

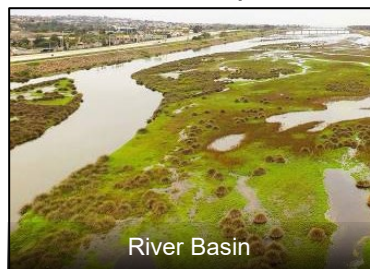
JURISDICTIONAL WATERS GUIDANCE

In compliance with State and Federal Regulations



JURISDICTIONAL WATERS

Examples of water bodies that may be regulated by federal and/or state agencies



River Basin



Concrete Lined Channel



Vegetated Roadside Ditch



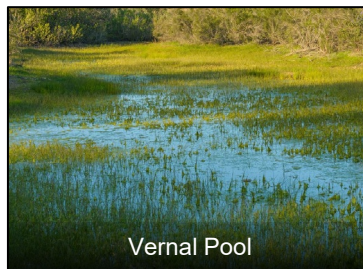
Lake Adjacent to Roadway



Pond



Wetland



Vernal Pool



Culvert and Ephemeral Stream

Jurisdictional Waters – DPW Project Examples

Infrastructure Construction



Build or repair bridges, culverts, or any infrastructure near aquatic features.

Channelization



Alter watercourses for flood control.

Streambank Stabilization



Install riprap, retaining walls, or other erosion control structures.

Fill or Dredge



Add fill material to wet areas or sediment removal.

If potential jurisdictional waters are encountered:



- All culverts, ponded or flowing water, wet roadside ditches, riparian vegetation must be reviewed and cleared by ESU (for proper BMPs and/or permits)
- ESU will confirm if the waterbody is jurisdictional
- Environmental Sensitive Area (ESA) may be demarcated; work may still resume outside of demarcated ESA

JURISDICTIONAL WATERS KEY TERMS



“Waters of the United States” (WOTUS) are bodies of water that are subject to protection under the federal Clean Water Act (CWA).

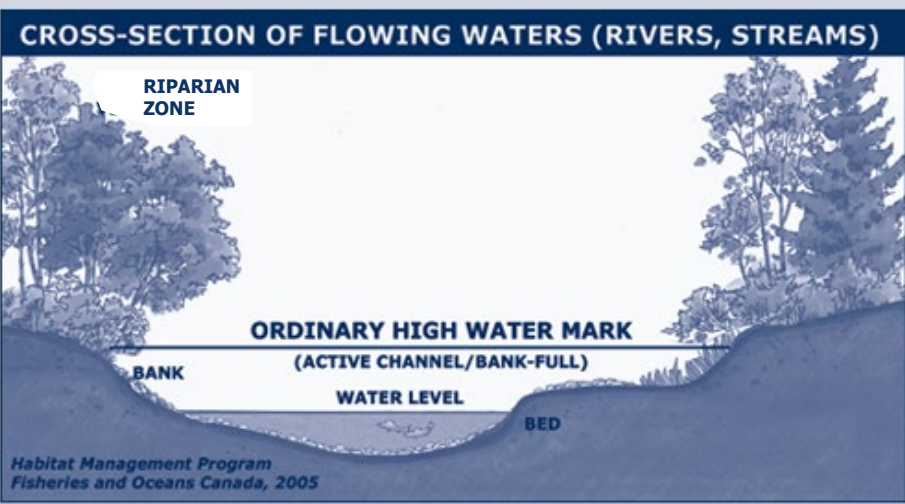
Traditionally Included:

- Navigable waters
- Interstate waters
- Tributaries of the above waters
- Wetlands adjacent to jurisdictional waters

Exclusions:

- Some ditches
- Certain artificially irrigated areas
- Groundwater (regulated by states)
- Stormwater control features constructed on dry land

“Waters of the State” (WOTS) are all surface waters, wetlands, and groundwater within a state's boundaries, including those classified as *“Waters of the United States” (WOTUS)*.



Regulated features are defined by:

Bed: Substrate over which water flows.

Bank: Terrain that confines water flow and restricts lateral movement of water.

Ordinary High-Water Mark: Line on the shore established by the fluctuations of water and indicated by physical characteristics.

Riparian Zone: vegetation communities characterized by water-dependent plants that thrive in moist or saturated soil conditions.

Wetlands are areas that are frequently saturated or inundated, by surface or ground water, for an extended period of time, wherein supports vegetation that is adapted to saturated soils.

Wetland Criteria:

1. **Hydrology:** Evidence of periodic or continuous saturation or inundation.
2. **Hydrophytic Vegetation:** Plant species adapted to live in wet conditions.
3. **Hydric Soils:** Soils that show signs of prolonged saturation.

*Federal jurisdiction requires all three criteria to qualify; State jurisdiction requires one or more criteria to qualify.

Feature	Regulatory Agency	Regulation	Permit	Permit Intent
WOTUS	US Army Corps of Engineers (USACE); Environmental Protection Agency (EPA)	Clean Water Act (CWA), Section 404	Individual or Nationwide Permit	Regulates activities that may affect bodies of water via alterations, modifications and/or transformations. Examples: construction access in creek bed, bridge pier excavation, rip rap placement, headwall extension, sediment removal, temporary stream diversion, etc.
WOTS	State and Regional Water Quality Control Boards (RWQCB)	CWA, Section 401; Porter-Cologne Water Quality Control Act	Water Quality Certification	
WOTS, Riparian Vegetation	California Department of Fish and Wildlife (CDFW)	CA Fish and Game Code, Sections 1600-1607	Streambed Alteration Agreement	
WOTS	RWQCB; EPA	CWA, Section 402	National Pollutant Discharge Elimination System (NPDES) Permit	Required for stormwater discharges during construction.

*CDFW jurisdictional limits are usually delineated by the top of the stream or lake banks, or the outer edge of riparian vegetation; deferring to the wider.