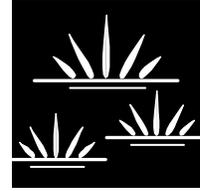


GLENN LUKOS ASSOCIATES

Regulatory Services



May 12, 2015

Ms. Tracy Zinn
T&B Planning, Inc.
17542 East 17th Street, Suite 100
Tustin, California 92780

SUBJECT: Jurisdictional Delineation of the Moreno Valley Logistics Center Project Study Area, an 89.5-Acre Property Located in the City of Moreno Valley, Riverside County, California.

Dear Ms. Zinn:

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

The Moreno Valley Logistics Center Project Study Area (Study Area) is located at Latitude 33.878275° and Longitude -117.237434° within Section 30, Township 3 South, and Range 3 West within the City of Moreno Valley, Riverside County, California [Exhibit 1]. The Study Area comprises approximately 89.50 acres of land and a segment of the Perris Valley Storm Drain (PVSD) that bifurcates the property. The Study Area is generally bounded by undeveloped land and a warehouse building to the north, Cardinal Avenue and the Perris Valley Storm Drain [PVSD] to the south, Indian Street to the east, and Heacock Street and the March Air Reserve Base to the west. The Study Area is traversed by one blue-line stream, the PVSD (as depicted on the U.S. Geological Survey (USGS) topographic maps Sunnymead, California (dated 1967 and photorevised in 1980) and Perris, California (dated 1967 and photorevised in 1979) [Exhibit 2].

¹ This report presents our best effort at estimating the subject jurisdictional boundaries using the most up-to-date regulations and written policy and guidance from the regulatory agencies. Only the regulatory agencies can make a final determination of jurisdictional boundaries. If a final jurisdictional determination is required, GLA can assist in getting written confirmation of jurisdictional boundaries from the agencies.

On January 15, 2015, regulatory specialists from Glenn Lukos Associates, Inc. (GLA) examined the Study Area to determine the limits of Corps jurisdiction pursuant to Section 404 of the Clean Water Act (CWA), Regional Board jurisdiction pursuant to Section 401 of the CWA and Section 13260 of the California Water Code (CWC) [the Porter-Cologne Act], and CDFW jurisdiction pursuant to Division 2, Chapter 6, Sections 1600-1616 of the Fish and Game Code. Enclosed is a 300-scale map [Exhibit 3], which depicts the limits of Corps, Regional Board, and CDFW jurisdiction. Photographs to document the topography, vegetative communities, and general widths of each of the waters are provided as Exhibit 4 and a soils map is included as Exhibit 5.

Potential Corps and Regional Board jurisdiction associated with the Study Area totals 8.55 acres, none of which consists of jurisdictional wetlands. A total of 3,990 linear feet of streambed is present.

Potential CDFW jurisdiction associated with the Study Area totals 11.97 acres, none of which consists of vegetated riparian habitat. A total of 3,990 linear feet of streambed is present.

I. METHODOLOGY

Prior to beginning the field delineation a 200-scale color aerial photograph, a 200-scale topographic base map of the property, and the previously cited USGS topographic map were examined to determine the locations of potential areas of Corps, Regional Board, and CDFW jurisdiction. Suspected jurisdictional areas were field checked for the presence of definable channels and/or wetland vegetation, soils and hydrology. Suspected wetland habitats on the site were evaluated using the methodology set forth in the U.S. Army Corps of Engineers 1987 Wetland Delineation Manual² (Wetland Manual) and the 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region Version 2.0³ (Arid West Supplement). Lateral limits of non-wetland waters were identified using field indicators of an Ordinary High Water Mark (OHWM).⁴ While in the field jurisdiction areas were recorded onto

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

³ U.S. Army Corps of Engineers. 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0). Ed. J.S. Wakeley, R.W. Lichevar, and C.V. Noble. ERDC/EL TR-08-28. Vicksburg, MS: U.S. Army Engineer Research and Development Center and Engineering Laboratory.

⁴ U.S. Army Corps of Engineers. 2008. A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States. R. W. Lichvar and S. M. McColley. ERDC/CRREL TR-08-12. Hanover, NH: U.S. Army Engineer Cold Regions Research and Engineering Laboratory.

a 200-scale color aerial photograph using visible landmarks. Other data were recorded onto wetland data sheets.

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

Exeter Sandy Loam, 0 to 2 Percent Slopes (EnA), Exeter Sandy Loam, Deep, 0 to 2 Percent Slopes (EpA), Exeter Very Fine Sandy Loam, Deep, 0 to 5 Percent Slopes (EyB)

The soils of the Exeter Series have slopes of 0 to 8 percent, and they lie in basins and on alluvial fans. These soils are well drained and developed in alluvium from moderately coarse granite materials. The upper 16 inches of soil consist of brown (10YR 5/3 and 10YR 4/3) sandy loam when dry and dark brown (10YR 3/3) sandy loam when moist. The soils of the Exeter Series are used for dryland grain and pasture, for irrigated alfalfa, potatoes, citrus, grapes, and for home sites.

Greenfield Sandy Loam, 0 to 2 Percent Slopes (GyA)

The soils of the Greenfield Series are deep, well drained soils that formed in moderately coarse and coarse textured alluvium derived from granitic and mixed rock sources. Greenfield soils occur on alluvial fans and terraces and have slopes of 0 to 30 percent. The upper 23 inches consist of pale brown (10YR 6/3) coarse sandy loam when dry and dark brown (10YR 4/3) coarse sandy loam when moist. The soils of the Greenfield Series are used for the production of a wide variety of irrigated field, forage and fruit crops and also for growing dryland grain and pasture. Principal vegetation on uncultivated areas consists of annual grass, forbs, some shrubs and scattered oak trees.

Hanford Coarse Sandy Loam, 0 to 2 Percent Slopes (HcA)

The soils of the Hanford Series consist of well drained and somewhat excessively drained soils on alluvial fans and slopes supporting this soil range from 0 to 15 percent. The Hanford Series developed in alluvium made up of granitic materials. The upper 18 inches consist of grayish brown (10YR 5/2) coarse sandy loam when dry and very dark grayish brown (10YR 3/2) coarse sandy loam when moist. The soils of the Hanford Series are used for dryland grain and pasture, for irrigated alfalfa, potatoes, and truck crops, and for home sites.

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

None of the soils within the Study Area are identified as hydric in the SCS's publication, Hydric Soils of the United States⁶; nor are any of these soils listed as hydric in the Soil Survey for Western Riverside County, California.

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

II. JURISDICTION

A. Corps Jurisdiction

Pursuant to Section 404 of the CWA, the Corps regulates the discharge of dredged and/or fill material into waters of the United States. The term "waters of the United States" is defined in Corps regulations at 33 CFR Part 328.3(a) as:

- (1) All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters, which are subject to the ebb and flow of the tide;*
- (2) All interstate waters including interstate wetlands;*
- (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect foreign commerce including any such waters:
 - (i) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or*
 - (ii) From which fish or shell fish are or could be taken and sold in interstate or foreign commerce; or*
 - (iii) Which are used or could be used for industrial purpose by industries in interstate commerce...**
- (4) All impoundments of waters otherwise defined as waters of the United States under the definition;*
- (5) Tributaries of waters identified in paragraphs (a) (1)-(4) of this section;*

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

- (6) *The territorial seas;*
(7) *Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) (1)-(6) of this section.*

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 123.11(m) which also meet the criteria of this definition) are not waters of the United States.

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

In the absence of wetlands, the limits of Corps jurisdiction in non-tidal waters, such as intermittent streams, extend to the ordinary high water mark (OHWM) which is defined at 33 CFR 328.3(e) as:

...that line on the shore established by the fluctuation of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

1. Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers, et al.

Pursuant to Article I, Section 8 of the U.S. Constitution, federal regulatory authority extends only to activities that affect interstate commerce. In the early 1980s the Corps interpreted the interstate commerce requirement in a manner that restricted Corps jurisdiction on isolated (intrastate) waters. On September 12, 1985, EPA asserted that Corps jurisdiction extended to isolated waters that are used or could be used by migratory birds or endangered species, and the definition of “waters of the United States” in Corps regulations was modified as quoted above from 33 CFR 328.3(a).

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

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On January 9, 2001, the Supreme Court of the United States issued a ruling on *Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers, et al.* (SWANCC). In this case the Court was asked whether use of an isolated, intrastate pond by migratory birds is a sufficient interstate commerce connection to bring the pond into federal jurisdiction of Section 404 of the CWA.

The written opinion notes that the court's previous support of the Corps' expansion of jurisdiction beyond navigable waters (*United States v. Riverside Bayview Homes, Inc.*) was for a wetland that abutted a navigable water and that the court did not express any opinion on the question of the authority of the Corps to regulate wetlands that are not adjacent to bodies of open water. The current opinion goes on to state:

In order to rule for the respondents here, we would have to hold that the jurisdiction of the Corps extends to ponds that are not adjacent to open water. We conclude that the text of the statute will not allow this.

Therefore, we believe that the court's opinion goes beyond the migratory bird issue and says that no isolated, intrastate water is subject to the provisions of Section 404(a) of the CWA (regardless of any interstate commerce connection). However, the Corps and U.S. Environmental Protection Agency (EPA) have issued a joint memorandum, which states that they are interpreting the ruling to address only the migratory bird issue and leaving the other interstate commerce clause nexuses intact.

2. Rapanos v. United States and Carabell v. United States

On June 5, 2007, the EPA and Corps issued joint guidance that addresses the scope of jurisdiction pursuant to the CWA in light of the Supreme Court's decision in the consolidated cases *Rapanos v. United States* and *Carabell v. United States* ("Rapanos"). The chart below was provided in the joint EPA/Corps guidance.

For project sites that include waters other than TNWs and/or their adjacent wetlands or Relatively Permanent Waters (RPWs) tributary to TNWs and/or their adjacent wetlands as set forth in the chart below, the Corps must apply the significant nexus standard, that includes the data set forth in the *Approved Jurisdictional Determination Form*.

For "isolated" waters or wetlands, the joint guidance also requires an evaluation by the Corps and EPA to determine whether other interstate commerce clause nexuses, not addressed in the SWANCC decision are associated with isolated features on project sites for which a jurisdictional determination is being sought from the Corps. The information pertaining to isolated waters is also included on the *Approved Jurisdictional Determination Form*.

The agencies will assert jurisdiction over the following waters:

- Traditional navigable waters
- Wetlands adjacent to traditional navigable waters
- Non-navigable tributaries of traditional navigable waters that are relatively permanent where the tributaries typically flow year-round or have continuous flow at least seasonally (e.g., typically three months)
- Wetlands that directly abut such tributaries

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

- Non-navigable tributaries that are not relatively permanent
- Wetlands adjacent to non-navigable tributaries that are not relatively permanent
- Wetlands adjacent to but that do not directly abut a relatively permanent non-navigable tributary

The agencies generally will not assert jurisdiction over the following features:

- Swales or erosional features (e.g., gullies, small washes characterized by low volume, infrequent or short duration flow)
- Ditches (including roadside ditches) excavated wholly in and draining only uplands and that do not carry a relatively permanent flow of water
-

The agencies will apply the significant nexus standard as follows:

- A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by all wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical and biological integrity of downstream traditional navigable waters
- Significant nexus includes consideration of hydrologic and ecologic factors

3. Corps Preliminary Jurisdictional Determination

A *Corps Preliminary Jurisdictional Determination Form* may be used to concede Corps jurisdiction where all streambeds within the project area are considered Corps jurisdictional waters. The project would be able to move forward pursuant to Corps Regulatory Guidance Letter (RGL) 08-02, issued on June 26, 2008, which allows the Corps to issue preliminary jurisdictional determinations (Preliminary JD) for a project. A Preliminary JD allows a project

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to move forward by setting aside/voluntarily waiving questions regarding CWA jurisdiction over drainages onsite in the interest of allowing expeditiously obtaining a Section 404 Permit. As stated in RGL 08-02:

While a landowner, permit applicant, or other affected party can elect to request and obtain an approved JD, he or she can also decline to request an approved JD, and instead obtain a Corps individual or general permit authorization based on either a preliminary JD, or, in appropriate circumstances (such as authorizations by non-reporting nationwide general permits), no JD whatsoever. The Corps will determine what form of JD is appropriate for any particular circumstance based on all the relevant factors, to include, but not limited to, the applicant's preference, what kind of permit authorization is being used (individual permit versus general permit), and the nature of the proposed activity needing authorization.

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

4. Wetland Definition Pursuant to Section 404 of the Clean Water Act

The term "wetlands" (a subset of "waters of the United States") is defined at 33 CFR 328.3(b) as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support...a prevalence of vegetation typically adapted for life in saturated soil conditions." In 1987 the Corps published a manual to guide its field personnel in determining jurisdictional wetland boundaries. The methodology set forth in the 1987 Wetland Delineation Manual and the Arid West Supplement generally require that, in order to be considered a wetland, the vegetation, soils, and hydrology of an area exhibit at least minimal hydric characteristics. While the manual and Supplement provide great detail in methodology and allow for varying special conditions, a wetland should normally meet each of the following three criteria:

- more than 50 percent of the dominant plant species at the site must be typical of wetlands (i.e., rated as facultative or wetter in the National List of Plant Species that Occur in Wetlands⁸);
- soils must exhibit physical and/or chemical characteristics indicative of permanent or periodic saturation (e.g., a gleyed color, or mottles with a matrix of low chroma indicating a relatively consistent fluctuation between aerobic and anaerobic conditions); and
- Whereas the 1987 Manual requires that hydrologic characteristics indicate that the ground is saturated to within 12 inches of the surface for at least five percent of the growing season during a normal rainfall year, the Arid West Supplement does not include a quantitative criteria with the exception for areas with “problematic hydrophytic vegetation”, which require a minimum of 14 days of ponding to be considered a wetland.

B. Regional Water Quality Control Board

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

California’s right and duty to evaluate certification requests under section 401 is pendant to (or dependent upon) a valid application for a section 404 permit from the Corps, or another application for a federal license or permit. Thus if the Corps determines that the water body in question is not subject to regulation under the COE’s 404 program, for instance, no application for 401 certification will be required...

The SWANCC decision does not affect the Porter Cologne authorities to regulate discharges to isolated, non-navigable waters of the states....

Water Code section 13260 requires “any person discharging waste, or proposing to discharge waste, within any region that could affect the waters of the state to file a report of discharge (an application for waste discharge requirements).” (Water Code § 13260(a)(1) (emphasis added).) The term “waters of the state” is defined as “any surface water or groundwater, including saline waters, within the boundaries of the state.” (Water Code § 13050(e).) The U.S. Supreme

⁸ Reed, P.B., Jr. 1988. National List of Plant Species that Occur in Wetlands. U.S. Fish and Wildlife Service Biological Report 88(26.10).

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

Court's ruling in SWANCC has no bearing on the Porter-Cologne definition. While all waters of the United States that are within the borders of California are also waters of the state, the converse is not true—waters of the United States is a subset of waters of the state. Thus, since Porter-Cologne was enacted California always had and retains authority to regulate discharges of waste into any waters of the state, regardless of whether the COE has concurrent jurisdiction under section 404. The fact that often Regional Boards opted to regulate discharges to, e.g., vernal pools, through the 401 program in lieu of or in addition to issuing waste discharge requirements (or waivers thereof) does not preclude the regions from issuing WDRs (or waivers of WDRs) in the absence of a request for 401 certification....

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

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

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

C. California Department of Fish and Wildlife

Pursuant to Division 2, Chapter 6, Sections 1600-1616 of the California Fish and Game Code, the CDFW regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake, which supports fish or wildlife.

CDFW defines a "stream" (including creeks and rivers) as "a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation." CDFW's definition of "lake" includes "natural lakes or man-made reservoirs."

CDFW jurisdiction within altered or artificial waterways is based upon the value of those waterways to fish and wildlife. The CDFW Legal Advisor has prepared the following opinion:

- Natural waterways that have been subsequently modified and which have the potential to contain fish, aquatic insects and riparian vegetation will be treated like natural waterways...
- Artificial waterways that have acquired the physical attributes of natural stream courses and which have been viewed by the community as natural stream courses, should be treated by [CDFW] as natural waterways...
- Artificial waterways without the attributes of natural waterways should generally not be subject to Fish and Game Code provisions...

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

III. RESULTS

A. Corps Jurisdiction

Corps jurisdiction associated with the Study Area totals 8.55 acres, none of which consists of jurisdictional wetlands, and includes 3,990 linear feet of ephemeral streambed. Corps jurisdiction within the Study Area is limited to one streambed, the PVSD. The PVSD is an improved, ephemeral drainage feature, which accepts urban runoff from areas surrounding the March Air Reserve Base and in the Cities of Perris and Moreno Valley.

The PVSD enters the Study Area from the northwestern portion of the Project boundary and flows from north/northwest to southeast for approximately 3,990 linear feet across the Study Area before exiting the property and flowing toward Perris Boulevard, ultimately discharging into the San Jacinto River, which is a tributary to Canyon Lake, which is a tributary to the downstream segment of the San Jacinto River, which is a tributary of Lake Elsinore, which empties into Alberhill Creek/Temescal Wash, which is a tributary of the Santa Ana River, which

is a tributary of the Pacific Ocean, a TNW. The PVSD is an incised, somewhat improved and maintained, flood control channel with partially improved side slopes and a soft-bottom. The PVSD supports an OHWM ranging in width from 90 to 105 feet and is evidenced by water marks, presence of litter and debris, changes in soil characteristics, wracking, and shelving. The PVSD is generally unvegetated; therefore, no delineation data pits were necessary as no potential wetland areas are or were present.

A graphic depicting the limits of Corps jurisdiction within the PVSD is attached as Exhibit 3.

B. Regional Water Quality Control Board Jurisdiction

The PVSD has been determined to be Corps jurisdictional waters subject to regulation pursuant to Section 404 of the CWA and is also subject to regulation by the Regional Board pursuant to Section 401 of the CWA; therefore, Corps waters on site are also subject to Regional Board jurisdiction. As such, the PVSD does not need to be addressed separately pursuant to Section 13260 of the CWC, the Porter –Cologne Act. There are no other Regional Board jurisdictional waters within the Study Area.

A graphic depicting the limits of potential Regional Board jurisdiction is attached as Exhibit 3.

C. CDFW Jurisdiction

CDFW jurisdiction associated with the Study Area totals 11.97 acres, none of which consists of vegetated riparian habitat, and includes 3,990 linear feet of ephemeral streambed. CDFW jurisdiction within the Study Area is limited to one streambed, the PVSD. The PVSD is an improved, maintained, ephemeral drainage feature, which accepts urban runoff from areas surrounding the March Air Reserve Base and the Cities of Perris and Moreno Valley.

The PVSD enters the Study Area from the northwestern portion of the Project boundary and flows from north/northwest to southeast for approximately 3,990 linear feet across the Study Area before exiting the property and ultimately discharging into the San Jacinto River. The PVSD is an incised, somewhat improved, maintained, flood control channel with partially improved side slopes and a soft-bottom. The PVSD is generally unvegetated, and supports a high water mark (HWM) ranging in width from 130 to 165 feet and is evidenced by the presence of bed, bank, and channel.

A graphic depicting the limits of CDFW jurisdiction within the PVSD is attached as Exhibit 3.

Ms. Tracy Zinn
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May 12, 2015
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IV. DISCUSSION

A. Impact Analysis

An analysis of impacts will be performed, based upon this delineation and the current Project design (or design alternative) upon the client's request. This analysis will be provided as a separate memorandum and accompanying map.

If you have any questions about this letter report, please feel free to contact me at (949) 837-0404 ext 20.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin A. Rasnick", is centered on a light gray rectangular background.

GLENN LUKOS ASSOCIATES, INC.

Martin A. Rasnick
Sr. Regulatory Specialist

Exhibit 1

Regional Map

Source: ESRI World Street Map



Source: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

MORENO VALLEY LOGISTICS CENTER PROJECT

Regional Map

GLENN LUKOS ASSOCIATES

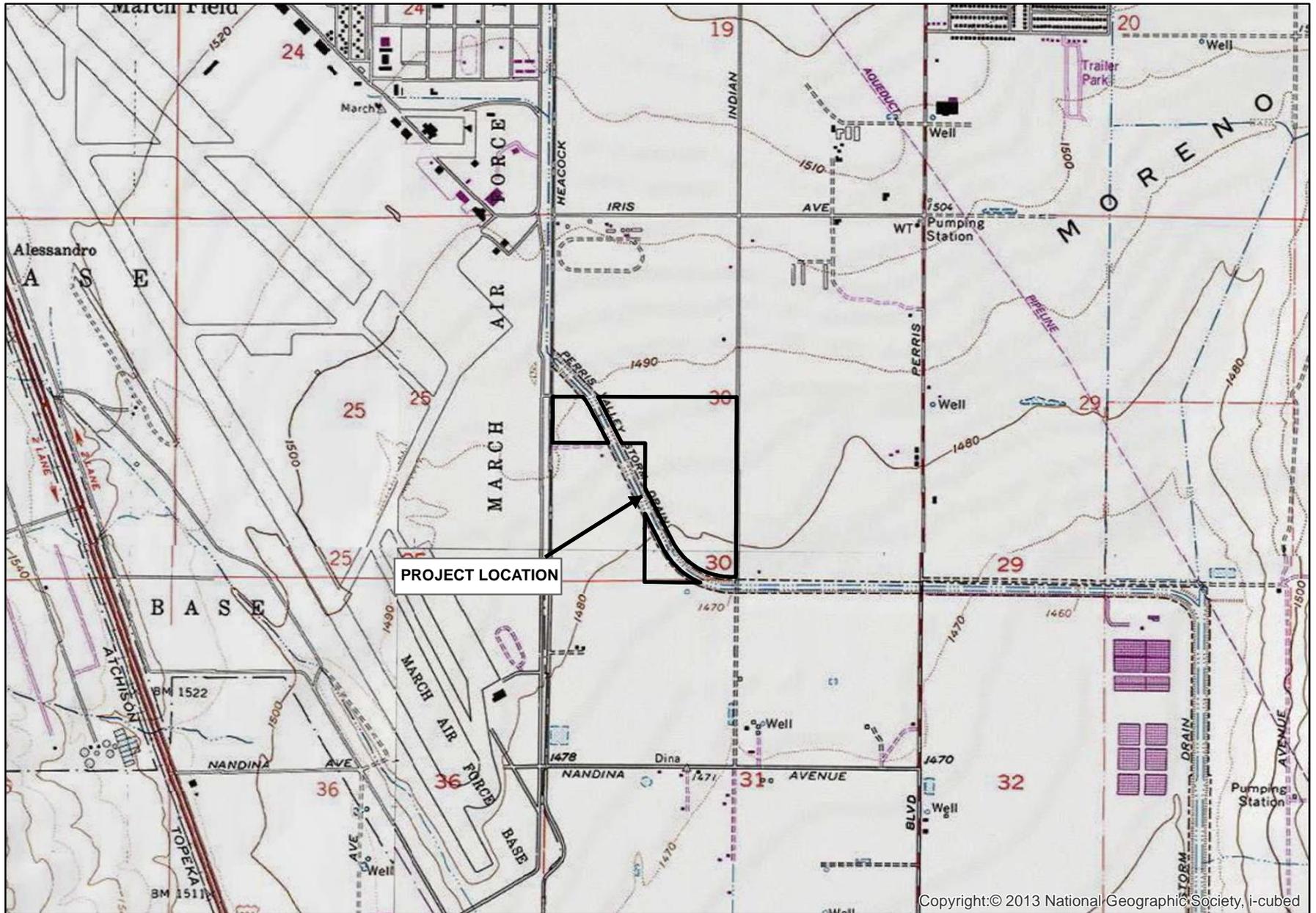
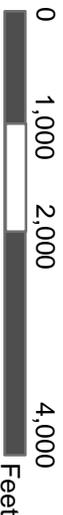


Exhibit 1

Exhibit 2

Vicinity Map

Adapted from USGS Sunnymeade and Perris, CA quadrangles



MORENO VALLEY LOGISTICS CENTER PROJECT

Vicinity Map

GLENN LUKOS ASSOCIATES



Exhibit 2

Copyright:© 2013 National Geographic Society, i-cubed

Exhibit 3

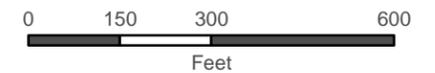
Jurisdictional Delineation Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Legend

-  Project Boundary
-  Corps/RWQCB Non-Wetland Waters
-  CDFW Unvegetated Streambed
-  Widths (First Number is Corps Second is CDFW)



1 inch = 300 feet

Aerial Photo: ESRI Basemaps
 Reference Elevation Datum: State Plane 6 NAD 83
 Map Prepared by: C. Lukos, GLA
 Date Prepared: April 17, 2015

**MORENO VALLEY LOGISTICS
 CENTER PROJECT**
 Jurisdictional Delineation Map

GLENN LUKOS ASSOCIATES



Exhibit 3

Exhibit 4

Site Photographs



Photograph 1: Photograph depicting the Perris Valley Storm Drain.



GLENN LUKOS ASSOCIATES

Exhibit 4



Photograph 2: Photograph depicting the Perris Valley Storm Drain.

**Moreno Valley Logistics
Center Project**

Site Photographs



Photograph 3: Photograph depicting the Project site. Note the lack of jurisdictional waters on site.



GLENN LUKOS ASSOCIATES

Exhibit 4

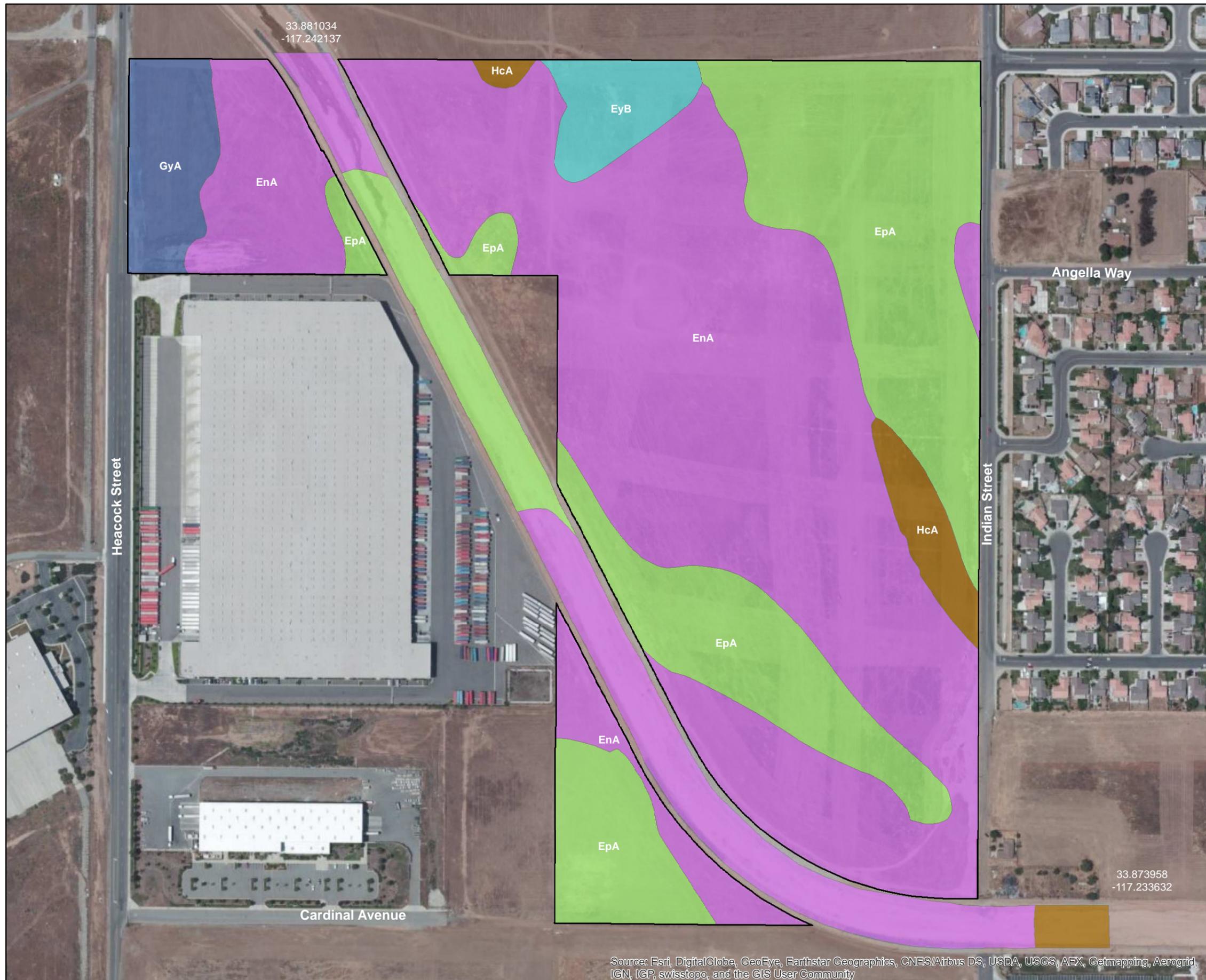


Photograph 4: Photograph depicting the Project site. Note the lack of jurisdictional waters on site.

**Moreno Valley Logistics
Center Project**
Site Photographs

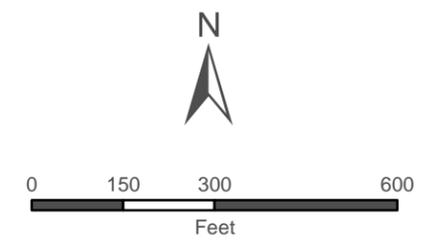
Exhibit 5

Soils Map



Legend

- Project Boundary
- EnA - Exeter sandy loam, 0 to 2 percent slopes
- EpA - Exeter sandy loam, deep, 0 to 2 percent slopes
- EyB - Exeter very fine sandy loam, deep, 0 to 5 percent slopes
- GyA - Greenfield sandy loam, 0 to 2 percent slopes
- HcA - Hanford coarse sandy loam, 0 to 2 percent slopes



Aerial Photo: ESRI Basemaps
 Reference Elevation Datum: State Plane 6 NAD 83
 Map Prepared by: C. Lukos, GLA
 Date Prepared: April 17, 2015

MORENO VALLEY LOGISTICS CENTER PROJECT

Soils Map

GLENN LUKOS ASSOCIATES



Exhibit 5

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

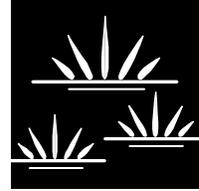
Appendix A

Impact Analysis Memorandum

MEMORANDUM

GLENN LUKOS ASSOCIATES

Regulatory Services



PROJECT NUMBER: 0849-0016more

TO: Ms. Tracy Zinn
Principal
T&B Planning, Inc.
17542 East 17th Street,
Suite 100
Tustin, California 92780

FROM: Martin Rasnick

DATE: May 12, 2015

SUBJECT: Moreno Valley Logistics Center Project Study Area; Located in the City of Moreno Valley; Riverside County, California: Jurisdictional Delineation Impact Analysis.

Ms. Zinn:

This memorandum summarizes Glenn Lukos Associates' (GLA) impact analysis of U.S. Army Corps of Engineers (Corps), California Department of Fish and Wildlife (CDFW), and Santa Ana Regional Water Quality Control Board (Regional Board) jurisdiction for the Moreno Valley Logistics Center Project Study Area (Study Area) located in the City of Moreno Valley; Riverside County, California. The Study Area encompasses approximately 89.4 acres of property on which the Moreno Valley Logistics Center is proposed (the "Project site") and a segment of the off site Perris Valley Storm Drain (PVSD) that bifurcates the property. An impact analysis was conducted for the Project based upon files received from T& B Planning and the Project team. Impacts to each regulatory jurisdiction are described below.

1. Impacts to Corps and Regional Board Jurisdiction

Potential Corps and Regional Board jurisdiction associated with the Study Area totals 8.55 acres, none of which consists of jurisdictional wetlands, and is limited to the off site Perris Valley Storm Drain (PVSD) as the on site Project does not contain Corps or Regional Board jurisdiction. A total of 3,990 linear feet of streambed is present. The Project, as proposed, would permanently impact 0.002 acre of Corps and Regional Board jurisdiction, none of which consists of jurisdictional wetlands, off site within the PVSD. A total of 52 linear feet of streambed will be permanently impacted. The Project would temporarily impact 0.09 acre of Corps and Regional Board jurisdiction none of which consists of jurisdictional wetlands, off site within the PVSD. A total of 196 linear feet of streambed will be temporarily disturbed.

Table One below depicts permanent impacts to Corps and Regional Board jurisdiction. Table Two below depicts temporary impacts to Corps and Regional Board jurisdiction. A graphic depicting permanent and temporary impact to Corps and Regional Board jurisdiction is attached as Exhibit 1A.

Table One. Permanent Impacts to Corps and Regional Board Jurisdiction

Drainage Features	Permanent Impacts to Corps Non-Wetland Waters (Acres)	Permanent Impacts to Corps Wetland Waters (Acres)	Total Permanent Impacts to Corps Jurisdiction (Acres)	Total Permanent Linear-Foot Impacts (Feet)
Perris Valley Storm Drain	0.002	0	0.002	52
Total(s)	0.002	0	0.002	52

Table Two. Temporary Impacts to Corps and Regional Board Jurisdiction

Drainage Features	Temporary Impacts to Corps Non-Wetland Waters (Acres)	Temporary Impacts to Corps Wetland Waters (Acres)	Total Temporary Impacts to Corps Jurisdiction (Acres)	Total Temporary Linear-Foot Impacts (Feet)
Perris Valley Storm Drain	0.09	0	0.09	196
Total(s)	0.09	0	0.09	196

2. Impacts to CDFW Jurisdiction

Potential CDFW jurisdiction associated with the Study Area totals 11.97 acres, none of which consist of vegetated riparian habitat, and is limited to the off site PVSD as the on site Project does not contain CDFW jurisdiction. A total of 3,990 linear feet of streambed is present. The Project, as proposed, would permanently impact 0.02 acre of CDFW jurisdiction off site, none of which consists of vegetated riparian habitat. A total of 66 linear feet of streambed will be permanently impacted. The Project would temporarily impact 0.18 acre of CDFW jurisdiction, none of which consists of vegetated riparian habitat. A total of 203 linear feet of streambed will be temporarily disturbed. Table Three below depicts permanent impacts to CDFW jurisdiction and Table Four

depicts temporary impacts to CDFW jurisdiction. A graphic depicting permanent and temporary impact to CDFW jurisdiction is attached as Exhibit 1B.

Table Three. Permanent Impacts to CDFW Jurisdiction

Drainage Features	Permanent Impacts to CDFW Unvegetated Streambed (Acres)	Permanent Impacts to CDFW Vegetated Riparian Habitat (Acres)	Total Permanent Impacts to CDFW Jurisdiction (Acres)	Total Permanent Linear-Foot Impacts (Feet)
Perris Valley Storm Drain	0.02	0	0.02	66
Total(s)	0.02	0	0.02	66

Table Four. Temporary Impacts to CDFW Jurisdiction

Drainage Features	Temporary Impacts to CDFW Unvegetated Streambed (Acres)	Temporary Impacts to CDFW Vegetated Riparian Habitat (Acres)	Total Temporary Impacts to CDFW Jurisdiction (Acres)	Total Temporary Linear-Foot Impacts (Feet)
Perris Valley Storm Drain	0.18	0	0.18	203
Total(s)	0.18	0	0.18	203

The impacts identified above would require a Corps Section 404 Permit under the Corps' Nationwide Permit Program, a Section 401 Water Quality Certification from the Regional Board, and a Section 1602 Streambed Alteration Agreement from the CDFW.

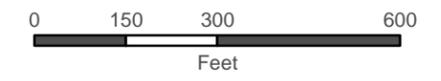
If you have any questions regarding this memorandum, please call me at (949) 837-0404, Ext. 20. Thank you.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Legend

-  Project Boundary
-  Offsite Permanent Impact
-  Offsite Temporary Impact
-  Corps/RWQCB Non-Wetland Waters



1 inch = 300 feet

Aerial Photo: ESRI Basemaps
 Reference Elevation Datum: State Plane 6 NAD 83
 Map Prepared by: C. Lukos, GLA
 Date Prepared: April 17, 2015

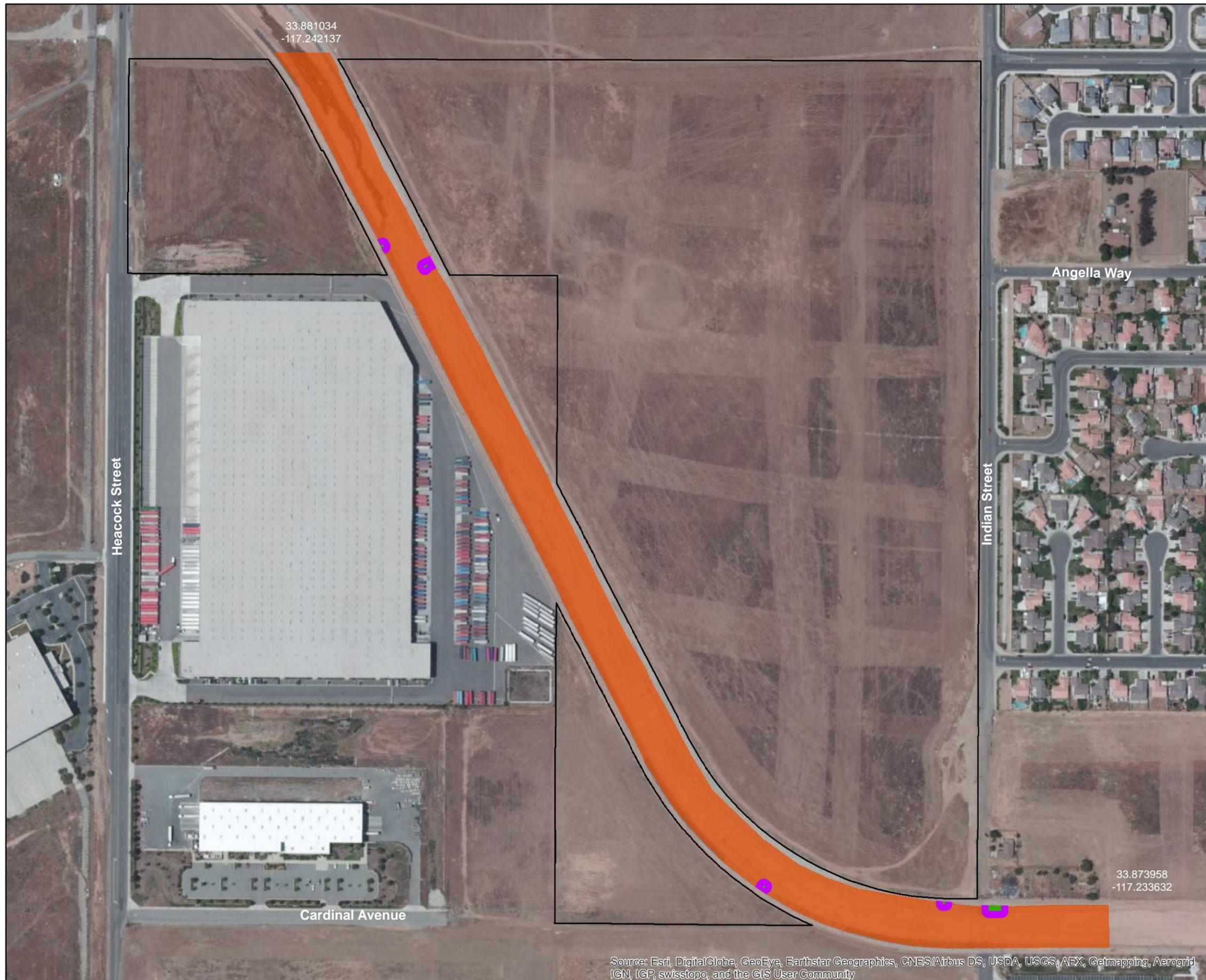
MORENO VALLEY LOGISTICS CENTER PROJECT

Corps/RWQCB Jurisdictional Delineation Impact Map

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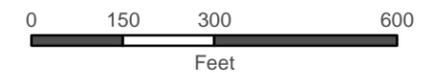
Exhibit 1A



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Legend

-  Project Boundary
-  Offsite Permanent Impact
-  Offsite Temporary Impact
-  CDFW Unvegetated Streambed



1 inch = 300 feet

Aerial Photo: ESRI Basemaps
 Reference Elevation Datum: State Plane 6 NAD 83
 Map Prepared by: C. Lukos, GLA
 Date Prepared: April 17, 2015

MORENO VALLEY LOGISTICS CENTER PROJECT

CDFW Jurisdictional Delineation Impact Map

GLENN LUKOS ASSOCIATES



Exhibit 1B