Narrative Information Sheet

IV.D.1 Applicant Identification
Tolowa Dee-ni’ Nation
140 Rowdy Creek Rd
Smith River, CA 95567

IV.D.2. Funding Requested
IV.D.2.a. Grant Type
Single Site Clean-up

IV.D.2.b. Federal Funds Requested
IV.D.2.b.i Funds Requested
$500,000.00

IV.D.2.b.ii Cost Share Waiver
Cost Share Waiver not requested

IV.D.2.c Contamination
Hazardous Substances

IV.D.3. Location
Smith River, Del Norte County, California, Tolowa Dee-ni’ Nation (Tribal Fee Land)

IV.D.4. Property Information
Xaa-wan-k’wvt Village and Resort, South R.V. Park
12370 US-101 Smith River, Del Norte County, California 95567

IV.D.5. Contacts
IV.D.5.a. Project Director
Erika Partee, Tolowa Dee-ni’ Nation Natural Resources Director
707-487-9255, ext. 1132
140 Rowdy Creek Rd
Smith River, CA 95567

IV.D.5.b. Chief Executive/Highest Ranking Elected Official
Jeri Lynn Thompson, Tolowa Dee-ni’ Nation Tribal Council Chairperson
(707) 487-9255
Jeri.thompson@tolowa.com
140 Rowdy Creek Rd
Smith River, CA 95567

IV.D.6. Population
Tolowa Dee-ni’ Nation Tribal Citizens – 1,899
Non-Tribal - 3,351
### IV.D.7. Other Factors Checklist

<table>
<thead>
<tr>
<th>Other Factors</th>
<th>Page # add page numbers from narrative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Population is 10,000 or less</td>
<td>yes – page (5) five of narrative</td>
</tr>
<tr>
<td>The applicant is, or will assist, a federally recognized Indian Tribe or United States territory.</td>
<td>yes - page (1) of narrative</td>
</tr>
<tr>
<td>Secured firm leveraging commitment ties directly to the project and will facilitate completion of the project/redevelopment; secured resource is identified in the Narrative and substantiated in the attached documentation.</td>
<td>yes – page (3) three and (4) four of narrative</td>
</tr>
<tr>
<td>The proposed site(s) is adjacent to a body of water (i.e., the border of the site(s) is contiguous or partially contiguous to the body of water, or would be contiguous or partially contiguous with a body of water but for a street, road, or other public thoroughfare separating them).</td>
<td>yes - page (1) one and (3) three of narrative</td>
</tr>
<tr>
<td>The redevelopment of the proposed cleanup site(s) will facilitate renewable energy from wind, solar, or geothermal energy; or any energy efficiency improvement projects.</td>
<td>yes – page (2) two and (4) four and of narrative</td>
</tr>
</tbody>
</table>

### IV.D.8. Letter from the State or Tribal Environmental Authority

See Attachment F for Tribal Environmental Authority Letter

**Hardship Waiver Request** – not requested
November 29th, 2021

Environmental Protection Agency (Region 9)
75 Hawthorne Street.
San Francisco, Ca 94105

RE: Xaa-Wan’k’wvt Village and Resort Hotel Clean Up, Brownfields Clean-Up Project  
Funding Opportunity Number: EPA-OLEM-OBLR-21-06

The Tolowa Dee-ni’ Nation (TDN) is a Self-governance Tribe governed by a Tribal Council comprised of seven elected members. Tribal Council is empowered under the TDN Constitution Article IV, section 1 subsections (f), (j), (l) and (r) to protect and preserve the wildlife and natural resources of the Tribe’s ancestral territory; to regulate hunting, fishing and trapping within the Tribe’s ancestral territory; to enact ordinances to regulate the use of all the Nation’s land through zoning, taxation and otherwise; to manage and control land held by the Nation and to establish enterprises and other economic projects and programs for the Nation; and to exercise powers consistent with the Constitution, as needed to carry out these duties. The tribe’s Constitution further provides that the authority and jurisdiction of the Tribe shall extend to all land within the Tribe’s ancestral territory (Figure 1). The TDN has established advisory committees comprised of TDN citizens containing unique and diverse backgrounds. Tribal advisory committees, including the Culture Committee and the Natural Resources and Harvesting Committee, providing collaborative input on their respective areas of expertise that advise and inform TDN staff and government.

The TDN Natural Resources Department is the Tribal Environmental Authority that will oversee the brownfields’ Xaa-Wan’k’wvt Village and Resort Hotel Clean up Project. This Tribal Environmental authority will take the lead on implementing the project. The Natural Resources Department will work collaboratively with the TDN Planning Department and the Tribal Heritage Preservation Office to ensure the project aligns with all environmental regulations. The Natural Resources Department will also collaborate with multiple Government Agencies during the assessment, cleanup and redevelopment processes. Examples of agencies and potential project interaction include:

- U.S Bureau of Indian Affairs: Technical assistance regarding land management and potential redevelopment.
- U.S. Environmental Protection Agency: Technical assistance for brownfields’ will be provided Region IX.

Waa-saa-ghitlh-a~ Wee-ni Naa-ch’aa-ghitlh-ni  
Our Heritage Is Why We Are Strong
• Elk Valley Rancheria Environmental Program: General advice from neighboring Tribe that has successfully completed brownfields assessments and cleanups.
• TDN Tribal Heritage Preservation Office and State Historic Preservation Office: Guidance and technical assistance regarding protection of cultural and historical places.
• California Coastal Commission: Consultation and coordination, particularly when it comes to the redevelopment as the project is in the Coastal Zone on fee land.
• U.S. National Oceanic and Atmospheric Administration: Communication to update them on project’s potential benefits to estuary and listed species.
• California State Lands Commission: Communication and coordination for any potential impacts to tidelands during clean up and/or redevelopment.

Sincerely,

Erika Partee
Tolowa Dee-ni’ Nation, Natural Resources Director

Figure 1: Tolowa Dee-ni’ Nation Ancestral Territory

Waa-saa-ghithlh-’a” Wee-ni Naa-ch’aa-ghithlh-ni
Our Heritage Is Why We Are Strong
### IV.E.1 Project Area Description and Plans for Revitalization (30 pts.)

#### IV.E.1.a a Target Area and Brownfields (8 pts.)

#### IV.E.1.i i Background and Description of Target Area (3 pts.): The Xaa-wan'-k’wvt Village and Resort (XVR) is a 65 acre area located in the rural community of Smith River, Del Norte County, California. For many decades the land now known as XVR was operated by non-Indian owners as two separate economic ventures – The Ship Ashore and Salmon Harbor – for commercial, residential and recreational uses. The Ship Ashore included a hotel, restaurant, condos (16), recreation hall, boat ramp, registration office, restrooms and laundry (2), several small outbuildings, maintenance yard, large ship, and RV/mobile home sites (~200) for short-term (R.V and tent camping) and long-term (fixed-place mobile homes) occupants. Due to dilapidation, safety, and concern of contaminants, all of the facilities associated with The Ship Ashore portion have been closed. Permanent mobile home units in Salmon Harbor remain open. Salmon Harbor operates a recreation hall, registration office, houses (4), and RV/mobile home park for temporary and permanent occupants.

XVR was acquired by the Tolowa Dee-ni’ Nation (TDN) in November of 2016 and is currently tribal fee land. However, the Tribal nation has a direct connection with the site since time immemorial. This is the site of the Xaa-wan'-k’-wvt village, once the seat of the government and the principle economic village for the Tolowa Dee-ni’ of NW California and SW Oregon. Xaa-wan'-k’wvt is of extreme cultural importance to the TDN and is located adjacent to the current day TDN Reservation (formerly known as the Smith River Rancheria). It lies directly on the Smith River estuary, a salmon stronghold for Chinook salmon, steelhead, and endangered Coho salmon; with views of the Pacific Ocean. The land provides critical elk habitat, as well as recreational and cultural lifeway opportunities for Tolowa Dee-ni’ and Del Norte County citizens and visitors.

The TDN has acquired this property because of the cultural, political and historical importance it holds to the TDN and community. As the TDN re-visions community and economic development to enhance the Reservation and surrounding lands, XVR is at the epicenter of that effort. With the goal of creating a healthy commercial and cultural space, redeveloping the XVR South RV Park site provides opportunities for community healing, cultural revitalization, community development, educational, recreational and economic opportunities to the TDN and the surrounding region.

#### IV.E.1.ii ii Description of the Brownfield Site(s) (5 pts.): The project brownfield site is the Xaa-wan'-k'wvt Village Hotel (site), which is located within the larger XVR target area (see Appendix, page 1) The site is 0.9 acres. The XVR Hotel is currently closed for operation, due to hazards.

The following Recognized Environmental Conditions (RECs) were identified during the Brownfields Assessment:

<table>
<thead>
<tr>
<th>Summary of REC's Present at XVR South RV Park</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(Weston Solutions Inc., Analysis of Brownfields Cleanup Alternatives, 2018)</strong></td>
</tr>
<tr>
<td>Assessment Area</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>XVR Hotel</td>
</tr>
</tbody>
</table>

**ACM = asbestos-containing materials; LBP = lead-based paint; PCBs = polychlorinated biphenyls**

### XVR Hotel Clean Up: The XVR Hotel is located directly on the Smith River Estuary, near the mouth to the Pacific Ocean. This is an area frequented by Tribal citizens for subsistence fishing and other cultural uses, as well as by the larger community for fishing and recreational purposes. The Smith River is a listed Wild and Scenic River and has the federal Endangered Species Act-listed Coho salmon and tidewater goby. The Pacific Ocean just north of the Smith River mouth is designated as a State Marine Protected Area with recognized tribal take for TDN citizens. Elk also frequent and feed on the XVR property, and are another species harvested by Tribal citizens and other residents alike. The Tribe is currently engaged in an ongoing monitoring project of the elk herds for population size, health, and preferred land use. This monitoring is being done collaboratively, under a Memorandum of Understanding (MOU) with the California Department of Fish & Wildlife (CDFW).
The XVR Hotel has not been operational for a number of years, and it isn’t feasible from an economic sustainability or development standpoint to redevelop, revitalize or upgrade in its current dilapidating condition. Instead, the XVR serves as an unnecessary safety hazard, attraction to vandals and burglary’s, a nuisance to the local and visiting community, as well as an obstruction to the both the view and thriving activity on the Smith River Estuary.

Demolition of the property is the most ideal and strategically feasible approach to address the hotel. The first step in this process being the removal and appropriate disposal of hazardous and contaminated building materials (LBP and ACM), as well as debris piles (ACM).

### IV.E.1.b Revitalization of the Target Area (12 pts.)

**IV.E.1.b.i Redevelopment Strategy and Alignment with Revitalization Plans (7 pts.):** The XVR Site - Eco-Resort Master Plan (see Appendix, p.2) (Jones and Jones, TDN Land Use Plan, 2018) outlines the vision for revitalization of the XVR Eco Resort and surrounding area. This redevelopment site plan was developed by TDN, the tribal community, and consultants in 2017-2018, as part of a larger TDN Land Use Plan. The process involved extensive community input through tools, such as surveys, charrettes, and open discussion meetings. Serious consideration was also given to historical, economic, cultural and environmental factors, including adaptation for future climate change. Participants engaged to inform the vision for XVR included: TDN Tribal Council and staff, Tribal Committees, Tribal citizens, XVR residents, the broader Smith River community and businesses, and federal and state agencies as appropriate (e.g. U.S. Environmental Protection Agency, State Coastal Commission and State Water Board). The TDN Land Use Plan provides a consensus-based plan for the redevelopment and revitalization of the XVR Site and considers cultural, political, economic, environmental and recreational benefits to improve the health and welfare of the community. Intended reuse includes cultural and habitat restoration, along with economic, recreational and commercial uses.

The redevelopment of this site includes the procurement of a licensed Abatement Contractor to implement the XVR Hotel Clean Up. Mitigation actions will consist of complete removal and appropriate disposal of hazardous and contaminated building materials (LBP and ACM), debris piles (ACM) and contaminated soil (Cadmium and asbestos). Care will be taken to not disturb asphalt and/or concrete from the Hotel location during removal activities, as these materials may require asbestos abatement and/or hazardous waste handling. If funding allows, revitalization recommended as “high” effectiveness is CBM 3, complete hazardous building materials removal & building demolition. Contaminants of concern within the XVR Hotel Clean-up are lead based paint, and asbestos. Existing utilities and roads infrastructure will be used in redevelopment wherever possible, although modifications will be made to meet design criteria. It is known that portions of the existing electrical, water and wastewater transmission lines need to be replaced due to poor maintenance. The TDN is pursuing replacing the electrical lines over the coming year. Additionally, the wastewater lagoons that treat all septic from XVR will need to be addressed. The TDN received A California State Water Resources Control Board Proposition 1 Planning Grant to redesign the wastewater system, which will be tied into the TDN’s centralized wastewater treatment plant and system. Preference will be given to the use of green mitigation approaches to accomplish intended reuses of the site.

As noted in the ABCA and EPA’s Strategic Plan, the proposed redevelopment will result in the following health and environmental impacts:

- waste production and use of materials will be minimized
- reduction of pollutants and impacts to water quality and water resources
- reduction of air emissions and greenhouse gas production
- conservation of natural resources and energy
- restoration of greenspace, including removing invasive species/planting native species
- reduction of human exposure to hazardous contaminants (lead, asbestos and cadmium) reported to distress human health, as described elsewhere.

### IV.E.1.b.ii Outcomes and Benefits of Redevelopment Strategy (5 pts.):** The TDN has acquired this property because of the cultural, political and historic importance it holds to the TDN and community. As the TDN re-visions community and economic development to enhance the Reservation and surrounding lands, XVR is at the epicenter of that effort.
The complete hazardous material removal of this site provides an opportunity for community healing, cultural revitalization, community development, and economic opportunity to the TDN and surrounding local region. Reconnecting to this place of such cultural significance can translate to enhance social wellbeing and enhanced cultural identity, which can lead to improve health and wellbeing outcomes for individuals, families, and the Tribe. Communities within the target area will be positively impacted by clean-up activities. This area of relative poverty and blight is generally bypassed by tourist traveling through the region, with few RVs stopping to enjoy the area. With the complete hazardous material removal of the XVR Hotel, TDN can move forward with the redevelopment and the site can be restored and serve as a focal point of economic and recreational activity for the surrounding region. The redevelopment of the site will result in 0.9 acres of revitalized estuary waterfront recreation land. The site location increases access to the land for Tribal citizens to practice traditional fishing and harvesting, as well as other cultural lifeways. Post clean-up, the entity of the XVR Eco Resort will serve in its intended capacity as a much needed venue for Tribal and community events, such as emergency preparedness trainings, annual youth language camp, other youth activities, and community and family services classes to enhance healthy lifestyles. This also provides an opportunity to generate revenue as a rental venue to the greater community for events. For over 30+ years, XVR was used for the Rowdy Creek Fish Hatchery Annual Steelhead Derby. This is the primary fundraiser and source of income for the non-profit Rowdy Creek Fish Hatchery, the last private hatchery in California. The Revitalization plan intends to restore these activities and opportunities as uses of the land to promote the wellbeing of the entire community.

Brownfields redevelopment will contribute to broader environmental preservation and habitat restoration. Redevelopment is a necessity to address the lack of economic endeavors in the area and will increase eco-tourism, revenue and potentially jobs to the low income population. Developable land is scarce due to most of the area being private farm lands, and topographical constraints such as the ocean and the mountains limit regional infrastructure to narrow corridors. Preservation of the natural environment is essential to protect Smith River’s unique fauna and flora. The site is directly on the estuary which is important habitat to ESA listed species such as Coho salmon and tidewater goby. Successful clean-up of the site will eliminate a major barrier in the redevelopment of the site and lower the risk to potential developers and the general public. Upon project completion the municipal tax base and local property values will increase, providing economic security for existing homeowners. It will likely stimulate more development interest in the target and surrounding area, creating an increase in new jobs, allow for an increase in both investment opportunities and sales tax revenue. When implemented effectively, green and sustainable remediation practices enhance the environmental benefits offered by federal cleanup and redevelopment programs, such as the EPA Brownfields Program. The Tribe intends to apply the principles governing green and sustainable remediation for EPA cleanup programs, outlined in the EPA’s Principles for Greener Cleanups (EPA, 2009), and seeks to “optimize environmental performance and implement protective cleanups that are greener by increasing our understanding of the environmental footprint and, when appropriate, taking steps to minimize that footprint.”

IV.E.1.c Strategy for Leveraging Resources (10 pts.)

IV.E.1.c.i Resources Needed for Site Reuse (7 pts.): The TDN is eligible for federal, state and foundation funding and has a successful track record of securing and managing competitive grants. The annual budget of the TDN is ~$10m, of which ~60% is from grants. Along with those funds that have already been leveraged towards redevelopment, cleaning up this site will further stimulate the opportunity for additional funds to be secured for redevelopment.

Already Secured/Completed

-- U.S. EPA, Targeted Brownfields Assessment Technical Assistance - ~$100,000
Technical assistance provided by Region IX to complete Phase I and II, and ABCA for project.
-- California State Water Resources Control Board Proposition 1 Planning Grant - $500,000
To complete design, environmental compliance, site investigation, and identify preferred organizational structure(s) for utilities operations for the existing wastewater system at XVR.

Additional Funds Proposed/Possible to Pursue for Redevelopment

EDA-FY 2021 American Rescue Plan Act---varies up to million(s)
Can be used for economic development, planning, and development. The TDN is very interested in expanded development potential to serve XVR.
- California State Water Resources Control Board Small Community Wastewater Fund – estimated to be $14-16 million
To implement preferred design for addressing wastewater needs at XVR; eliminate existing lagoon ponds and connect to the Tribe’s Howonquet Wastewater Treatment System and Plant.
IV.E.2.a  Community Need and Community Engagement (20 pts.)

IV.E.2.a.i  The Community's Need for Funding (3 pts.): The TDN Reservation and broader Smith River community, including XVR, is located on the remote coast of far NW California. The closest large cities (>500,000 residents) are 6 hours north (Portland, OR) or 7 hours south (San Francisco, CA). The County is sparsely populated, with only 27 persons/square mile. The TDN currently has 1,771 Tribal citizens and the community of Smith River has a population of 3,351. Nearly 80% of all land in Del Norte County is owned by the federal or state government, predominately in the form of U.S. Forest Service, National Park Service, and State Park lands. The primary employer in the County is Pelican Bay State Prison, which is the only super-max state prison in California. The agricultural industry also is a major employer, which provides for a high number of low income employment opportunities. Tribes, including the TDN, Elk Valley Rancheria and the Yurok Tribe are also major employers. In decades past, the commercial fishing and timber industry were dominate in Del Norte County, however both industries have diminished significantly decreasing employment opportunities and increasing unemployment rates. As demonstrated in the table below in Section 4.e.2.a.ii.3, poverty and unemployment levels are higher than the State and Nation, and median income for the County is much lower. Blight on and near the Reservation is also a concern. XVR itself is a blight concern, which the TDN is trying to address as well as contaminants. With ~60% of the TDN budget being grant-generated, the Tribe does not have the financial resources to invest in the cleanup of XVR. Furthermore, XVR is not a viable economic opportunity that can provide reinvestment revenue until cleanup is completed.

IV.E.2.a.ii  Threats to Sensitive Populations (9 pts. total)

IV.E.2.a.ii.1  Health or Welfare of Sensitive Populations (3 pts.): As demonstrated in the Table below, target population experiences higher rates of asthma and obesity as compared to the state and national rates. Mortalities from mental and substance abuse as well as diabetes occur at a higher rate in Del Norte County than state and national rates.1

<table>
<thead>
<tr>
<th>Condition</th>
<th>AI/AN²</th>
<th>Del Norte County</th>
<th>Statewide</th>
<th>National</th>
</tr>
</thead>
<tbody>
<tr>
<td>asthma rates</td>
<td>14.3%</td>
<td>&lt; 18yrs 11%</td>
<td>≥ 18yrs 28%</td>
<td>9.4% 8.1%</td>
</tr>
<tr>
<td>mental and substance abuse mortality (rates/100,000 population)</td>
<td>n/a</td>
<td>female 16.6</td>
<td>male 21.3</td>
<td>female 6.6</td>
</tr>
<tr>
<td>diabetes, urogenital, blood and endocrine disease mortality (rates/100,000 population)</td>
<td>n/a</td>
<td>female 52.4</td>
<td>male 66.5</td>
<td>female 41.2</td>
</tr>
</tbody>
</table>

1 (http://healthdata.org 2014)
2 AI/AN – American Indian and Alaska Native.
IV.E.2.a.ii.2 Greater Than Normal Incidence of Disease and Adverse Health Conditions (3 pts.): Asthma, tracheal, bronchus and lung cancer rates are significantly higher among both American Indians and Del Norte County Residents, children and adults, than state and national rates.³

<table>
<thead>
<tr>
<th></th>
<th>AI/AN</th>
<th>Del Norte County</th>
<th>Statewide</th>
<th>National</th>
</tr>
</thead>
<tbody>
<tr>
<td>current asthma rates</td>
<td>14.3%</td>
<td>&lt; 18yrs</td>
<td>≥ 18yrs</td>
<td>&lt; 18yrs</td>
</tr>
<tr>
<td></td>
<td>11%</td>
<td>28%</td>
<td>9.4%</td>
<td>8.1%</td>
</tr>
<tr>
<td>tracheal, bronchus and lung cancer (rates per 100,000 population)</td>
<td>n/a</td>
<td>female</td>
<td>male</td>
<td>female</td>
</tr>
<tr>
<td></td>
<td>61</td>
<td>83.9</td>
<td>32.5</td>
<td>45.5</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>67.6</td>
</tr>
</tbody>
</table>

IV.E.2.a.ii.3 3 Economically Impoverished/Disproportionately Impacted Populations (3 pts.): Please refer to Sections IV.E.2.a.i for a more detailed description. Demographic data to demonstrate the project is in an economically impoverished/disproportionately impact population is in the following Table.

<table>
<thead>
<tr>
<th>Census Tract 2.02, Del Norte County, includes the project area, which is adjacent to and benefits the TDN Reservation⁴</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reservation</td>
</tr>
<tr>
<td>Population</td>
</tr>
<tr>
<td>Unemployment</td>
</tr>
<tr>
<td>Poverty Rate (individuals)</td>
</tr>
<tr>
<td>Percent AI/AN Alone or in Comb.</td>
</tr>
<tr>
<td>Median Household Income</td>
</tr>
</tbody>
</table>

IV.E.2.b Community Engagement (8 pts. total)

IV.E.2.b.i Community Involvement (5 pts.): The TDN community and other key stakeholders will be involved in the clean-up and redevelopment of the site. The TDN community includes Tribal Council, Tribal staff, Tribal Committees (XVR Planning Committee, Natural Resources and Harvesting Committee and Culture Committee), and Tribal citizens. Other key stakeholders includes current Xaa-wan’-k’wvt Village and Restore (XVR) residents, as well as Smith River community residents and business owners. Contact directly by phone and email will occur to connect with and organize those discussions. Community meetings will also be convened as necessary to report on project progress and facilitate input on the clean-up efforts. Information about those meetings will be shared through the Tribal newsletter, Tribal webpage, flyers, and social media. Tribal Council, staff and Committees (e.g. XVR Planning Committee, Culture Committee) will be engaged through routine meetings, which are planned through email or are added to an Agenda for inclusion in standing meetings. The clean up of the XVR Hotel and accompanying XVR Site - Eco-Resort Master Plan included in the TDN Land Use Plan.

The TDN has a long history of engaging the community, which is accomplished through meetings, newsletters (Tribal), public media (two local newspapers and local radio station), social media (Facebook and website), and general word of mouth. Information supplied is usually an abstract or summary of the work being done and the ability of the community to ask questions or give input. Efforts will be publicized and the general public will be able to provide feedback. The TDN Natural Resources Department is the Tribal Environmental Authority that will oversee the clean-up project. The Natural Resources Department will partner with multiple Government Agencies during the cleanup and redevelopment processes. Examples of agencies and potential project interaction include:

⁴ Data are from the 2015 American Community Survey 5-Year Estimates available on American FactFinder:https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml)
IV.E.2.b.ii i Incorporating Community Input (3 pts.): As stated previously the TDN has a long history of public communication and is committed to continue the use of these same avenues for the communication in this project. TDN's plans for communicating the progress of the specific project will include:

- Monthly XVR Planning Committee meetings will assist in garnering public input, overseeing project progress and ensuring adherence to the redevelopment strategies.
- Open stakeholder meetings with appropriate officials, interested public participants, and project partners.
- Updates, notifications and continued community engagement solicitation will be printed in the monthly Tribal newsletter, posted on the Tribal Website/Facebook page, and as necessary in communal areas throughout the community.
- Tribal website will be kept up-to-date with the latest information on the progress.
- The Project Director will support consistent engagement with the public.
- Monthly reports to Tribal Council and citizens in open Council meetings.
- Annual General Membership Meeting held in March to garner more input and share progress.

IV.E.3 Task Descriptions, Cost Estimates, and Measuring Progress (35 pts.)

IV.E.3.a Proposed Cleanup Plan (8 pts.): The clean-up objective is to mitigate potential exposure of the identified contaminants to levels protective of human health in a commercial/industrial reuse scenario for the XVR Motel Clean up area.

The following Recognized Environmental Conditions (RECs) are present and require mitigation in order to redevelop the XVR Hotel (Weston Solutions Inc., Analysis of Brownfields Cleanup Alternatives, 2018):

- ACM are present in all building materials in all structures, as well as discarded ACM in debris piles in the maintenance area and ACM stored in the shed in the east side of maintenance yard.
- LBP is at concentrations that exceed the 5,000 milligrams per kilogram (mg/kg) screening level in all structures.

<table>
<thead>
<tr>
<th>Assessment Area</th>
<th>Contaminated Building Materials</th>
<th>Soil Sample Depth</th>
<th>Soil Contaminants of Concern</th>
</tr>
</thead>
<tbody>
<tr>
<td>XVR Hotel</td>
<td>LBP, ACM</td>
<td>Surface</td>
<td>N/A</td>
</tr>
</tbody>
</table>

A Certified Asbestos Abatement contractor and LBP removal contractor(s) will be procured for clean-up implementation, to comply with applicable regulations for protection of worker and public health. In the mitigation actions, where contaminants will be left in place, Institutional Controls (ICs) will be implemented to ensure continued protection to human health and the environment and that areas are used only for permitted purposes unless additional remedial work is performed. The following cleanup methods were selected to mitigate the potential impacts from CBM and contaminated soil.
Complete hazardous building materials abatement will remove the threat of accidental ingestion and/or dermal contact to current and future Site users. The effectiveness of this method is ranked high. This action consists of the removal of all building materials containing ACM and LPB from all structures, prior to demolition/renovation actions. Following clean-up efforts the XVR Eco Resort will be renovated and funding will be sought to have the facility and structure demolished. Residual contaminants will be removed from areas of the structures where these contaminants are currently suspected or have been identified. Materials will be properly sorted and packaged for off-site disposal in an appropriately licensed landfill. Should asphalt and/or concrete from the XVR Hotel be mechanically disturbed during removal activities, materials may require asbestos abatement and/or hazardous waste handling. For the Maintenance Yard and Outbuildings, friable ACM pipe lengths and fittings from within the main buildings and sheds will be removed. All contaminated waste and soil will be treated as California hazardous waste and transported off-site for disposal at appropriately licensed treatment/disposal facilities and in accordance with applicable state regulations. Safe work practices and traffic control measures will be utilized during the disposal of hazardous waste. Prior to leaving the site visible soil will be removed from tires and other equipment. Appropriate manifest records will be maintained for transportation and disposal.

IV.E.3.b Description of Tasks and Activities (12 pts.):

Task 1-Contractor Procurement: a licensed abatement contractor will be procured within the first three (3) months of grant award through a competitive process. The RFP will be developed and flown for at least 30 days. RFPs are posted to the TDN website, as well as emailed directly to a list of potential contractors. The XVR Planning Committee will review and score the proposals according: appropriate licensing, good standing (not disbarred or suspended), experience, locality of company, costs, timeline, etc. If deemed appropriate, follow up interviews will be convened. The contractor will be recommended to the Tribal Council for approval. The Project Director will then develop the contract to be approved and signed by Tribal Council. All federal and Tribal procurement requirements will be met and the Tribal Employment Rights Ordinance will be applied. Deliverable/Output: Contract secured.

Task 2-Site Clean-up: as described previously mitigation actions to clean-up site for reuse will be initiated within (6) six months of the grant award and concluded by month (18) eighteen. A licensed abatement contractor will implement the proposed clean-up actions. The contractor will be responsible for strict adherence to applicable regulations, the redevelopment strategies and goals of the site, working with THPO to ensure a TDN cultural monitor is present; and work with EPA to confirm site cleanup to appropriate standards. The contractor will report to the Natural Resources Director and is responsible for coordination with TDN staff. Deliverable/Output: Cleanup of ~0.9 acres and 1 structures.

Task 3-Project progress tracking and reporting will be implemented throughout the entire (2) two-year project: The Project Director and XVR Planning Committee will be responsible for implementing regular communication regarding the project progress including oversite of public announcements, public comment, recommendations and monthly reports to the Tribal Council. Deliverable/Output: 12 Tribal Council reports and 18 XVR Planning meeting agendas.

Task 4-Implementation of Institutional Controls (IC's): to ensure continued protection to human health and the environment and that areas are used only for permitted purposes. The Project Director will implement IC's ensuring the site use is consistent with intended uses. In the event of a change of ownership the TDN will disclose the site history. The Project Director will monitor the site regularly to ensure compliance with the IC's. Deliverable/Output: Appropriate level of protection to human health and environment; use for permitted purposes.

Task 5-Notification of completed clean-up project: The Natural Resources Director will generate a final notification/1 page fact sheet for the community upon successful completion. The notification will be publically posted within (3) three months of completion. Deliverable/Output: public notification/one-page fact sheet posted.
### Cost Estimates and Outputs (10 pts.)

<table>
<thead>
<tr>
<th>Budget Categories</th>
<th>Project Tasks ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Task 1</td>
</tr>
<tr>
<td>Direct Costs</td>
<td></td>
</tr>
<tr>
<td>Personnel</td>
<td>15.0%</td>
</tr>
<tr>
<td>Fringe Benefits</td>
<td>3,045</td>
</tr>
<tr>
<td>Travel</td>
<td></td>
</tr>
<tr>
<td>Equipment</td>
<td></td>
</tr>
<tr>
<td>Supplies</td>
<td>961</td>
</tr>
<tr>
<td>Contractual</td>
<td>10,000</td>
</tr>
<tr>
<td>Other (specify)</td>
<td></td>
</tr>
<tr>
<td><strong>Total Direct Costs</strong></td>
<td><strong>22,561</strong></td>
</tr>
<tr>
<td>Indirect Costs</td>
<td>4,197</td>
</tr>
<tr>
<td><strong>Total Federal Funding (Not to exceed $500,000)</strong></td>
<td><strong>4,197</strong></td>
</tr>
<tr>
<td><strong>Cost Share</strong> (20% of requested federal funds)</td>
<td><strong>22,561</strong></td>
</tr>
<tr>
<td><strong>Total Budget (Total Direct Costs + Indirect Costs + Cost Share)</strong></td>
<td><strong>26,758</strong></td>
</tr>
</tbody>
</table>

Personnel Costs: Project Manager ($30.50/hr @ 2080hrs), 2,080 x 30.50 = $63,440
Fringe Costs: 32% on personnel x $63,440 = $20,300. Fringe includes insurance, FICA, workman’s comp, unemployment, 401K.
Supplies: Protective Personal Gear (e.g. gloves, eyewear) at $961
Contractual: Construction with Construction Manager ($464,000), based on ABCA costs and typical manager costs.
Other: Environmental Compliance/Cultural Monitoring at $65/hr @ 200 hrs = $13,000
Indirect Costs limited to less than 5% of overall project cost ($600,000 x 5% = $30,000; admin charged = $28,299)

### IV.E.4 Measuring Environmental Results (5 pts.): The XVR Planning Committee which includes TDN's Natural Resources Director, Public Works and Facilities Manager, Planning Director, XVR Manager, Tribal Executive Director, and other TDN Directors/Managers, as pertinent through regular monthly meetings will ensure communication, coordination, and tracking of the clean-up project and adherence to the redevelopment goals of the site. Additionally, the Natural Resources Director will report monthly to the Tribal Council on the project status. An Implementation Schedule will be requested as part of the proposal submission by the Contractor. This schedule will be used to track the progress of the Contractor.
<table>
<thead>
<tr>
<th>Results Expected (Outputs)</th>
<th>Benefits Expected (Outcomes)</th>
</tr>
</thead>
</table>
| -1 contract for the clean-up of the XVR Motel. | - Highly qualified Contractor to implement cleanup plan  
- Oversight and adherence to all applicable regulations |
| -12 Tribal Council reports  
-18 XVR Planning Committee Meetings | - Progress tracked  
- Council and Tribal citizens and community informed  
-Facilitation of community engagement |
| -1 clean-up notification | -Community notification of completion |
| -Clean-up of ~0.9 acres | -Restore ~0.9 acres for cultural/recreational/commercial  
-Increase in property value  
-Renovation of infrastructure: water, sewer and electrical  
-Opportunities of intended uses by tribal citizens and community |

**IV.E.5 Programmatic Capability and Past Performance (15 pts.)**

**IV.E.5.a Programmatic Capability (9 pts.)**

**IV.E.5.a.i Organizational Structure (5 pts.):** The TDN has 30+ years of experience in managing budgets for numerous projects across a wide range of program areas successfully. The total Tribal budget is ~$10 million a year. The following inventory provides a partial insight into those capabilities with annual grant budgets in excess of $5 million. The Tribe has a demonstrated capacity to administer a variety of grants, contracts and related project with complex requirements as established by federal and state regulation. Primary among these is the U.S. Department of Health and Human Services Direct Programs, U.S. Department of Interior Direct Programs, U.S. Department of Housing and Urban Development Direct Programs, U.S. Department Pass-through Department of Health and Human Services, U.S. Environmental Protection Agency, and the State of California.

The Tribe’s Operating Policies for Financial Management and separate Procurement Policy provide procedures and standards regarding fiscal management, including procurement and contract and grants management that fully meet federal requirements (e.g. 2 CFR Part 200) and rely upon Generally Accepted Accounting Principles. These comprehensive fiscal management procedures ensure the proper management and spending of federal and state grants and contracts, as well as tribal funds, with strict processes and checks/balances. The Tribe has a clear separation of duties for fiscal management to provide the necessary internal controls. The Fiscal Department includes staff who has a combined 105 years of experience, of which 28 combined years have been with the TDN. The Tribe does not hire Contractors that are not licensed in the State of California and do not hire any Contractors that are “debarred” or “suspended”. The TDN has a third party, licensed Accountant conduct annual audits for all Tribal accounts and retains all records according to federal requirements. The Chief Financial Officer ensures total compliance, consistently turns in all financial reports (e.g. SF 425) on time to federal funding agencies, and makes monthly financial reports to the Tribal Council. The Tribe’s audit year is January 1 – December 31 and we have an up-to-date and current A-133 audit submitted to the Federal Audit Clearinghouse. For the past 5 years, TDN has had no adverse audit findings.

The project will be managed out of the TDN Natural Resources Department by the Director. The Natural Resources Director, Megan Van Pelt, has a MA and has ~15 years’ experience in managing grant-funded projects. A licensed Abatement Contractor will be procured to complete the hazardous waste abatement including removal and disposal. Only highly qualified Contractors will be included in the review process, which will be a competitive competition that follows TDN procurement requirements (see previous descriptions)

**IV. E. 4. a. Acquiring Additional Resources (4 pts.):** The Tribe has a Procurement Policy that meets federal requirements to acquire additional expertise and resources (e.g. contractors) required to successfully complete the project.
IV.E.5.b Past Performance and Accomplishments (6 pts.)

IV.E.4.b.ii Has Not Received an EPA Brownfields Grant but has Received Other Assistance (6 pts.)

IV.E.4.b.ii.1 Purpose and Accomplishments (3 pts.): In the last year, the Tribe has managed several project that are similar in size, scope, and relevance to the proposed project. Three examples are:

<table>
<thead>
<tr>
<th>Project 1: EPA Performance Partnership Grant (see Appendix, p.3)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount of Funding Received: ~$1,143,450</td>
<td></td>
</tr>
<tr>
<td>Purpose: Manage a water quality program and build capacity towards developing EPA-eligible programs over a 5 year period.</td>
<td></td>
</tr>
</tbody>
</table>

| Accomplishments: implemented water program (5 years of data at 6 sites) and built capacity in other EPA-eligible programs (e.g. solid waste/recycling, air, brownfields) |  |
| Project 2: Low Impact Development and Stormwater Outfall Improvements (see Appendix, p.4) |  |
| Awarding Agency: California Ocean Protection Council, Proposition 1 |  |
| Amount of Funding Received: $1,071,400 |  |
| Purpose: implement LID (e.g. rain gardens, infiltration units) around Tribal enterprises and replace stormwater outfall to improve water quality in Lopez Creek and ocean |  |
| Accomplishments: 3 raingardens, bioswale, 2 infiltration units, and replace stormwater outfall |  |
| Project 3: Howonquet Wastewater Treatment Plant Improvements (see Appendix, p.5) |  |
| Awarding Agency: U.S. HUD, Indian Community Development Block Grant |  |
| Amount of Funding Received: $605,000 |  |
| Purpose: improvements to treatment plant to increase efficiency and reduce operational costs |  |
| Accomplishments: installed dewatering unit and filtration |  |

IV.E.4.b.ii.2 Compliance with Grant Requirements (3 pts.)

Project 1: Activities monitored monthly according to approved workplans; adjustments to workplans and budgets completed in consultation and then approval from EPA grants manager; all procurement requirements followed; quarterly and annual reporting (narrative and SF425) completed on time; and all terms and conditions were otherwise met under the grant agreement. Grant closed out.

Project 2: Activities monitored monthly according to approved workplans; bi-weekly Project Team meetings; any change orders or request for information were formally documented and approved by all parties; all invoices for construction were verified and inspections completed by Engineer/Project Manager and then by Tribal Project Manager; all procurement requirements followed; adjustments to workplans and budgets completed in consultation and then approval from OPC grants manager; quarterly reporting (narrative and invoice) submitted within a reasonable time; and all terms and conditions were otherwise met under the grant agreement. Grant in close out process now.

Project 3: Activities monitored monthly according to approved Implementation Schedule; regular Project Team meetings; any change orders or request for information were formally documented and approved by all parties; all invoices for construction were verified and inspections completed by Public Works & Facilities Manager and then by Tribal Project Manager; all procurement requirements followed; adjustments to workplans and budgets completed in consultation and then approval from HUD grants manager; quarterly reporting (narrative and invoice) submitted on time; and all terms and conditions were otherwise met under the grant agreement. Grant closed out.
III.B. Threshold Criteria for Cleanup Grants/list of Appendices if applicable

III.B.1 Applicant Eligibility
The Tolowa Dee-ni’ Nation is a federally recognized Tribe – (Indian entities recognized to receive services from the Bureau of Indian Affairs- Federal Register Vol 83, Issue 20. January 30, 2018) and is eligible for Brownfields funding.

III.B.2 Previously Awarded Cleanup Grants
The Xaa-wan'-k'wvt Village and Resort Hotel Site has not previously received funding from EPA Brownfields Clean-up Grant.

III.B.3 Site Ownership
See Appendix p. 6, Ship Ashore Recorded Grant Deed. The Tolowa Dee-ni’ Nation is the sole owner of the Site.

III.B.4 Basic Site Information
Name: Xaa-wan-k’wvt Village and Resort, XVR Hotel
Address: 12370 US-101 Smith River, Del Norte County, California 95567
Current Owner: The Tolowa Dee-ni’ Nation
See Attachments A and B for maps.

III.B.5 Status and History of Contamination at the Site
The XVR Hotel Site is contaminated by Hazardous Substances. The previous landowners operated the Site as the Ship Ashore an economic enterprise with commercial, recreational and residential uses for many decades. Adjacent to the Hotel are an R.V. Park, Recreational Hall and Facilities and Maintenance Yard. The Hotel Site is currently closed for operation due to public safety and health concerns. Due to dilapidation, poor maintenance of facilities and historical uses of the Site, there are several know contaminants that require mitigation for the redevelopment of the site. The following table is a summary of the known contaminants and locations.

<table>
<thead>
<tr>
<th>Assessment Area</th>
<th>Contaminated Building Materials</th>
<th>Soil Sample Depth</th>
<th>Soil Contaminants of Concern</th>
</tr>
</thead>
<tbody>
<tr>
<td>XVR Hotel</td>
<td>LBP, ACM</td>
<td>Surface</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Notes:
ACM = asbestos-containing materials
LBP = lead-based paint
PCBs = polychlorinated biphenyls
N/A = not applicable

III.B.6 Brownfields Site Definition
The Site is eligible for Brownfields funding per the definitions under CERCLA § 101(39).

- The Site is not listed or proposed for listing on the National Priorities List;
• The Site is not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA;
• The Site is not subject to the jurisdiction, custody, or control of the U.S. government.

III.B.7 Environmental Assessment Required for Cleanup Proposals
The U.S. Environmental Protection Agency (EPA), Region 9 tasked Weston Solutions, Inc., (WESTON®) to conduct an Analysis of Brownfields Cleanup Alternatives (ABCA) for the property located at 12370 US-101, and 200 N. Salmon Harbor Rd., in Smith River, Del Norte County, California (Site). This ABCA was prepared under U.S. Army Corps of Engineers (USACE) Contract W912P7-16-D-0001. WESTON performed fieldwork for a Phase II Targeted Brownfields Assessment (TBA) during the summer of 2018, the TBA was requested by the Tolowa Dee-ni’ Nation and performed under contract with the USACE. As part of the TBA, WESTON conducted a Phase II Environmental Site Assessment to further assess Site conditions. Sampling was conducted on decision units to determine and inform alternatives that would meet the project goal to mitigate the identified contaminants and environmental conditions to levels appropriate for the intended site reuse.

III.B.8 Enforcement or Other Actions
Does Not Apply.

III.B.9 Sites Requiring a Property-Specific Determination
The Site does not require a Property-Specific Determination.

III.B.10 Threshold Criteria Related to CERCLA/Petroleum Liability
III.B.10.a Property Ownership Eligibility - Hazardous Substance Sites
III.B.10.a.i Exemptions to CERCLA Liability
III.B.10.a.i.1 Indian Tribes
The Tolowa Dee-ni’ Nation is a federally recognized tribe and is exempt from CERCLA liability.

III.B.10.b Property Ownership Eligibility - Petroleum Sites
Does Not Apply.
III.B.10.b.i Information Required for a Petroleum Site Eligibility Determination
III.B.10.b.i.1 Current and Immediate Past Owners
Does Not Apply.
III.B.10.b.i.2 Acquisition of Site
Does Not Apply.
III.B.10.b.i.3 No Responsible Party for the Site
Does Not Apply.
III.B.10.b.i.4 Cleaned Up by a Person Not Potentially Liable
Does Not Apply.
III.B.10.b.i.5 Judgments, Orders, or Third Party Suits
Does Not Apply.
III.B.10.b.i.6 Subject to RCRA
Does Not Apply.
III.B.10.b.i.7 Financial Viability of Responsible Parties
III.B.11 Cleanup Authority and Oversight Structure

III.B.11.a Cleanup Oversight

The TDN Natural Resources Department is the Tribal Environmental Authority that will oversee the brownfields Xaa-wan'-k'wvt Village and Resort XVR Hotel clean-up project. This Tribal Environmental Authority will take the lead on implementing the project. The Natural Resources Department will work collaboratively with the TDN Planning Department and the Tribal Heritage Preservation Office to ensure the project aligns with all environmental regulations. The Natural Resources Department will also collaborate with multiple Government Agencies during the assessment, cleanup and redevelopment processes. Examples of agencies and potential project interaction include:

• U.S. Bureau of Indian Affairs: Technical assistance regarding land management and potential redevelopment.
• U.S. Environmental Protection Agency: Technical assistance for brownfields will be provided by Region IX.
• Elk Valley Rancheria Environmental Program: General advice from neighboring Tribe that has successfully completed brownfields assessments and cleanups.
• TDN Tribal Heritage Preservation Office and State Historic Preservation Office: Guidance and technical assistance regarding protection of cultural and historic places.
• California Coastal Commission: Consultation and coordination, particularly when it comes to redevelopment as the project is in the Coastal Zone on fee land.
• U.S. National Oceanic and Atmospheric Administration: Communication to update them on project’s potential benefits to estuary and listed species.
• California State Lands Commission: Communication and coordination for any potential impacts to tidelands during clean up and/or redevelopment

TDN will consult with EPA to ensure the cleanup is protective of human health and the environment. Procurement for the Construction Contractor will follow the Tribe’s Procurement Policy, which meets 2 CFR Part 200 (see narrative for a more detailed description of procurement standards).

III.B.11.b Access to Adjacent Properties

The Tolowa Dee-ni’ Nation owns the Site and has access necessary to perform all mitigation actions as required for the successful completion of the clean-up project.

III.B.12 Community Notification

III.B.12.a Draft Analysis of Brownfields Cleanup Alternatives

See Appendix, p.14-50, for ABCA Targeted Brownfields Assessment 2018. The U.S. Environmental Protection Agency (EPA), Region 9 tasked Weston Solutions, Inc., (WESTON®) to conduct an Analysis of Brownfields Cleanup Alternatives (ABCA) for the property located at 12370 US-101, and 200 N. Salmon Harbor Rd., in Smith River, Del Norte County, California. This ABCA was prepared under U.S. Army Corps of Engineers (USACE) Contract W912P7-16-D-0001. WESTON performed fieldwork for a Phase II Targeted Brownfields Assessment (TBA) during the summer of 2018. The TBA was requested by the Tolowa Dee-ni’ Nation (TDN, the applicant) and performed under contract with the USACE. The purpose of the TBA was to
characterize conditions at the Site because it is being considered for reuse. This ABCA report identifies and compares different cleanup scenarios to address contaminants identified during the Phase II Targeted Brownfields Assessment (TBA) building surveys and soil sampling. The cleanup scenarios were evaluated on effectiveness, implementability, and cost.

III.B.12.b Community Notification Ad
The TDN posted the community notification ad as customarily used to communicate to the target community(ies) no later than January 17, 2019. See Appendix, p.51

III.B.12.c Public Meeting
Comments received can be summarized according to the following themes:
- Glad to see the Tribe taking a lead in cleaning up the property. One comment specifically noted, “It’s about time.”

Response to Comments occurred as an open dialog in the meeting. No comments required adjustments to the proposed project scope, except of the timeline, which cannot be reasonably met.

Generally speaking, the summary of the meeting included a presentation overview of the project scope, alternatives, and proposed grant proposal content. This occurred as part of the larger department presentation provided by the Natural Resources Department during the Open Council meeting on January 10th. Specific meeting notes may be provided during preaward. Council meeting minutes and sign-in sheets have not yet been finalized or approved for release by Tribal Council at time of grant submission. As described in the narrative, extensive input occurred in developing the project scope over the last year-plus. In addition, community engagement will continued to be facilitated an incorporated throughout the project.

III.B.12.d Submission of Community Notification Documents
See Attachment H and I, as well as previous description in two sections prior.

III.B.13 Statutory Cost Share
There is a 20% required non-federal match on the grant. The TDN accepts responsibility to provide that match in cash and/or in-kind, provided by Tribal General Funds.

III.B.13.a Meet Required Cost Share
The TDN has committed at least 20% of the requested amount (=$100,000) to the project from Tribal funds.

III.B.13.b Hardship Waiver
Not requested.