



Reference: 006107.110

November 22, 2010

Mr. Miles Slattery  
City of Eureka  
531 K Street  
Eureka, CA 95501

|   |
|---|
| EXHIBIT NO. 11  |
| APPLICATION NO.<br>1-11-037<br>CITY OF EUREKA<br>BUFFER REDUCTION<br>REQUEST (1 of 6) |

**Subject: Buffer Reduction Request for the Elk River Wildlife Trail Improvement Project, Eureka, California**

Dear Mr. Slattery:

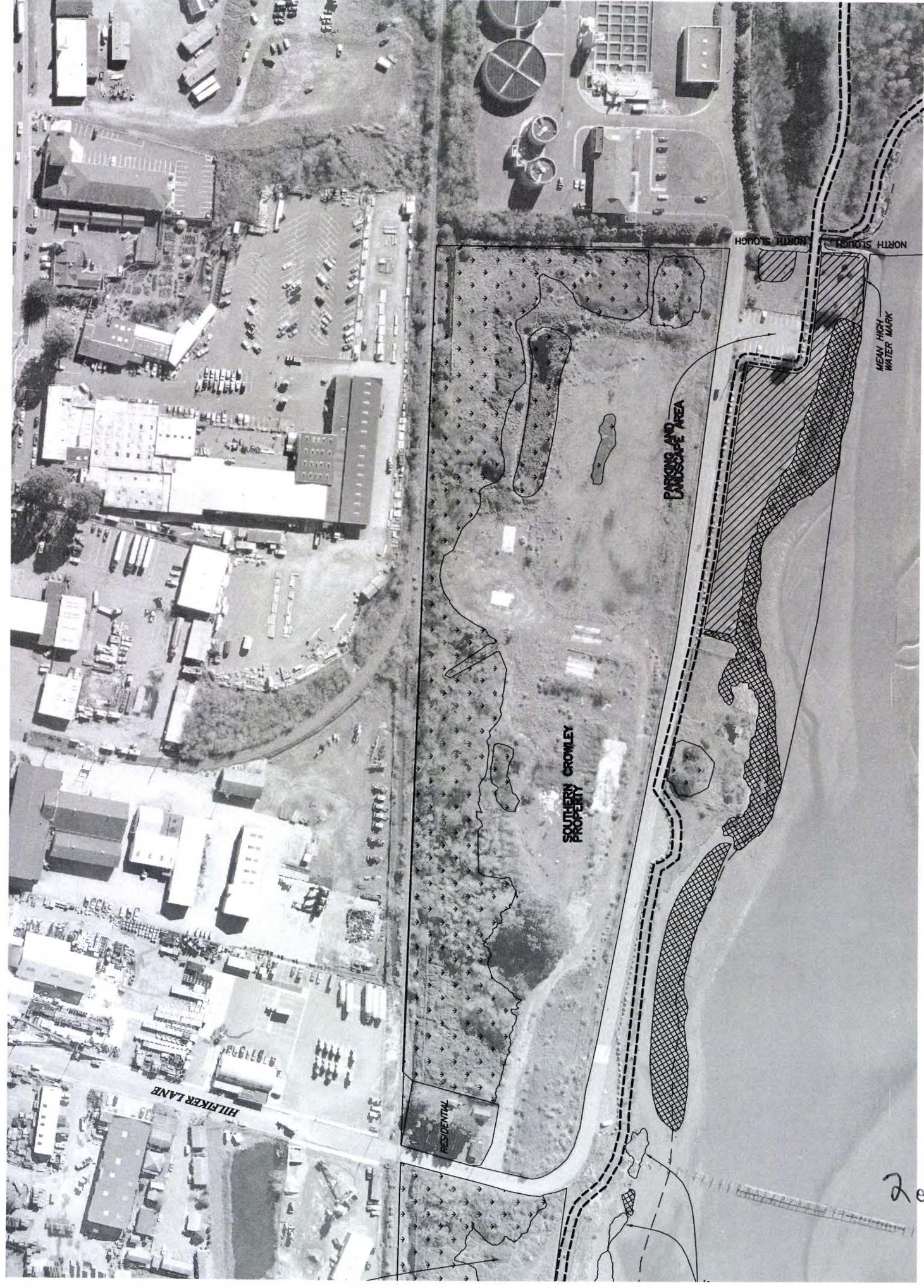
SHN Consulting Engineers & Geologists, Inc. (SHN) has prepared this buffer reduction request for the Elk River Wildlife Trail Improvement Project. This reduced buffer analysis is based on the City of Eureka's *Coastal Development Permit, Supplemental Application Information, Request for Reduced Buffer Width Adjacent to Environmentally Sensitive Habitat Areas*.

## Introduction and Background

The City of Eureka is proposing to improve and connect segments of the existing Elk River Wildlife Trail along the Eureka Waterfront. The trail is located on undeveloped land in the southwest portion of Eureka and begins approximately at the Truesdale Vista Point and extends south over the railroad tracks to the Herrick Avenue Park and Ride (west ½ of Section 33, Township 5 North, Range 1 West Humboldt Base & Meridian).

As a result of the project, impacts to coastal wetlands require mitigation measures to compensate for the loss of biologically significant natural resources. The mitigation areas are based upon SHN's *Wetland Delineation for Phase II of the Elk River Trail Improvement Project, Eureka, California* (SHN, October 2007a). This delineation indicated approximately 11,178 square feet (sq. ft.) (0.26 acres) of freshwater wetlands and approximately 911 sq. ft. (0.02 acres) of salt marsh will be impacted by the proposed trail improvements. In discussion with California Coastal Commission staff and City of Eureka, it was determined that a 4:1 mitigation ratio shall be used to mitigate impacts to wetlands. Additionally, it was determined that impacts to freshwater wetlands and salt marsh wetlands will be mitigated by the creation of salt marsh only.

The City is proposing to construct a segment of the Elk River Wildlife Trail along Hilfiker Lane. The proposed mitigation site for this project was identified between the undeveloped areas adjacent to the existing parking lot and the proposed trail segment along Hilfiker Lane (Figure 1). A 5-ft buffer from the proposed Elk River Trail segment and existing parking lot would enable the City to achieve a 4:1 mitigation ratio at the proposed mitigation site. Any other alternative would require the City to mitigate in more than one area. The City proposes to convert a degraded coastal prairie to salt marsh and to remove the invasive cordgrass (*Spartina densiflora*) in the adjacent salt marsh. Thus, this buffer reduction request is being submitted to demonstrate that an approximate 5-ft buffer between the proposed trail and existing parking lot and the created salt marsh wetlands will not reduce the ecological values currently being provided.



**MITIGATION AREA (5 FT BUFFER)**  
1"=100'

2096

## Reduced Buffer Analysis

### 1. Biological Significance of Adjacent Lands

The areas adjacent to the existing salt marsh consist of disturbed habitat and degraded coastal prairie vegetation. This area is dominated by herbaceous species including bent grass (*Agrostis* sp.), yarrow (*Achillea millefolium*), common velvet grass (*Holcus lanatus*), sweet vernal grass (*Holcus lanatus*), California aster (*Aster chilensis*), strawberry (*Fragaria vesca*), and scattered tufted hair-grass (*Deschampsia cespitosa*). A few large lodgepole pines (*Pinus contorta*) are located near the parking lot. Soils are sandy, imported fill, and generally have been heavily compacted. This area provides little ecological value because of the history of disturbance and abundance of non-native species. The few on-site trees provide little value to birds that may nest in the area due to disturbance associated with general noise in the area and lack of overstory complexity. This area lacks a high demand for species utilization.

The salt marsh habitat is comprised entirely of herbaceous vegetation that is interspersed with patches of intertidal mudflat scattered with brown and green algae. Pockets of this habitat have a fairly intact native species composition, but the majority is dominated by substantial mono-stands of the non-native dense-flowered cordgrass (*Spartina densiflora*). Other dominant species include pickleweed (*Salicornia virginica*), salt grass (*Distichlis spicata*), sandspurry (*Spergularia macrotheca*), dodder (*Cuscuta salina*), spearscale (*Atriplex triangularis*), and spear oracle (*A. patula*) with lesser amounts of salt rush (*Juncus leseurii*), gumweed (*Grindelia stricta*), fleshy jaumea (*Jaumea carnosa*), and tufted hairgrass. Point Reyes bird's-beak (*Cordylanthus maritimus* ssp. *palustris*) was detected in the salt marsh habitat within the vicinity, during focused botanical surveys (SHN, January 2007). A tidally influenced drainage ditch is located south of the parking lot. Vegetation within and along the ditch includes a mix of freshwater and brackish tolerant hydrophytes. Dominant species include silverweed (*Argentina anserine*), spearscale, common rush (*Juncus effuses*), pickleweed, brass-buttons (*Cotula coronopifolia*), and dense-flowered cordgrass, with scattered seaside arrow grass (*Triglochin maritima*).

Coastal salt marsh habitats have many valuable functions, such as, protecting shorelines from erosion, dampening flood effects, trapping water-born sediments, serving as nutrient reservoirs, acting as tertiary water treatment systems to rid coastal waters of contaminants, serving as nurseries for many juvenile fish and shellfish species, and serving as habitat for various wildlife species (Kusler and Kentula, 1989). Although the salt marsh and intertidal habitats on site may provide some of these functions, they are limited due to the site's historical disturbance, small size, and colonization of non native species. Dense-flowered cordgrass (*Spartina densiflora*), an aggressive, non-native has colonized the salt marsh. Present since the mid-1800s, dense-flowered cordgrass has been documented to displace native salt marsh species through competition (USFWS, 2005).

As part of the proposed mitigation and monitoring program, eradication efforts for the cordgrass in the immediate project mitigation area will be conducted. Removing and managing the cordgrass will directly result in increased biodiversity and functional value for the existing salt marsh. Because there is limited ecological value for wildlife species in the degraded coastal prairie, there

Mr. Miles Slattery

**Buffer Reduction Request for the Elk River Wildlife Trail Improvement Project, Eureka, CA**

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would be an increase in the biological productivity through conversion of the upland coastal prairie to a salt marsh. Specifically, reducing plant competition would provide an increased habitat potential for Point Reyes bird's-beak.

The success of the salt marsh mitigation is not dependent on the existence of the degraded coastal prairie. Because the salt marsh hydrology and plant complexity are different than the upland areas, the two areas function independently. The degraded coastal prairie does not provide any value as a natural transition or ecotone between the salt marsh and upland areas because the fill material is too high in elevation.

## **2. Sensitivity of Species to Disturbance**

No rare, threatened, or endangered plants or animals are known to use the existing habitats, with the exception of the Point Reyes bird's-beak (SHN, January 2007 and SHN, October 2007a). The Point Reyes bird's-beak will not be impacted by construction activities or expansion of the existing salt marsh. In fact, habitat for this species would likely be increased.

Currently, wildlife habitats are compromised in the immediate area due to human (transient) encampments. The City is proposing to install trash receptacles, a dog cleanup station, and bathrooms at the trail head. These improvements and increased public use of the area for recreational purposes may limit the encampments, which degrade the habitat and wildlife use in the area. Educational information that directs people to keep themselves and their pets on designated trails will be placed throughout trail area, and will assist in preventing impacts to the surrounding habitats and wildlife use. Other human impacts may also be limited by the natural deterrents provided by salt marshes, such as, a muddy or moist ground.

The City is proposing to install Rock Slope Protection (RSP) adjacent to the trail segments and parking lots. This will create a natural barrier that limits human and vehicle entry to the salt marsh. Other uses of RSP on trails along Humboldt Bay (such as, the Arcata Marsh) suggest that birds and other wildlife are not deterred by the use of RSP, and will use the salt marsh areas for feeding.

The salt marsh in and of itself is a natural ecosystem evolved to accommodate natural disturbances (such as, tidal fluctuations). It does not provide nesting habitat that would be subject to noise disturbances by trail users.

## **3. Susceptibility of Parcel to Erosion**

As part of the salt marsh mitigation design, RSP is proposed to be installed adjacent to the trail segment and parking lot. This will ensure that the trail and parking lot do not erode. Any proposal for mitigation at this site would require RSP to address erosion concerns.

The creation of the trail (in and of itself) would not create a significant impervious surface that results in excessive stormwater runoff. By approving a reduced buffer, the project area would not increase the potential for erosion.

#### **4. Use of Natural Topographic Features to Locate Development**

Existing footpaths and the Humboldt Bay shoreline were used to establish the trail alignment. No other natural topographic features were used. SHN reviewed the project area for potential salt marsh mitigation areas, and the selection of project mitigation areas was based on several factors. Primarily, the locations of the proposed mitigation areas were determined by their proximity to existing target habitat types (salt marsh and freshwater wetlands) on site. In addition, because the mitigation site appears to have once supported the target habitat types, it is expected to regain habitat functions once natural elevations, hydrologic, and soil conditions are restored. Finally, the proposed mitigation site offers upland access and staging locations that will allow for the restoration of the target habitats, while avoiding impacts to existing sensitive habitats on site (including wetlands).

#### **5. Use of Existing Cultural Features to Locate Buffer Zones**

Hilfiker Lane was used to establish the trail alignment. No cultural features, such as, roads and dikes, exist between the proposed trail and existing salt marsh. Positioning the trail east of Hilfiker Lane would diminish the intended use of the trail. Creation of the trail at this location will maximize viewing of scenic and natural resources in Humboldt Bay and the Elk River estuary. The placement of the trail immediately west of Hilfiker Lane, as proposed, would actually create a cultural feature between Hilfiker Lane and the salt marsh; thus, buffering Hilfiker Lane from the existing and proposed salt marsh. See response to No. 4 for location decisions for the mitigation site.

#### **6. Lot Configuration and Locations of Existing Development**

There is no subdivision, or building, or development in the immediate area of the proposed trail segment and mitigation site. Areas adjacent to the proposed trail segment are vacant.

#### **7. Type and Scale of Development**

The City is proposing to connect the Eureka waterfront with a trail, which is consistent with planning efforts for the California Coastal Trail. Creation of the trail and its location will maximize viewing of scenic and natural resources in Humboldt Bay and the Elk River estuary. The trail as proposed is intended for daytime use by pedestrians and non-motorized vehicles (such as bikes). Trails of this type would not require large resources, and primarily act as venues for recreational opportunities.

### **Summary**

The change from the degraded coastal prairie to salt marsh does not represent a significant loss in ecological value; nor would implementing a 5-foot buffer result in the degradation of the ecological values that are currently provided. The historic distribution of northern coastal salt marsh in Humboldt County and throughout California has been greatly reduced by agricultural conversion,

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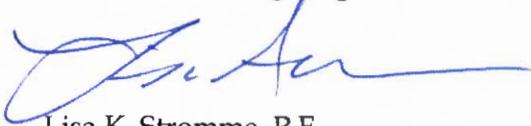
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diking, and coastal development. Any creation of salt marsh to provide a continuous connection between salt marsh habitats along Humboldt Bay would be beneficial to the Humboldt Bay ecosystem.

If you have any questions, please contact Rosalind Litzky or me at 707-441-8855.

Sincerely,

**SHN Consulting Engineers & Geologists, Inc.**



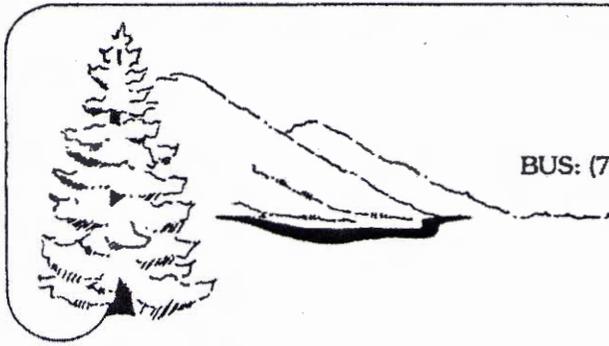
Lisa K. Stromme, P.E.

Planning and Permitting Department Head

LKS/RRL:lms

### References Cited

- City of Eureka. (NR). Coastal Development Permit, Supplemental Application Information, Request for a Reduced Buffer Width Adjacent to Environmentally Sensitive Habitat Areas. Eureka: City of Eureka.
- Kusler, J.A. and M.E. Kentula. (1989). Wetland Creation and Restoration: the Status of the Science, Vol. 1 Regional Review EPA/600/3-89/038. Corvallis: U.S. Environmental Protection Agency, Environmental Research Lab.
- SHN Consulting Engineers & Geologists, Inc. (January 2007). Biological Assessment Elk River Wildlife Trail Improvement Project, Eureka, California. Eureka:SHN.
- . (October, 2007a). Wetland Delineation for Phase II of the Elk River Trail Improvement Project, Eureka, California. Eureka:SHN.
- . (October, 2007b). Biological Resources Assessment, Phase II Elk River Wildlife Trail Improvement Project, Eureka, California. Eureka:SHN.
- Unites States Fish and Wildlife Service. (December 2005). Control of Invasive *Spartina densiflora* in a High-elevation Salt Marsh, Mad River Slough, Humboldt Bay National Wildlife Refuge. NR:USFWS.



**BLUE LAKE RANCHERIA**

Post Office Box 428

Blue Lake, California 95525-0428

BUS: (707) 668-5101 • OFFICE: (707) 668-5615 • FAX: (707) 668-4272

May 21, 2009

Jennifer Burns and James Roscoe, M.A.  
Roscoe & Associates  
3781 Brookwood Drive  
Bayside, CA 95524

|                        |
|------------------------|
| <b>EXHIBIT NO. 12</b>  |
| <b>APPLICATION NO.</b> |
| 1-11-037               |
| CITY OF EUREKA         |
| AGENCY CORRESPONDENCE  |
| (1 of 14)              |

Re: Tribal cultural resources information request, Elk River Trail Access Project initiating NHPA Section 106 Consultations (USGS 7.5' Eureka, CA Quad)

Dear Jenn and Jamie:

On behalf of the Blue Lake Rancheria (BLR), we thank you for the opportunity to review the subject proposal to conduct a cultural resources investigation for the proposed Elk River Trail Access Project. This correspondence is in response to your initial request for information and initiation of NHPA Section 106 Tribal consultation dated May 13, 2009.

Our confidential records show the potential for at least two ethnographic Wiyot settlements described by Loud (1918) and assigned trinomials CA-HUM-73 and -77, located in the project area as depicted on your map. Records show that neither of these two sites has been adequately relocated since Loud's 1913 fieldwork. In addition, three other Wiyot settlements described by Loud (CA-HUM-74, -75 and -76) appear to be located in the near Project vicinity. All of these places would likely have associated Wiyot burials, which are of utmost importance to the Tribe for protection. Likely these sites have sparse or no surface indicators, given the development and natural and cultural land changes in the project vicinity. No additional proprietary information about any of these sites has been identified in the THPO files.

Please provide additional information about the Project: Who is the Lead Agency? Project description (undertaking)? Area of Potential Effects (vertical and horizontal APE)? Identification study research design? It will be important to apply survey techniques to identify buried deposits with respect to the anticipated depth of project impacts.

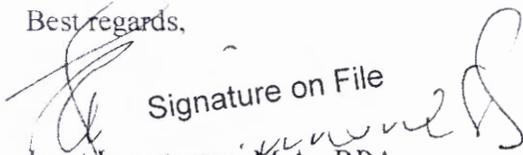
I would appreciate the opportunity to review the requested information and be kept informed as your study and plans proceed.

Recommended is a meeting with your team and the Lead Federal Agency responsible for Section 106 compliance, to include the other two Wiyot area tribes (per their interest and availability), plus a field review. Please note that I will be out of the country from May 31 to June 24.

Given the project's title, I hope there will be an opportunity to promote public understanding and appreciation of Wiyot history of this place, perhaps through interpretive materials (e.g., walking tour brochure, signs), and to help restore culturally important native wetland vegetation along the trail, thus enhancing the Wiyot sense of place and relationship to Humboldt Bay.

We look forward to working with you to help avoid project impacts to significant Wiyot cultural places. Thank you for providing notice about this important project located in a most culturally sensitive location. The Tribe appreciates your professional standing and efforts to identify and manage places important to Wiyot people.

Best regards,

  
Signature on File  
Janet F. Eidsness, M.A., RPA  
Tribal Heritage Preservation Officer  
Blue Lake Rancheria

Cc: Helene Rouvier, THPO for Wiyot Tribe  
Nick Angeloff, THPO for Bear River Band of Rohnerville Rancheria

**BEAR RIVER BAND of ROHNERVILLE RANCHERIA**

27 BEAR RIVER DR. LOLETA, CA 95551 707.733.1900, fax 733.1972



5/26/2009

Jennifer Burns, M.A., R.P.A.  
Roscoe and Associates  
3781 Brookwood Drive  
Bayside CA, 95522

RE : Elk River TAP  
Dear Ms. Burns

This letter is in response to a request for information regarding the Elk River TAP. We received from you on 5-15-09. The plan area is in a sensitive area for human habitation and within our aboriginal territory. We would like to visit the plan area at a time of your convenience. If archaeological sites are located during your field investigations please remit copies of the site records to our office for future reference. If you have any questions contact me at (707) 733-1900 ext. 233 or [thpo@bearrivertribe.com](mailto:thpo@bearrivertribe.com). Your cooperation is greatly appreciated.

Sincerely,

X

Signature on File

Nick Angeloff  
Tribal Historic Preservation Officer

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# Wiyot Tribe

Cultural Department

May 27, 2009

Jennifer Burns, M.A., R.P.A.  
Roscoe and Associates  
3781 Brookwood Drive  
Bayside, CA 95522

Re: Elk River Trail Access Project

He'v'á lou' (hello) Ms. Burns:

This letter is in response to the above referenced project. After reviewing the project location, the Wiyot Tribe considers the area to be highly sensitive with known cultural resources including graves and the ethnohistoric habitation associated with Bucksport. There is also potential for pre contact cultural materials and village sites. Therefore, the Tribe requests clear identification of the extent of ground disturbing activities, including exact location of trenches and new facilities. Once these areas are determined, the Tribe requests subsurface testing for cultural resources and accurate site identification. All known areas of cultural materials should be avoided in planning the trail renovation and upgrade. A records search at NCIC should be completed early in the planning process.

The Wiyot Tribe emphasizes that this area contains known sensitive cultural resources, indicating the need for ongoing consultation. The Tribe is particularly concerned with protecting and respecting these sensitive materials, and painfully aware that continued development without tribal oversight compromises proactive heritage preservation. This department looks forward to working closely with Roscoe and Associates to identify and protect this shared heritage. The Tribal Heritage Preservation Office is available for on site consultation and participation in archaeological investigation.

*We request that we are contacted as soon as possible if any cultural resources are found during or after the implementation of this project.* If you have any questions or concerns, you may contact me at the number below. Alternately, I can be reached via e-mail at [cultural@wiyot.us](mailto:cultural@wiyot.us).

We appreciate your patience and understanding regarding this project and look forward to working with you in the future.

Signature on File

Hélène Rouvier  
Cultural Director/THPO

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## DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P. O. BOX 3700  
 EUREKA, CA 95502-3700  
 PHONE (707) 441-4693  
 FAX (707) 441-5869  
 TTY (707) 445-6463

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DEC 17 2010



*Flex your power!  
 Be energy efficient!*

December 14, 2010

DEPARTMENT OF  
 COMMUNITY DEVELOPMENT

1-HUM-101-76.03

Elk River Access/Iksori Trail Project

Mitigated Negative Declaration

Cage No: CDP-05-0015

Robert S. Wall  
 Community Development Department  
 City of Eureka  
 531 K Street  
 Eureka, CA 95501-1165

Dear Mr. Wall,

Thank you for giving us the opportunity to comment on the proposed Elk River Access / Iksori Trail Project Mitigated Negative Declaration. The project is located in southwestern Eureka along the Humboldt Bay-front from Truesdale Road to Pound Road. We have the following comments:

- Caltrans will require the City of Eureka to take responsibility for the upkeep and maintenance of that portion of the Herrick Ave. /Pound Road Park & Ride that will be used as parking for the trail access. Please contact Kathleen Saler of the Caltrans District 1 Office of Maintenance Engineering to update the City's existing Maintenance Agreement. She can be reached at (707) 445-6384 or [kathleen\\_saler@dot.ca.gov](mailto:kathleen_saler@dot.ca.gov).
- It is noted that the City of Eureka has an active application currently being processed in the Caltrans District 1 Office of Encroachment Permits for the trailhead work and crosswalk painting at the Herrick Ave. /Pound Road Park & Ride. As a reminder, any additional work within the State right of way, including vegetation removal, drainage modifications, and additional signage will require an approved encroachment permit. Encroachment permit applications are reviewed for consistency with State standards and are subject to Department approval. Requests for Caltrans encroachment permit application forms can be sent to Caltrans District 1 Permits Office, P.O. Box 3700, Eureka CA 95502-3700, or requested by phone at (707) 445-6389. For additional information, the Caltrans Permit Manual is available online at: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>.

If you have questions or need further assistance, please contact me at the number above.

Signature on File

Leishara Ward

Associate Transportation Planner

District 1 Office of Community Planning



**California Regional Water Quality Control Board  
North Coast Region**

**Geoffrey M. Hales, Chairman**



**Matt Rodriguez**  
Secretary for  
Environmental Protection

www.waterboards.ca.gov/northcoast  
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403  
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

**Edmund G. Brown Jr.**  
Governor

January 13, 2012

In the Matter of

**Water Quality Certification**

for the

**City of Eureka – Hiksari Trail and Elk River Access Area Improvements Project  
WDID No. 1B11187WNHU**

APPLICANT: City of Eureka  
RECEIVING WATER: Wetlands  
HYDROLOGIC AREA: Eureka Plain Hydrologic Unit No. 110.00  
COUNTY: Humboldt  
FILE NAME: Eureka, City of – Hiksari Trail/Elk River Access Area

BY THE EXECUTIVE OFFICER:

1. On October 31, 2011, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from the City of Eureka (Applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification (certification) and/or Waste Discharge Requirements (Dredge/Fill Projects) for activities associated with construction of the Hiksari Trail and Elk River Access Improvements Project. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on December 20, 2011, and posted information describing the project on the Regional Water Board's website. No comments were received.
2. The project is located along Humboldt Bay in the southwest area of Eureka. The purpose of the project is to create 1.5 miles of contiguous multiple-purpose trail to enhance coastal access for non-motorized public recreation and transportation to the Elk River Wildlife Sanctuary (ERWS), Elk River Estuary, and Humboldt Bay between Truesdale Road and Pound Road. The project is intended to encourage an appreciation of the environment and historic uses of the area, improve public

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health, increase safety for Parkway visitors, and improve native habitat values where possible. The project is scheduled for construction during the spring/summer of 2012.

3. The project includes the following nine major elements/segments:

- Truesdale Vista Point: Located between Truesdale Street and the City of Eureka's McCullens Avenue lift station is an existing dirt lot with a largely unimproved surface. Public access improvements within this element include a scenic visitor area with day use facilities and signage, upgraded parking area to accommodate 23 vehicles, new multi-purpose trailhead, 380 linear feet of trail, and an earthen observation platform for bay/wildlife viewing.
- Truesdale Park: The former City of Eureka storage yard area located south of the McCullens Avenue lift station will become an open space park with playground facilities and 425 linear feet of the multi-use trail including a trailhead to a paddling access point.
- Truesdale to Hilfiker: Improvements to the former Crowley property north of Hilfiker Lane include 650 linear feet of the multi-use trail, invasive exotic plant removal and revegetation, interpretive signs, and a slightly raised earthen platform for bay/wildlife viewing.
- Elk River Paddling Access: A paddle boat parking area with a footpath will be created at the corner of Hilfiker Lane and southwest end of the former Crowley property for access to an existing "primitive" beach launch. Improvements include picnic tables, trash receptacle/dog cleanup station, and a restroom facility. The parking area will have a permeable crushed rock surface and space for eight vehicles.
- Hilfiker Lane Trail: The multi-use trail continues for approximately 1,500 linear feet adjacent to Hilfiker Lane between the corner of Hilfiker Lane and the Hilfiker Lane Trailhead. The trail will depart from the shoreline and onto the roadway until an easement or purchase of private property allows continuation of the trail off the roadway.
- Hilfiker Lane/ERWS Trailhead: The multi-use trail continues to an existing asphalt parking lot at the south end of Hilfiker Lane where it meets the existing ERWS public trail. The existing parking lot is currently adequate for trailhead and day use area improvements. The area will be improved for day use activities with the addition of picnic tables, a trash receptacle/dog cleanup

station, and restroom facilities. Existing cyclone fencing and large boulders will be removed and replaced with more aesthetic vehicular access controls.

- Existing ERWS Trail: Surfacing improvements to the existing informal trail south of the Hilfiker Lane/ERWS Trailhead will include vegetation removal in a 16-foot wide corridor, grading, and application of trail base surfacing materials. The paved portion of the trail will consist of 10-foot wide asphalt concrete. An approximately 26-foot long and 12-foot wide bridge will be installed over a narrow finger of slough channel northwest of the railroad crossing at the south end of the ERWS. Trailside interpretive signs will be placed along the trail.
  - Riverside Footpath: South of the ERWS parking lot there is an existing footpath to the edge of Elk River which makes a loop back to the ERWS trail. Approximately 1,090 linear feet of this trail will be surfaced with a 4-foot wide crushed shale or similar surface. Trail improvements are intended to reduce off-trail travel along the river's edge.
  - Pound Road Access: An 8-foot wide asphalt trail will be developed for 255 linear feet along Pound Road. The trail will be separated from Pound Road by a raised curb from the Park-and-Ride lot to the entrance to Pro-Pacific where a crosswalk will provide access to the pedestrian/bicycle access adjacent to a new gate. Pedestrian/bicycle traffic will share Pound Road between the gate and the existing informal parking area. The existing gate adjacent to the parking area will be removed and installed on Pound Road west of the entrance to Pro-Pacific to limit vehicle access to City maintenance workers and one private land owner, and to prioritize pedestrian/bicycle use for the remainder of Pound Road
4. The Applicant has applied for authorization from the U.S. Army Corps of Engineers to complete the project under Nationwide Permit 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 this project.
  5. On January 11, 2011, the City of Eureka approved a Mitigated Negative Declaration (SCH No. 2010112050) 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. The project will result in 12,089 square feet of permanent impacts to jurisdictional wetlands due to direct filling associated with trail construction and improvements between the Hilfiker Lane/ERWS Trailhead and parking lot at the Pound Road Access. Compensatory mitigation is required for permanent impacts to wetlands.

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6. A wetland mitigation, monitoring, and reporting plan has been prepared for the project that includes wetland creation at a 4 to 1 (wetland creation to wetland loss) ratio. Mitigation for the permanent impacts to 0.26 acre of freshwater wetland and 0.02 acres of salt marsh wetland includes onsite creation of 1.11 acre (48,356 square feet) of salt marsh wetlands. The mitigation area is located west of the southern Crowley property between existing salt marsh wetlands and trail improvements.
7. The Elk River watershed is listed on the State of California Clean Water Act Section 303(d) list as impaired for sediment. Roads are a significant source of sediment in the watershed (directly, from surface erosion, and, indirectly, by triggering landslides). In addition, activities that impact the riparian zone and reduce riparian vegetation are identified as sources contributing to increased stream temperatures. A focus on measures to reduce sediment discharges to surface waters from roads in the watershed, and measures to avoid, minimize, and mitigate impacts on riparian zones is essential for achieving TMDL compliance. Project activities are located along the estuary area of the Elk River watershed where roads and landslides are not known to be a significant source of sediment. The project is required to develop a Storm Water Pollution Prevention Plan and appropriate Best Management Practices for sediment and erosion control will be implemented.
8. The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies. This Order is consistent with applicable federal and state antidegradation policies, as it does not authorize the discharge of increased concentrations of pollutants or increased volumes of treated wastewater, and does not otherwise authorize degradation of the waters affected by this project.
9. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification," which requires compliance with all conditions of this certification.

Receiving Water: Wetlands in the Eureka Plain Hydrologic Unit No. 110.00

Filled or Excavated Area: Area Temporarily Impacted: None

**California Environmental Protection Agency**

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Area Permanently Impacted: 0.26 acre of freshwater wetland and 0.02 acres of salt marsh wetland

Linear Impacts                      Length Temporarily Impacted: None  
   Length Permanently Impacted: None

Dredge Volume:                      None

Compensatory Mitigation: onsite creation of 1.11 acre of salt marsh wetlands

Latitude/Longitude:                Northern End: 40.776 N/124.194 W  
   Southern End: 40.759 N/124.193 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the City of Eureka - Hiksari Trail and Elk River Access Area Improvements Project (WDID No.1B11187WNHU), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the Applicant complies with the following terms and conditions:

**All conditions of this order apply to the Applicant (and all their employees) and all contractors (and their employees), sub-contractors (and their employees), and any other entity or agency that performs activities or work on the project (including the off-site mitigation lands) as related to this Water Quality Certification.**

1. This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of this certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 3833, and owed by the Applicant.

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4. The Regional Water Board shall be notified at least five working days (working days are Monday – Friday) prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.
5. A copy of this Order and the application documents submitted by the Applicant for this certification shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
6. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
7. The Applicant shall construct the project in accordance with the project described in the application and the findings above, and shall comply with all applicable water quality standards as detailed in the Basin Plan. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement action(s).
8. The Applicant shall implement the *Monitoring and Reporting Plan – Salt Marsh Mitigation for the Elk River Wildlife Trail Improvement Project* (MRP) submitted with the application and dated March 2011. A minimum of 1.11 acre (48,356 square feet) of salt marsh wetlands shall be created to compensate for the project's permanent impact to jurisdictional wetlands. The mitigation area shall be located west of the southern Crowley property between existing salt marsh wetlands and trail improvements. Monitoring reports shall be submitted to the Regional Water Board annually in accordance with the schedule in the MRP. If the mitigation performance standards in the MRP are not met at the end of the five-year monitoring period a corrective action plan shall be prepared and submitted as described in the MRP.
9. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
10. The Applicant shall provide a copy of this Order and State Water Resources Control Board (SWRCB) Order No. 2003-0017-DWQ (web link referenced below)

to any contractor(s), subcontractor(s), and utility company(ies) conducting work on the project, and shall require that copies remain in their possession at the work site. The Applicant shall be responsible for ensuring that all work conducted by its contractor(s), subcontractor(s), and utility companies is performed in accordance with the information provided by the Applicant to the Regional Water Board.

11. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities or any other project activities that could result in erosion or sediment discharges to surface waters. All BMPs shall be installed properly and in accordance with the manufacturer's specifications.
12. The Applicant shall prioritize the use of wildlife-friendly biodegradable (not photo-degradable) erosion control products wherever feasible. The Applicant shall not use or allow the use of erosion control products that contain synthetic materials within waters of the State or waters of the United States at any time. The Applicant shall not use or allow the use of erosion control products that contain synthetic netting for permanent erosion control (i.e. erosion control materials to be left in place for two years or after the completion date of the project). If the Applicant finds that erosion control netting or products have entrapped or harmed wildlife, personnel shall remove the netting or product and replace it with wildlife-friendly biodegradable products. The Applicant shall request approval from the Regional Water Board if an exception from this requirement is needed for a specific location.
13. Disturbance or removal of existing vegetation shall not exceed the minimum necessary to complete the project.
14. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
15. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the U.S. and the State. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State or the United States. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality.

16. All imported fill material shall be clean and free of pollutants. All fill material shall be imported from a source that has the appropriate environmental clearances and permits.
17. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
18. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order. In response to a suspected violation of any condition of this certification, the State Water Board may require the holder of any federal permit or license subject to this Order to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.
19. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, and the address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the project as described in this Order.

20. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the Applicant's project description, and b)

compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).

21. The authorization of this certification for any dredge and fill activities expires on January 13, 2017. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

If you have any questions or comments please call Dean Prat at (707) 576-2801.

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Catherine Kuhlman  
Executive Officer

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Weblink: State Water Resources Control Board Order No. 2003-0017 -DWQ, General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification can be found at: [http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0017.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf)

Original to: Mr. Miles Slatery, City of Eureka, 531 K Street, Eureka, CA 95501-1146

Copy to: U.S. Army Corps of Engineers, District Engineer, 601 Startare Drive, Box 14, Eureka, CA 95501  
Ms. Jane Hicks, U.S. Army Corps., Regulatory Functions, 1455 Market Street, San Francisco, CA 94103-1398

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