
**URS, "Preliminary Jurisdictional Determination for the Newhall Ranch
Resource Management and Development Plan Site and Entrada Planning
Area, Los Angeles County, California" (2009)**

April 8, 2009

Dr. Aaron Allen, SPL
U.S. Army Corps of Engineers
2151 Alessandro Dr. #110
Ventura, California 93001

Re: Preliminary Jurisdictional Determination for the Newhall Ranch Resource Management and Development Plan Site and Entrada Planning Area, Los Angeles County, California

Dear Dr. Allen:

Please accept this letter as our preliminary Jurisdictional Determination (JD) for the Newhall Ranch Resource Management and Development Plan (RMDP) site. The Newhall Land and Farming Company (Newhall Land) has submitted an Individual 404 Permit application (File No. 2003- 01264- AOA) for Department of the Army authorization of impacts under the RMDP, including approximately 80 acres of permanent impacts to waters of the United States for the construction of roads, flood control structures and associated infrastructure for the Newhall Ranch Specific Plan in the Santa Clara River and several tributaries near Santa Clarita in Los Angeles County, California. The Corps is currently preparing an Environmental Impact Statement (EIS) prior to making a permit decision (a joint EIS/EIR is being prepared in consult with the California Department of Fish and Game, which also discloses impacts of the RMDP pursuant to CEQA requirements). As detailed below, multiple delineation efforts have been completed on the site in support of the EIS/EIR process between 2004 and 2009.

The RMDP project is a multi-phased development proposed to occur over an extended period of time (approximately 20 years). Accordingly, impacts to waters of the U.S. will also occur over an extended period. Due to the long-term nature of the proposed Individual Permit, Newhall Land is proceeding under a preliminary JD for planning purposes, and will seek approved JDs prior to construction of project components requiring Section 404 authorization. This approach allows for consideration of any changes in the exact location or extent of waters of the U.S. onsite, as well as other changes, that may occur over the 20-year implementation period of the proposed RMDP.

1.0 INTRODUCTION AND BACKGROUND

Newhall Land owns the Newhall Ranch RMDP site, a 13,651-acre property located in the Santa Clarita Valley in northern Los Angeles County. The Santa Clara River traverses the RMDP site in an east-west direction, and a substantial number of tributary drainages run north-south conveying flows from upland areas to the river. The Newhall Land and Farming Company has submitted an application (File No. 2003-01264-AOA) for Department of the Army authorization to permanently impact approximately 80 acres of waters of the United States for the construction of roads, flood control structures and associated infrastructure for the Newhall Ranch Specific Plan in the Santa Clara River and several tributaries near Santa Clarita. Project implementation is expected to occur over a 20 year period. The Corps determined that issuance of such a permit would require environmental analysis under the National Environmental Policy Act (NEPA), and issued a Notice of Intent to prepare an EIS in early 2004. Since that time, collection of data and completion of required evaluation of the proposed permit's effect on the environment has been ongoing.

In 2003, URS Corporation completed field investigations delineating all areas within the RMDP site that exhibited an ordinary high-water mark; a delineation report was prepared in early 2004. The report was submitted to the Corps (see Attachment B), and the Corps responded with a letter approving the jurisdictional boundaries as delineated, but stipulating that their approval would remain valid only for a five-year term. During that term, large storm events in the 2004-2005 season scoured and reshaped the channel, altering the width and location of the active river channel within the floodplain. Further, the scope of the EIS/EIR necessitated additional delineation work, including a delineation of waters within the Entrada planning area (adjacent to the RMDP site, see Attachment C) and a delineation of wetlands within the RMDP site (see Attachment D). These additional delineation reports have not previously been submitted to the Corps. A preliminary jurisdictional delineation approach to the long-term permit is justified due to the geomorphologic and hydrodynamic processes apparent in the Santa Clara River. Large storm events, termed "reset" events, can completely reconfigure the channel, altering channel width and the location of the active channel within the floodplain. The channel then remains in this altered configuration, enduring minor changes due to smaller storm events and other perturbations, until the next reset event occurs, reconfiguring the floodplain once again. In 2007, Balance Hydrologics conducted a study evaluating the extent to which various factors influence the morphology of the Santa Clara River channel. The need for this study arose from concerns regarding the potential hydrologic and hydraulic effects of bridges, bank stabilization, and increased impervious surfaces within the RMDP site on river channel morphology within and downstream of the site. The study used historic aerial photographs to describe changes to the

river channel and floodplain that occurred due to major perturbations (extreme wet and dry weather cycles, dam construction at Castaic Lake, dam failure at St. Francis Dam, urbanization in the watershed, and waste water treatment works discharging to the river) over the last century. The study observed that some perturbations, such as construction of Castaic Dam and an increase in dry-season flows due to treatment plant discharge, appear to have had only minor effects on channel morphology, and that these effects are masked by the much larger morphological changes that occur in response to large storm events.

The results of the Balance Hydrologics study are important, because the proposed Individual Section 404 Permit desired by Newhall Land would authorize the construction of various facilities within the river over a 20-year period, with maintenance occurring under the permit for a total of 50 years. Due to this long project timeframe, it is possible that a reset event could occur between the time jurisdictional areas are delineated and the time the impact actually occurs. However, to allow an accurate evaluation of project impacts and to ensure appropriate mitigation, a delineation of jurisdictional areas is needed where intervening changes in channel configuration have not occurred. To address this need, the proposed permit would involve individual, site-specific JDs to be conducted prior to construction of any project element, and submitted to the Corps for approval as a component of a pre-construction notification under the Individual 404 Permit. The acreage of mitigation required would be based on the approved JD rather than on the preliminary JD presented below. Thus, this preliminary JD is intended primarily for planning purposes and to provide a basis for evaluating impacts of the RMDP on waters of the U.S. under current conditions.

2.0 JURISDICTIONAL DETERMINATION METHODS

The jurisdictional boundaries presented in this preliminary JD were mapped during three separate field investigations that were conducted on the RMDP site between 2003 and 2007. The formal reports from these investigations are included as Attachments B through D, and the investigations are described briefly below:

- **URS Corporation, 2004: Jurisdiction Delineation Package.** This investigation field mapped all areas within the RMDP site that exhibited an ordinary high-water mark during the summer and fall of 2003. Mapping was conducted using sub-meter accurate GPS units, and a GIS layer was constructed from the resulting polygons. The Santa Clara River and all tributaries within the RMDP site were mapped, including both banks where feasible. In smaller drainages where the accuracy of the GPS units was insufficient to allow separate mapping of both banks, the centerline of the stream was mapped and a fixed measured width was then applied to the center line in GIS to create a polygon. This study did not take into consideration the presence of wetlands, and no wetland delineation

forms were completed. It is therefore possible that wetlands could exist both within and beyond the ordinary high-water mark boundaries mapped, and this investigation therefore does not represent a complete delineation of all waters of the U.S. within the RMDP site. The ordinary high-water mark boundaries mapped in this study were approved by the Corps in 2004.

- **Lukos and Associates, 2008: Jurisdictional Delineation for Entrada, an Approximately 850-Acre Property in Los Angeles County, California.** This investigation mapped six drainage segments within the Entrada planning area, a parcel owned by Newhall Land and located immediately adjacent to the RMDP site. Although the proposed Section 404 Permit would not authorize any discharge of fill material within the Entrada planning area, waters within that area were delineated because Entrada falls within the geographic scope of Newhall Land's Spineflower Conservation Plan, a related, non-federal project that would facilitate an urban development on Entrada that could potentially affect jurisdictional waters. This investigation delineated all waters of the U.S. within the Entrada planning area, including both wetlands and non-wetland waters, mapping the features on a 200-scale basemap using visible landmarks. The mapped polygons were digitized into a GIS layer, in which wetland polygons were distinguishable from non-wetland waters.
- **URS Corporation, 2009: Newhall Ranch RMDP Composite Wetland Delineation.** This investigation's geographic scope encompassed the entire RMDP site, and the study was focused on Corps-jurisdictional wetlands, as these were not considered in the URS 2004 delineation. Due to the large size of the RMDP site, combined with the inherent morphological dynamism of the Santa Clara River documented in the 2007 Balance Hydrologics study, field delineation of all wetlands within the RMDP site was not performed. Rather, field delineations in this study were limited to wetland areas within tributary drainages, which are less morphologically dynamic than the river, and wetland areas along the river in areas where major project components, such as roadway bridges across the river, are proposed. For the remainder of the river corridor, this study incorporated the results of a planning-level delineation effort undertaken by URS Corporation and Dudek and Associates in 2006, which mapped wetlands based on topographic and vegetation maps and high-resolution (six-inch pixels) aerial photography. Areas within and adjacent to the active channel of the river where riparian vegetation was evident on aerial photos were mapped as wetlands. The study notes that this is a conservative approach that may actually overstate the extent of wetlands onsite, because wetlands were delineated based on vegetation and hydrology, but not soils. For areas where wetlands were mapped in the field, the report includes the associated data forms. The study compiled both types of wetland data (field delineated and planning-

level, aerial photo delineated) into a GIS layer showing the full extent of wetlands within the RMDP site.

The GIS data produced from the three studies described above were compiled to create a consolidated layer showing the full extent of waters of the U.S., including wetlands, within the RMDP site and the adjacent Entrada planning area. This data layer will be used for planning purposes, including identification and evaluation of project alternatives and environmental analysis under NEPA and CEQA, but will be superseded by refined, site-specific, approved JDs to be conducted prior to construction. These approved JDs will be the basis for determining the exact extent of impacts and mitigation required.

3.0 RESULTS: WATERS OF THE UNITED STATES WITHIN THE RMDP SITE AND ENTRADA PLANNING AREA

As stated previously, the delineated boundaries presented in this preliminary JD are taken from three field studies conducted between 2003 and 2007. This section presents a brief description of the aquatic resources within the RMDP site, and quantitatively presents the current acreages of all waters of the U.S. (both wetland and non-wetland) as mapped in the source studies.

The RMDP site contains a diverse array of jurisdictional drainages, which vary in size from small, first and second order headwater streams to a reach of the much larger Santa Clara River. The river traverses the site flowing in a westward direction, and the onsite tributary drainages generally run perpendicular, conveying flows southward and northward into the river from the mountains and foothills on either side (See Figure 1). The small tributaries, large tributaries, and river mainstem onsite differ in their physical and biological characteristics, but all three of these drainage types provide important physical and biological functions.

3.1 RMDP Site: Small Tributaries

The smallest tributary streams onsite are ephemeral drainages, which support surface flows for only a short duration following rain events. With the exception of Magic Mountain canyon, which receives flows from areas south of the RMDP site boundary, the ephemeral drainages onsite have their watersheds almost completely contained within the RMDP site. The ephemeral streams onsite lack riparian vegetation, and are covered instead with a combination of upland vegetation types and river wash (unvegetated channel). The canyon mouths of these drainages can provide limited refuge habitat for aquatic species during periods of high river flow, although the lack of relatively permanent flow in ephemeral

streams generally precludes their use by aquatic species. In addition, the large number and varied location of these tributaries (of the 22 tributary drainages onsite, 15 are ephemeral) provides opportunities for wildlife to use the ephemeral tributary drainages as movement corridors between the Santa Clara River and upland portions of the project site.

Although ephemeral tributaries constitute the majority of streams within the RMDP site, the acreage they encompass is relatively minor because these channels are much narrower than the channels of the larger tributaries onsite. The 22 ephemeral tributary drainages within the RMDP site currently contain a combined total of 30.3 acres of non-wetland waters of the U.S. (see Table 1). The ephemeral drainages onsite do not support any jurisdictional wetlands.

3.2 RMDP Site: Large Tributaries

In addition to the small ephemeral streams identified above, the RMDP site also contains seven tributaries that support surface flows at least intermittently in some reaches. Two of these seven (Potrero Canyon and Salt Creek) have reaches that support perennial flows during most years. The intermittent streams onsite are substantially longer than the ephemeral tributaries, and originate in the Santa Susana Mountains (south side of the river) and the lower reaches of the San Gabriel Mountains (north side of the river), outside the RMDP site boundary. (The only exception to this is Salt Creek, which is entirely within the RMDP site by definition because the Salt Creek watershed boundary forms the southern boundary of the site.) The site's intermittent tributaries support riparian vegetation in many reaches; this vegetation consists primarily of southern willow scrub and mule fat scrub.

In total, the seven larger, intermittent and perennial tributaries within the RMDP site contain approximately 140 acres of non-wetland waters of the U.S. and an additional 12.2 acres of jurisdictional wetlands, (see Table 1). Currently, the total Corps jurisdiction within these tributaries is therefore approximately 152 acres. Of this total, more than half (85.4 total acres of waters of the U.S.) are within the Salt Creek watershed.

3.3 RMDP Site: Santa Clara River Mainstem

The river main stem is the receiving water for all of the tributary drainages within the RMDP site, as well as 644 square miles of mainstem and tributary watersheds upstream of the project reach. The mainstem has a much lower gradient compared to the tributaries, and supports a substantial floodplain with an extensive mosaic of braids, bars and terraces. Within the RMDP site, the river mainstem exhibits year round surface flows (supported in part by effluent discharges from upstream treatment works). These flows are adequate to

support resident populations of many fishes and aquatic reptiles and amphibians. The river mainstem supports an extensive riparian community comprised of mature cottonwood forests beyond the ordinary high water mark, successional riparian communities on bars and terraces, and emergent wetlands near the active channel. These vegetation types provide suitable breeding and foraging habitat for many wildlife species. The river mainstem also serves as an east-west wildlife corridor through the project area, and connects natural open spaces along its length.

Within the RMDP site, the Santa Clara River mainstem currently supports approximately 215 acres of non-wetland waters of the U.S., and an additional approximately 237 acres of adjacent wetlands. The river mainstem within the RMDP site therefore contains a total of approximately 452 acres of waters of the U.S.

3.4 RMDP Site: Spring Complex

In addition to the river and streams described above, the RMDP site also contains the Middle Canyon spring, a slope wetland located on an upper terrace along the southern bank of the Santa Clara River just downstream from the confluence with Middle Canyon (one of the site's ephemeral drainages). The spring complex is a unique aquatic resource in the RMDP site supporting snail and sunflower species that are taxonomically undescribed and may only occur in this location regionally. The spring is fed perennially by flows from the shallow alluvial groundwater system in lower Middle Canyon, which is connected to the spring through permeable beds directing groundwater flow to the spring (see Figure 1).

The spring complex does not contain any non-wetland waters of the U.S., but supports approximately 2.14 acres of jurisdictional wetlands (see Table 1).

3.5 Entrada Planning Area: Small Drainages

The Entrada planning area contains six distinct drainage segments comprising three drainages. All three of Entrada's drainages are ephemeral, and are similar in many ways to the ephemeral drainages within the RMDP site. The channels are vegetated primarily with upland plant communities, and contain areas where the channel is unvegetated. Flows from ephemeral streams within the Entrada planning area flow to the north, and leave the site at the boundary with the Magic Mountain theme park. One of the drainages within the Entrada planning area contains a jurisdictional wetland are supported by nuisance flows from a storm drain outlet.

One of Entrada's drainages (identified in the Lukos 2008 report as Drainage A) is contained mostly within the RMDP site and was delineated in the URS 2004 JD. The acreage of this drainage has been deducted from the Entrada total to prevent double-counting this drainage. The ephemeral drainages within Entrada (excluding Drainage A) contain a current total of 3.05 acres of non-wetland waters and 0.17 acres of wetlands, for a total of 3.22 acres of waters of the U.S.

The acreages of waters of the U.S. within the RMDP site and Entrada planning area are presented in Table 1, below. The locations of waters of the U.S. on the site are also depicted graphically on Figure 1.

TABLE 1
WATERS OF THE UNITED STATES, INCLUDING WETLANDS,
WITHIN THE RMDP SITE AND ENTRADA PLANNING AREA


Drainage	Non-Wetland Waters of the United States (Acres)	Corps Adjacent Wetlands (Acres)	Total Waters of the United States (Acres)
Santa Clara River	215.00	237.00	452.00
Salt Creek	79.70	5.67	85.40
Potrero Canyon	31.40	6.52	37.90
San Martinez Grande Canyon	2.55	0.00	2.55
Chiquito Canyon	12.20	0.00	12.20
Long Canyon	5.70	0.00	5.70
Lion Canyon	6.86	0.00	6.86
Humble Canyon	1.91	0.00	1.91
Minor Ephemeral Drainages Within RMDP Study Area	30.30	0.00	30.30
Spring Complex	0.00	2.14	2.14
Subtotal RMDP Site	386	251	637
Entrada Unnamed Drainages	3.05	0.17	3.22
Subtotal Entrada Planning Area	3.05	0.15	3.20
Grand Total	389	251	639

Dr. Aaron Allen
U.S. Army Corps of Engineers
April 8, 2009
Page 9 of 9

We look forward to continuing work with your agency on this project, and wish to ensure that this preliminary JD submittal meets all applicable requirements. Should you have any questions regarding this submittal, please contact Christopher Julian of URS Corporation at (805) 964-6010.

Sincerely,

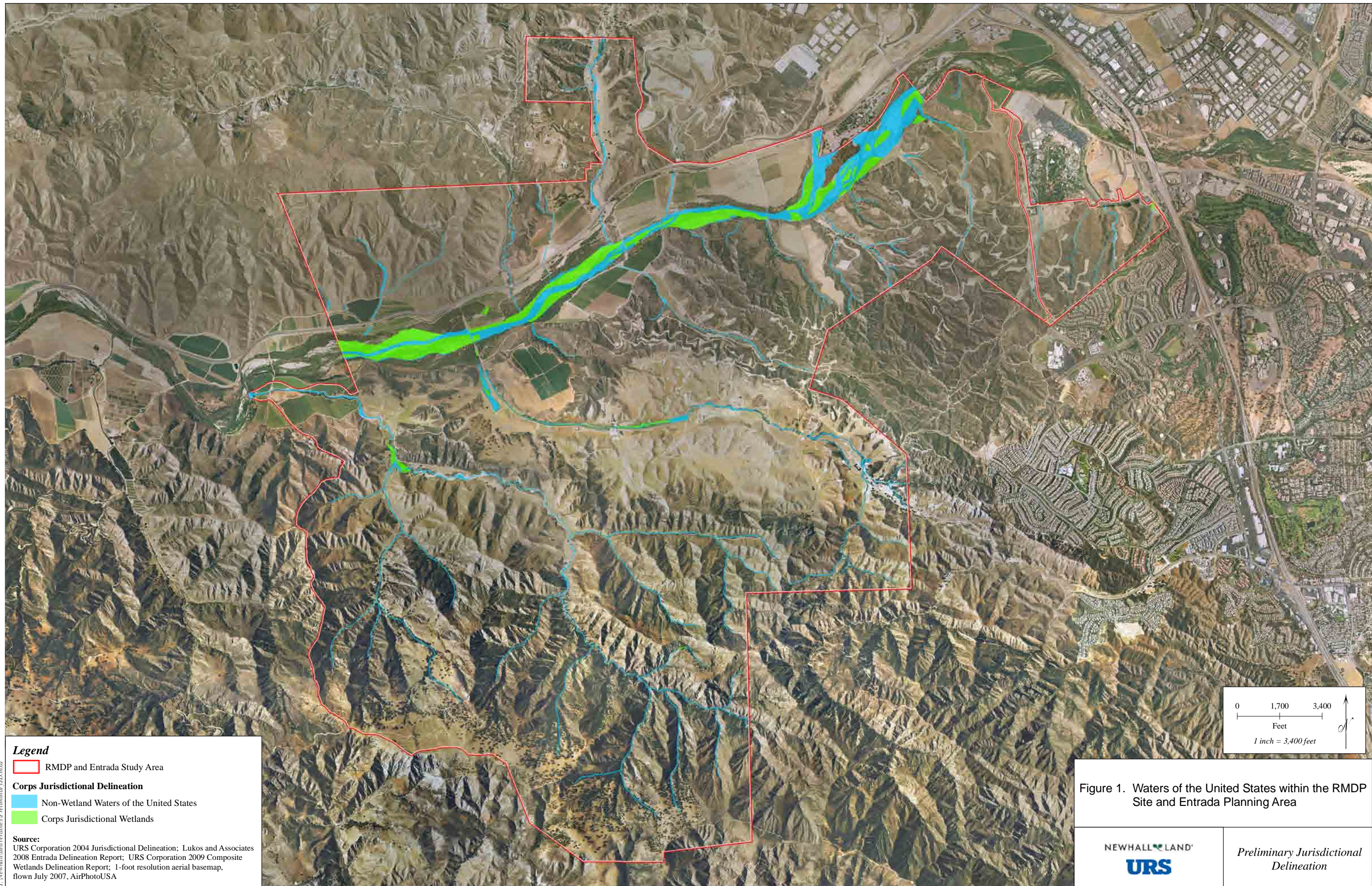
URS Corporation



Christopher Julian
Project Biologist/Regulatory Specialist

List of Attachments

- Attachment A Preliminary Jurisdictional Determination Form
- Attachment B URS Corporation 2004 Jurisdictional Delineation
- Attachment C Lukos and Associates 2008 Entrada Delineation Report
- Attachment D URS Corporation 2009 Composite Wetlands Delineation Report



Legend

- RMDP and Entrada Study Area

Corps Jurisdictional Delineation

- Non-Wetland Waters of the United States
- Corps Jurisdictional Wetlands

Source:
 URS Corporation 2004 Jurisdictional Delineation; Lukos and Associates 2008 Entrada Delineation Report; URS Corporation 2009 Composite Wetlands Delineation Report; 1-foot resolution aerial basemap, flown July 2007, AirPhotoUSA

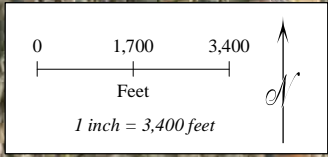


Figure 1. Waters of the United States within the RMDP Site and Entrada Planning Area

NEWHALL LAND
 URS

Preliminary Jurisdictional Delineation

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

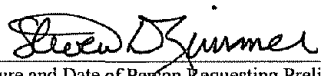
District Office	LOS ANGELES	File/ORM #	2003-01264-AOA	PJD Date:	Apr 7, 2009	
State	CA	City/County	Los Angeles County			
Nearest Waterbody:	Santa Clara River					
Location: TRS, LatLong or UTM:	Approximate site center at 347752.848962, 3807607.71454 (UTM NAD83, Meters).			Name/ Address of Person Requesting PJD	Newhall Land and Farming Company 23823 Valencia Blvd. Valencia, CA 91355	
Identify (Estimate) Amount of Waters in the Review Area:			Name of Any Water Bodies on the Site Identified as			
Non-Wetland Waters:			Tidal: None			
~220k linear ft	var.	width 389 acres	Stream Flow: N/A			
Wetlands: 251 acre(s)			Section 10 Waters: Non-Tidal: None			
Cowardin Class: Palustrine, scrub-shrub			<input checked="" type="checkbox"/> Office (Desk) Determination <input checked="" type="checkbox"/> Field Determination: Date of Field Trip: Several, see reports			

SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: See accompanying survey reports
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite quad name: Val Verde, Newhall, Santa Susana Mtns, Oat Mtn.
- USDA Natural Resources Conservation Service Soil Survey. Citation: USDA Soil Survey of San Francis Area, California
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: 865 ft. amsl
- Photographs: Aerial (Name & Date): Robert J. Lung & Associates, 2006; Psomas, 2003
 - Other (Name & Date):
- Previous determination(s). File no. and date of response letter: File 2003-01264-AOA; response date 2/4/2004
- Other information (please specify): See accompanying survey reports

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Signature and Date of Regulatory Project Manager
(REQUIRED)


Signature and Date of Person Requesting Preliminary JD
(REQUIRED, unless obtaining the signature is impracticable)

EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.