

Appendix 2C
Jurisdictional Delineation

Sunset Crossings Residential Project
Initial Study

November 1, 2022

JN 184659

HIGHPOINTE COMMUNITIES, INC.Attn: *Ross Yamaguchi*

530 Technology, Suite 100

Irvine, California 92618

SUBJECT: Delineation of State and Federal Jurisdictional Waters for the Sunset Crossing TTM 38442 Project – City of Moreno Valley, County of Riverside, California

Dear Mr. Yamaguchi:

Michael Baker International (Michael Baker) has prepared this report to document the results of a literature review and formal delineation of State and federal jurisdictional waters, including wetlands, that was conducted for the proposed Sunset Crossing TTM 38442 Project (project or project site) located in the City of Moreno Valley, Riverside County, California. Specifically, the delineation was conducted to identify and document the extent of aquatic and other hydrologic features within the project site that potentially fall under the jurisdictional authority of the U.S. Army Corps of Engineers (USACE), the Regional Water Quality Control Board (RWQCB), and the California Department of Fish and Wildlife (CDFW). This report summarizes the methodology utilized throughout the course of the delineation, defines the jurisdictional authority of the regulatory agencies, and documents the findings made by Michael Baker. This report presents Michael Baker's determination of jurisdictional boundaries based on the most up-to-date regulations, written policy, and guidance approved by the regulatory agencies. However, please note that only the regulatory agencies can make a final determination of jurisdictional limits.

PROJECT LOCATION

The project site is located within the City of Moreno Valley, generally to the north of Alessandro Boulevard, east of Nason Street, south of Cottonwood Avenue, and west of Marion Road (refer to Figure 1, *Regional Vicinity*, provided in Attachment A). The project site is depicted in Section 10, Township 3 South, Range 3 West, on the U.S. Geological Survey's (USGS) *Sunnymead, California 7.5-minute quadrangle map* (refer to Figure 2, *Project Vicinity*). Specifically, the project site is located on assessor's parcel numbers (APN) 488-210-020 and 488-210-006, and is bounded by undeveloped land and Cottonwood Avenue to the north; undeveloped land and residential development to the east, Alessandro Boulevard to the south, and mixed development to the west (refer to Figure 3, *Project Site*).

PROJECT DESCRIPTION

The proposed project includes the development of up to 108 residential units, a water basin, a park, and road construction on 19.10 acres. Refer to Appendix A, Conceptual Site Plan.

STATE AND FEDERAL REGULATIONS

There are three key agencies that regulate activities within inland lakes, streams, wetlands, and riparian areas in California. The USACE regulates activities that result in the discharge of dredged or fill material into waters of the U.S. (WoUS), including wetlands, pursuant to Section 404 of the federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the RWQCB regulates discharges to waters of the State (WotS), including wetlands, pursuant to Section 401 of the CWA, Section 13263 of the California Porter-Cologne Water Quality Control Act (Porter-Cologne Act), and State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State; and, the CDFW regulates alterations to lakes, streambeds, and riparian habitats pursuant to Section 1600 *et seq.* of the California Fish and Game Code (CFGC).

LITERATURE REVIEW

Prior to conducting the field delineation, Michael Baker conducted a review of relevant literature and materials to obtain a general understanding of the environmental setting and preliminarily identify features/areas within the project site that may fall under the jurisdiction of the regulatory agencies. Refer to the subsections below for a summary of relevant materials, databases, technical reports, and guidance documents that were obtained/reviewed by Michael Baker. In addition, a complete list of references is provided as Attachment G to this report.

San Jacinto River Watershed

The project site is located within the Perris Valley Hydrologic Subarea 802.11 (HSA) of the Perris Hydrologic Area 802.10 (HA), which in turn is located within the San Jacinto Valley Hydrologic Unit (802.0) of the larger San Jacinto River Watershed (HUC 18070202). The San Jacinto River Watershed covers approximately 780 square miles within western Riverside County. Flows originate in Santa Rosa and the San Jacinto Mountains and form the San Jacinto River, which flows generally west until terminating at the lowest point within the watershed at Lake Elsinore. Tributaries to the San Jacinto River include Cottonwood Canyon Creek, Canyon Lake, Salt Creek, Perris Valley Channel, Bautista Creek, Indian Creek, North Forks San Jacinto River, Logan Creek, Stone Creek, Black Mountain Creek, Fuller Mill Creek, South Fork San Jacinto River, Dry Creek, Strawberry Creek, Coldwater Creek, Spillway Creek, Canyon Creek, Lake Hemet, Herkey Creek, Fobes Canyon Creek, Pipe Creek, Martinez Creek, Gold Shot Creek, and Penrod Canyon Creek.

Soils

According to the *Custom Soil Resources Report for Western Riverside Area, California* (U.S. Department of Agriculture [USDA] 2022a), the project site is underlain by three soil map units: GyA: Greenfield sandy loam, 0 to 2 percent slopes; HcC: Hanford coarse sandy loam, 2 to 8 percent slopes; and RaB3: Ramona sandy loam, 0 to 5 percent slopes, severely eroded. Michael Baker also reviewed the *Hydric Soils List for California* (USDA 2022b) to preliminarily verify whether any of the soil map units listed above were classified as a “hydric soil” in the Western Riverside Area. According to the list, none of the soil map units listed to occur within the project site are listed as hydric.

National Wetlands Inventory

Based on a review of the U.S. Fish and Wildlife Service’s (USFWS) National Wetlands Inventory (USFWS 2022), no riparian or wetland features mapped in the NWI directly overlay the project site. However, one feature is mapped beyond the project site north of Cottonwood Avenue and continues south through the adjacent property as an unmapped portion. The unmapped portions of this feature ultimately connect to Aquatic Feature 1 downstream. This wetland feature falls within the riverine system and is described as an intermittent streambed with a seasonally flooded water regime (R4SBC).

Flood Zone

Based on a review of the Federal Emergency Management Agency’s (FEMA) National Flood Hazard Layer Viewer (FEMA 2022), the project site is located within Flood Insurance Rate Map (FIRM) Panel Number 06065C0770G. Specifically, the project site is located in Zone X and described as an area of minimal flood hazard (refer to Attachment C).

National Hydrography Dataset

Based on a review of the National Hydrography Dataset (NHD) Advanced Viewer (USGS 2022b), one ephemeral drainage enters the northeastern corner of the project site and flows generally south before continuing offsite. The upstream portion of this ephemeral feature northeast of the project site appears to coincide with the offsite riverine feature mapped by the NWI (refer to Attachment D).

FIELD METHODOLOGY

Michael Baker wetland delineators Tom Millington and April Nakagawa conducted a jurisdictional delineation/field survey of the project site and an additional 50-foot buffer of survey area around the project site on April 12, 2022, using the most recent, agency approved methodology, to identify and map the extent of State and federal jurisdictional features (i.e., wetland and non-wetland WoUS, waters of the State, streambed, riparian vegetation) located within the boundaries of the project site. Based on the project’s location, potential State and federal wetlands were delineated in accordance with the methods and guidance provided in the *Corps of Engineers Wetland Delineation Manual* (Environmental Laboratory 1987), the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, Version*

2.0 (Arid West Regional Supplement; USACE 2008), and the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (State Water Resources Control Board 2019).

While in the field, jurisdictional features were recorded on an aerial photograph at a scale of 1" = 120' using topographic contours and visible landmarks as guidelines. Data points were recorded in the field using a Garmin GPS Map 64 Global Positioning System (GPS) to identify specific widths and length of jurisdictional features and the location of any ordinary high water mark (OHWM) indicators, photograph points, soil pits, and other pertinent site characteristics. These data were then uploaded as a .shp file and confirmed/refined to ensure accuracy and consistency with hardcopy notes and aerial mapping completed in the field. Michael Baker then used ESRI ArcGIS Pro software to calculate the total acreage of jurisdictional features and prepare final project figures.

RESULTS

Non-Wetland Features

Two ephemeral drainage features, Aquatic Feature 1 (AF-1) and Aquatic Feature 2 (AF-2), were identified within the project site and survey area during the April 12, 2022 site visit (refer to Attachment E, *Site Photographs*).

Aquatic Feature 1

AF-1 collects/transport municipal stormwater from the adjacent residential development and surrounding foothills north of the project site, entering the project site and survey area under a large concrete retaining wall that is located along the southern project site boundary. Flows appear to be conveyed beneath the retaining wall, likely via pipe or culvert; however, a significant amount of sediment deposition has occurred in the immediate vicinity of the retaining wall resulting in reduced visibility.

The onsite portions of AF-1 consist of an earthen channel which generally flows south/southwest through the project site for approximately 1,434 linear feet before draining into a roadside ditch which runs easterly along the northern side of Alessandro Boulevard (beyond the project site and within the survey area) for approximately 220 linear feet before exiting the eastern project site boundary and survey area, and then emptying into a small offsite concrete culvert approximately 300 feet east of the survey area. Flows from AF-1 are then conveyed onto the property south of Alessandro Boulevard via a concrete culvert where AF-1 then transitions to discontinuous unconfined/overland sheet flow which ultimately fans out and infiltrates offsite. Within the project site and survey area, AF-1 exhibited clear evidence of hydrology and an OHWM ranging from 1 to 36 feet in width was observed via the following indicators: via a natural line impressed on the bank, change in particle size distribution, presence of a wrack line, and shelving. The offsite upstream portion of AF-1 appears to be the feature that has been mapped by both NWI and NHD. No standing or flowing water was observed in association with the onsite portions of AF-1.

AF-1 exhibited vegetation comprised of upland disturbance-tolerant plant species consistent with the surrounding uplands; however, these species generally occurred in sparser patches within AF-1. Dominant

species included cheeseweed (*Malva parviflora*, UPL), foxtail barley (*Hordeum murinum*, FACU), foxtail brome (*Bromus rubens*, UPL), red maids (*Calandrinia menziesii*, UPL), red stemmed filaree (*Erodium cicutarium*, UPL), ripgut brome (*Bromus diandrus*, UPL), stinknet (*Oncosiphon piluliferum*, FACU), summer mustard (*Hirschfeldia incana*, UPL), tocalote (*Centaurea melitensis*, UPL), and wild radish (*Raphanus sativus*, UPL). Within the project site and survey area, AF-1 measures a total of approximately 1,664 linear feet.

Aquatic Feature 2

AF-2 begins onsite as discontinuous overland sheet flow within the southeastern portion of the project site. AF-2 flows southeast and begins to incise just before exiting the southeastern project boundary and continuing into the survey area. AF-2 flows southeast for approximately 201 linear feet through the project site and survey area before exiting the survey area and ultimately draining into the roadside ditch portion of AF-1 located offsite. Within the project site and survey area, AF-2 exhibited clear evidence of hydrology and an OHWM ranging from 1 to 16 feet in width was observed via the following indicators: via a natural line impressed on the bank, change in particle size distribution, presence of a wrack line, and shelving. No standing or flowing water was observed in association with the onsite portions of AF-2.

AF-2 exhibited the same upland vegetation as AF-1 with a predominance of foxtail brome, ripgut brome, and summer mustard and occasional patches of bare sandy soil. In addition, numerous fiddleneck (*Amsinckia menziesii*, UPL) and silver puffs (*Uropappus lindleyi*, UPL) were noted throughout the channel bottom.

Wetland Features

Both AF-1 and AF-2 exhibited clear signs of wetland hydrology as described above. However, no portions of AF-1 or AF-2 exhibited hydrophytic vegetation. Due to the predominance of upland (FACU and UPL) vegetation and lack of hydrophytic vegetation, no soil pits were dug within the project site and survey area.

FINDINGS

AF-1 generally occurs within the center portion of the project site and survey area and does not exhibit a surface hydrologic connection to any Relatively Permanent Water (RPW) or Traditionally Navigable Water (TNW). Flows from AF-1 continue south offsite and drain into a roadside ditch which runs easterly along the northern side of Alessandro Boulevard before emptying into a small concrete culvert. Flows from AF-1 are then conveyed onto the property south of Alessandro Boulevard via a concrete culvert where AF-1 then transitions to discontinuous unconfined/overland sheet flow which ultimately fans out and infiltrates offsite. Furthermore, AF-1 appears to be an ephemeral feature which flows only in direct response to precipitation. Therefore, AF-1 would not qualify as a WoUS and would not fall under the regulatory authority of the USACE. However, based on the results of the field delineation, AF-1 does comprise approximately 0.17 acre (1,434 linear feet) of RWQCB non-wetland waters of the State/CDFW vegetated streambed (consisting of 0.17 acre located within the project site and an additional <0.01 acre located within

the survey area). Refer to Table 1 below and Figure 4, *Regional Board/CDFW Jurisdictional Map* provided in Attachment A).

AF-2 occurs within the southeastern portion of the project site and survey area and also does not exhibit a surface hydrologic connection to any RPW or TNW. Flows from AF-2 are tributary to AF-1 and appear to be ephemeral, flowing only in direct response to precipitation. Therefore, AF-2 would not qualify as a WoUS and would not fall under the regulatory authority of the USACE. However, based on the results of the field delineation, AF-2 does comprise a total of 0.05 acre (201 linear feet) of RWQCB non-wetland waters of the State/CDFW vegetated streambed. No CDFW associated riparian occurs in association with AF-2).

Table 1: State and Federal Jurisdictional Resources

Feature Name	Cowardin Class	Class of Aquatic Feature	Linear Feet	Acreage within Project Site				Acreage within Survey Area			
				RWQCB		CDFW		RWQCB		CDFW	
				Non-Wetland WotS	Wetland WotS	Streambed	Riparian	Non-Wetland WotS	Wetland WotS	Streambed	Riparian
Aquatic Feature 1	None	Non-Wetland	1,434	0.17	0.00	0.17	0.00	0.03	0.00	0.03	0.00
Aquatic Feature 2	None	Non-Wetland	201	<0.01	0.00	<0.01	0.00	0.01	0.00	0.01	0.00
TOTAL*			1,635	0.17	0.00	0.17	0.00	0.05	0.00	0.05	0.00

*Total may not equal to sum due to rounding.

CONCLUSIONS AND RECOMMENDATIONS

The USACE regulates discharge of dredged or fill material into WoUS pursuant to Section 404 of the CWA and Section 10 of the Rivers and Harbors Act. No USACE jurisdiction occurs in association with the project site, as neither AF-1 nor AF-2 exhibit any downstream surface connection (significant nexus) to a RPW or a TNW.

The RWQCB regulates discharges to surface waters pursuant to Section 401 of the CWA and Section 13263 of the California Porter-Cologne Water Quality Control Act. Based on a review of the conceptual site plan, approximately 0.22 acre of impacts to RWQCB jurisdiction (non-wetland WotS) are anticipated, comprised of 0.17 acre of permanent impacts within the project site, and 0.05 acre of temporary impacts within the survey area. Therefore, it would be necessary for the project proponent to obtain a Waste Discharge Requirement (WDR) from the RWQCB prior to impacts occurring within RWQCB jurisdictional areas.

The CDFW regulates alterations to lakes, streambeds, and riparian habitats pursuant to Section 1600 *et seq.* of the CFGC. Based on a review of the conceptual site plan, a total of 0.22 acre of impacts to CDFW jurisdiction are anticipated. Anticipated impacts consist of 0.17 acre of permanent impacts and 0.05 acre of temporary impacts, all of which would occur to vegetated streambed, and none of which would occur to

associated riparian as none occurs on the project site or survey area. Therefore, it would be necessary for the project proponent to obtain a Section 1602 Streambed Alteration Agreement (SAA) from the CDFW prior to impacts occurring within CDFW jurisdictional areas.

Please do not hesitate to contact me at (949) 472-3468 or april.nakagawa@mbakerintl.com should you have any questions or require further information.

Sincerely,



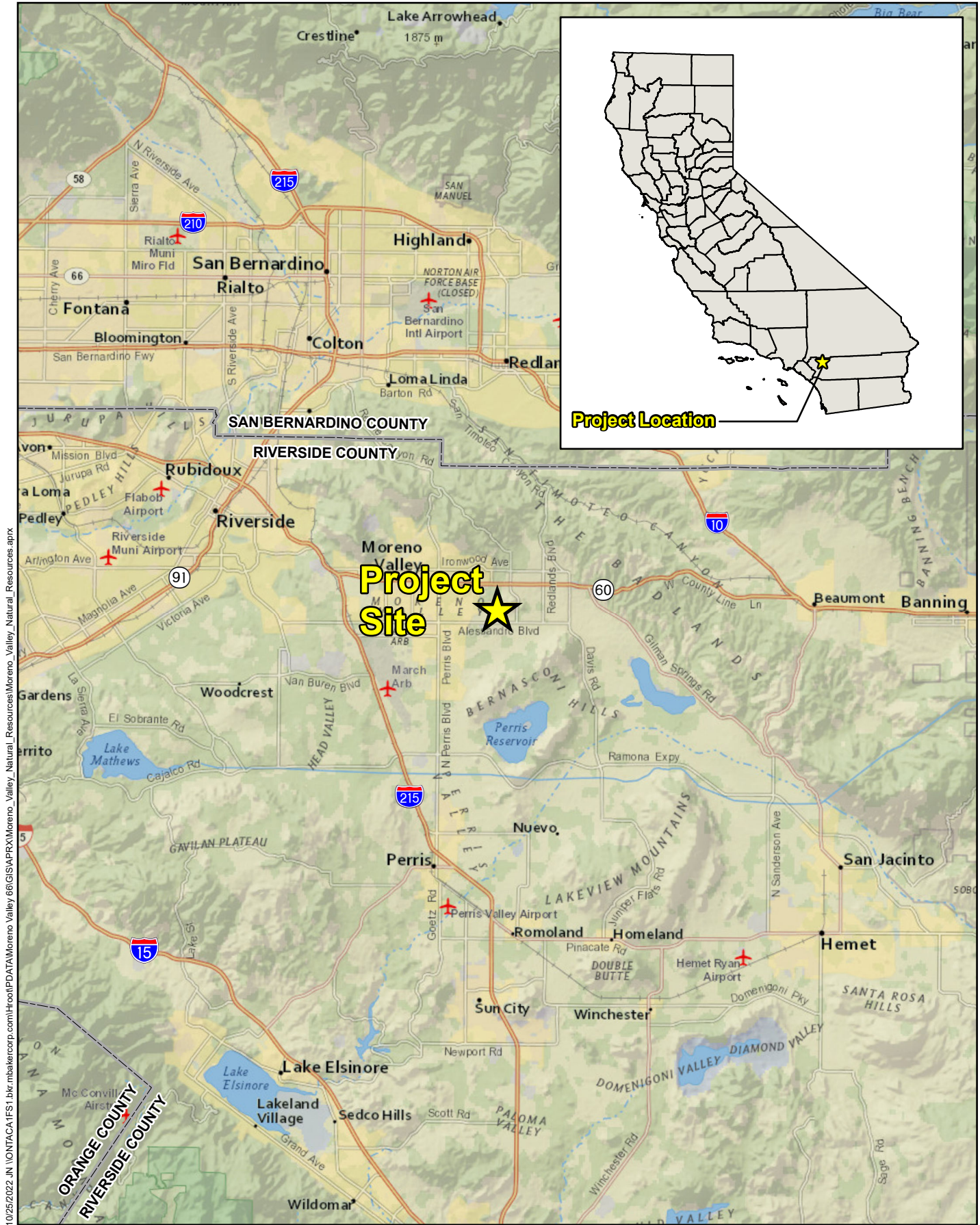
April Nakagawa
Regulatory Specialist
Natural Resources & Environmental Services

Attachments:

- A. Project Figures*
- B. USFWS National Wetlands Inventory Map*
- C. FEMA Flood Insurance Rate Map*
- D. USGS National Hydrography Dataset Advanced Viewer Map*
- E. Site Photographs*
- F. References*
- G. Appendix A: Conceptual Site Plan*

Attachment A

Project Figures

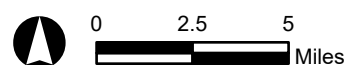


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SUNSET CROSSING TTM 38442

DELINEATION OF STATE AND FEDERAL JURISDICTIONAL WATERS

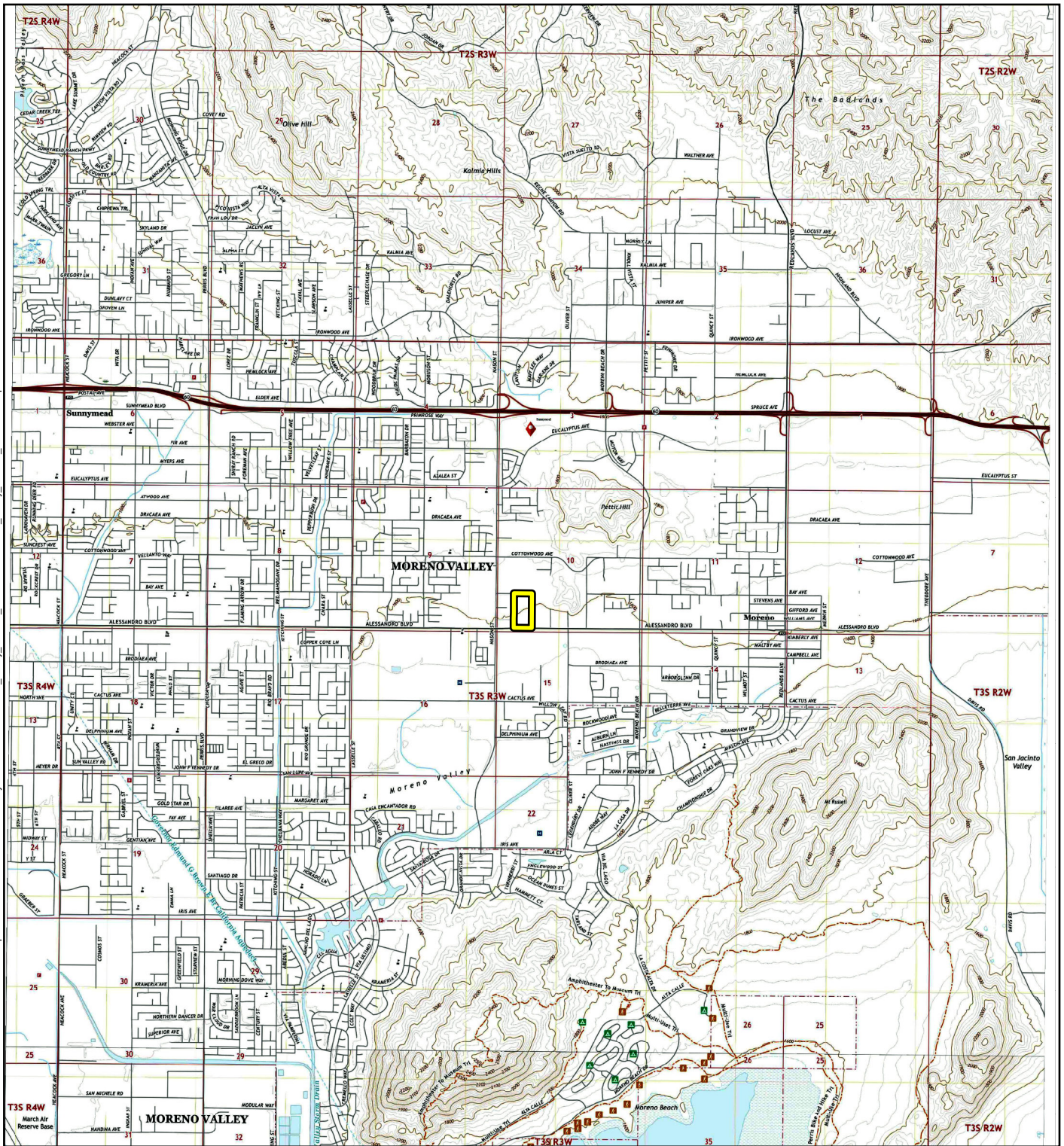
Regional Vicinity



Source: ArcGIS Online, 2018

Figure 1

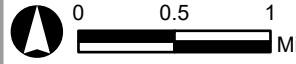
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Legend

 Project Site (19.10 acres)

Michael Baker INTERNATIONAL

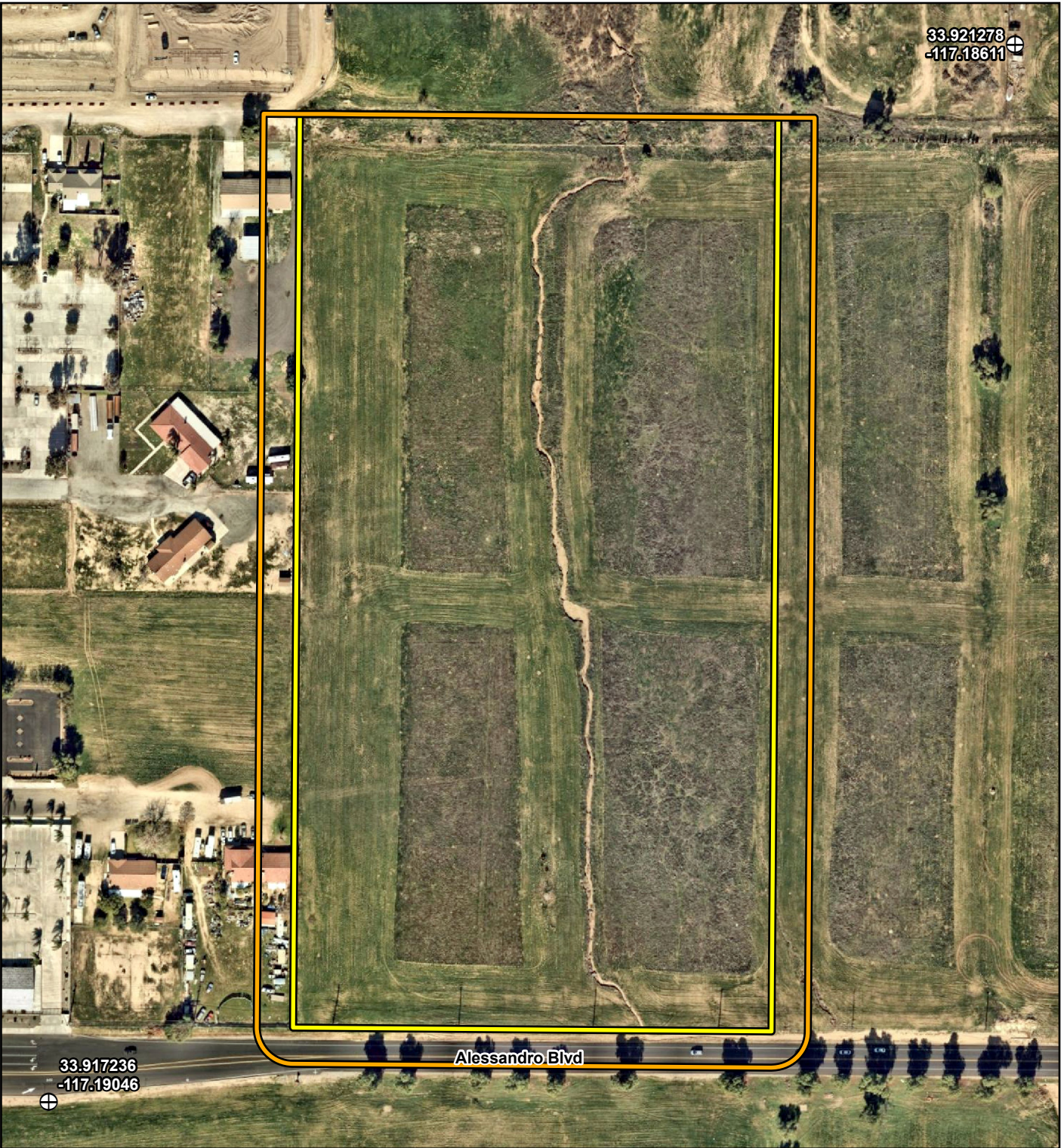
 0 0.5 1 Miles

Source: USGS 7.5-Minute topographic quadrangle maps: Perris and Sunnymead, California (2021)

SUNSET CROSSING TTM 38442
 DELINEATION OF STATE AND FEDERAL JURISDICTIONAL WATERS
Project Vicinity

Figure 2

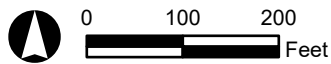
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Legend

-  Project Site (19.10 acres)
-  Survey Area (22.84 acres)
-  Reference Point

Michael Baker
INTERNATIONAL

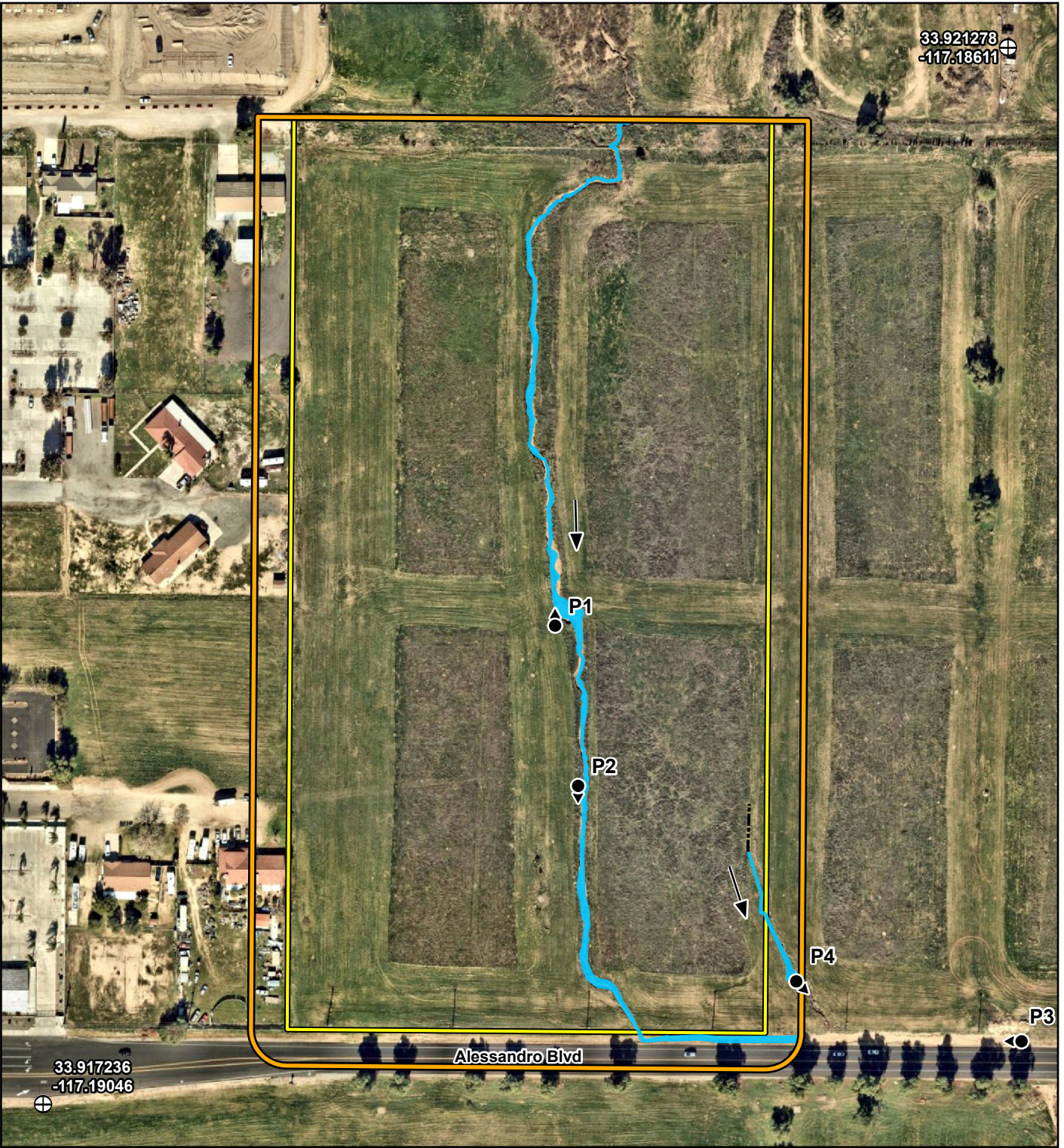


Source: Nearmap (01/2022)

SUNSET CROSSING TTM 38442
DELINEATION OF STATE AND FEDERAL JURISDICTIONAL WATERS
Project Site

Figure 3

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Legend

Project Site (19.10 acres)	Regional Board Non-Wetland Waters of the State / CDFW Vegetated Streambed (0.22 acre)	Discontinuous OHWM	Photograph Point and Direction
Survey Area (22.84 acres)	Flow Direction		
Reference Point			

Michael Baker INTERNATIONAL

Source: Nearmap (01/2022)

SUNSET CROSSING TTM 38442
 DELINEATION OF STATE AND FEDERAL JURISDICTIONAL WATERS
Regional Board/CDFW Jurisdictional Map

Figure 4








Attachment B

USFWS National Wetlands Inventory Map



April 12, 2022

Wetlands

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

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

Attachment C

FEMA Flood Insurance Rate Map

National Flood Hazard Layer FIRMMette



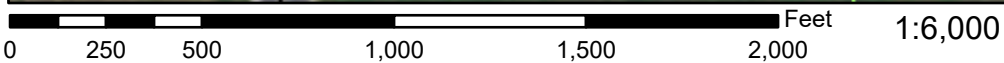
117°11'37"W 33°55'30"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- | | | |
|------------------------------------|--|--|
| SPECIAL FLOOD HAZARD AREAS | | Without Base Flood Elevation (BFE)
<i>Zone A, V, A99</i> |
| | | With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i> |
| | | Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i> |
| | | Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i> |
| | | Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i> |
| | | Area with Flood Risk due to Levee <i>Zone D</i> |
| OTHER AREAS | | NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i> |
| | | Effective LOMRs |
| GENERAL STRUCTURES | | Area of Undetermined Flood Hazard <i>Zone D</i> |
| | | Channel, Culvert, or Storm Sewer |
| | | Levee, Dike, or Floodwall |
| OTHER FEATURES | | Cross Sections with 1% Annual Chance Water Surface Elevation |
| | | Coastal Transect |
| | | Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| | | Jurisdiction Boundary |
| | | Coastal Transect Baseline |
| MAP PANELS | | Digital Data Available |
| | | No Digital Data Available |
| | | Unmapped |
| | | The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location. |



117°10'59"W 33°55'N

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

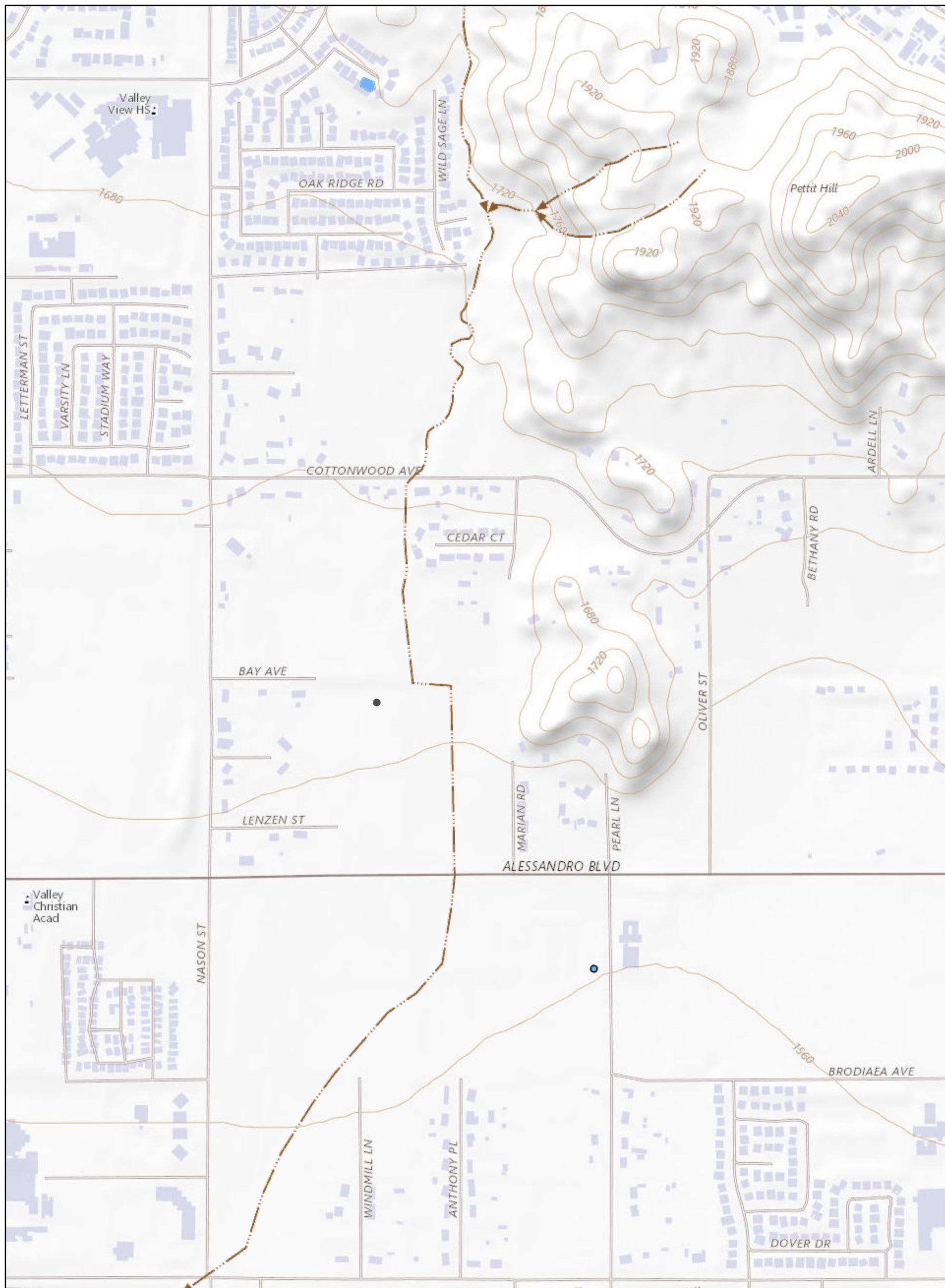
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/16/2022 at 7:10 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Attachment D

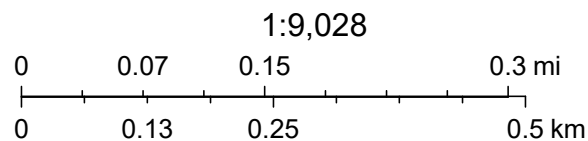
USGS National Hydrography Dataset Advanced Viewer Map

The National Map Advanced Viewer



4/11/2022, 5:27:53 PM

Waterbody - Large Scale	Area - Large Scale	Foreshore	Stream/River
Estuary	Area of Complex Channels	Hazard Zone	Submerged Stream
Ice Mass	Area to be Submerged	Inundation Area	Wash
Lake/Pond	Bay/Inlet	Lock Chamber	Water Intake/Outflow
Playa	Bridge	Rapids	Flowline - Large Scale
Reservoir	Canal/Ditch	Sea/Ocean	Perennial
Swamp/Marsh	Dam/Weir	Special Use Zone	Intermittent
	Flume	Spillway	Ephemeral



USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data;

Attachment E

Site Photographs



Photograph 1: View facing approximately northwest depicting the widest portion of AF-1 within the project site.



Photograph 2: View facing approximately south depicting typical conditions within AF-1.



Photograph 3: View facing approximately west depicting the offsite concrete culvert which conveys flows from AF-1 south underneath Alessandro Boulevard, which is visible to the left.



Photograph 4: View facing approximately southeast depicting the location where AF-2 connects to the roadside ditch segment of AF-1.

Attachment F

References

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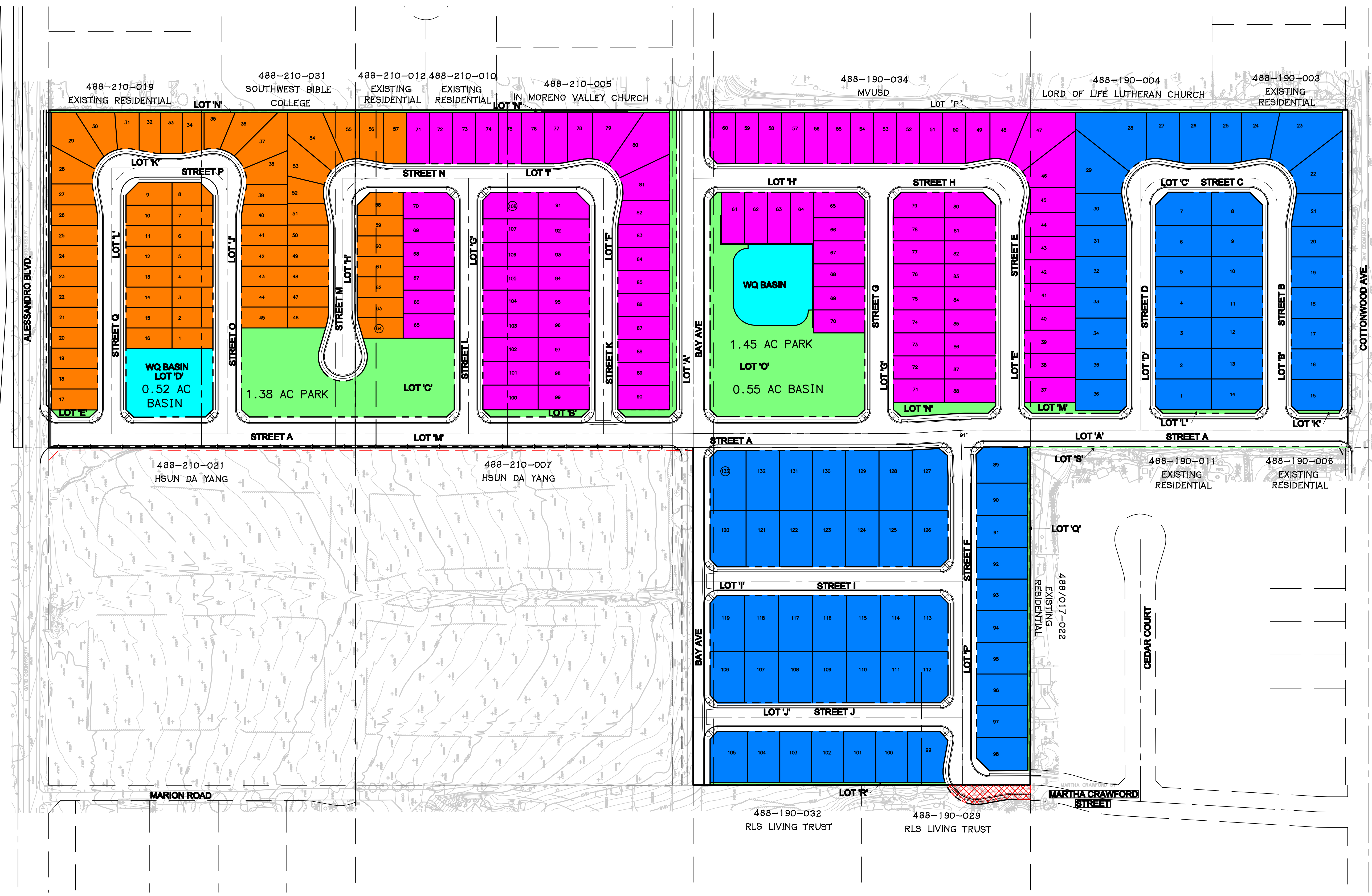
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Attachment G

Appendix A – Conceptual Site Plan

486-260-002
EAST VALLEY PLAZA

488-190-028
LIANG CHYR CHANG



TRACT 38442 (SOUTH OF BAY) LEGEND & LOT COUNT

LOT SIZE	MIN LOT AREA	# OF LOTS
40'x80'	3200 SF	64
45x100'	4500 SF	44
TOTAL		108
OPEN SPACE	N/A	4
WQ BASIN	N/A	1

TRACT 38443 (NORTH OF BAY) LEGEND & LOT COUNT

LOT SIZE	MIN LOT AREA	# OF LOTS
45x100'	4500 SF	52
60'x100'	6000 SF	81
TOTAL		133
OPEN SPACE	N/A	7
WQ BASIN	N/A	1

PROJECT TOTAL - 241

