

CALIFORNIA COASTAL COMMISSION
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Staff: Robert Merrill-E
Staff Report: August 28, 1998
Hearing Date: Sept. 9, 1998
Commission Action:

STAFF REPORT: REGULAR 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.

STAFF NOTES

1. 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.

2. Rescheduled From July Meeting.

The application was originally scheduled for the Commission's review as part of the Consent Calendar at the Commission meeting of July 8, 1998. Prior to the meeting, the applicant indicated that the project description would be amended to include certain exploratory excavation work that would be needed to find the buried end of one of the cables proposed to be removed. The project was then postponed from the agenda to allow the changes to the project description to be submitted and evaluated.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed removal of two previously abandoned submarine cables from the bottom of Humboldt Bay. The principal impact of the project is the unavoidable disturbance of eelgrass beds that will result from excavation work necessary to find the buried end of one of the cables to be removed. Until the excavation is conducted and the cable found, the full extent of the impact from the exploratory excavation work will not be known. PG&E proposes to mitigate for the damage by restoring the mudflat elevations and replanting the disturbed areas with eel grass obtained from other locations within the eel grass bed in sufficient quantities to reestablish the pre-project density of eelgrass. The applicant states that if the exploratory excavation work results in only minor impacts to the mudflat, and the Department of Fish & Game determines after the exploratory work is completed that no mitigation is necessary, the applicant would not perform the eelgrass restoration work discussed above.

Staff believes that with some revisions to the mitigation proposal, the proposed eelgrass transplanting work would appropriately mitigate the impacts of the project. Therefore, proposed Special Condition Nos. 1 and 2 require the applicant to perform a post-construction survey of the eel grass beds and submit a detailed mitigation plan that would fully restore all eelgrass beds actually disturbed by the exploratory excavation work to pre-project densities. However, staff believes that only the Commission can determine whether the requirement to perform the eelgrass mitigation work should be eliminated or not in the event the amount of disturbed area turns out to be minimal, and that the appropriate means for the Commission to address the issue would be through a material permit amendment. The Commission and the public would then have the opportunity to review the amendment request at a public hearing and determine what amount of mitigation, if any, would be necessary to ensure the project would remain consistent with the Coastal Act. Therefore, the proposed findings state that should the post construction survey indicate that only insignificant impacts result that the Department of Fish & Game has determined do not need to be mitigated, the Commission would accept an amendment request for processing that proposes to eliminate or reduce the mitigation requirement of the permit accordingly. As conditioned and with the proposed finding, staff believes the proposed project is consistent with the Coastal Act and recommends approval.

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION

Motion

I move that the Commission approve Coastal Development Permit No. 1-98-20 subject to conditions.

Staff Recommendation of Approval

Staff recommends a YES vote and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve Permit

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. **Post-Cable Removal Eelgrass Evaluation**

WITHIN 30 DAYS OF COMPLETION OF THE CABLE REMOVAL WORK, the applicant shall submit for the review and approval of the Executive Director an evaluation of the eel grass beds in the project area that includes (a) the results of a survey of the eelgrass bed in the vicinity of the Del Norte Pier conducted immediately following the removal of both cables during low tide, (b) mapping and quantification of all mudflat areas disturbed by the activities conducted to locate the cables that were removed, and (c) a comparison of the condition of the eelgrass beds with the condition of the beds as reported in the baseline evaluation dated July 17, 1998 submitted with the application

2. **Mitigation Plan.**

WITHIN 60 DAYS OF COMPLETION OF THE CABLE REMOVAL WORK, the applicant shall submit for the review and approval of the Executive Director a habitat mitigation plan which incorporates the following elements:

- A. *A map* of all portions of the eelgrass beds affected by the cable location and removal activities
- B. *A Description of all Proposed Mitigation Work* that provides for returning the disturbed portions of the mudflat back to the pre-project elevation, and replanting the area with eel grass obtained from another location within the eel grass bed as proposed in the applicant's project description.
- C. *Success Standards*, including a standard that the eelgrass transplanting efforts will be judged successful when all eel grass has been reestablished to pre-project densities.
- D. *A Monitoring Program* that provides for the establishment of a "control" monitoring site on an undisturbed eelgrass bed adjacent to the project site for use in comparing the habitat values of the eel grass enhancement area with those of an undisturbed site during monitoring. The monitoring program shall provide for the submittal of annual monitoring reports for the review and approval of the Executive Director by September 1 of each year for the next five years after project completion, or until the success standards have been achieved, whichever is later. Copies of all mitigation monitoring reports shall be submitted to the Department of Fish & Game and the U.S. Fish & Wildlife Service at the same time they are submitted to the Commission. Each annual report shall include a comparison of habitat characteristics between the control site and the enhancement area. The Monitoring program shall include provisions for establishing fixed photo points for use in photographing the mitigation areas. Photographs shall be taken during each monitoring period and submitted with each monitoring report.
- E. *An Implementation Schedule* that provides for completion of the transplanting of the eelgrass during the first May and June following completion of the cable removal.

The applicant shall undertake the mitigation program in accordance with the approved final mitigation plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. Proposed changes to the approved final plan shall not occur without a judged successful when eel grass has been reestablished to pre-project densities

Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required because the change is not substantive in nature.

3. 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. 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.

4. U.S. Coast Guard Notification.

The applicant shall provide all necessary information to the U.S. Coast for the Coast Guard's use in notifying mariners of the navigation hazards posed by the project via the Coast Guard's weekly Notice to Mariners publication.

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 east end of one of the cables is visible at low tide, but the end of the northern cable is not. The buried end of the cable must be located to allow for the cable's removal. The applicant proposes to utilize a diver with a magnetometer to locate the approximate end of the cable. Once the cable is thought to be located, the diver will use a water jet to expose enough of the end to allow for its removal. As other buried metal debris besides the cable is often present in harbors such as Humboldt Bay, false magnetometer readings can occur. It may be necessary to use the water jet in numerous locations before the cable is found. If the magnetometer/water jet method proves unsuccessful, the contractor will then explore for the cable by pulling through the mudflat area with either a grappling hook or a small back hoe until the cable is snagged and the end located.

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.

The applicant believes the removal of the cable itself by winch or crane will create only a narrow gash on the Bay bottom and that any habitat disturbed by this activity will quickly revegetate naturally. However, the applicant acknowledges that the exploratory excavation work necessary to find the buried end of the cable may have significant impacts, given the possibility that many areas may need to be disturbed during the process of trying to locate the cable and given the presence of the eelgrass beds in the affected area. The applicant has amended the project description since submittal of the original application to include certain mitigation work. The mitigation program is described in the amended application as follows:

“Immediately following the removal of both cables, a second evaluation of the eel grass beds will be conducted by the applicant during low tide, and the results will be compared with the data presented in this report. If impacts have occurred to the mudflat, any changes in the distribution and abundance of eel grass in the affected area will be quantified in a post-construction report submitted to the California Department of Fish and Game (CDFG). At a minimum, mitigation will consist of:

1. returning the disturbed portion of the mudflat back to the pre-project elevation,
2. replanting the area with eel grass obtained from another location within the eel grass bed to the pre-project density, and/or
3. other measures as deemed appropriate by the CDFG to restore the habitat values of the site.

If the construction impact avoidance measures have been successful and impacts to eel grass are minor, the affected area is likely to recover rapidly through natural regeneration. As such, CDFG may waive all or part of the mitigation requirements based on documentation in the post-construction report that the habitat values will be restored to pre-project levels. In either case, the final determination of the level of impact, and the development of final mitigation measures will be conducted by

PG&E, subject to the review and approval of CDFG. CDFG contacts pertaining to this issue are Becky Ota and Bob Tasto, who are located in Menlo Park.”

4. Dredging in Coastal Waters.

The proposed project involves a form of dredging of coastal waters, as portions of the bottom of Humboldt Bay would be excavated in the process of attempting to locate the buried end of the cable. The exploratory excavation would adversely affect eelgrass habitat, as there are extensive eelgrass beds in the vicinity of the suspected end of the buried cable.

The actual removal of the cables themselves, by pulling them up from the bottom using a barge mounted winch or crane may or may not be considered a form of dredging. Whether or not this activity is considered dredging, however, the impacts of the cable pulling will be insignificant. 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. In consultations with Commission staff, the staff of the Department of Fish & Game has stated that they believe the cable removal process will also have only minor effects on the eel grass.

Several sections of the Coastal Act address the dredging within coastal waters and the protection of marine resources. 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...

Section 30233(a) of the Coastal Act provides as follows, in applicable part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

...

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities, and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities...

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

...

(7) Restoration purposes.

...

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary....

The above policies set forth a number of different limitations on what fill projects may be allowed in coastal waters and environmentally sensitive habitat areas. For analysis purposes, the limitations can be grouped into four general categories or tests. These tests are:

- a. that the purpose of the project is limited to one of eight uses.
- b. that the project has no feasible less environmentally damaging alternative;

c. that adequate mitigation measures to minimize the adverse impacts of the proposed project on habitat values have been provided.

d. that the biological productivity and functional capacity of the habitat shall be maintained and enhanced where feasible.

A. Permissible Use for Dredging

The first general limitation set forth by the above referenced Chapter 3 policies is that any proposed dredging project can only be allowed for certain limited purposes. Under Section 30233(a), dredging in coastal waters may only be performed for any of eight different uses, including under subsection (5), "Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines."

The proposed project consists of the exploration for and removal of partially buried cables that were originally placed on the bottom of the Bay to provide a public service purpose, providing electrical power to the Samoa Peninsula. The removal of the cables is also incidental to a public service, the proposed and authorized harbor deepening dredging project. Therefore, the Commission finds that the purpose of the dredging is consistent with subsection (5) of Section 30233(a) of the Coastal Act.

B. No Feasible Less Environmentally Damaging Alternatives.

A second general limitation set forth by the above referenced Chapter 3 policies is that any proposed dredging project must have no less environmentally damaging feasible alternative.

The no project alternative would not accomplish the project objective of removing the cables to enable the harbor deepening dredging project to go forward. The harbor deepening project is designed to facilitate shipping port use, a priority use under the Coastal Act. Therefore, the Commission finds that the no project alternative is not acceptable.

Instead of first trying to locate the end of the buried cable using a magnetometer, the applicant could simply start excavating the suspected cable area with a back hoe or pull a grappling hook, as the applicant proposes to do as a kind of backup plan if the magnetometer and water jet method fails. Although it is possible the cable might be located early in such an excavation process and minimize the amount of disturbance, the odds are much greater that the cable would not be found as quickly using this method than by starting with the magnetometer. Use of the magnetometer will at least allow for a narrowing of the possible exploration sites, even if some false readings are generated by metal trash and some water jet dredging is performed unnecessarily. Given that the odds of finding the end of the buried cable by simply excavating the site are less than by use of the proposed magnetometer method,

this alternative is far more likely to result in greater disturbance of the eelgrass bed during the exploration process

No other feasible methods have been identified for locating the buried end of the cable

Therefore, the Commission finds that proposed method of bank protection involves the least environmentally damaging alternative as required by Section 30233(a).

C. Mitigation for Adverse Impacts.

A third general limitation set forth by Sections 30231 and 30233(a) is that adequate mitigation to minimize the adverse impacts of the proposed project on habitat values must be provided.

Feasible mitigation measures are available to mitigate the potential adverse impacts of the project. The main impact of the project will be the temporary disturbance of mudflat habitat that supports rich eelgrass beds. Eelgrass beds provide important habitat for marine species as an area for spawning, foraging, and for cover. As discussed previously, an undetermined amount of this habitat will be dredged and disturbed during the exploratory excavation process

To mitigate for this loss of habitat, the applicant proposes to return the disturbed portion of the mudflat back to the pre-project elevation and replant the area with eelgrass obtained from another location within the eelgrass bed. The goal is to reestablish the pre-project density of eelgrass in the affected areas. The applicant indicates, however, that it would not perform this mitigation work if the impacts of the exploratory work on eel grass turn out to be minor and the Department of Fish & Game determines the mitigation is not necessary. The mitigation proposal was prepared in consultation with the Department of Fish & Game.

If undertaken, the Commission finds that the proposal to restore pre-project elevations and transplant eelgrass would be an appropriate approach to mitigating the impacts of the exploratory excavation work. In past permit actions in recent years, the Commission has encouraged wetland mitigation proposals that provide (1) mitigation on-site whenever possible; (2) in-kind habitat replacement; (3) restoration of former wetlands that have been filled or diked as opposed to the more problematic creation of new wetlands out of purely upland habitat; (4) habitat replacement adjacent to functioning wetland habitat of the same kind to increase the chances of success; (5) mitigation at ratios of habitat creation to habitat loss typically ranging from 2:1 to 4:1 or greater, in recognition that wetlands restoration projects are difficult to implement successfully and that there is often a significant lag time between the time when the wetlands are filled and the time when full habitat values are restored; and (6) that the mitigation proposal be adequately supported with appropriate success standards, a suitable monitoring program, and proposed remedial action. Wetland mitigation measures that more fully conform to these goals are more likely to provide adequate mitigation as required by the third test of Section 30233 of the Coastal Act, and better ensure that the biological productivity and the quality of

coastal waters and wetlands are maintained and where feasible restored as is also required by Section 30233.

The proposed mitigation work conforms well to most of these goals. The eelgrass restoration will be performed on-site, in-kind, and within a wetland area as it seeks to recreate the same eelgrass habitat that will be disturbed in the same location. The ratio of habitat creation to habitat loss would be 1:1. Although this ratio is low in comparison with the ratio the Commission requires with some project, the Commission has approved projects at 1:1 ratios when the kind of habitat involved is temporary, relatively small, and when the area to be disturbed is the same area to be restored. All of these considerations are present in this case. Therefore, the Commission finds that the 1:1 ratio proposed in this case is appropriate.

At this point however, the applicant's mitigation proposal is not in the form of a detailed plan that provides procedures for monitoring, an implementation schedule, and remedial action procedures. In addition, as the total area that will be disturbed by the exploratory excavation cannot be determined until the project commences and the buried end of the cable is found, the mitigation proposal does not include any maps of the specific area of impacts and restoration. These elements are key components of any successful mitigation plan and are necessary for ensuring that the goal of restoring eel grass densities in the affected areas to pre-project densities is attained. Therefore, the Commission attaches two special conditions that required the detailed information be developed and integrated into a successful mitigation plan

To document the location and amount of eel grass disturbance that results from the project, the Commission attaches Special Condition No. 1 which requires that within 30 days of completion of the cable removal work, the applicant shall submit for the review and approval of the Executive Director an eelgrass evaluation that includes mapping and quantification of all mudflat areas disturbed by the activities conducted to locate the cables that were removed, and a comparison of the condition of the eelgrass beds with the condition of the beds as reported in the baseline evaluation dated July 17, 1998 submitted with the application. With this evaluation of the eelgrass beds, the applicant will then be able to prepare a detailed mitigation plan.

The Commission attaches Special Condition No. 2 which requires that a detailed mitigation plan be submitted within 60 days of completion of the cable removal work for the review and approval of the Executive Director. The plan must include a detailed description of all proposed mitigation work, success standards, a monitoring program, and an implementation schedule, all developed in accordance with the goal of carrying out the applicant's proposed mitigation and restoring the eelgrass to pre-project densities. Other criteria that must be met to enable the Executive Director to approve the plan include requirements that the monitoring plan provide for establishing fixed photo points for use in photographing the mitigation areas and provide for a "control" monitoring site on an undisturbed eelgrass bed adjacent to the project site for use in comparing the habitat values of the eel grass enhancement area with those of an undisturbed site during monitoring. The implementation schedule must provide for completion of the transplanting of the eelgrass during the first May and June following

completion of the cable removal, which is the optimal time to ensure survival and growth of the transplanted eelgrass.

As conditioned, the Commission finds that the proposed mitigation work will adequately mitigate the impacts of the proposed project on the dredging and disturbance of the eelgrass habitat.

However, the Commission finds the applicants proposal to not perform the mitigation work should the Department of Fish & Game determine that mitigation is not needed to restore habitat values is not appropriate. Although it is possible that only a minimal amount of area of mudflat may end up being disturbed during the exploratory excavation work and the extensive mitigation program discussed above may not be necessary, the Commission finds that only the Commission can determine whether the requirement to perform the eelgrass mitigation work should be eliminated or not. The appropriate means for the Commission to address the issue would be through a material permit amendment that would allow the Commission and the public the opportunity to review the proposal at a public hearing. Therefore, the Commission finds that should the post construction survey of the eelgrass beds indicate that only insignificant impacts have occurred as a result of the exploratory excavation work that the Department of Fish & Game has determined do not need to be mitigated, an amendment that proposes to eliminate or reduce the mitigation requirement of the permit request should be accepted for processing.

As conditioned, and with the proposed finding, the Commission finds that the proposed project will provide feasible mitigation measures that will adequately mitigate the impacts of the proposed project on the eelgrass habitat.

D. Maintenance and Enhancement of Estuarine Habitat Values.

The fourth general limitation set by Sections 30231 and 30233(a) on dredging project is that any such fill project proposed shall maintain and enhance the biological productivity and functional capacity of the habitat, where feasible. The required mitigation will maintain the biological productivity and functional capacity of Humboldt Bay. As discussed above, the mitigation plan will ensure that there will be not net loss of eelgrass habitat and that eelgrass density will be returned to pre-project densities. Therefore, the Commission finds that the project, as conditioned, will maintain the biological productivity and quality of Humboldt Bay, consistent with Section 30231 of the Coastal Act. Similarly, as conditioned, the proposed project will maintain the functional capacity of the wetlands as required by Section 30233(c).

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.

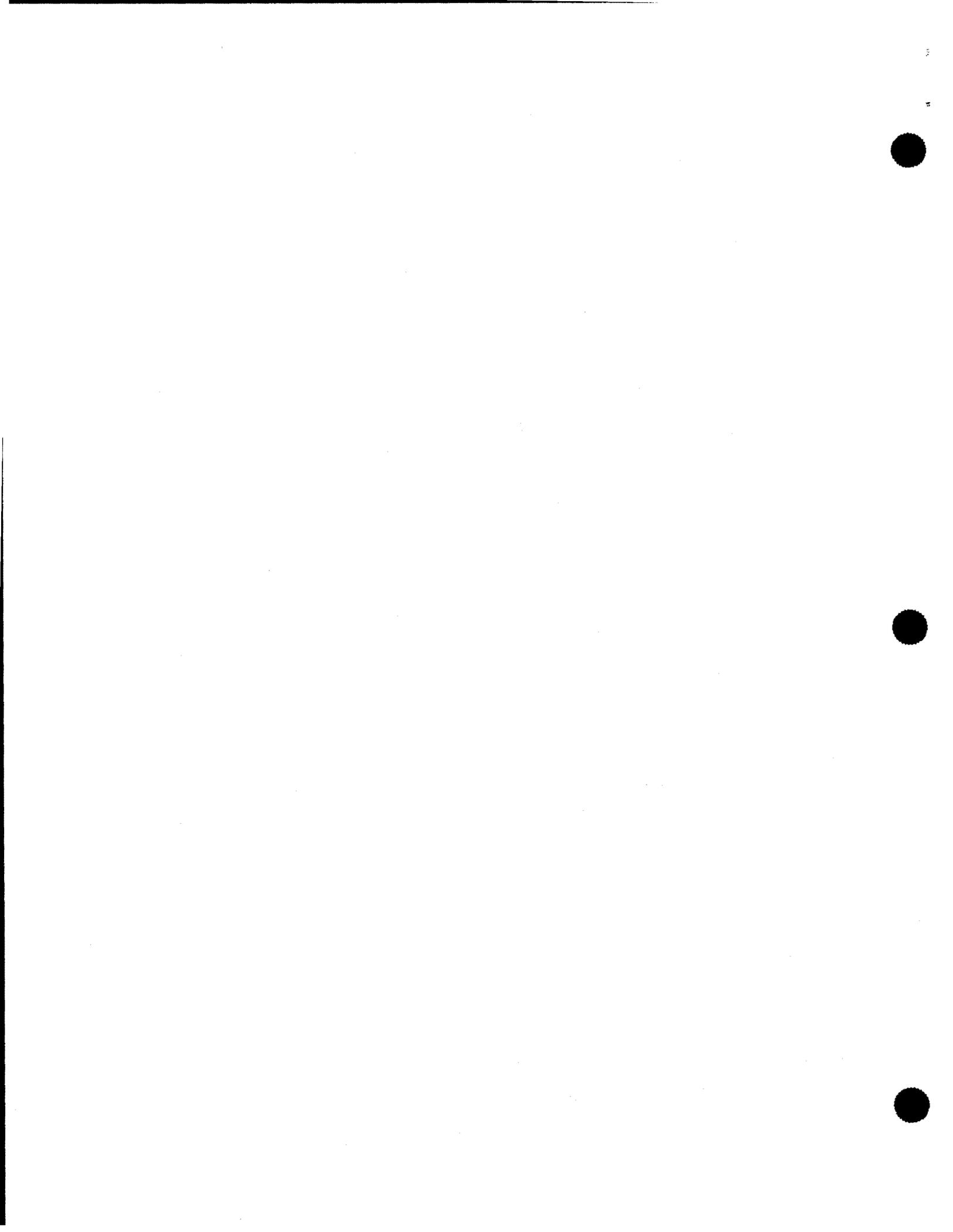
The proposed project has been conditioned in order to be found consistent with the Coastal Act. Mitigation measures have been attached, including requirements that (1) a complete mitigation plan be prepared and implemented that will ensure that eelgrass densities in all areas disturbed by the exploratory excavation work will be returned to pre-project densities, 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.

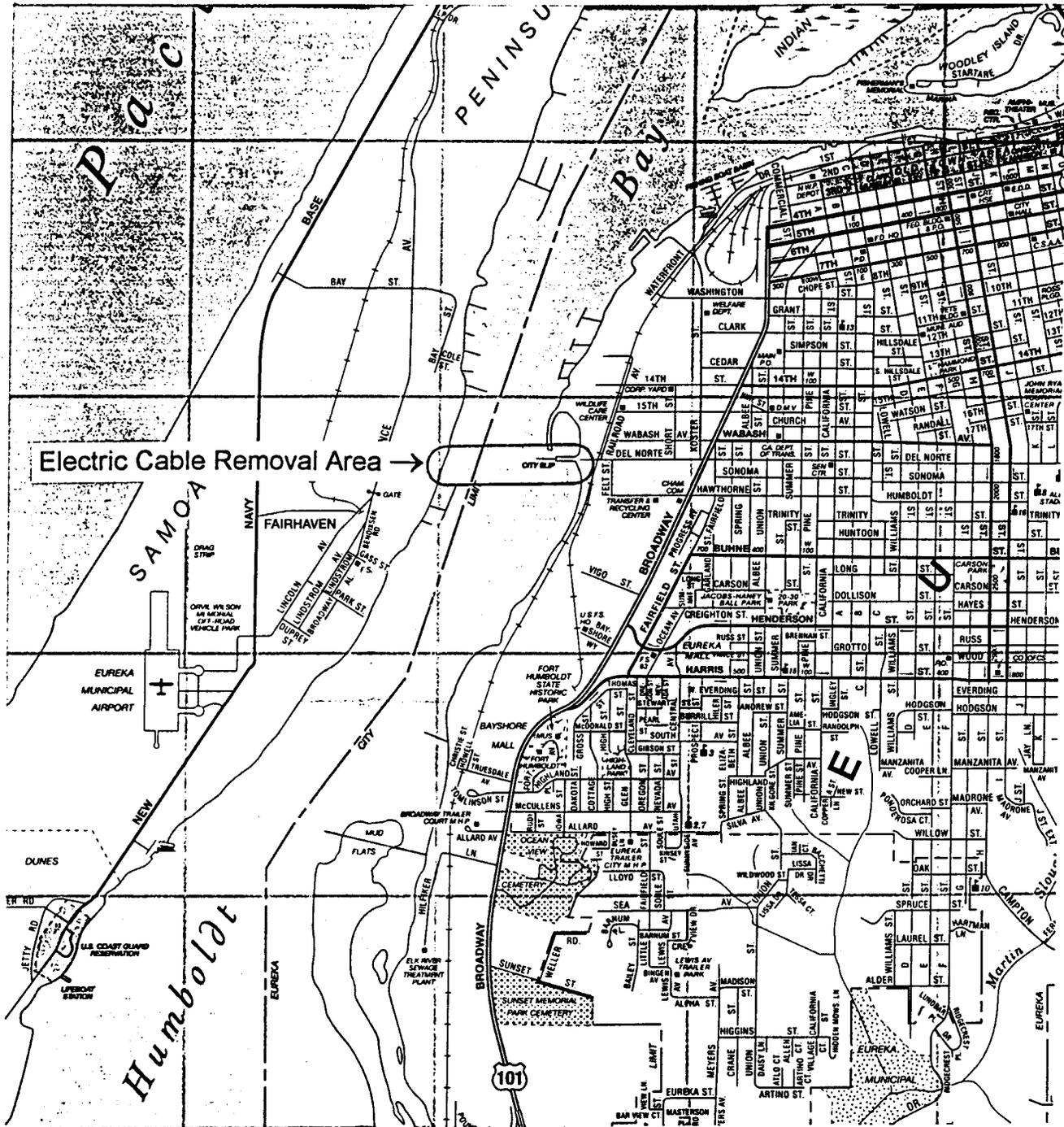
As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned 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 of 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. 1-98-20
Location Map