



May 20, 2020

Mr. Matt Quaglino  
Quaglino Properties  
815 Fiero Lane  
San Luis Obispo, California 93401

**RE: Supplemental Information for the Proposed Aerovista Commercial Development Project located at 862 Aerovista Place, San Luis Obispo, California**

Dear Mr. Quaglino,

Terra Verde Environmental Consulting, LLC (Terra Verde) has prepared this memorandum to provide clarification on the delineation of waters and wetlands in support of the proposed Aerovista Commercial Development Project (project) located at 862 Aerovista Place, San Luis Obispo, California (APN 053-412-015). The proposed project includes a commercial development, including parking and associated infrastructure on the approximately 2.41-acre property. The design plan includes re-routing a portion of an unnamed ephemeral drainage around proposed development.

This memorandum is intended to provide clarification on the delineation of waters and wetlands and provide supplemental information on the design of the re-routed drainage.

**Federal Jurisdiction**

Per the Waters and Wetlands Delineation Report prepared by Storrer Environmental Services (SES) 2019 for the subject property, no federal wetlands were identified on site. Specifically, three soil test pits (SP01-SP03) were dug within areas that exhibited clear indicators of hydrophytic vegetation and hydrology to assess presence of hydric soil indicators. Though hydrophytic vegetation was dominant at all three test pits and evidence of drainage patterns were also observed, no hydric soils were present at any of the three test pits. As such, no areas were determined to meet the three parameter requirements to be considered a federal wetland.

The area located at the outlet of the 36-inch culvert under Aerovista Place which supports a dense stand of wetland vegetation including cattails (*Typha* sp.) and arroyo willow (*Salix lasiolepis*) has likely opportunistically established due to increased runoff and flow from surrounding



development, an uphill septic leach field, and impervious surfaces. Though this area supports a dense stand of obligate species, soil test pits at this location did not identify the presence of hydric soil indicators. Please refer to the Waters and Wetland Delineation Report (SES 2019; Appendix C – Wetland Determination Data Forms) for details on each sampling point. It should be noted that although this specific stand of wetland vegetation was not determined to be a federal wetland, it is a resource that will be avoided as a part of the project and is discussed in further detail below.

Although no federal wetlands were identified, federal waters were observed on site. Specifically, the unnamed ephemeral drainage that enters the property through a 36-inch culvert under Aerovista Place (Drainage 1) exhibits a well-defined bed and bank and evidence of an ordinary high-water mark (OWHM). This feature enters another culvert on the northwest side of the property and outlets into the east fork of San Luis Obispo Creek and eventually the traditionally navigable waters of the Pacific Ocean. As such, this drainage is considered waters of the U.S.

The Waters and Wetlands Delineation Report (SES 2019) identified the shallow swale at the northeast corner of the property (Drainage 2) as likely waters of the U.S. However, Ms. Emma Ross, Project Manager with the U.S. Army Corps of Engineers (Corps), determined that this feature is a stormwater run-off swale and likely not considered waters of the U.S. (*pers. communication* March 17, 2020). A revised impact exhibit has been prepared to support the subsequent determination, which shows the limits of waters of the U.S. restricted to Drainage 1 (see Attachment A –Revised Jurisdictional Impact Exhibit). Please refer to Table 1 below for a revised summary of jurisdictional impacts to waters of the U.S. for the subject project.

**Table 1. Summary of Impacts**

Jurisdiction	Type of Impact	Area	Total Impacts
<b>Waters of the State</b>	Temporary	0.17 acre / 537 LF	0.25 acre / 897 LF
	Permanent	0.08 acre / 360 LF	
<b>Waters of the U.S.</b>	Temporary	0.04 acre / 216 LF	0.065 acre / 329 LF
	Permanent	0.025 acre / 113 LF	

**State Jurisdiction**

Waters of the State under the jurisdiction of the California Department of Fish and Wildlife (CDFW) and the Regional Water Quality Control Board (RWQCB) extend to the limits of top of bank and/or edge of riparian vegetation where present. For the most part, all riparian and wetland vegetation were contained within the banks of Drainage 1 and Drainage 2, except where the edge of the willow canopy extended beyond the top of bank of Drainage 1. Please refer to Attachment A for an overview of the limits of waters of the State and Table 1 above for a summary of jurisdictional impacts to waters of the State.



The State of California Office of Administrative Law recently approved the State Water Resources Control Board (SWRCB) State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures), which define state wetlands by a three parameter requirement similar to federal wetlands. Since no hydric soils were found on site during the waters and wetlands assessment, the site lacked all three parameters and therefore no State wetlands were determined to be on site.

**Updated Project Description**

The project has undergone extensive design changes to avoid and/or minimize impacts to sensitive resources including federal and state waters. Specifically, the original design included piping Drainage 1 through a culvert beneath the proposed development to maintain its current alignment and connection to downstream waters. The new design includes re-routing the existing drainage around the border of the development to maintain the natural bottom channel and provide opportunity for enhancement through native plantings. As mentioned above, all efforts will be made to avoid the stand of wetland vegetation located at the outlet of the 36-inch culvert under Aerovista Place. The new channel will be approximately 7 feet wide from top of bank to top of bank with an approximately 1-foot wide channel and 2:1 slopes. Based on the topography of the adjacent site being higher in elevation than the property and the design of the reconstructed section of channel, flooding is not expected to occur on adjacent properties.

**Mitigation**

Proposed planting of the reconstructed channel as well as remaining sections of Drainage 1 and Drainage 2, are expected to offset unavoidable impacts. Since Drainage 2 will be still be enhanced as a part of mitigation efforts, no changes have been proposed for compensatory mitigation. Compensatory mitigation, as proposed in the Compensatory Mitigation Plan (Terra Verde 2020), is summarized below.

**Table 1. Summary of Proposed Compensatory Mitigation**

<b>Jurisdiction</b>	<b>Total Mitigation</b>
<b>Waters of the State</b>	0.21 acre / 897 LF
<b>Waters of the U.S.</b>	0.085 acre / 329 LF
<b>Created Waters of the State<sup>1</sup></b>	0.08 acre / 0 LF
<b><i>Total</i></b>	<b><i>0.29 acre / 897 LF</i></b>



Should you have any questions regarding any of the information provided, please contact me at [agolub@terraverdeweb.com](mailto:agolub@terraverdeweb.com) (415) 533-7372.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Golub".

Amy Golub  
Botanist  
Attachment A – Revised Jurisdictional Impact Exhibit

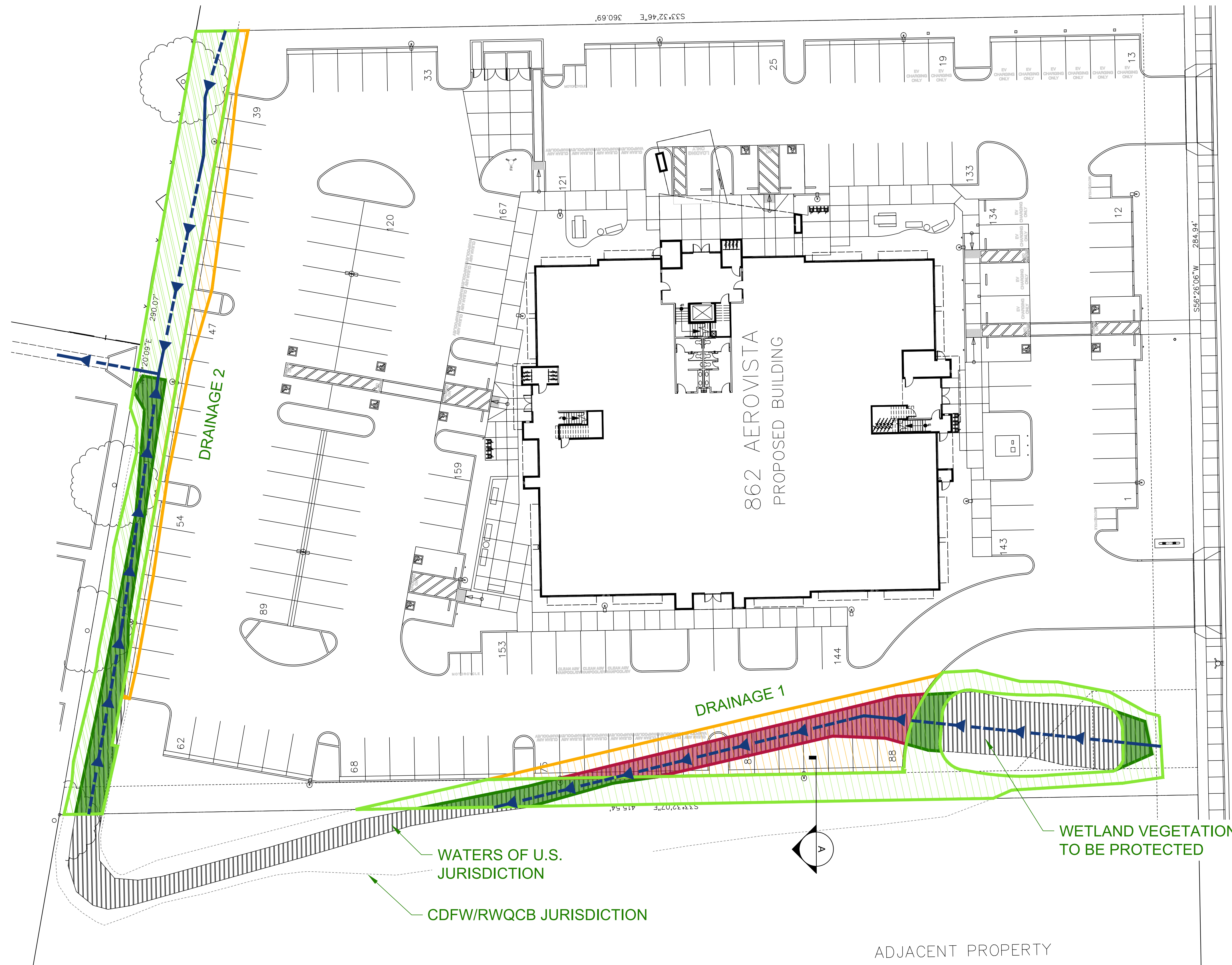







**ATTACHMENT A –  
Revised Jurisdictional Impact Exhibit**

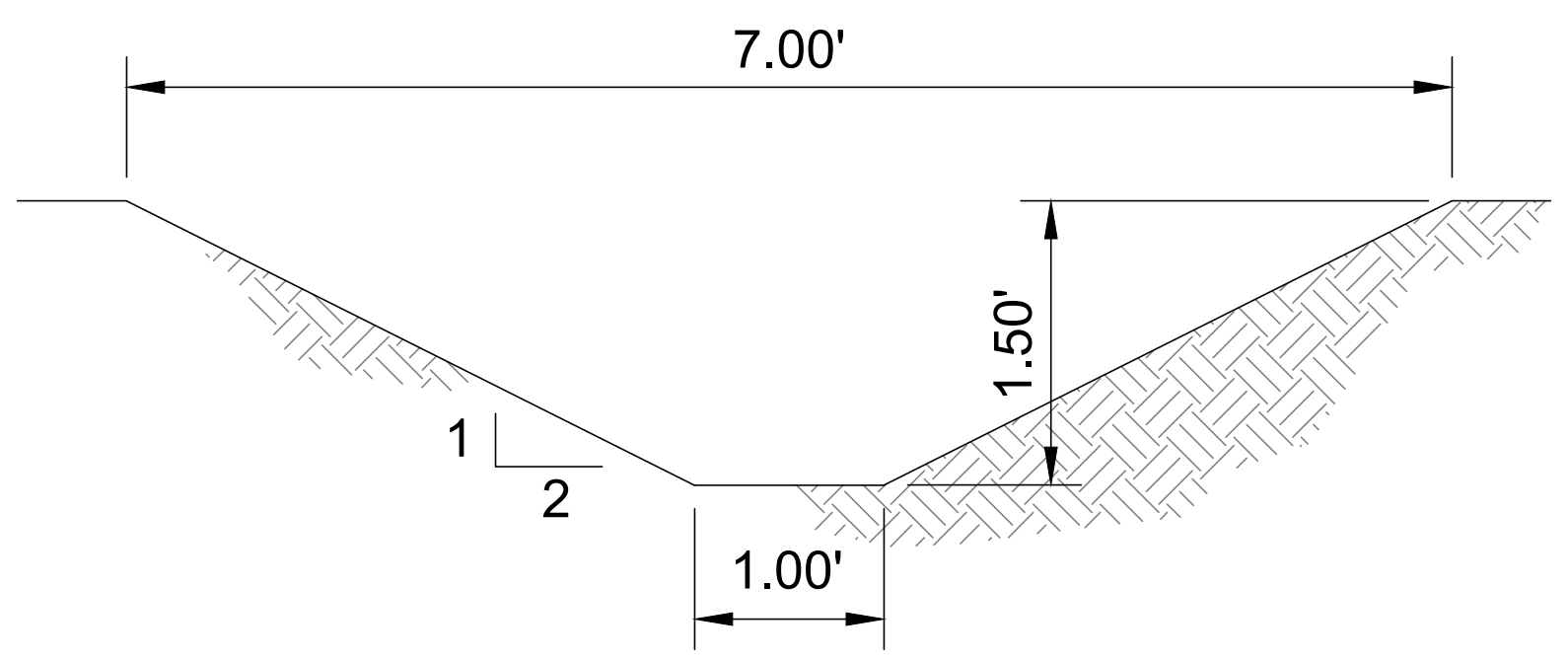


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-  TEMPORARY DISTURBANCE UNDER CDFW/RWQCB JURISDICTION
-  TEMPORARY DISTURBANCE UNDER U.S. JURISDICTION
-  PERMANENT DISTURBANCE UNDER U.S. JURISDICTION
-  PERMANENT DISTURBANCE UNDER CDFW/RWQCB JURISDICTION
-  FLOW LINE



**A CHANNEL CROSS SECTION**  
 H Scale: 1"=1' V Scale: 1:1

