

- (2) All interstate waters including interstate wetlands;
- (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams) ...the use, degradation or destruction of which could affect interstate or foreign commerce...;
- (4) All impoundments of waters otherwise defined as waters of the United States under the definition; and
- (5) Tributaries of waters defined in paragraphs (a) (1)-(4) of this section.”

The Corps typically regulates as waters of the United States any body of water displaying an “ordinary high water mark” (OHWM). Corps jurisdiction over non-tidal waters of the United States extends laterally to the OHWM or beyond the OHWM to the limit of any adjacent wetlands, if they are present (33 CFR 328.4). Jurisdiction typically extends upstream to the point where the OHWM is no longer perceptible.

The Corps and the U.S. Environmental Protection Agency (EPA) define wetlands as follows:

“Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions.”

In order to be considered a “jurisdictional wetland” under Section 404, an area must possess three wetland characteristics: hydrophytic *vegetation*, hydric *soils*, and wetland *hydrology*. Each characteristic has a specific set of mandatory wetland criteria that must be satisfied in order for that particular wetland characteristic to be met. Several parameters may be analyzed to determine whether the criteria are satisfied.

3.10.4.2 State Laws

The California Water Code contains provisions that regulate water and its use. Division 7 covers water quality protection and management. This Division is known as the Porter-Cologne Act, and it establishes a program to protect water quality and beneficial uses of the state water resources and includes both ground and surface waters. The State and Regional Water Quality Control Boards are the principal state agencies responsible for control of water quality. The State and Regional Water Quality Control Boards establish waste discharge requirements, water quality control planning and monitoring, enforcement of discharge permits, and ground and surface water quality objectives. They also prevent waste and unreasonable use of water and adjudicate water rights.

The California Code of Regulations also contains administrative procedures for the State and Regional Water Quality Control Boards in Title 23 and for water quality for domestic uses, wastewater reclamation, and hazardous waste management in Title 22.

Through provisions of the California Fish and Game Code (Sections 1601-1603), the California Department of Fish and Game (CDFG) is empowered to issue agreements for any alteration of a river, stream, or lake where fish or wildlife resources may be

adversely affected. Streams (and rivers) are defined by the presence of a channel bed and banks, and at least an intermittent flow of water. CDFG regulates wetland areas only to the extent that those wetlands are part of a river, stream, or lake as defined by CDFG.

3.10.5 Data Files Used for the Evaluation

The following data files were used in amplifying the comparative information used to evaluate potential impacts of the alternatives. Complete information is included in Appendix A of the Surface Water Hydrology, Floodplain Encroachment, and Water Quality Technical Report (LSA, 2002). Discussions of the development of “build out” data are included in Section 4.10.1.

Data	Description
Blue line streams	USGS DLG blue lines for streams in western county
Channel improvements	RCFC&WCD facilities mapping
Land use (existing)	Riverside County/SCAG information with updates from aerial photos
Land use (build out)	Planning Center (2002) projected parcel designations
Floodplains (existing)	USGS, FEMA mapping
Floodplains (build out)	USGS DLG blue lines and build out land use parcel designations
Impaired waters (existing)	EPA/SCRCQB 303(d) waters listing
Impaired waters (build out)	USGS DLG bluelines and build out land use parcel designations
Slope	Integration of USGS topographic mapping
Beneficial uses	SARWQCB and SDRWQCB Basin Plans