

June 16, 2010

**Public Notice for Water Quality Certification and/or Waste
Discharge Requirements (Dredge/Fill Projects)**

Wiyot Tribe – Indian Island Cultural and Environmental Restoration Project
WDID No. 1B10044WNHU

Humboldt County

On April 26, 2010, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the Wiyot Tribe (applicant), requesting Federal Clean Water Act, section 401, water quality certification for proposed cleanup, construction, repair, maintenance, and restoration activities associated with the Indian Island Cultural and Environmental Restoration Project (project). The proposed project will cause disturbances to waters of the United States associated with Humboldt Bay in the Eureka Plain Hydrologic Unit No. 110.00.

The proposed project is located on the northeastern end of Indian Island in Humboldt Bay. Indian Island, including tidelands/mudflats, is nearly one mile long and less than a half mile wide. Most of the island is submerged at extreme high tides. The proposed project area is comprised of relatively flat tidal salt marsh, an historic American Indian shell mound known as Tuluwat, the remains of an abandoned ship repair yard, and two unoccupied buildings. The Tuluwat shell mound covers approximately 6 acres and contains human remains, tools, and artifacts from daily life, parts of which have been dated to as far back as 900 AD. Several buildings and the remains of a boat repair facility and dry dock exist on the upland area that is associated with its historical use as a residence and a ship repair facility.

The proposed project will be completed in four phases: Phase 1 - Cleanup and Remediation; Phase 2 - Public Access; Phase 3 - Cultural Development; and Phase 4 - Ecological Restoration. This public notice describes proposed activities associated with Phase 1. Remaining Phase 1 activities include: placement of a temporary causeway within the mudflats in order to transfer construction materials from barges to the island during low tides; repairing the existing bulkhead; installing a protective soil and geotextile cover across the majority of the upland portion of the 1.5 acre parcel; and, installing a shoreline revetment (as a footing to the proposed protective soil/geotextile cap) consisting of approximately 130 linear feet of carbon reinforced fiberglass sheet piling.

In 2008, the applicant obtained authorization under U.S. Army Corps of Engineers (ACOE) Nationwide Permit No. 38 (Cleanup of hazardous and Toxic Waste) and completed some of the Phase 1 activities, including removal of debris and demolition of various dilapidated structures, and excavation of approximately 24 cubic yards of the most contaminated midden soils in a 600-square foot area near the paint shed and wayrunners. A temporary cover was placed over the excavation area. Activities authorized by Nationwide Permit No. 38 are subject to conditions contained in State Water Resources Control Board General 401 Water Quality Certification Order of U.S. Army Corps of Engineers Nationwide Permits (Statewide General Certification).

The proposed project includes installation of a protective soil and geotextile (woven monofilament) cover over most of the upland and shoreline portion of the 1.5-acre

parcel that is known or suspected to contain elevated levels of contamination. The purpose of the cover is to protect visitors from possible contact with the residual contamination contained within the midden. A minimum 12-inch thick soil cover will be placed over the geotextile cover. Permeable concrete pavers or an equivalent erosion control technology will be incorporated into the protective cover in areas with high foot traffic or where tidal erosion is a concern. Base rock may be used in selected areas associated with trails and buildings.

A degraded bulkhead that was filled with remnant construction and household debris exists at the site. The applicant has removed the debris, but a new concrete retaining wall still needs to be constructed inside the concrete footing. This area will be used for access for small barges during construction, and a place for viewing the bay and picnicking when the entire project is complete. The applicant will also be installing a shoreline revetment structure as a footing to the proposed protective soil/geotextile cap. The shoreline revetment wall will consist of approximately 130 linear feet of new carbon reinforced fiberglass sheet piling (installed to a depth of 4 to 6 feet) installed between the existing revetment and the bulkhead area. Approximately 29 cubic yards of rock slope protection will be placed on the bay side of the new sheet piling. The proposed shoreline revetment will link the log portion of the bulkhead with the southern portion of the existing revetment wall.

The proposed project includes placement of a temporary causeway within the bay mudflats for the purpose of transferring construction materials from barges to the island during lower tides. The proposed temporary causeway will be 15-feet wide by 150-feet long, extending from the bay to the island between existing eelgrass beds. The applicant proposes to construct the temporary causeway using temporary piers and beams, or rock placed over geotextile and geoweb, a cellular confinement product used to reduce lateral spreading of fill materials on non-cohesive soils. The use of geoweb and/or mud mat materials is also proposed in order to spread the weight load and to minimize compaction.

The proposed project will result in temporary impacts to 1,930 square feet of Humboldt Bay mudflats associated with installation of the temporary causeway. The applicant will replant salt grass and pickleweed on the mudflat area within the shoreline revetment area that will remain exposed after installation of the revetment. The applicant is also required to mitigate for permanent wetland impacts associated with activities authorized by Nationwide Permit No. 38 and the Statewide General Certification through in-kind and onsite wetland replacement at a minimum 1:1 ratio. An onsite wetland mitigation site is located at a road "stub out" on the northwestern portion of the site. The "stub out" site covers approximately 7,000 square feet of historical marsh area that was previously covered with approximately 4 feet of fill material. Noncompensatory mitigation includes use of Best Management Practices (BMPs) for erosion, sediment and turbidity control including silt fencing, silt curtains, perimeter sandbagging, straw wattles, stabilizing exposed surfaces by prompt revegetation and/or erosion mats or mulches, and conducting ground disturbing activities in areas subject to tidal influence during periods of low tides.

The applicant has obtained authorization from the ACOE to perform the project under Nationwide Permit Nos. 38, 33, 13 (File No. 2005-298990N), pursuant to Clean Water

Act, section 404. A Lake or Streambed Alteration Agreement from the California Department of Fish and Game is not required for the proposed activities. On April 23, 2008, the City of Eureka certified an Environmental Impact Report (EIR) (SCH No. 2004122022) for the project in order to comply with CEQA. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment. Mitigation measures will be incorporated into the water quality certification order.

The information contained in this public notice is only a summary of the applicant's proposed activities. The application for Water Quality Certification in the Regional Water Board's file contains additional details about the proposed project including maps and design drawings. The application and Regional Water Board file are available for public review.

Regional Water Board staff are proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act authority. In addition, staff will consider all comments submitted in writing and received at this office by mail during a 21-day comment period that begins on the first date of issuance of this letter and ends at 5:00 p.m. on the last day of the comment period. If you have any questions, please contact staff member Dean Prat at (707) 576-2801 within 21 days of the posting of this notice.