GLENN LUKOS ASSOCIATES
Regulatory Services

February 27, 2014

Ms. Amy Glad
Pardee Homes
2120 Park Place
Suite 100
El Segundo, California 90245

SUBJECT: Jurisdictional Delineation of the Christensen Property, a 21.35-Acre Property Located in the City of Lake Elsinore, Riverside County, California.

Dear Ms. Glad:

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

The Christensen Property (Project) is located at latitude 33.668823° and longitude -117.217873º, within Section 8, Township 6 South, and Range 3 West [Exhibit 1]. The Project site is generally bounded by Canyon Hills Road and Holland Road to the north, Corson Avenue to the south, rural residential development along Anna Lane to the east, and the Canyon Hills Residential Development Project to the west. The Project site encompasses 21.35 acres and does not support a blue-line stream (as depicted on the U.S. Geological Survey (USGS) topographic map Romoland, California [dated 1953 and photorevised in 1979]) [Exhibit 2].

On February 20, 2014, regulatory specialists of Glenn Lukos Associates, Inc. (GLA) examined the Project site 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, Sections 1600-1616 of the Fish and Game Code. An aerial photograph

[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.

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depicting the Project site is attached as Exhibit 3. Site photographs are provided as Exhibit 4 and a soils map is attached as Exhibit 5.

There is no Corps, Regional Board, or CDFW jurisdiction associated with the Project site; therefore, there will be no impact to Corps, Regional Board, or CDFW jurisdiction associated with the Project and no permits/agreements from the Corps, Regional Board, or CDFW are necessary or required.

I. METHODOLOGY

Prior to beginning the field delineation a 200-scale color aerial photograph, a 200-scale topographic base map of the property, and the previously cited USGS topographic map were examined to determine the locations of potential areas of Corps, Regional Board, and CDFW jurisdiction. Suspected jurisdictional areas were field checked for the presence of definable channels and/or wetland vegetation, soils and hydrology. 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[2] (Wetland Manual) and the 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region Version 2.0[3] (Arid West Supplement). Lateral limits of non-wetland waters were identified using field indicators of an Ordinary High Water Mark (OHWM).[4] While in the field jurisdiction areas were recorded onto a 200-scale color aerial photograph using visible landmarks. Other data were recorded onto wetland data sheets.

The Soil Conservation Service (SCS)[5] has mapped the following soil types as occurring in the general vicinity of the Study Area:

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

[3] 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. Lichevar, and C.V. Noble. ERDC/EL TR-08-28. Vicksburg, MS: U.S. Army Engineer Research and Development Center and Engineering Laboratory.

[4] 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. R. W. Lichvar and S. M. McColley. ERDC/CRREL TR-08-12. Hanover, NH: U.S. Army Engineer Cold Regions Research and Engineering Laboratory.

[5] SCS is now known as the National Resource Conservation Service or NRCS.

Cieneba Sandy Loam, 8 to 15 Percent Slopes, Eroded (ChD2)

The Cieneba series consists of somewhat excessively drained soils on uplands. These soils formed in coarse-grained igneous rock. Elevations range from 900 to 3,500 feet and the average annual rainfall ranges from 9 to 16 inches. Vegetation consists of annual grasses, chamise, and flat-top buckwheat. In a typical profile, the surface layer is brown sandy loam about 14 inches thick. The underlying soil is light yellowish-brown gravelly coarse sand, and to a depth of about 22 inches, slightly acid, weathered granodiorite. The available water holding capacity of this soil is 2 to 3 inches. Surface runoff is medium, and the erosion hazard is moderate. The root zone is 16 to 22 inches deep, and the natural fertility is low. This soil is mainly used for dryland grain, irrigated citrus, pasture, and range, and for home sites.

Hanford Coarse Sandy Loam, 2 to 8 Percent Slopes (HcC)

This gently to moderately sloping soil occurs on alluvial fans. The A horizon is neutral to slightly acid in reaction and pale brown to dark grayish brown in color. Elevations range from 700 to 2,500 feet and the annual rainfall ranges from 9 to 14 inches. The C1 horizon is generally slightly acid to neutral coarse sandy loam to mildly sandy loam. The C2 horizon and C3 horizons are slightly acid to mildly alkaline, light yellowish-brown to brown, stratified loamy sand and coarse sandy loam. Included with this soil in mapping are small areas of Tujunga loamy sand, Greenfield sandy loam, and Ramona sandy loam. Some included areas have a gravelly coarse sandy loam or fine sandy loam surface layer. Also included are some small areas of braided stream channels. This soil is well drained. Its permeability is moderately rapid. Runoff is slow to medium, and the hazard of erosion is slight to moderate. The available water holding capacity is 5.0 to 7.5 inches. The root zone is more than 60 inches deep. Natural fertility is moderate. Vegetation consists of annual grasses, forbs, and chamise. This soil is used for irrigated alfalfa, potatoes, and citrus, for dryland grain and pasture, and for home sites.

Monserate Sandy Loam, 5 to 8 Percent Slopes, Eroded (MmC2)

This moderately sloping soil occurs on terraces and fans. The A horizon is slightly acid to neutral in reaction and brown, grayish brown, or reddish brown to yellowish red in color. The Bt horizon is grayish brown to reddish brown in color and sandy clay loam to clay loam in texture. Runoff is medium and the hazard of erosion is moderate. Natural fertility is moderate. This soil is used for irrigated citrus, for dryland grain and pasture, and for nonfarm purposes.

Monserate Sandy Loam, Shallow, 5 to 15 Percent Slopes, Eroded (MnD2)

The profile of this soil is similar to that described for the Monserate series, but it has a reddish-brown surface layer and a sandy clay subsoil. Occasionally, the soil has may have a gravelly

sandy loam surface layer. Runoff is rapid and the hazard of erosion is high. Natural fertility is moderately low. This soil is used for dryland pasture and grain, and for nonfarm purposes.

Placentia Fine Sandy Loam, 0 to 5 Percent Slopes, (PlB)

The Placentia series consists of moderately well drained, nearly level to gently sloping soils, occurring on terraces and alluvial fans. These soils developed in alluvium consisting mainly of granitic materials. Elevations range from 600 to 2,200 feet, and annual rainfall ranges from 10 to 14 inches. The A horizon is medium acid to slightly acid in reaction and brown to grayish brown, or pale brown in color, and sandy loam to loam in texture. The Bt horizon is neutral to moderately alkaline and contains lime splotches in the lower part. It is brown to reddish brown to dark red or yellowish brown in color and consists of heavy clay loam to sandy clay in texture. The C horizon is stratified sandy, gravelly, or cobbly granitic alluvium. The depth to the dense, very slowly permeable clay commonly ranges from 12 to 20 inches. Permeability of this soil is very slow, runoff is medium, and the hazard of erosion is moderate. This Placentia soil is used for permanent pasture, for dryland grain and pasture, and for nonfarm purposes.

Vista Rocky Coarse Sandy Loam, 2 to 35 Percent Slopes, Eroded (VtF2)

The Vista series contains soils that are well-drained soils of the uplands. These soils developed on weathered granite and granodiorite. Elevations range from 1,000 to 3,500 feet, and annual rainfall ranges from 10 to 15 inches. Typically, the surface layer is brown and grayish-brown coarse sandy loam about 15 inches thick. Runoff is medium on this soil, and the hazard of erosion is moderate. Natural fertility is moderately low. This soil is used for dryland pasture, homesites, and where it occurs in fields of more suitable soils, it is used for irrigated grain and citrus.

None of the soils within the project area are identified as hydric in the SCS's publication, Hydric Soils of the United States[6]; nor are any of these soils listed as hydric in the Soil Survey for Western Riverside County, California; however the Hydric Soils List for Western Riverside County does identify Placentia fine sandy loam, 0 to 5 percent slopes (PlD) as hydric when occurring in hydric depressions if the area is frequently ponded for long durations or very long durations during the growing season.

[6] United States Department of Agriculture, Soil Conservation Service. 1991. Hydric Soils of the United States, 3rd Edition, Miscellaneous Publication Number 1491. (In cooperation with the National Technical Committee for Hydric Soils.)

It is important to note that under the Arid West Supplement, the presence of mapped hydric soils is no longer dispositive for the presence of hydric soils. Rather, the presence of hydric soils must now be confirmed in the field.

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) 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:*
>
> > *(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.*
>
> *Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States.*

> *(8) Waters of the United States do not include prior converted cropland.*[7] *Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with the U.S. Environmental Protection Agency (EPA).*

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, 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 <u>abutted</u> a navigable water and that the court did not express any opinion on the

[7] The term "prior converted cropland" is defined in the Corps' Regulatory Guidance Letter 90-7 (dated September 26, 1990) as "wetlands which were both manipulated (drained or otherwise physically altered to remove excess water from the land) and cropped before 23 December 1985, to the extent that they no longer exhibit important wetland values. Specifically, prior converted cropland is <u>inundated for no more than 14 consecutive days</u> during the growing season…." [Emphasis added.]

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 Clean Water Act 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 project 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, that includes the data set forth in the *Approved Jurisdictional Determination Form.*

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 information pertaining to isolated waters is also included on the *Approved Jurisdictional Determination Form.*

The agencies 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 agencies will decide jurisdiction over the following waters based on a fact-specific analysis to determine whether they have a significant nexus with a traditional navigable water:

- 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. Corps Preliminary Jurisdictional Determination

A *Corps Preliminary Jurisdictional Determination Form* may be used to concede Corps jurisdiction where all streambeds within the project area are considered Corps jurisdictional waters. The project would be able to move forward pursuant to Corps Regulatory Guidance Letter (RGL) 08-02, issued on June 26, 2008, which allows the Corps to issue preliminary jurisdictional determinations (Preliminary JD) for a project. A Preliminary JD allows a project to move forward by setting aside/voluntarily waiving questions regarding CWA jurisdiction over drainages on site in the interest of allowing expeditiously obtaining a Section 404 Permit.

As stated in RGL 08-02:

> *While a landowner, permit applicant, or other affected party can elect to request and obtain an approved JD, he or she can also decline to request an approved JD, and instead obtain a Corps individual or general permit authorization based on either a preliminary JD, or, in appropriate circumstances (such as authorizations by non-*

> *reporting nationwide general permits), no JD whatsoever. The Corps will determine what form of JD is appropriate for any particular circumstance based on all the relevant factors, to include, but not limited to, the applicant's preference, what kind of permit authorization is being used (individual permit versus general permit), and the nature of the proposed activity needing authorization.*

The Corps typically completes Preliminary JDs within 60 days of receipt of the request for such a determination. If the Corps project manager cannot complete the Preliminary JD within the 60-day timeframe, they must provide their supervisor, who would also provide the applicant, with a schedule to complete the determination (i.e., unlike the Rapanos significant nexus guidelines, there is a specific timeframe to complete the Preliminary JD and move forward with the jurisdictional determination, without uncertainty, and the EPA will not be involved with the Preliminary JD process as the Corps is not required to coordinate with the EPA to review Preliminary JDs).

4. 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 a manual to guide its field personnel in determining jurisdictional wetland boundaries. The methodology set forth in the 1987 Wetland Delineation 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 manual and 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 National List of Plant Species that Occur in Wetlands[8]);

[8] Reed, P.B., Jr. 1988. National List of Plant Species that Occur in Wetlands. U.S. Fish and Wildlife Service Biological Report 88(26.10). Robert W. Lichvar and John T. Kartesz. 2009. *North American Digital Flora: National Wetland Plant List*, version 2.4.0 (https://wetland_plants.usace.army.mil). U.S. Army Corps of Engineers, Engineer Research and Development Center, Cold Regions Research and Engineering Laboratory, Hanover, NH, and BONAP, Chapel Hill, NC. (Accessed May 14, 2012)

- 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 1987 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

Subsequent to the SWANCC decision, the Chief Counsel for the State Water Resources Control Board issued a memorandum that addressed the effects of the SWANCC decision on the Section 401 Water Quality Certification Program.[9] The memorandum states:

> *California's right and duty to evaluate certification requests under section 401 is pendant to (or dependent upon) a valid application for a section 404 permit from the Corps, or another application for a federal license or permit. Thus if the Corps determines that the water body in question is not subject to regulation under the COE's 404 program, for instance, no application for 401 certification will be required…*
>
> *The SWANCC decision does not affect the Porter Cologne authorities to regulate discharges to isolated, non-navigable waters of the states….*
>
> *Water Code section 13260 requires "any person discharging waste, or proposing to discharge waste, within any region that could affect the waters of the state to file a report of discharge (an application for waste discharge requirements)." (Water Code § 13260(a)(1) (emphasis added).) The term "waters of the state" is defined as "any surface water or groundwater, including saline waters, within the boundaries of the state." (Water Code § 13050(e).) The U.S. Supreme Court's ruling in SWANCC has no bearing on the Porter-Cologne definition. While all waters of the United States that are within the borders of California are also waters of the state, the converse is not true—waters of the United States is a subset of waters of the state. Thus, since Porter-Cologne was enacted California*

[9] Wilson, Craig M. January 25, 2001. Memorandum addressed to State Board Members and Regional Board Executive Officers.

> *always had and retains authority to regulate discharges of waste into any waters of the state, regardless of whether the COE has concurrent jurisdiction under section 404. The fact that often Regional Boards opted to regulate discharges to, e.g., vernal pools, through the 401 program in lieu of or in addition to issuing waste discharge requirements (or waivers thereof) does not preclude the regions from issuing WDRs (or waivers of WDRs) in the absence of a request for 401 certification….*

In this memorandum the SWRCB's Chief Counsel has made the clear assumption that fill material to be discharged into isolated waters of the United States is to be considered equivalent to "waste" and therefore subject to the authority of the Porter Cologne Water Quality Act. However, while providing a recounting of the Act's definition of waters of the United States, this memorandum fails to also reference the Act's own definition of waste:

> *"Waste" includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.*

The lack of inclusion of a reference to "fill material," "dirt," "earth" or other similar terms in the Act's definition of "waste," or elsewhere in the Act, suggests that no such association was intended. Thus, the Chief Counsel's memorandum signals that the SWRCB is attempting to retain jurisdiction over discharge of fill material into isolated waters of the United States by administratively expanding the definition of "waste" to include "fill material" without actually seeking amendment of the Act's definition of waste (an amendment would require action by the state legislature). Consequently, discharge of fill material into waters of the State not subject to the jurisdiction of the Corps pursuant to Section 404 of the Clean Water Act may require authorization pursuant to the Porter Cologne Act through application for waste discharge requirements (WDRs) or through waiver of WDRs, despite the lack of a clear regulatory imperative.

C. California Department of Fish and Wildlife

Pursuant to Division 2, Chapter 6, Section 1602 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 jurisdiction within altered or artificial waterways is based upon the value of those waterways to fish and wildlife. The CDFW Legal Advisor has prepared the following opinion:

- Natural waterways that have been subsequently modified and which have the potential to contain fish, aquatic insects and riparian vegetation will be treated like natural waterways...

- Artificial waterways that have acquired the physical attributes of natural stream courses and which have been viewed by the community as natural stream courses, should be treated by [CDFW] as natural waterways...

- Artificial waterways without the attributes of natural waterways should generally not be subject to Fish and Game Code provisions...

Thus, CDFW jurisdictional limits closely mirror those of the Corps. Exceptions are CDFW's exclusion of isolated wetlands (those not associated with a river, stream, or lake), the addition of artificial stock ponds and irrigation ditches constructed on uplands, and the addition of riparian habitat supported by a river, stream, or lake regardless of the riparian area's federal wetland status.

III. RESULTS

A. Corps Jurisdiction

The Project site consists of an actively dry-farmed property, which has been recently disked and is generally unvegetated. Past historic aerial photography also indicates that the Project site was actively farmed but supported a few Eucalyptus trees (*Eucalyptus* sp.). Based upon a review of existing site conditions and past historic aerial photography, there are no drainage features within the Project site; therefore, there is no Corps jurisdiction present.

B. Regional Board Jurisdiction

The Project site consists of an actively dry-farmed property, which is generally disked and unvegetated. Past historic aerial photography also indicates that the Project site was actively farmed but supported a few Eucalyptus trees (*Eucalyptus* sp.). Based upon a review of existing site conditions and past historic aerial photography, there are no drainage features within the Project site; therefore, there is no Regional Board jurisdiction present.

C. California Department of Fish and Wildlife

The Project site consists of an actively dry-farmed property, which is generally disked and unvegetated. Past historic aerial photography also indicates that the Project site was actively farmed but supported a few Eucalyptus trees (*Eucalyptus* sp.). Based upon a review of existing site conditions and past historic aerial photography, there are no drainage features within the Project site; therefore, there is no CDFW jurisdiction present.

IV. IMPACT ANALYSIS

A. Impacts to Corps Jurisdiction

There is no Corps jurisdiction associated with the Project site; therefore, no permit from the Corps pursuant to Section 404 of the CWA is necessary.

B. Impacts to Regional Board Jurisdiction

There is no Regional Board jurisdiction associated with the Project site; therefore, no certification from the Regional Board pursuant to Section 401 of the CWA or waste discharge order pursuant to Section 13260 of the CWC is necessary.

C. Impacts to California Department of Fish and Wildlife Jurisdiction

There is no CDFW jurisdiction associated with the Project site; therefore, no agreement from the CDFW pursuant to Section 1602 of the Fish and Game Code is necessary.

If you have any questions regarding this report and impact analysis, please contact me at (949) 837-0404, Ext. 20 at the office or (714) 323-6221 on my cellular telephone. Thanks.

Sincerely,

GLENN LUKOS ASSOCIATES, INC.

Martin A. Rasnick
Sr. Regulatory Specialist

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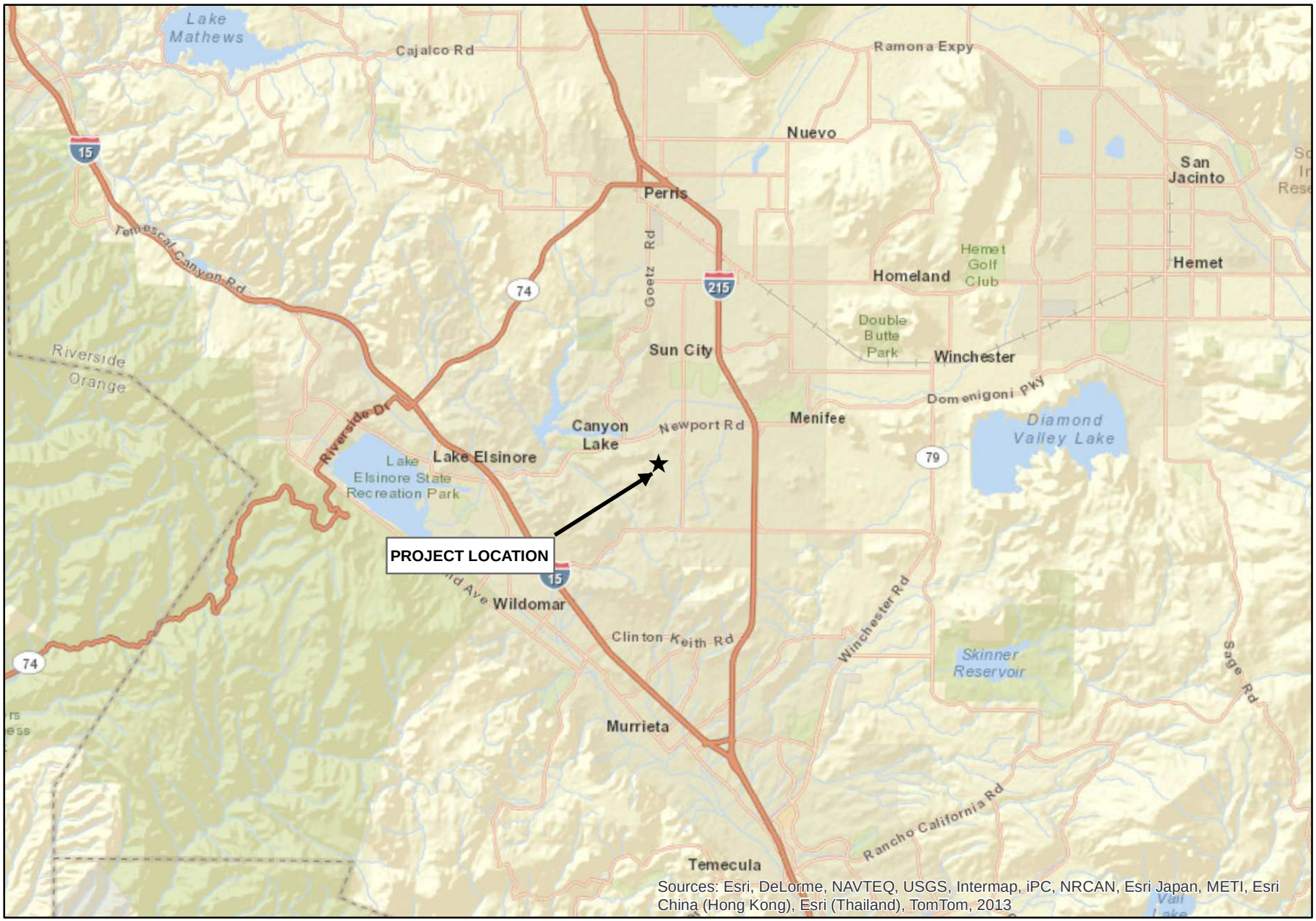
Exhibit 1

Regional Map



Source: ESRI World Street Map

N

0 2 4 8 Miles

CHRISTENSEN PROPERTY

Regional Map

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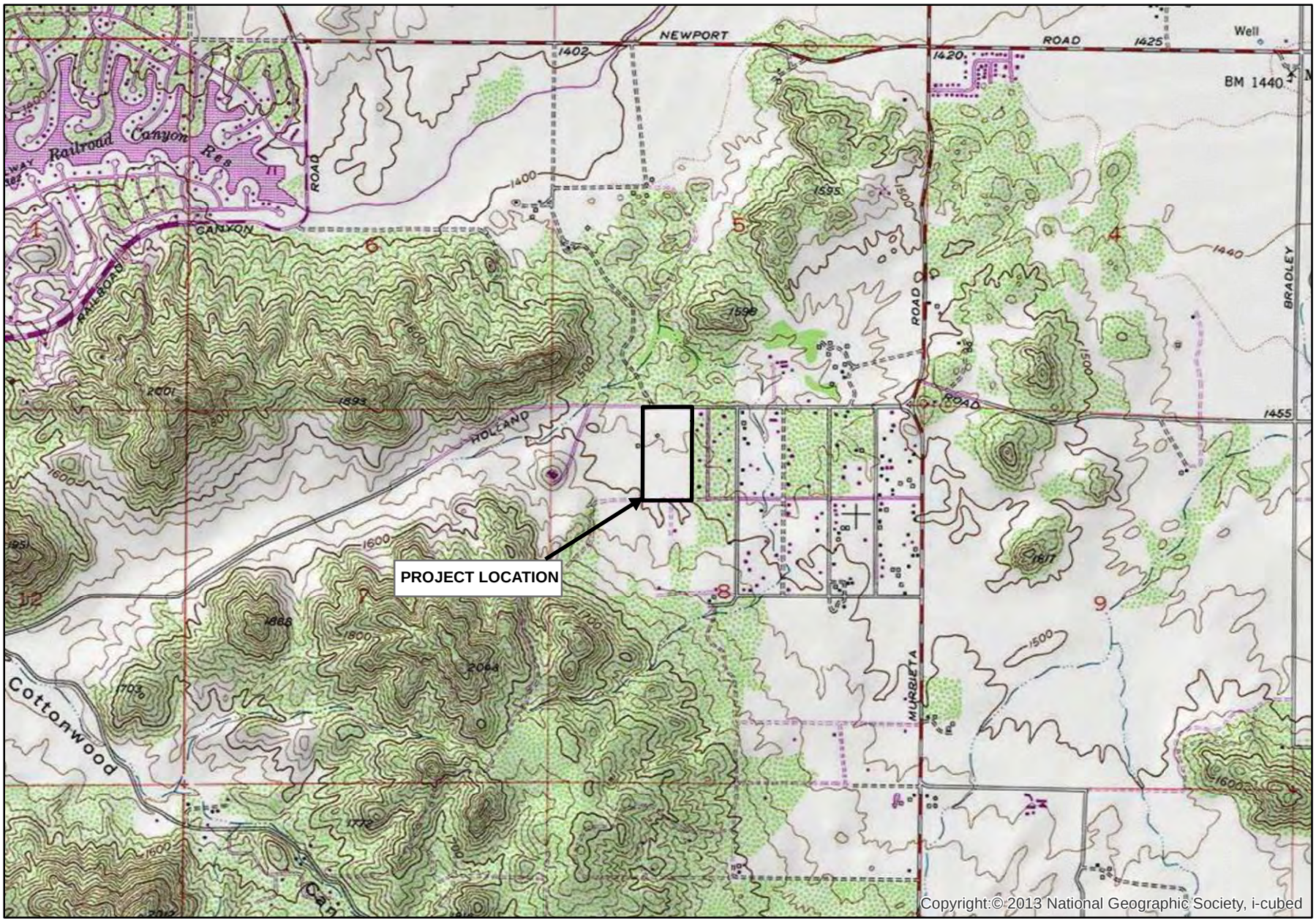
Exhibit 1

Exhibit 2

Vicinity/Location Map



Adapted from USGS Romoland, CA quadrangle

N

0 1,000 2,000 4,000 Feet

CHRISTENSEN PROPERTY

Vicinity Map

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Exhibit 2

Exhibit 3

Site Aerial Photograph

Legend

Project Boundary

N

0 62.5 125 250

Feet

CHRISTENSEN PROPERTY

Aerial Photo

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Exhibit 3

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Exhibit 4

Site Photographs

Photograph 1: View depicting the Project site looking north.

Photograph 2: View depicting the Project site looking north.

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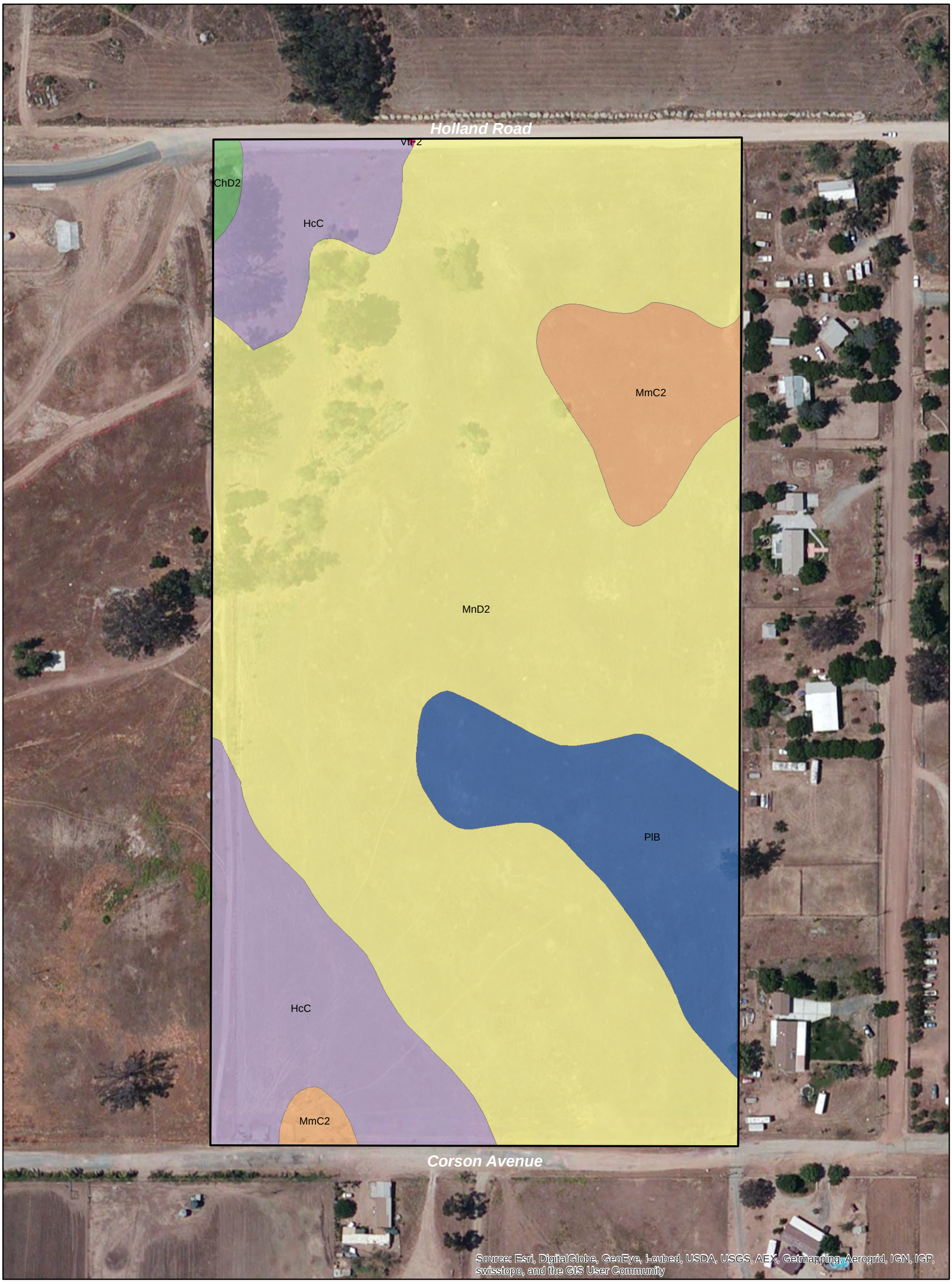
Exhibit 4

CHRISTENSEN PROPERTY

Site Photographs

Exhibit 5

Project Soils Map



Legend

- Project Boundary
- Cieneba sandy loam, 8 to 15 percent slopes, eroded, ChD2
- Hanford coarse sandy loam, 2 to 8 percent slopes, HcC
- Monserate sandy loam, 5 to 8 percent slopes, eroded, MmC2
- Monserate sandy loam, shallow, 5 to 15 percent slopes, eroded, MnD2
- Placentia fine sandy loam, 0 to 5 percent slopes, PlB
- Vista rocky coarse sandy loam, 2 to 35 percent slopes, eroded, VtF2

N

0 62.5 125 250

Feet

CHRISTENSEN PROPERTY

Soils Map

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Exhibit 5

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