THE COURT

APN 309-116-102 & -104

CITY OF VICTORVILLE, SAN BERNARDINO COUNTY, CALIFORNIA

DELINEATION OF STATE AND FEDERAL JURISDICTIONAL WATERS

Prepared For:
Bear Stone Reality, LLC
133 Palencia
Irvine, California 92618
Contact: *Clark Yeung*

Prepared By:

ELMT Consulting, Inc.
2201 N. Grand Avenue #10098
Santa Ana, California 92711
Contact: *Travis J. McGill*
714.714.5050

October 2025

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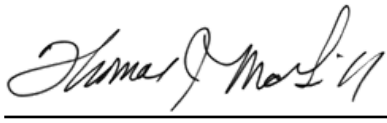
The undersigned certify that the statements furnished in this report and exhibits present data and information required for this biological evaluation, and the facts, statements, and information presented is a complete and accurate account of the findings and conclusions to the best of our knowledge and beliefs.

Travis J. McGill
Biologist/Director



Thomas J. McGill, Ph.D.
Managing Director

October 2025

Executive Summary

ELMT Consulting (ELMT) has prepared this Delineation of State and Federal Jurisdictional Waters Report for the proposed 'The Court' Project located in in the City of Victorville, San Bernardino County, California. The jurisdictional delineation documents the regulatory authority of the U.S. Army Corps of Engineers (Corps), the Regional Water Quality Control Board (Regional Board), and the California Department of Fish and Wildlife (CDFW) pursuant to Section 401 and 404 of the Federal Clean Water Act (CWA), the California Porter-Cologne Water Quality Control Act, and Sections 1600 *et. seq.* of the California Fish and Game Code.[1]

One (1) unnamed ephemeral drainage feature (Drainage 1) was observed within the boundaries of the project site during the field delineation. This feature flows in a southwest to northeast direction across the northwestern corner of the project site. This drainage feature was created when a storm drain outlet was installed on Silica Drive, west of and outside of the project footprint to convey stormwater runoff from surrounding roadways and residential developments. The storm drain did not replace an existing blue line stream or water resource that may have occurred prior to the development in the area.

The on-site ephemeral drainage feature is not a relatively permanent, standing, or continuously flowing body of water and, therefore, will not qualify as waters of the United States under the regulatory authority of the Corps (*Sackett v. EPA* (2022) 143 S. Ct. 1322, 1336). However, the onsite drainage feature will qualify as waters of the State and fall under the regulatory authority of the Regional Board and CDFW. Table ES-1 identifies the on-site jurisdictional areas including the total acreage of jurisdiction and anticipated impacts for each regulatory agency within the boundaries of the project site.

Table ES-1: Jurisdictional Area and Impact Analysis

Jurisdictional Feature	Stream Flow	Cowardin Class	Class of Aquatic Resource	Regional Board Jurisdiction		CDFW Jurisdictional Streambed	
				On-Site Jurisdiction Acreage (Linear Feet)	**Jurisdictional Impacts** Acreage (Linear Feet)	**On-Site Jurisdiction** Acreage (Linear Feet)	**Jurisdictional Impacts** Acreage (Linear Feet)
Drainage 1	Ephemeral	Riverine	Non-Section 10 Non-Wetland	0.031 (489)	0.031 (489)	0.031 (489)	00.031 (489)
TOTALS				**0.031 (489)**	**0.031 (489)**	**0.031 (489)**	**0.031 (489)**

The project applicant will likely be required to obtain the following regulatory approvals prior to impacts occurring within the identified jurisdictional areas: Corps Approved Jurisdictional Determination/Waiver; Regional Board CWA Section Report of Waste Discharge; and CDFW Section 1602 Streambed Alteration

[1] The field survey for this jurisdictional delineation was conducted on October 15, 2025 pursuant to the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, Version 2.0* (Corps 2008); and *Minimum Standards for Acceptance of Aquatic Resources Delineation Reports* (Corps 2017); *The MESA Field Guide: Mapping Episodic Stream Activity* (CDFW 2014); and a *Review of Stream Processes and Forms in Dryland Watersheds* (CDFW 2010).

Agreement (SAA). However, since the feature was created, and does not support any riparian habitat, the regulatory agencies might not require mitigation for impacts. Permits will need to be submitted and reviewed by the agencies to determine if mitigation will be required. Refer to Sections 1-7 for a detailed analysis of site conditions and regulatory requirements.

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EXHIBITS

APPENDIX

Section 1 Introduction

This jurisdictional delineation has been prepared for 'The Court' (Project site or site) in order to document the potential jurisdictional authority of the U.S. Army Corps of Engineers (Corps), the Regional Water Quality Control Board (Regional Board), and the California Department of Fish and Wildlife (CDFW) pursuant to Section 401 and 404 of the Federal Clean Water Act (CWA), the California Porter-Cologne Water Quality Control Act and Sections 1600 *et seq.* of the California Fish and Game Code. The analysis presented in this report is supported by a field survey and verification of site conditions conducted on October 15, 2025.

This jurisdictional delineation explains the methodology undertaken by ELMT Consulting (ELMT) to define the regulatory authority of CDFW and documents the findings made by ELMT. This report documents the jurisdictional boundaries using the most up-to-date regulations, written policy, and guidance from the regulatory agencies.

1.1 PROJECT LOCATION

The project site is generally located north of the San Bernardino Mountains, east and south of State Route 15, and west of State Route 15 in the City of Victorville, San Bernardino County, California (refer to Exhibit 1, *Regional Vicinity*). The site is depicted on the Hesperia quadrangle of the United States Geological Survey's (USGS) 7.5-minute map series within Sections 33 and 34 of Township 5 North, Range 4 West (Exhibit 2, *Site Vicinity*). Specifically, the project site is located at the northwest corner of the intersection of 1st Avenue and Silica Drive within Assessor Parcel Numbers 309-116-102, and -104 (Exhibit 3, *Project Site*).

1.2 PROJECT DESCRIPTION

The proposed project would involve the development of the 8.52-acre site with a new multiple-family residential development that would consist of 99-units. Of the total number of units, 51 units would be three-bedroom units and 38 units would be four-bedroom units. The key physical elements of the proposed project are outlined below.

- *Site Plan*. The proposed project involves the development of an 8.52-acre, 371,131 square foot site with a new multiple-family residential development. The proposed 99 unit apartment complex would include 20, 3 story buildings consisting of the following: 5 six-plex buildings with 6 units each, 13 five-plex buildings with 5 units each, 1 four-plex building with 4 units each, and 1 recreational building. The project's residential floor area would total approximately 187,077 square feet. The east and south portions of the site would be dedicated to street improvements. 34 feet from the southern property line would be dedicated to Silica Drive and 62 to 75 feet would be dedicated to First Avenue.

- *Type A Unit Group.* There are 13 Type A buildings in total, 8 buildings would have 5 units and 4 buildings would have 6 units. The buildings with 5 units would consist of 4, 3 bedroom units with each unit having a total square footage of 1,810 and 1, 4 bedroom unit with 1,951 total square feet.

Each unit would have a 76 square foot private garden and a 103 square foot balcony for 179 square feet of private open space as well as a 440 square foot, 2 car garage.

- *Type B Unit Group.* There are 6 Type B buildings in total, 4 buildings would have 5 units, 1 building would have 4 units, and 1 building would have 6 units. All Type B buildings have up to 3, 4 bedroom units with 1,979 square feet per unit and either 3 or 4, 3 bedroom units with 1,845 square feet per unit. The 3 bedroom units would have a 100 square foot private garden and a 75 square foot balcony for 175 square feet of private open space and a 460 square foot, 2 car garage. The 4 bedroom units would have a 100 square foot private garden and a 75 square foot balcony for 175 square feet of private open space as well as a 460 square foot, 2 car garage. Additionally, there are 3, 4 bedroom units that are 2,500 square feet per unit with a 200 square foot private garden and a 135 square foot balcony for 354 square feet of private open space as well as a 747 square foot garage, 3 car garage.

- *Landscaping.* Landscaping would total 112,714 square feet. The landscaping would be installed along the site's perimeter, and within the site's interior. A 10,000 square foot retention basin would be provided along the site's north side within the dog park.

- *Access, Circulation, and Parking.* A total of 254 parking spaces would be provided, of which 53 are guest parking stalls, 6 ADA stalls, and 201 are in 2 to 3 car garages. There would also be 38 bicycle parking stalls. Vehicular access to the project site would be provided by a new gated driveway connection on the north side of Silica Drive and a secondary connection gated on the west side of First Avenue. Internal drive aisles, with a width of 30-feet surround the central area and pedestrian walkways with a width of 5 feet, would provide a connection throughout the site.

- *Amenities.* Amenities for the proposed project would be located in the center of the site, surrounding the clubhouse (10,040 square feet) and on the north and west borders of the project. The center amenities would include the clubhouse, desert landscape garden, barbeque, pool (1,150 square feet), pool deck, water jet park, children's playground, full basketball court (4,700 square feet), and 2 pickleball courts (3,200 square feet). There would also be a dog park located on the northern border and a dog walkway that extends from the dog parks to the southwest of the project site.

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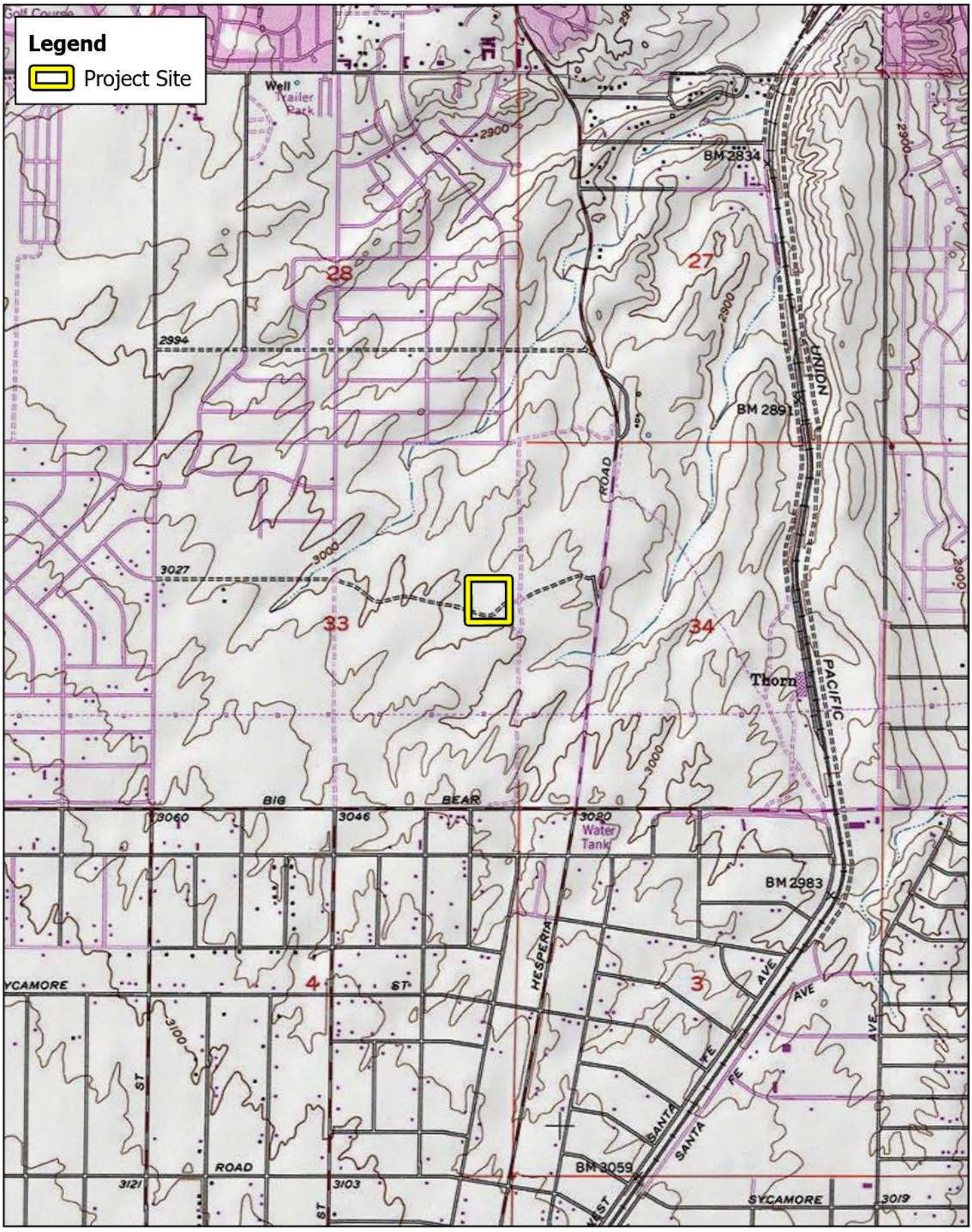
Regional Vicinity

Exhibit 1



ELMT CONSULTING

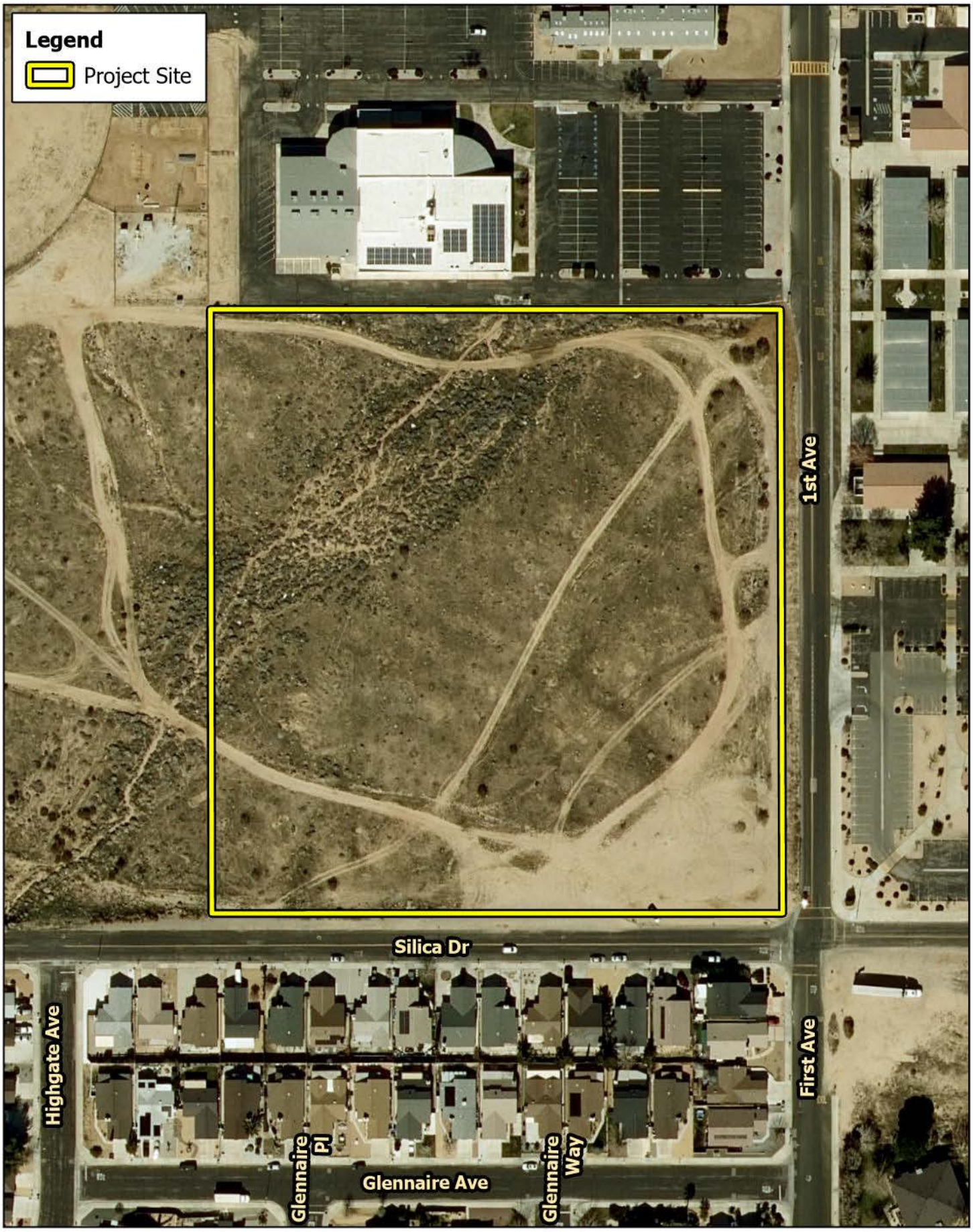
N 0 1,000 2,000 4,000 US Feet

Source: USA Topographic Map, San Bernardino County

THE COURT

Site Vicinity

Exhibit 2



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N 0 50 100 200 US Feet

Source: ESRI Aerial Imagery, San Bernardino County

THE COURT

Project Site

Exhibit 3

Section 2 Regulations

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The Corps Regulatory Division regulates activities pursuant to Section 404 of the CWA, Section 10 of the Rivers and Harbors Act, and Section 103 of the Marine Protection, Research, and Sanctuaries Act. The Regional Board regulates activities pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act and the CDFW regulates activities under Sections 1600 *et seq*. of the California Fish and Game Code.

2.1 U.S. ARMY CORPS OF ENGINEERS

In accordance with the Revised Definition of "Waters of the United States"; Conforming (September 8, 2023), "waters of the United Sates" are defined as follows:

(a) ***Waters of the United States*** means:

(1) Waters which are:

(i) Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(ii) The territorial seas; or

(iii) Interstate waters;

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

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

(4) Wetlands adjacent to the following waters:

(i) Waters identified in paragraph (a)(1) of this section; or

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

(5) Intrastate lakes and ponds not identified in paragraphs (a)(1) through (4) of this section that are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3) of this section

(b) The following are not "waters of the United States" even where they otherwise meet the terms of paragraphs (a)(2) through (5) of this section:

(1) Waste treatment systems, including treatment ponds or lagoons, designed to meet the requirements of the Clean Water Act;

(2) Prior converted cropland designated by the Secretary of Agriculture. The exclusion would cease upon a change of use, which means that the area is no longer available for the production of agricultural

commodities. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA;

(3) Ditches (including roadside ditches) excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water;

(4) Artificially irrigated areas that would revert to dry land if the irrigation ceased;

(5) Artificial lakes or ponds created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing;

(6) Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking dry land to retain water for primarily aesthetic reasons;

(7) Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States; and

(8) Swales and erosional features (*e.g.,* gullies, small washes) characterized by low volume, infrequent, or short duration flow.

(c) In this section, the following definitions apply:

(1) ***Wetlands*** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(2) ***Adjacent*** means having a continuous surface connection

(3) ***High tide line*** means the line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

(4) ***Ordinary high water mark*** means that line on the shore established by the fluctuations 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.

(5) ***Tidal waters*** means those waters that rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water

surface can no longer be practically measured in a predictable rhythm due to masking by hydrologic, wind, or other effects.

2.2 REGIONAL WATER QUALITY CONTROL BOARD

Pursuant to Section 401 of the CWA, any applicant for a federal license or permit to conduct any activity which may result in any discharge to waters of the United States must provide certification from the State or Indian tribe in which the discharge originates. This certification provides for the protection of the physical, chemical, and biological integrity of waters, addresses impacts to water quality that may result from issuance of federal permits and helps ensure that federal actions will not violate water quality standards of the State or Indian tribe. In California, there are nine Regional Boards that issue or deny certification for discharges to waters of the United States and waters of the State, including wetlands, within their geographical jurisdiction. The State Water Resources Control Board (SWRCB) assumes this responsibility when a project has the potential to result in the discharge to waters within multiple Regional Boards.

Additionally, the California Porter-Cologne Water Quality Control Act gives the State very broad authority to regulate waters of the State, which are defined as any surface water or groundwater, including saline waters. The Porter-Cologne Water Quality Control Act has become an important tool post *Solid Waste Agency of Northern Cook County vs. United States Corps of Engineers*[2] (SWANCC) and *Rapanos v. United States*[3] (Rapanos) court cases with respect to the State's regulatory authority over isolated and insignificant waters. Generally, any applicant proposing to discharge waste into a water body must file a Report of Waste Discharge in the event that there is no Section 404/401 nexus. Although "waste" is partially defined as any waste substance associated with human habitation, the Regional Board also interprets this to include discharge of dredged and fill material into water bodies.

Under the State Water Resources Control Board Sate Wetland Definition, an area is a 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.

2.3 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Sections 1600 *et seq.* of the California Fish and Game Code establishes a fee-based process to ensure that projects conducted in and around lakes, rivers, or streams do not substantially adversely impact fish and wildlife resources, or, when adverse impacts cannot be avoided, ensures that adequate mitigation and/or compensation is provided. Pursuant to Section 1602 of the California Fish and Game Code, a notification must be submitted to the CDFW for any activity that will divert or obstruct the natural flow or alter the bed, channel, or bank (which may include associated biological resources) of a river or stream or use material from a streambed. One CDFW guidance document, although not a formally adopted rule or policy, requires notification for activities taking place within rivers or streams that flow perennially or episodically and that

[2] Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, 531 U.S. 159 (2001)
[3] Rapanos v. United States, 547 U.S. 715 (2006)

are defined by the area in which surface water currently 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 and biological indicators. If the project will not "substantially adversely affect an existing fish or wildlife resource," following notification to CDFW, the project may commence without an agreement with CDFW. (Fish & G. Code, § 1602(a)(4)(A)(i).)

Section 3 Methodology

The analysis presented in this report is supported by a field survey and verification of site conditions conducted on October 15, 2025. ELMT conducted a field delineation to determine the jurisdictional limits of the "waters of the United States", "waters of the State" and jurisdictional streambed (including potential wetlands), located within the boundaries of the Project site. While in the field, jurisdictional features were recorded on an aerial base map at a scale of 1" = 50' using topographic contours and visible landmarks as guidelines. Data points were obtained with a Garmin Map62 Global Positioning System to record and identify specific widths for ordinary high-water mark (OHWM) indicators and the locations of photographs, soil pits, and other pertinent jurisdictional features, if present. This data was then transferred as a .shp file and added to the Project's jurisdictional exhibits. The jurisdictional exhibits were prepared using ESRI ArcInfo Version 10 software.

3.1 WATERS OF THE UNITED STATES

In the absence of adjacent wetlands, the limits of the Corps jurisdiction in non-tidal waters extend to the OHWM, which is defined as "*. . . that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.*"[4] Indicators of an OHWM are defined in *A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States* (Corps 2008). In addition to characteristics listed above, wracking; vegetation matted down, bent, or absent; sediment sorting; leaf litter disturbed or washed away; scour; deposition; multiple observed flow events; bed and banks; water staining; and/or change in plant community.

Pursuant to the Corps Wetland Delineation Manual (Corps 1987), the identification of wetlands is based on a three-parameter approach involving indicators of hydrophytic vegetation, hydric soils, and wetland hydrology. In order to qualify as a wetland, a feature must exhibit at least minimal characteristics within each of these three parameters. It should also be noted that both the Regional Board and CDFW follow the methods utilized by the Corps to identify wetlands. For this Project , Corps jurisdictional wetlands are delineated using the methods outlined in the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, Version 2.0* (Corps 2008).

3.2 WATERS OF THE STATE

3.2.1 REGIONAL WATER QUALITY CONTROL BOARD

The California *Porter-Cologne Water Quality Control Act* gives the Regional Board very broad authority to regulate waters of the State, which are defined as any surface water or groundwater, including saline

[4] CWA regulations 33 CFR §328.3(e).

waters. The Regional Board shares the Corps' methodology for delineating the limits of jurisdiction based on the identification of OHWM indicators and utilizing the three parameter approach for wetlands.

3.2.2 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Sections 1600 *et seq*. of the California Fish and Game Code applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the State. CDFW Regulations define "stream" as "a body of water that flows at least periodically or intermittently through a bed or channel having banks and that supports fish or other aquatic life. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation." (14 Cal. Code Regs., § 1.72.) For this Project location, CDFW jurisdictional limits were delineated using this definition of "stream."

Section 4 Literature Review

ELMT conducted a thorough review of relevant literature and materials to preliminarily identify areas that may fall under the jurisdiction of the regulatory agencies. A summary of materials utilized during ELMT's literature review is provided below and in Appendix C, *Documentation*. In addition, refer to Section 8 for a complete list of references used throughout the course of this delineation.

4.1 WATERSHED REVIEW

The project site is located within the Desert Knolls Wash–Mojave River sub-watershed (HUC 180902080703), a tributary drainage within the larger Mojave subbasin (HUC 18090208). This sub-watershed drains toward the Mojave River, an ephemeral watercourse that typically remains dry but conveys flows during periods of heavy rainfall or high-precipitation events. The broader Mojave Watershed encompasses a varied landscape of mountain ranges, desert plains, and inland valleys, and contains numerous ephemeral washes and dry lake basins. In the Victorville area, surface flows are generally directed toward the Mojave River during significant storm events.

4.2 LOCAL CLIMATE

The Mojave Desert is found at elevations of 2,000 to 5,000 feet above mean sea level (msl) and is characterized by cool winter temperatures and warm summer temperatures, with its rainfall occurring almost entirely in the winter. Climatological data obtained from nearby weather stations indicates the annual precipitation in Victorville averages 5.4 inches per year. Nearly all precipitation occurs December through March, with negligible rainfall during the summer months. December is typically the wettest month, with a monthly average total of 1.07 inches. The average annual high and low temperatures are about 77 degrees Fahrenheit (°F) and 48 °F, respectively. July is the hottest month (with daily highs near 95 °F) and December the coldest (with lows around 39–40 °F). During site visits, observed temperatures were in the mid-40s to low 50s °F, with light winds and mostly clear skies.

4.3 USGS TOPOGRAPHIC QUADRANGLE

The USGS 7.5 Minute Series Topographic Quadrangle maps show geological formations and their characteristics, describing the physical setting of an area through contour lines and major surface features including lakes, rivers, streams, buildings, landmarks, and other factors that may fall under an agency's jurisdiction. Additionally, the maps depict topography through color and contour lines, which are helpful in determining elevations and latitude and longitude within the project site.

According to the topographic map, the project site occurs within the Hesperia 7.5-minute quadrangles. The topographic map indicates that the site is entirely undeveloped, with access roads along the northern, eastern, and southern boundaries, and throughout the center of the site.

On-site elevation ranges from approximately 2,990 to 3,006 feet above mean sea level and generally slopes from southwest to northeast across the site. The site is generally flat with no areas of significant topographic relief.

4.4 AERIAL PHOTOGRAPHS

Prior to conducting the field delineation, ELMT reviewed current and historical aerial photographs (1985-2025) of the project as available from Google Earth Pro Imaging. Aerial photographs can be useful during the delineation process, as they often indicate the presence of drainage features and riverine habitat within the boundaries of the project site, if any.

The project site is located along the southeastern boundary of the City of Victorville, in a predominantly developed area. Surrounding land uses are primarily residential and commercial. The site is bordered to the west by several undeveloped, vacant lots, with residential development beyond; to the south by Silica Drive and additional residential uses; to the east by 1st Avenue, Lomitas: A Community of Learners Elementary School, and commercial development beyond; and to the north by Bible Baptist Church and residential neighborhoods.

The site itself is primarily comprised of vacant, undeveloped and disturbed land that has been subjected to various anthropogenic disturbances, including off-road vehicle use. Natural plant communities are present but highly disturbed.

A historic aerial review of the project site was conducted to determine the level of disturbance the project site has been subject to over recent decades. The following is a summary of the review.

1952 – 1969	The site entirely supports undeveloped land with natural plant communities. Disturbed land on and immediately adjacent to the site are observed in the area in the form of dirt access roads. No drainage is observed.
1984 – 1985	The site remains the same. However, land in the surrounding area is beginning to be developed with residential and commercial developments. No drainage is observed.
1994-2006	The church north of the project site, school east of the project site, and residential development south of the project site are first observed. Silica Drive south of the project site and First Avenue east of the project site are paved. The western terminus of Silica Drive ends where the storm drain is located on Silicia Drive west of the site. A storm drain outlet (culvert) appears to have been installed under Silica Drive west of the project site, when the residential development was created, creating a drainage feature flowing southwest to northeast. In 2005 a storm drain is first observed in the middle of the northern boundary of the project site to convey the flows under the church and into the underground storm drain system.
2009	Silica Drive is first observed extending further to the west of the project site and more residential houses were developed south of the site. The onsite drainage feature is more prominent, and the site appears to have been subject to weed abatement activities. Dirt access road/paths traverse the site.
2013-Present	The site remains the same.

4.5 SOILS

Soils within and adjacent to the Project site were researched prior to the field delineation using the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Custom Soil Resource Report for San Bernardino County, Mojave River Area. Soil surveys furnish soil maps and interpretations originally needed in providing technical assistance to farmers and ranchers; in guiding other decisions about soil selection, use, and management; and in planning, research, and disseminating the results of the research. In addition, soil surveys are now heavily utilized in order to obtain soil information with respect to potential wetland environments and jurisdictional areas (i.e., soil characteristics, drainage, and color).

Based on the NRCS USDA Web Soil Survey, the project site is historically underlain entirely by Bryman loamy fine sand (5 to 9 percent slopes). Soils across much of the site are compacted due to vehicle use, illegal dumping, and foot traffic. Refer to Exhibit 4, *Soils*.

4.6 HYDRIC SOILS LIST OF CALIFORNIA

ELMT reviewed the USDA NRCS Hydric Soils List of California in an effort to verify whether on-site soils are considered to be hydric[5]. It should be noted that lists of hydric soils along with soil survey maps provide off-site ancillary tools to assist in wetland determinations, but they are not a substitute for field investigations. The presence of hydric soils is initially investigated by comparing the mapped soil series for the site to the County list of hydric soils. According to the hydric soils list, Bryman loamy fine sand (5 to 9 percent slopes) is not listed as hydric in San Bernardino County, California.

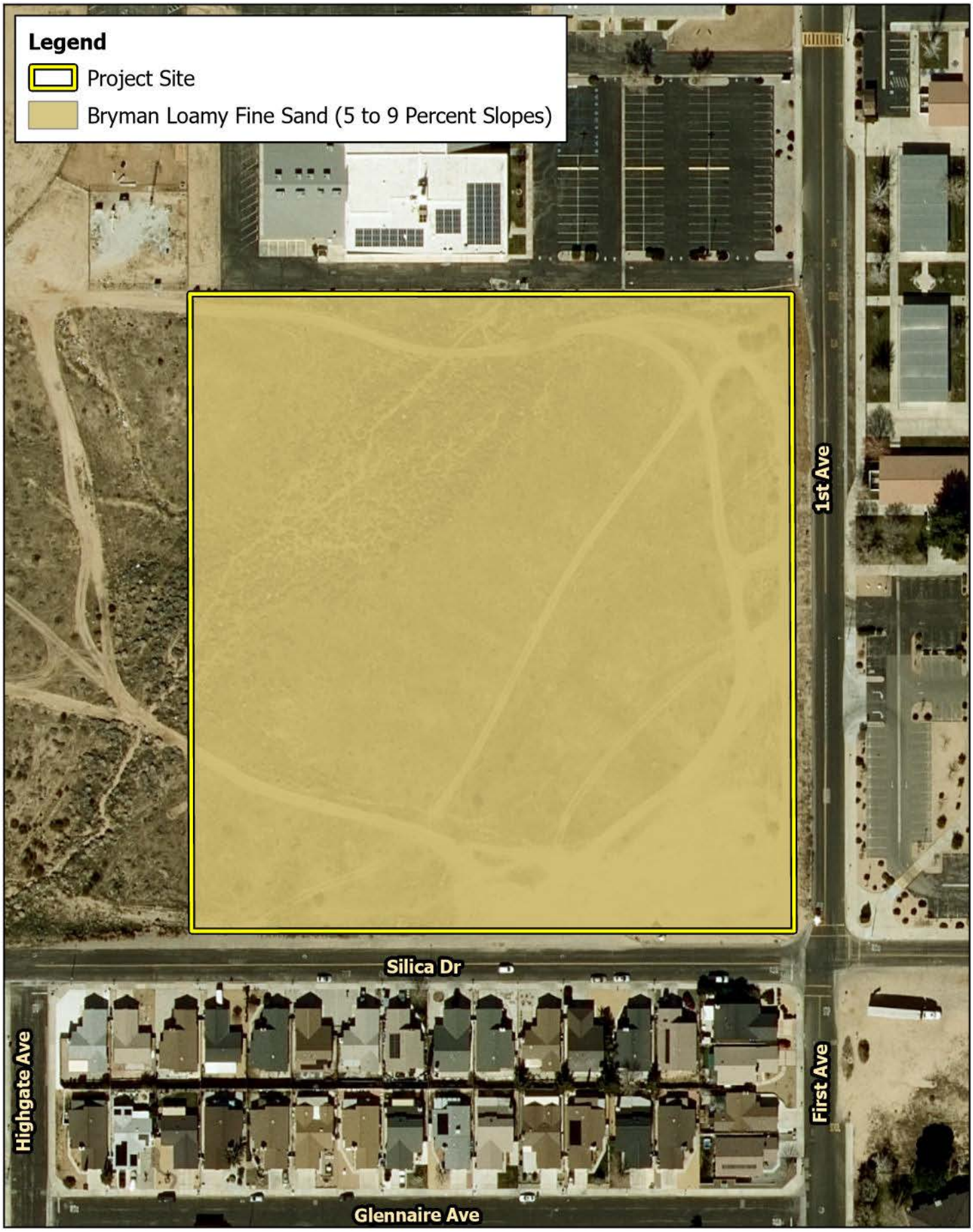
4.7 NATIONAL WETLANDS INVENTORY

ELMT reviewed the U.S. Fish and Wildlife Service's (USFWS) National Wetland Inventory (NWI) maps. Based on the NWI maps, no riverine resources are mapped within or adjacent to the boundaries of the project site. Mapping for this area was photo interpreted using 1:40,000 scale color infrared imagery from 1996. Refer to Appendix C, *Documentation*.

4.8 FLOOD ZONE

The Federal Emergency Management Act (FEMA) website was searched for flood data for the project site. Based on Flood Insurance Rate Maps No. 06071C6485J, the project site is located in Zone X – areas of minimal flood hazard. Refer to Appendix C, *Documentation*.

[5] 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 in the upper part.



ELMT CONSULTING

N 0 50 100 200 US Feet

Source: ESRI Aerial Imagery, San Bernardino County

THE COURT

Soils

Exhibit 4

Section 5 Site Conditions

ELMT biologists Andrew N. Mestas and Miranda L. Scolaro conducted a field delineation on October 15, 2025, to verify existing site conditions and document the extent of potential jurisdictional areas within the boundaries of the project site. ELMT field staff encountered no limitations during the field delineation.

The project site primarily consists of undeveloped land that has been subject to various levels of anthropogenic disturbances and supports a creosote bush/rubber rabbitbrush scrub plant community and disturbed land. The southeastern portion of the site is heavily disturbed and largely devoid of vegetation as a result of vehicle activity. Dirt access roads/pathways were observed along the northern, eastern, and southern boundaries, as well as through the central portion of the site. Illegal dumping occurs throughout the site.

5.1 ON-SITE FEATURES

5.1.1 DRAINAGE FEATURES

One (1) unnamed ephemeral drainage feature (Drainage 1) was observed within the boundaries of the project site during the field delineation. This feature flows in a southwest to northeast direction across the northwestern corner of the project site before flowing into a culvert located in the middle of the northern boundary of the site. This drainage feature was created when a storm drain outlet was installed on Silica Drive, west of and outside of the project footprint to convey stormwater runoff from surrounding roadways and residential developments. The storm drain did not replace an existing blue line stream or water resource that may have occurred prior to the development in the area. The onsite feature only conveys surface flow in direct response to precipitation and are not expected to be intermittent or permanent water features. Refer to Exhibit 5, *Jurisdictional Areas*.

The OWHM of on-site drainage feature ranged from 1 to 4 feet in width. This on-site feature does not support riparian vegetation. Refer to Appendix A, *Site Photographs.* The on-site drainage feature is primarily composed of sandy substrate with sparse vegetation. The drainage supports upland plant species characteristic of the surrounding creosote bush/rubber rabbitbrush scrub community. Common native species observed on-site include creosote (*Larrea tridentata*), rubber rabbitbrush (*Ericameria nauseosa*), sacred datura (*Datura wrightii*), annual bur-sage (*Ambrosia acanthicarpa*), and ephedra (*Ephedra californica*). Non-native species such as Russian thistle (*Salsola tragus*) and shortpod mustard (*Hirschfeldia incana*) were also present.

5.1.2 WETLAND FEATURES

In order to qualify as a wetland, a feature must exhibit all three wetland parameters (i.e., vegetation, soils, and hydrology) described in the Corps Arid West Regional Supplement. Although evidence of hydrology (i.e., scour, changes in substrate, lack of vegetation) was present within the on-site drainages, these areas were dominated by upland plant species. Further, water does not persist long enough on the Project site to create hydric soil (anaerobic) conditions, and none of the on-site drainages supported a dominance of

hydrophytic vegetation. As a result, no features on-site meet the Corps' or Regional Board's wetland definition to qualify as jurisdictional wetlands.

ELMT CONSULTING

N 0 50 100 200 US Feet

Source: ESRI Aerial Imagery, San Bernardino County

THE COURT

Jurisdictional Areas

Exhibit 4

Section 6 Findings

This report presents the extent of jurisdictional features using the most up-to-date regulations, written policy, and guidance from the regulatory agencies. Please refer to the following sections for a summary of jurisdictional areas within the Project site.

6.1 U.S. ARMY CORPS OF ENGINEERS DETERMINATION

6.1.1 WATERS OF THE UNITED STATES DETERMINATION

The on-site ephemeral drainage features are not relatively permanent, standing, or continuously flowing bodies of water and, therefore, will not qualify as waters of the United States under the regulatory authority of the Corps (*Sackett v. EPA* (2022) 143 S. Ct. 1322, 1336).

6.1.2 FEDERAL WETLAND DETERMINATION

An area must exhibit all three wetland parameters described in the Corps Arid West Regional Supplement to be considered a jurisdictional wetland. Based on the results of the field delineation, it was determined that no areas within the Project site met all three wetland parameters. Therefore, no jurisdictional wetland features exist within the Project site.

6.2 REGIONAL WATER QUALITY CONTROL BOARD

6.2.1 WATERS OF THE STATE DETERMINATION

The onsite drainage feature exhibits characteristics consistent with the Regional Board's methodology and would be considered jurisdictional waters of the State. Approximately 0.031 acre (489 linear feet) of non-wetland waters of the State occur onsite. Based on the preferred site plan, the entire on-site feature (0.031 acre / 489 linear feet) would be impacted by project activities. Refer to Exhibit 5 for an illustration of impacts to Regional Board waters of the State.

Table 1: Regional Board Jurisdictional Waters and Impacts

Jurisdictional Feature	Regional Board Jurisdiction	
	On-Site Jurisdiction Acreage (Linear Feet)	**Impacts** Acreage (Linear Feet)
Drainage 1	0.031 (489)	0.031 (489)
TOTAL	**0.031 (489)**	**0.031 (489)**

6.2.2 STATE WETLAND DETERMINATION

Under the State Water Resources Control Board State Wetland Definition, an area is a 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.

Based on the results of the field delineation, it was determined that no areas within the Project site meet the State Wetland Definition. Therefore, no state wetland features exist within the Project site.

6.3 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

The on-site drainage feature exhibits characteristics consistent with CDFW's methodology and would be considered CDFW streambed. Approximately 0.031 acre (489 linear feet) of CDFW-jurisdictional streambed occurs within the boundaries of the project site. Based on the preferred site plan, the entire on-site CDFW-jurisdictional feature (0.031 acre / 489 linear feet) would be impacted by project activities. Refer to Exhibit 5 for an illustration of impacts to CDFW-jurisdictional areas.

Table 2: CDFW Jurisdictional Areas and Impacts

Jurisdictional Feature	CDFW Jurisdictional Streambed	
	On-Site Jurisdiction Acreage (Linear Feet)	**Impacts** Acreage (Linear Feet)
Drainage 1	0.031 (489)	0.031 (489)
TOTAL	**0.031 (489)**	**0.031 (489)**

Section 7 Regulatory Approval Process

The following is a summary of the various permits, certifications, and agreements that may be necessary prior to construction and/or alteration within jurisdictional areas. Ultimately the regulatory agencies make the final determination of jurisdictional boundaries and permitting requirements.

7.1 UNITED STATES ARMY CORPS OF ENGINEERS

The Corps regulates discharges of dredged or fill materials into waters of the United States and wetlands pursuant to Section 404 of the CWA. No Corps jurisdictional areas were identified within the project site and a CWA Section 404 permit would not be required for the proposed project.

It recommended that the project applicant coordinate with the Corps to confirm existing site conditions and document the absence of Corps jurisdiction within the boundaries of the project site. The Corps may require an Approved Jurisdictional Determination (AJD) to be processed to confirm the absence of waters of the United States; however, they may waive the need for a AJD to be processed.

7.2 REGIONAL WATER QUALITY CONTROL BOARD

The Regional Board regulates discharges to surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act. Impacts to on-site jurisdictional areas will likely require a Report of Waste Discharge prior to project implementation. Therefore, it will be necessary for the applicant to acquire a Report of Waste Discharge Certification prior to impacts occurring within Regional Board jurisdictional areas. The Regional Board also requires that California Environmental Quality Act (CEQA) compliance be obtained prior to obtaining the Certification. A Regional Board Application fee is required with the application package and is calculated based on the acreage and linear feet of jurisdictional impacts.

The feature was created and the Regional Board might not require mitigation for impacts. A Report of Waste Discharge will need to be submitted and reviewed by the Regional Board to determine if mitigation will be required.

7.3 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Pursuant to Section 1602 of the California Fish and Game Code, the CDFW regulates any activity that will divert or obstruct the natural flow or alter the bed, channel, or bank (which may include associated biological resources) of a river or stream. A Section 1602 Streambed Alteration Agreement from the CDFW will be required for impacts to the onsite drainage features prior to project implementation. The notification is based on the term and cost of a Project. The Section 1602 Streambed Alteration Agreement will not be issued until all fees are paid to the CDFW. CDFW also requires that CEQA compliance be obtained prior to issuance of the Streambed Alteration Agreement.

The feature was created, and does not support any riparian habitat and CDFW might not require mitigation for impacts. A Section 1602 Permit will need to be submitted and reviewed by CDFW to determine if mitigation will be required.

Section 8 References

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Appendix A Site Photographs

Photograph 1: Representative photo of the off-site culvert near the southeastern corner of the project site that conveys flow beneath Silica Drive, marking the origin of Drainage 1 west of the project site.

Photograph 2: Looking northeast along Drainage 1.

Photograph 3: Looking northeast along Drainage 1.

Photograph 4: From the middle of Drainage 1, looking south (upstream).

Photograph 5: From the middle of Drainage 1, looking northeast (downstream).

Photograph 6: Looking at the culvert located in the middle of the northern boundary marking the terminus of Drainage 1.

Appendix B Site Plan

EXHIBIT 5 SITE PLAN

SOURCE: TWEN MA ARCHITECTS

Appendix C Documentation

U.S. Fish and Wildlife Service

National Wetlands Inventory

The Court

October 9, 2025

Wetlands

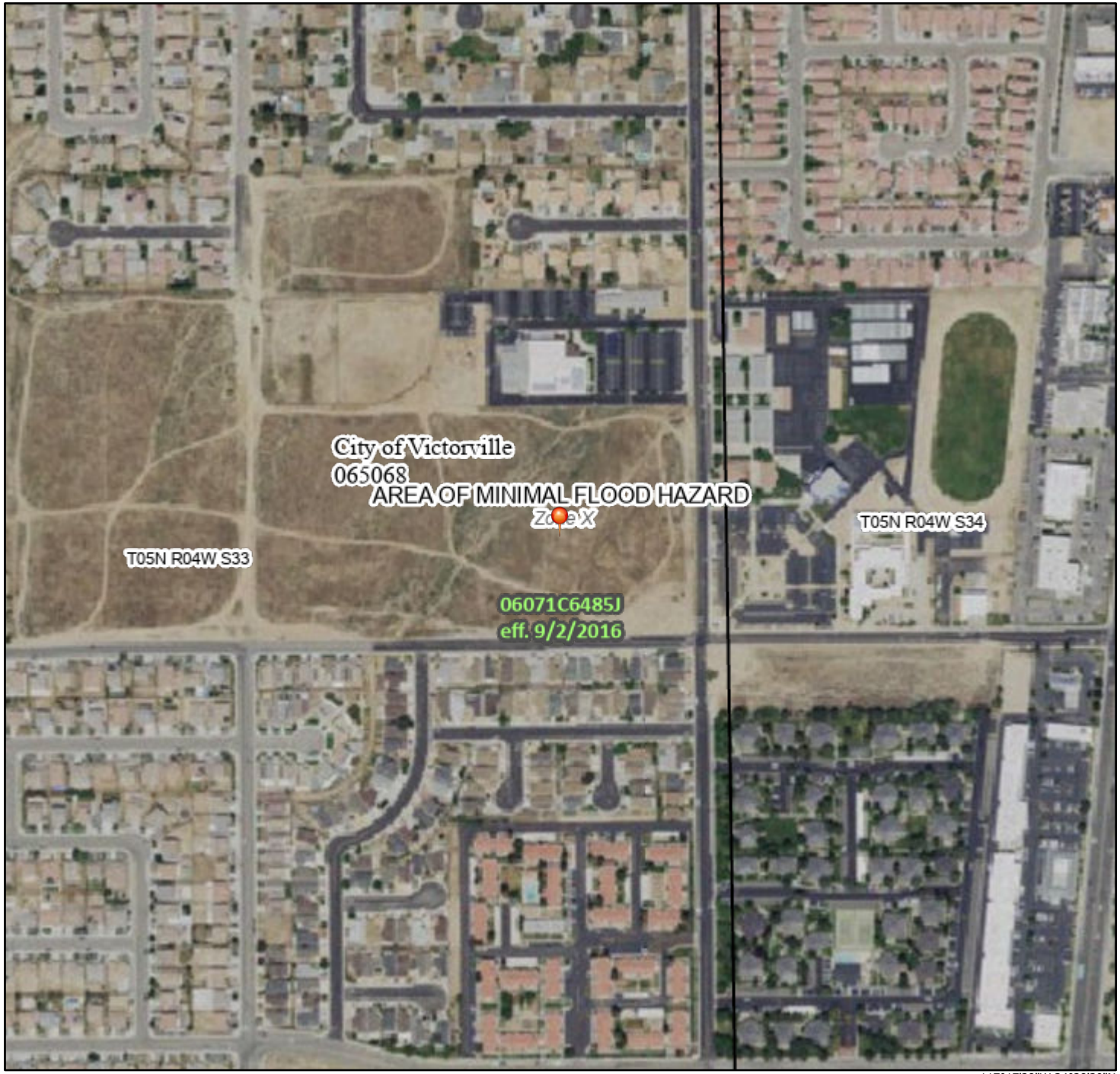
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

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.

National Flood Hazard Layer FIRMette

FEMA

117°18'5"W 34°28'59"N



117°17'28"W 34°28'30"N

0 250 500 1,000 1,500 2,000 Feet

1:6,000

Basemap Imagery Source: USGS National Map 2023

Legend

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

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) *Zone A, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- 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 *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- 20.2 / 17.5 Cross Sections with 1% Annual Chance / Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS
- Digital Data Available
- No Digital Data Available
- Unmapped

N

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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 10/9/2025 at 5:25 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.

Appendix D Methodology

WATERS OF THE UNITED STATES

Section 404 of the Clean Water Act

In accordance with the Revised Definition of "Waters of the United States"; Conforming (September 8, 2023), "waters of the United Sates" are defined as follows:

(a) ***Waters of the United States*** means:

(1) Waters which are:
(i) Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
(ii) The territorial seas; or
(iii) Interstate waters;

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

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

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

(5) Intrastate lakes and ponds not identified in paragraphs (a)(1) through (4) of this section that are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3) of this section

(b) The following are not "waters of the United States" even where they otherwise meet the terms of paragraphs (a)(2) through (5) of this section:

(1) Waste treatment systems, including treatment ponds or lagoons, designed to meet the requirements of the Clean Water Act;

(2) Prior converted cropland designated by the Secretary of Agriculture. The exclusion would cease upon a change of use, which means that the area is no longer available for the production of agricultural commodities. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA;

(3) Ditches (including roadside ditches) excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water;

(4) Artificially irrigated areas that would revert to dry land if the irrigation ceased;
(5) Artificial lakes or ponds created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing;
(6) Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking dry land to retain water for primarily aesthetic reasons;

(7) Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States; and

(8) Swales and erosional features (*e.g.,* gullies, small washes) characterized by low volume, infrequent, or short duration flow.

(c) In this section, the following definitions apply:

(1) ***Wetlands*** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(2) ***Adjacent*** means having a continuous surface connection

(3) ***High tide line*** means the line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

(4) ***Ordinary high water mark*** means that line on the shore established by the fluctuations 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.

(5) ***Tidal waters*** means those waters that rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by hydrologic, wind, or other effects.

WETLANDS

For this project location, Corps jurisdictional wetlands are delineated using the methods outlined in the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, Version 2.0* (Corps 2008). This document is one of a series of Regional Supplements to the Corps Wetland Delineation Manual (Corps 1987). The identification of wetlands is based on a three-parameter approach involving indicators of hydrophytic vegetation, hydric soil, and wetland hydrology. In order to be considered a wetland, an area must exhibit at least minimal characteristics within these three (3) parameters. The Regional Supplement presents wetland indicators, delineation guidance, and other information that is specific to the Arid West Region. In the field, vegetation, soils, and evidence of hydrology are examined using the methodology listed below and documented on Corps wetland data sheets, when applicable. It should be noted that both the Regional Board and the CDFW jurisdictional wetlands encompass those of the Corps.

Vegetation

Nearly 5,000 plant types in the United States may occur in wetlands. These plants, often referred to as hydrophytic vegetation, are listed in regional publications by the U.S. Fish and Wildlife Service (USFWS). In general, hydrophytic vegetation is present when the plant community is dominated by species that can tolerate prolonged inundation or soil saturation during growing season. Hydrophytic vegetation decisions are based on the assemblage of plant species growing on a site, rather than the presence or absence of particular indicator species. Vegetation strata are sampled separately when evaluating indicators of hydrophytic vegetation. A stratum for sampling purposes is defined as having 5 percent or more total plant cover. The following vegetation strata are recommended for use across the Arid West:

- *Tree Stratum:* Consists of woody plants 3 inches or more in diameter at breast height (DBH), regardless of height;
- *Sapling/shrub stratum:* Consists of woody plants less than 3 inches DBH, regardless of height;
- *Herb stratum:* Consists of all herbaceous (non-woody) plants, including herbaceous vines, regardless of size; and,
- *Woody vines:* Consists of all woody vines, regardless of size.

The following indicator is applied per the test method below.[1] Hydrophytic vegetation is present if any of the indicators are satisfied.

[1] Although the Dominance Test is utilized in the majority of wetland delineations, other indicator tests may be employed. If one indicator of hydric soil and one primary or two secondary indicators of wetland hydrology are present, then the Prevalence Test (Indicator 2) may be performed. If the plant community satisfies the Prevalence Test, then the vegetation is hydric. If the Prevalence Test fails, then the Morphological Adaptation Test may be performed, where the delineator analyzes the vegetation for potential morphological features.

Indicator 1 – Dominance Test

Cover of vegetation is estimated and is ranked according to their dominance. Species that contribute to a cumulative total of 50% of the total dominant coverage, plus any species that comprise at least 20% (also known as the "50/20 rule") of the total dominant coverage, are recorded on a wetland data sheet. Wetland indicator status in California (Region 0) is assigned to each species using the *National Wetland Plant List, version 2.4.0* (Corps 2012). If greater than 50% of the dominant species from all strata were Obligate, Facultative-wetland, or Facultative species, the criteria for wetland vegetation is considered to be met. Plant indicator status categories are described below:

- *Obligate Wetland (OBL):* Plants that almost always occur in wetlands;
- *Facultative Wetland (FACW):* Plants that usually occur in wetlands, but may occur in non-wetlands;
- *Facultative (FAC):* Plants that occur in wetlands and non-wetlands;
- *Facultative Upland (FACU):* Plants that usually occur in non-wetlands, but may occur in wetlands; and,
- *Obligate Upland (UPL):* Plants that almost never occur in wetlands.

Hydrology

Wetland hydrology indicators are presented in four (4) groups, which include:

Group A – Observation of Surface Water or Saturated Soils

Group A is based on the direct observation of surface water or groundwater during the site visit.

Group B – Evidence of Recent Inundation

Group B consists of evidence that the site is subject to flooding or ponding, although it may not be inundated currently. These indicators include water marks, drift deposits, sediment deposits, and similar features.

Group C – Evidence of Recent Soil Saturation

Group C consists of indirect evidence that the soil was saturated recently. Some of these indicators, such as oxidized rhizospheres surrounding living roots and the presence of reduced iron or sulfur in the soil profile, indicate that the soil has been saturated for an extended period.

Group D – Evidence from Other Site Conditions or Data

Group D consists of vegetation and soil features that indicate contemporary rather than historical wet conditions, and include shallow aquitard and the FAC-neutral test.

If wetland vegetation criteria is met, the presence of wetland hydrology is evaluated at each transect by recording the extent of observed surface flows, depth of inundation, depth to saturated soils, and depth to free water in the soil test pits. The lateral extent of the hydrology indicators are used as a guide for locating soil pits for evaluation of hydric soils and jurisdictional areas. In portions of the stream where the flow is divided by multiple channels with intermediate sand bars, the entire area between the channels is considered within the OHWM and the wetland hydrology indicator is considered met for the entire area.

Soils

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 in the upper 16-20 inches.[2] The concept of hydric soils includes soils developed under sufficiently wet conditions to support the growth and regeneration of hydrophytic vegetation. Soils that are sufficiently wet because of artificial measures are included in the concept of hydric soils. It should also be noted that the limits of wetland hydrology indicators are used as a guide for locating soil pits. If any hydric soil features are located, progressive pits are dug moving laterally away from the active channel until hydric features are no longer present within the top 20 inches of the soil profile.

Once in the field, soil characteristics are verified by digging soil pits along each transect to an excavation depth of 20 inches; in areas of high sediment deposition, soil pit depth may be increased. Soil pit locations are usually placed within the drainage invert or within adjoining vegetation. At each soil pit, the soil texture and color are recorded by comparison with standard plates within a *Munsell Soil Chart* (2009). Munsell Soil Charts aid in designating color labels to soils, based by degrees of three simple variables – hue, value, and chroma. Any indicators of hydric soils, such as organic accumulation, iron reduction, translocation, and accumulation, and sulfate reduction, are also recorded.

Hydric soil indicators are present in three groups, which include:

<u>All Soils</u>

"All soils" refers to soils with any United States Department of Agriculture (USDA) soil texture. Hydric soil indicators within this group include histosol, histic epipedon, black histic, hydrogen sulfide, stratified layers, 1 cm muck, depleted below dark surface, and thick dark surface.

<u>Sandy Soils</u>

"Sandy soils" refers to soil materials with a USDA soil texture of loamy fine sand and coarser. Hydric soil indicators within this group include sandy mucky mineral, sandy gleyed matrix, sandy redox, and stripped matrix.

[2] According to the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, Version 2.0 (Corps 2008), growing season dates are determined through on-site observations of the following indicators of biological activity in a given year: (1) above-ground growth and development of vascular plants, and/or (2) soil temperature.

Loamy and Clayey Soils

"Loamy and clayey soils" refers to soil materials with a USDA soil texture of loamy very fine sand and finer. Hydric soil indicators within this group include loamy mucky mineral, loamy gleyed matrix, depleted matrix, redox dark surface, depleted dark surface, redox depressions, and vernal pools.

SWANCC WATERS

The term "isolated waters" is generally applied to waters/wetlands that are not connected by surface water to a river, lake, ocean, or other body of water. In the presence of isolated conditions, the Regional Board and CDFW take jurisdiction through the application of the OHWM/streambed and/or the 3 parameter wetland methodology utilized by the Corps.