

# Appendix D

---

Jurisdictional Delineation Report



**Rincon Consultants, Inc.**

250 East 1st Street, Suite 1400  
Los Angeles, California 90012

213 788 4842  
FAX 908 2200

info@rinconconsultants.com  
www.rinconconsultants.com

July 16, 2019  
Project No: 18-06891

Maryanne Cronin  
Planner  
Planning Bureau  
City of Long Beach  
333 W. Ocean Boulevard, 5<sup>th</sup> Floor  
Long Beach, California 90802  
Via email: Maryanne.cronin@longbeach.gov

**Subject: Jurisdictional Delineation Report for the 300 Studebaker Road Industrial Park Project,  
Long Beach, California**

Dear Ms. Cronin:

Rincon Consultants, Inc. (Rincon) conducted a delineation of jurisdictional waters and riparian habitats for the 300 Studebaker Road Industrial Park Project (project) in the City of Long Beach, California. The project is located adjacent to the Cerritos Channel and consists of the construction of two industrial buildings. The delineation was conducted to determine the location and extent of potentially jurisdictional waters near the proposed project footprint. Potentially jurisdictional waters include waters of the U.S. subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE) and the Los Angeles Regional Water Quality Control Board (RWQCB), streambed/banks and associated riparian vegetation potentially subject to the jurisdiction of California Department of Fish and Wildlife (CDFW), and coastal wetlands qualifying for protection under the California Coastal Act (CCA) and California Coastal Commission (CCC) regulations. Any proposed work activities in areas identified as jurisdictional waters and/or streambed may be subject to the permit requirements of the USACE under Section 404 of the Clean Water Act (CWA), the Los Angeles RWQCB under Section 401 of the CWA and the Porter-Cologne Water Quality Control Act, CDFW pursuant to Sections 1600 *et seq.* of the California Fish and Game Code, and/or CCC pursuant to the CCA. Final jurisdictional determinations of the boundaries of waters and streambed habitats are made by each agency.

This jurisdictional delineation identified the Cerritos Channel and an associated cold-water intake channel within the project area, but neither of these channels would be impacted by the proposed project.

## Project Location and Description

The project site is located at 300 Studebaker Road in Long Beach, approximately 0.2 mile west of the San Gabriel River and 1.7 miles northeast of Alamitos Bay (Attachment B, Figure 1). The project site encompasses 6.69 acres of land situated east of Studebaker Road and 1.81 acres at the northwest and southwest corners of the intersection of Studebaker Road and Loynes Drive and includes five parcels,



which are identified as Assessor Parcel Numbers (APNs) 7237-017-007, 7237-017-008, 7237-017-009, 7237-018-001, and 7237-019-005. The proposed project is located within Section 2 of Township 5 south, Range 12 west (San Bernardino baseline and meridian), and depicted on *Ritter Ridge*, California United States Geological Survey 7.5-minute quadrangle map (Attachment B, Figure 2).

The proposed project involves the demolition of 400 sf of existing concrete, pipeline structures, and asphalt paving, and the development of two concrete tilt-up industrial buildings, situated on 6.69 acres of land east of Studebaker Road. Approximately 1.81 acres of vacant land at the northwest and southwest corners of Studebaker Road and Loynes Drive would be dedicated as open space as part of this project.

### *Industrial Development*

The two 35-foot high buildings would total 139,200 sf, including 21,000 sf office space. The individual building sizes would be 91,700 sf and 47,500 sf, respectively. The project would support potential uses such light manufacturing, warehousing, assembly and distribution. The building layout may be broken into six or more individual spaces depending upon final tenant demand. Office spaces would be provided in the interior frontage of each building to support the business operations. Office space would occupy a maximum of 25 percent of the gross floor area pursuant to Chapter 21.33 of the City of Long Beach Municipal Code. Office space in Building 1 would total 14,000 sf and 7,000 sf in Building 2, which together represents 21,000 sf, or 15 percent of the gross floor area.

### *Dedicated Open Space*

The parcels situated west of Studebaker Road (APNs 7237-018-001, 7237-017-007, -008, -009) are currently vacant. These parcels are proposed to be dedicated to the Los Cerritos Wetlands Authority (LCWA). The project would include planting of an assortment of native grasses and tree species consistent with the LCWA, including low growing grasses along street frontage. The restoration plans for these parcels, also identified as the “Wetlands Mitigation Area,” would require consultation with the Cerritos Wetlands Authority.

## Methods

This study included a literature review and desktop evaluation of existing aerial imagery and published datasets, followed by a field delineation of potential jurisdictional waters within the study area. The study area consisted of the project boundary plus a 100-foot buffer (Attachment B, Figure 3). It is notable that the 100-foot buffer includes Cerritos Channel to the west and a constructed cold-water intake channel to the north for the adjacent AES property. Cerritos Channel and the associated cold-water intake channel were not included in the field delineation because the portion of the site directly adjacent to Cerritos Channel would not be impacted by construction and the paved access road and fence for AES provides a well-defined boundary that project activities will not extend beyond. Data collected in the field was interpreted into maps depicting limits of jurisdiction. Rincon Biologist Megan Minter conducted the field survey on April 1, 2019. The following sections provide more information regarding methodology.



## *Literature Review*

Prior to the field survey, Rincon reviewed available background information and published datasets to understand the environmental setting and context of the study area to aid in characterizing the nature and extent of jurisdictional waters potentially occurring within the project area. These existing resources included aerial imagery depicting the study area (Google Earth, 2018), the most recent *Los Alamitos, California* USGS 7.5-minute topographic quadrangle map (2012), and the Web Soil Survey (USDA NRCS 2019a). The *National Hydrography Dataset* (USGS, 2019a) and the *National Wetlands Inventory* (NWI) (Attachment B, Figure 4) (USFWS, 2019b) were reviewed to determine if any potential wetlands and/or other waters had been previously mapped on or near the proposed project site. The *State Soils Data Access (SDA) Hydric Soils List* (USDA NRCS, 2019b) was also reviewed to determine if any soil map unit types mapped on or near the study area were classified as hydric. Rincon also reviewed precipitation records for the area to understand typical precipitation patterns and average annual precipitation totals.

## *Field Delineation*

Rincon Biologist Megan Minter surveyed the entire study area on foot to identify potentially jurisdictional aquatic resources, including any potential wetlands and non-wetland waters that exhibit an OHWM and that may constitute waters of the U.S., waters of the State, and/or streambeds. During the survey, field staff noted general site characteristics and documented vegetation, and took representative photographs. Current federal and state methods and guidelines were used to identify and delineate potential jurisdictional areas, as described below.

## *Jurisdictional Determination*

CDFW jurisdiction was defined to the bank of the streams/channels to the limit of the adjacent riparian vegetation. Waters of the United States regulated by the USACE were delineated to the Ordinary High Water Mark (OHWM) or the landward edge of adjacent wetlands. Areas regulated by the RWQCB are generally conterminal with the USACE, but include features isolated from navigable waters of the U.S. that have evidence of surface water inundation. Areas qualifying as wetlands under USACE's regulations were delineated based on the presence of hydric soils, hydrophytic vegetation, and wetland hydrology. Areas qualifying as wetlands under CCC regulations were identified by the presence of one or more of these parameters.

## **Wetlands**

The biologist searched for indicators of potential wetland features by looking for the presence of hydrophytic vegetation, hydric soils, and wetland hydrology, according to routine delineation procedure outlined in the *Wetlands Delineation Manual* (USACE, 1987) and the guidance in the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (USACE, 2008a). The USACE *Arid West 2016 Regional Wetland Plant List* was used to determine the wetland status of the examined vegetation by the following indicator status categories: Upland (UPL), Facultative Upland (FACU), Facultative (FAC), Facultative Wetland (FACW), and Obligate Wetland (OBL) (Lichvar et al., 2016). During the survey, any areas with a dominance or prevalence of hydrophytic vegetation were noted. Hydrology, vegetation, and soils were assessed visually due to the evidence of saturation, permanence of surface water, wetland vegetation, and nexus to traditional navigable waters.



## Non-Wetland Waters of the United States

The lateral limits of potential USACE jurisdiction (i.e., width) for non-wetland waters or “other waters” was determined by the presence of physical characteristics indicative of the OHWM. The OHWM was identified in accordance with the applicable Code of Federal Regulations sections (33 CFR 328.3 and 33 CFR 328.4) and Regulatory Guidance Letter (USACE, 2005), as well as in reference to various relevant technical publications including but not limited to *A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States* (USACE, 2008b), and *Updated Datasheet for the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States* (USACE, 2010). In addition, any other sources of water with connections to downstream Relatively Permanent Waters (RPWs) and Traditionally Navigable Waters (TNWs) were also evaluated.

## Waters of the State

The Porter-Cologne Water Quality Control Act of 1969 (California Water Code §§ 13000-13999.10) mandates that waters of the state shall be protected. “Waters of the state” means any surface water or groundwater, including saline waters, within the boundaries of the state. The Porter-Cologne Act establishes state procedures for implementing portions of the CWA, and also provides a state-level program for regulating the discharges of waste into waters of the state which is implemented in concert with CWA requirements. The Porter-Cologne Act does not define the geographic limits of “waters of the state.” However, in the Los Angeles region, RWQCB practice has been to consider the limits of waters of the state to extend laterally to the top of the physical bank or the outer dripline of riparian vegetation, whichever is broader.

Under the CCA, the CCC (and in some cases local governments when authority has been granted by the CCC) requires a Coastal Development Permit (CDP) for most types of development occurring within the Coastal Zone. Coastal wetlands are granted additional protection under the Coastal Act, and these provisions are implemented by the permitting agencies when deciding whether to issue CDPs. In contrast to the USACE, which uses a three-parameter definition to delineate wetlands, CCC regulations define wetland boundaries by a single parameter (i.e., hydric soils, hydrophytic vegetation, or hydrology). The CCC wetland definition is generally more encompassing than the USACE definition in most cases.

CDFW jurisdiction applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the state. The CDFW’s regulatory authority extends to include riparian habitat supported by a river, stream, or lake regardless of the presence or absence of hydric soils and saturated soil conditions. *A Field Guide to Lake and Streambed Alteration Agreements* (CDFG, 1994) provides guidance for documenting jurisdiction. If activities will result in the diversion or obstruction of the natural flow of a stream, or substantially alter its bed, channel, or bank, or adversely affect existing fish and wildlife resources, a Streambed Alteration Agreement is required. As described in the *Field Guide*, within estuary environments, a preponderance of evidence standard is necessary where it is not readily apparent where Section 1600 jurisdiction ends. Under this standard, the geometry of the water feature, the predominant salinity of the waters, the composition of vegetation, and the predominant fauna are used to determine the limits of CDFW jurisdiction under section 1600. Waters are not regulated under section 1600 of the Fish and Game Code where waters are principally marine, aquatic shorelines are shaped principally by tidal current and wave action not by fluvial processes, vegetation is saline marsh and not brackish or freshwater vegetation, and marine fish and invertebrate communities are prevalent.



Conversely, areas dominated by fresh and brackish salinities and freshwater aquatic species, with fluvial erosion patterns, are regulated under section 1600.

### *Data Collection and Processing*

Data points representing the top of bank, OHWM, and other observation points were mapped using a Trimble GPS unit with sub-meter accuracy and were also plotted on aerial photographs. The data were subsequently transferred to Rincon's geographic information system (GIS) and used in combination with recent, high resolution aerial photographs and topographic datasets to map the extent of streams in the study area. Representative Photographs of the site and surrounding conditions are presented in Attachment C.

## Existing Setting

### *Topography and Hydrology*

The project site is in the 49.4-square mile Alamitos Bay Watershed (HUC 180701060702) within the larger San Gabriel Watershed (HUC 18070106). The San Gabriel Watershed originates in the San Gabriel Mountains and drains 689 square miles of eastern Los Angeles County. The project site is 0.2 mile west of the concrete-lined San Gabriel River channel and is adjacent to a tidally-influenced portion of the Cerritos Channel, an open concrete-lined flood control channel that drains a densely-developed portion of Long Beach.

The project site is generally flat and ranges between 7 and 18 feet above mean sea level. The portion of the site on the east side of Studebaker Road is surrounded by a large dirt berm approximately 10 to 15 feet tall. This berm was originally constructed as spill containment when large oil storage tanks were present on the site.

### *Climate*

Weather in Long Beach is similar to a Mediterranean climate. Summers are warm and dry while the winters are cool and often wet. Near the project site, most of the precipitation occurs between November and March. Annual precipitation in the City of Long Beach is typically about 12.1 inches, with the majority of rainfall received between November and April in typical years. Mean annual temperatures range from 54 to 74 degrees Fahrenheit (°F). Summer daytime temperatures are often modified by morning fog and sea breezes (WRCC, 2019).

### *Soils*

The NRCS Web Soil Survey delineates one soil map unit within the project: Urban land-Typic Xerorthents, dredged spoil complex, 0 to 2 percent slopes (USDA NRCS, 2019). These soils consist of poorly-drained dredged spoils found on alluvial fans. These soils are not considered hydric. Soils observed during the field survey are consistent with this map unit and include sandy fill dirt mixed with gravel.

### *Vegetation*

Habitat classification is based on the classification systems provided in *A Manual of California Vegetation, Second Edition* (Sawyer et al., 2009). Two habitat classification types are present on site: developed land and disturbed land.



### **Developed**

Developed portions of the Study Area include paved roads, sidewalks, and AES and its associated infrastructure. These areas are generally devoid of vegetation except for scattered ornamental trees.

### **Disturbed**

Disturbed portions of the Study Area include most areas within the project site boundary and are previously-developed areas that were once cleared and ruderal vegetation has now begun to grow. Vegetation on the west side of Studebaker Road is sparse and scattered and includes Russian thistle (*Salsola tragus*), stork's bill (*Erodium cicutarium*), brome grasses (*Bromus* spp.) and various mustards (*Brassica* spp., *Sisymbrium irio*). Vegetation on the east side of Studebaker Road is much denser and includes brome grasses, Russian thistle, and yellow star thistle (*Centaurea solstitialis*).

## Field Results and Discussion

Based upon the findings of Rincon's jurisdictional delineation, Cerritos Channel and an associated cold-water intake for AES are within the Study Area. However, these waters were not formally delineated because these waters are channelized and sufficiently separated from the project site that they will not be impacted by the proposed project. Cerritos Channel is located directly adjacent to the proposed project site within the Study Area, but is clearly separated from the project site by a chain link fence and a barren beach area bounded by rip-rap. Furthermore, proposed project plans for the parcels on the west side of Studebaker Road abutting the main Cerritos Channel include native vegetation restoration in conjunction with the Cerritos Wetland Authority and will improve the condition of these parcels. The cold-water intake portion of Cerritos Channel on the north side of the Study Area was constructed in the 1950s for AES. This channel is confined, fenced and bounded completely by paved surfaces. Because Cerritos Channel and the cold-water intake are separated from the project site and direct impacts would be limited to the site, no direct impacts to adjacent jurisdictional resources would occur.

Indirect impacts to jurisdictional resources would be avoided through project design. The proposed project would comply with current National Pollutant Discharge Elimination System (NPDES) and Los Angeles County MS4 permit regulations and would also include storm water Low Impact Development (LID) Best Management Practices (BMPs). Additionally, the project would comply with Chapter 18.74 of the Long Beach Municipal Code which regulates the implementation of the LIDs and BMPs for projects in the City of Long Beach.

The findings and conclusions presented in this report, including the location and extent of areas subject to regulatory jurisdiction, represent the professional opinion of the consultant biologists. These findings and conclusions should be considered preliminary and at final discretion of the applicable resource agency.



## Conclusions and Recommendations

As described above, the project would not affect jurisdictional waters and wetlands in a manner regulated by the USACE, RWQCB, CDFW, and Coastal Act administering entities. If the proposed project footprint changes to impact jurisdictional waters and wetlands, permits from the abovementioned agencies may be required. Please do not hesitate to contact the undersigned with any questions regarding this jurisdictional delineation.

Sincerely,

**Rincon Consultants, Inc.**

Megan Minter  
Senior Biologist/Project Manager

### **Attachments**

- Attachment A   References
- Attachment B   Figures
- Attachment C   Representative Site Photographs

# Attachment A

---

References



## References

- Baldwin, D. C., Naithani, K. J., Lin, H. (2012): Hydropedological functional units: a novel and accurate catchment-scale characterization of soil hydrology. AGU Annual Fall Conference Proceedings.
- Brady, Roland H. III, Kris Vyverberg. 2013. Methods to Describe and Delineate Episodic Stream Processes on Arid Landscapes for Permitting Utility-Scale Solar Power Plants. California Energy Commission. Publication Number: CEC-500-2014-013.
- California Department of Fish and Game (CDFG). 1994. A Field Guide to Lake and Streambed Alteration Agreements Sections 1600-1607 California Fish and Game Code. Environmental Services Division. January, 1994
- Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Fish and Wildlife Service Report No. FWS/OBS/-79/31. Washington, D.C.: U.S. Fish and Wildlife Service.
- Google Earth. March, 2019.
- Lichvar, R.W. et al. The National Wetland Plant List: 2016 wetland ratings. Phytoneuron 2016-30: 1–17. Published 28 April 2016.
- Sawyer, J.O., T. Keeler-Wolf, and J.M. Evens. 2009. A Manual of California Vegetation, Second Edition. California Native Plant Society, Sacramento, CA.
- United States Army Corps of Engineers (USACE), Environmental Laboratory. 1987. Technical Report Y-97-1. In: United States Army Corps of Engineers Wetlands Delineation Manual. United States Army Corps of Engineers Waterways Experiment Station. Vicksburg, MS.
- . 2005. *Regulatory Guidance Letter No. 05-05: Ordinary High Water Mark Identification*. U.S. Army Corps of Engineers. Washington, D.C.
- . 2008a. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0). United States Army Corps of Engineers Research and Development Center. Vicksburg, MS. September
- . 2008b. *A Field Guide to the Identification of the Ordinary High Water mark (OHWM) in the Arid West Region of the Western United States*. Technical Report ERDC/CRREL TR-08-12. U.S. Army Engineer Research and Development Center, Cold Regions Research and Engineering Laboratory. Hanover, New Hampshire.
- . 2016. National Wetland Plant List, version 3.3. Retrieved from <http://rsgisias.crrel.usace.army.mil/NWPL/>. Accessed March 2019.
- United States Department of Agriculture, Natural Resources Conservation Service (USDA NRCS). 2019a. Web Soils Survey: Custom Soil Resource Report for Santa Barbara County, California, South Coast Part. Retrieved from <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>. Accessed August, 2018.
- . 2019b. *State Soils Data Access (SDA) Hydric Soils List: California*. Retrieved from [https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcseprd1316619.html](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcseprd1316619.html). Accessed March 2019.



United States Fish and Wildlife Service (USFWS). 2019a. Critical Habitat for Threatened and Endangered Species GIS Database. Retrieved from <http://ecos.fws.gov/crithab/>.

-----2019b. National Wetland Inventory Data Mapper. Retrieved from <https://www.fws.gov/wetlands/Data/Mapper.html>. Accessed September, 2018.

United States Geological Survey (USGS). 2012. *Los Alamitos, California* 7.5-minute topographic quadrangle, accessed via the National Map. March 2019.

-----2019a. National Hydrography Dataset. Accessed via the National Map. March 2019.

-----2019b. Hydrologic Cataloging Unit. Retrieved from [https://water.usgs.gov/wsc/map\\_index.html](https://water.usgs.gov/wsc/map_index.html). Accessed March 2019.

Western Regional Climate Center. 2019. Climate of California. Retrieved from <http://www.wrcc.dri.edu/narratives/CALIFORNIA.htm>. Accessed April 2019.

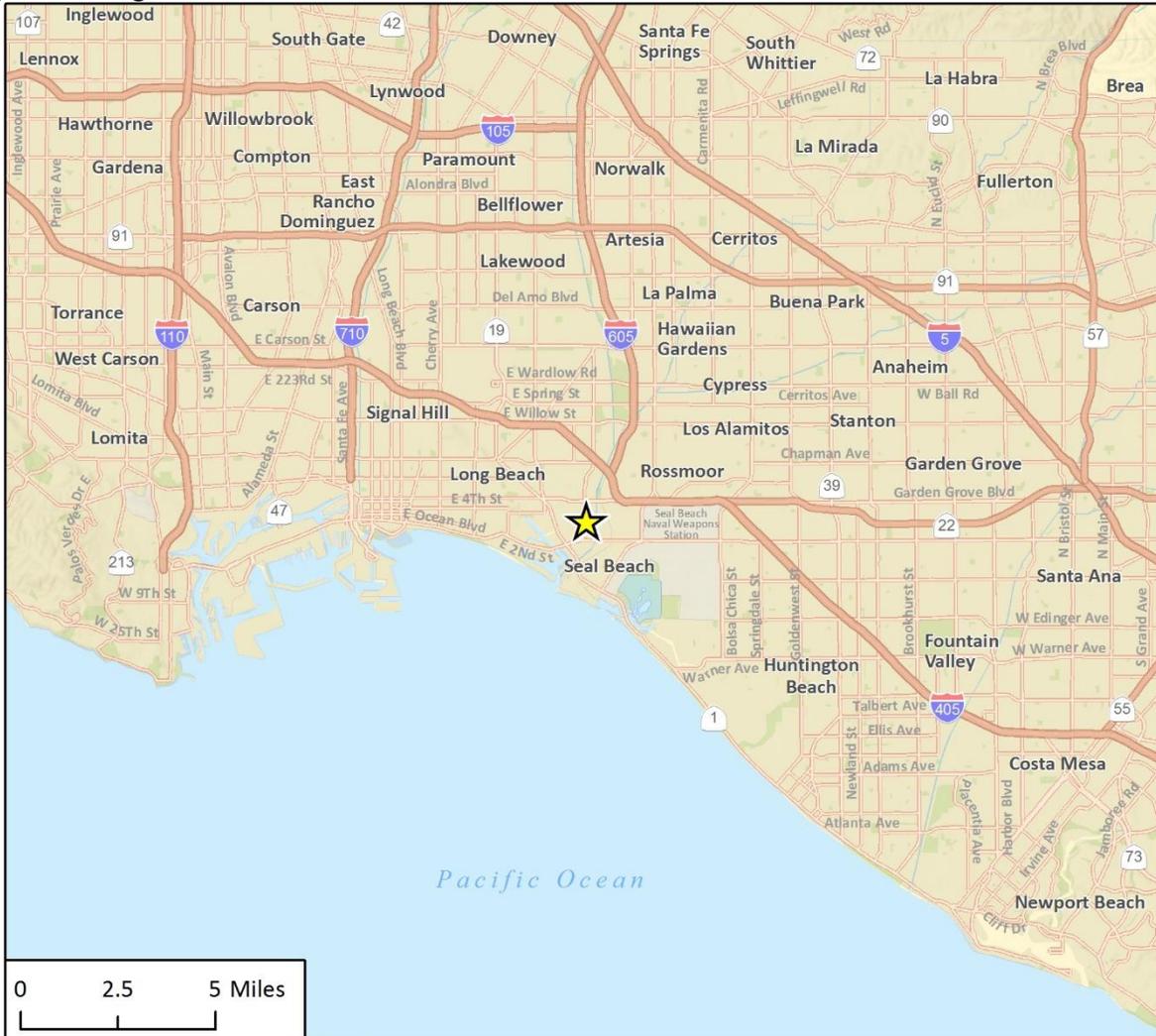
# Attachment B

---

Figures



Figure 1 Regional Location



Imagery provided by Esri and its licensors © 2019.

 Project Location

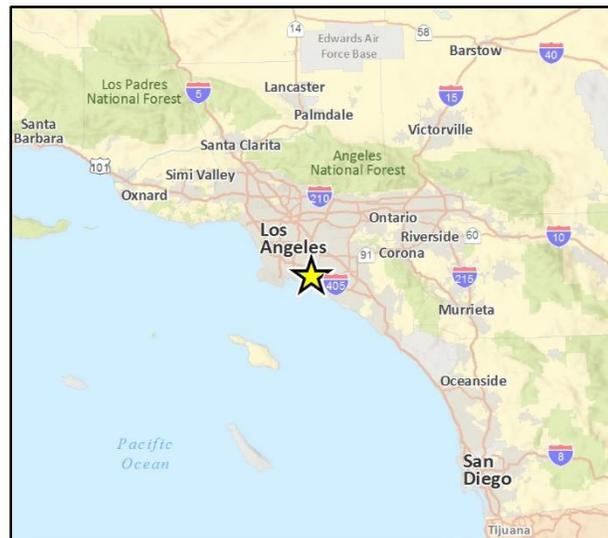
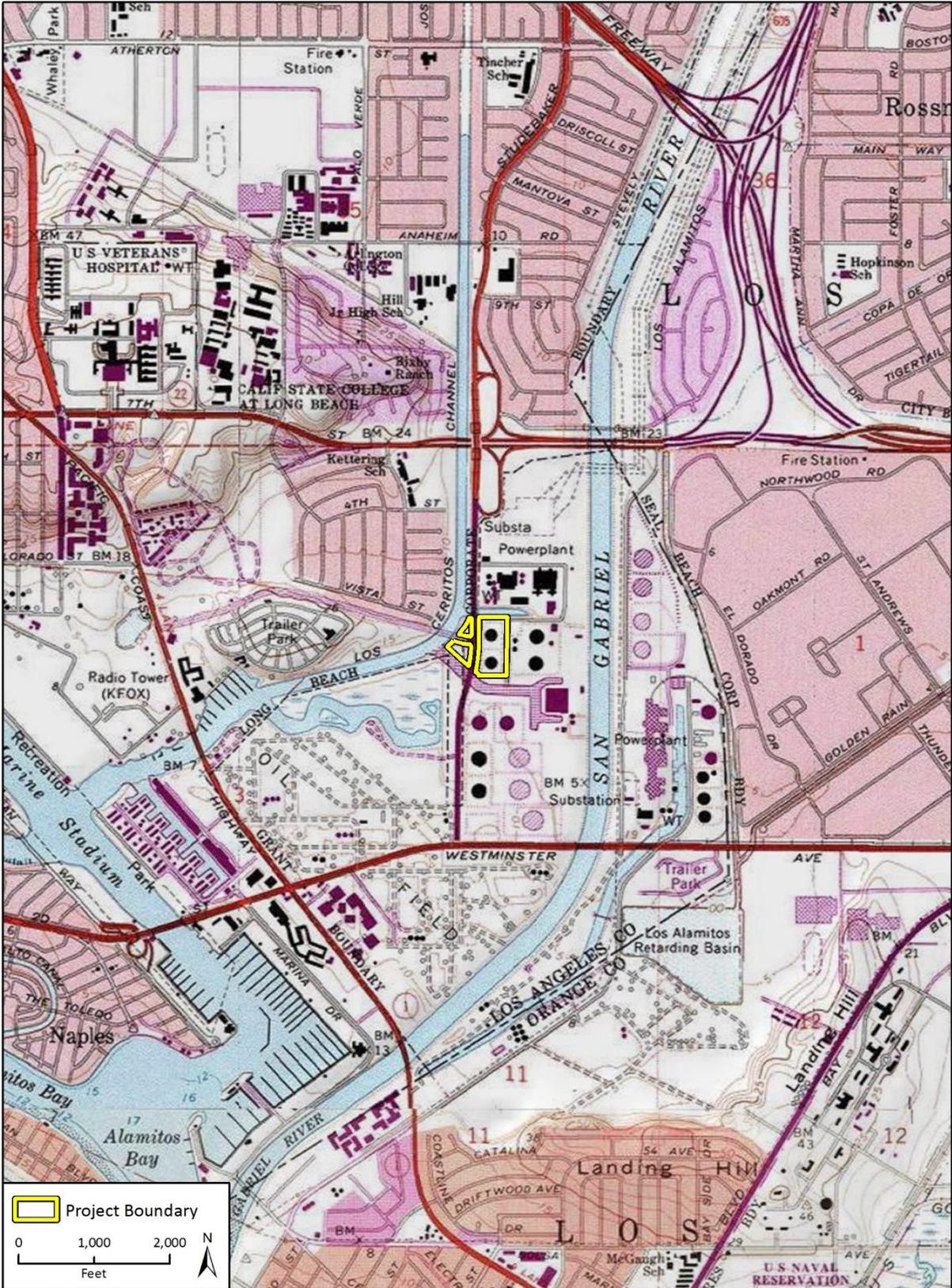


Fig. 1 Regional Location

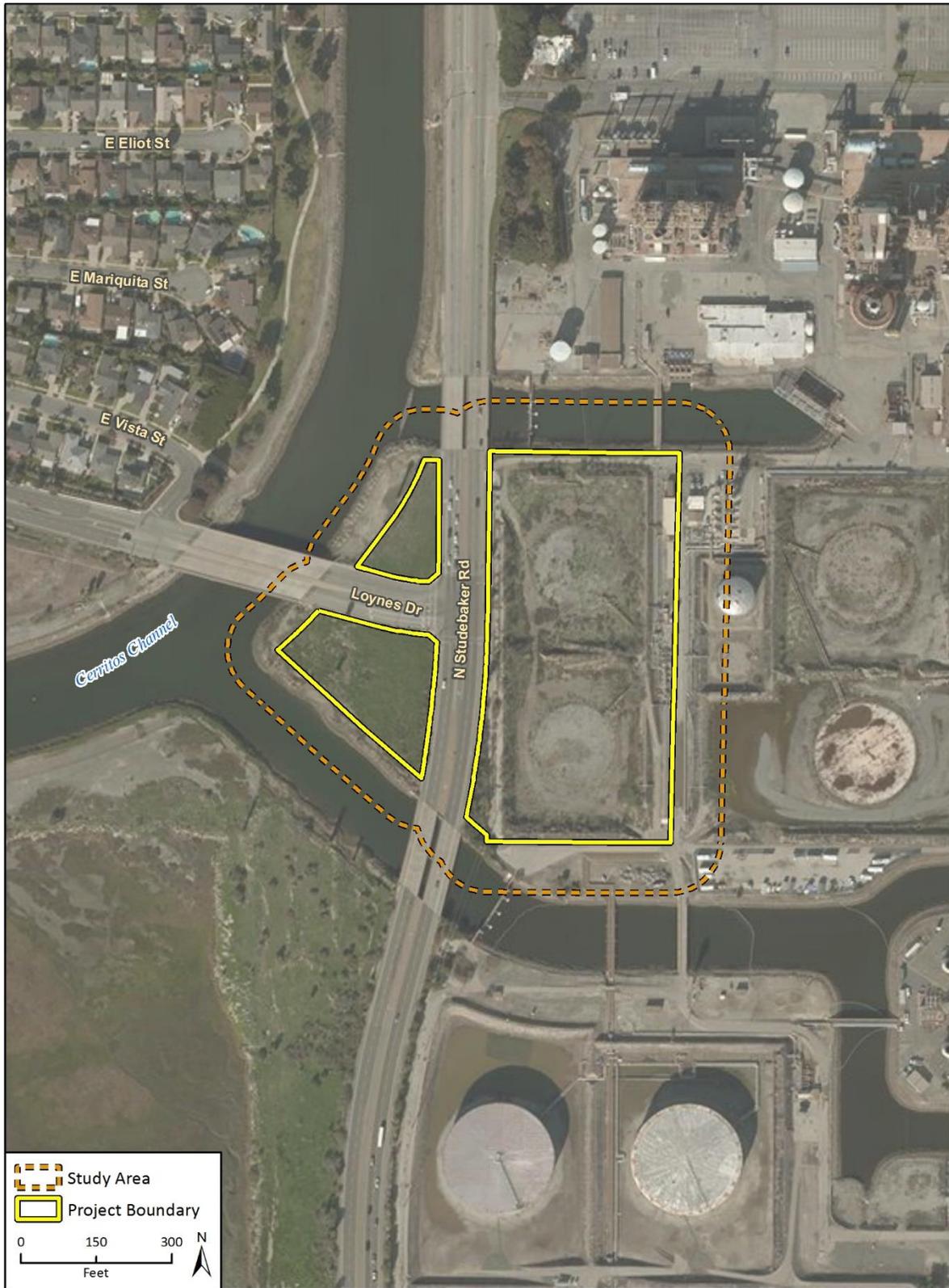
Figure 2 Project Location



Imagery provided by National Geographic Society, Esri and its licensors © 2019. The topographic representation depicted in this map may not portray all of the features currently found in the vicinity today and/or features depicted in this map may have changed since the original topographic map was assembled.



Figure 3 Project Location and Study Area

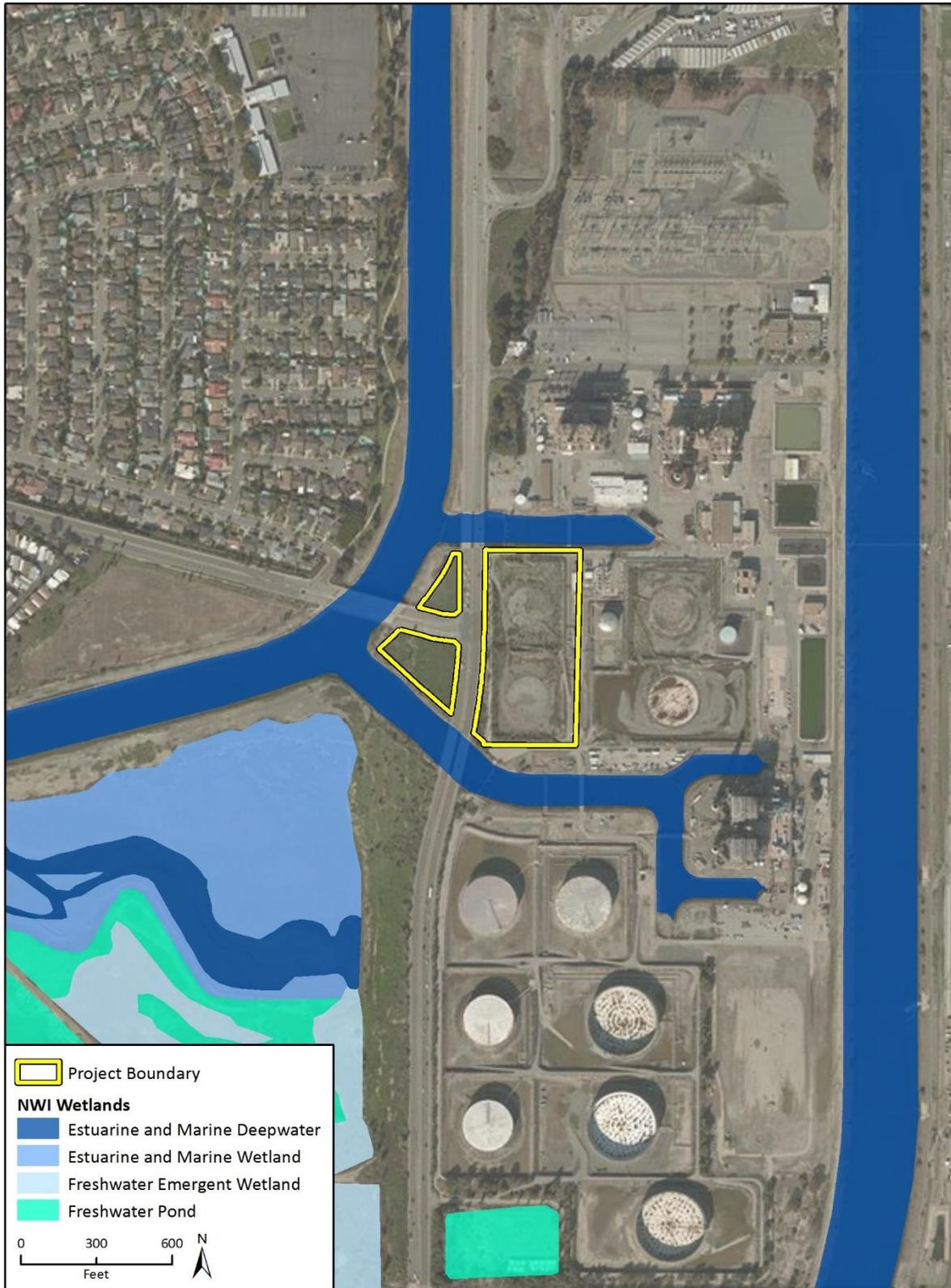


Imagery provided by Microsoft Bing and its licensors © 2019.

Boring @ Project Location



Figure 4 National Wetlands Inventory Map



Imagery provided by Microsoft Bing and its licensors © 2019.

Wetlands data provided by U. S. Fish and Wildlife Service. 2017. National Wetlands Inventory. U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C.

Fig 3 National Wetlands Inventory Map

# Attachment C

---

Representative Site Photographs



**Photograph 1.** Overview of project site east of Studebaker Road. The berm surrounding the site is visible on the right side of the photo. Photograph was taken from the north side of parcel, facing south.



**Photograph 2.** View of fence and edge of paved AES access road that forms a boundary between the site and the cold-water intake channel. Photograph facing northeast.



**Photograph 3.** View of fence and edge of paved AES access road that forms a boundary between the site and the cold-water intake channel. Photograph facing east.



**Photograph 4.** View of boundary between the proposed restoration area on the right and the Cerritos Channel on the left. The vegetated area visible in this photograph on the right would be revegetated with native vegetation. This area is fenced off from the Cerritos Channel and an area of compacted sand and gravel separates them.



**Photograph 5.** View of parcel on the south side of Loynes Drive that would be revegetated with native vegetation. This parcel is also fenced and separated from the Cerritos Channel similar to Photograph 4 above.



**Photograph 6.** View of parcel on the north side of Loynes Drive that would be revegetated with native vegetation.