

Appendix E

JURISDICTIONAL DELINEATION FOR ASSESSOR'S PARCEL NUMBER 392-280-007

CITY OF MURRIETA, WESTERN RIVERSIDE COUNTY, CALIFORNIA

Submitted to:

**City of Murrieta
1 Town Square
Murrieta, California 92562**

Prepared on Behalf of:

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1.0 Introduction

Hernandez Environmental Services (HES) was contracted by Brian F. Smith and Associates to prepare a Jurisdictional Delineation (JD) for Riverside County Assessor's Parcel Number (APN) 392-280-007. The site is located within the city of Murrieta, Riverside County, California. The project site consists of approximately 14.35 acres located west of Highway 215, north of Linnel Lane, and east of McElwain Road.

1.1 Purpose

The purpose of this JD is to:

- Determine if any state or federal jurisdictional waters are present within the project site boundaries;
- Quantify any impacts to jurisdictional waters due to the proposed project, if possible;
- Determine if the project will require state or federal permits for impacts to jurisdictional waters; and,
- Recommend mitigation measures to offset impacts to state or federal jurisdictional waters.

1.2 Site Location

The address for the project site is 35451 McElwain Road, Murrieta, California 92562. The project site is located west of Highway 215, north of Linnel Lane, and east of McElwain Road. The project site is approximately 14.35 acres and is located within the city of Murrieta, Riverside County, California. Specifically, the project site is located within Township 6 south, Range 3 west, Section 34 of the *Murrieta* United States Geological Survey (USGS) 7.5' topographic quadrangle. The center point latitude and longitude for the project site are 33°36'521.6581" North and 117°10'21.2756" West (Figures 1 and 2).

1.3 Project Description

The proposed project will consist of the construction of an approximately 120-key hotel, 222-unit apartment complex, event center, and recreation area. The proposed project will impact the entire 14.35-acre site (Figure 3).

2.0 Regulatory Background

2.1 California Department of Fish and Wildlife Lake and Streambed Alteration Agreement

The California Department of Fish and Wildlife (CDFW) is responsible for conserving, protecting, and managing California's fish, wildlife, and native plant resources. To meet this responsibility, the California Fish and Game Code (F&GC), requires that the CDFW be consulted if a proposed development project has the potential to detrimentally effect a stream and thereby wildlife

resources that depend on a stream for continued viability (F&GC Division 2, Chapter 5, section 1600-1616). A Section 1602 Lake or Streambed Alteration Agreement is required, should the CDFW determine that the proposed project may do one or more of the following:

- Substantially divert or obstruct the natural flow of any river, stream or lake;
- Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or
- Deposit debris, waste or other materials that could pass into any river, stream or lake.

For the purposes of clarification, a stream is defined by CDFW as “a body of water that flows perennially or episodically and that is defined by the area in which 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 or biological indicators.” The historic hydrologic regime is defined as circa 1800 to the present (CDFW 2010).

2.2 Regional Water Quality Control Board Clean Water Act /Porter-Cologne Act

The Regional Water Quality Control Board (RWQCB) regulates activities pursuant to Section 401(a)(1) of the federal Clean Water Act (CWA) as well as the Porter Cologne Act (Water Code section 13260). Section 401 of the CWA specifies that certification from the State is required for any project requesting a federal license or permit to conduct any activities including, but not limited to, the construction or operation of facilities that may result in any discharge into navigable waters. The certification shall originate from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable water at the point where the discharge originates or will originate. Any such discharges will comply with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the CWA. The Porter Cologne Water Quality Control Act (PCWQCA) requires “any person discharging waste, or proposing to discharge waste, within any region that could affect the waters of the state to file a report of discharge.” Discharge of fill material into “waters” of the State which does not fall under the jurisdiction of the United States Army Corps of Engineers (USACE) pursuant to Section of the CWA, may require authorization through application of waste discharge requirements or through waiver of Waste Discharge Requirements.

2.3 United States Army Corps of Engineers Clean Water Act 404 Permit

The USACE regulates “discharge of dredged or fill material” into wetlands and waters of the United States (WUS), which includes tidal waters, interstate waters, and “all other waters, interstate lakes, rivers, streams (including intermittent streams), mud flats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes or natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce or which are tributaries to waters subject to the ebb and flow of the tide” (33 C.F.R. 328.3(a)), pursuant to provisions of Section 404 of the CWA.

The USACE requires that the 1987 Corps of Engineers Wetland Delineation Manual (USACE, 1987) be used for delineating wetlands and waters of the United States. To qualify for wetlands status, vegetation, soils, and hydrologic parameters must all be met. WUS are delineated based upon the “ordinary high water mark” (OHWM) as determined by erosion, the deposition of vegetation or debris, and changes in vegetation within rivers and streams.

For the purposes of this section, the term “fill” is defined as: material placed in waters of the United States where the material has the effect of:

- Replacing any portion of a WUS with dry land; or
- Changing the bottom elevation of any portion of a WUS.

Examples of such fill material include, but are not limited to: rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure in the WUS. The term fill material does not include trash or garbage.

The definition of “discharge of dredged material” is defined as: any addition of dredged material into, including redeposit of dredged material other than incidental fallback within, the WUS. The term includes, but is not limited to, the following:

- The addition of dredged material to a specified discharge site located in WUS;
- The runoff or overflow, associated with a dredging operation, from a contained land or water disposal area; and
- Any addition, including redeposit other than incidental fallback, of dredged material, including excavated material, into WUS which is incidental to any activity, including mechanized land clearing, ditching, channelization, or other excavation.

The term discharge of dredged material does not include the following:

- Discharges of pollutants into WUS resulting from the onshore subsequent processing of dredged material that is extracted for any commercial use (other than fill). These discharges are subject to section 402 of the CWA even though the extraction and deposit of such material may require a permit from the Corps or applicable State.
- Activities that involve only the cutting or removing of vegetation above the ground (e.g., mowing, rotary cutting, and chain-sawing) where the activity neither substantially disturbs the root system nor involves mechanized pushing, dragging, or other similar activities that redeposit excavated soil material.
- Incidental fallback.

3.0 Methodology

3.1 Literature Review

Prior to the site visit, a literature review was conducted to aid in determining the potential for permanent, intermittent or ephemeral drainages, wetlands and riparian vegetation. Project background documents, topographic maps, satellite imaging, soils maps, and land use maps were examined to establish an accurate project site location, project description, potential for onsite drainages and wetlands, records of on-site vegetation, watershed, soils, and surrounding land uses.

3.2 Field Survey

On February 8, 2019, HES conducted a field survey of the approximately 14.35-acre project site. Field surveys were conducted to delineate jurisdictional drainages and wetland resources associated with jurisdictional drainages.

Jurisdictional drainages were identified by looking for features such as a bed, bank or channel. Where riparian vegetation was present, the drip line of the outer edge of the vegetation was used as the measuring criteria. Furthermore, the presence of an OHWM was recorded. The OHWM is defined as: “on non-tidal rivers, the line on the shore established by the fluctuations of water and indicated by the 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 area.” Where the presence of an OHWM was evident, a measurement was taken for the width of the OHWM and the measurement was recorded. Areas measured were also recorded using hand-held GPS for accurate location reference.

Where changes in plant community composition were apparent, the area was examined for the possibility of wetlands. Whether or not adjacent to WUS, the potential wetland area was evaluated for the presence of the three wetland indicators: hydrology, hydric soils and hydrophytic vegetation. The guidelines followed are those established in the 1987 USACE Manual.

4.0 Results

4.1 Environmental Setting

The sites are located within the city of Murrieta, Riverside County, California. The project area is comprised of undeveloped land, bordered by McElwain Road to the west, Linnel Lane to the south, and Highway 215 to the east. The surrounding land uses include undeveloped land with a few residential properties to the north and west, and commercial uses to the east and south. Elevations on the sites range from 1,556 to 1,592 feet above mean sea-level (AMSL).

4.2 Existing Hydrological Features

The 14.35-acre project area contains two unnamed ephemeral drainages (Drainages A and B) comprised of upland plant species totaling approximately 0.48 acre and 1,427 linear feet (Figure 4). Drainage A is located at the southwestern portion of the project area and flows from northwest to southeast. Drainage B traverses the central portion of the project area and flows from north to south. The northernmost portion of Drainage B appears to be historically filled and no bed, bank, or channel was observed; this area is labeled “Disturbed CDFW Jurisdictional Drainage” on Figure 4 and totals approximately 0.06 acre. Both drainages exit the project area to the south via a 48-inch culvert.

4.3 Soils

Three soil classes are identified to occur on the project site by the United States Department of Agriculture (USDA) Web Soil Survey (Appendix B). Soils at the project site are classified as:

- Cajalco fine sandy loam (CaC2), 2 to 8 percent slopes, eroded;
- Cajalco fine sandy loam (CaD2), 8 to 15 percent slopes, eroded; and
- Cajalco rocky fine sandy loam (CbD2), 5 to 15 percent slopes, eroded.

No soil types classified as hydric were found to occur on the project site.

4.4 Vegetation

Drainage A

Drainage A is dominated by upland vegetated ephemeral stream habitat. The species observed include California buckwheat (*Eriogonum fasciculatum*), mulefat (*Baccharis salicifolia*), brittlebush (*Encelia farinosa*), elderberry (*Sambucus sp.*), and one coast live oak (*Quercus agrifolia*).

Drainage B

Drainage B is dominated by upland vegetated ephemeral stream habitat. The species observed include California buckwheat, mulefat, brittlebush, and elderberry.

4.5 Hydrology

The ephemeral drainages are part of the Water Quality Control Plan for the San Diego Basin which is administered by the San Diego RWQCB (Region 9). The onsite waters are within the Santa Margarita Hydrologic Unit, Murrieta Hydrologic Area, and Murrieta Subarea (902.32).

4.6 Existing Wetlands

The project site does not contain isolated or adjacent wetlands. All hydrologic episodic flows appear to exit the property via Drainages A and B, and do not pool anywhere on the property.

4.7 California Department of Fish and Wildlife Jurisdiction

The ephemeral drainages and associated riparian areas that traverse the project site total approximately 0.48 acre and 1,427 linear feet and would be considered CDFW jurisdictional drainage features, which are regulated by Section 1602 of the California F&GC (Figure 4). Approximately 0.06 acre of one of the drainages (Drainage B) is disturbed and has been historically filled so that no bed, bank, or channel was observed in the northern portion of the drainage; this drainage would still be considered a CDFW jurisdictional drainage feature.

4.8 Waters of the United States

The ephemeral drainages are considered jurisdictional WUS, which are regulated by the USACE and the RWQCB under Sections 404 and 401 of the CWA. The onsite ephemeral drainages contain approximately 0.09 acre of non-relatively permanent WUS (Figure 5). Approximately 0.02 acre of one of the drainages (Drainage B) is disturbed and has been historically filled so that the OHWM is difficult to distinguish.

Any placement of dredge or fill material into these WUS would require a Section 404 permit of the CWA issued by the USACE. WUS were delineated by identifying the OHWM and adjacent wetland. The WUS present are described in the *U.S. Army Corps of Engineers Jurisdictional Determination Form Instructional Guidebook* as “wetlands adjacent to non-relatively permanent waters that flow directly or indirectly into traditional navigable water.”

4.9 Regional Water Quality Control Board Jurisdiction

A beneficial use is one of the various ways that water can be used for the benefit of people and/or wildlife. Beneficial uses for the onsite ephemeral drainages have been identified by the San Diego Quality Control Basin Plan as Municipal (MUN), Agriculture (AGR), Industrial Service Supply (IND), Industrial Process Supply (PROC), potentially for Water Contact Recreation (REC1), Non-Contact Water Recreation (REC2), Warm Freshwater Habitat (WARM), and Wildlife Habitat (WILD). The RWQCB would have jurisdiction over all 0.09 acre of WUS and would require a 401 Certification for any impacts to these waters.

4.10 Jurisdictional Waters Summary

Table 1. Jurisdictional Waters

Jurisdiction	Acreage		Total Area (Acres)
CDFW	Ephemeral upland vegetated drainages: 0.42	Disturbed ephemeral upland vegetated drainages: 0.06	0.48
USACE/RWQCB	Non-relatively permanent waters: 0.07	Disturbed non-relatively permanent waters: 0.02	0.09

5.0 Impacts to Jurisdictional Areas

5.1 California Department of Fish and Wildlife

The entire 14.35-acre project site will be impacted by this project, therefore 0.48 acre of CDFW jurisdictional drainages will be impacted.

5.2 Waters of the United States /Regional Water Quality Control Board

The entire 14.35-acre project site will be impacted by this project, therefore 0.09 acre and 1,427 linear feet of non-relatively permanent WUS will be impacted that are regulated by the USACE and the RWQCB.

5.3 Impacts Summary

Table 2. Impacts to Jurisdictional Waters

Jurisdiction	Impacted Acreage		Total Impacted Area (Acres)
CDFW	Ephemeral upland vegetated drainages: 0.42	Disturbed ephemeral upland vegetated drainages: 0.06	0.48
USACE/RWQCB	Non-relatively permanent waters: 0.07	Disturbed non-relatively permanent waters: 0.02	0.09

6.0 Recommendation

The proposed project will impact approximately 0.48 acre of CDFW jurisdictional waters and 0.09 acre of waters of the United States. These impacts will require the project to obtain a Section 1602 Streambed Alteration Agreement from CDFW, a Nationwide general permit under the Clean Water Act administered by the USACE and a 401 Certification from the San Diego Regional Water Quality Control Board. The project will also have to prepare a Determination of Biologically Equivalent or Superior Preservation (DBESP) for impacts to 0.48 acre of riparian/riverine resources and comply with the Western Riverside County Multiple Species Habitat Conservation Plan.

The project will mitigate 0.48 acers of impacts to CDFW jurisdictional waters and 0.09 acre if impacts to Waters of the United States by the purchase of 0.96 acre credit of mitigation (2:1 ratio) at and established and agency approved mitigation bank.

7.0 Certification

***"CERTIFICATION:** I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this jurisdictional delineation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief."*



DATE 04-17-2019 SIGNED

Project Manager

Fieldwork Performed By:

Juan J. Hernandez

Principal Biologist

8.0 References

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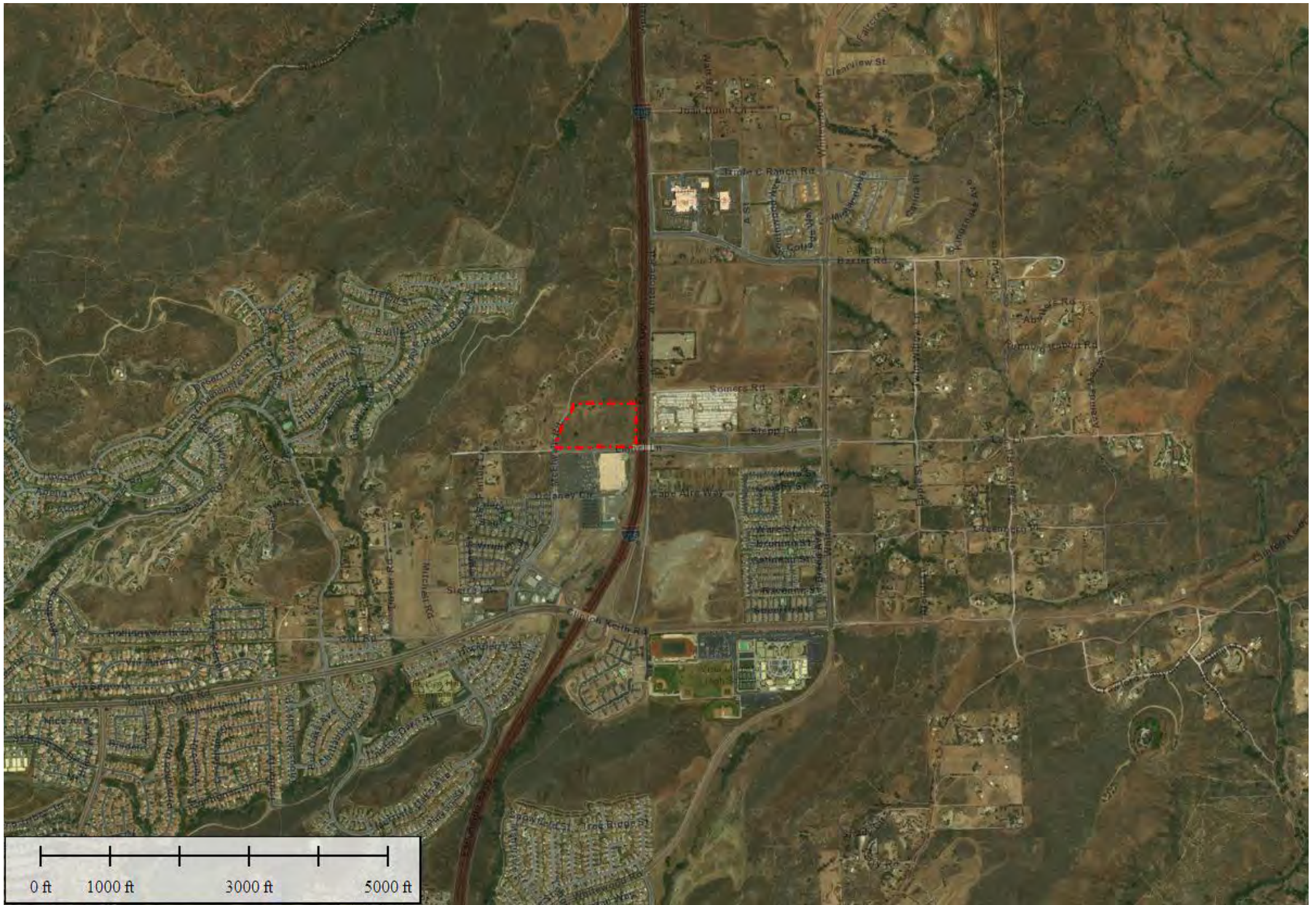


Figure 1
 Location Map
 APN 392-280-007
 Riverside County, California

Project Boundary

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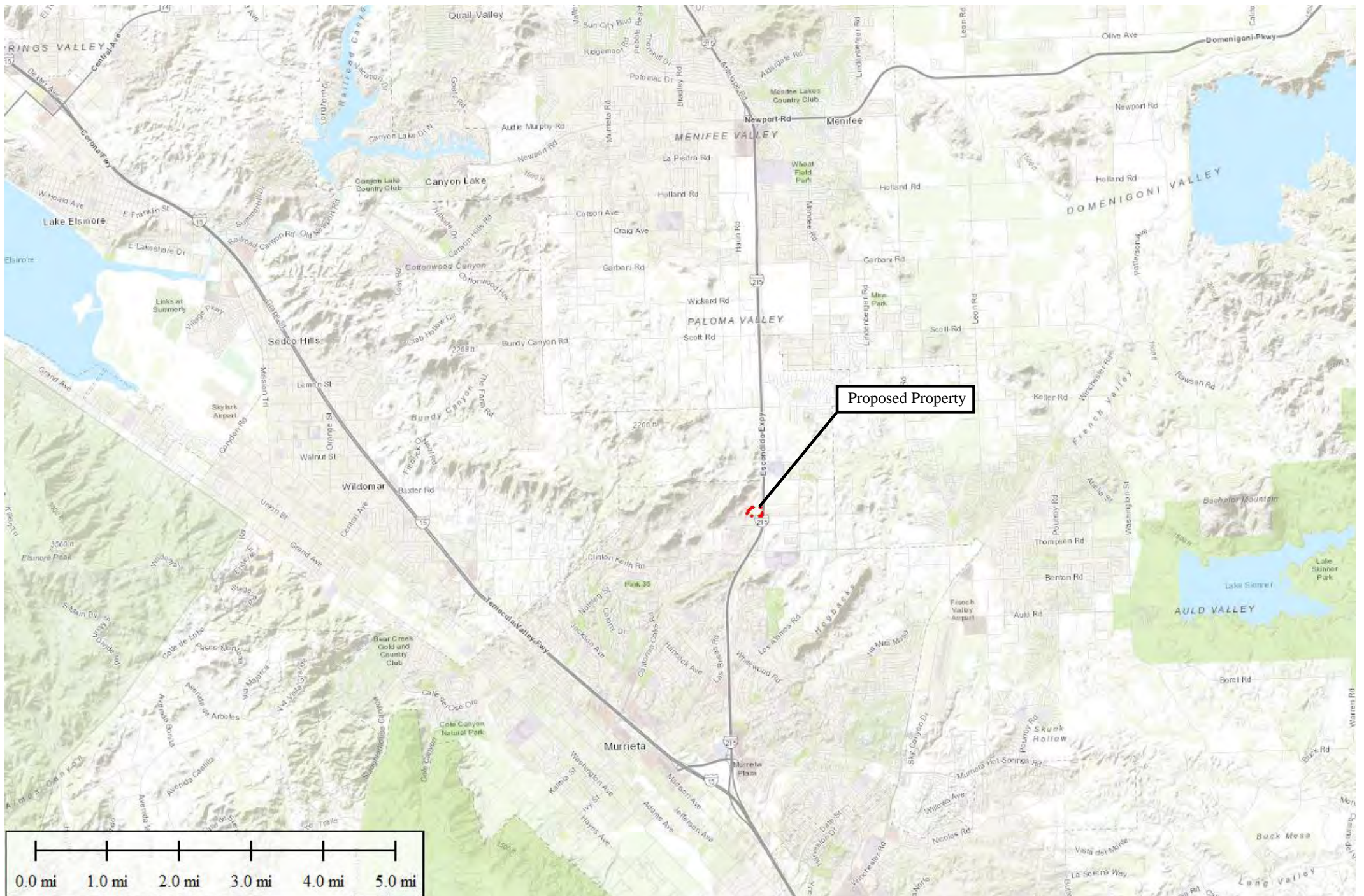


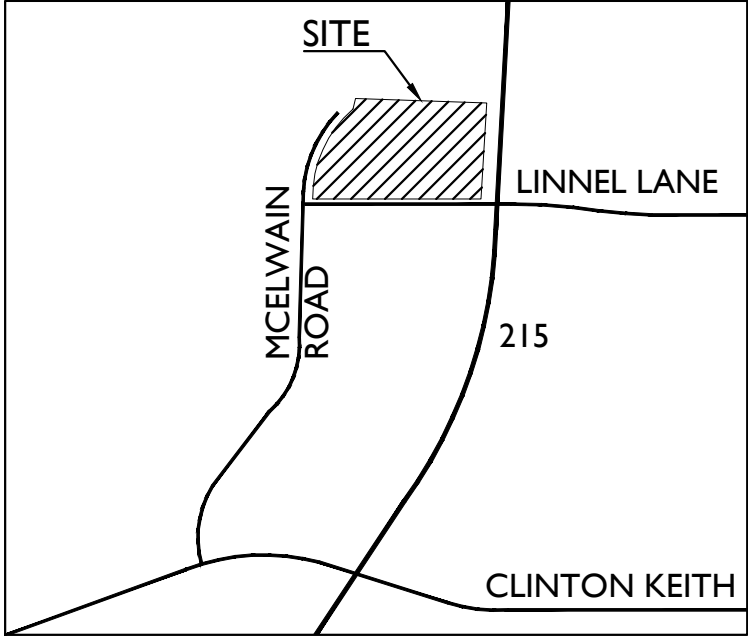
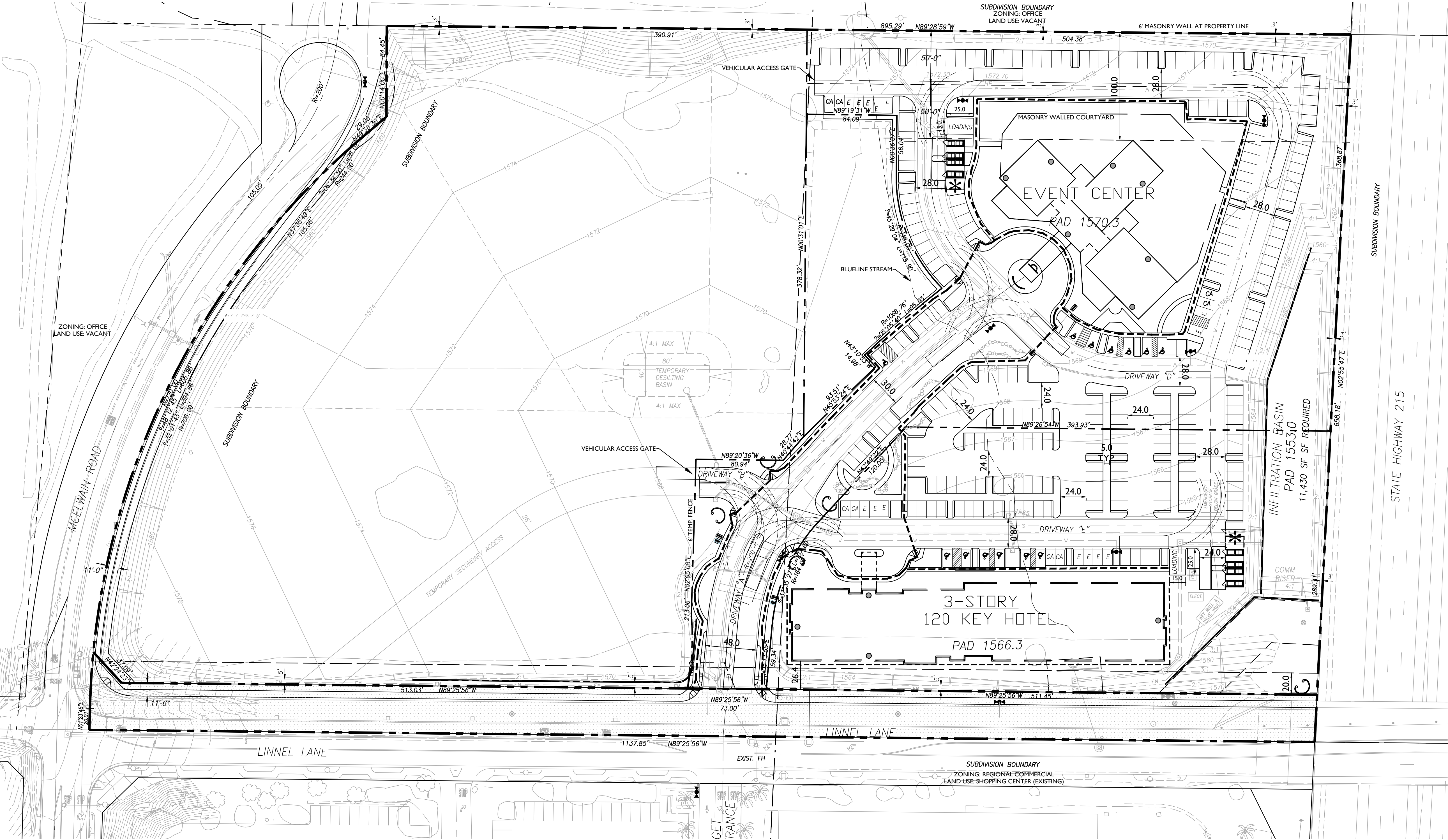
Figure 2
Vicinity Map
APN 392-280-007
Riverside County, California

Legend



Project Boundary





VICINITY MAP : NOT TO SCALE

- LEGEND**
- ACCESSIBLE PATH OF TRAVEL
 - ▨ ROW DEDICATION
 - * LONG TERM BICYCLE STORAGE
 - ♿ ACCESSIBLE PARKING
 - E FUTURE ELECTRIC VEHICLE SPACE
 - CA CLEAN AIR / VANPOOL
 - HOSE PULL
 - PEDESTRIAN ACCESS POINTS
- NOTE: 5' MIN. PLANTER AREAS PROVIDED THROUGHOUT PROJECT

PROJECT SUMMARY	
APN	392-280-007
GROSS SITE AREA	15.78 AC
NET SITE AREA	14.62 AC
TOTAL PARKING	280 SPACES
EXISTING ZONING	O (OFFICE)
PROPOSED ZONING	O (OFFICE)
LAND USE	HOTEL, AND EVENT CENTER

LEGAL DESCRIPTION: A PORTION OF SECTION 34, TOWNSHIP 6 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE & MERIDIAN

PUBLIC UTILITIES	
SEWER	WESTERN MUNICIPAL WATER DISTRICT
WATER	WESTERN MUNICIPAL WATER DISTRICT
TELEPHONE	SOUTHERN CALIFORNIA TELEPHONE
ELECTRIC	SOUTHERN CALIFORNIA EDISON
GAS	SOUTHERN CALIFORNIA GAS COMPANY
CABLE T.V.	TIME WARNER CABLE / FRONTIER COMM.

HOTEL (LOT 4)	
TOTAL KEYS	120 KEYS (71,562 SF)
SITE AREA	2.68 ACRES
FAR	.45
OCCUPANCY	R-1
PARKING PROVIDED	95 SPACES

EVENT CENTER (LOT 3)	
TOTAL	14,455 SF
SITE AREA	4.21 ACRES
FAR	.08
OCCUPANCY	A-3
PARKING PROVIDED	185 SPACES (12.8 : 1,000)

LOT COVERAGE		
BUILDING	39,145 SF	6%
PARKING	36,810 SF	6%
PAVED	94,870 SF	15%
LANDSCAPE	466,111 SF	73%
TOTAL	636,936 SF	100%

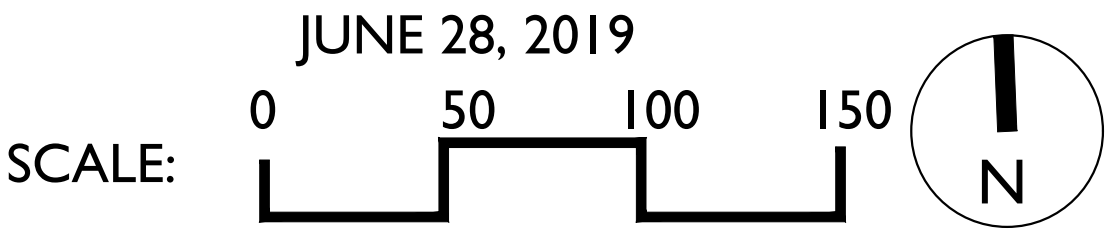
TRASH ENCLOSURES		
HOTEL	EVENT	
REQUIRED: 144 SF RECYCLE 144 SF TRASH	REQUIRED: 48 SF RECYCLE 48 SF TRASH	
PROVIDED: 160 SF RECYCLE 160 SF TRASH	PROVIDED: 160 SF RECYCLE 160 SF TRASH	
		TYPICAL PARKING DIMENSIONS NOT TO SCALE

PARKING SUMMARY	BICYLCE PARKING SUMMARY
PROVIDED PARKING OPEN SPACES = 280 SPACES ELECTRIC VEHICLE PARKING HOTEL = 7 SPACES EVENT CENTER = 7 SPACES ACCESSIBLE PARKING REQUIRED = 7 SP PROVIDED = 13 SP LOADING SPACES REQUIRED = 2 SP PROVIDED = 2 SP	REQUIRED PARKING 280 X .05 = 14 SPACES PROVIDED PARKING TOTAL = 16 SPACES

MURRIETA, CA

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SAPPHIRE



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A-SPI

SITE PLAN



Figure 4

CDFW Jurisdictional Drainages Map

APN 392-280-007

Riverside County, California

Legend



Project Boundary

CDFW Jurisdictional Drainages (0.42 acre)

Disturbed CDFW Jurisdictional Drainage (0.06 acre)





Figure 5

Waters of the U.S. Map
APN 392-280-007
Riverside County, California

Legend



Project Boundary
WUS Jurisdictional Drainages (0.07 acre)
Disturbed OHWM (0.02 acre)



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Jurisdictional Delineation for APN 392-280-007



Ephemeral drainage (Drainage A) observed on the project site.



Ephemeral drainage (Drainage A) observed on the project site.

Jurisdictional Delineation for APN 392-280-007



Disturbed ephemeral drainage (Drainage B) observed on the project site, observed to be historically filled.




48-inch culvert at the southern portion of the project site where both drainages exit the project area.

Soil Map—Western Riverside Area, California





MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Western Riverside Area, California

Survey Area Data: Version 11, Sep 12, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Feb 24, 2015—Feb 26, 2015

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
CaC2	Cajalco fine sandy loam, 2 to 8 percent slopes, eroded	4.0	25.9%
CaD2	Cajalco fine sandy loam, 8 to 15 percent slopes, eroded	4.3	27.6%
CbD2	Cajalco rocky fine sandy loam, 5 to 15 percent slopes, eroded	7.3	46.5%
Totals for Area of Interest		15.6	100.0%