

## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

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Staff:	Robert Merrill-E
Staff Report:	June 24, 1998
Hearing Date:	July 8, 1998
Commission Action:	

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 1-98-20

APPLICANT: PG&E

PROJECT LOCATION: Within Humboldt Bay, between Eureka and Samoa, Humboldt County.

PROJECT DESCRIPTION: Remove two previously abandoned submarine electrical cables from the bottom of Humboldt Bay.

LOCAL APPROVALS RECEIVED: None required.

SUBSTANTIVE FILE DOCUMENTS: Humboldt County Local Coastal Program.

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STAFF NOTES1. Standard of Review.

The proposed project is located within intertidal and submerged lands under Humboldt Bay within the Commission's retained jurisdictional area. Therefore, the standard of review that the Commission must apply to the project is the Coastal Act.

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SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed removal of two previously abandoned submarine cables from the bottom of Humboldt Bay. The Department of Fish & Game has determined that if performed in the manner proposed in the application, the proposed cable removal operation will not have a significant adverse effect on bottom habitat. To ensure that the cable removal is performed as proposed, staff recommends that the Commission impose Special

Condition No 1 which requires adherence to the proposed method. To ensure that navigational hazards of the operation to boaters will be appropriately addressed, staff also recommends that the Commission impose a condition requiring the submittal of any necessary Coast Guard approval of the project prior to the commencement of work. As conditioned, staff believes the project will maintain the biological productivity of Humboldt Bay waters consistent with Section 30231 of the Coastal Act and will not adversely affect boating access to Bay waters, consistent with Coastal Act public access policies. Therefore, staff believes the proposed project is consistent with the Coastal Act and recommends approval.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions: See attached

III. Special Conditions:

1. Method of Removal.

The cables shall be removed by attaching a winch or a crane to the end of the exposed cables and pulling them up from the channel bottom onto a barge as described in the application. To avoid impacts to sensitive eelgrass habitat, the cables shall not be exposed by any excavation prior to their removal. Any proposed changes to the method of removal shall be reported to the Executive Director. Proposed changes shall not occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. U.S. Coast Guard Approval.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicant shall submit a copy of any necessary approval for the project from the U.S. Coast Guard or evidence that no such approval is required.

#### IV. Findings and Declarations.

The Commission hereby finds and declares:

##### 1. Project and Site Description:

The applicant proposes to remove two previously abandoned submarine cables that extend across the bottom of Humboldt Bay between the City of Eureka near the end of Del Norte Street, to the Fairhaven area on the Samoa Peninsula (see Exhibits 1 and 2). The cables were originally installed in 1932 and 1964 to provide power to the Samoa Peninsula. In later years, the installation of overhead transmission lines made the old submarine cables obsolete, and in 1984 the cables were abandoned. At the time the cables were abandoned, the ends of each cable from their shore-side connections to the low water line on each side of the channel were removed. Approximately 2,500 lineal feet of the 1932 cable and 2,070 lineal feet of the 1964 cable remain on the bottom of Humboldt Bay. These remaining portions of the cable are now proposed for removal to accommodate the Corps of Engineers' planned dredging project to deepen the Humboldt Bay and Harbor shipping channel.

The cables will be removed by use of a barge equipped with a winch or crane. The eastern ends of the cables are exposed at low tide. The contractor will attach the winch or crane to the end of the exposed cable and pull it up from the channel bottom onto the barge. The cables will then either be rolled onto a large spool, or cut into truckable lengths and stacked on the barge. The cable will then be transferred to shore for salvaging or disposal in an appropriate disposal facility. The project will commence this summer and is expected to take approximately two weeks.

The cable is partially buried in bay sediments. The sediment and mud flat that surrounds the cable contain a variety of benthic organisms. The mudflat is largely unvegetated but the staff of the Department of Fish & Game has determined that the easternmost approximately 250 feet of one of the cables extends through a portion of mudflat where eelgrass, an environmentally sensitive species, is growing.

##### 2. Protection of Marine Resources.

Although the project does not involve any filling or dredging, the proposed development will be conducted within the open coastal waters of Humboldt Bay. Section 30231 of the Coastal Act provides as follows, in applicable part:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes...shall be maintained and, where feasible, restored...

The principal impact of the project on marine resources will be the disturbance of bottom habitat as the cables are pulled up from the bottom. As noted previously, the cables are partially buried in the mudflat due to sedimentation of the Bay bottom over the years since the cables were installed. The Department of Fish and Game has reviewed the project and determined that there would not be much disturbance to bottom habitat if the cables are merely lifted off the bottom as proposed in the application. For much of the length of the cables, the bay bottom is proposed to be dredged anyway in the near future as part of the Corps of Engineers ship channel deepening project. In locations where future dredging will not occur, the gash in the Bay bottom opened up by cable removal is expected to refill with sediment in a relatively short period of time and be quickly recolonized by benthic organisms from the surrounding mudflat areas. The Department of Fish & Game believes the cable removal will also have only minor effects on the eel grass.

However, the Department of Fish & Game has stated that if the removal method were to deviate from the cable pulling proposed to include some greater form of disturbance such as excavation of the sediment above the cables, the impacts of the excavation work on the eelgrass habitat would be significant and would require mitigation. Therefore, the Commission attaches Special Condition No. 1 which requires that only the pulling method proposed in the application be employed to remove the cable and that any proposed deviation from this method be first reported to the Executive Director for a determination of whether a permit amendment would be required.

As conditioned, the Commission finds that the proposed cable removal project will not have significant impacts on bottom habitat and will maintain the biological productivity and quality of Humboldt Bay waters, consistent with Section 30231 of the Coastal Act.

### 3. Public Access.

Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. In applying Section 30211 and 30212, the Commission is also limited by the need to show that any denial of a permit application based on this section, or any decision to grant a permit subject to special conditions requiring public access is necessary to avoid or offset a project's adverse impact on existing or potential access.

The proposed project will temporarily affect public access to Humboldt Bay by blocking boat access over portions of the Bay during the removal operation. For safety reasons, recreational boaters and other vessels will need to stay

clear of the barge and the cable. The applicant expects that boating would be affected only in the immediate vicinity of the barge, and that the Bay is sufficiently wide in this location that boats could pass by unimpeded. Given that all vessel traffic will not be blocked, and that the total duration of the project (two weeks) will cause only a limited temporary disruption, the Commission finds that the resulting exclusion of boaters from use of portions of Bay waters does not constitute a significant impact on public access.

However, the removal operation could pose a navigational hazard to boaters. The U.S. Coast Guard may need to review the operation to ensure that any appropriate warning signs or buoys, or other navigational aides are employed to minimize navigational hazards. To ensure that the Coast Guard is given the opportunity to review the proposed project to minimize navigational hazards to boaters, the Commission attaches Special Condition No. 2 which requires that the applicant submit copies of any necessary approval of the Coast Guard or evidence that no such approval is required. As conditioned, the Commission finds that the proposed project will not have a significant impact on public access and the project is fully consistent with the public access and recreation policies of the Coastal Act.

#### 4. California Environmental Quality Act (CEQA).

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Coastal Act. Mitigation measures have been attached, including requirements that (1) only the proposed cable removal method proposed in the application be followed to avoid the use of methods more disruptive to bottom habitat, and (2) that any necessary Coast Guard approvals be obtained prior to the commencement of the project to ensure that the project does not create navigational hazards to vessel traffic.

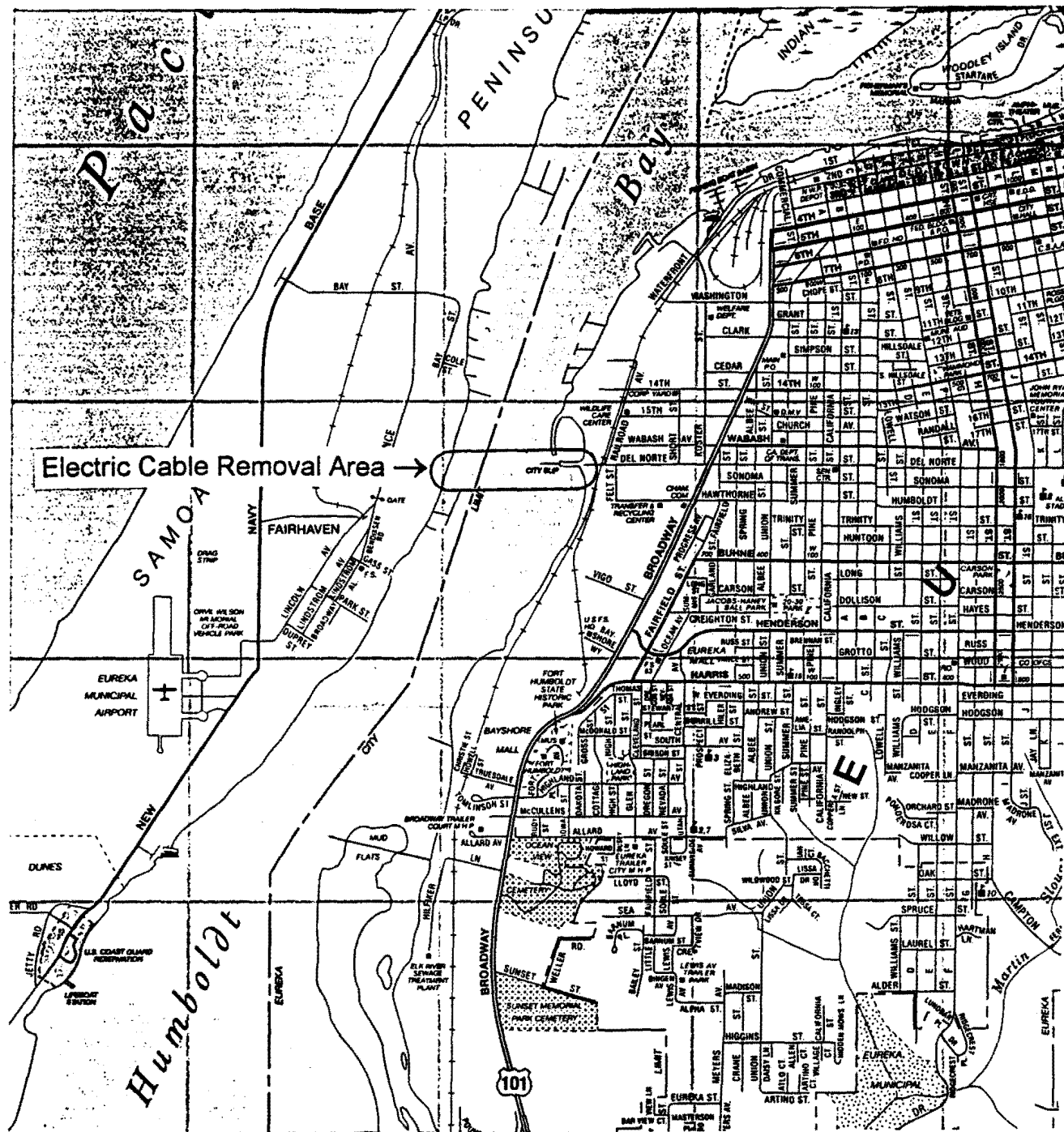
As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

ATTACHMENT A

Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.





# **Project Location Map** **Humboldt Bay Channel** **Electric Submarine Cable Removal Project**

PG&E - January 1998

EXHIBIT NO. 2

APPLICATION NO.  
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Location Map