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Regulatory Services

June 23, 2020

John Grace
Hillwood
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Irvine, California 92618

SUBJECT: Jurisdictional Delineation of the Moreno Valley Trade Center Project, an Approximate 73-Acre Property Located in the City of Moreno Valley, Riverside County, California.

Dear Mr. Grace:

This letter report summarizes our preliminary findings of U.S. Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), and California Department of Fish and Wildlife (CDFW) jurisdiction for the above-referenced property.[1]

The Moreno Valley Trade Center Project (Project) comprises approximately 73 acres and is centrally located at approximately latitude 33.935437, longitude -117. 161254 in the City of Moreno Valley, Riverside County, California [Exhibit 1 – Regional Map]. The site contains one blue line drainage and is within Section 2 of Township 3 South, Range 3 West, of the U.S. Geological Survey (USGS) 7.5" quadrangle map Sunnymead (dated 1967 and photorevised in 1980) [Exhibit 2 – Vicinity Map]. The Project site is bordered by Eucalyptus Avenue to the north, Redlands Boulevard to the east, Eucalyptus Avenue to the south, and disturbed undeveloped lands to the west.

On December 6, 2019 and March 31, 2020, regulatory specialists of Glenn Lukos Associates, Inc. (GLA) examined the Project site and adjacent off-site areas (collectively, "Study Area") to determine the limits of (1) Corps jurisdiction pursuant to Section 404 of the Clean Water Act (CWA), (2) Regional Board jurisdiction pursuant to Section 401 of the CWA and Section 13260 of the California Water Code (CWC), and (3) CDFW jurisdiction pursuant to Division 2, Chapter 6, Section 1600 of the Fish and Game Code. Enclosed are 250-scale maps [Exhibits 3A, 3B, 3C]

[1] This report presents our best effort at estimating the subject jurisdictional boundaries using the most up-to-date regulations and written policy and guidance from the regulatory agencies. Only the regulatory agencies can make a final determination of jurisdictional boundaries.

that depict the areas of Corps, Regional Board and CDFW jurisdiction. Photographs to document the topography, vegetative communities, and general widths of each of the waters are provided as Exhibit 4.

Potential Corps jurisdiction associated with the Study Area totals approximately 0.63 acre of waters of the United States, none of which is wetland. A total of 1,487 linear feet of ephemeral stream is present.

Potential Regional Board jurisdiction associated with the Study Area totals approximately 1.02 acres, none of which is wetland. A total of 5,057 linear feet of ephemeral stream is present.

Potential CDFW jurisdiction associated with the Study Area totals approximately 2.73 acres and includes all areas within Corps jurisdiction. Of this total, 0.02 acre consists of riparian stream and 2.71 acres consist of non-riparian stream. A total of 5,057 linear feet of ephemeral stream is present.

I. METHODOLOGY

Prior to beginning the field delineation, a color aerial photograph, a topographic base map of the property, the previously cited USGS topographic map, and a soils map were examined to determine the locations of potential areas of Corps, Regional Board, and CDFW jurisdiction. Suspected jurisdictional areas were field checked for evidence of stream activity and/or wetland vegetation, soils and hydrology. Where applicable, reference was made to the 2008 Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States (OWHM Manual)[2] to identify the width of Corps jurisdiction and suspected wetland habitats on the site were evaluated using the methodology set forth in the U.S. Army Corps of Engineers 1987 Wetland Delineation Manual[3] (Wetland Manual) and the 2006 Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Supplement (Arid West Supplement).[4] While in the field the potential limits of jurisdiction were recorded with a sub-meter Trimble GPS device in conjunction with a color aerial photograph using visible landmarks. Other data were recorded onto wetland data sheets.

[2] U.S. Army Corps of Engineers. 2008. A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States

[3] Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineer Waterways Experimental Station, Vicksburg, Mississippi.

[4] U.S. Army Corps of Engineers. 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0), ed. J. S. Wakeley, R. W. Lichvar, and C. V. Noble. ERDC/EL TR-08-28. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

The National Cooperative Soil Survey (NCSS) has mapped the following soil types as occurring in the general vicinity of the project site (Exhibit 5):

Metz Loamy Fine Sand, Sandy Loam Subsratum, 0 to 5 Percent Slopes

The Metz series consists of very deep, somewhat excessively drained soils that formed in alluvial material from mixed, but dominantly sedimentary rocks. Metz soils occur on floodplains and alluvial fans with slopes of zero to 15 percent. Soils in the Metz series range from generally neutral to slightly or moderately alkaline.

San Emigdio Fine Sandy Loam, 2 to 8 Percent Slopes, Eroded; and San Emigdio Loam, 20 to 8 Percent Slope

The San Emigdio series consists of very deep, well drained soils that formed in dominantly sedimentary alluvium. San Emigdio soils occur on fans and floodplains with slopes of zero to 15 percent. Soils in the San Emigdio series generally range from neutral to mildly alkaline.

II. JURISDICTION

A. Army Corps of Engineers

Pursuant to Section 404 of the CWA, the Corps regulates the discharge of dredged and/or fill material into waters of the United States. The term "waters of the United States" is defined in Corps regulations at 33 CFR Part 328.3(a)[5] as:

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

[5] On January 23, 2020, the U.S. Environmental Protection Agency (EPA) and the Corps finalized the *Navigable Waters Protection Rule* to redefine "Waters of the United States" and thereby establish federal regulatory authority under the Clean Water Act. The *Navigable Waters Protection Rule* is expected to be published in the Federal Register in the first quarter of 2020 and will become effective 60 days after publication in the Federal Register. Implementation of the *Navigable Waters Protection Rule* may result in a change to the delineated areas of Corps jurisdiction as outlined in this report.

(i) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
(ii) From which fish or shell fish are or could be taken and sold in interstate or foreign commerce; or
(iii) Which are used or could be used for industrial purpose by industries in interstate commerce...

(4) All impoundments of waters otherwise defined as waters of the United States under the definition;
(5) Tributaries of waters identified in paragraphs (a) (1)-(4) of this section;
(6) The territorial seas;
(7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) (1)-(6) of this section.
(8) Waters of the United States do not include prior converted cropland. 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 the EPA.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 123.11(m) which also meet the criteria of this definition) are not waters of the United States.

In the absence of wetlands, the limits of Corps jurisdiction in non-tidal waters, such as intermittent streams, extend to the OHWM which is defined at 33 CFR 328.3(e) as:

...that line on the shore established by the fluctuation of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

1. Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers, et al.

Pursuant to Article I, Section 8 of the U.S. Constitution, federal regulatory authority extends only to activities that affect interstate commerce. In the early 1980s the Corps interpreted the interstate commerce requirement in a manner that restricted Corps jurisdiction on isolated (intrastate) waters. On September 12, 1985, the U.S. Environmental Protection Agency (EPA) asserted that Corps jurisdiction extended to isolated waters that are used or could be used by migratory birds or endangered species, and the definition of “waters of the United States” in Corps regulations was modified as quoted above from 33 CFR 328.3(a).

On January 9, 2001, the Supreme Court of the United States issued a ruling on *Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers, et al.* (SWANCC). In this case the Court was asked whether use of an isolated, intrastate pond by migratory birds is a sufficient interstate commerce connection to bring the pond into federal jurisdiction of Section 404 of the CWA.

The written opinion notes that the court's previous support of the Corps' expansion of jurisdiction beyond navigable waters (*United States v. Riverside Bayview Homes, Inc*.) was for a wetland that abutted a navigable water and that the court did not express any opinion on the question of the authority of the Corps to regulate wetlands that are not adjacent to bodies of open water. The current opinion goes on to state:

> *In order to rule for the respondents here, we would have to hold that the jurisdiction of the Corps extends to ponds that are not adjacent to open water. We conclude that the text of the statute will not allow this.*

Therefore, we believe that the court's opinion goes beyond the migratory bird issue and says that no isolated, intrastate water is subject to the provisions of Section 404(a) of the CWA (regardless of any interstate commerce connection). However, the Corps and EPA have issued a joint memorandum which states that they are interpreting the ruling to address only the migratory bird issue and leaving the other interstate commerce clause nexuses intact.

2. Rapanos v. United States and Carabell v. United States

On June 5, 2007, the EPA and Corps issued joint guidance that addresses the scope of jurisdiction pursuant to the CWA in light of the Supreme Court's decision in the consolidated cases *Rapanos v. United States* and *Carabell v. United States* ("Rapanos"). The chart below was provided in the joint EPA/Corps guidance.

For sites that include waters other than Traditional Navigable Waters (TNWs) and/or their adjacent wetlands or Relatively Permanent Waters (RPWs) tributary to TNWs and/or their adjacent wetlands, as set forth in the chart below, the Corps must apply the "significant nexus" standard.

For "isolated" waters or wetlands, the joint guidance also requires an evaluation by the Corps and EPA to determine whether other interstate commerce clause nexuses, not addressed in the SWANCC decision are associated with isolated features on project sites for which a jurisdictional determination is being sought from the Corps.

The Corps and EPA will assert jurisdiction over the following waters:

- Traditional navigable waters.
- Wetlands adjacent to traditional navigable waters.
- Non-navigable tributaries of traditional navigable waters that are relatively permanent where the tributaries typically flow year-round or have continuous flow at least seasonally (e.g., typically three months).
- Wetlands that directly abut such tributaries.

The Corps and EPA will decide jurisdiction over the following waters based on a fact-specific analysis to determine whether they have a significant nexus with a TNW:

- Non-navigable tributaries that are not relatively permanent.
- Wetlands adjacent to non-navigable tributaries that are not relatively permanent.
- Wetlands adjacent to but that do not directly abut a relatively permanent non-navigable tributary.

The agencies generally will not assert jurisdiction over the following features:

- Swales or erosional features (e.g., gullies, small washes characterized by low volume, infrequent or short duration flow).
- Ditches (including roadside ditches) excavated wholly in and draining only uplands and that do not carry a relatively permanent flow of water.

The agencies will apply the significant nexus standard as follows:

- A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by all wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical and biological integrity of downstream traditional navigable waters.
- Significant nexus includes consideration of hydrologic and ecologic factors.

3. Wetland Definition Pursuant to Section 404 of the Clean Water Act

The term “wetlands” (a subset of “waters of the United States”) is defined at 33 CFR 328.3(b) as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support...a prevalence of vegetation typically adapted for life in saturated soil conditions." In 1987 the Corps published the Wetland Manual to guide its field personnel in determining jurisdictional wetland boundaries. The methodology set forth in the Wetland Manual and the Arid West Supplement generally require that, in order to be considered a wetland, the vegetation, soils, and hydrology of an area exhibit at least minimal hydric characteristics. While the Wetland Manual and Arid West Supplement provide great detail in

methodology and allow for varying special conditions, a wetland should normally meet each of the following three criteria:

- More than 50 percent of the dominant plant species at the site must be typical of wetlands (i.e., rated as facultative or wetter in the Arid West 2016 Regional Wetland Plant List[6],[7]);
- Soils must exhibit physical and/or chemical characteristics indicative of permanent or periodic saturation (e.g., a gleyed color, or mottles with a matrix of low chroma indicating a relatively consistent fluctuation between aerobic and anaerobic conditions); and

- Whereas the Wetland Manual requires that hydrologic characteristics indicate that the ground is saturated to within 12 inches of the surface for at least five percent of the growing season during a normal rainfall year, the Arid West Supplement does not include a quantitative criteria with the exception for areas with "problematic hydrophytic vegetation", which require a minimum of 14 days of ponding to be considered a wetland.

B. Regional Water Quality Control Board

The State Water Resource Control Board and each of its nine Regional Boards regulate the discharge of waste (dredged or fill material) into waters of the United States[8] and waters of the state. Waters of the United States are defined above in Section II.A and waters of the state are defined as "any surface water or groundwater, including saline waters, within the boundaries of the state" (California Water Code 13050[e]).

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[6] Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. Arid West 2016 Regional Wetland Plant List. Phytoneuron 2016-30: 1-17. Published 28 April 2016.

[7] Note the Corps also publishes a National List of Plant Species that Occur in Wetlands (Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. Phytoneuron 2016-30: 1-17. Published 28 April 2016.); however, the Regional Wetland Plant List should be used for wetland delineations within the Arid West Region.

[8] Therefore, wetlands that meet the current definition, or any historic definition, of waters of the U.S. are waters of the state. In 2000, the State Water Resources Control Board determined that all waters of the U.S. are also waters of the state by regulation, prior to any regulatory or judicial limitations on the federal definition of waters of the U.S. (California Code or Regulations title 23, section 3831(w)). This regulation has remained in effect despite subsequent changes to the federal definition. Therefore, waters of the state includes features that have been determined by the U.S. Environmental Protection Agency (U.S. EPA) or the U.S. Army Corps of Engineers (Corps) to be "waters of the U.S." in an approved jurisdictional determination; "waters of the U.S." identified in an aquatic resource report verified by the Corps upon which a permitting decision was based; and features that are consistent with any current or historic final judicial interpretation of "waters of the U.S." or any current or historic federal regulation defining "waters of the U.S." under the federal Clean Water Act.

Section 401 of the CWA requires certification for any federal permit or license authorizing impacts to waters of the U.S. (i.e., waters that are within federal jurisdiction), such as Section 404 of the CWA and Section 10 of the Safe Rivers and Harbors Act, to ensure that the impacts do not violate state water quality standards. When a project could impact waters outside of federal jurisdiction, the Regional Board has the authority under the Porter-Cologne Water Quality Control Act to issue Waste Discharge Requirements (WDRs) to ensure that impacts do not violate state water quality standards. Clean Water Act Section 401 Water Quality Certifications, WDRs, and waivers of WDRs are also referred to as orders or permits.

1. State Wetland Definition

The Water Boards define an area as wetland[9] as follows: *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 following wetlands are waters of the state:

1. *Natural wetlands;*
2. *Wetlands created by modification of a surface water of the state;[10] and*
3. *Artificial wetlands[11] that meet any of the following criteria:*

    a. Approved by an agency as compensatory mitigation for impacts to other waters of the state, except where the approving agency explicitly identifies the mitigation as being of limited duration;
    b. Specifically identified in a water quality control plan as a wetland or other water of the state;
    c. Resulted from historic human activity, is not subject to ongoing operation and maintenance, and has become a relatively permanent part of the natural landscape; or

[9] State Water Resources Control Board. 2019. State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State. [For Inclusion in the Water Quality Control Plans for Inland Surface Waters and Enclosed Bays and Estuaries and Ocean Waters of California].
[10] "Created by modification of a surface water of the state" means that the wetland that is being evaluated was created by modifying an area that was a surface water of the state at the time of such modification. It does not include a wetland that is created in a location where a water of the state had existed historically but had already been completely eliminated at some time prior to the creation of the wetland. The wetland being evaluated does not become a water of the state due solely to a diversion of water from a different water of the state.
[11] Artificial wetlands are wetlands that result from human activity.

d. Greater than or equal to one acre in size, unless the artificial wetland was constructed, and is currently used and maintained, primarily for one or more of the following purposes (i.e., the following artificial wetlands are not waters of the state unless they also satisfy the criteria set forth in 2, 3a, or 3b):

i. Industrial or municipal wastewater treatment or disposal,
ii. Settling of sediment,
iii. Detention, retention, infiltration, or treatment of stormwater runoff and other pollutants or runoff subject to regulation under a municipal, construction, or industrial stormwater permitting program,
iv. Treatment of surface waters,
v. Agricultural crop irrigation or stock watering,
vi. Fire suppression,
vii. Industrial processing or cooling,
viii. Active surface mining – even if the site is managed for interim wetlands functions and values,
ix. Log storage,
x. Treatment, storage, or distribution of recycled water, or
xi. Maximizing groundwater recharge (this does not include wetlands that have incidental groundwater recharge benefits); or
xii. Fields flooded for rice growing.[12]

All artificial wetlands that are less than an acre in size and do not satisfy the criteria set forth in 2, 3.a, 3.b, or 3.c are not waters of the state. If an aquatic feature meets the wetland definition, the burden is on the applicant to demonstrate that the wetland is not a water of the state.

[12] Fields used for the cultivation of rice (including wild rice) that have not been abandoned due to five consecutive years of non-use for the cultivation of rice (including wild rice) that are determined to be a water of the state in accordance with these Procedures shall not have beneficial use designations applied to them through the Water Quality Control Plan for the Sacramento and San Joaquin River Basins, except as otherwise required by federal law for fields that are considered to be waters of the United States. Further, agricultural inputs legally applied to fields used for the cultivation of rice (including wild rice) shall not constitute a discharge of waste to a water of the state. Agricultural inputs that migrate to a surface water or groundwater may be considered a discharge of waste and are subject to waste discharge requirements or waivers of such requirements pursuant to the Water Board's authority to issue or waive waste discharge requirements or take other actions as applicable.

C. California Department of Fish and Wildlife

Pursuant to Division 2, Chapter 6, Sections 1600-1617 of the California Fish and Game Code, the CDFW regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake, which supports fish or wildlife.

CDFW defines a stream (including creeks and rivers) as "a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation." CDFW's definition of "lake" includes "natural lakes or man-made reservoirs." CDFW also defines a stream as "a body of water that flows, or has flowed, over a given course during the historic hydrologic regime, and where the width of its course can reasonably be identified by physical or biological indicators."

It is important to note that the Fish and Game Code defines fish and wildlife to include: all wild animals, birds, plants, fish, amphibians, invertebrates, reptiles, and related ecological communities including the habitat upon which they depend for continued viability (FGC Division 5, Chapter 1, section 45 and Division 2, Chapter 1 section 711.2(a) respectively). Furthermore, Division 2, Chapter 5, Article 6, Section 1600 et seq. of the California Fish and Game Code does not limit jurisdiction to areas defined by specific flow events, seasonal changes in water flow, or presence/absence of vegetation types or communities.

III. RESULTS

A. Corps Jurisdiction[13]

Potential Corps jurisdiction associated with the Study Area totals approximately 0.63 acre of waters of the United States, none of which is wetland. A total of 1,487 linear feet of ephemeral stream is present. Corps jurisdiction associated with the Study Area is limited to one blue-line stream, the Quincy Channel (Exhibit 3A). The Quincy Channel is an ephemeral drainage feature that accepts urban flow and storm water runoff from the City of Moreno Valley and its surrounding areas.

[13] On January 23, 2020, the U.S. Environmental Protection Agency (EPA) and the Corps finalized the *Navigable Waters Protection Rule* to redefine "Waters of the United States" and thereby establish federal regulatory authority under the Clean Water Act. The *Navigable Waters Protection Rule* is expected to be published in the Federal Register in the first quarter of 2020 and will become effective 60 days after publication in the Federal Register. Implementation of the *Navigable Waters Protection Rule* may result in a change to the delineated areas of Corps jurisdiction as outlined in this report.

The Quincy Channel enters the northwestern portion of the Project site through a reinforced triple box culvert under Eucalyptus Avenue. The channel meanders across the Project Study Area in a southerly direction for approximately 1,487 linear feet before continuing off-site past Encilia Avenue. The Quincy Channel ultimately discharges into the Perris Valley Storm Drain, which drains to the San Jacinto River, which is tributary to Lake Elsinore, which empties into Alberhill Creek/Temescal Wash, which is tributary to the Santa Ana River, which is tributary to the Pacific Ocean. The Corps retains jurisdiction of this drainage course because its final destination (the Pacific Ocean) is a TNW.

The Quincy Channel is a disturbed, soft-bottomed earthen channel with incised and eroded side slopes along a majority of its reach. The channel supports an OHWM ranging from six (6) to 44 feet in width as evidenced by the presence of litter and debris, changes in soil characteristics, debris wracking, and terracing. The channel bottom supports a loamy-sand substrate that is well-drained and was completely dry during our field delineation.

The Quincy Channel is generally unvegetated with scattered upland species along its banks and terraces that include castor bean (*Ricinus communis*), fiddleneck (*amsinckia* ssp.), tree tobacco (*Nicotiana glauca*), cheeseweed mallow (*Malva parviflora*), Russian thistle (*Salsola tragus*), mustard (*Brassica* ssp.), heliotrope (*Heliotropium curassavicum*), barley (*Hordeum* ssp.), stinging nettle (*Urtica urens*), London rocket (*Sisymbrium irio*), filaree (*Erodium* ssp.), Mexican fan palm (*Washingtonia robusta*), and various other non-native weedy species. Riparian vegetation is limited to one black walnut (*Juglans californica*). No wetland data pits were necessary due to a lack of hydrophytic vegetation and well-drained soils.

The boundaries of Corps jurisdiction/waters of the United States are depicted on Exhibit 3A. Site photographs are provided as Exhibit 4.

B. Regional Water Quality Control Board Jurisdiction

Potential Regional Board jurisdiction associated with the Study Area totals approximately 1.02 acres, none of which is wetland. A total of 5,057 linear feet of ephemeral stream is present. Of this total, 0.63 acre and 1,487 linear feet are considered waters of the United States within Corps jurisdiction and 0.39 acre and 3,570 linear feet are considered intrastate/isolated waters outside of Corps jurisdiction. Regional Board jurisdiction associated with the Study Area is limited to one blue-line stream, the Quincy Channel, and two ephemeral drainage ditches (Ditch 1 and Ditch 2) that were constructed in and drain wholly upland areas.

The boundaries of Regional Board jurisdiction are depicted on Exhibit 3B. Site photographs are provided as Exhibit 4. Regional Board jurisdiction associated with each feature is summarized in Table 1 and discussed below.

Table 1: Regional Board Jurisdiction

Drainage Name	Total Regional Board Non-Wetland Waters (Acres)	Total Regional Board Wetland Waters (Acres)	Total Regional Board Jurisdiction (Acres)	Total Linear Feet
Quincy Channel	0.63	0	0.63	1,487
Ditch 1	0.21	0	0.21	2,295
Ditch 2	0.18	0	0.18	1,275
Total	1.02	0	1.02	5,057

Quincy Channel

The Quincy Channel has been determined to be a Corps jurisdictional water subject to regulation pursuant to Section 401 and 404 of the CWA and does not need to be addressed separately pursuant to Section 13260 of the CWC, the Porter-Cologne Act. Refer to Section A above for a narrative description of this feature.

Ditch 1

Potential Regional Board jurisdiction associated with Ditch 1 totals 0.21 acre, none of which is wetland. A total of 2,295 linear feet of ephemeral ditch is present.

Ditch 1 is an isolated roadside ditch that was constructed in and drains wholly upland areas. This feature runs along the south side of Eucalyptus Avenue just outside and north of, the Project boundary for approximately 2,295 linear feet. Ditch 1 averages four (4) feet in width and conveys surface flow and road run-off from the adjacent uplands. Ditches that drain wholly upland areas and that do not carry a relatively permanent flow of water are not subject to regulation by the Corps or Regional Board pursuant to Sections 401 or 404 of the CWA. However, since this feature conveys surface flow with the potential to support beneficial uses, it may be regulated separately by the Regional Board pursuant to Section 13260 of the CWC, the Porter-Cologne Act.

Vegetation associated with Ditch 1 is limited to non-native upland species, including Russian thistle, London rocket, filaree, mustard, Cheeseweed mallow, lamb's quarters (*Chenopodium album*), jimson weed (*Datura stramonium*), barley (*Hordeum* ssp.), and other non-native weedy species . This feature lacks riparian vegetation and was completely dry during our field delineation.

Ditch 2

Potential Regional Board jurisdiction associated with Ditch 2 totals 0.18 acre, none of which is wetland. A total of 1,275 linear feet of ephemeral stream is present.

Ditch 2 is an isolated ditch was constructed in and drains wholly upland areas. This feature extends in a southerly direction just outside and east of, the Project boundary along the west side of Redlands Avenue. Ditch 2 is a partially-improved drainage ditch averaging six (6) feet in width and 1,275 linear feet within the Study Area before continuing off-site past Encilia Avenue. This feature conveys surface flow and road run-off from the adjacent uplands. Ditches that drain wholly upland areas and that do not carry a relatively permanent flow of water are not subject to regulation by the Corps or Regional Board pursuant to Sections 401 or 404 of the CWA. However, since this feature conveys surface flow with the potential to support beneficial uses, it may be regulated separately by the Regional Board pursuant to Section 13260 of the CWC, the Porter-Cologne Act.

Ditch 2 is generally unvegetated with inclusions of non-native weedy species along the banks including mustard, tree tobacco, castor bean, and Mexican fan palm. This feature lacks riparian vegetation and was completely dry during our field delineation.

C. CDFW Jurisdiction

Potential CDFW jurisdiction associated with the Study Area totals approximately 2.73 acres and includes all areas within Corps jurisdiction. Of this total, 0.02 acre consists of riparian stream and 2.71 acres consist of non-riparian stream. A total of 5,057 linear feet of ephemeral stream is present. The boundaries of CDFW jurisdiction are depicted on Exhibit 3C. Site photographs are provided as Exhibit 4. CDFW Jurisdiction associated with each feature is summarized in Table 2 and discussed below.

Table 2: CDFW Jurisdiction

Drainage Name	Total CDFW Non-Riparian Stream (Acres)	Total CDFW Riparian Stream (Acres)	Total CDFW Jurisdiction (Acres)	Total Linear Feet
Quincy Channel	2.14	0.02	2.16	1,487
Ditch 1	0.21	0	0.21	2,295
Ditch 2	0.36	0	0.36	1,275
Total	2.71	0.02	2.73	5,057

Quincy Channel

Potential CDFW jurisdiction associated with the Quincy Channel totals approximately 2.16 acres, of which, 0.02 acre consists of riparian stream and 2.14 acres consist of non-riparian stream. A total of 1,487 linear feet of ephemeral stream is present. CDFW jurisdiction is extended to the top of the bank of the drainage, with widths ranging up to 120 feet.

The Quincy Channel enters the northwestern portion of the Project site through a reinforced triple box culvert under Eucalyptus Avenue. The channel meanders across the Project Study Area in a southerly direction for approximately 1,487 linear feet before continuing off-site past Encilia Avenue. The Quincy Channel ultimately discharges into the Perris Valley Storm Drain, which drains to the San Jacinto River, which is tributary to Lake Elsinore, which empties into Alberhill Creek/Temescal Wash, which is tributary to the Santa Ana River, which is tributary to the Pacific Ocean.

The Quincy Channel is a disturbed, soft-bottomed earthen channel with incised and eroded side slopes along a majority of its reach. The channel exhibits the presence of litter and debris, changes in soil characteristics, debris wracking, and terracing. The channel bottom supports a loamy-sand substrate that is well-drained and was completely dry during our field delineation.

The Quincy Channel is generally unvegetated with scattered upland species along its banks and terraces that include castor bean (*Ricinus communis*), fiddleneck (*amsinckia* ssp.), tree tobacco (*Nicotiana glauca*), cheeseweed mallow (*Malva parviflora*), Russian thistle (*Salsola tragus*), mustard (*Brassica* ssp.), heliotrope (*Heliotropium curassavicum*), barley (*Hordeum* ssp.), stinging nettle (*Urtica urens*), London rocket (*Sisymbrium irio*), filaree (*Erodium* ssp.), Mexican fan palm (*Washingtonia robusta*), and various other non-native weedy species. Riparian vegetation is limited to one black walnut (*Juglans californica*).

Ditch 1

Potential CDFW jurisdiction associated with Ditch 1 totals 0.21 acre, none of which is riparian. A total of 2,295 linear feet of ephemeral stream is present.

Ditch 1 is an isolated roadside ditch that was constructed in and drains wholly upland areas. This feature runs along the south side of Eucalyptus Avenue just outside and north of, the Project boundary for approximately 2,295 linear feet. Ditch 1 averages four (4) feet in width and conveys surface flow and road run-off from the adjacent uplands. This feature conveys surface flow and road run-off from the adjacent uplands. Since this feature conveys surface flow and supports bed and bank, it may be regulated by the CDFW under Section 1602 of the Fish and Game Code.

Vegetation associated with Ditch 1 is limited to non-native upland species, including Russian thistle, London rocket, filaree, mustard, Cheeseweed mallow, lamb's quarters, jimson weed, barley, and other non-native weedy species. This feature lacks riparian vegetation and was completely dry during our field delineation.

Ditch 2

Potential CDFW jurisdiction associated with Ditch 2 totals 0.36 acre, none of which is riparian. A total of 1,275 linear feet of ephemeral stream is present. CDFW jurisdiction is extended to the top of the bank of this feature, with widths ranging from 12 to 20 feet.

Ditch 2 is an isolated ditch, which was constructed in, and drains wholly upland areas. This feature extends in a southerly direction just outside and east of, the Project boundary along the west side of Redlands Avenue. Ditch 2 is a partially-improved drainage ditch that extends 1,275 linear feet within the Study Area before continuing off-site past Encilia Avenue. This feature conveys surface flow and road run-off from the adjacent uplands. Since this feature conveys surface flow and supports bed and bank, it may be regulated by the CDFW under Section 1602 of the Fish and Game Code.

Ditch 2 is generally unvegetated with inclusions of non-native weedy species along the banks including mustard, tree tobacco, castor bean, and Mexican fan palm. This feature lacks riparian vegetation and was completely dry during our field delineation.

IV. DISCUSSION

Impact Analysis

An analysis of impacts will be performed based upon this delineation and the current project design (or design alternative) upon the client's request. This analysis will be provided as a separate memo and accompanying map.

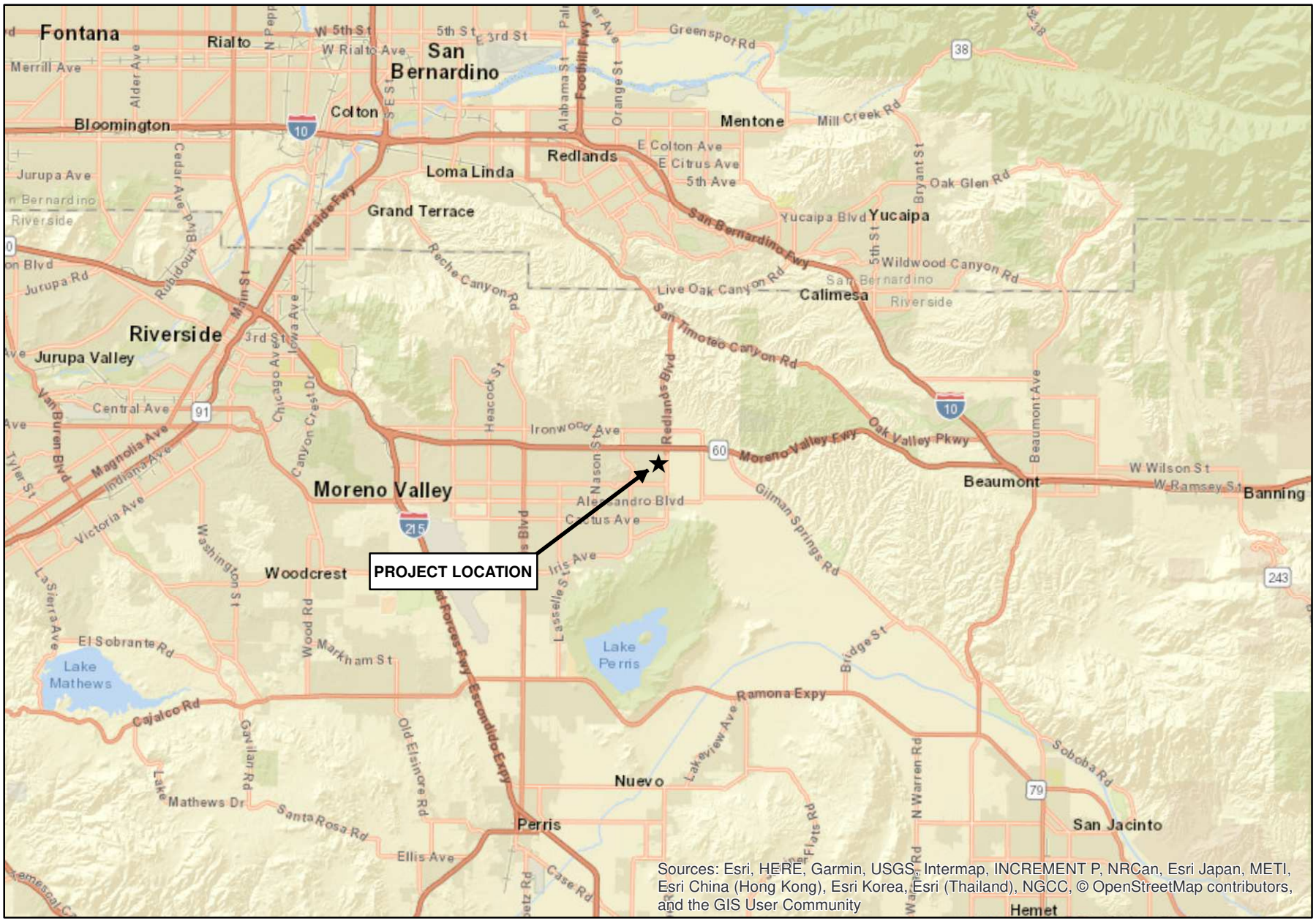
If you have any questions about this letter report, please contact Martin Rasnick at (949) 837-0404, x20 or at mrasnick@wetlandpermitting.com.

Sincerely,

GLENN LUKOS ASSOCIATES, INC.

Lesley Lokovic Gamber
Regulatory Specialist

P: 1459-1d.JD.rpt



Source: ESRI World Street Map

N

0 2 4 8 Miles

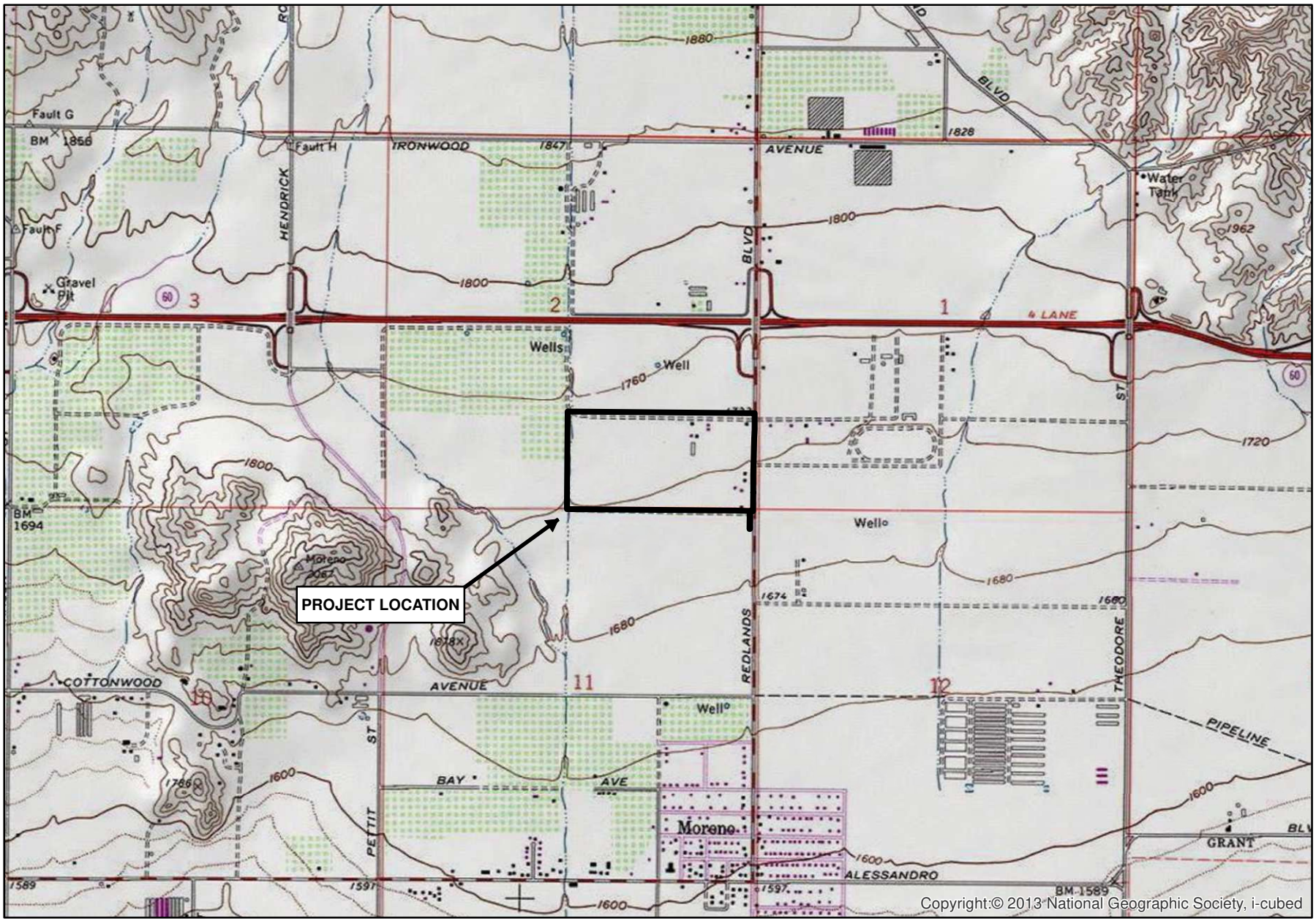
MORENO VALLEY TRADE CENTER

Regional Map

GLENN LUKOS ASSOCIATES

Exhibit 1

Adapted from USGS Sunnymead, CA quadrangle



N

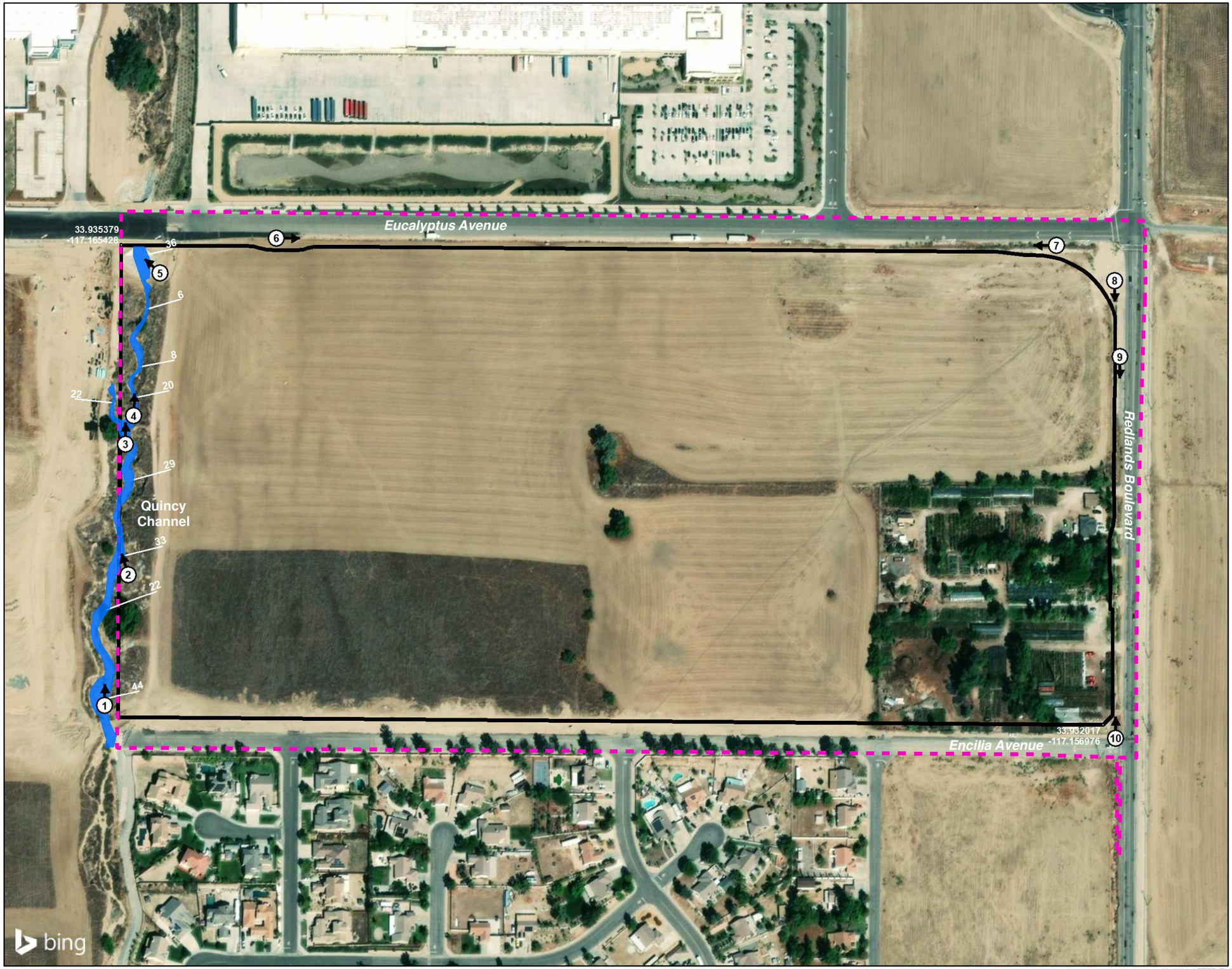
0 1,000 2,000 4,000 Feet

MORENO VALLEY TRADE CENTER

Vicinity Map

GLENN LUKOS ASSOCIATES

Exhibit 2



Project Boundary

Study Area

Non-Wetland Waters

4 Width of Feature in Feet

1 Photo Location

N

0 125 250 500

Feet

1 inch = 250 feet

Coordinate System: State Plane 6 NAD 83
Projection: Lambert Conformal Conic
Datum: NAD83
Map Prepared by: B. Gale, GLA
Date Prepared: May 26, 2020

MORENO VALLEY TRADE CENTER

Corps Jurisdictional Delineation Map

GLENN LUKOS ASSOCIATES

Exhibit 3A

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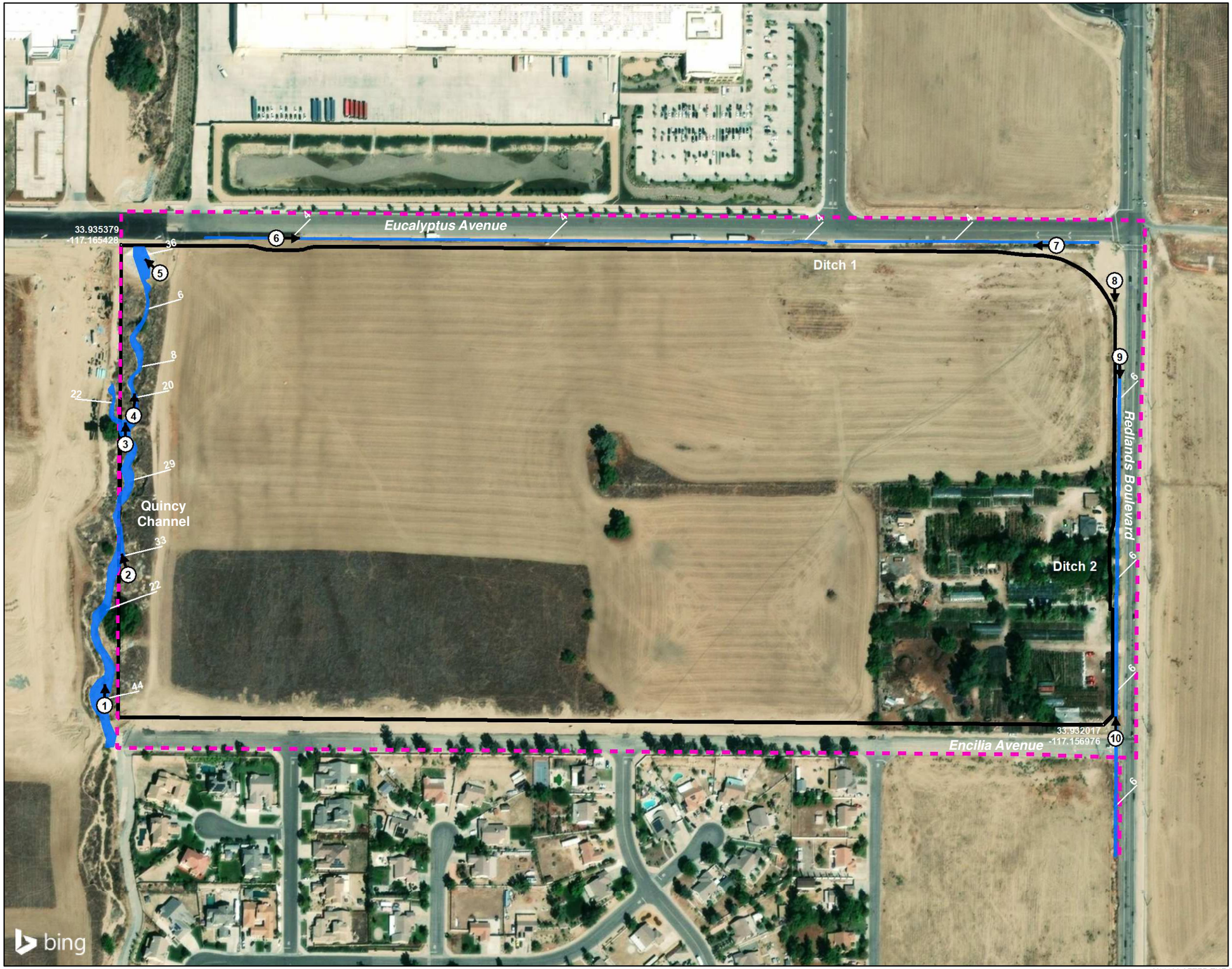

Project Boundary

Study Area

Non-Wetland Waters

4 Width of Feature in Feet

Photo Location

N

0 125 250 500

Feet

1 inch = 250 feet

Coordinate System: State Plane 6 NAD 83
Projection: Lambert Conformal Conic
Datum: NAD83
Map Prepared by: B. Gale, GLA
Date Prepared: May 26, 2020

MORENO VALLEY TRADE CENTER

RWQCB Jurisdictional Delineation Map

GLENN LUKOS ASSOCIATES

Exhibit 3B

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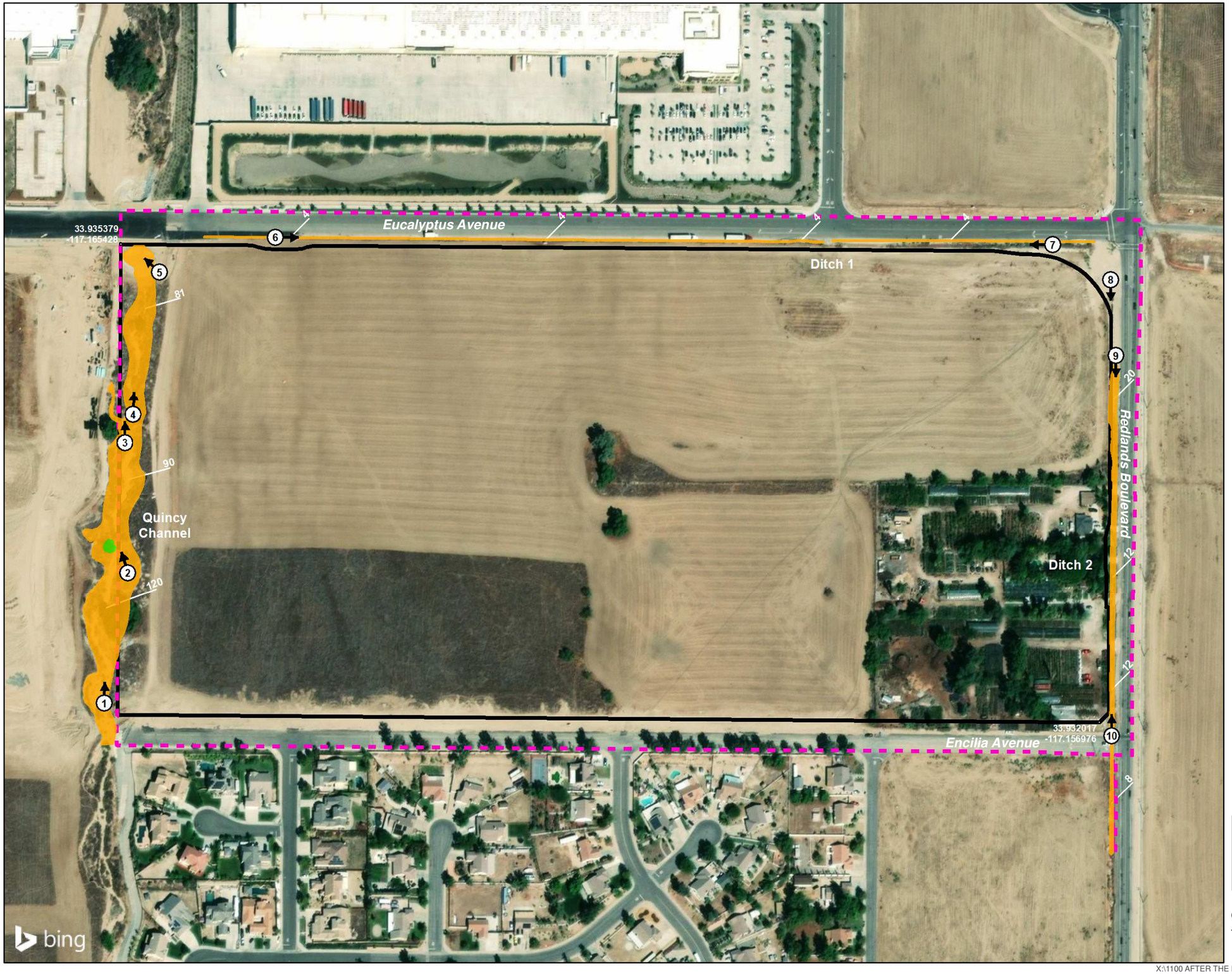

Project Boundary

Study Area

Riparian

Non-Riparian Streambed

4 Width of Feature in Feet

1 Photo Location

N

0 125 250 500

Feet

1 inch = 250 feet

Coordinate System: State Plane 6 NAD 83
Projection: Lambert Conformal Conic
Datum: NAD83
Map Prepared by: B. Gale, GLA
Date Prepared: May 26, 2020

MORENO VALLEY TRADE CENTER

CDFW Jurisdictional Delineation Map

GLENN LUKOS ASSOCIATES

Exhibit 3C

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Photograph 1: 03-31-20. Southern portion of Quincy Channel looking north.

Photograph 2: 03-31-20. South-central portion of Quincy Channel looking north.

Photograph 3: 03-31-20. View depicting central portion of Quincy Channel looking north towards tributary confluence with main channel.

Photograph 4: 03-31-20. Additional view of Quincy Channel looking north.

GLENN LUKOS ASSOCIATES

MORENO VALLEY LOGISTICS CENTER PROPERTY

Site Photographs

Photograph 5: 03-31-20. Northern/upstream reach of Quincy Channel looking northwest towards Eucalyptus Avenue.

Photograph 6: 03-31-20. Representative view of roadside ditch looking east.

Photograph 7: 03-31-20. Additional view of roadside ditch looking west.

Photograph 8: 03-31-20. View of non-jurisdictional v-ditch constructed in the uplands.

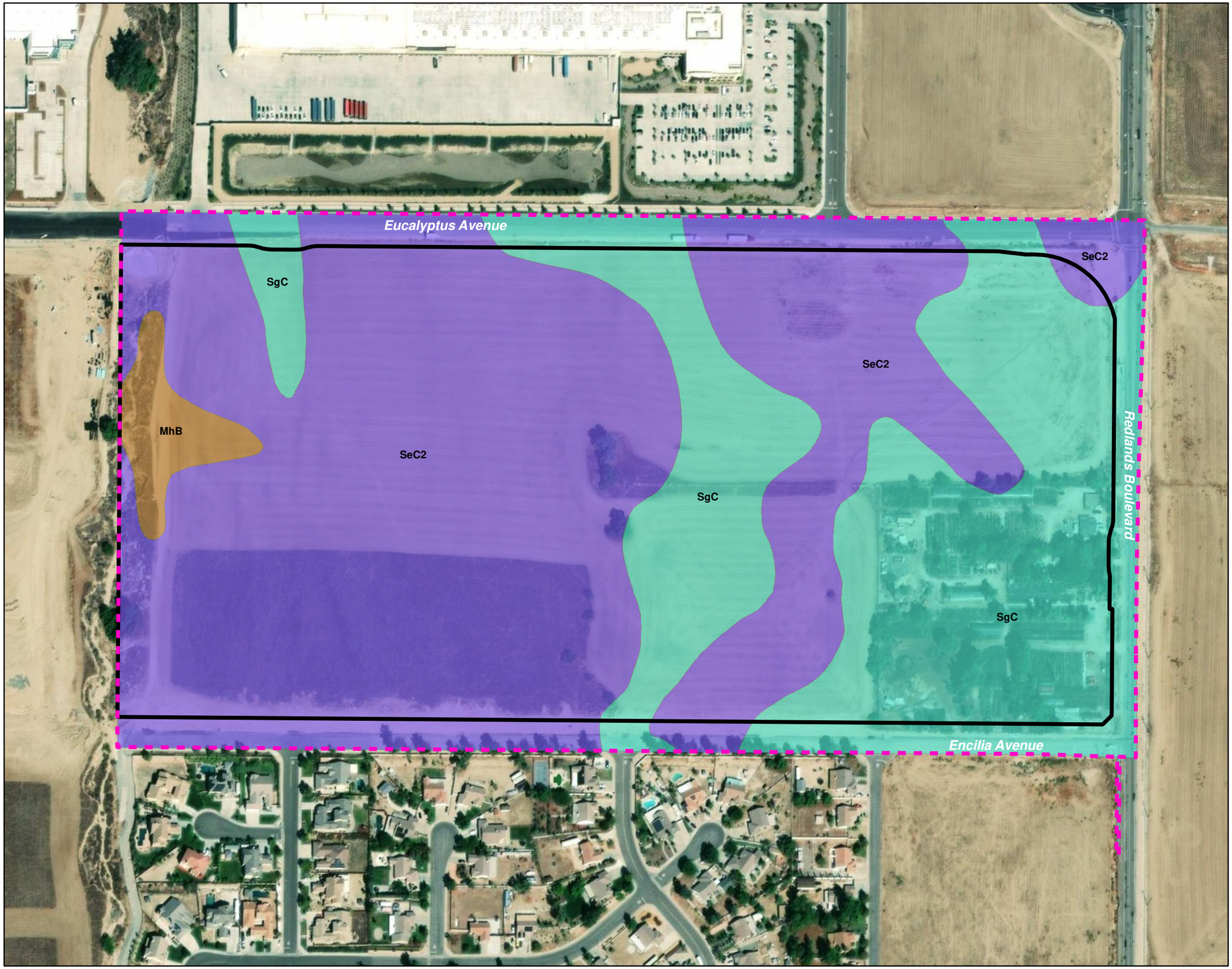
MORENO VALLEY LOGISTICS CENTER PROPERTY
Site Photographs

Photograph 9: 03-31-20. Start of improved portion of ephemeral storm drain ditch looking south.

Photograph 10: 03-31-20. Southern portion of ephemeral ditch near intersection of Encilia Ave. and Redlands Blvd. looking north.

MORENO VALLEY LOGISTICS CENTER PROPERTY

Site Photographs



Project Boundary

Study Area

MhB - Metz loamy fine sand, sandy loam substratum, 0 to 5 per cent slopes

SeC2 - San Emigdio fine sandy loam, 2 to 8 percent slopes, eroded

SgC - San Emigdio loam, 2 to 8 percent slopes

N

0 125 250 500

Feet

1 inch = 250 feet

Coordinate System: State Plane 6 NAD 83
Projection: Lambert Conformal Conic
Datum: NAD83
Map Prepared by: B. Gale, GLA
Date Prepared: May 26, 2020

MORENO VALLEY TRADE CENTER

Soils Map

GLENN LUKOS ASSOCIATES

Exhibit 5

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