# Aquatic Resources Delineation Report **Big Rock 2 Cluster Solar and Storage Project Imperial County, California**

**OCTOBER 2024** 

Lead Agency:

#### IMPERIAL COUNTY

801 Main Street El Centro, California 92243

Project Proponent:

#### 90FI 8me LLC

4370 Town Center Boulevard, Suite 110 El Dorado Hills, California 95762

> Prepared by: DUDEK 605 Third Street Encinitas, California 92024 Callie Amoaku

DUDEK.COM

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## Acronyms and Abbreviations

Acronym/Abbreviation	Definition
APT	Antecedent Precipitation Tool
ARC	antecedent runoff condition
CDFW	California Department of Fish and Wildlife
CWA	Clean Water Act
EPA	Environmental Protection Agency
HUC	hydrologic unit code
IID	Imperial Irrigation District
NWI	National Wetland Inventory
OHWM	ordinary high water mark
PDSI	Palmer Drought Severity Index
Project	Big Rock 2 Energy Project
RWQCB	Regional Water Quality Control Board
USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service

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## 1 Introduction

This Aquatic Resources Delineation Report was prepared in accordance with the U.S. Army Corps of Engineers (USACE) Minimum Standards for Acceptance of Aquatic Resources Delineation Reports (USACE 2017). This report and supporting appendices provide the 20 items listed in the Minimum Standards for Acceptance of Aquatic Resources Delineation Reports. This report presents the results of the jurisdictional aquatic resource delineation conducted by Dudek for the proposed Big Rock 2 Cluster Solar and Storage Project (project) located in Imperial County, California, south of Interstate 8 and west of the town of El Centro, California. The delineation was conducted to identify and map existing aquatic resources potentially subject to the regulatory jurisdiction of USACE pursuant to Section 404 of the Clean Water Act (33 USC 1344); waters of the state potentially subject to the regulatory jurisdiction of the Region 7 Regional Water Quality Control Board (RWQCB) pursuant to Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Control Act; and stream and riparian habitats potentially subject to the jurisdiction of the California Department of Fish and Wildlife (CDFW) pursuant to Section 1602 of the California Fish and Game Code (collectively defined as jurisdictional aquatic resources).

### 1.1 Disclaimer Statement

This report presents Dudek's best effort to quantify the extent of aquatic resources potentially regulated by USACE, RWQCB, and CDFW (i.e., regulatory agencies) within the identified review areas using the current regulations, written policies, and guidance from these regulatory agencies. The potential jurisdictional boundaries described in this report are subject to verification by the regulatory agencies. Only the regulatory agencies can make a final determination on whether the features present are subject to USACE, RWQCB, and/or CDFW regulation. A request for USACE Jurisdictional Determination is not provided at this time; this report is purely informational.<sup>1</sup>

### 1.2 Contact Information

Contact information for the project applicant and agent are provided in Table 1.<sup>2</sup> Access to the proposed Project site is not restricted, but if a site visit is requested, the project applicant or agent will accompany regulatory staff to the site.<sup>3</sup> 90FI 8me LLC is the project applicant, and the proposed Project parcels are under the current ownership of various private parties.

Project Applicant	90FI 8me LLC	Agent	Dudek
Contact Name	Available upon request	Contact Name	Callie Amoaku
Address	4370 Town Center Boulevard, Suite 110 El Dorado Hills, California 95762	Address	605 Third Street Encinitas, California 92024
Phone	Available upon request	Phone	760.479.4293
Email	Available upon request	Email	cford@dudek.com

#### Table 1. Contact Information

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<sup>&</sup>lt;sup>1</sup> Minimum Standards Item 1 (Request for Jurisdictional Determination)

<sup>&</sup>lt;sup>2</sup> Minimum Standards Item 2 (Contact Information)

<sup>&</sup>lt;sup>3</sup> Minimum Standards Item 3 (Site Access Statement)

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## 2 Review Area Description and Landscape Setting

The proposed project is in unincorporated Imperial County, California (Figure 1, Project Location; see Appendix A for figures), south of Interstate Highway 8 and west of the town of El Centro, California. The project area comprises approximately 1,849 acres of agricultural lands and associated roads, catchments, and irrigation ditches.

The project area is composed of the following 24 Accessor's Parcel Numbers: 051-290-019, 051-300-016, 051-290-018, 051-320-007, 051-350-004, 051-270-041, 051-270-028, 051-320-006, 051-320-005, 051-280-054, 051-270-036, 051-300-037, 051-300-035, 051-330-003, 051-350-006, 051-350-008, 051-350-007, 051-270-020, 051-300-011, 051-300-026, 051-300-032, 051-300-036, 051-310-027, and 051-310-028. The geographic center of the review area roughly corresponds with 32.75669 and -115.73002 (decimal degrees). Elevations with the project area range from 10 to 60 feet below sea level.

The topography of the review area is very flat, given its agricultural nature; various earthen and concrete irrigation ditches, with most major irrigation ditches running north to south across the project area, are the only portions of the site with varying topographic relief. These irrigation ditches are also under ownership and management of the Imperial Irrigation District (IID).

Current land use of the review area includes cropland, dryland grain crops, irrigated grain and hayfields, row crops, orchard(s), pastureland, irrigation ditches, and developed lands with rural infrastructure.

## 2.1 Soils<sup>4</sup>

According to the USDA Web Soil Survey (USDA 2023a), 16 soil types are mapped within the proposed Project site, including Badland; Glenbar complex; Holtville silty clay, wet; Imperial silty clay, wet; Imperial-Glenbar silty clay loams, wet, 0% to 2% slopes; Indio Loam, wet; Indio-Vint complex; Meloland and Holtville loams, wet; Meloland fine sand; Meloland very fine sandy loam, wet; Niland fine sand; Rositas fine sand, 0% to 2% slopes; Rositas fine sand, wet, 0% to 2% slopes; Rositas sand, 0% to 2% slopes; Vint and Indio very fine sandy loams, wet; Vint loamy very fine sand, wet; and water (Figure 2, Soils).

- Holtville Series consists of very deep, well-drained soils formed in mixed and stratified alluvium. These soils have slow permeability, typically occur on floodplains, and are moderately alkaline in the A horizon (USDA 2023a). The Holtville series is the second-most-abundant soil type and comprises small patches throughout the project site; however, these areas are currently dominated by agricultural use in existing condition.
- Imperial Series consists of very deep, calcareous soils with very slow permeability. This soil series typically
  occurs on floodplains and old lakebeds and is well and moderately well-drained (USDA 2023a). The Imperial
  series and Imperial-Glenbar association comprise the majority of the project site; however, these areas are
  currently dominated by agricultural use in existing condition.

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<sup>&</sup>lt;sup>4</sup> Minimum Standards Item 13 (Soil Descriptions)

- Glenbar Series consists of very deep, well-drained soils formed in stratified stream alluvium. These soils have
  moderately slow permeability, typically occur in desert floodplains and lacustrine basins, and are moderately
  alkaline in the A horizon (USDA 2023a). The Imperial-Glenbar association comprises the majority of the project
  site; however, these areas are currently dominated by agricultural use in existing condition.
- Indio Series consists of very deep, well-drained soils formed in alluvium. These soils are well to moderately
  drained, with moderate permeability, and occur on lacustrine basins and flood plains (USDA 2023a). The
  Indio loam series occurs mainly in the northern area of the project site; however, these areas are currently
  dominated by agricultural use in existing condition.
- Meloland Series consists of naturally well-drained soils with very slow permeability. This soil series typically
  occurs on floodplains and old lakebeds and are slightly alkaline in the A horizon (USDA 2023a). The
  Meloland series comprises patches throughout the project site; however, this area is currently dominated
  by agricultural use in existing condition.
- Rositas Series consists of very deep, somewhat excessively drained soils formed in sandy eolian material. These soils have rapid permeability and typically occur on dunes and sand sheets (USDA 2023a). The Rositas series comprises a fairly large area in the southern portion of the project site; however, this area is currently dominated by agricultural use in existing condition.
- Vint Series consists of very deep, somewhat excessively drained soils formed in stratified stream alluvium. These soils have moderately rapid permeability, typically occur on floodplains, and are moderately alkaline in the A horizon (USDA 2023a). The Vint series comprises both large and small patches throughout the project site; however, these areas are currently dominated by agricultural use in existing condition.
- Niland Series consists of well and moderately well drained soils formed in coarse mixed alluvium overlying fine alluvium. These soils have a range of permeability, depending on the sand and clay content, and typically occur on basin and floodplain edges (USDA 2023a). The Niland series comprises a very small area in the southwestern corner of the project site.
- Badland Series are arid, clay-rich soils that have experienced excessive erosional forces due to wind and water. These soils typically have steep slopes with minimal vegetation and exhibit high drainage. Badlands comprise a very small area of the project site; however, this area is currently dominated by agricultural use in existing condition.

None of these soil types are ranked as a hydric soil in Imperial County, California (USDA 2023b).

### 2.2 Vegetation

Five land cover types are present within the proposed Project site: general agriculture, stream channel (irrigation ditch), creosote brush scrub and allscale scrub shrubland alliances, urban/developed, and disturbed habitat. Within the review area, agricultural lands consist of alfalfa (*Medicago sativa*), date palms (*Phoenix dactylifera*), Bermudagrass (*Cynodon dactylon*), and herbaceous vegetables, as well as several fallow fields, occupying nearly 98% of the project site. On-site farming practices include soil disking, plowing, herbicide application, and regular anthropogenic maintenance and disturbance associated with ongoing management actions. Compacted, dirt roads and brow ditches are included within this land cover type.

Within the proposed Project site, stream channel is characterized by irrigation ditches that convey flows throughout active agricultural lands. These areas include irrigation ditches that are unvegetated or vegetated with ruderal species such as giant reed (*Arundo donax*), nettleleaf goosefoot (*Chenopodium murale*), and asthmaweed (*Erigeron bonariensis*).

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### 2.3 Watershed

The proposed Project site occurs within the Salton Sea Subbasin (hydrologic unit code [HUC] 18100204); within this watershed, the proposed Project site overlaps with the Salt Creek Slough Subwatershed (HUC 181002040807) and the Upper New River Subwatershed (HUC 181002040902) within the New River Watershed (HUC 181002040902). The New River Watershed comprises approximately 328 square miles (209,920 acres) and contains the New River, which flows north from the United States/Mexico border, south of the site. The river flows approximately 66 miles across the Imperial Valley to its terminus in the Salton Sea. The Upper New River Subwatershed comprises approximately 3(4,480 acres) within the New River Watershed.

The western portion of the proposed Project site overlaps with the Salt Creek Slough Subwatershed, a catchment area of 34 square miles (21,760 acres) that sits within the larger Coyote Wash Watershed, which directs intermittent flows eastward from the Jacumba Mountains and has an area of 340 square miles (217,600 acres).

Figure 3, Hydrology, displays the New River Watershed, Salton Sea Subbasin and various subwatersheds mapped within the proposed Project site.

### 2.4 Review Area Alterations, Current and Past Land Use

The entirety of the proposed Project site has been significantly altered/modified from its natural state. The entire site, including all crop fields, dirt roads, and irrigation ditches are actively maintained and utilized for active agricultural operations.

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## 3 Precipitation Data and Analysis<sup>5</sup>

The USACE-developed Antecedent Precipitation Tool (APT) was used to assess whether the delineation date occurred in a drier-, average-, or wetter-than-normal period (USACE 2023). To determine what constitutes a "typical year," USACE developed the APT. The information generated from the APT can help to determine whether normal hydrologic and/or climatic conditions were present during the site visit and assist with completing the Wetland Determination Data Form.

The APT provides three climatological parameters: Palmer Drought Severity Index (PDSI), season, and antecedent precipitation condition. The PDSI is a standardized index calculated on a monthly basis, with PDSI value outputs ranging from -4 (extreme drought) to +4 (very wet) (NOAA 2023) to assess drought conditions (i.e., PDSI Class). The APT determines wet vs. dry season based on related procedures provided in the applicable regional supplement for the review area (in this case, the Arid West Supplement). If the antecedent runoff condition (ARC) score is less than 10, then the antecedent precipitation condition is classified as drier than normal; normal conditions are present with an ARC score of 10 to 14; conditions are wetter than normal when an ARC score is greater than 14 (USACE 2023).

Table 2 summarizes the key data extrapolated from the APT output: estimated drought conditions (PDSI Class), wet or dry season determination, ARC score, and antecedent precipitation condition. Based on the APT output provided in Appendix B and summarized in Table 2, the precipitation and climatic conditions for the review area were normal during the time of the delineation due to normal rainfall amounts in the spring of 2023.

#### Table 2. Antecedent Precipitation Tool Data for the Review Area

Field Survey Dates	PDSI Class	Season	ARC Score	Antecedent Precipitation Condition
4/21/2023	Moderate wetness	Dry season	12	Normal conditions

Notes: PDSI = Palmer Drought Severity Index; ARC = antecedent runoff condition

Additionally, according to the U.S. Department of Agriculture's (USDA) Agricultural Applied Climate Information System (USDA 2023c), the area around the proposed Project site receives an average of 2.56 inches of precipitation annually.

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<sup>&</sup>lt;sup>5</sup> Minimum Standards Item 11 (Discussion of Hydrology)

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## 4 Investigation Methods<sup>6</sup>

The jurisdictional delineation was conducted initially using desktop review of aerial imagery and the U.S. Fish and Wildlife Service's (USFWS) National Wetland Inventory (NWI) data (USFWS 2023). No natural features were apparent during the desktop review, but there are several ditches and irrigation ditches throughout the proposed Project site. A site visit was completed on April 21, 2023, by Dudek biologist Abby Bergsma. Remote sensing was not used for the delineation.

## 4.1 U.S. Army Corps of Engineers

The USACE wetlands delineation was conducted in accordance with the 1987 USACE Wetlands Delineation Manual (USACE 1987) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (USACE 2008a). A Field Guide to the Identification of the High Water Mark (OHWM) in the Arid West Region of the Western United States: A Delineation Manual (USACE 2008b) was used to determine the limits of non-wetland waters. Non-wetland waters were delineated on topographical maps in conjunction with Esri Collector on a mobile device. The widths of each non-wetland water were determined in the field according to the OHWM manual.

Wetland Determination Forms were not taken during the delineation since all hydrophytic vegetation was observed below the banks or OHWMs of actively maintained irrigation ditches; since these ditches are owned and managed by the IID, wetland sample points were not taken within them due to a lack of legal access. Accordingly, no USACE three-parameter wetlands were assumed to be present on the site since no areas of hydrophytic vegetation were observed outside of ditches.

#### Waters of the U.S.

The definition of waters of the United States establishes the geographic scope for authority under Section 404 of the CWA; however, the CWA does not specifically define waters of the United States, leaving the definition open to statutory interpretation and agency rulemaking. The definition of what constitutes "waters of the United States" (provided in 33 CFR Section 328.3(a)) has changed multiple times over the past few decades, starting with the United States v. Riverside Bayview Homes Inc. court ruling in 1985. Subsequent court proceedings, rule makings, and congressional acts in 2001 (Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers), 2006 (Rapanos v. United States), 2015 (Clean Water Rule), 2018 (suspension of the Clean Water Rule), 2019 (formal repeal of the Clean Water Rule), 2020 (Navigable Waters Protection Rule), and 2021 (Pasqua Tribe et al v. United States Environmental Protection Agency resulting in remand and vacatur of the Navigable Waters Protection Rule and a return to "the pre-2015 regulatory regime") have attempted to provide greater clarity to the term and its regulatory implementation. On December 30, 2022, the agencies announced the final Revised Definition of "Waters of the United States" rule (Rule) (88 CFR 3004-3144). The Rule was published in the Federal Register on January 18, 2023, and became effective on March 20, 2023, restoring federal jurisdiction over waters that were protected prior to 2015 under the Clean Water Act for traditional navigable waters, the territorial seas, interstate waters, and upstream water resources that significantly affect those waters. The Rule represents a re-expansion of federal jurisdiction over certain water bodies and wetlands previously exempt pursuant to the

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<sup>&</sup>lt;sup>6</sup> Minimum Standards Item 8 (Dates of Field Work), Item 5 (Use of 1987 Manual, Regional Supplement, and OHWM guide), Item 12 (Statement Regarding Use of Remote Sensing), Item 18 (Data Forms) and Item 19 (Methods)

2020 Navigable Waters Protection Rule. The Rule also considers various subsequent court decisions, including two notable Supreme Court decisions.

There are two key changes that the Rule incorporates. Firstly, the Rule reinstates the "Significant Nexus" test. The Significant Nexus test refers to waters that either alone, or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of traditional navigable waters, interstate waters, or the territorial seas (86 FR 69372-69450). The Significant Nexus test attempts to establish a scientific connection between smaller water bodies, such as ephemeral or intermittent tributaries, and larger, more traditional navigable waters such as rivers. Significant Nexus evaluations take into consideration hydrologic and ecologic factors including, but not limited to, volume, duration, and frequency of surface water flow in the resource and its proximity to a traditional navigable water, and the functions performed by the resource on adjacent wetlands. Second, the Rule adopts the "Relatively Permanent Standard" test. To meet the Relatively Permanent Standard, water bodies must be relatively permanent, standing, or continuously flowing and have a continuous surface connection to such waters.

On May 25, 2023, the Supreme Court issued its long-anticipated decision in Sackett v. the Environmental Protection Agency (EPA), in which it rejected the EPA's claim that "waters of the United States," as defined in the CWA, includes wetlands with an ecologically significant nexus to traditional navigable waters. The Supreme Court held that only those wetlands with a continuous surface water connection to traditional navigable waterways would be afforded federal protection under the CWA. Specifically, to assert jurisdiction over an adjacent wetland under the CWA, a party must establish that (1) the adjacent body of water constitutes water[s] of the United States (i.e., a relatively permanent body of water connected to traditional interstate navigable waters), and (2) the wetland has a continuous surface connection with that water, making it difficult to determine where the water ends and the wetland begins. On August 29, 2023, the EPA and USACE announced the final rule amending the 2023 definition of "waters of the United States", conforming with the Sackett v. EPA decision. Some of the key changes include removing the significant nexus test from consideration when identifying tributaries and other waters as federally protected and revising the adjacency test when identifying federally jurisdictional wetlands. Under the EPA's new "waters of the United States" definition, a "waters of the United States" is a relatively permanent, standing, or continuously flowing body of water that has an apparent surface connection to a "traditionally navigable water" to fall within federal purview. The new rule applies to wetlands and streams throughout the U.S. Although the Sackett opinion did not specifically reference streams, the EPA's new rule extends the "continuous surface connection" standard to streams, thereby removing non-permanent, ephemeral streams that do not meet these standards from federal jurisdiction.

The term "wetlands" (a subset of waters of the United States) is defined in 33 CFR, Section 328.3(c)(16), as "areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas." In the absence of wetlands, the limits of USACE jurisdiction in non-tidal waters, such as intermittent streams, extend to the "ordinary high water mark," which is defined in 33 CFR 328.3(c)(7) as "that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas."

## 4.2 Regional Water Quality Control Board

Waters of the state regulated by the RWQCB were mapped in accordance with the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (SWRCB 2019). As described in these procedures, wetland waters of the state are mapped based on the procedures in USACE's 1987 Corps of Engineers Wetlands Delineation Manual (USACE 1987) and its 2008 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0) (USACE 2008a). Non-wetland waters are mapped at the OHWM based on the procedures defined in USACE's 2008 A Field Guide to Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States (USACE 2008b).

### 4.3 California Department of Fish and Wildlife

CDFW jurisdictional areas were mapped to include the bank of the stream/channel and outer dripline of adjacent riparian vegetation, as set forth under California Fish and Game Code 1602. Streambeds under the jurisdiction of CDFW were delineated using the Cowardin method of waters classification, which defines waters by a single parameter (i.e., hydric soils, hydrophytic vegetation, or hydrology) (Cowardin et al. 1979). The boundaries were mapped to the top of bank to delineate the extent of the streambed area potentially regulated by CDFW.

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## 5 Aquatic Resource Narrative<sup>7</sup>

### 5.1 Waters of the United States (USACE)

Approximately 24.74 acres of non-wetland waters/ditches and their associated culverts were delineated within the proposed Project site below the OHWM of irrigation ditches (Figures 4-1 through 4-10, Aquatic Resources Delineation, and Figures 5-1 through 5-23, Culverts<sup>8</sup>). These non-wetland waters serve as IID irrigation ditches that convey water throughout the Imperial Valley and are connected to a vast network of ditches that source water from the Colorado River. Table 3 provides a detailed summary of aquatic resources delineated within the review area. Table 3 also includes a description of each feature identified within the review area; its Cowardin type, if available (Cowardin et al. 1979); any OHWM indicators present; the location; and the acreage/linear feet. The locations of the culverts conveying flow from these ditches are included on Figures 5-1 through 5-23 and included in the table below. Photos of the potential aquatic features delineated within the proposed Project site and additional areas reviewed for the presence of these resources are provided in Appendix C.<sup>9</sup> The locations of these photos are shown in Figures 4-1 through 4-10.

Many smaller, likely non-jurisdictional concrete or dry earthen ditches with gates exist within and along the boundaries of agricultural fields in the review area. While technically connected to potentially jurisdictional irrigation ditches, they are constructed in uplands purely for the function of irrigating individual fields and do not serve as critical conveyance pathways for regional irrigation like the larger, potentially jurisdictional ditches. These are shown on Figures 4-1 through 4-10.

When the field delineation occurred, surface water was present in all of the non-wetland waters/ditches mapped within the Project site; therefore, the waters onsite are likely considered relatively permanent waters. Based on site conditions observed in April 2023, the 24.74 acres of non-wetland waters/ditches and 0.05 acres of culverts connecting these non-wetland waters/ditches within the Project site contain surface water and include, or have a continuous surface connection to, the Fern Canal, Fig Canal, and the Westside Main Ditch. These have a continuous surface connection to the Salton Sea, a traditional navigable water (USACE 2023). Therefore, these features meet the definition of a 33 CFR, Section 328.3 (a)(3) waters. Accordingly, all non-wetland waters mapped in the review area may be subject to USACE regulation.

Table 3 summarizes the characteristics of the non-wetland waters/ditches and culverts in the review area that are subject to USACE jurisdiction.

<sup>&</sup>lt;sup>7</sup> Minimum Standards Item 6 (Aquatic Resource Narrative)

<sup>&</sup>lt;sup>8</sup> Minimum Standards Item 16 (Delineation Maps)

<sup>9</sup> Minimum Standards Item 17 (Ground Photos)

Feature Name	Cowardin <sup>1</sup>	<b>OHWM Indicators</b>	Location	Acres/Linear feet	
Non-wetland Waters (Below OHWM)					
Irrigation Ditch <sup>2</sup>	R4SBCx	BBS, occasional CVS and CVC	Throughout review area (see Figures 4-1 through 4-10)	24.74/71,760	
Culvert	N/A	N/A	Throughout review area (see Figures 5-1 through 5-23)	0.05/1,059	
			Non-wetland Waters Total	24.79/72,819	

#### Table 3. USACE Aquatic Resource Summary for the Review Area<sup>10</sup>

**Notes:** OHWM = ordinary high water mark; R4SBCx = Riverine, Intermittent, Streambed, Seasonally Flooded, Excavated; BBS = break in bank slope; CVS = change in vegetation species; CVC = change in vegetation cover

<sup>1</sup> Pursuant to Classification of Wetlands and Deepwater Habitats of the United States (Cowardin et al. 1979).

<sup>2</sup> These features are likely classified as seasonal "relatively permanent waters" that flow for at least 3 months of the year, based on conditions observed during the delineation.

A copy of the USACE Operations and Maintenance Business Information Link Regulatory Module (ORM) Bulk Upload Aquatic Resources or Consolidated Excel spreadsheet is included as Appendix D.<sup>11</sup>

### 5.2 Waters of the State

All of the features described in Section 5.1, Waters of the United States, have also been identified as waters of the state. These features are subject to regulation by the RWQCB under the Porter-Cologne Water Quality Control Act and CDFW under Fish and Game Code 1600.

### 5.3 National Wetland Inventory

Most of the mapped non-wetland waters/ditches do not overlap with mapped resources from the U.S. Fish and Wildlife Service's National Wetland Inventory data (USFWS 2023; see Figure 3). There is one that is identified as Riverine (R4SBCx per Cowardin classification) habitats. R4SBCx is a classification code used to describe features that have the following attributes: Riverine, Intermittent, Streambed, Seasonally Flooded, Excavated (Cowardin et al. 1979).

<sup>&</sup>lt;sup>10</sup> Minimum Standards Item 9 (Table Listing All Aquatic Resources)

<sup>&</sup>lt;sup>11</sup> Minimum Standards Item 15 (ORM Bulk Upload Aquatic Resources or Consolidated Excel spreadsheet)

## 6 Results and Conclusions

Based on the jurisdictional delineation and review of relevant information provided in this Aquatic Resources Delineation Report, 24.79 acres of non-wetland waters/ditches and their associated culverts potentially regulated by USACE were delineated within the proposed Project site. All non-wetland waters/ditches within the review area may be regulated by USACE given their upstream or downstream connection to a traditional navigable water (the Salton Sea). These features may also be regulated by the RWQCB and CDFW.

The updated 2023 EPA guidance removed protections for aquatic features that do not have a relatively permanent, standing, or continuously flowing body of water that connects to a traditionally navigable water. When the field delineation occurred, surface water was present in all of the non-wetland waters/ditches mapped within the Project site; therefore, the waters onsite are likely considered relatively permanent waters and would not be excluded per the definition in 33 CFR, Section 328.3(b)(3). Based on site conditions observed in April 2023, the 24.79 acres of non-wetland waters/ditches and their associated culverts within the Project site contain surface water and appear to have a continuous surface connection (via ditches and canals) to the Salton Sea. Therefore, these features meet the definition of a 33 CFR, Section 328.3 (a)(3) waters.

It is the intention of the Project applicant, as reflected in the proposed Project design, that impacts to all jurisdictional or potentially jurisdictional waters on the proposed Project site will be avoided to the extent possible by design during construction and operation of the Project.

This report can be used by USACE, RWQCB, and CDFW to determine if they would regulate the features described herein.

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SOURCE: USGS 7.5-Minute Series Seeley, Plaster City, Mount Signal, Yuha Basin Quadrangles



FIGURE 1 Project Location P# 15207



SOURCE: Maxar 2023; Imperial County 2023; USDA SSURGO 2023

DUDEK & <u>1,000</u> 2,000 Feet FIGURE 2 Soils P# 15207



DUDEK & 0\_\_\_\_\_000 2,000 Feet FIGURE 3 Hydrology P# 15207







14

In the second





FIGURE 4-1 Aquatic Resources Delineation P# 15207





FIGURE 4-2 Aquatic Resources Delineation P# 15207



- Project Boundary
- 😫 Map Reference Point
- >>> Photo Point
- Culvert
- Potentially Jurisdictional Aquatic Features
  Irrigation Ditch







FIGURE 4-3 Aquatic Resources Delineation P# 15207





FIGURE 4-4 Aquatic Resources Delineation P# 15207





FIGURE 4-5 Aquatic Resources Delineation P# 15207



32.76082 -115.7552

#### Project Boundary

- 😫 Map Reference Point
- Culvert

Potentially Jurisdictional Aquatic Features

Irrigation Ditch

Coordinate System: NAD 1983 StatePlane California VI FIPS 0406 Feet Projection: Lambert Conformal Conic Datum: North American 1983 Units: Foot US 1 inch = 421 feet



SOURCE: Maxar 2023; Imperial County 2023; USFWS 2023, USGS 2023, FEMA 2023





FIGURE 4-6 Aquatic Resources Delineation P# 15207





FIGURE 4-7 Aquatic Resources Delineation P# 15207


- 🗱 Map Reference Point
- → Photo Point
- Culvert
- Potentially Jurisdictional Aquatic Features
- Irrigation Ditch



Coordinate System: NAD 1983 StatePlane California VI FIPS 0406 Feet Projection: Lambert Conformal Conic Datum: North American 1983 Units: Foot US 1 inch = 421 feet

SOURCE: Maxar 2023; Imperial County 2023; USFWS 2023, USGS 2023, FEMA 2023





FIGURE 4-8 Aquatic Resources Delineation P# 15207



FIGURE 4-9 Aquatic Resources Delineation P# 15207



SOURCE: Maxar 2023; Imperial County 2023; USFWS 2023, USGS 2023, FEMA 2023



FIGURE 4-10 Aquatic Resources Delineation P# 15207



Coordinate System: NAD 1983 StatePlane California VI FIPS 0406 Feet Projection: Lambert Conformal Conic Datum: North American 1983 Units: Foot US

1 inch = 23 feet

SOURCE: Maxar 2023





FIGURE 5-1 Culverts P# 15207



Coordinate System: NAD 1983 StatePlane California VI FIPS 0406 Feet Projection: Lambert Conformal Conic Datum: North American 1983 Units: Foot US

1 inch = 23 feet

SOURCE: Maxar 2023





FIGURE 5-2 Culverts P# 15207





FIGURE 5-3 Culverts P# 15207





Coordinate System: NAD 1983 StatePlane California VI FIPS 0406 Feet Projection: Lambert Conformal Conic Datum: North American 1983 Units: Foot US

1 inch = 23 feet

SOURCE: Maxar 2023



FIGURE 5-4 Culverts P# 15207





Coordinate System: NAD 1983 StatePlane California VI FIPS 0406 Feet Projection: Lambert Conformal Conic Datum: North American 1983 Units: Foot US

1 inch = 23 feet

SOURCE: Maxar 2023



FIGURE 5-5 Culverts P# 15207



Coordinate System: NAD 1983 StatePlane California VI FIPS 0406 Feet Projection: Lambert Conformal Conic Datum: North American 1983 Units: Foot US

1 inch = 23 feet

SOURCE: Maxar 2023





FIGURE 5-6 Culverts P# 15207



Coordinate System: NAD 1983 StatePlane California VI FIPS 0406 Feet Projection: Lambert Conformal Conic Datum: North American 1983 Units: Foot US

1 inch = 23 feet

SOURCE: Maxar 2023





FIGURE 5-7 Culverts P# 15207



Coordinate System: NAD 1983 StatePlane California VI FIPS 0406 Feet Projection: Lambert Conformal Conic Datum: North American 1983 Units: Foot US

1 inch = 23 feet

SOURCE: Maxar 2023





FIGURE 5-8 Culverts P# 15207





1 inch = 23 feet

SOURCE: Maxar 2023





FIGURE 5-9 Culverts P# 15207







FIGURE 5-10 Culverts P# 15207



Coordinate System: NAD 1983 StatePlane California VI FIPS 0406 Feet Projection: Lambert Conformal Conic Datum: North American 1983 Units: Foot US

1 inch = 23 feet

SOURCE: Maxar 2023





FIGURE 5-11 Culverts P# 15207





Coordinate System: NAD 1983 StatePlane California VI FIPS 0406 Feet Projection: Lambert Conformal Conic Datum: North American 1983 Units: Foot US 1 inch = 23 feet

SOURCE: Maxar 2023



FIGURE 5-12 Culverts P# 15207





FIGURE 5-13 Culverts P# 15207



FIGURE 5-14 Culverts P# 15207





FIGURE 5-15 Culverts P# 15207





FIGURE 5-16 Culverts P# 15207





FIGURE 5-17 Culverts P# 15207



Coordinate System: NAD 1983 StatePlane California VI FIPS 0406 Feet Projection: Lambert Conformal Conic Datum: North American 1983 Units: Foot US

1 inch = 23 feet

SOURCE: Maxar 2023





FIGURE 5-18 Culverts P# 15207







Diehl Rd

FIGURE 5-19 Culverts P# 15207







FIGURE 5-20 Culverts P# 15207



Culvert Point
Culvert Line

Coordinate System: NAD 1983 StatePlane California VI FIPS 0406 Feet Projection: Lambert Conformal Conic Datum: North American 1983 Units: Foot US

1 inch = 23 feet

SOURCE: Maxar 2023





FIGURE 5-21 Culverts P# 15207



Coordinate System: NAD 1983 StatePlane California VI FIPS 0406 Feet Projection: Lambert Conformal Conic Datum: North American 1983 Units: Foot US

1 inch = 23 feet

SOURCE: Maxar 2023





FIGURE 5-22 Culverts P# 15207





FIGURE 5-23 Culverts P# 15207

## **Appendix B**

Antecedent Precipitation Tool Output



- Daily Total
- 30-Day Rolling Total
  - 30-Year Normal Range

Jun 202	3 2	Jul Aug 023 2023
ondition Value	Month Weight	Product
2	3	6
2	2	4
2	1	2
		Normal Conditions - 12

ent	Days Anteceder	Days Normal	Weighted $\Delta$	evation $\Delta$
86	8	10804	4.495	8.463
4		390	2.265	25.262
0		159	2.746	34.12

## **Appendix C** Review Area Photos



**Photo Point 1.** A larger concrete irrigation ditch that runs north/south and eventually connects to the Westside Main Canal (Photo Point 14) and may be jurisdictional.

**Photo Point 2:** View of a smaller concrete and larger gated concrete ditch running parallel.

NE



Photo Point 3: A typical large earthen ditch in the southern area of the site.



**Photo Point 4:** View of wetted earthen irrigation ponds adjacent to a smaller concrete ditch that may be jurisdictional, as it receives water from the larger Fig Canal.



SE



**Photo Point 5:** View of an earthen running north/south ditch with water. This ditch connects to larger ditches and may be jurisdictional.



**Photo Point 6:** View of a large earthen ditch running east/west in the central portion of the site. This ditch connects to larger ditches and may be jurisdictional.



**Photo Point 7:** View of a likely non-jurisdictional seasonal earthen ditch used to deliver water to the adjacent agriculture field.



**Photo Point 8:** View of a typical concrete irrigation ditch running north/south that delivers water to smaller isolated ditches.



Photo Point 9: View of a north/south irrigation ditch with a flooded active agricultural area to the right.



Photo Point 10: A wetted concrete irrigation ditch. This ditch runs north/south for a short distance adjacent to the agriculture area it conveys water to. This ditch is closed and likely non-jurisdictional.



Photo Point 11: A view of a small wetted, seasonal earthen ditch that is likely non-jurisdictional.



Photo Point 12: View of a dry, seasonal earthen irrigation ditch that is likely non-jurisdictional, with Interstate Highway 8 in the background.



**Photo Point 13:** View of the larger Fern Canal that runs north/south through the northwestern area of the site, with active agriculture seen to the right. Likely jurisdictional, with eventual connectivity to the Westside Main Canal (Photo Point 14). **Photo Point 14:** View of the Westside Main Canal that borders the southwestern portion of the project area.
## **Appendix D** ORM Upload Spreadsheet

	Waters Name	State	Cowardin Code	HGM Code	Meas Type	Amount	Units	Waters Type	Latitude	Longitude	Local Waterway
		4 CALIFORNIA	R4SB		Area	0.15090373	ACRE	A3.TRIB-404	32.75117493	-115.74649048	
		5 CALIFORNIA	R4SB		Area	0.05571039	ACRE	A3.TRIB-405	32.74984741	-115.74002838	
		6 CALIFORNIA	R4SB		Area	0.36943884	ACRE	A3.TRIB-406	32.76901245	-115.70755768	
		7 CALIFORNIA	R4SB		Area	0.16774736	ACRE	A3.TRIB-407	32.76159286	-115.73307800	
10		CALIFORNIA	R4SB		Area	0.54075873	ACRE	A3.TRIB-408	32.74563980	-115.73376465	
11		CALIFORNIA	R4SB		Area	0.27419883	ACRE	A3.1RIB-409	32.75990295	-115./300/965	
12		CALIFORNIA	R4SB		Area	0.0706309	ACRE	A3.1RIB-410	32.76803970	-115./0//102/	
13			R45B		Area	1.80331320	ACRE	A3.TRIB-411	32.74000000	-115./31498/2	
14		CALIFORNIA	R43D		Area	2 09422604	ACRE	A3.TRID-412	32.776525407	115 72740172	
17			R4SB		Area	0.07731558	ACRE	A3.TRIB-413	32.70323497	-115 71623993	
18		CALIFORNIA	R4SB		Area	0.09282766	ACRE	A3 TRIB-415	32 76615143	-115 71616364	
19		CALIFORNIA	R4SB		Area	2.06556273	ACRE	A3.TRIB-416	32.74142075	-115.73843384	
20		CALIFORNIA	R4SB		Area	0.06613179	ACRE	A3.TRIB-417	32.76714325	-115.70637512	
21		CALIFORNIA	R4SB		Area	0.14004992	ACRE	A3.TRIB-418	32.76158142	-115.73332977	
22		CALIFORNIA	R4SB		Area	0.03690025	ACRE	A3.TRIB-419	32.76715088	-115.70470428	
24		CALIFORNIA	R4SB		Area	0.11301442	ACRE	A3.TRIB-420	32.77071762	-115.71392822	
25		CALIFORNIA	R4SB		Area	0.09008852	ACRE	A3.TRIB-421	32.76977158	-115.71617126	
26		CALIFORNIA	R4SB		Area	0.11910388	ACRE	A3.TRIB-422	32.77070618	-115.70976257	
27		CALIFORNIA	R4SB		Area	0.48791948	ACRE	A3.TRIB-423	32.74676895	-115.73989868	
28		CALIFORNIA	R4SB		Area	0.40071779	ACRE	A3.TRIB-424	32.76349258	-115.73024750	
30		CALIFORNIA	R4SB		Area	0.17483258	ACRE	A3.TRIB-425	32.76528931	-115.71595764	
31		CALIFORNIA	R4SB		Area	0.0637867	ACRE	A3.TRIB-426	32.75922012	-115.73296356	
32		CALIFORNIA	R4SB		Area	0.98165417	ACRE	A3.TRIB-427	32.76105118	-115.73720551	
33		CALIFORNIA	R4SB		Area	0.44023177	ACRE	A3.TRIB-428	32.73704529	-115.73208618	
34		CALIFORNIA	R4SB		Area	0.08514063	ACRE	A3.TRIB-429	32.76431274	-115.71617126	
36		CALIFORNIA	R4SB		Area	0.14742877	ACRE	A3.TRIB-430	32.75083542	-115.75018311	
37		CALIFORNIA	R4SB		Area	0.08570509	ACRE	A3.1RIB-431	32.76797104	-115./161/889	
39			R45B		Area	0.08272728	ACRE	A3.TRIB-432	32.76976013	-115./0/69501	
40			R45B		Area	0.28684011	ACRE	A3.1RIB-433	32.75470734	-115./4855804	
41			R43D		Area	0.22915455	ACRE	A3.1RID-434	32.11221402	-115.70704923	
43			R43D D/SD		Area	2.95450950	ACRE	A3.1RID-433	32.13423101	-115.72904900	
44		CALIFORNIA	R4SB R4SB		Area	0.00413107	ACRE	A3.TRIB-430	32.77200437	-115 727/0173	
46			RISB		Area	1 12015676	ACRE	A3 TRIB-438	32 73638535	-115 72770083	
47		CALIFORNIA	R4SB		Area	1 16745198	ACRE	A3 TRIB-439	32 73555374	-115 73044586	
48		CALIFORNIA	R4SB		Area	0.99406278	ACRE	A3 TRIB-440	32 76112747	-115 72691345	
49		CALIFORNIA	R4SB		Area	0.67652631	ACRE	A3.TRIB-441	32,76208496	-115.72398376	
50		CALIFORNIA	R4SB		Area	0.59860855	ACRE	A3.TRIB-442	32.76436234	-115.72077179	
51		CALIFORNIA	R4SB		Area	0.81362903	ACRE	A3.TRIB-443	32.75447083	-115.71585846	
52		CALIFORNIA	R4SB		Area	1.01924801	ACRE	A3.TRIB-444	32.75080109	-115.71591187	
53		CALIFORNIA	R4SB		Area	0.65959144	ACRE	A3.TRIB-445	32.74898911	-115.71202087	
54		CALIFORNIA	R4SB		Area	0.22497077	ACRE	A3.TRIB-446	32.76093292	-115.71616364	
55		CALIFORNIA	R4SB		Area	0.43807167	ACRE	A3.TRIB-447	32.75845337	-115.72405243	
56		CALIFORNIA	R4SB		Area	0.63632029	ACRE	A3.TRIB-448	32.75261307	-115.71192169	
		1 CALIFORNIA	R6		Area	0.32591072	ACRE	B3-EXCL-DITCH	32.77038574	-115.72080231	
		2 CALIFORNIA	R7		Area	0.18516058	ACRE	B3-EXCL-DITCH	32.74793243	-115.74859619	
		3 CALIFORNIA	R8		Area	0.16710001	ACRE	B3-EXCL-DITCH	32.75005341	-115.74858856	
		8 CALIFORNIA	R9		Area	0.27882296	ACRE	B3-EXCL-DITCH	32.74771881	-115.74441528	
40		9 CALIFORNIA	R10		Area	0.23001304	ACRE	B3-EXCL-DITCH	32.75481796	-115.74868011	
16		CALIFORNIA	R11		Area	0.21795174	ACRE	B3-EXCL-DITCH	32.75508118	-115.74432373	
23			R12		Area	0.1515706	ACRE	B3-EXCL-DITCH	32.74606705	-115.74860382	
29			R 13 D14		Area	0.09262273	ACRE		32.74477300	-115.74791710	
30		CALIFORNIA	R14 R15		Area	0.00004041	ACRE		22.74430313	115 75045776	
30 12			R ID R16		Area	0.02234701	ACRE	B3-EXCL-DITCH	32.7573135	-115.75045776	
-1 C-1			RISB		Area	0.0011200	ACRE	A3 TRIB-432	32 75123506	-115 7/853516	
C-2			R4SB		Area	0.0011203	ACRE	A3 TRIB-432	32 75114822	-115 74433136	
C-3		CALIFORNIA	R4SB		Area	0.00242298	ACRE	A3 TRIB-432	32 74019623	-115 73146820	
C-4		CALIFORNIA	R4SB		Area	0.00154161	ACRE	A3 TRIB-432	32 74901199	-115 70760345	
C-5		CALIFORNIA	R4SB		Area	0.00336925	ACRE	A3.TRIB-432	32.75259781	-115.70762634	
C-6		CALIFORNIA	R4SB		Area	0.00141973	ACRE	A3.TRIB-432	32.75845337	-115.72721100	
C-7		CALIFORNIA	R4SB		Area	0.00124447	ACRE	A3.TRIB-432	32.75991440	-115.72727203	
C-8		CALIFORNIA	R4SB		Area	0.00356925	ACRE	A3.TRIB-432	32.75988770	-115.73295593	
C-9		CALIFORNIA	R4SB		Area	0.00135676	ACRE	A3.TRIB-432	32.75844574	-115.73571014	
C-10		CALIFORNIA	R4SB		Area	0.00316738	ACRE	A3.TRIB-432	32.77074051	-115.73316956	
C-11		CALIFORNIA	R4SB		Area	0.00147046	ACRE	A3.TRIB-432	32.77076721	-115.72783661	
C-12		CALIFORNIA	R4SB		Area	0.00157331	ACRE	A3.TRIB-432	32.76708221	-115.72711945	
C-13		CALIFORNIA	R4SB		Area	0.00122613	ACRE	A3.TRIB-432	32.76343155	-115.71616364	
C-14		CALIFORNIA	R4SB		Area	0.00090872	ACRE	A3.TRIB-432	32.76709366	-115.71616364	
C-15		CALIFORNIA	R4SB		Area	0.00108872	ACRE	A3.TRIB-432	32.76884460	-115.71617126	

## Appendix D ORM Bulk Upload Aquatic Resources or Consolidated Excel Spreadsheet

Waters_Name	State	Cowardin_Code	HGM_Code	Meas_Type	Amount	Units	Waters_Type	Latitude	Longitude	Local_Waterway
C-16	CALIFORNIA	R4SB		Area	0.00209973	ACRE	A3.TRIB-432	32.77076340	-115.71617889	
C-17	CALIFORNIA	R4SB		Area	0.00127058	ACRE	A3.TRIB-432	32.77068329	-115.71613312	
C-18	CALIFORNIA	R4SB		Area	0.00312333	ACRE	A3.TRIB-432	32.77072144	-115.71601105	
C-19	CALIFORNIA	R4SB		Area	0.00134328	ACRE	A3.TRIB-432	32.77213287	-115.71623230	
C-20	CALIFORNIA	R4SB		Area	0.0035386	ACRE	A3.TRIB-432	32.77368546	-115.70779419	
C-21	CALIFORNIA	R4SB		Area	0.00147716	ACRE	A3.TRIB-432	32.77068710	-115.70760345	
C-22	CALIFORNIA	R4SB		Area	0.00157372	ACRE	A3.TRIB-432	32.77058411	-115.70760345	
C-23	CALIFORNIA	R4SB		Area	0.00134542	ACRE	A3.TRIB-432	32.77079391	-115.70759583	
C-24	CALIFORNIA	R4SB		Area	0.00095271	ACRE	A3.TRIB-432	32.76890182	-115.70769501	
C-25	CALIFORNIA	R4SB		Area	0.00452386	ACRE	A3.TRIB-432	32.76714706	-115.70744324	
C-26	CALIFORNIA	R4SB		Area	0.0015326	ACRE	A3.TRIB-432	32.76713181	-115.70538330	