

June 1, 2023

JN 194281

NORTHPOINT DEVELOPMENTAttn: *Chandler Elliott*

6010 West Amelia Earhart Drive

Salt Lake City, UT 84116

SUBJECT: Delineation of State and Federal Jurisdictional Waters for Planning Case # SPR 23-004, located in the City of Lancaster, Los Angeles County, California

Dear Mr. Elliott:

Michael Baker International (Michael Baker) has prepared this technical letter report to document the jurisdictional authority of the U.S. Army Corps of Engineers Los Angeles District (Corps), Lahontan Regional Water Quality Control Board (Regional Board), and California Department of Fish and Wildlife (CDFW) South Coast Region within the proposed Planning Case # SPR 23-004 Project (project or project site). Specifically, this report has been prepared to describe, map, and quantify aquatic and other hydrologic features located within the project site. The fieldwork for this jurisdictional delineation was conducted in March and April 2023.

Pursuant to our scope of work, this report presents the methodology utilized throughout the course of the delineation, defines the preliminary jurisdictional authority of the regulatory agencies, and documents the findings made by Michael Baker. This report presents Michael Baker's determination of jurisdictional boundaries using the most up-to-date regulations, written policy, and guidance provided by the regulatory agencies.

Project Location

The project site is located south of Fox Field Airport, east of 45th Street West, and north of Avenue G in the City of Lancaster, Los Angeles County, California (refer to Figure 1, *Regional Vicinity*). The project is depicted in Section 36 of Township 8 North, Range 13 West, on the United States Geological Survey's (USGS) *Lancaster West, California* 7.5-minute quadrangle (refer to Figure 2, *Project Vicinity*). Specifically, the project site is an approximate 37.4-acre parcel located at the intersection of 45th Street West and West Avenue G including Assessor's Identification Numbers (AIN) 3105-001-014, 3105-001-013, 3105-001-012, and 3105-001-011. The project site is generally located at latitude 34.734833°N and longitude -118.208453°W which is the center of the proposed project area. Refer to Figure 3, *Project Site*.

Project Description

The proposed project would include construction of a distribution warehouse, consisting of one 647,000 square-foot building footprint, which includes approximately 40,000 square feet of office space. Ancillary improvements would include truck and passenger vehicle parking, lighting, utility improvements, landscaping, and drainage/water quality features, among others.

Summary of Regulations

There are three (3) key agencies that regulate activities within streams, wetlands, and riparian areas applicable to this project. The Corps Regulatory Division regulates activities pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the CDFW regulates activities under Sections 1600 *et seq.* of the Fish and Game Code (CFG), and the Regional Board regulates activities pursuant to Section 401 of the CWA and Section 13263 of the California Porter-Cologne Water Quality Control Act (Porter-Cologne Act).

Literature Review

A thorough review of relevant literature and materials was conducted to obtain a general understanding of the environmental setting and preliminarily identify any features/areas that may fall under the jurisdiction of the regulatory agencies. Relevant materials utilized during the literature review are summarized below.

Watershed

The project site is located within the southwest portion of the Antelope-Fremont Valleys Watershed (Hydrologic Unit Code 18090206) within the Lancaster Hydrologic Area (HA) 626.50. Specifically, the project site is located within the middle portion of the Middle Amargosa Creek Watershed HUC 12 180902061407. The Antelope-Fremont Valleys Watershed comprises approximately 3,368 square miles and begins in the Tehachapi Mountains and drains south/southeast into Los Angeles County contained by the San Gabriel Mountains. Prominent tributaries within the Antelope-Fremont Valleys Watershed include Cottonwood Creek, Cache Creek, and Piute Ponds.

Soils

On-site soils were reviewed prior to conducting the field delineation using the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), Web Soil Survey. According to the *Custom Soil Resources Report for Antelope Valley Area, California*, the project site is underlain by Pond-Oban complex (Px). The Pond series consists of somewhat poorly to moderately well drained soils which formed from alluvium from granitic rock. Pond soils typically occur on nearly level to undulating alluvial fans.

Hydric Soils List of California

Michael Baker also reviewed the *Hydric Soils List for California* (USDA, 2023) to preliminarily identify whether any of the soils indicated to be within the project site are considered hydric.¹ According to the soils list, Pond-

¹ A hydric soil is a soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions.

Oban complex is not listed as hydric. It should be noted that lists of hydric soils along with soil survey maps provide ancillary tools to assist in wetland determinations, but they are not a substitute for field investigations.

National Wetlands Inventory

Michael Baker reviewed the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) Mapper. The NWI indicates there are two (2) blue line drainages present within the project area; one running east to west in the northern portion of the project area and another running east to west in the southern portion of the project area. Both blue lines are classified as R4SBJ which indicates they are riverine systems that flow intermittently, contain a streambed, and flood intermittently.

Flood Zone

Michael Baker also reviewed the Federal Emergency Management Agency's (FEMA) National Flood Hazard Layer. Based on the Flood Insurance Rate Map No. 06037C0405F, the project site is in Zone X which is described as an Area of Minimal Flood Hazard.

National Hydrography Dataset

The National Hydrography Dataset (NHD) was reviewed for available hydrography data within the project site using the USGS National Map Advanced Viewer. According to the NHD, one ephemeral stream is present within the northern portion of the project site beginning at 45th Street West and runs east/southeast through the entire project area and then continues beyond the eastern perimeter of the project.

Methodology

Michael Baker Regulatory Specialists, Lauren Zameito and April Nakagawa, conducted a jurisdictional delineation of the project site on March 9, 2023 and April 5, 2023, using the most recent, agency-approved methodology, to identify and map jurisdictional limits within the project site. The delineation was conducted to determine the jurisdictional limits of waters of the U.S. (WoUS), including potential wetlands, and waters of the State located within the boundaries of the project site. For this location, potential wetlands were delineated using the methods outlined in the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, Version 2.0* (Arid West Regional Supplement; Corps, 2008). For evaluation of wetland waters of the State, methods were modified so that an area can lack vegetation and still qualify as a State wetland in accordance with the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State*. Areas that lacked channel confinement and clear evidence of significant hydrology due to transmission losses, evaporation, and/or general over land flow were mapped as sheet flow.

Features that may be jurisdictional were recorded in the field on an aerial base map at a scale of 1" = 200' using topographic contours and visible landmarks as guidelines. Data points were obtained with Garmin Global Positioning System (GPS) capability to record and identify specific widths for ordinary high-water mark (OHWM) indicators, locations of photographs, soil points, and other pertinent jurisdictional features, if present. These data were then transferred as a .shp file and added to the project's jurisdictional figures using ESRI ArcGIS Pro software.

Site Conditions

The project site consists of four (4) vacant, undeveloped parcels, with some opportunistic growth of non-native grasses and herbaceous species. The existing project area is approximately 37.4 acres, generally bound on the west and north by a mix of commercial development and disturbed open space desert scrub habitat, and open space undisturbed desert scrub habitat to the east and south. The project site ranges in elevation from approximately 2,326 feet above mean sea level (amsl) to 2,372 feet amsl.

The project site has been disturbed by illegal dumping and all-terrain vehicle (ATV) traffic, resulting in intermittent disturbed and/or compacted surface soils throughout. One (1) vegetation community was observed within the 37.4-acre project site, classified as saltbush scrub. A few individual salt grass (*Distichlis spicata*, FAC) were present scattered along the project area; however, vegetation within the most of the project area is composed of upland disturbance-tolerant species, including tumbleweed (*Amaranthus albus*, FACU), white bursage (*Ambrosia dumosa*, UPL), burrobush (*Ambrosia salsola*, UPL), allscale saltbush (*Atriplex polycarpa*, FACU), creosote bush (*Larrea tridentata*, UPL), and Russian thistle (*Salsola tragus*, FACU).

Standing water was observed within the project site; however, no flowing water was observed. Standing water was present sporadically throughout the project area in areas that collected enough water to form various small ponds. Evidence of flow in the form of mud cracks was observed within the project area was observed. The ponds are illustrated on Figure 4, *CDFW/Regional Board Jurisdictional Map*. Other areas on-site contained compacted soils and vegetation at lesser densities and did not contain water or evidence of ponded water for periods of time. This area generally accepts sheet flow from adjoining properties to the west.

Findings

U.S. Army Corps of Engineers

There is no clear evidence of an OHWM within the project area. No Corps (federal) jurisdictional features were identified within the project site due to a lack of connectivity to downstream waters of the United States.

Regional Water Quality Control Board

Although no identified creek flows through the project site, 1.77-acre of ponded water and evidence of ponded water, was noted in throughout the study area. These aquatic areas (non-wetland) would be regulated by the Regional Board as non-wetland waters of the State and any impacts to the jurisdictional areas would be subject to approval pursuant to the Porter-Cologne Act. A Report of Waste Discharge (WDR) would be required should impacts occur within the Regional Board's jurisdiction, marked by the mapped ponds present within the project area (refer to Figure 4, *CDFW/Regional Board Jurisdiction*).

California Department of Fish and Wildlife

Although no identified streambed flows through the project site, 1.77-acre of ponded water and evidence of ponded water, was noted in throughout the study area (refer to Figure 4, *CDFW/Regional Board Jurisdiction*). Therefore, any alteration occurring within CDFW jurisdiction would require notification for a Section 1602 Lake or Streambed Alteration Agreement (LSAA) from CDFW prior to commencement of construction activities.

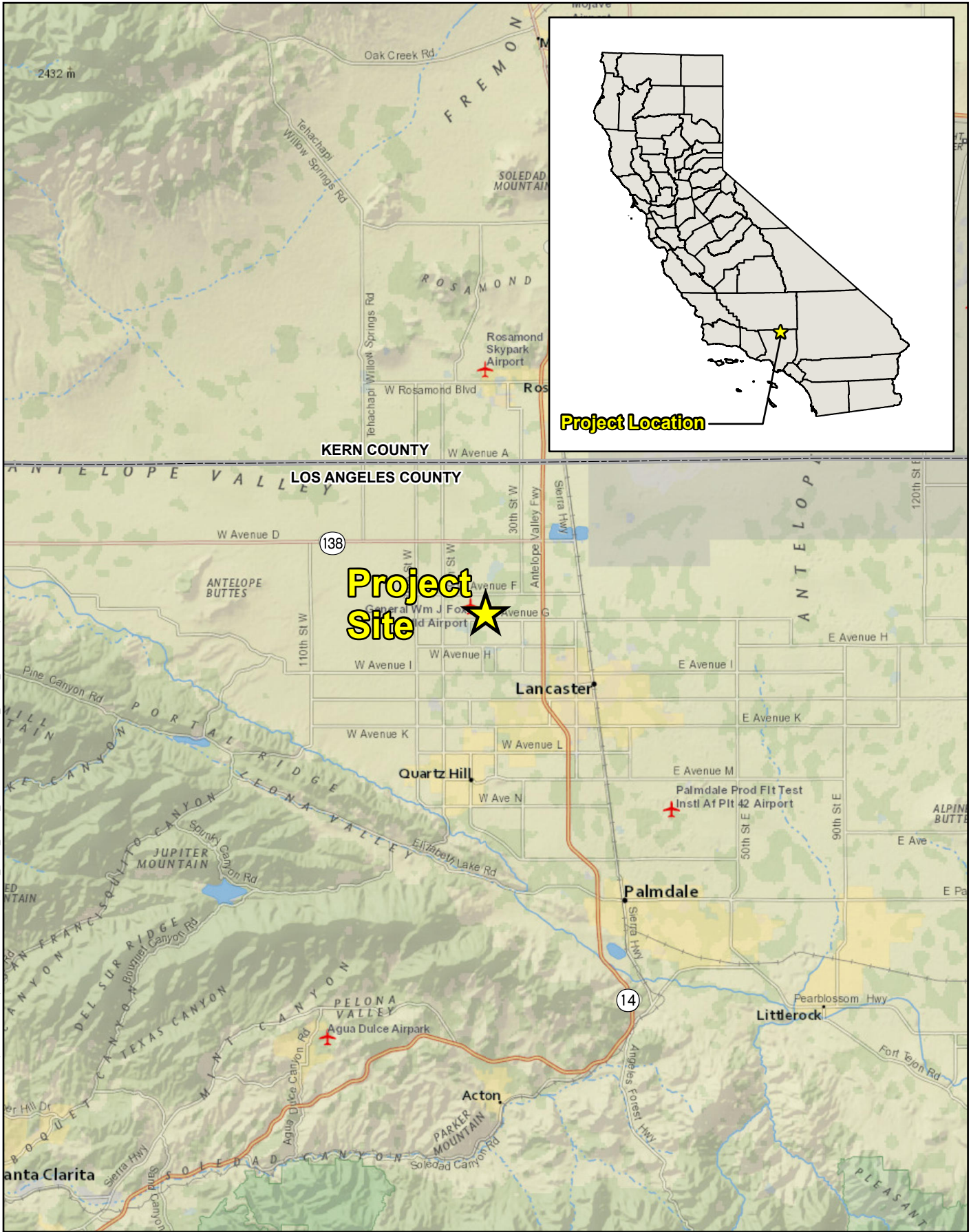
Regulatory Approval Process

This report has been prepared for NorthPoint Development to document the jurisdictional authority of the Corps, Regional Board, and CDFW applicable to the project. Should project improvements encroach into the jurisdictional ponds, a WDR issued by the Regional Board and a 1602 Agreement would be required by CDFW. Early coordination with the regulatory agencies, such as a pre-application meeting, is recommended. Please feel free to contact me at rbeck@mbakerintl.com with any questions you may have regarding the information presented in this report.

Sincerely,

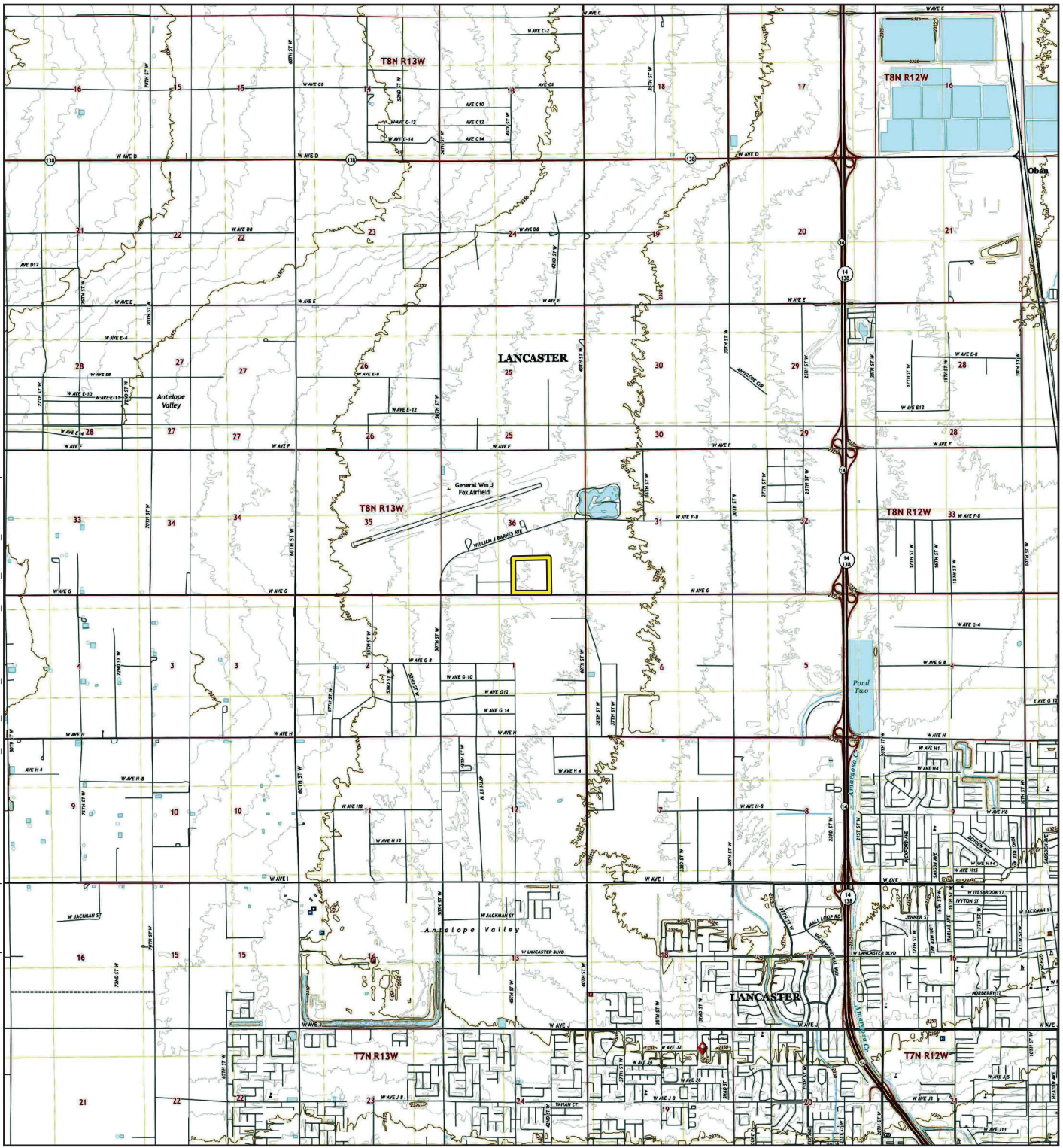


Richard Beck
Regulatory Specialist



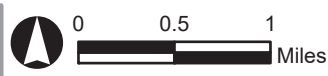
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Legend

 Project Site (37.40 acres)

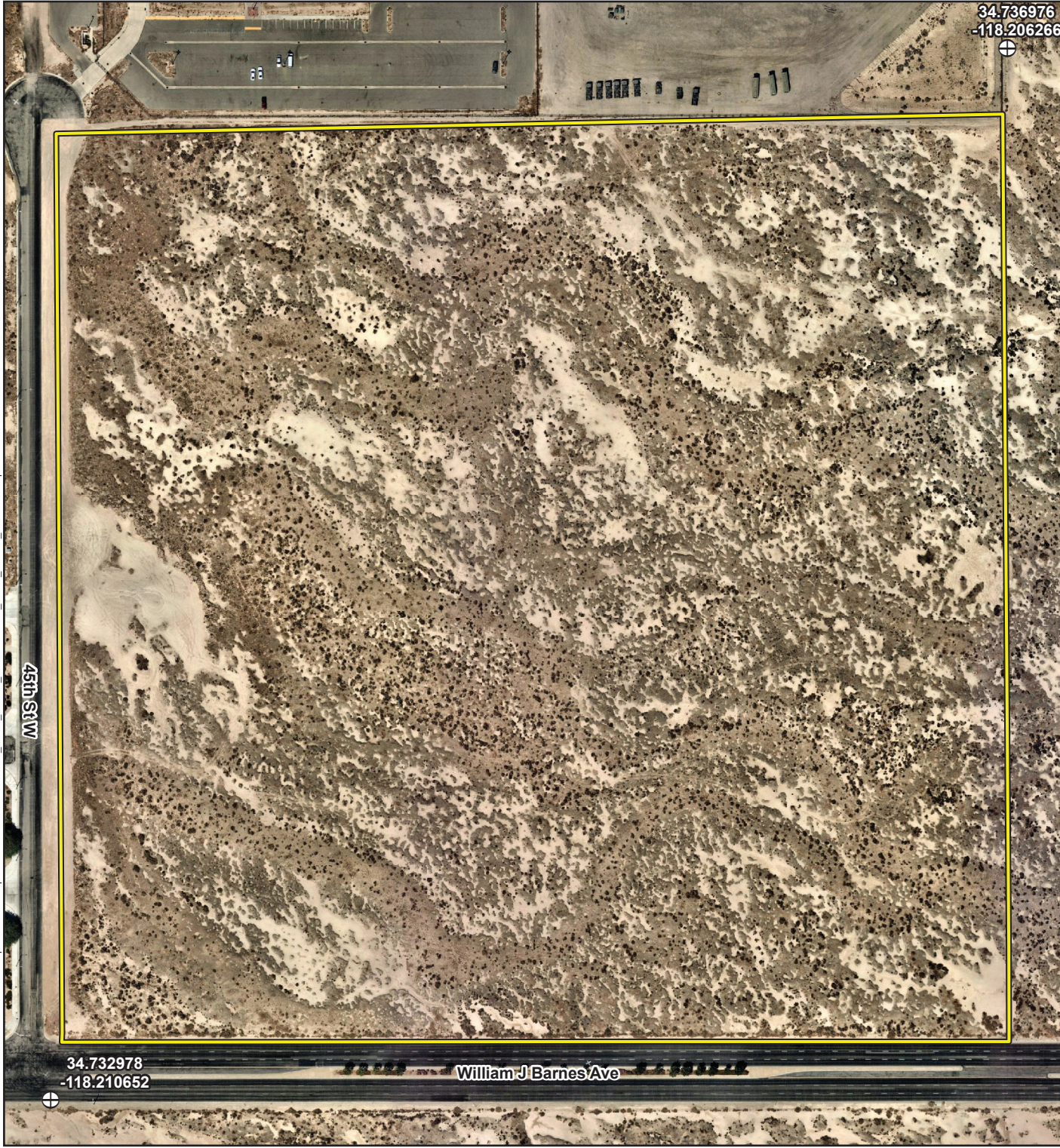


SPR 23-004
 DELINEATION OF STATE AND FEDERAL JURISDICTIONAL WATERS
Project Vicinity

Source: USGS 7.5-Minute topographic quadrangle maps: Del Sur and Little Buttes, California (2021), Lancaster and Rosamond, California (2022)

Figure 2

34.736976
-118.206266



34.732978
-118.210652

William J Barnes Ave

Legend

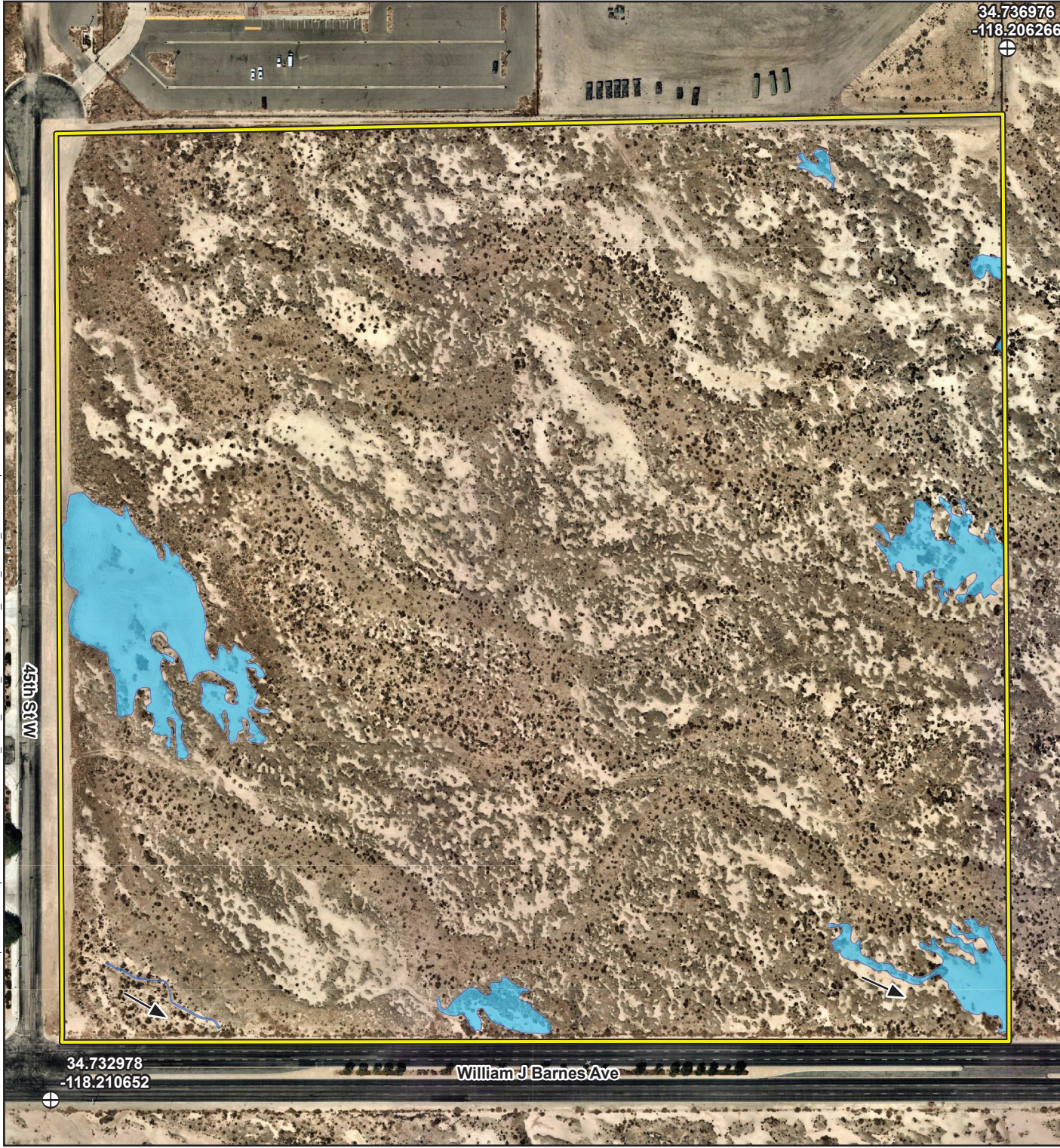
 Project Site (37.40 acres)

 Reference Point

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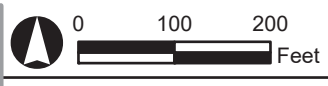
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Legend

-  Project Site (37.40 acres)
-  RWQCB Waters/CDFW Lakebed (1.77 acres)
-  Reference Point
-  Flow Direction

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DELINEATION OF STATE AND FEDERAL JURISDICTIONAL WATERS
Regional Board/CDFW Jurisdictional Map



Source: Nearmap (09/2021)

Figure 4