the west or east. The proposed project would not substantially limit wildlife movement due to avoidance of CVMSHCP Conservation Areas and implementation of the CVMSHCP Land Use Adjacency Guidelines as described in Section 4.5.

5.5 LOCAL POLICIES AND ORDINANCES

With participation in the CVMSHCP, the project would not conflict with any local policies or ordinances.

5.5.1 Coachella Valley Multiple Species Habitat Conservation Plan

The project partially lies within the Thousand Palms Conservation Area of the CVMSHCP. The project is subject to the requirements of the CVMSHCP. Based on the recommendations outlined above, the project is consistent with the CVMSHCP.

Because the project will be constructed entirely outside of CVMSHCP Conservation Areas, a letter from the CVCC shall be attained to assure a Joint Project Review (JPR) is not necessary.

6.0 CUMULATIVE IMPACTS

According to Section 15130 of the *State CEQA Guidelines*, “cumulative impacts” refers to incremental effects of an individual project when viewed in connection with the effects of past projects, current projects, and probable future projects. Project construction would contribute to the incremental loss of creosote bush scrub in the region, including potential habitat for special-status species. Cumulative impacts potentially include habitat fragmentation, increased edge effects, reduced habitat quality, and increased wildlife mortality. The CVMSHCP provides a comprehensive approach to the regional conservation of these habitats and, as a regional plan, serves to provide mitigation for cumulative impacts to covered species. Project compliance and consistency with the CVMSHCP ensures that any cumulative impacts to covered species are effectively mitigated.

7.0 REFERENCES CITED

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APPENDIX A

FIGURES

Figure 1: Regional and Project Location

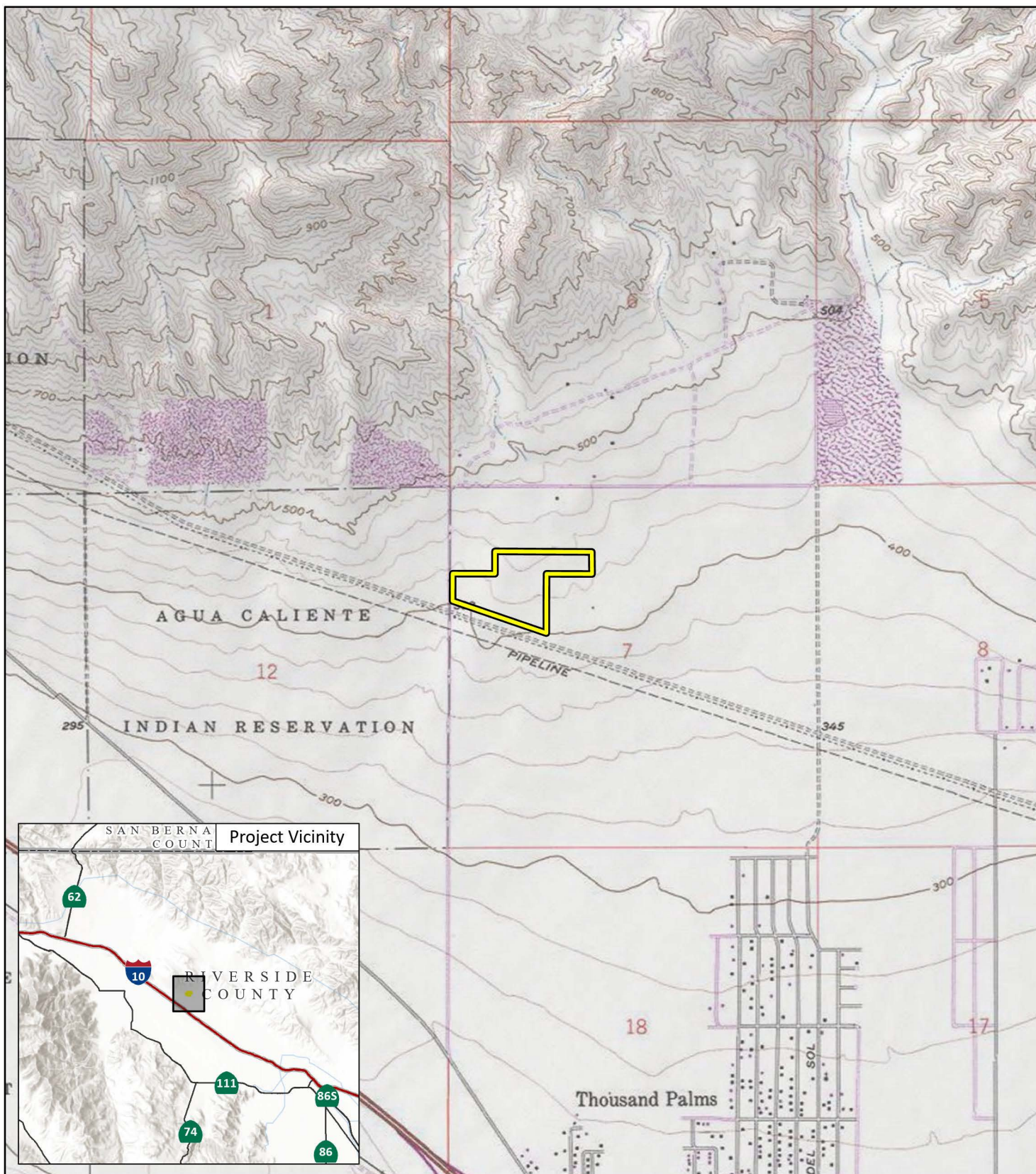
Figure 2: Vegetation and Land Use Map

Figure 3: Soils

Figure 4: Jurisdictional Waters and Photograph Locations

Figure 5: Site Photographs

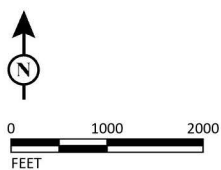
Figure 6: CVMSHCP Conservation Areas



LSA

 Project Location

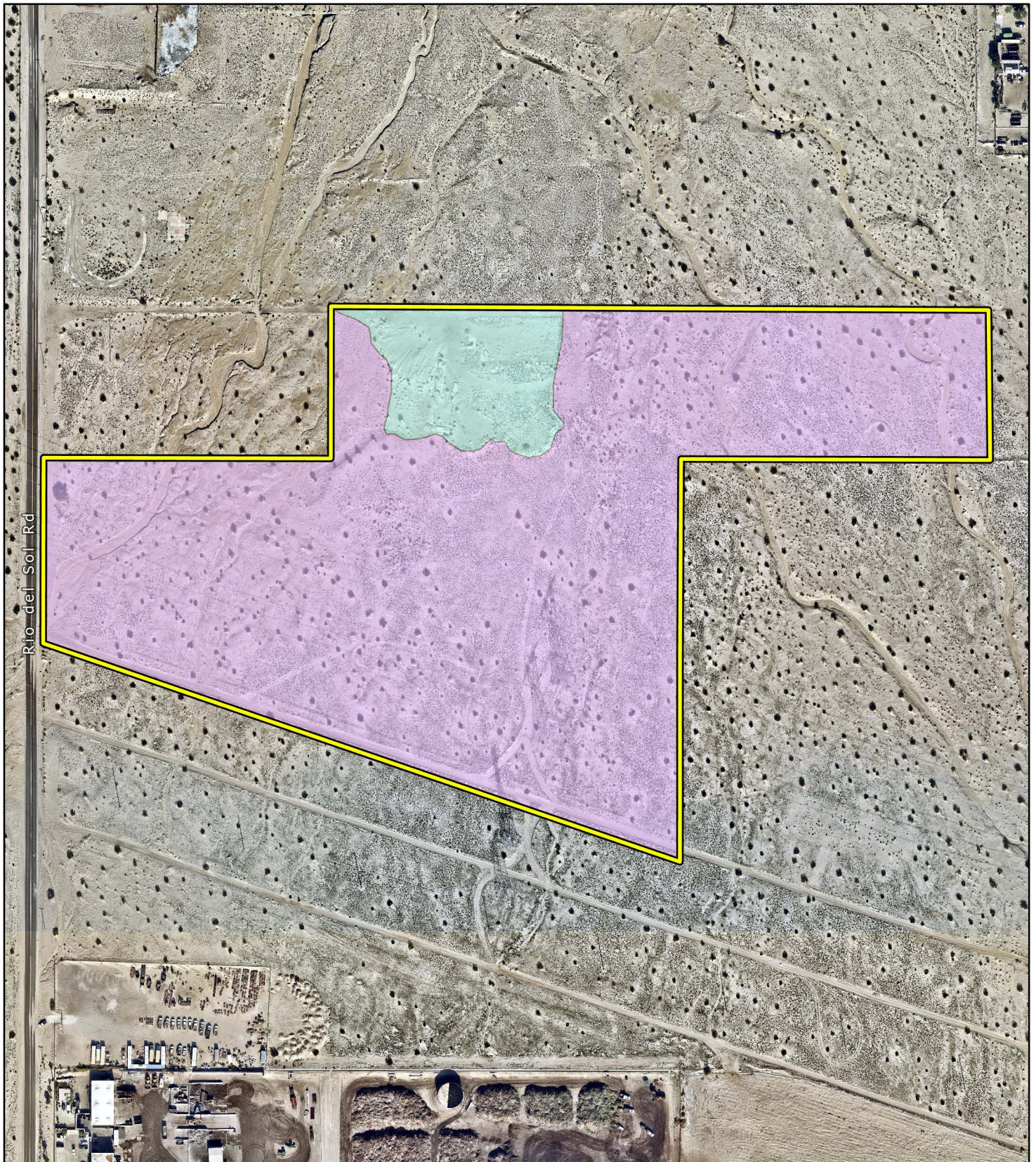
FIGURE 1



SOURCE: Cathedral City, CA, 7.5' Quad (USGS 1981)

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Rio Del Sol Industrial Building Project
Regional and Project Location



LSA

 Project Location

Vegetation/Land Use

 Disturbed

 Creosote Bush Scrub

FIGURE 2

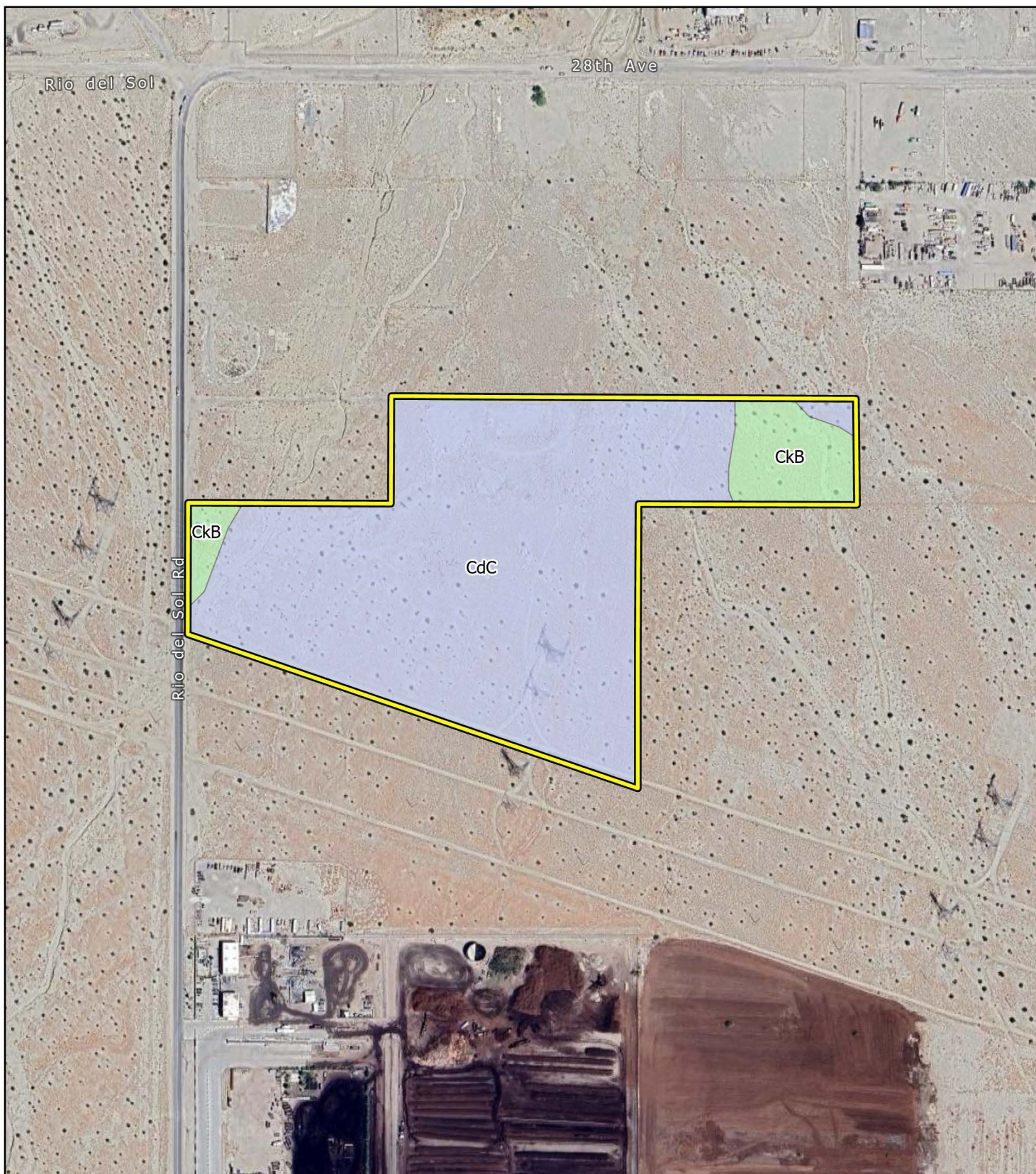


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SOURCE: Nearmap (1/13/2024)

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*Rio Del Sol Industrial Building Project
Vegetation and Land Use Map*



LSA

 Project Location

Soils

 CdC - Carsitas gravelly sand, 0 to 9 percent slopes

 CkB - Carsitas fine sand, 0 to 5 percent slopes



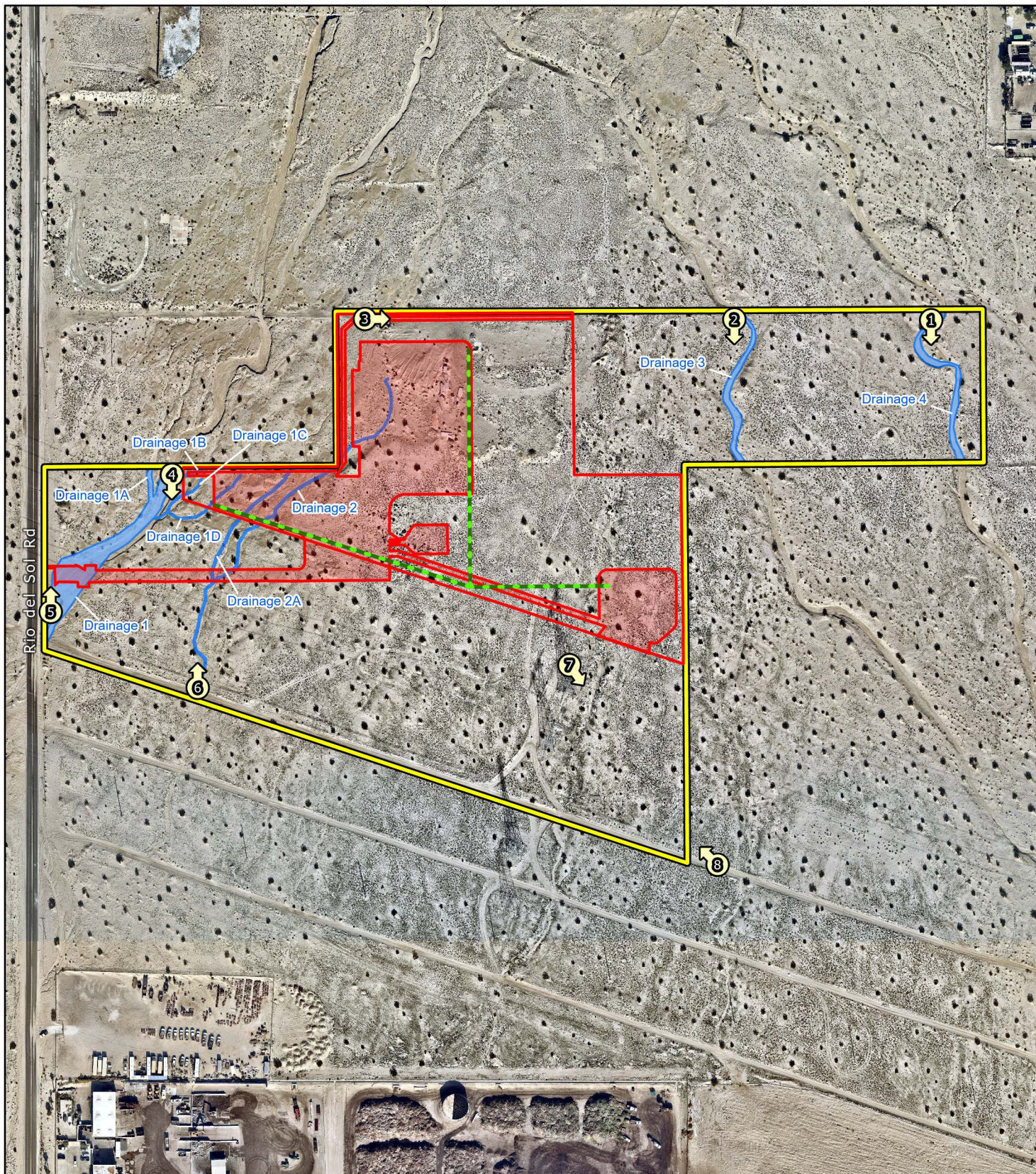
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SOURCE: Google Maps (2024)

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FIGURE 3

Rio Del Sol Industrial Building Project
Soils



LSA



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SOURCE: Nearmap (1/13/2024)

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Project Location

CDFW streambed/RWQCB non-wetland waters (0.75 acres)

Photograph Locations

Permanent Impact (0.13 acres and 39.12 linear feet)

Temporary Impact (9.10 linear feet)

FIGURE 4

Rio Del Sol Industrial Building Project
Jurisdictional Waters and Photograph Locations



Photo 1: View looking south at Drainage 4 within the Thousand Palms Conservation Area.



Photo 2: View looking south at Drainage 3 within the Thousand Palms Conservation Area.



Photo 3: View looking east at Disturbed land cover on the northern portion of the project site.



Photo 4: View looking south at Drainage 1.

LSA

FIGURE 5
Page 1 of 2

Rio Del Sol Industrial Building Project
Representative Photographs



Photo 5: View looking north along Rio del Sol and Drainage 1.



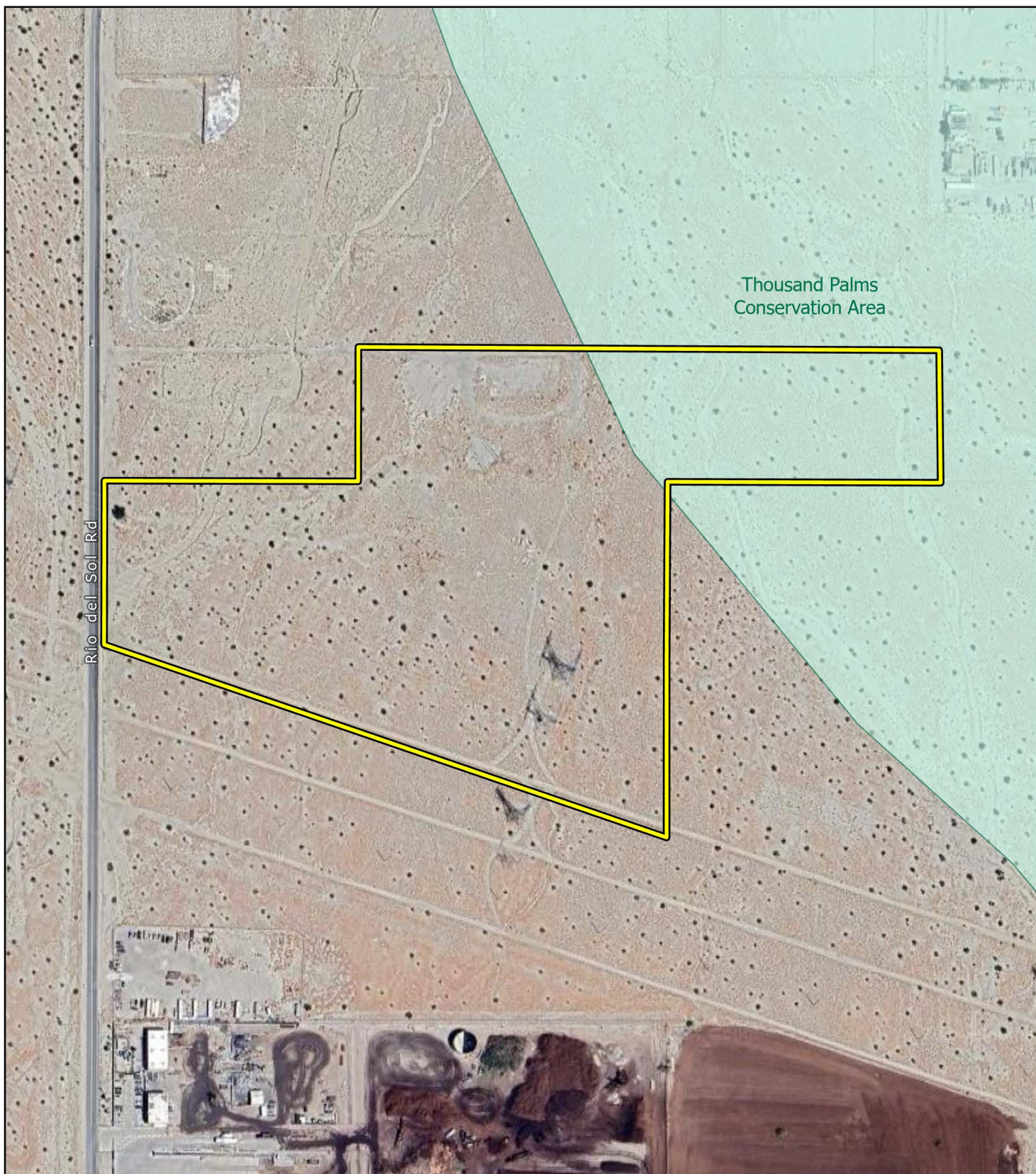
Photo 6: View looking north at Drainage 2 that intersects an existing unpaved road.



Photo 7: View looking southeast at concrete rubble and electrical towers.



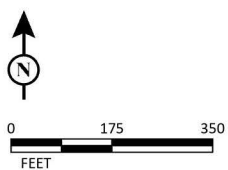
Photo 8: View looking northwest at the southeastern corner of the project boundary.



LSA

- Project Location
- Conservation Areas

FIGURE 6



SOURCE: Google Maps (2024)

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Rio Del Sol Industrial Building Project
CVMSHCP Conservation Areas

APPENDIX B

PLANT AND ANIMAL SPECIES OBSERVED

Plant Species Observed

Scientific Name	Common Name
PINOPHYTA	GYMNOSPERMS
Ephedraceae	Ephedra family
<i>Ephedra</i> sp.	Jointfir
MAGNOLIOPHYTA: MAGNOLIOPSIDA	DICOT FLOWERING PLANTS
Amaranthaceae	Amaranth family
<i>Tidestromia suffruticosa</i> var. <i>oblongifolia</i>	Arizona honeysweet
Asteraceae	Sunflower family
<i>Ambrosia salsola</i>	Burrobrush
<i>Dicoria canescens</i>	Bugseed
<i>Encelia farinosa</i>	Brittlebush
<i>Geraea canescens</i>	Hairy desert sunflower
<i>Malacothrix glabrata</i>	Desert dandelion
<i>Palafoxia arida</i> var. <i>arida</i>	Desert palafox
Boraginaceae	Borage family
<i>Amsinckia</i> sp.	Fiddleneck
<i>Cryptantha angustifolia</i>	Panamint cryptantha
<i>Phacelia</i> sp.	Phacelia
<i>Tidestromia suffruticosa</i>	Honeysweet
<i>Tiquilia plicata</i>	Fanleaf crinklemat
Brassicaceae	Mustard family
<i>Brassica tournefortii</i> *	Sahara mustard
Cactaceae	Cactus family
<i>Cylindropuntia echinocarpa</i>	Silver cholla
Chenopodiaceae	Saltbush family
<i>Atriplex canescens</i>	Fourwing saltbush
<i>Salsola tragus</i> *	Russian thistle
Euphorbiaceae	Spurge family
<i>Euphorbia polycarpa</i>	Smallseed sandmat
Fabaceae	Pea family
<i>Psoralea arguta</i>	Dyebrush
<i>Psoralea schottii</i>	Schott's dalea
<i>Lupinus</i> sp.	Lupine
Loasaceae	Loasa family
<i>Mentzelia</i> sp.	Blazing star
<i>Petalonyx thurberi</i>	Sandpaper plant
Tamaricaceae	Tamarisk family
<i>Tamarix ramosissima</i> (nonnative species)	Mediterranean tamarisk
Zygophyllaceae	Caltrop family
<i>Larrea tridentata</i>	Creosote bush

Plant Species Observed

Scientific Name	Common Name
MAGNOLIOPHYTA: LILIOPSIDA	MONOCOT FLOWERING PLANTS
Poaceae	Grass family
<i>Schismus barbatus</i> (nonnative species)	Common Mediterranean grass

Animal Species Observed

Scientific Name	Common Name
AVES	BIRDS
Columbidae	Pigeons and Doves
<i>Zenaida macroura</i>	Mourning dove
Laniidae	Shrikes
<i>Lanius ludovicianus</i>	Loggerhead shrike

APPENDIX C

SPECIAL-STATUS SPECIES SUMMARY

Special-Status Species Summary

Species	Status	Habitat and Distribution	Activity Period	Occurrence Probability
Plants				
<i>Abronia villosa</i> var. <i>aurita</i> Chaparral sand-verbena	US: – CA: 1B CVM SHCP: –	Sandy areas (generally flats and benches along washes) in chaparral and coastal sage scrub, and improbably in desert dunes or other sandy areas, below 1,600 meters (5,300 feet) elevation. In California, reported from Riverside, San Diego, Imperial, Los Angeles, and Ventura Counties. Believed extirpated from Orange County. Also reported from Arizona and Mexico (Baja California). Plants reported from desert communities are likely misidentified.	Blooms mostly March through August (annual or perennial herb)	Low: Marginally suitable habitat (sandy areas) is present within the project site.
<i>Astragalus hornii</i> var. <i>hornii</i> Horn's milk-vetch	US: – CA: 1B CVM SHCP: –	Alkaline playas and lake margins from 60 to 850 meters (200 to 2,800 feet) elevation. In California, known only from Inyo and Kern Counties. Believed extirpated from San Bernardino County. Also occurs in Nevada.	Blooms May through October (annual herb)	Not expected: Suitable habitat (alkaline playas and lake margins) not present within the project site.
<i>Astragalus lentiginosus</i> var. <i>cochellae</i> Coachella Valley milk-vetch	US: FE CA: 1B CVM SHCP: C	Sandy areas, typically in coarse sands in active sand fields, adjacent to dunes, along roadsides in dune areas, or along the margins of sandy washes, in Sonoran Desert scrub at 60 to 655 meters (200 to 2,150 feet) elevation. Known only from Riverside County in the Coachella Valley between Cabazon and Indio, and in the Chuckwalla Valley northeast of Desert Center.	Blooms February through May (annual or perennial herb)	Low: Marginally suitable habitat (sandy areas along roadsides and along margins of sandy washes in Sonoran Desert scrub) is present within the project site.
<i>Euphorbia arizonica</i> Arizona spurge	US: – CA: 2B CVM SHCP: –	Sandy soils 50 to 300 meters (200 to 1,000 feet) in Sonoran Desert scrub in Riverside and San Diego (and Imperial?) Counties. Also occurs in Arizona and Mexico.	Blooms March through April (perennial herb)	Moderate: Suitable habitat (sandy areas in Sonoran Desert scrub) is present within the project site.
<i>Euphorbia platysperma</i> Flat-seeded spurge	US: – CA: 1B CVM SHCP: –	Dunes or similar sandy places in desert scrub from 60 to 100 meters (200 to 330 feet) elevation. In California, occurs in San Diego, Imperial, and Riverside Counties, and possibly also in San Bernardino County. Also known from Arizona and Mexico (Sonora).	Blooms February through September (annual herb)	Not expected: Project site is above the elevation range for this species.

Special-Status Species Summary

Species	Status	Habitat and Distribution	Activity Period	Occurrence Probability
<i>Nemacaulis denudata</i> var. <i>gracilis</i> Slender cottonheads	US: – CA: 2B CVM SHCP: –	Coastal or desert dunes, sandy mesquite hummocks, or similar sandy sites at -50 to 400 (560) meters (-160 to 1,300 [1,800] feet) elevation. Known from Imperial, Riverside, San Bernardino, and San Diego Counties in California, and from Arizona and Mexico.	Blooms mostly late March to mid May (annual herb)	Not expected: Suitable habitat (coastal or desert dunes, sandy mesquite hummocks) is not present within the project site.
<i>Selaginella eremophila</i> Desert spike-moss	US: – CA: 2B CVM SHCP: –	Shaded sites in gravelly soils and among rocks or in crevices from 200 to 900 (2,425?) meters (700 to 3,000 [8,000?] feet) elevation in Sonoran Desert scrub.	Reproductive mostly in June (perennial herb)	Not expected: Suitable habitat (shaded sites in gravelly soils and among rocks or in crevices) is not present within the project site.
<i>Stemodia durantifolia</i> Purple stemodia	US: – CA: 2B CVM SHCP: –	Sonoran Desert scrub, mostly in mesic sandy areas, at 180 to 300 meters (600 to 1,000 feet) elevation. In California, known from San Diego and possibly Riverside Counties. Also occurs in Arizona, Texas, Mexico, and South America.	Blooms January through December (perennial herb)	Not expected: Suitable habitat (mesic sandy areas) is not present within the project site.
Invertebrates				
<i>Danaus plexippus</i> (wintering sites) Monarch butterfly	US: FPE CA: SA CVM SHCP: –	Winter roosts are located in wind-protected tree groves (Eucalyptus, Monterey Pine, Cypress) with nectar and water sources nearby.	September through March	Not expected: No suitable roosting sites are present within the project site.
<i>Dinacoma caseyi</i> Casey's June beetle	US: FE CA: SA CVM SHCP: –	Associated with alluvial sediments, typically in Carsitas gravelly sand (CdC), riverwash, or possibly Carsitas cobbly sand (ChC) of broad, gently sloping alluvial fans at the base of the Santa Rosa Mountains. Known distribution is an area of less than 800 acres (324 hectares) in southern Palm Springs within the Palm Canyon alluvial floodplain and eastward to East Palm Canyon Drive.	Spring (late March through June)	Not expected: The project site is outside of the species' known geographic range.
<i>Macrobaenetes valgum</i> Coachella giant sand treader cricket	US: – CA: SA CVM SHCP: C	Wind-swept sand dune ridges, spring-dampened sandy areas. Restricted to Coachella Valley.		Not expected: Suitable habitat (wind-swept sand dune ridges spring dampened sandy areas) is not present

Special-Status Species Summary

Species	Status	Habitat and Distribution	Activity Period	Occurrence Probability
				within the project site.
<i>Stenopelmatus cahuilaensis</i> Coachella Valley Jerusalem cricket	US: – CA: SA CVM SHCP: C	Inhabits a small segment of the sand and dune areas of the Coachella Valley, in the vicinity of Palm Springs; found in large, undulating dunes piled up at the north base of Mt. San Jacinto.	Winter months after rain events	Not expected: Suitable habitat (sand and dune areas) is not present within the project site
Reptiles				
<i>Gopherus agassizii</i> Desert tortoise	US: FT CA: ST CVM SHCP: C	Historically found throughout most of the Mojave and Sonoran Deserts into Arizona, Nevada, and Utah. Believed to have been extirpated from the western and southern portions of the Antelope Valley. Found in creosote bush scrub, saltbush scrub, thornscrub (in Mexico), and Joshua tree woodland. Found in the open desert as well as in oases, riverbanks, washes, dunes, and occasionally rocky slopes.	Spring, and again in early fall in areas of summer rains, with brief periods of activity at other times	Not expected: Due to the disturbed nature of the proposed developed portions of the project site, suitable habitat s not present.
<i>Phrynosoma blainvillii (coronatum)</i> Coast horned lizard	US: – CA: SSC CVM SHCP: –	Primarily in sandy soil in open areas, especially washes and floodplains, in many plant communities. Requires open areas for sunning, bushes for cover, patches of loose soil for burial, and an abundant supply of ants or other insects. Occurs west of the deserts from northern Baja California north to Shasta County below 2,400 meters (8,000 feet) elevation.	April through July with reduced activity August through October	Low: Marginally suitable habitat (sandy areas in open areas) is present within the project site.
<i>Uma inornata</i> Coachella Valley fringe-toed lizard	US: FT CA: SE CVM SHCP: C	Fine, loose, windblown sand (dunes), interspersed with hardpan and widely spaced desert shrubs; known only from the Coachella Valley.	April through October (May is peak)	Not expected: No suitable habitat (fine, loose, windblown sand interspersed with hardpan) is not present within the project site.
Birds				
<i>Athene cunicularia</i> (burrow sites) Burrowing owl	US: – CA: SSC/SCE/SCT CVM SHCP: C	Open country in much of North and South America. Usually occupies ground squirrel burrows in open, dry grasslands, agricultural and range lands, railroad rights-of-way, and margins of highways, golf courses, and airports. Often utilizes man-	Year-round	High: Suitable habitat (ground squirrel burrows, concrete rubble, edges of roadway, rock) is present

Special-Status Species Summary

Species	Status	Habitat and Distribution	Activity Period	Occurrence Probability
		made structures, such as earthen berms, cement culverts, cement, asphalt, rock, or wood debris piles. They avoid thick, tall vegetation, brush, and trees, but may occur in areas where brush or tree cover is less than 30 percent.		within the project site.
<i>Falco mexicanus</i> (nesting) Prairie falcon	US: – CA: SA CVM SHCP: –	Open country in much of North America. Nests in cliffs or rocky outcrops; forages in open arid valleys and agricultural fields. Rare in southwestern California.	Year-round diurnal	Low: Marginally suitable habitat (open country) is present within the project site. No suitable nesting habitat (cliffs or rocky outcrops) is present within the project site.
<i>Lanius ludovicianus</i> (nesting) Loggerhead shrike	US: – CA: SSC (breeding)	Prefers open habitats with scattered small trees and with fences, utility lines, or other perches. Inhabits open country with short vegetation, pastures, old orchards, cemeteries, golf courses, riparian areas, and open woodlands. Highest density occurs in open-canopied valley foothill hardwood, valley foothill hardwood-conifer, valley foothill riparian, pinyon-juniper, juniper, desert riparian, and Joshua tree habitats. Occurs only rarely in heavily urbanized areas, but often found in open cropland. Found in open country in much of North America.	Year-round	Present: Suitable habitat (desert scrub) is present within the project site. Species was present during the August 2024 field survey.
<i>Poliioptila californica californica</i> Coastal California gnatcatcher	US: FT CA: SSC CVM SHCP: –	Inhabits coastal sage scrub in low-lying foothills and valleys up to about 500 meters (1,640 feet) elevation in cismontane southwestern California and Baja California.	Year-round	Not expected: No suitable habitat (coastal sage scrub) is present within the project site.
<i>Toxostoma lecontei</i> Le Conte's thrasher	US: – CA: SA CVM SHCP: C	Inhabits sparsely vegetated desert flats, dunes, alluvial fans, or gently rolling hills having a high proportion of saltbush (<i>Atriplex</i> spp.) or cholla (<i>Cylindropuntia</i> spp.), often occurring along small washes or sand dunes. Prefers dense thorny shrubs (most often saltbush or cholla) for nesting. Uncommon and local resident in low	Year-round	Moderate: Suitable habitat (vegetated desert flats, saltbush and cholla species and washes) is present within the project site.

Special-Status Species Summary

Species	Status	Habitat and Distribution	Activity Period	Occurrence Probability
		desert scrub throughout most of the Mojave Desert, extending up into the southwestern corner of the San Joaquin Valley. Breeding range in California extends from these areas into eastern Mojave, north into the Owens Valley and south into the lower Colorado Desert and eastern Mojave. Only the San Joaquin Valley population of this species is considered a BLM Sensitive species or California Species of Concern.		
<i>Vireo bellii pusillus</i> Least Bell's vireo	US: FE CA: SE CVM SHCP: C	Riparian forests and willow thickets. The most critical structural component of Least Bell's Vireo habitat in California is a dense shrub layer 2 to 10 feet (0.6–3.0 meter) above ground. Willows usually dominant. Nests from central California to northern Baja California. Winters in southern Baja California.	April through September	Not expected: No suitable habitat (riparian forest) is present within the project site.
Mammals				
<i>Lasiurus xanthinus</i> Western yellow bat	US: – CA: SSC CVM SHCP: C	Found mostly in desert and desert riparian areas of the southwest US, but also expanding its range with the increased usage of native and non-native ornamental palms in landscaping. Individuals typically roost amid dead fronds of palms in desert oases, but have also been documented roosting in cottonwood trees. Forage over many habitats.	Year-round; nocturnal	Low: Species may forage over the project site but no suitable roosting habitat is present within the project site.
<i>Ovis canadensis nelsonii</i> (peninsular Distinct Population Segment) Peninsular bighorn sheep	US: FE CA: ST/CFP CVM SHCP: C	Occurs on open desert slopes below 1,220 meters (4,000 feet) elevation from San Geronio Pass south into Mexico; optimal habitat includes steep-walled canyons and ridges bisected by rocky or sandy washes, with available water.		Not expected: The project site is outside of the species' known geographic range.
<i>Perognathus longimembris bangsii</i> Palm Springs pocket mouse	US: – CA: SSC CVM SHCP: C	Primary habitat in the Coachella Valley is dunes and mesquite hummocks associated with honey mesquite (<i>Prosopis glandulosa</i> var. <i>torreyana</i>) and to a lesser extent dunes and hummocks associated with creosote (<i>Larrea tridentata</i>) or	Spring through fall	Not expected: Suitable habitat (mesquite hummocks and creosote) is not present within the project site.

Special-Status Species Summary

Species	Status	Habitat and Distribution	Activity Period	Occurrence Probability
		other vegetation. Its range in the Coachella Valley extends from Joshua Tree National Park southward, west to San Geronio Pass, and south to Borrego Springs and the east side of San Felipe Narrows, in Riverside, San Diego, and Imperial Counties. Results of recent morphological and genetic studies indicate that this species also ranges northward at least to Hinkley Valley and Death Valley in San Bernardino County.		
<i>Xerospermophilus tereticaudus chlorus</i> Palm Springs round-tailed ground squirrel	US: – CA: SSC CVMSHCP: C	Desert succulent scrub, desert wash, desert scrub, alkali scrub; will burrow in man-made levees; prefers open, flat, grassy areas in fine textured, sandy soil. Restricted to Coachella Valley.	February through August (hibernates September through January)	Low: Marginally suitable habitat (desert wash and desert scrub) is present within the project site.

LEGEND

US: Federal Classifications

- FE Taxa listed as Endangered.
FT Taxa listed as Threatened.

CA: State Classifications

- SE Taxa State-listed as Endangered.
SCE Taxa State-listed as Candidate Endangered.
SCT Taxa State-listed as Candidate Threatened.
SSC California Species of Special Concern. Refers to animals with vulnerable or seriously declining populations.
SA Special Animal. Refers to any other animal monitored by the Natural Diversity Data Base, regardless of its legal or protection status.
1B California Rare Plant Rank 1B: Rare, threatened, or endangered in California and elsewhere.
2B California Rare Plant Rank 2B: Rare, threatened, or endangered in California, but more common elsewhere.

California Rare Plant Ranks are assigned by a committee of government agency and non-governmental botanical experts and are not official State designations of rarity status.

CVMSHCP: Coachella Valley MSHCP Status

- C Species is adequately conserved under the CVMSHCP.

APPENDIX D

RECOMMENDED AND RESTRICTED PLANT SPECIES

Table 4-112: Coachella Valley Native Plants Recommended for Landscaping¹

BOTANICAL NAME	COMMON NAME
Trees	
<i>Washingtonia filifera</i>	California Fan Palm
<i>Cercidium floridum</i>	Blue Palo Verde
<i>Chilopsis linearis</i>	Desert Willow
<i>Olneya tesota</i>	Ironwood Tree
<i>Prosopis glandulosa</i> var. <i>torreyana</i>	Honey Mesquite
Shrubs	
<i>Acacia greggii</i>	Cat's Claw Acacia

BOTANICAL NAME	COMMON NAME
<i>Ambrosia dumosa</i>	Burro Bush
<i>Atriplex canescens</i>	Four Wing Saltbush
<i>Atriplex lentiformis</i>	Quailbush
<i>Atriplex polycarpa</i>	Cattle Spinach
<i>Baccharis sergiloides</i>	Squaw Water-weed
<i>Bebia juncea</i>	Sweet Bush
<i>Cassia (Senna) covesii</i>	Desert Senna
<i>Condalia parryi</i>	Crucillo
<i>Crossosoma bigelovii</i>	Crossosoma
<i>Dalea emoryi</i>	Dye Weed
<i>Dalea (Psorothamnus) schottii</i>	Indigo Bush
<i>Datura meteloides</i>	Jimson Weed
<i>Encelia farinose</i>	Brittle Bush
<i>Ephedra aspera</i>	Mormon Tea
<i>Eriogonum fasciculatum</i>	California Buckwheat
<i>Eriogonum wrightii membranaceum</i>	Wright s Buckwheat
<i>Fagonia laevis</i>	(No Common Name)
<i>Gutierrezia sarothrae</i>	Matchweed
<i>Haplopappus acradenius</i>	Goldenbush
<i>Hibiscus denudatus</i>	Desert Hibiscus
<i>Hoffmannseggia microphylla</i>	Rush Pea
<i>Hymenoclea salsola</i>	Cheesebush
<i>Hyptis emoryi</i>	Desert Lavender
<i>Isomeris arborea</i>	Bladder Pod
<i>Juniperus californica</i>	California Juniper
<i>Krameria grayi</i>	Ratany
<i>Krameria parvifolia</i>	Little-leaved Ratany
<i>Larrea tridentate</i>	Creosote Bush
<i>Lotus rigidus</i>	Desert Rock Pea
<i>Lycium andersonii</i>	Box Thorn
<i>Petalonyx linearis</i>	Long-leaved Sandpaper Plant
<i>Petalonyx thurberi</i>	Sandpaper Plant
<i>Peucephyllum schottii</i>	Pygmy Cedar
<i>Prunus fremontii</i>	Desert Apricot
<i>Rhus ovata</i>	Sugar-bush
<i>Salazaria mexicana</i>	Paper-bag Bush

<i>Salvia apiana</i>	White Sage
<i>Salvia eremostachya</i>	Santa Rosa Sage
<i>Salvia vaseyi</i>	Wand Sage
<i>Simmondsia chinensis</i>	Jojoba
<i>Sphaeralcea ambigua</i>	Globemallow (Desert Mallow)
<i>Sphaeralcea ambigua rosacea</i>	Apricot Mallow
<i>Trixis californica</i>	Trixis
<i>Zauschneria californica</i>	California Fuchsia
Groundcovers	
<i>Mirabilis bigelovii</i>	Wishbone Bush (Four O Clock)
<i>Mirabilis tenuiloba</i>	White Four O Clock (Thin-lobed)

BOTANICAL NAME	COMMON NAME
Vines	
<i>Vitis girdiana</i>	Desert Grape
Accent	
<i>Muhlenbergia rigens</i>	Deer Grass
Herbaceous Perennials²	
<i>Adiantum capillus-veneris</i>	Maiden-hair Fern (w)*
<i>Carex alma</i>	Sedge (w)
<i>Dalea parryi</i>	Parry Dalea
<i>Eleocharis montevidensis</i>	Spike Rush (w)
<i>Equisetum laevigatum</i>	Horsetail (w)
<i>Juncus bufonis</i>	Toad Rush (w)
<i>Juncus effuses</i>	Juncus (w)
<i>Juncus macrophyllus</i>	Juncus (w)
<i>Juncus mexicanus</i>	Mexican Rush (w)
<i>Juncus xiphioides</i>	Juncus (w)
<i>Notholaena parryi</i>	Parry Cloak Fern
<i>Pallaea mucronata</i>	Bird-foot Fern
Cacti and Succulents	
<i>Agave deserti</i>	Desert Agave
<i>Asclepias albicans</i>	Desert Milkweed (Buggy-whip)
<i>Asclepias subulata</i>	Ajamete
<i>Dudleya arizonica</i>	Live-forever
<i>Dudleya saxosa</i>	Rock Dudleya
<i>Echinocereus engelmannii</i>	Calico Hedgehog Cactus
<i>Ferocactus acanthodes</i>	Barrel Cactus
<i>Fouquieria splendens</i>	Ocotillo
<i>Mamillaria dioica</i>	Nipple Cactus
<i>Mamillaria tetrancistra</i>	Corkseed Cactus
<i>Nolina parryi</i>	Parry Nolina
<i>Opuntia acanthocarpa</i>	Stag-horn or Deer-horn Cholla
<i>Opuntia bigelovii</i>	Teddy Bear or Jumping Cholla
<i>Opuntia basilaris</i>	Beavertail Cactus
<i>Opuntia echinocarpa</i>	Silver or Golden Cholla
<i>Opuntia ramosissima</i>	Pencil Cholla, Darning Needle Cholla
<i>Yucca schidigera</i>	Mojave Yucca, Spanish Dagger
<i>Yucca whipplei</i>	Our Lord s Candle

¹ Source: «Coachella Valley Native Plants, Excluding Annuals (0 ft. to approximately 3,000 ft. elevation). Compiled by Dave Heveron, Garden Collections Manager, and Kirk Anderson, Horticulturist, The Living Desert, May, 2000, for the Coachella Valley Mountains Conservancy.» ² Common names for herbaceous perennials that are followed by “w” indicate a water or riparian species.

Table 4-113: Prohibited Invasive Ornamental Plants

BOTANICAL NAME	COMMON NAME
<i>Acacia</i> spp. (all species except <i>A. greggii</i>)	Acacia (all species except native catclaw acacia)
<i>Arundo donax</i> (x)	Giant Reed or Arundo Grass
<i>Atriplex semibaccata</i> (x)	Australian Saltbush
<i>Avena barbata</i>	Slender Wild Oat
<i>Avena fatua</i>	Wild Oat
<i>Brassica tournefortii</i> (xx)	African or Saharan Mustard
<i>Bromus madritensis</i> ssp. <i>rubens</i> (x)	Red Brome
<i>Bromus tectorum</i> (xx)	Cheat Grass or Downy Brome
<i>Cortaderia jubata</i> [syn. <i>C. atacamensis</i>]	Jubata Grass or Andean Pampas Grass
<i>Cortaderia dioica</i> [syn. <i>C. selloana</i>]	Pampas Grass
<i>Descurainia sophia</i>	Tansy Mustard
<i>Eichhornia crassipes</i>	Water Hyacinth
<i>Elaeagnus angustifolia</i>	Russian Olive
<i>Foeniculum vulgare</i>	Sweet Fennel
<i>Hirschfeldia incana</i>	Mediterranean or Short-pod Mustard
<i>Lepidium latifolium</i>	Perennial Pepperweed
<i>Lolium multiflorum</i>	Italian Ryegrass
<i>Lolium perenne</i>	Perennial Ryegrass
<i>Nerium oleander</i>	Oleander
<i>Nicotiana glauca</i> (x)	Tree Tobacco
<i>Oenothera berlandieri</i> (#)	Mexican Evening Primrose
<i>Olea europea</i>	European Olive Tree
<i>Parkinsonia aculeata</i> (x)	Mexican Palo Verde
<i>Pennisetum clandestinum</i>	Kikuyu Grass
<i>Pennisetum setaceum</i> (xx)	Fountain Grass
<i>Phoenix canariensis</i> (#)	Canary Island Date Palm
<i>Phoenix dactylifera</i> (#)	Date Palm
<i>Ricinus communis</i> (x)	Castorbean
<i>Salsola tragus</i> (x)	Russian Thistle
<i>Schinus molle</i>	Peruvian Pepper Tree or California Pepper
<i>Schinus terebinthifolius</i>	Brazilian Pepper Tree
<i>Schismus arabicus</i>	Mediterranean Grass
<i>Schismus barbatus</i> (xx)	Saharan Grass, Abu Mashi
<i>Stipa capensis</i> (xx)	No Common Name
<i>Tamarix</i> spp. (all species) (x)	Tamarisk or Salt Cedar
<i>Taeniatherum caput-medusae</i>	Medusa-head
<i>Tribulus terrestris</i>	Puncturevine
<i>Vinca major</i>	Periwinkle
<i>Yucca gloriosa</i> (#)	Spanish Dagger

Sources: California Exotic Pest Plant Council, United States Department of Agriculture-Division of Plant Health and Pest Prevention Services, California Native Plant Society, Fremontia Vol. 26 No. 4, October 1998, The Jepson Manual; Higher Plants of California, and County of San Diego Department of Agriculture.

Key to Table 4-113:

indicates species not on CalEPPC October 1999 "Exotic Pest Plants of Greatest Ecological Concern in California" list

x indicates species known to be invasive in the Plan Area

xx indicates particularly troublesome invasive species

APPENDIX E

JURISDICTIONAL DELINEATION

JURISDICTIONAL DELINEATION REPORT

RIO DEL SOL INDUSTRIAL BUILDING PROJECT THOUSAND PALMS, UNINCORPORATED RIVERSIDE COUNTY, CALIFORNIA

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LIST OF ABBREVIATIONS AND ACRONYMS

°F	degrees Fahrenheit
1987 Manual	USACE's <i>1987 Wetland Delineation Manual</i>
ADA	Americans with Disabilities Act
APN	Assessor's Parcel Number
BIOS	Biogeographic Information and Observation System
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CVAG	Coachella Valley Association of Governments
CVMSHCP	Coachella Valley Multiple Species Habitat Conservation Plan
CWA	Clean Water Act
DRP	DRP Enterprises, LLC
EPA	Environmental Protection Agency
EV	electric vehicle
FAC	Facultative
FACU	Facultative Upland
FACW	Facultative Wetland
ft	foot/feet
I-10	Interstate 10
JDSA	Jurisdictional Delineation Study Area
LSA	LSA Associates, Inc.
NEPA	National Environmental Policy Act
NRCS	Natural Resources Conservation Service

NWI	National Wetlands Inventory
NWPL	National Wetland Plant List
OBL	Obligate Wetland
OHWM	ordinary high water mark
Procedures	<i>State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State</i>
project	Rio del Sol Industrial Building Project
<i>Rapanos</i>	the consolidated cases <i>Rapanos v. United States</i> and <i>Carabell v. United States</i>
Regional Supplement	USACE's <i>Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region</i> (Version 2.0)
RWQCB	Regional Water Quality Control Board
SCE	Southern California Edison
SWRCB	State Water Resources Control Board
TNW	traditionally navigable water
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
USGS	United States Geological Survey
WOTS	waters of the State
WOTUS	waters of the United States

INTRODUCTION

DRP Enterprises, LLC (DRP) retained LSA Associates (LSA) to conduct a jurisdictional waters study and delineation in support of the Rio Del Sol Industrial Building Project (project). The project is located within Section 7, Township 4 South, Range 6 East, in Thousand Palms, unincorporated Riverside County, California, as shown on the *Cathedral City, California* 7.5-minute series U.S. Geological Survey (USGS) topographic map (see Figure 1; all figures are attached in Appendix A).

The project proposes to construct a 29,600-square-foot industrial building to establish a steel fabrication facility and an infiltration basin within Assessor's Parcel Numbers (APNs) 648-110-016, 648-110-013, and 648-120-001 (Figure 2). A new ingress access road is proposed along the eastern side of Rio Del Sol Road including an access gate to the proposed project. The new ingress access road will also connect to a new unpaved road leading to the infiltration basin. The parking lot is to include 7 parking spaces and 2 Americans with Disabilities Act (ADA) spaces to the west of the office building. The main building is proposed to have three planters along the northern perimeter and two planters along the southern perimeter.

The technical study area for purposes of this jurisdictional delineation will be referred to as the Jurisdictional Delineation Study Area (JDSA) and consists of the area within the project limits. This report presents the results of a delineation of potential wetland and non-wetland waters of the United States subject to jurisdiction of the United States Army Corps of Engineers (USACE) and the Regional Water Quality Control Board (RWQCB) as part of the evaluation for potential permit requirements under Section 404 of the Federal Clean Water Act (CWA) and certification under Section 401 of the CWA, and streambeds and associated riparian habitat subject to the jurisdiction of the California Department of Fish and Wildlife (CDFW) for Streambed Alteration Agreement processing under Section 1600 et seq. of the California Fish and Game Code. This jurisdictional delineation is also an important source of information for the evaluation of potential impacts associated with the project for California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) analysis.

The findings and conclusions presented in this report, including the locations and extent of waters of the United States, RWQCB and CDFW jurisdictional streambeds and associated riparian habitat, represent the professional opinion of the consultant biologists. These findings and conclusions should be considered preliminary until verified by the USACE, CDFW, and RWQCB.

SITE DESCRIPTION

The JDSA consists of mostly undeveloped land and an existing Southern California Edison (SCE) utility corridor running northwest to southeast along the southernmost portion of the study area. Within the JDSA itself, only two electrical towers are present, and some piles of concrete rubble exist in the vicinity. The JDSA is generally located north of Interstate 10 (I-10) and within the northwestern portion of Thousand Palms on the border between Thousand Palms and Agua Caliente Reservation and specifically lies approximately 0.25 mile southeast of the Rio del Sol and 28th Avenue intersection. Adjacent land uses within the project vicinity consist of commercial/industrial development on the far north and south ends of the proposed project.

The area surrounding the project site to the far north and south consists of commercial/industrial development, where the areas to the immediate east and west of the southern portion are undeveloped lands. The JDSA is within the Town of Thousand Palms watershed (Hydrologic Unit Code 12 [HUC12] 181002010602), which is a 58.5-square-mile area. The Whitewater River is the main drainage course in the Coachella Valley and occurs approximately 4 miles south of the of the Rio Del Sol and I-10 interchange. The Whitewater River is an ultimate tributary of the Salton Sea, a traditionally navigable water (TNW) regulated by the USACE.

The JDSA lies within the boundaries of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). Specifically, the eastern portion of the JDSA partially lies within the Thousand Palms Conservation Area. Topography is generally flat sloping gently to the south and the elevation ranges from approximately 401 to 448 feet (ft) above mean sea level. Natural communities found within the study area are best classified as Sonoran mixed woody and succulent scrub (CVAG 2007).

The climate is classified as Mediterranean (i.e., arid climate with hot, dry summers and mild, wet winters). The average annual precipitation is 4.10 inches. Although most of the precipitation occurs from November through May, thunderstorms may occur at other times of the year and can result in high levels of precipitation. Temperatures typically range between 78 and 107 degrees Fahrenheit (°F).

REGULATORY BACKGROUND

UNITED STATES ARMY CORPS OF ENGINEERS

The Clean Water Act (CWA) provides the primary means for the protection of “Waters of the United States” (WOTUS) including wetlands. Under Section 404 of the CWA, the United States Army Corps of Engineers (USACE), under the Environmental Protection Agency (EPA), regulates the discharge of dredged and fill material into “Waters of the U.S., including wetlands.”

The CWA addresses “navigable waters,” defined in the statute as WOTUS. The USACE has further refined the definition through various Clean Water Rules, including wetlands as a subset of WOTUS. Wetlands are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas (33 Code of Federal Regulations [CFR] 328.3[b]; 40 CFR 230.3[t]). Wetlands generally contain three distinct parameters: hydrophytic vegetation, hydric soils, and wetland hydrology.

WOTUS generally not considered to be USACE-jurisdictional include non-tidal drainage and irrigation ditches excavated on dry land, artificially irrigated areas, artificial lakes or ponds excavated on dry land used for irrigation or stock watering, small artificial waterbodies such as swimming pools, and water-filled depressions (51 *Federal Register* 41, 217 1986). In addition, a United States Supreme Court ruling (*South Waste Agency of North Cook County [SWANCC] vs. USACE*, January 9, 2001) determined that the USACE exceeded its statutory authority by asserting CWA jurisdiction over “an abandoned sand and gravel pit in northern Illinois, which provides habitat for migratory birds.” Based solely on the use of such waters by migratory birds, the Supreme Court’s holding was strictly limited to waters that are “non-navigable, isolated, and intrastate.”

The Supreme Court further addressed the extent of the USACE’s jurisdiction in the consolidated cases *Rapanos v. United States* (No. 04-1034) and *Carabell v. United States* (No. 04-1384) (United States Supreme Court 2005a, 2005b), referred to as “*Rapanos*.” In *Rapanos*, a sharply divided Court issued multiple opinions, none of which garnered the support of a majority of Justices. This created substantial uncertainty as to which jurisdictional test should be used in routine jurisdictional determinations. The Ninth Circuit Court of Appeals, which encompasses California, answered this in *Northern California River Watch v. City of Healdsburg* (August 11, 2006). In this case, the Court held that Justice Kennedy’s opinion in *Rapanos* provided the controlling rule of law. Under that rule, wetlands or other waters that are not navigable are subject to USACE jurisdiction if they have “a significant nexus to waters that are navigable in fact.” As Justice Kennedy explained, whether a “significant nexus” exists in any given situation will need to be decided on a case-by-case basis, depending on site-specific circumstances. The EPA and the USACE subsequently developed an instructional guidebook on how to apply these rulings for all future jurisdictional determinations (USACE and EPA 2007) as well as a memorandum providing guidance to implement the United States Supreme Court’s decision in *Rapanos* (Grumbles and Woodley 2007).

On January 18, 2023, the USACE published in the *Federal Register* the final *Revised Definition of "Waters of the United States"* (88 *Federal Register* 2004). On March 25, 2023, the United States Supreme Court modified the January 2023 definition of WOTUS in *Sackett v. Environmental Protection Agency* (No. 21-454), herein referred to as *Sackett*. Specifically, the Court considered the "significant nexus" standard established under *Rapanos* to be inconsistent with the CWA, while upholding the plurality standard that the USACE jurisdiction is limited to WOTUS that are "relatively permanent, standing or continuously flowing bodies of water" that can be described in ordinary parlance as "streams, oceans, rivers, and lakes." The Supreme Court further affirmed that wetlands can be considered WOTUS when a continuous surface connection to bodies that are WOTUS are present and that no clear boundary exists between WOTUS and wetlands. *Sackett* further revised the CWA by removing interstate wetlands from consideration as WOTUS.

On September 8, 2023, the USACE published a final rule conforming the January 2023 rule with the *Sackett* decision, removing the "significant nexus" standard. The amended rule is operative in California.

Features currently **included** in the definition of WOTUS per 33 CFR 328.3(b) include:

(1) Waters which are:

- (i) 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;
- (ii) The territorial seas; or
- (iii) Interstate waters;

(2) Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under paragraph (a)(5) of this section;

(3) Tributaries of waters identified in paragraph (a)(1) or (2) of this section that are relatively permanent, standing or continuously flowing bodies of water;

(4) Wetlands adjacent to the following waters:

- (i) Waters identified in paragraph (a)(1) of this section; or
- (ii) Relatively permanent, standing or continuously flowing bodies of water identified in paragraph (a)(2) or (a)(3) of this section and with a continuous surface connection to those waters;

(5) Intrastate lakes and ponds, streams, or wetlands not identified in paragraphs (a)(1) through (4) of this section that are relatively permanent, standing or

continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3) of this section.

Features currently **excluded** from identification as WOTUS per 33 CFR 328.3(b) include:

- Waste treatment systems, including treatment ponds or lagoons, designed to meet the requirements of the Clean Water Act;
- Prior converted cropland designated by the Secretary of Agriculture. The exclusion would cease upon a change of use, which means that the area is no longer available for the production of agricultural commodities. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA;
- Ditches (including roadside ditches) excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water;
- Artificially irrigated areas that would revert to dry land if the irrigation ceased;
- Artificial lakes or ponds created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing;
- Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking dry land to retain water for primarily aesthetic reasons;
- Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States; and
- Swales and erosional features (e.g., gullies, small washes) characterized by low volume, infrequent, or short duration flow.

Given the substantial changes in operable definitions that have occurred and are likely to continue considering recent regulatory revisions and court actions, it is not possible to predict the regulations that will be in place at the time of a particular jurisdictional determination by the USACE. This jurisdictional delineation focuses on identifying the boundaries of potentially jurisdictional waterbodies, using methods for determining the locations of the ordinary high water mark (OHWM) and wetland boundaries as described below. These methods for determining the boundaries of waterbodies in general have not substantially changed over the years and are not likely to change with any revised regulations. This delineation can then be used in combination with a companion jurisdictional analysis to determine which of the identified waterbodies are actually jurisdictional, based on the definition that is in effect at the time of a jurisdictional determination by the USACE.

The USACE typically considers any body of water displaying an OHWM for designation as WOTUS, subject to the applicable definition of WOTUS. USACE jurisdiction over non-tidal WOTUS extends laterally to the OHWM or beyond the OHWM to the limit of any contiguous wetlands, if present.

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 soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding area” (33 CFR 328.3). Jurisdiction typically extends upstream to the point where the OHWM is no longer perceptible.

Waters found to be isolated and not subject to CWA regulation may still be regulated by the Regional Water Quality Control Board (RWQCB) under the State Porter-Cologne Water Quality Control Act.

Wetland Waters of the United States

Wetland delineations for Section 404 purposes must be conducted according to the geographic specific regional supplement, the USACE’s *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (Version 2.0) (Regional Supplement) (USACE 2008), and the *Corps of Engineers 1987 Wetland Delineation Manual* (1987 Manual) (USACE 1987). Where there are differences between the two documents, the Regional Supplement takes precedence over the 1987 Manual.

The USACE and the EPA define wetlands as:

Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions.

To be considered a jurisdictional wetland under Section 404, an area must possess three wetland characteristics: hydrophytic vegetation, hydric soils, and wetland hydrology. Each characteristic has a specific set of mandatory wetland criteria that must be satisfied for that particular wetland characteristic to be met. Several indicators may be analyzed to determine whether the criteria are satisfied.

Hydrophytic vegetation and hydric soil indicators provide evidence that episodes of inundation have lasted more than a few days or have occurred repeatedly over a period of years, but do not confirm that an episode has occurred recently. Conversely, wetland hydrology indicators provide evidence that an episode of inundation or soil saturation occurred recently, but do not provide evidence that episodes lasted more than a few days or occurred repeatedly over a period of years. Because of this, if an area lacks one of the three characteristics under normal circumstances, the area is considered non-wetland under most circumstances.

Determination of wetland limits may be obfuscated by a variety of natural environmental factors or human activities, collectively called difficult wetland situations, including cyclic periods of drought and flooding, or in areas recently altered by anthropogenic activities. During periods of drought, for example, bank return flows are reduced and water tables are lowered. This results in a corresponding lowering of ordinary high water and invasion of upland plant species into wetland areas. Per the *Sackett v. Environmental Protection Agency* Supreme Court Ruling, wetlands must have a continuous surface connection to another WOTUS to be considered an adjacent wetland.

Conversely, extreme flooding may create physical evidence of high water well above what might be considered ordinary and may allow the temporary invasion of hydrophytic species into non-wetland areas. In highly ephemeral systems typical of Southern California, these problems are encountered frequently. In these situations, professional judgment based on years of practical experience and extensive knowledge of local ecological conditions comes into play in delineating wetlands. The Regional Supplement provides additional guidance for difficult wetland situations.

Hydrophytic Vegetation

Hydrophytic vegetation is plant life that grows and is typically adapted for life in permanently or periodically saturated soils. The hydrophytic vegetation criterion is met if more than 50 percent of the dominant plant species from all strata (tree, shrub, herb, and woody vine layers) are considered hydrophytic. Hydrophytic species are those included on the National Wetland Plant List published by the USACE (2018). Each species on the list is rated according to a wetland indicator category, as shown below in Table A.

Table A: Hydrophytic Vegetation Ratings

Category	Rating	Probability
Obligate Wetland	OBL	Almost always occur in wetlands (estimated probability greater than 99 percent)
Facultative Wetland	FACW	Usually occur in wetlands (estimated probability 67–99 percent)
Facultative	FAC	Equally likely to occur in wetlands and non-wetlands (estimated probability 34–66 percent)
Facultative Upland	FACU	Usually occur in non-wetlands (estimated probability 67–99 percent)
Obligate Upland	UPL	Almost always occur in non-wetlands (estimated probability > 99 percent)

Source: United States Army Corps of Engineers (2008).

To be considered hydrophytic, the species must have wetland indicator status (i.e., be rated Obligate Wetland [OBL], Facultative Wetland [FACW], or Facultative [FAC]).

The delineation of hydrophytic vegetation is typically based on the most dominant species from each vegetative stratum (strata are considered separately); when more than 50 percent of these dominant species are hydrophytic (i.e., FAC, FACW, or OBL), the vegetation is considered hydrophytic. In particular, the USACE recommends the use of the “50/20” rule (also known as the dominance test) from the Regional Supplement for determining dominant species. Under this method, dominant species are the most abundant species that immediately exceed 50 percent of the total dominance measure for the stratum, plus any additional species comprising 20 percent or more of the total dominance measure for the stratum. In cases where indicators of hydric soil and

wetland hydrology are present but the vegetation initially fails the dominance test, the prevalence index must be used. The prevalence index is a weighted average of all plant species within a sampling point. The prevalence index is particularly useful when communities only have one or two dominants, where species are present at roughly equal coverage, or when strata differ greatly in total plant cover. In addition, USACE guidance provides that morphological adaptations may be considered when determining hydrophytic vegetation when indicators of hydric soil and wetland hydrology are present (USACE 2008). If the plant community passes either the dominance test or prevalence index after reconsidering the indicator status of any plant species that exhibits morphological adaptations for life in wetlands, then the vegetation is considered hydrophytic.

Hydric Soils

Hydric soils¹ are defined as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part.² Soils are considered likely to meet the definition of a hydric soil when they meet one or more of the following criteria:

1. All Histels except Folistels and Histosols except Folists;
2. Soils that are frequently ponded for a long duration or very long duration³ during the growing season; or
3. Soils that are frequently flooded for a long duration or very long duration during the growing season.

Hydric soils develop under conditions of saturation and inundation combined with microbial activity in the soil that causes a depletion of oxygen. Although saturation may occur at any time of year, microbial activity is limited to the growing season, when soil temperature is above biologic zero (the soil temperature at a depth of 50 centimeters (19.7 inches), below which the growth and function of locally adapted plants are negligible). Biogeochemical processes that occur under anaerobic conditions during the growing season result in the distinctive morphologic characteristics of hydric soils. Based on these criteria and on information gathered from the National Soil Information System database, the United States Department of Agriculture's Natural Resources Conservation Service (NRCS) created a Soil Data Access Hydric Soils List that is updated annually.

The Regional Supplement has a number of field indicators that may be used to identify hydric soils. The NRCS (United States Department of Agriculture [USDA] 2016) has also developed a number of field indicators that may demonstrate the presence of hydric soils. These indicators include hydrogen sulfide generation, accumulation of organic matter, and the reduction, translocation and/or accumulation of iron and other reducible elements. These processes result in soil

¹ The hydric soils definition and criteria included in the 1987 Manual are obsolete. Users of the 1987 Manual are directed to the United States Department of Agriculture's Natural Resources Conservation Service website for the most current information on hydric soils.

² Current definition as of 1994 (*Federal Register*, July 13, 1994).

³ "Long duration" is defined as a single event ranging from 7 to 30 days; "very long duration" is defined as a single event that lasts longer than 30 days.

characteristics that persist during both wet and dry periods. Separate indicators have been developed for sandy soils and for loamy and clayey soils.

Wetland Hydrology

Under natural conditions, development of hydrophytic vegetation and hydric soils is dependent on a third characteristic: wetland hydrology. Areas with wetland hydrology are those where the presence of water has an overriding influence on vegetation and soil characteristics due to anaerobic and reducing conditions, respectively (USACE 1987). The wetland hydrology criterion is satisfied if the area is seasonally inundated or saturated to the surface for a minimum of 14 consecutive days during the growing season in most years (USACE 2008).

Hydrology is often the most difficult criterion to measure in the field due to seasonal and annual variations in water availability. Some of the indicators commonly used to identify wetland hydrology include visual observation of inundation or saturation, watermarks, recent sediment deposits, surface scour, and oxidized root channels (rhizospheres) resulting from prolonged anaerobic conditions.

Deepwater Aquatic Habitat

Deepwater aquatic habitats are areas that are permanently inundated at mean annual water depths greater than 6.6 ft or permanently inundated areas less than 6.6 ft in depth that do not support rooted-emergent or woody plant species.⁴ Deepwater aquatic waters do not qualify as wetland waters due to the lack of hydrophytic terrestrial vegetation. Deepwater aquatic waters are recognized as having a high habitat value due to their use as a fish and wildlife resource and limited distribution in the Arid West region.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

The California Department of Fish and Wildlife (CDFW), through provisions of the California Fish and Game Code (Section 1600 et seq.), is empowered to issue agreements for any alteration of a river, stream, or lake where fish or wildlife resources may be adversely affected. Streams (and rivers) are defined by the presence of a channel bed and banks and at least an intermittent flow of water. CDFW regulates wetland areas only to the extent that those wetlands are part of a river, stream, or lake as defined by CDFW.

CDFW has various definitions and descriptions of the terms “channel bed” and “banks.” The following definitions are taken from Appendix C: Legal Opinions of CDFW’s *A Field Guide to Lake and Streambed Alteration Agreements Sections 1600–1607, California Fish and Game Code* (CDFW 1994) to characterize the bed and bank:

The extent of a stream bed and banks can be measured by several means: (1) flood plain, depending on the return frequency considered and if the riparian vegetation is present in the flood plain; (2) the outer edge of riparian vegetation used as a line

⁴ Areas less than 6.6 ft mean annual depth that support only submergent aquatic plants are vegetated shallows, not wetlands.

of demarcation; (3) the bank, channel, or levee that confines flows; and (4) the extent of riparian vegetation outside of a levee.

The following concepts are also described in *A Field Guide to Lake and Streambed Alteration Agreements*, prepared by the CDFW Environmental Services Division in January 1994:

Streams can include intermittent ephemeral streams, dry washes, canals, aqueducts, irrigation ditches if they support aquatic life, riparian vegetation, or seasonally stream-dependent terrestrial wildlife, such as amphibians.

Natural attributes or biological components of a stream include aquatic and riparian vegetation, and all aquatic animals, including fish, amphibians, reptiles, invertebrates, and terrestrial species, which derive benefits from the stream system.

CDFW regulates wetland areas only to the extent that those wetlands are a part of a river, stream, or lake as defined by CDFW. CDFW jurisdiction typically extends beyond the streambed/banks to the limits of the riparian vegetation (if present) associated with streams, rivers, or lakes.

In obtaining CDFW agreements, the limits of wetlands are not typically determined. The reason for this is that CDFW generally includes, within the jurisdictional limits of streams and lakes, any riparian habitat present. Riparian habitat includes willows (*Salix* spp.), mule fat (*Baccharis salicifolia*), and other vegetation typically associated with the banks of a stream or lake shorelines and may not be consistent with USACE definitions. In most situations, wetlands associated with a stream or lake would fall within the limits of riparian habitat. Thus, defining the limits of CDFW jurisdiction based on riparian habitat will automatically include any wetland areas and may include additional areas that do not meet USACE criteria for soils and/or hydrology (e.g., where riparian woodland canopy extends beyond the banks of a stream, away from frequently saturated soils).

REGIONAL WATER QUALITY CONTROL BOARD

The Porter-Cologne Water Quality Control Act of the California Water Code (§ 13000 et seq.) established nine RWQCBs to oversee water quality on a day-to-day basis at the local and/or regional level. Their duties include preparing and updating water quality control plans, and associated requirements, and issuing water quality certifications under Section 401 of the CWA. The CWA grants ultimate authority to the State Water Resources Control Board (SWRCB) over State water rights and water quality policy. Under the Porter-Cologne Water Quality Control Act, the RWQCBs (or the SWRCB for projects that cross multiple RWQCB jurisdictions) are responsible for issuing National Pollutant Discharge Elimination System permits for point-source discharges and waste discharge requirements for non-point source discharges into jurisdictional waters of the State (WOTS).

The definition of waters under the jurisdiction of the State is broad and includes any surface water or groundwater, including saline waters, within the boundaries of the State. Waters that meet the definition of WOTUS are also considered WOTS, but the jurisdictional limits of WOTS may extend beyond the limits of WOTUS. Isolated waters that may not be subject to regulations under federal law are considered to be WOTS and regulated accordingly.

While there is no formal statewide guidance for the delineation of non-wetland WOTS, jurisdiction generally corresponds to the surface area of aquatic features that are at least seasonally inundated, and all areas within the banks of defined rivers, streams, washes, and channels, including associated riparian vegetation. Currently, each RWQCB reserves the right to establish criteria for the regulation of non-wetland WOTS.

Wetland Waters of the State

On August 28, 2019, the California Office of Administrative Law approved the SWRCB proposed *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (Procedures). The Procedures, effective on May 28, 2020, apply to discharges of dredged or fill material to WOTS. The Procedures consist of four major elements: (1) a wetland definition, (2) a framework for determining whether a feature that meets the wetland definition is a water of the State, (3) wetland delineation procedures, and (4) procedures for the submission, review, and approval of applications for Water Quality Certifications and Waste Discharge Requirements for dredge or fill activities.

The SWRCB and the RWQCBs define a wetland as stated below:

An area is wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by 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.

The RWQCB will rely on the final aquatic resource report verified by the USACE for determining the extent of wetland WOTUS. However, if it is not delineated in a final aquatic report, the procedures will use the USACE 1987 Manual and the Regional Supplement to determine whether the area meets the State definition of a wetland. As described in the 1987 Manual and the Regional Supplement, an area "lacks vegetation" if it has less than 5 percent areal coverage of plants at the peak of the growing season. The methods shall be modified only to allow for the fact that the lack of vegetation does not prevent the determination of such an area that meets the State definition of wetland.

METHODOLOGY

Prior to conducting the fieldwork associated with this jurisdictional delineation, the following literature and materials were reviewed:

- Historic and current aerial photographic imagery (NETR 2024; Google 2024);
- California Department of Fish and Wildlife (CDFW 2024) Biogeographic Information and Observation System (BIOS);
- Historic and current USGS topographic maps (USGS 2024);
- United States Fish and Wildlife Service National Wetlands Inventory (NWI) wetland mapper (USFWS 2024); and
- Natural Resource Conservation Service Web Soil Survey (USDA 2024).

LSA Biologist Denise Woodard and Carla Cervantes conducted the fieldwork for this assessment on August 1, 2024. The JDSA was visually surveyed on foot. All features within the JDSA were evaluated according to the most current federal and/or State regulatory criteria and guidance and mapped using aerial photographs. This included the State wetland definition and delineation procedures recently enacted by the SWRCB, and the current USACE regulations pertaining to jurisdictional WOTUS, which are consistent with the final 2023 rule until further notice. In addition, the general conditions and characteristics associated with each drainage feature were noted and photographed.

Areas of potential jurisdiction observed within the JDSA during the fieldwork were mapped on a recent, high-resolution aerial photograph (on a scale of 1 inch = approximately 100 ft) and/or on ESRI's Field Maps mobile application showing the JDSA. The widths and lengths of these features mapped during the course of the field investigation were determined by direct measurements taken in the field. The potential jurisdictional features within the JDSA exhibited characteristics indicative of wetlands (e.g., areas dominated by hydrophytic vegetation or hydric soils), wetland delineation procedures described in the Regional Supplement, and those recently enacted by the SWRCB were implemented.

RESULTS

NATIONAL WETLANDS INVENTORY

The NWI query did not identify any wetlands, lakes, or riverine features within the JDSA.

USDA SOIL SURVEY

Soils within the JDSA were mapped using the NRCS Web Soil Survey classifications (USDA, Natural Resources Conservation Service Web Soil Survey Version 3.4.0 [USDA 2024]). No soils within the JDSA are mapped as hydric. See Table B, below.

Table B: Mapped Soils Classifications

Soil (Map Unit Symbol)	Drainage Class	Frequency of Flooding	Frequency of Ponding	Hydric Soil Rating
Carsitas gravelly sand, 0 to 9 percent slopes	Excessively drained	None	None	No
Carsitas fine sand, 0 to 5 percent slopes	Excessively drained	None	None	No

Source: USDA (2024).

USDA = United States Department of Agriculture

VEGETATION AND LANDCOVER TYPES

Vegetation within the JDSA was primarily classified using *A Manual of California Vegetation, Second Edition* (Sawyer et al. 2009) and consists primarily of creosote bush scrub (*Larrea tridentata* Shrubland Alliance). Disturbed makes up the remainder of the land cover. Descriptions of the vegetation and land covers present within the JDSA are provided below.

Creosote Bush Scrub

Creosote bush scrub is found throughout the majority of the JDSA. This plant community is dominated by creosote bush (*Larrea tridentata*), common Mediterranean grass (*Schismus barbatus*), and fanleaf crinkleleat (*Tiquilia plicata*).

Disturbed

Disturbed (cleared or graded) areas either lack vegetation or are dominated by a sparse cover of ruderal vegetation, such as Mediterranean grass and Sahara mustard (*Brassica tournefortii*). Disturbed areas are predominantly located on the central northern portions of the JDSA.

DELINEATED FEATURES

A brief description of each delineated feature is provided below. Figure 3 shows the location of the drainage features, and Figure 4 provides representative photographs of the drainage features (Appendix A).

A total of nine potential jurisdictional features, were identified within the JDSA during the August 1, 2024, survey. The regulatory basis for the determination of jurisdictional status of this feature is described below under the applicable regulatory agency.

- **Drainage Feature 1:** Feature 1 is an unnamed, ephemeral, earthen drainage that flows in a northeast to southwest direction. This drainage originates from areas located outside the JDSA to the north and flows across Rio del Sol during storm events. An OHWM was present including sediment deposits as well as a bed and bank. The drainage contains sparse vegetation best classified as creosote scrub, which lacks hydrophytic vegetation. No standing water or saturation was present at the time of the field survey. This feature is approximately 22 ft wide and 450 ft long. Feature 1 continues southwest outside of the JDSA and appears to break up into various braided channels and evidence of flow dissipates before reaching Varner Road.
- **Drainage Feature 1A:** Feature 1A is an unnamed, ephemeral, earthen drainage that flows in a north to south direction. This drainage originates from areas located outside the JDSA to the north and is tributary to Feature 1. An OHWM was present including sediment deposits as well as a bed and bank. The drainage contains sparse vegetation best classified as creosote bush scrub, which lacks hydrophytic vegetation. No standing water or saturation was present at the time of the field survey. This feature is approximately 10 ft wide and 75 ft long.
- **Drainage Feature 1B:** Feature 1B is an unnamed, ephemeral, earthen drainage that flows in a northeast to southwest direction. This drainage originates from areas located outside the JDSA to the north and is tributary to Feature 1. An OHWM was present including sediment deposits as well as a bed and bank. The drainage contains sparse vegetation best classified as creosote bush scrub, which lacks hydrophytic vegetation. No standing water or saturation was present at the time of the field survey. This feature is approximately 4 ft wide and 100 ft long.
- **Drainage Feature 1C:** Feature 1C is an unnamed, ephemeral, earthen drainage that flows in a northeast to southwest direction and is tributary to Feature 1. The northern portion of this drainage does not contain a bed and bank or visible OHWMs and consists of mostly sheet flow. An OHWM was present for the majority of this feature, including sediment deposits as well as a bed and bank. The drainage contains sparse vegetation best classified as creosote bush scrub, which lacks hydrophytic vegetation. No standing water or saturation was present at the time of the field survey. This feature is approximately 3 ft wide and 170 ft long.
- **Drainage Feature 1D:** Feature 1D is an unnamed, ephemeral, earthen drainage that flows in a northeast to southwest direction and is tributary to Feature 1C. The northern portion of this drainage does not contain a bed and bank or visible OHWMs and consists of mostly sheet flow. An OHWM was present for the majority of this feature, including sediment deposits as well as a bed and bank. The drainage contains sparse vegetation best classified as creosote bush scrub, which lacks hydrophytic vegetation. No standing water or saturation was present at the time of the field survey. This feature is approximately 3 ft wide and 200 ft long.
- **Drainage Feature 2:** Feature 2 is an unnamed, ephemeral earthen drainage that flows in a northeast to southwest direction. This drainage originates from areas located outside the JDSA

to the north and flows across an unpaved access road on the southern JDSA. An OHWM was present including sediment deposits as well as a bed and bank. The drainage contains sparse vegetation best classified as creosote scrub, which lacks hydrophytic vegetation. No standing water or saturation was present at the time of the field survey. This feature is approximately 3 ft wide and 800 ft long. Feature 2 continues south outside of the JDSA and appears to eventually dissipate prior to reaching the recycling center approximately 650 ft south of the JDSA boundary. .

- **Drainage Feature 2A:** Feature 2A is an unnamed, ephemeral earthen drainage that flows in a north to south direction. This drainage originates from areas located outside the JDSA to the north and is tributary to Feature 2. An OHWM was present including sediment deposits as well as a bed and bank. The drainage contains sparse vegetation best classified as creosote bush scrub, which lacks hydrophytic vegetation. No standing water or saturation was present at the time of the field survey. This feature is approximately 4 ft wide and 400 ft long.
- **Drainage Feature 3:** Feature 3 is an unnamed, ephemeral, earthen drainage that flows in a north to south direction. This drainage originates from areas located outside the JDSA to the north and flows to the south during storm events, where it eventually adjoins Feature 4. An OHWM was present including sediment deposits as well as a bed and bank. The drainage contains sparse vegetation best classified as creosote bush scrub, which lacks hydrophytic vegetation. No standing water or saturation was present at the time of the field survey. This feature is approximately 11 ft wide and 350 ft long. Feature 3 is an eventual tributary to Drainage Feature 4 (see discussion below) that flows into a detention basin outside of the JDSA.
- **Drainage Feature 4:** Feature 4 is an unnamed, ephemeral earthen drainage that flows in a north to south direction. This drainage originates from areas located outside the JDSA to the north and flows to the south during storm events, where it eventually adjoins Feature 3. An OHWM was present including sediment deposits as well as a bed and bank. The drainage contains sparse vegetation best classified as creosote bush scrub, which lacks hydrophytic vegetation. No standing water or saturation was present at the time of the field survey. This feature is approximately 10 ft wide and 350 ft long. Feature 4 after adjoining Feature 3 eventually flows into a detention basin outside of the JDSA.

CONCLUSIONS

UNITED STATES ARMY CORPS OF ENGINEERS

The JDSA receives stormwater flows that come generally from the northerly mountain ranges. Numerous ephemeral desert washes, or ephemeral drainage channels, are scattered throughout the study area, which occurs on a large alluvial fan. The ephemeral drainages only convey flows during or immediately after storms with sufficient volume and/or duration of rainfall. The ephemeral drainages range from large washes with well-defined beds and banks, sometimes deeply incised from erosion, to a series of small braided channels. When a storm produces sufficient local rainfall, the runoff is conveyed through these ephemeral drainage channels south towards I-10. Most of the ephemeral drainage channels simply dissipate (percolate into the ground) before reaching I-10 or are detained in detention basins. This renders the area completely isolated, both physically and hydrologically, from all surrounding areas where traditional navigable waters (e.g., Whitewater River) may exist. Therefore, the subject drainage features would not be subject to USACE regulatory authority under Section 404 of the CWA.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

In accordance with Section 1602 of the California Fish and Game Code, CDFW asserts jurisdiction over rivers, streams, and lakes, as well as any riparian vegetation associated with those features.

There are no “rivers” within or adjacent to the JDSA, but nine ephemeral drainages (Features 1, 1A, 1B, 1C, 1D, 2, 2A, 3, and 4) are present. These features are defined by a bed and bank with an ephemeral hydrologic regime; therefore, they would be subject to potential CDFW jurisdiction pursuant to Section 1602 of the California Fish and Game Code. There is no riparian vegetation present in the JDSA.

Based on the results of this jurisdictional delineation, the study area has a total of approximately 0.75 acre of streambed resources (i.e., ephemeral desert washes) that are potentially subject to CDFW jurisdiction.

REGIONAL WATER QUALITY CONTROL BOARD

All areas determined to be WOTUS under both current and historic USACE definitions and guidelines are also considered to be WOTS. However, none of the features identified in the JDSA were determined to be WOTUS. Additionally, RWQCB jurisdiction often extends beyond the limits of USACE jurisdiction and may also include areas not identified as subject to USACE jurisdiction.

While all features identified are not subject to USACE jurisdiction, they are considered jurisdictional under the Porter-Cologne Water Quality Control Act, as they convey ephemeral surface flows as indicated by the presence of OHWMs, sediment deposits, and/or presence of bed and banks. The nine ephemeral drainage features are considered to be non-wetland waters subject to RWQCB jurisdiction pursuant to the Porter-Cologne Water Quality Control Act. RWQCB jurisdiction extends across each drainage from top-of-bank to top-of-bank, which coincides with CDFW’s 1602 jurisdictional streambed limits, for a total of 0.75 acre.

Disclaimer

The findings and conclusions presented in this report, including the locations and extents of wetlands and other waters subject to regulatory jurisdiction (or lack thereof), represent the professional opinion of LSA. These findings and conclusions should be considered preliminary until verified by the appropriate regulatory agencies.

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APPENDIX A

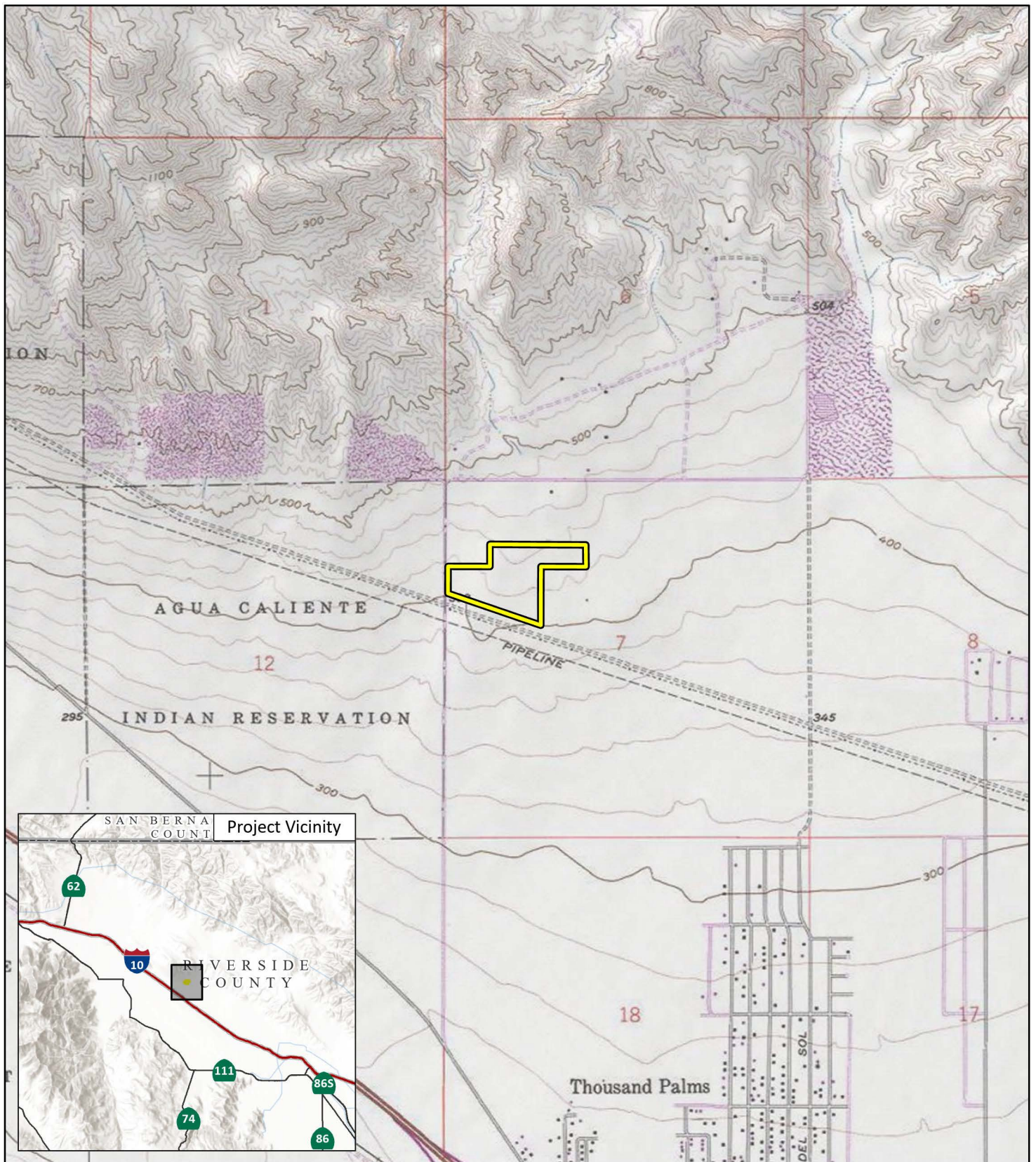
FIGURES

Figure 1: Regional and Project Location

Figure 2: Project Plans

Figure 3: Jurisdictional Areas and Photo Points

Figure 4: Representative Site Photographs



LSA

 Project Location

FIGURE 1



0 1000 2000
FEET

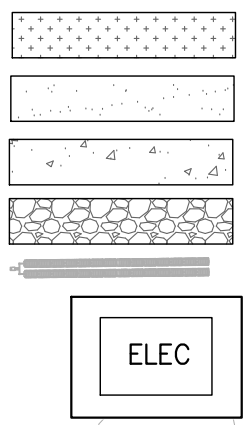
SOURCE: Cathedral City, CA, 7.5' Quad (USGS 1981)

I:\2024\20241880\GIS\Pro\Rio Del Sol Industrial Building Project\Rio Del Sol Industrial Building Project.aprx (8/14/2024)

Rio Del Sol Industrial Building Project
Regional and Project Location

LEGEND

- PROPERTY LINE
----- DEDICATION 10 FT R/W
----- CENTER LINE
---○--- PROPOSED SEWER WITH MANHOLE
---W--- PROPOSED WATER LINE
---FW--- PROPOSED FIRE WATER LINE
---SD--- PROPOSED STORM DRAIN
---W--- EXIST. WATER LINE
---○--- EXIST. SEWER LINE WITH MANHOLE
---W--- PROPOSED RETAINING WALL



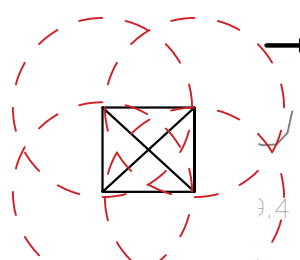
- LANDSCAPE AREA
AC PAVING
CONCRETE SURFACES
GRAVEL DRIVE
SEPTIC TANK
ELEC TRANSFORMER

- TC
HP
FG
FL
FS
FF
PAD

- TOP OF CURB
HIGH POINT
FINISHED GRADE
FLOW LINE
FINISHED SURFACE
FINISHED FLOOR
PAD ELEVATION

- R/W
P.L.
TW
TF
N.A.P.
EX
HT
GB
CB

- RIGHT OF WAY
PROPERTY LINE
TOP OF WALL
TOP OF FOOTING
NOT A PART
EXISTING
WALL HIGH
GRADE BREAK
CATCH BASIN

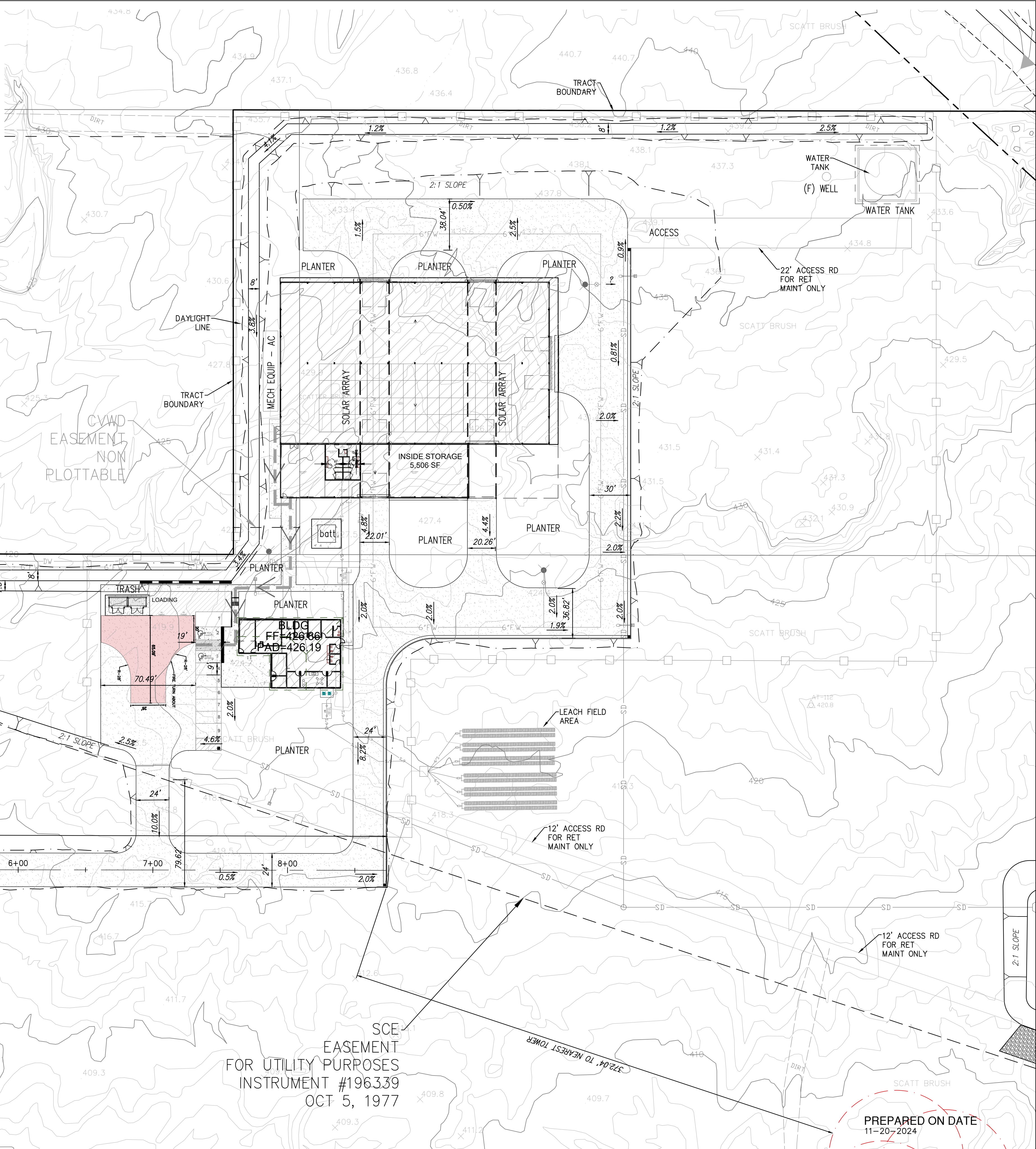


SCE TOWER - LOC.

PLOT PLAN - PPT240010

NEW INDUSTRIAL BUILDING - ZAMORA INDUSTRIES

TBD RIO DEL SOL, THOUSAND PALMS, CA 92276
APN 648-120-001, APN 648110-013, APN 648110-016



SCE EASEMENT
FOR UTILITY PURPOSES
INSTRUMENT #196339
OCT 5, 1977

PREPARED ON DATE
11-20-2024



REVISIONS		
REV	DATE	DESCRIPTION
1	8-9-24	SUBMITTAL FIRST PLANNING
2	11-29-24	PC FOR ALL PLANNING AND DEPTS - RESUBMITTAL

PREPARED BY:



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Joanne C. Singer RCE 26900
760-625-7426

PLOT PLAN - PPT240010

TBD RIO DEL SOL - RANGEL STEEL
THOUSAND PALMS, CA 92276
APN 648-120-001, APN 648-110-013, -016

DRP 2023-1601-01

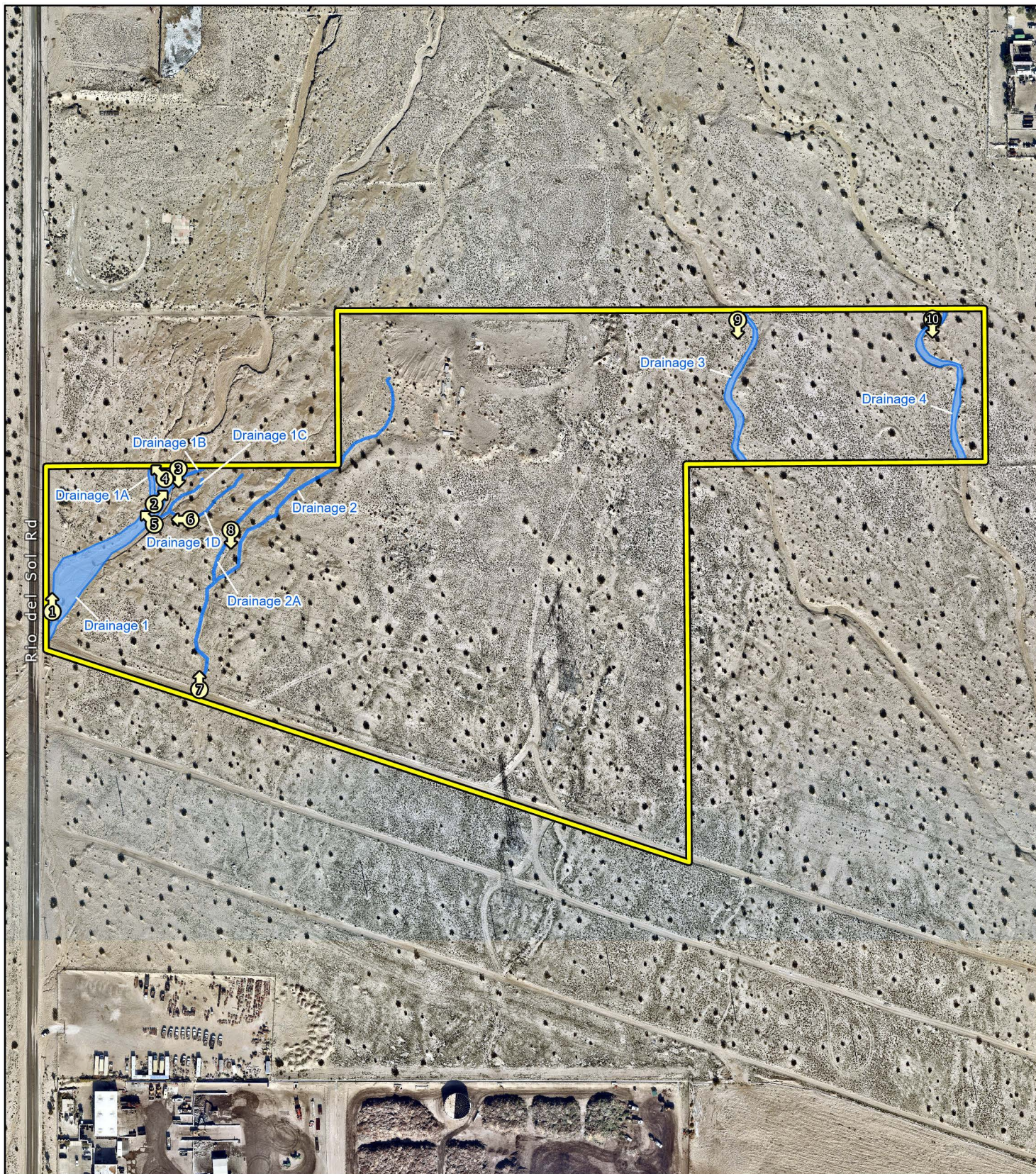
PROJECT NO.

SHEET

3

OF

5



LSA



0 140 280
FEET

SOURCE: Nearmap (1/13/2024)

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-  Project Location
-  CDFW streambed/RWQCB non-wetland waters (0.75 acres)
-  Photo Points

FIGURE 3

Rio Del Sol Industrial Building Project
Jurisdictional Areas and Photograph Locations



Photo 1: View looking north along Rio del Sol and a dry desert ephemeral wash, Drainage 1.



Photo 2: View looking northwest where Drainage 1A flows south into Drainage 1.



Photo 3: View looking south at the largest dry desert ephemeral wash within the JDSA, Drainage 1.



Photo 4: View looking northeast at a dry desert ephemeral wash, Drainage 1B.



Photo 5: View looking northeast where Drainage 1C flows southwest into Drainage 1.



Photo 6: View looking west at a dry desert ephemeral wash, Drainage 1D.



Photo 7: View looking north at Drainage 2 that intersects an existing unpaved road.



Photo 8: View looking south at a dry desert ephemeral wash, Drainage 2A.



Photo 9: View looking south at a dry desert ephemeral wash, Drainage 3.



Photo 10: View looking south at a dry desert ephemeral wash, Drainage 4.