MEMORANDUM

April 2, 2015

To: Rancho Guejito
(Hank Rupp, Rikki Schroeder, Keith Garner**)**

From: BonTerra Psomas
(Brad Blood, PhD and Ann Johnston)

Subject: Results of Jurisdictional Delineation for Area E, Rockwood Village and the Pre-Approved Mitigation Area Proposed Waterline Corridor, and Biological Evaluation for the Proposed Water Line Corridor, Rancho Guejito, San Diego County, California.

This memorandum transmits to Rancho Guejito (Hank Rupp, Rikki Schroder, and Keith Garner) the results of a delineation for wetlands and non-wetland waters under the jurisdiction of the U.S. Army Corps of Engineers (USACE), the Regional Water Quality Control Board (RWQCB), and the California Department of Fish and Wildlife (CDFW) for Area E, Rockwood Village, and the Pre-Approved Mitigation Area (PAMA) Proposed Waterline Corridor of Rancho Guejito (collectively referred to as "the Project"). The jurisdictional delineation was undertaken by BonTerra Psomas on December 15, 2014 (Area E) and January 20 and 21, 2015 (Rockwood Village and the PAMA Proposed Waterline Corridor).

The purpose of this memorandum is to describe the type and location of potential jurisdictional resources for each of the subject areas; to assist with planning for the proposed expansion of agricultural uses into Area E, Rockwood Village, and the PAMA Proposed Waterline Corridor; and to report the results of a biological resources constraints evaluation for the Proposed Water Line Corridor. Area E has been removed from the County of San Diego's Multiple Species Conservation Program (MSCP) South PAMA boundary.

PROJECT LOCATION AND DESCRIPTION

Rancho Guejito is located east of the City of Escondido in an unincorporated portion of San Diego County, California. Area E and the PAMA Proposed Waterline Corridor are located in the northwest ¼ of the U.S. Geological Survey's (USGS') San Pasqual 7.5-minute quadrangle map. The remaining Rockwood Village area is located on the southwestern ¼ of the USGS Rodriguez Mountain 7.5-minute quadrangle map. The Project is located approximately eight miles east of the City of Escondido north of San Pasqual Valley Road (Exhibit 1 and 2).

EXISTING CONDITIONS

The Project is composed of native landscape features and vegetation, with inclusions of current and historic livestock grazing and agricultural use. Area E currently supports native Diegan coastal sage scrub and chamise chaparral habitat. There is a small northern extension of an existing avocado grove in the extreme southern portion of Area E. Rockwood Village is composed of chamise chaparral and mixed-chaparral interspersed with native Diegan coastal sage scrub. Non-native grasslands occur in former grazing and agricultural areas in the plateau region near the northwestern and western portions of Rockwood Village. The PAMA Proposed Waterline Corridor occurs in native Diegan coastal sage scrub and southern mixed sage scrub vegetation communities, and the proposed alignment is along a derelict, unimproved access road.

The Project topography is variable, ranging from flat plateaus to near-vertical cliff faces with approximate elevation ranges between 440 feet to 2,160 feet above mean sea level. Additionally, the undulating topography was subject to a natural burn by the 2007 Guejito Fire and is exhibiting signs of recovery (Burge 2007).

According to the National Resource Conservation Service (NRCS), Web Soil Survey the soil associations within the Project Area include the following (USDA NRCS 2014):

- Bonsall sandy loam, 9 to 15 percent slopes, eroded.
- Cienaba rocky course sandy loam, 9 to 30 percent slopes, eroded.
- Cienaba very rocky course sandy loam, 30 to 65 percent slopes.
- Cieneba-Fallbrook rocky sandy loams, 30 to 65 percent slopes, eroded.
- Fallbrook sandy loam, 5 to 9 percent slopes, eroded.
- Fallbrook sandy loam, 15 to 30 percent slopes, eroded.
- Fallbrook rocky sandy loam, 9 to 30 percent slopes.
- Steep gullied land.
- Visalia sandy loam, 0 to 2 percent slopes.
- Visalia sandy loam, 2 to 5 percent slopes.
- Visalia sandy loam, 5 to 9 percent slopes.
- Visalia sandy loam, 9 to 15 percent slopes.
- Vista course sandy loam, 5 to 9 percent slopes, eroded.
- Vista course sandy loam, 9 to 15 percent slopes, eroded.
- Vista course sandy loam, 15 to 30 percent slopes.
- Vista course sandy loam, 15 to 30 percent slopes, eroded.
- Vista rocky course sandy loam, 5 to 15 percent slopes.
- Vista rocky course sandy loam, 30 to 65 percent slopes.

The majority of the soils associated with the Project include the Cieneba-Fallbrook rocky sandy loams, 30 to 65 percent slopes, eroded. None of the above soils are identified as hydric soils.

Federally designated critical habitat for the arroyo toad (*Anaxyrus californicus*) is immediately adjacent to and down slope of the eastern edge of the Area E study area (Exhibit 2) in the Guejito Creek Watershed. The Critical Habitat does not extend into that portion of Area E that will be planted.

REGULATORY AUTHORITY

Three agencies have jurisdictional authority over rivers, streams, creeks, drainages, and other types of waters or wetlands in the state of California: the USACE, the RWQCB, and the CDFW. Attachment A (Regulatory Authority Background Information) defines the regulatory authority of each agency. These regulations also form the framework for the method of field delineations used to determine the jurisdiction of each agency.

The USACE normally regulates dredge and fill to "waters of the U.S." pursuant to Section 404 of the federal Clean Water Act. However, Section 404(f) of the federal Clean Water Act states that discharges that are part of normal farming, ranching, and forestry activities associated with an active and ongoing farming or forestry operation generally do not require a Section 404 permit. Specifically, Sections 404(f)(1)(A), 404(f)(1)(C), and 404(f)(1)(E) provide exemptions from permitting to agricultural lands, as listed below:

- **Section 404 (f)(1)(A):** from normal farming; silviculture; and ranching activities such as plowing, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products; or upland soil and water conservation practices.
- **Section 404 (f)(1)(C):** for the purpose of construction or maintenance of farm or stock ponds or irrigation ditches or the maintenance of drainage ditches.
- **Section 404 (f)(1)(E):** for the purpose of construction or maintenance of farm roads or forest roads, or temporary roads for moving mining equipment, where such roads are constructed and maintained, in accordance with best management practices to ensure that flow and circulation patterns and chemical and biological characteristics of the navigable waters are not impaired; that the reach of the navigable waters is not reduced; and that any adverse effect on the aquatic environment will be otherwise minimized.

Therefore, the USACE does not have regulatory jurisdiction over normal farming practices, and so any impacts to "waters of the U.S." as a result of normal agricultural practices do not require a permit from the USACE.

The County of San Diego also defines and has regulatory authority over wetlands through the Resource Protection Ordinance (RPO). The RPO does not apply to grading permits.

METHODS

The analysis contained in this memorandum is based on the results of document review and field surveys conducted by BonTerra Psomas Biologists Brad Blood, PhD and Trevor Bristle on December 15, 2014, and by Jonas Winbolt and Mr. Bristle on January 20 and 21, 2015. The survey was conducted to determine if topographic features in Area E, Rockwood Village, and the PAMA Proposed Waterline Corridor are subject to regulatory jurisdiction under the USACE, the RWQCB, or the CDFW. The three-parameter approach used to identify USACE wetlands is summarized in Attachment A. USACE non-wetland waters were determined by identifying the presence of the ordinary high water mark (OHWM); changes in vegetation and/or soil type across a feature; and the presence of staining and racking along a feature. The limits for RWQCB jurisdiction were determined using the criteria for the USACE. The delineation performed to determine the area of USACE jurisdiction was also used to determine the area of regulatory jurisdiction for the RWQCB. CDFW jurisdiction was determined by identifying a definite bed and bank or channel morphology that displays consistent flow (even intermittent) and, when present, determining the outer drip-line of riparian vegetation.

Document Review

Prior to conducting the field investigations, BonTerra Psomas reviewed USGS topographic maps, the U.S. Department of Agriculture's Hydric Soils list, the National Wetlands Inventory's (NWI's) Wetland Mapper, the CDFW's California Natural Diversity Database (CNDDB), and digital color aerial photography to identify features on the Project site that may fall under an agency's jurisdiction. A description of this literature is provided below.

USGS Topographic Maps. USGS quadrangle maps show geological formations and their characteristics; they also describe the physical settings of an area through topographic contour lines and other major surface features. These features include lakes, streams, rivers, buildings, roadways, landmarks, and other features that may fall under the jurisdiction of one or more regulatory agencies. In addition, the USGS maps provide topographic information that is useful in determining elevations, latitude and longitude, and Universal Transverse Mercator Grid coordinates for a project site. The Project site is shown on the USGS San Pasqual and Rodriguez Mountain 7.5-minute quadrangle.

Natural Resources Conservation Service Hydric Soils List. The presence of hydric soils is one of the chief indicators of jurisdictional wetlands. BonTerra Psomas reviewed the U.S. Department of Agriculture's (USDA's) soil data for the Project site (USDA NRCS 2014).

USFWS National Wetlands Inventory. The NWI Wetlands Mapper shows wetland resources available from the Wetlands Spatial Data Layer of the National Spatial Data Infrastructure (USFWS 2014). This resource provides the classification of known wetlands following the Classification of Wetlands and Deepwater Habitats of the United States (Cowardin et al. 1979). This classification system is arranged in a hierarchy of (1) systems that share the influence of similar hydrologic, geomorphologic, chemical, or biological factors (i.e., Marine, Estuarine, Riverine, Lacustrine, and Palustrine); (2) subsystems (i.e., Subtidal and Intertidal; Tidal, Lower Perennial, Upper Perennial, and Intermittent, or Littoral and Limnetic); (3) classes, which are based on substrate material and flooding regime or on vegetative life forms; (4) subclasses; and (5) dominance types, which are named for the dominant plant or wildlife forms. In addition, there are modifying terms applied to Classes or Subclasses.

It should be noted that the NWI defines the term wetland differently than the USACE. The USACE uses a three-parameter approach to identify wetlands (presence of hydrophytic vegetation, hydric soils, and wetland hydrology), while the NWI defines wetlands as having at least one of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is not a soil and is saturated with water or covered by shallow water at some time during the growing season of each year (Cowardin et al. 1979).

Color Aerial Photography. BonTerra Psomas reviewed color aerial photographs prior to the delineation field investigations to identify those topographic and vegetative features that could potentially represent drainages subject to resource agency jurisdiction. BonTerra Psomas also reviewed historic aerial photos available.

The document and aerial photograph review resulted in ten features that could potentially be subject to the regulatory jurisdiction of the USACE, the RWQCB, and/or the CDFW. Each feature was labeled accordingly on field aerial photographs used for the delineation (Exhibits 3, 4 and 5).

California Natural Diversity Database: The CNDDB (CDFW 2015) was reviewed (for the USGS Rodriquez Mountain, and San Pasqual 7.5-minute quadrangles) to identify special status plants and wildlife, and habitats in the vicinity of the Proposed Water Line Corridor. In addition, previous reports prepared for Rancho Guejito were also reviewed.

Field Delineation

On December 15, 2014, BonTerra Psomas Biologists walked Area E. Weather for the day began at 50 degrees Fahrenheit (°F) with no wind, cloudy skies, and good visibility; it ended at 61°F with 3 mile-per-hour winds, cloudy skies, and good visibility. The survey was conducted from the southern to northern extent of Area E. A follow-up pedestrian survey was conducted by BonTerra Psomas Biologists for

Rockwood Village and the PAMA Proposed Waterline Corridor on January 20 and 21, 2015. Weather conditions during the survey period ranged from upper 30s to low 40s (°F) in the morning to mid to upper 60s (°F) in the afternoon with 1–3 mile-per-hour wind conditions. Conditions were cloudy to partly cloudy, with cloud burn-off occurring after noon.

All features were documented with a Global Positioning System (GPS) unit and on paper maps. Where safety allowed, potential jurisdictional features were surveyed by walking the length of each feature. Each feature was examined for evidence of the following: a defined bed and bank; the OHWM; flow channels; consistent water flow; wetland and riparian flora; changes in vegetation across the feature; and changes in soil type across the feature.

RESULTS

Area E

As a result of the field survey, literature review, and aerial photograph review, it was determined that none of the topographic features observed in Area E are subject to the regulatory jurisdiction of the USACE (pursuant to Section 404 of the federal Clean Water Act) or of the CDFW (pursuant to Section 1602 of the *California Fish and Game Code*). In addition, no isolated waters were determined to be present in Area E, so there is not separate regulatory jurisdiction by the RWQCB. In addition, a review of the NWI did not identify any potential wetlands or waters in Area E. The summit of Area E does not support a stream, creek, or potential head water. The USGS 7.5-Minute topographic map for Area E does not show any blueline features within the survey footprint.

There was no evidence of a defined bed and bank, riparian vegetation, or an OHWM in any of the ten features in Area E that were investigated in the field. None of the ten features investigated displayed flow channels or recent signs of flowing water even though it had rained two days before to the field visit. Each feature was vegetated by upland vegetation characteristic of chaparral and sage scrub vegetation communities. The dominant plant species are chamise (*Adenostoma fasciculatum* var. *fasciculatum*), laurel sumac (*Malosma laurina*), white sage (*Salvia apiana*), and California buckwheat (*Eriogonum fasciculatum* var. *foliolosum*). None of the ten features investigated displayed a change in soil type across the feature.

Based on the field survey, the aerial photographs, and the topographic map of Area E, the ten features were determined to be low points across an undulating topography.

Table 1 (Summary of Jurisdictional Delineation for Area E**)** summarizes the results of the jurisdictional surveys for Area E.

TABLE 1
SUMMARY OF JURISDICTIONAL DELINEATION FOR AREA E

Feature	Bed and Bank	Ordinary High Water Mark	Wetland Flora	Hydric Soils or Changes in Soil Character	Flow Channel
A	None	None	Upland Flora	None	None
B	None	None	Upland Flora	None	None
C	None	None	Upland Flora	None	None
D	None	None	Upland Flora	None	None
E	None	None	Upland Flora	None	None
F	None	None	Upland Flora	None	None
G	None	None	Upland Flora	None	None
H	None	None	Upland Flora	None	None
I	None	None	Upland Flora	None	None
J	None	None	Upland Flora	None	None

Feature A is a white sage-dominated low point between two hills. The slope remains relatively consistent from the top to the bottom of the feature. No distinct bed, bank, OHWM, or water flow was observed.

Feature B is an old road that has fallen into disrepair. BonTerra Psomas Biologists used this road to access the features surveyed for this delineation.

Feature C is a chamise-dominated low point between two hills. The slope gradually decreases from the top to bottom of the feature. A small portion (45 feet) is filled by rocks and/or boulders above Feature B. No distinct bed, bank, OHWM, or water flow channel was observed.

Feature D is a chamise- and laurel sumac-dominated low point between two hills. The slope remains relatively consistent from the top to the bottom of the feature. A 12-inch-wide water flow mark was observed 65 feet above Feature B. No distinct bed, bank, or OHWM was observed.

Feature E is a laurel sumac-dominated low point between two hills, partially filled by rocks and/or boulders. The slope remains relatively consistent from the top to the bottom of the feature. No distinct bed, bank, OHWM, or water flow was observed.

Feature F is a chamise- and laurel sumac-dominated low point between two hills that is filled with rocks and/or boulders. An erosional element is present where the feature crosses Feature B. The steep slope gradually decreases from the top to the bottom of the feature. An approximate eight-foot-wide area that lacks a distinct bank was observed with a four-foot to six-foot invert. Two overhanging oak trees (*Quercus* sp.) were observed to the southeast of the feature. BonTerra Psomas Biologists did not survey the full extent due to safety concerns. No bed, bank, OHWM, or water flow channel was observed.

Feature G is a chamise- and laurel sumac-dominated low point between two hills that is partially filled with rocks and/or boulders. The slope remains relatively consistent and the point narrows from the top to the bottom of the feature. No distinct bed, bank, OHWM, or water flow was observed.

Feature H is a chamise- and laurel sumac-dominated low point between two hills with an erosional element where it crosses Feature B. The slope gradually decreases, flattening into sheet flow, from the top to the bottom of the feature. A 12-inch-wide water flow mark was observed for approximately 30 feet above Feature B. No distinct bed, bank, or OHWM was observed.

Feature I is a California buckwheat- and laurel sumac-dominated low point between two hills. The slope gradually decreases, flattening into sheet flow, from the top to the bottom of the feature. An indistinct flow area of 12 to 14 inches across was observed. No distinct bed, bank, OHWM, or water flow was observed.

Feature J is a California buckwheat- and laurel sumac-dominated, steeply incised, low point between two hills. An indistinct, approximately 12-foot-wide to 15-foot-wide depression was observed. BonTerra Psomas Biologists did not survey the full extent due to safety concerns. No bed, OHWM, or water flow was observed.

Rockwood Village

As a result of the field survey, literature review, and aerial photograph review, it was determined that the Rockwood Village site contained 27 features subject to the regulatory jurisdiction of the USACE pursuant to Section 404 of the federal Clean Water Act or to CDFW pursuant to Section 1602 of the *California Fish and Game Code.* Those 27 individual features were identified based on 3 localized sub-watersheds/tributaries to the San Pasquel River. Of the three sub-watersheds, two unnamed blueline tributaries, consisting of ten jurisdictional features, flow south and southwest from Rockwood Village infiltrating within the San Diego Zoo Wild Animal Park drainage conveyance infrastructure. The unnamed tributary flowing north to Rockwood Canyon contains the remaining 17 jurisdictional features.

Based on the field survey, the aerial photographs, and the topographic map for Rockwood Village, the 27 features were determined to be ephemeral features displaying ordinary high water marks and indicators such as sediment and drift deposits and drainage patterns.

Each feature was predominately vegetated by upland vegetation characteristic of chaparral, mixed chaparral, and sage scrub vegetation communities. The dominant plant species include laurel sumac, white sage, California buckwheat, chamise, California sagebush (*Artemesia californica*), bush monekyflower (*Mimulus aurantiacus*), interior goldenbush (*Ericameria linearifolia*), bush mallow (*Malocathamnus desiflorus*), desert ceonothus (*Ceonothus gregii*), California coffeeberry (*Rhamnus californica*), and woolly-leaf mountain lilac (*Ceonothus torentosus*).

Table 2 (Summary of Jurisdictional Delineation of Rockwood Village) summarizes the results of the jurisdictional surveys for Rockwood Village.

TABLE 2
SUMMARY OF JURISDICTIONAL DELINEATION FOR ROCKWOOD VILLAGE

Feature	CDFW Bed and Bank Measurements (feet)	USACE Ordinary High Water Mark Measurements (feet)	Wetland Flora	Hydric Soils or changes in Soil Character	Flow Channel
RW-A	3	1	Upland Flora	Debris/Drift Deposits	Yes
RW-B′	3	1	Upland Flora	Debris/Drift Deposits	Yes
RW-B1	3	1	Upland Flora	Debris/Drift Deposits	Yes
RW-B2	3	1	Upland Flora	Debris/Drift Deposits	Yes
RW-B3	3	1	Upland Flora	Debris/Drift Deposits	Yes
RW-C	3	1	Upland Flora	Debris/Drift Deposits	Yes
RW-D	3	1	Upland Flora	Debris/Drift Deposits	Yes
RW-E′	4	2	Upland Flora	Debris/Drift Deposits; Sediment Sorting.	Yes
RW-E1	3	1	Upland Flora	Debris/Drift Deposits	Yes
RW-E2	3	1	Upland Flora	Debris/Drift Deposits	Yes
RW-E3	3	1	Upland Flora	Debris/Drift Deposits	Yes
RW-F	3	1	Upland Flora	Debris/Drift Deposits	Yes
RW-G	3	1	Upland Flora	Debris/Drift Deposits	Yes
RW-H	3	1	Upland Flora	Debris/Drift Deposits	Yes
RW-I	3	1	Upland Flora	Debris/Drift Deposits	Yes
RW-J	3	1	Upland Flora	Debris/Drift Deposits	Yes
RW-K′	3	1	Upland Flora	Debris/Drift Deposits	Yes
RW-K1	3	1	Upland Flora	Debris/Drift Deposits	Yes
RW-L	3	1	Upland Flora	Debris/Drift Deposits	Yes
RW-M′	3	1	Upland Flora	Debris/Drift Deposits	Yes
RW-M1	3	1	Upland Flora	Debris/Drift Deposits	Yes

TABLE 2
SUMMARY OF JURISDICTIONAL DELINEATION FOR ROCKWOOD VILLAGE

Feature	CDFW Bed and Bank Measurements (feet)	USACE Ordinary High Water Mark Measurements (feet)	Wetland Flora	Hydric Soils or changes in Soil Character	Flow Channel
RW-N′	3	1	Upland Flora	Debris/Drift Deposits	Yes
RW-N1	3	1	Upland Flora	Debris/Drift Deposits	Yes
RW-N2	3	1	Upland Flora	Debris/Drift Deposits	Yes
RW-O	3	1	Upland Flora	Debris/Drift Deposits	Yes
RW-P′	3	1	Upland Flora	Debris/Drift Deposits, Sediment Sorting.	Yes
RW-P1	3	1	Upland Flora	Debris/Drift Deposits	Yes

CDFW: California Department of Fish and Wildlife; USACE: U.S. Army Corps of Engineers

Feature RW-A is a mixed chaparral-dominated feature with visible indicators such as drainage patterns and drift and sediment depositions due to steep topographical relief at the north end the Rockwood Village footprint. The USACE OHWM is approximately one foot in width with a CDFW three-foot bank-to-bank width.

Feature RW-B′, RW-B1, RW-B2, and RW-B3 are a multiple-channel system located within a mixed chaparral-dominated feature with visible indicators such as drainage patterns and drift and sediment depositions due to steep topographical relief at the northern limits the Rockwood Village footprint. The USACE OHWM is approximately one foot in width with a CDFW three-foot bank-to-bank width. Additionally, a maintained access road and trail crosses the upper RW-B′, RW-B1, and RW-B2 channel forks.

Feature RW-C is a mixed chaparral-dominated feature with visible indicators such as drainage patterns and drift and sediment depositions due to steep topographical relief at the northeast corner the Rockwood Village footprint. The USACE OHWM is approximately one foot in width with a CDFW three-foot bank-to-bank width. The lower portion of this feature could not be accessed due to nearly vertical relief and unsafe conditions.

Feature RW-D is a mixed chaparral-dominated feature with visible indicators such as drainage patterns and drift and sediment depositions due to steep topographical relief at the northeast end the Rockwood Village footprint. The USACE OHWM is approximately one foot in width with a CDFW 3-foot bank-to-bank width. The lower portion of this feature could not be accessed due to nearly vertical relief and unsafe conditions.

Feature RW-E′, RW-E1, RW-E2, and RW-E3 contain mixed chaparral and native Diegan scrub, with inclusions of non-native vegetation grasses along the north and western boundaries of Rockwood Village. This is a multiple channel system with indicators of nuisance flows and sediment loading from an upslope

and off-Project maintained access road and communications pad. Additionally, the main channel RW-E′ follows an existing flow path that includes water basins, culvert connections, and derelict pump stations for livestock grazing. The USACE OHWM for RW-E′ varies between one and two feet in width; it is one foot in the forked ephemerals; and has a CDFW three-foot to four-foot bank-to-bank width. Additional visible indicators present in this feature include drainage patterns as well as drift and sediment depositions due to lack of contiguous cover and inclusions of non-native vegetation.

Feature RW-F is a chamise, mixed chaparral-dominated feature with visible indicators such as drainage patterns and drift and sediment depositions due to steep topographical relief at the eastern boundary of the Rockwood Village footprint. The USACE OHWM is approximately one foot in width with a CDFW three foot bank-to-bank width. The lower portion of this feature could not be accessed due to nearly vertical relief and unsafe conditions.

Feature RW-G is a mixed chaparral-dominated feature with visible indicators such as drainage patterns and drift and sediment depositions due to steep topographical relief at the eastern end the Rockwood Village footprint. The USACE OHWM is approximately one foot in width with a CDFW three-foot bank-to-bank width. The lower portion of this feature could not be accessed due to nearly vertical relief and unsafe conditions.

Feature RW-H is a chamise, mixed chaparral-dominated feature with visible indicators such as drainage patterns and drift and sediment depositions due to steep topographical relief at the eastern boundary the Rockwood Village footprint. The USACE OHWM is approximately one foot in width with a CDFW three-foot bank-to-bank width. The lower portion of this feature could not be accessed due to nearly vertical relief and unsafe conditions.

Feature RW-I is a chamise, mixed chaparral-dominated feature with visible indicators such as drainage patterns and drift and sediment depositions due to steep topographical relief at the eastern boundary the Rockwood Village footprint. The USACE OHWM is approximately one foot in width with a CDFW three-foot bank-to-bank width. The lower portion of this feature could not be accessed due to nearly vertical relief and unsafe conditions.

Feature RW-J is a chamise, mixed chaparral-dominated feature with visible indicators such as drainage patterns and drift and sediment depositions due to steep topographical relief at the eastern boundary the Rockwood Village footprint. The USACE OHWM is approximately one foot in width with a CDFW three-foot bank-to-bank width. The lower portion of this feature could not be accessed due to nearly vertical relief and unsafe conditions.

Feature RW-K′ and RW-K1 is a chamise, mixed chaparral-dominated feature that consists of a multiple-channel system with visible indicators such as drainage patterns and drift and sediment depositions due to topographical relief. The USACE OHWM is approximately one foot in width with a CDFW three-foot bank-to-bank width. The upper section of RW-K1 crosses a derelict, unimproved access road. The lower portion of this feature could not be accessed due to nearly vertical relief and unsafe conditions. Additionally, these features are within the recent burn footprint.

Feature RW-L is a mixed chaparral-dominated feature with visible indicators such as drainage patterns and drift and sediment depositions due to steep topographical relief at the southeastern end the Rockwood Village footprint. The USACE OHWM is approximately one foot in width with a CDFW three-foot bank-to-bank width. The upper section crosses a derelict, unimproved access road. The lower portion of this feature could not be accessed due to nearly vertical relief and unsafe conditions. Additionally, these features are within the recent burn footprint.

Feature RW-M′ and RW-M1 is a chamise, mixed chaparral-dominated feature that consists of a multiple-channel system with visible indicators such as drainage patterns and drift and sediment depositions due to steep topographical relief at the southeastern boundary the Rockwood Village footprint. The USACE OHWM is approximately one foot in width with a CDFW three-foot bank-to-bank width. The upper sections of both RW-M′ and RW-M1 cross a derelict, unimproved access road. The lower portion of this feature could not be accessed due to nearly vertical relief and unsafe conditions. Additionally, these features are within the recent burn footprint.

Feature RW-N′, RW-N1, and RW-N2 is a chamise, mixed chaparral-dominated feature that consists of a multiple-channel system with visible indicators such as drainage patterns and drift and sediment depositions due to topographical relief near the southeastern boundary of the Rockwood Village footprint. The USACE OHWM is approximately one foot in width with a CDFW three-foot bank-to-bank width. The lower portion of this feature could not be accessed due to nearly vertical relief and unsafe conditions. Additionally, these features are within the recent burn footprint.

Feature RW-O is a mixed chaparral-dominated feature with visible indicators such as drainage patterns and drift and sediment depositions due to steep topographical relief at the southern end the Rockwood Village footprint. The USACE OHWM is approximately one foot in width with a CDFW three-foot bank-to-bank width. Additionally, these features are within the recent burn footprint.

Feature RW-P′ and RW-P1 is a chamise, mixed chaparral-dominated feature that consists of a multiple-channel system with existing and expanding drainage features with the burn area; it is located adjacent to the unmaintained access road at the southeastern corner of Rockwood Village. Visible indicators present in this feature include drainage patterns and drift and sediment depositions due to topographical relief. The USACE OHWM is approximately one foot in width with a CDFW three-foot drainage patterns width. Additionally, these features are within the recent burn footprint.

PAMA Proposed Water Line Corridor

The Proposed Water Line Corridor route has not been determined. Three alternative alignments are proposed: Corridor Alternative A, Corridor Alternative B, and Corridor Alternative C.

Jurisdictional Delineation

As a result of the literature review and aerial photograph review, no topographic features were identified along the PAMA Proposed Water Line Corridor. The field survey confirmed that no topographic features are present within or adjacent to the PAMA Proposed Water Line Corridor that could potentially be subject to the regulatory jurisdiction of the USACE, the RWQCB, or the CDFW. No features were observed or mapped.

Biological Resources

The PAMA Proposed Water line Corridor supports the following three plant communities:

- Diegan coastal sage scrub
- Granitic chamise chaparral
- Southern mixed chaparral

The alternative alignments and footprint for each alignment option is illustrated in Exhibit 5. The potential impacts for each of the three water line alternative alignments is provided in Table 3 (PAMA Proposed Water Line Alternative Corridor Impacts).

TABLE 3
PAMA PROPOSED WATER LINE CORRIDOR ALTERNATIVE IMPACTS

	Corridor Alternative A (acres)	Corridor Alternative B (acres)	Corridor Alternative C (acres)
Diegan Coastal Sage Scrub	0.58	0.56	0.53
Granitic Chamise Chaparral	0.05	0.054	0.15
Southern Mixed Chaparral	0.44	0.44	0.44
Total Impacted	**1.07**	**1.05**	**1.12**

No plant and wildlife species listed as Endangered, Threatened, or Rare pursuant to the Federal or State Endangered Species Acts or that are otherwise sensitive were observed during the delineation of the Proposed Water Line Corridor. The surveys were undertaken in January of 2015 outside the blooming period for special status plants endemic to the Project Locations. Also, because of the temperature conditions during the survey, many wildlife species were not active.

Plants Observed

Plants observed during the surveys included chamise, laurel sumac, white sage, California buckwheat, California sagebush, bush monekyflower, interior goldenbush, bush mallow, desert ceonothus, California coffeeberry, woolly-leaf mountain lilac, manroot (*Marah macrocarpa*), foxtail chess (*Bromus madritensis*), mule fat (*Baccharis salicifolia*), blue elderberry (*Sambucus nigra* ssp. *caerulea*), and oak (*Quercus* sp.).

Wildlife Observed

Wildlife species observed during the field survey included common raven (*Corvus corax*), California towhee (*Melozone crissalis*), red-tailed hawk (*Buteo jamaicensis*), white-crowned sparrow (*Zonotrichia leucophrys*), mourning dove (*Zenaida macroura*), western scrub-jay (*Aphelocoma californica*), spotted towhee (*Pipilo maculatus*), Anna's hummingbird (*Calypte anna*), canyon wren (*Catherpes mexicanus*), western kingbird (*Tyrannus verticalis*), bushtit (*Psaltriparus minimus*), white-throated swift (*Aeronautes saxatalis*), violet-green swallow (*Tachycineta thalassina*), northern flicker (*Colaptes auratus*), coyote (*Canis latrans*), domestic lama (*Lama glama*).

Special Status Vegetation Types, Plant Species, and Wildlife Species

Vegetation types, plants, or wildlife may be considered to have "special status" due to declining occurrence/populations, vulnerability to habitat change, or restricted distributions. The County of San Diego Resource Protection Ordinance identifies "sensitive habitat lands" as those areas that (1) support unique vegetation communities;[1] (2) provide habitat for State- or federally listed species or other non-listed species that meet the criteria under Section 15380 of the California Environmental Quality Act (CEQA) Guidelines (e.g., California Rare Plant Rank [CRPR] List 1B and 2 plants); (3) are "critical to the proper functioning of a balanced natural ecosystem"; or (4) "serve as a functioning wildlife corridor".

Special Status Vegetation Types

Only one special status vegetation type is reported within the Proposed Waterline Corridor Survey Boundary: Diegan coastal sage scrub. Implementation of the any of the three alternatives would result in the loss of approximately ½ acre of Diegan coastal sage scrub. The other native vegetation types in the area (granitic chemise chaparral and southern mixed chaparral) do not meet the standards of special status vegetation types.

Special Status Plants

No State- or federally listed plant species are expected to occur in the study area due to the lack of previous observations and lack of suitable habitat present. However, several special status plant species that meet the criteria under Section 15380 of the State CEQA Guidelines (i.e., CRPR List 1B and 2 plants/not List 4) and have the potential to occur on site are listed below:

- **Felt-leaved monardella (*Monardella hypoleuca* ssp. *lanata*):** Potential habitat in the chaparral in the study area (CRPR List 1B.2; County Group A).
- **Ramona horkelia (*Horkelia truncata*):** Potential habitat in the chaparral in the study area (CRPR List 1B.3; County Group A).
- **Delicate clarkia (*Clarkia delicata*):** Potential habitat in the chaparral in the study area (CRPR List 1B.2; County Group B).
- **San Diego milk-vetch (*Astragalus oocarpus*):** Potential habitat in the chaparral in the study area (CRPR List 1B.2; County Group D).
- **Palmer's goldenbush** (***Ericameria palmeri* ssp. *palmeri***): Potential habitat in the chaparral and sage scrub in the study area (CRPR List 2.2 County Group B).
- **Robinson's pepper-grass** (***Lepidium virginicum*** var. ***robinsonii*****);** Potential habitat in the chaparral and sage scrub in the study area (CRPR List 1B.2 County Group A).
- **Chaparral beargrass** (***Nolina cismontana***): Potential habitat in the chaparral and sage scrub in the study area (CNPS List 1B.2 County Group A).

[1] The San Diego County Resource Protection Ordinance defines unique vegetation communities as "associations of plant species which are rare or substantially depleted. These may contain rare or endangered species, but other species may be included because they are unusual or limited due to a number of factors, for example: (a) they are only found in the San Diego region; (b) they are a local representative of a species or association of species not generally found in San Diego County; or (c) they are outstanding examples of the community type as identified by the California Department of Fish and Game listing of community associations".

These plants are listed as CRPR 1B species, which indicates that they are considered Rare, Threatened, or Endangered in California and list 2 species, which indicates that they are considered Rare, Threatened, or Endangered in California, but common elsewhere by the CNPS. Impacts on these species may be considered significant if they are present in substantial quantities. Given that the waterline alternatives are only expected to impact an acre of scrub/chaparral habitat, these impacts are expected to be less than significant regarding potential habitat for these species.

Special Status Wildlife

Special status species include wildlife that may meet the criteria under Section 15380 of the State CEQA Guidelines (i.e., California Species of Special Concern [SSC] or County of San Diego Group 1 or 2 species). Those special status wildlife species that are known to occur in the region and have the potential to occur in the study area based on the presence of suitable habitat include:

- **Northern red-diamond rattlesnake (*Crotalus ruber ruber*):** Potential habitat in the chaparral and sage scrub in the study area (SSC; County Group 2).
- **San Diego horned lizard (*Phrynosoma coronatum blainvillii*),** Potential habitat in the sage scrub and chaparral in the study area (SSC; County Group 2).
- **Orange-throated whiptail (*Aspidoscelis hyperythra*),** Potential habitat in the sage scrub and chaparral in the study area (SSC; County Group 2).
- **Two-striped gartersnake** (***Thamnophis hammondii***)**):** Potential habitat in the sage scrub and chaparral in the study area (SSC; County Group 2).
- **Coastal whiptail (*Aspidoscelis tigris stejnegeri*):** Potential habitat in the sage scrub and chaparral in the study area (County Group 2).
- **Coastal rosy boa (*Lichanura trivirgata roseofusca*):** Potential habitat in the sage scrub and chaparral in the study area (County Group 2).
- **Coastal California gnatcatcher (*Polioptila californica californica*):** Potential habitat in the sage scrub in the study area (federally Threatened [FT]/SSC; County Group 1).
- **Golden eagle (*Aquila chrysaetos*):** Potential foraging habitat only (i.e., no nesting habitat) in sage scrub and open chaparral areas in the study area (FP; County Group 1).
- **San Diego black-tailed jackrabbit (*Lepus californicus bennettii*):** Potential habitat in scrub and chaparral in the study area (SSC; County Group 2).
- **Mule deer (*Odocoileus hemionus*) and mountain lion (*Puma concolor*):** Potential habitat in various vegetation types in the study area (County Group 2).

Summary of Listed Species

The study area is not known to support any federally or State-listed Threatened or Endangered amphibian or retile species. However, the Critical Habitat for the arroyo toad (FE/SSC; County Group 1) is located over 1,800 feet to the east within Guejito Creek. No breeding habitat for this species occurs onsite, and the upland habitats are expected to be too great a distance to be valuable estivating/foraging habitat for this species. Therefore, this species is not expected to be directly or indirectly impacted by project implementation.

Only one avian species (coastal California gnatcatcher) has the potential to nest it the sage scrub vegetation in the study area. This species may represent a constraint to project implementation.

Summary of Non-Listed Species

Several reptile species that are not listed as Threatened or Endangered by the resource agencies have the potential to occur in the native plant communities in the study area. The northern red-diamond rattlesnake, San Diego horned lizard, orange-throated whiptail, coastal whiptail, South Coast garter snake, and coastal rosy boa may occur in the scrub and chaparral communities in the study area. Given the limited amount of potential habtiat that would be impacted as a reuslt of project implementation, these imapcts are expected to be less than significant.

The golden eagle has the potential to forage within the vegetation types on the project site. The limited about of potential foraging habitat loss as a result of project implementation is considered an insignificant impact for this species in the region.

A variety of mammal species that are not listed as Threatened or Endangered by the resource agencies may occur in the study area, including the San Diego black-tailed jackrabbit, mule deer, and mountain lion. These species are widespread in the region. Therefore, potential impacts to these special are not considered significant.

RECOMMENDATIONS

The following is a list of recommendations to ensure significant impacts are avoided:

- Because of the proximity of known nesting locations for coastal California gnatcatcher, it is recommended that surveys for coastal California gnatcatcher be performed in suitable habitat prior to the initiation of ground disturbing activates.

If you have any questions concerning the content of this memorandum, please contact Dr. Brad R. Blood at (714) 751-7373, or at BBlood@Psomas.com.

Attachments: Exhibits 1, 2, 3, 4, and 5
A – Regulatory Authority

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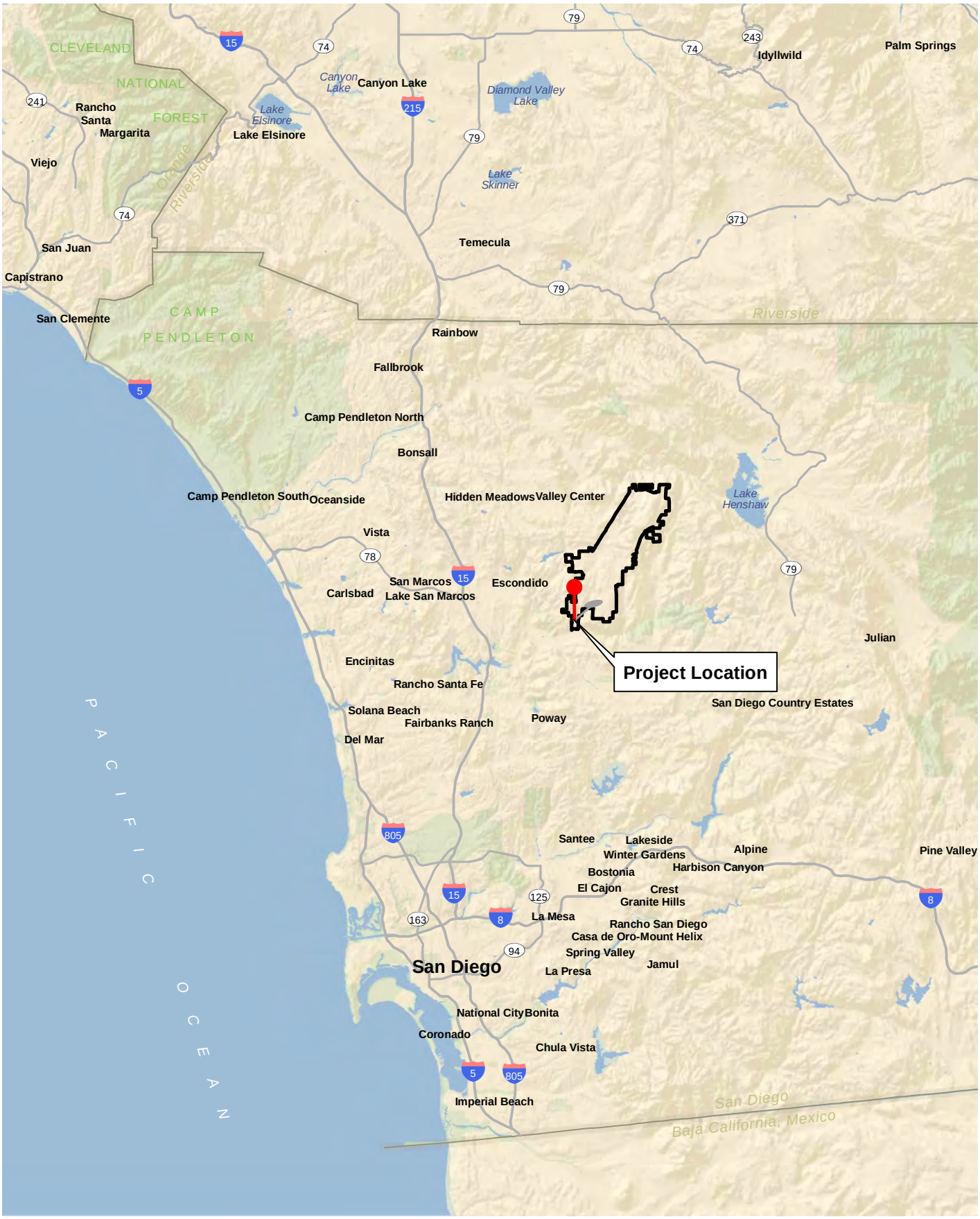

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Regional Location

Exhibit 1

Area E, Rockwood Village, and PAMA Proposed Water Line Corridor Delineation

N W E S

10 5 0 10 Miles

BonTerra PSOMAS

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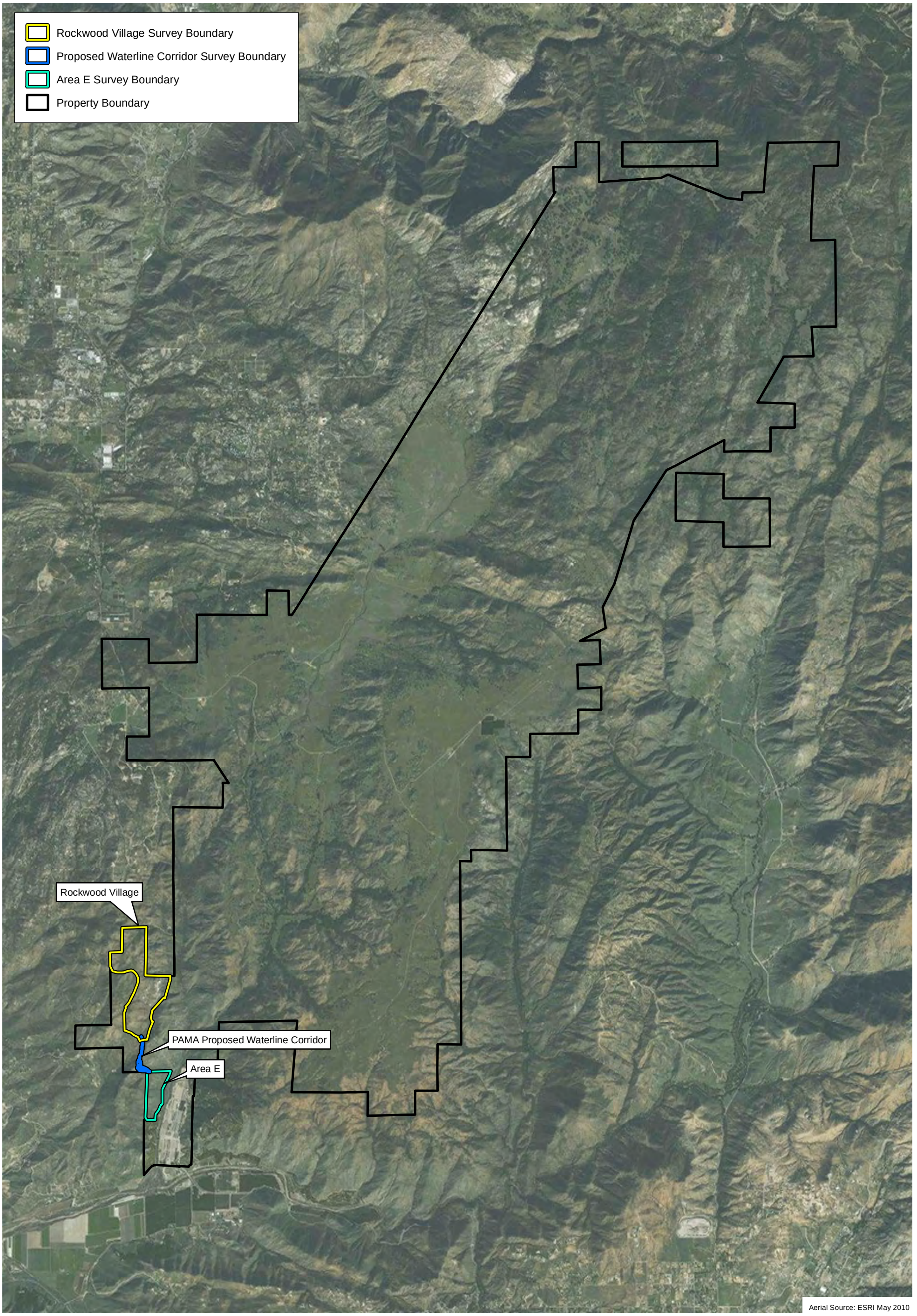

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Project Map

Exhibit 2

Area E, Rockwood Village, and PAMA Proposed Water Line Corridor Delineation

N W E S

5,000 2,500 0 5,000 Feet

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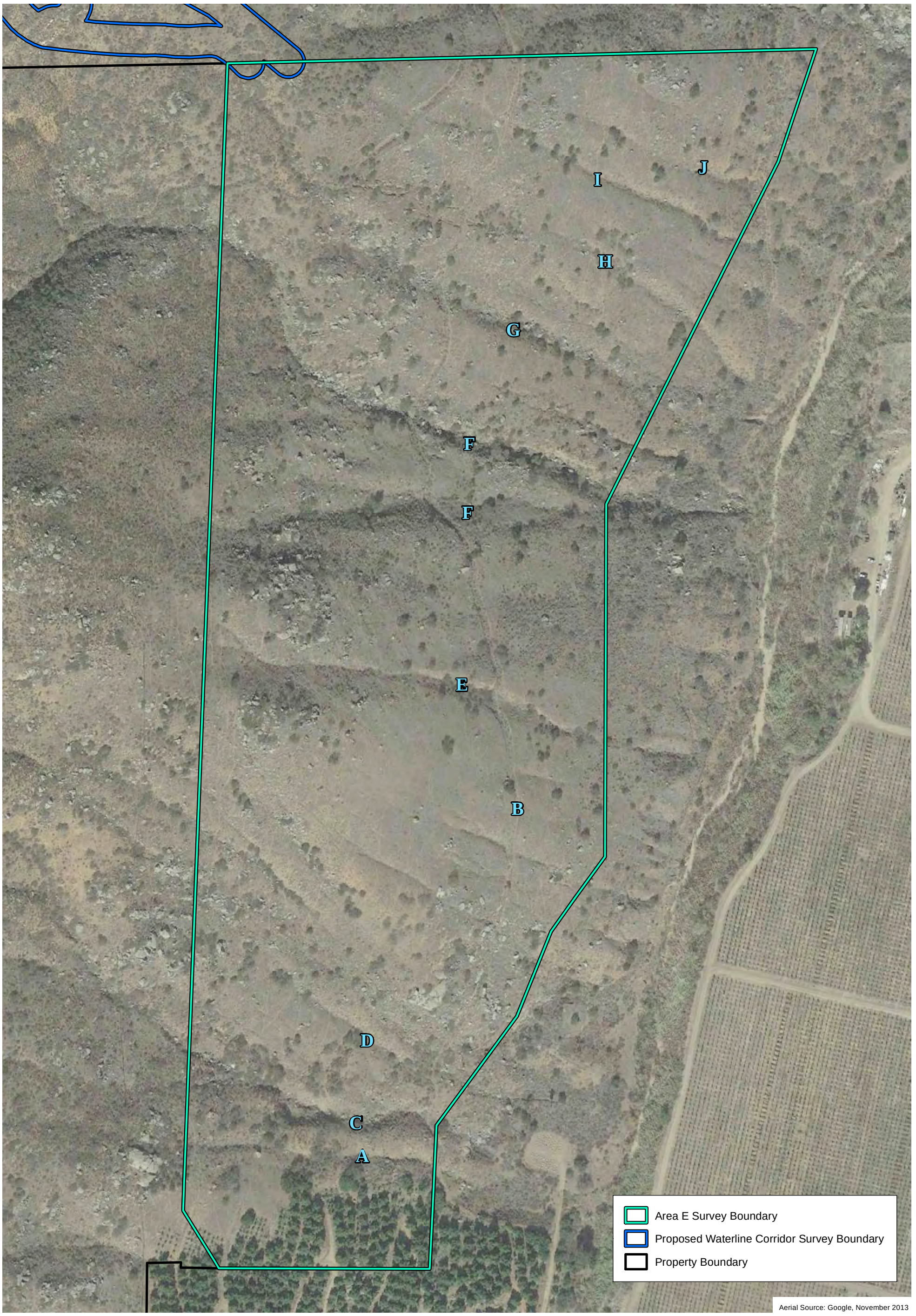

Area E Topographic Features

Exhibit 3

Area E, Rockwood Village, and PAMA Proposed Water Line Corridor Delineation

N W E S

200 100 0 200 Feet

BenTerra PSOMAS

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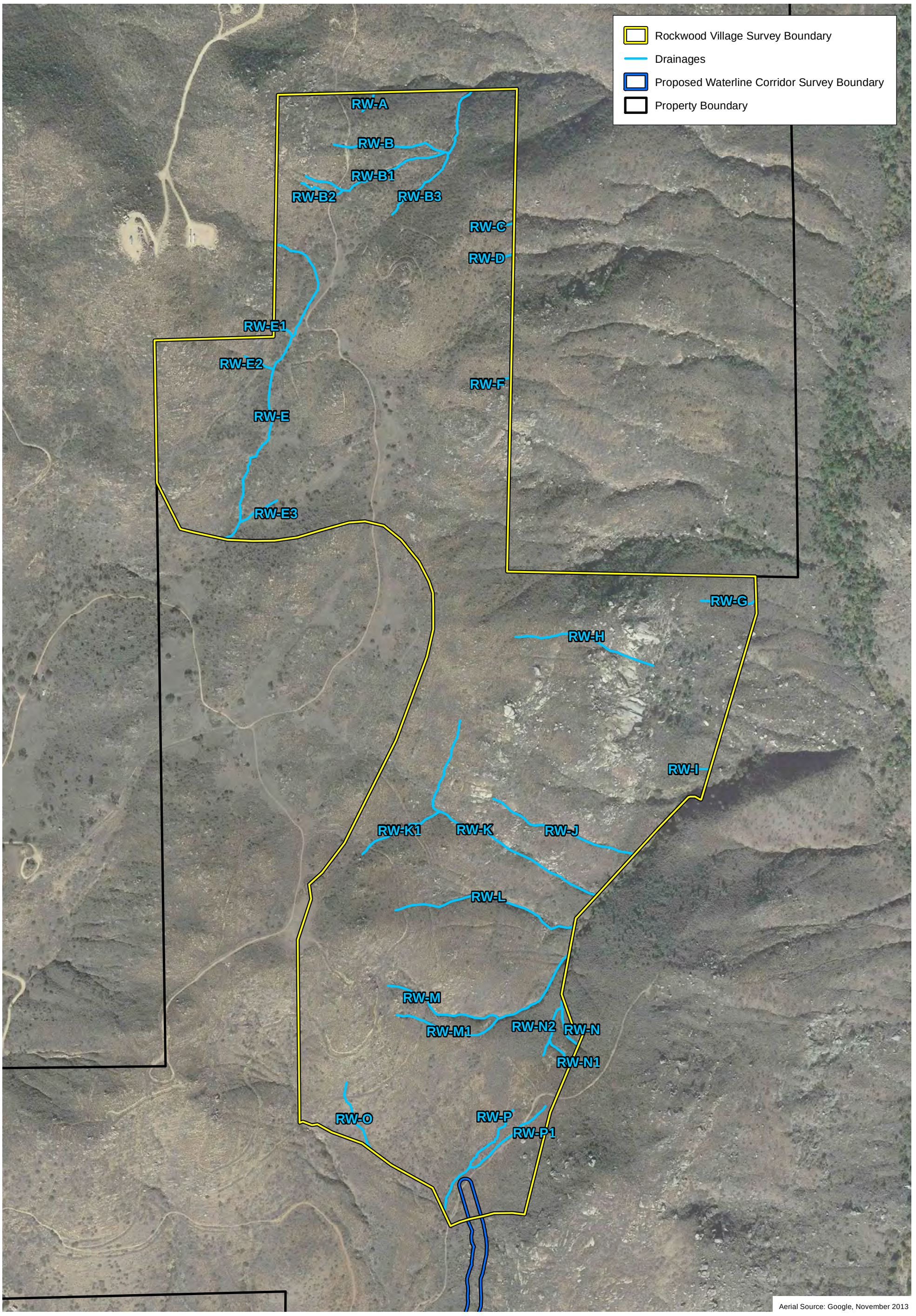

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Rockwood Village Jurisdictional and Topographic Features

Exhibit 4

Area E, Rockwood Village, and PAMA Proposed Water Line Corridor Delineation

N W E S

500 250 0 500 Feet

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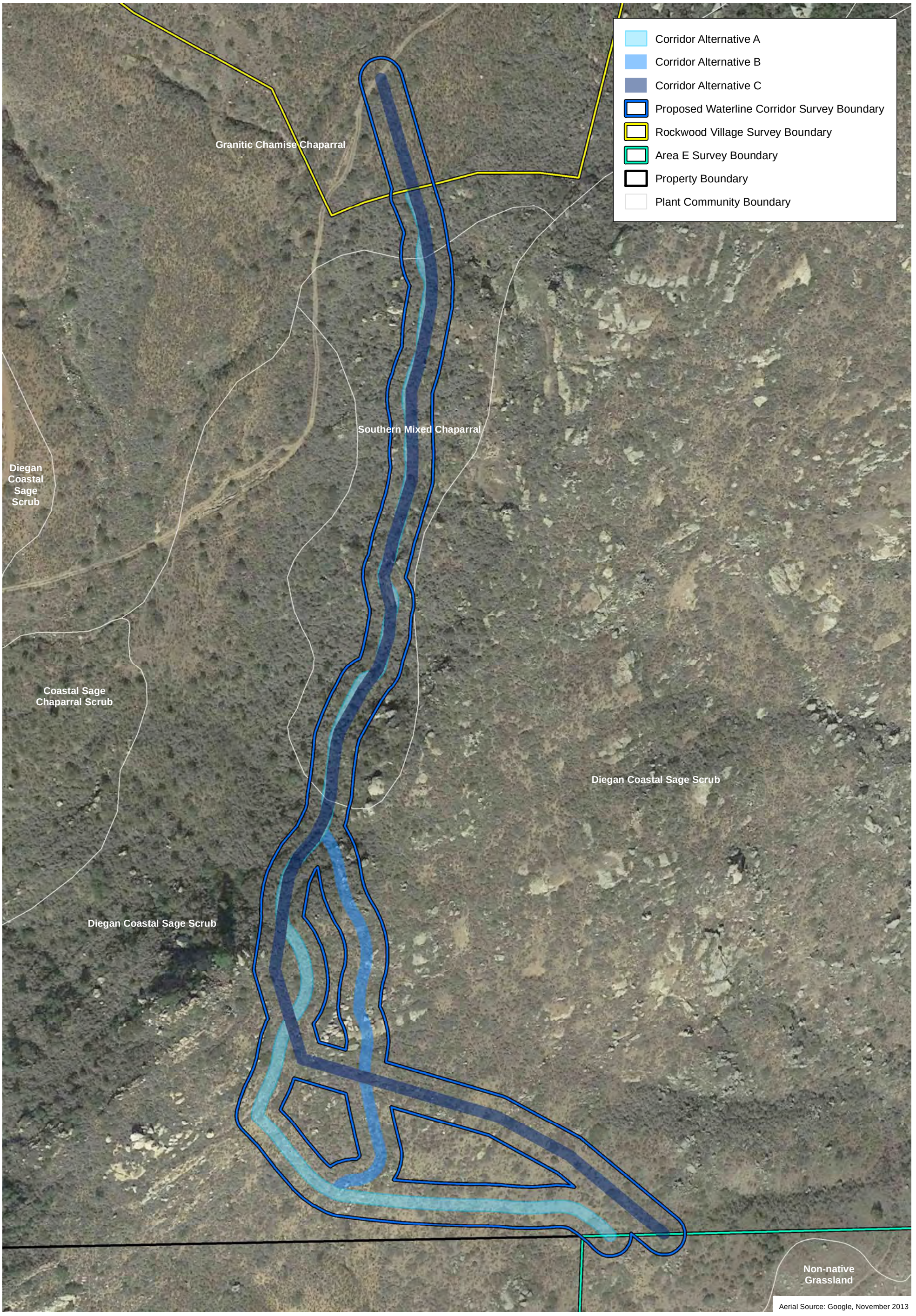

PAMA Proposed Waterline Corridor

Exhibit 5

Area E, Rockwood Village, and PAMA Proposed Water Line Corridor Delineation

N W E S

150 75 0 150 Feet

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ATTACHMENT A

REGULATORY AUTHORITY BACKGROUND INFORMATION

REGULATORY AUTHORITY

Three agencies have jurisdictional authority over rivers, streams, creeks, drainages, and other types of waters or wetlands within the state of California: the U.S. Army Corps of Engineers (USACE), the Regional Water Quality Control Board (RWQCB), and the California Department of Fish and Wildlife (CDFW).

U.S. Army Corps of Engineers

The USACE Regulatory Branch regulates activities that discharge, dredged or fill materials into "waters of the U.S." under Section 404 of the Federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. This permitting authority applies to all "waters of the U.S." where the material (1) replaces any portion of a "waters of the U.S." with dry land or (2) changes the bottom elevation of any portion of any "waters of the U.S.". These fill materials would include sand, rock, clay, construction debris, wood chips, and materials used to create any structure or infrastructure in these Waters. The selection of disposal sites for dredged or fill material is done in accordance with Section 404(b)(1) guidelines, which were developed by the U.S. Environmental Protection Agency (USEPA).

Waters of the United States

"Waters of the U.S." can be divided into three categories: territorial seas, tidal waters, or non-tidal waters. The term "waters of the U.S." is defined by the *Code of Federal Regulations* (CFR, Title 33, Navigation and Navigable Waters; Part 328, Definition of waters of the United States; §328.3, Definitions) and includes:

1. All waters that have, are, or may be used in interstate or foreign commerce (including sightseeing or hunting), including all waters 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, or streams (including intermittent streams); mudflats; sand flats; wetlands; sloughs; prairie potholes; wet meadows; playa lakes; or natural ponds where the use, degradation, or destruction of which could affect interstate or foreign commerce.
4. All impoundments of waters otherwise defined as "waters of the U.S." under the definition.
5. All tributaries of waters identified above.
6. The territorial seas.
7. All wetlands adjacent to waters (other than waters that are themselves wetlands) identified above.

Ordinary High Water Mark

The landward limit of tidal "waters of the U.S." is the high-tide line. In non-tidal waters where adjacent wetlands are absent, jurisdiction extends to the ordinary high water mark (OHWM). In the absence of wetlands in non-tidal waters, the extent of jurisdictional limits is determined by the OHWM. The OHWM 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 the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas" (33 CFR §328.3[e]).

Wetlands

A wetland is a subset of jurisdictional waters and is defined by the USACE and the USEPA as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 CFR §328.3[b]). Wetlands generally include swamps, marshes, bogs, and areas containing similar features. The definition and methodology for identifying wetland resources can be found in the USACE's *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (USACE 2008c), a supplement to the USACE's *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987). The methodology contained in this supplement was used to identify the type and extent of wetland resources associated with the proposed Project.

On June 19, 2006, a majority of the U.S. Supreme Court overturned two Sixth Circuit Court of Appeals decisions, finding that certain wetlands constituted "waters of the U.S." under the CWA. Justice Scalia argued that "waters of the U.S." should not include channels through which water flows intermittently or ephemerally, or channels that periodically provide drainage for rainfall. He also stated that a wetland may not be considered "adjacent to" remote "waters of the U.S." based on a mere hydrologic connection. On June 5, 2007, the USACE published a memorandum that provides guidance to both the USEPA regions and the USACE districts that implement the Supreme Court's decision in the Rapanos cases (which address the jurisdiction over "waters of the U.S." under the CWA).[2] The memorandum includes a chart that summarizes its key points, which is intended to be used as a reference tool along with a complete discussion of issues and guidance furnished throughout the memorandum.

In summary, the USACE and the USEPA will assert jurisdiction over the following waters: (1) traditional navigable waters (TNW); (2) wetlands adjacent to a TNW; (3) relatively permanent, non-navigable tributaries of a TNW that typically flow year-round or have continuous flow at least seasonally (e.g., typically three months); and (4) wetlands that directly abut such tributaries.

The USACE and the USEPA will decide jurisdiction over the following waters based on a fact-specific analysis to determine whether they have a significant nexus with a TNW: (1) non-navigable tributaries that are not relatively permanent; (2) wetlands adjacent to non-navigable tributaries that are not relatively permanent; and (3) wetlands adjacent to but that do not directly abut a relatively permanent, non-navigable tributary.

The USACE and the USEPA generally will not assert jurisdiction over the following features: (1) swales or erosional features (e.g., gullies or small washes characterized by low volume, infrequent, or short duration flow) and (2) ditches (including roadside ditches) excavated wholly within and draining only uplands and that do not carry a relatively permanent flow of water.

The USACE and the USEPA will apply the significant nexus standard defined as follows:

1. 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 TNWs.
2. A significant nexus includes consideration of hydrologic and ecological factors.

Regional Water Quality Control Board

The RWQCB is the primary agency responsible for protecting water quality in California through the regulation of discharges to surface waters under the CWA and the California Porter-Cologne Water

[2] Consolidated cases: *Rapanos v. United States* and *Carabell v. United States* refer to the U.S. Supreme Court's decision concerning USACE jurisdiction over "Waters of the U.S." under the CWA.

Quality Control Act (Porter-Cologne Act). The RWQCB's jurisdiction extends to all "waters of the State" and to all "waters of the U.S.", including wetlands (isolated and non-isolated).

Section 401 of the CWA provides the RWQCB with the authority to regulate, through a Water Quality Certification, any proposed, federally permitted activity that may affect water quality. Among such activities are discharges of dredged or fill material permitted by the USACE pursuant to Section 404 of the CWA. Section 401 requires the RWQCB to provide "certification that there is reasonable assurance that an activity which may result in the discharge to 'waters of the U.S.' will not violate water quality standards". Water Quality Certification must be based on a finding that the proposed discharge will comply with water quality standards, which contain numeric and narrative objectives that can be found in each of the ten RWQCBs' Basin Plans.

The Porter-Cologne Act provides the State with very broad authority to regulate "waters of the State" (which are defined as any surface water or groundwater, including saline waters). The Porter-Cologne Act has become an important tool in the post-SWANCC (Solid Waste Agency of Northern Cook Counties vs. United States Corps of Engineers) and Rapanos era with respect to the State's authority over isolated waters. Generally, any person proposing to discharge waste into a water body that could affect its water quality must file a "Report of Waste Discharge" (ROWD) when there is no federal nexus, such as under Section 404(b)(1) of the CWA. Although "waste" is partially defined as any waste substance associated with human habitation, the RWQCB interprets this to include fill discharge into water bodies.

Water Quality Control Plans

There are nine Regional Water Quality Control Boards in California. The Project site is located within Regional Water Quality Control Board Region 9, the San Diego Region. The State Water Resources Control Board (SWRCB) and the San Diego Regional Water Quality Control Boards (RWQCBs) have adopted Water Quality Control Plans (or "Basin Plans") for their regions. The Basin Plans contains goals and policies, descriptions of conditions, and proposed solutions to surface and groundwater issues. The Basin Plans also establish water quality standards for surface and groundwater resources and includes beneficial uses and levels of water quality that must be met and maintained to protect these uses. These water quality standards are implemented through various regulatory permits pursuant to CWA Section 401 for Water Quality Certifications and Section 402 for Report of Waste Discharge permits.

California Department of Fish and Wildlife

The CDFW has jurisdictional authority over wetland resources associated with rivers, streams, and lakes pursuant to *California Fish and Game Code* (§§1600–1616). Activities of State and local agencies as well as public utilities that are project proponents are regulated by the CDFW under Section 1602 of the *California Fish and Game Code;* this section regulates any work that will (1) substantially divert or obstruct the natural flow of any river, stream, or lake; (2) substantially change or use any material from the bed, channel, or bank of any river, stream, or lake; or (3) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

Because the CDFW includes streamside habitats under its jurisdiction that, under the federal definition, may not qualify as wetlands on a particular project site, its jurisdiction may be broader than that of the USACE. Riparian forests in California often lie outside the plain of ordinary high water regulated under Section 404 of the CWA, and often do not have all three parameters (wetland hydrology, hydrophytic vegetation, and hydric soils) sufficiently present to be regulated as a wetland. However, riparian forests are frequently within CDFW regulatory jurisdiction under Section 1602 of the *California Fish and Game Code.*

The CDFW enters into a Lake or Streambed Alteration Agreement (SAA) with a project proponent and can impose conditions on the agreement. The notification process involves the completion of the

applications which will serve as the basis for the CDFW's issuance of a Section 1602 SAA. Section 1602 of the *California Fish and Game Code* applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the State.

The CDFW jurisdictional limits are not as clearly defined by regulation as those of the USACE. While they closely resemble the limits described by USACE regulations, they include riparian habitat supported by a river, stream, or lake regardless of the presence or absence of hydric and saturated soils conditions. In general, the CDFW takes jurisdiction from the top of a stream bank or to the outer limits of the adjacent riparian vegetation (outer drip line), whichever is greater. Notification is generally required for any project that will take place within or in the vicinity of a river, stream, lake, or their tributaries. This includes rivers or streams that flow at least periodically or permanently through a bed or channel with banks that support fish and other aquatic plant and/or wildlife species, and watercourses that have a surface or subsurface flow that support or have supported riparian vegetation.