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Filed: 6/2/17
180th Day: 11/29/17
270th Day: 2/27/18
Staff: J. Street-SF
Staff Report: 6/27/17
Hearing Date: 7/13/17

STAFF REPORT: REGULAR CALENDAR

Application No.: 9-17-0408

Applicant: Pacific Gas & Electric Company

Location: Along 24 segments of existing natural gas transmission pipeline rights-of-way, including four sites in the City of Arcata and 20 sites in unincorporated Humboldt County ([Table 1](#) and [Exhibits 1, 2](#)).

Project Description: Vegetation maintenance, including the removal of approximately 300 trees and clearing of 1.3 acres of woody vegetation to within 6 inches of ground level, in riparian, wetland and upland habitats, at 24 individual sites.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

Pacific Gas & Electric Company (PG&E) proposes to perform vegetation maintenance along 24 segments of existing, buried natural gas pipeline right-of-way (ROW) in the City of Arcata and Humboldt County ([Exhibits 1, 2](#)). At each of the project segments (*see* [Table 1](#)), all woody vegetation within five feet of the pipeline (a 10-foot-wide strip) and all trees out to 14 feet (a 28-foot wide strip) would be removed in order to improve emergency access, allow for pipeline inspection and maintenance, and reduce the risk that deep-rooted vegetation would damage the anti-corrosion “wrap” that surrounds the pipeline. The proposed work is a component of

PG&E's statewide Community Pipeline Safety Initiative (CPSI), and is necessary to address pipeline safety concerns and improve emergency access in accordance with utility standards and federal law. The proposed project qualifies as a repair and maintenance activity. Although certain types of repair and maintenance projects are exempt from coastal development permit (CDP) requirements, the Commission's adopted 1978 guidelines on such projects (*Repair, Maintenance and Utility Hookup Exclusions from Permit Requirements*) indicate that a CDP is required for the removal of trees greater than 12 inches in diameter at breast height (dbh) and more than 500 square feet of brush, while Section 13252 of the Commission's regulations requires a CDP for repair and maintenance activities that are located in environmentally sensitive habitat areas (ESHA) and include the placement or removal of solid material and/or the presence of mechanized equipment. A significant portion of the proposed vegetation removal would be located within ESHA, and would involve the removal of solid material (i.e., vegetation), and the clearing of large trees (≥ 12 inches dbh) and areas of brush in excess of 500 square feet. While a CDP is therefore required, the Commission is limited to reviewing whether the proposed *method* of repair or maintenance is consistent with the Chapter 3 policies of the Coastal Act.

The key Coastal Act issues raised by this project are the potential for adverse impacts to environmentally sensitive habitat areas (ESHA), wetlands, coastal streams and sensitive species. In total, the project would result in the clearing of 1.15 acres of riparian vegetation and 0.055 acres of wetland vegetation in ESHA, as well as the removal of 83 riparian trees and 149 large conifers. The project could directly or indirectly affect multiple rare and sensitive plant and wildlife species and nesting birds. Many of the project sites are also in close proximity to coastal streams and waterways supporting rare and sensitive anadromous fish species. To avoid and minimize these impacts, Commission staff recommends several special conditions designed to protect sensitive habitats and species. **Special Conditions 3, 4, 6, and 11** require pre-construction surveys to identify sensitive plants and animals, implementation of avoidance and protective measures (e.g., buffers), and the strict adherence to project work area boundaries and the submitted project description. **Special Condition 5** requires biological monitoring to prevent impacts to sensitive species during project construction. **Special Condition 7** requires preparation of a Habitat Mitigation Plan which provides for: (a) restoration (invasive species removal and native plant replanting) of riparian and wetland habitats, at 3:1 and 4:1 ratios, respectively, to compensate for project impacts to these ESHAs; (b) new planting of native trees, at a 3:1 ratio of planting to removal, to compensate for the removal of riparian trees and large conifers; and (c) establishing performance standards and a 5-year monitoring program. **Special Condition 8** requires measures to minimize the disturbance of coastal stream habitat and avoid impacts to listed fish species. **Special Condition 9** requires the submittal and implementation of a Spill Prevention and Response Plan to protect against the discharge of all hazardous substances into the surrounding environment. **Special Condition 10** provides for the protection of cultural and archaeological resources should they be encountered at project sites. Staff recommends the Commission find the repair work, as conditioned, consistent with the habitat, wetlands, water quality, and other policies of the Coastal Act.

Commission staff recommends **approval** of coastal development permit application 9-17-0408, as conditioned. The motion and resolution are on Page 4 of this report. The standard of review for this coastal development permit application is the Chapter 3 policies of the Coastal Act.

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APPENDICES

[Appendix A](#) – Substantive File Documents

[Appendix B](#) – Applicant’s Proposed Avoidance and Minimization Measures (AMMs) for Streams, Waterways and Anadromous Fish Incorporated into Special Condition 7.

EXHIBITS

[Exhibit 1 – Project Locations](#)

[Exhibit 2 – Project Work Sites](#)

[Exhibit 3 – Applicant’s Proposed Avoidance and Minimization Measures](#)

[Exhibit 4 – Applicant’s Proposed Cultural Resource Protection Measures](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit 9-17-0408 subject to conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in approval of the permit amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

Resolution:

The Commission hereby approves the Coastal Development Permit 9-17-0408 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following 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 SCE 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. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and SCE to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Other Permits and Approvals.** PRIOR TO THE COMMENCEMENT OF PROJECT ACTIVITIES, the Permittee shall provide to the Executive Director copies of all other local, state, and federal permits required to perform project-related work, or evidence that no permits are required. These permits and approvals include:

- (1) City of Arcata Encroachment and Tree Removal Permits;
- (2) County of Humboldt Encroachment and Tree Removal Permits;
- (3) California Department of Transportation Encroachment Permits.

Any changes to the approved project required by these agencies shall be reported to the Executive Director. No changes to the approved project shall occur without a Commission amendment to this CDP unless the Executive Director determines that no amendment is legally required.

2. **Project Biologist – Qualifications and Responsibilities.** PRIOR TO THE COMMENCEMENT OF PROJECT ACTIVITIES, the Permittee shall appoint one or more Biologists to implement mitigation measures of the approved project. The Biologist(s) are to be approved by the Executive Director and must meet the following minimum qualifications:

- (1) At least a bachelor's degree in biological sciences, zoology, botany, ecology, or a closely related field;
- (2) At least three years of experience in field biology or current certification through a nationally recognized biological society, such as the Ecological Society of America or The Wildlife Society; and,
- (3) At least one year of field experience with biological resources found in or near the project area.

The Biologist(s) shall be responsible for conducting pre-project surveys and on-site monitoring and overseeing the implementation of all mitigation measures as described in **Special Conditions 3, 4, 5 and 6**.

3. **Sensitive Habitat Protection.** The Permittee shall ensure that the approved Biologist(s) conducts and implements the following before and during any project activities involving mobilization, ground disturbance, vegetation clearing, or any other repair and maintenance activities that could adversely affect environmentally sensitive habitat areas, wetlands, or their associated biological resources:
 - (1) *Project Limits.* Project activities and equipment shall be limited to existing access roads and trails, pads, disturbed areas, and unvegetated areas to the maximum extent feasible. Project limit boundaries shall be shown on all project maps and drawings and clearly marked in the field prior to project activities, and work outside these limits shall be avoided during construction. All personnel shall be instructed not to perform any activities beyond the project limit boundaries.

(2) Sensitive habitats to be avoided on and near the site of planned project activities shall be clearly identified prior to the start of those activities. These resources include:

- Areas containing riparian vegetation
- Wetlands and areas containing wetland vegetation
- Streams and watercourses
- Native vegetation

These habitats shall be avoided to the maximum extent possible. At all sites, vegetation removal shall be limited to the amounts, locations, and individual trees identified in the Permittee's submitted CDP application.

(3) Conduct worker training to identify the location and types of sensitive biological resources on and near the project sites and the measures to be taken to avoid and reduce adverse effects on those resources.

4. Pre-Construction Biological Surveys & Sensitive Species Protection.

A. NO MORE THAN 30 DAYS PRIOR TO COMMENCEMENT OF VEGETATION REMOVAL ACTIVITIES at a given project site, the Project Biologist(s) shall conduct focused surveys of all proposed vegetation removal, staging and access areas, and within a 300-foot buffer around these areas, for the presence of sensitive plant and wildlife species that might reasonably be expected to occur based on known habitat requirements or previous sightings. Sensitive species are defined as (i) state and federally-listed endangered, threatened, and candidate species; (ii) California species of special concern; (iii) fully protected or "special animal" species in California, and (iv) plants that are considered rare, endangered or of limited distribution by the California Department of Fish and Wildlife and California Native Plant Society (CRPR Ranks 1 and 2).

B. PRIOR TO THE COMMENCEMENT OF THE SURVEYS, the Permittee shall submit, for the Executive Director's review and approval, a Survey Plan identifying the species with potential to occur and describing the proposed survey methodology for each project site. Survey methodologies shall reflect the best available science and expert agency (e.g., CDFW, USFWS) protocols or recommendations for relevant species, and shall be sufficient to determine the presence/absence of the species at a given site.

C. If sensitive species are determined to be present at a site, the Permittee shall implement the following requirements:

- (1) Adjust or limit project work areas, access routes and project timing to avoid impacts to individuals or colonies of sensitive species to the maximum extent feasible;
- (2) If sensitive plant species are identified during the surveys, the locations of individual plants shall be marked/flagged on project plans and in the field, and a 25-foot buffer shall be established around the plants. If the required vegetation removal does not allow for a 25-foot buffer, the maximum possible buffer shall be used along with the implementation of additional protective measures, such as the erection of fencing or barriers between the sensitive plant species and project work areas. In addition, a qualified biological monitor shall be present on-site during all

vegetation removal activities to ensure that these species are not harmed during the project (see [Special Condition 5](#)).

- (3) Where impacts to sensitive plant species are unavoidable, the Permittee shall develop and implement a sensitive plant species restoration program, using seeds and/or salvaged plants from the affected individuals or colonies to the extent feasible, to restore the affected species to the project area. The sensitive species restoration program shall be submitted to the Executive Director for review and approval, and incorporated into the Habitat Mitigation Plan required under [Special Condition 7](#).
 - (4) At work project sites where sensitive wildlife species are identified as present in the project area, the Permittee shall use appropriate barriers to movement (e.g., construction fencing or barricades) or setbacks to minimize wildlife movement into active construction areas.
5. **On-Site Biological Monitoring.** The Project Biologist(s) shall be present at active project work sites during all project activities involving vegetation clearing and the use of trucks or heavy equipment. The Biologist shall perform daily surveys of the project site(s) prior to the start of work to check for the presence of sensitive wildlife species. If a sensitive species is detected during one of these daily surveys, project activities shall not commence until the individual or group has left the area. During project activities, the biological observer shall monitor for the presence of sensitive wildlife in or near the project area. At project sites or in situations where a single observer cannot reasonably provide coverage of the entire active work area, additional observers shall be provided. The observer(s) shall have the appropriate safety and monitoring equipment adequate to conduct their activities. For monitoring purposes, the observer(s) shall establish an avoidance zone that encompasses the entire active work site and no less than a 25-foot buffer around the work site. The observer(s) shall have the authority to temporarily halt any project activity that could result in harm to a sensitive species entering within the avoidance zone, and to suspend those activities until the animal has left the area.
 6. **Protection of Breeding and Nesting Birds.** All project activities shall occur outside of the bird breeding season (February 15 through August 31) to the maximum extent feasible. If project activities between February 15 and August 31 cannot be avoided, within one week of the commencement of any new project activity, the Project Biologist(s) shall conduct nesting surveys at all sites where such activities would occur, and within a 500-foot radius of these sites. If breeding is observed or active nests located, no project activities or other disturbance shall occur within 300 feet (500 feet for raptors) of the breeding habitat or nests until any young birds have fledged and left the area.
 7. **Habitat Mitigation Plan.** PRIOR TO THE COMMENCEMENT OF PROJECT ACTIVITIES, the Permittee shall submit to the Executive Director for review and approval a Habitat Mitigation Plan that describes a compensatory mitigation program addressing the losses of riparian and wetland habitat, riparian woodland trees, and large conifer trees associated with the proposed project. The Mitigation Plan may be directly implemented by the Permittee or by a separate entity receiving funding from the Permittee, or a combination

of the two. In all cases, the Plan shall fulfill the requirements detailed below, and the Permittee shall be responsible for ensuring that the requirements of the condition are met.

A. Restoration Requirements: The Mitigation Plan shall provide for the following:

- (1) Restoration of at least 3.45 acres of riparian woodland or scrub habitat, including a minimum of 249 native riparian trees, to compensate for the clearing of the clearing of 1.15 acres of these habitats and removal of 83 trees under the proposed project;
- (2) Restoration of 0.22 acres of freshwater or estuarine wetland habitat to compensate for the clearing of 0.055 acres of these habitats;
- (3) Planting of at least 385 native conifer trees to compensate for the removal of large trees under the proposed project.

Wherever possible, habitat restoration and tree planting shall occur at or adjacent to the project sites undergoing vegetation removal, consistent with pipeline maintenance and safety considerations and subject to landowner approval. If these or other factors preclude on-site habitat restoration, off-site mitigation locations within the coastal zone may be used. Any off-site locations for restoration and tree planting shall be identified, and a description of the existing conditions warranting restoration provided.

For the purposes of the Plan, “restoration” shall consist of the removal of invasive or non-native vegetation from an existing, degraded riparian or wetland habitat area, to be followed by the planting of native trees, shrubs and herbaceous plants appropriate to the respective habitat type. The Plan shall provide a description of restoration activities including specific methodologies for invasive species removal and native species re-establishment, and shall identify the native species to be planted. Where feasible, invasive or non-native species shall be removed by hand, and any herbicide use will be minimized and limited to invasive/non-native species. Planting of native species shall take place in the fall to enable root establishment during the rainy season. Invasive species removal activities shall occur at least once annually following the initial treatment until performance criteria for native species cover have been achieved (see below).

- B. Reporting and Monitoring: The Plan shall include and describe a five-year, annual monitoring program, including annual reporting to the Executive Director, to assure the long-term success of the habitat restoration and tree-planting program. Documentation for all years subsequent to the first year shall identify the success rate of the restored habitat area(s) and tree plantings, as measured by percent cover and percent of native vegetation within the area(s) (restored habitat) and percent survival (for trees). If after five years the restored habitat area(s) do not provide at least 80% cover of native vegetation and at least 80% total native vegetation, the Permittee shall either propose retreating and/or replanting the area(s) to achieve those levels or propose additional restoration areas. Similarly, if the five-year survival rate of the planted trees does not exceed 80%, the Permittee shall undertake additional tree-planting until this threshold is achieved.

8. **Stream and Water Quality Protection Measures.** This permit incorporates those applicant-proposed avoidance and minimization measures (AMMs) included in the CDP

application concerning the protection of streams, waterways, and anadromous fish species that are attached to this report as [Appendix B](#).

9. **Spill Prevention and Response Plan.** PRIOR TO THE COMMENCEMENT OF PROJECT ACTIVITIES, the Permittee shall submit a project-specific Spill Prevention and Response Plan to the Executive Director for review and approval. The Plan shall identify the worst-case spill scenario and demonstrate that adequate spill response equipment will be available. The Plan shall also include a detailed description of all preventative measures (including the proposed three-tiered containment system) the Permittee will implement to avoid spills and clearly identify responsibilities of Permittee personnel and any contractors employed, and shall list and identify the location of oil spill response equipment and appropriate protocols and response times for deployment. Vehicles and heavy equipment left at laydown area during non-work hours shall have drip pans or other means of collecting dripped fuel, lubricants or other hazardous materials, which shall be collected and disposed of off-site. Response drills shall be in accordance with Federal and State requirements. Contracts with off-site spill response companies shall be in-place and shall provide additional containment and clean-up resources as needed.
10. **Protection of Archeological Resources.** If an area of cultural deposits or human remains is discovered during the course of the project, all construction shall cease and shall not recommence until a qualified cultural resource specialist, in consultation with the Tribal Historic Preservation Officers of the Wiyot Tribe, the Bear River Band of Rohnerville Rancheria, and the Blue Lake Rancheria, analyzes the significance of the find and prepares a supplementary archaeological plan for the review and approval of the Executive Director, and either: (a) the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are *de minimis* in nature and scope, or (b) the Executive Director reviews the Supplementary Archaeological Plan, determines that the changes proposed therein are not *de minimis*, and the permittee has thereafter obtained an amendment to CDP 9-17-0408.
11. **Restriction on Future Vegetation Management.** This permit authorizes only the vegetation removal activities specifically described and quantified in the Permittee's CDP application materials, and as summarized in [Table 1](#) of this staff report. Accordingly, any future vegetation management at the project sites shall require an amendment to this permit from the Commission, unless the Executive Director determines that no amendment is legally necessary.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND ENVIRONMENTAL SETTING

Pacific Gas & Electric Company (PG&E) proposes to perform vegetation maintenance along multiple segments of existing, buried high-pressure natural gas transmission pipelines within the coastal zones of the City of Arcata and Humboldt County ([Exhibits 1, 2](#)). The proposed project, which is a component of PG&E's statewide Community Pipeline Safety Initiative (CPSI), is necessary to address pipeline safety concerns and improve emergency access in accordance with PG&E utility standards and federal law requiring the management of vegetation within gas

transmission rights-of-way (ROW). Clearing of vegetation along the existing gas lines would further several safety objectives, including: (1) Allowing access to the lines for ground-level surveys and leak testing; (2) clearing the ROW of deep-rooted vegetation that has the potential to damage the protective “wrap” around the gas pipelines which prevents corrosion; (3) facilitating aerial surveys of the pipelines; and (4) allowing for quicker access, shorter response times and timely repair of the pipelines in the event of a gas leak or other emergency.

The proposed project would occur at 24 individual work sites within existing PG&E ROW, including four sites in the City of Arcata and 20 sites in unincorporated Humboldt County. The sites are distributed along a 16-mile long strip of the coastal zone, between Arcata in the north and College of the Redwoods in the south ([Exhibits 1, 2](#)). Vegetation communities within or adjacent to the project sites include riparian woodland, upland forest and scrub, non-native grassland, and freshwater and estuarine wetlands (*see* [Table 1](#), below). Several of the project segments would also include vegetation removal adjacent to or within the banks of coastal streams and watercourses. Vegetation proposed for removal includes native and exotic species.

At each of the work sites, PG&E proposes to remove all woody vegetation within five feet of the pipeline, and all trees out to 14 feet. Specific information on the vegetation removal proposed for each site is given in [Table 1](#). In aggregate, the project would result in the removal of 83 riparian trees, 149 large conifer trees (defined as those with a diameter of 12 inches or greater at a height of 4.5 feet, “diameter at breast height” or “dbh”), numerous smaller trees (less than 12 inches dbh), and approximately 58,000 square feet (1.33 acres) of brush and shrubs.

Vegetation Removal Methods & Habitat Protection Measures

PG&E proposes to remove vegetation in the proposed specified areas manually with chainsaws, truck-towed or track chippers, bucket trucks, and similar equipment. No ground-disturbing activities such as excavation or removal of plant roots are proposed. Rather, vegetation would be trimmed to within 6 inches of ground level, and vegetation within the herbaceous layer would be left intact. Where work is located adjacent to or within environmentally sensitive habitat areas (ESHA, *see* below), PG&E proposes to work with hand tools only (e.g., chainsaws, loppers), and to haul vegetation to a designated location to be chipped. Outside of ESHA and where appropriate, vegetation would be lopped, chipped, and removed or scattered on-site. PG&E states that its work crews would clearly identify and protect non-selected trees and understory ground cover to ensure they are not impacted by work activities. In addition, PG&E has proposed to implement a variety of protective measures to minimize habitat disruption and other environmental impacts associated with the vegetation removal activities. These measures are described in [Exhibit 3](#).

Project Timing and Duration

Vegetation removal at the 24 work sites is expected to begin in the summer or fall of 2017 following the issuance of all required permits and authorizations, with the goal of completing the proposed work by the end of the year. However, because of the potential for delays related to severe weather, the work at certain project sites may be delayed until the dry season in 2018. The work at any one site is expected to require one to three days. Project activities would occur during daylight hours and would not require work at night or the use of artificial lighting. Following completion of the initial vegetation removal campaign detailed above, PG&E proposes to conduct future vegetation management at these sites on an as-needed basis; however, specific amounts and locations of future vegetation removal have not been identified.

Table 1: Gas pipeline right-of-way vegetation maintenance activities proposed under CDP Application No. 9-17-0408

<i>Site #</i>	<i>Location</i>	<i>Proposed Tree Removal*</i>	<i>Proposed Brush Removal</i> (vegetation type)	<i>Existing Conditions / Environmental Setting</i>
RW-V-11472-14	Jane's Rd. at Bay School Rd., Arcata (franchise area, County ROW)	none	720 sq. ft. (C) blackberry (freshwater wetland)	370-ft long roadside strip dominated by California (C) blackberry (<i>Rubus ursinus</i>); contains a wetland swale and other native and non-native wetland indicator species.
RW-V-5744-16 (south segment)	South of Ariel Way at Lorelei Ln., Arcata APN: 505-351-022	7 large, 1 small redwood	none	Remnant upland forest and ruderal vegetation along a residential fenceline; within 350 feet of McDaniel Slough.
RW-V-2729-15	South G St, Arcata (franchise area, City ROW)	1 willow 2 acacia (exotic)	none	1,230-ft long roadside strip containing unnamed creek/drainage; supports riparian and wetland vegetation, mapped as freshwater and estuarine wetland; within 400 feet of Arcata Bay
RW-V-2732-15	Hwy. 101 north of Jacoby Creek, Arcata APN: 501-042-005	none	180 sq. ft. (H) blackberry (freshwater & estuarine wetland)	Within the banks of an unnamed tributary to Jacoby Creek; mapped seasonal wetland dominated by non-native Himalayan (H) blackberry (<i>Rubus armeniacus</i>). Contains suitable habitat for several special status plants and aquatic wildlife species.
RW-V-2733-15	Hwy. 101 at Jacoby Creek, Arcata APN: 501-042-005	5 small willow 1 large alder 1 small alder	none	Mature riparian woodland dominated by red alder (<i>Alnus rubra</i>) and willow (<i>Salix</i> spp.), within the banks and floodplain of Jacoby Creek; mapped seasonal wetland; Contains suitable habitat for several special status plants and aquatic wildlife species.
RW-V-11464-14	Hwy. 101 south of Brainard APNs: 501-261-039, 501-261-045	2 small alder 6 large Monterey pine	2268 sq. ft. non-native brush (riparian/wetland)	1,600-ft long roadside strip within and adjacent to a mapped seasonal/farmed wetland; contains native and non-native riparian and upland vegetation; contains an unnamed perennial watercourse supporting emergent freshwater wetland vegetation. Contains suitable habitat for special status plants, wildlife and fish species.
RW-V-2568-16	Old Arcata Rd. north of Indianola APNs: 501-181-001, 501-261-013, -014	37 alder 8 willow 23 small Sitka spruce	39,276 sq. ft. (0.9 ac) (riparian woodland)	2,250-ft long roadside strip within mature riparian forest dominated by red alder (<i>Alnus rubra</i>), with native and non-native blackberry and willow understory. Site runs parallel to (w/in ~12 ft) of an unnamed tributary to Rocky Gulch which contains suitable habitat for coast cutthroat trout and critical habitat for tidewater goby.

* "Large" tree = diameter at breast height (dbh) is 12 inches or greater; "small" = dbh is less than 12 inches.

Table 1 (continued): Gas pipeline right-of-way vegetation maintenance activities proposed under CDP Application No. 9-17-0408

<i>Site #</i>	<i>Location</i>	<i>Proposed Tree Removal*</i>	<i>Proposed Brush Removal</i> (vegetation type)	<i>Existing Conditions /Environmental Setting</i>
RW-V-11458-14	Myrtle Ave. at Tower Dr., Myrtle town APNs: 402-301-012, -024	1 large Sitka spruce 1 large redwood	none	1,420-ft roadside strip containing upland forest trees and ruderal vegetation; within area mapped as farmed wetland by Humboldt County; within 200 feet of Freshwater Creek.
RW-V-2559-16 (west segment)	Myrtle Ave. at Mitchell Rd., Myrtle town APNs: 017-152-009, 017-161-017	7 large willow 2 large redwood 2 large Sitka spruce 1 large western hemlock 1 large unknown	720 sq. ft. willow 720 sq. ft. blackberry (riparian)	Approximately 250-ft long strip of remnant mixed riparian/upland forest at the edge of a residential property. Forest canopy made up of willow (<i>Salix</i> spp.) and upland trees; understory of willow and blackberry. Adjacent to an ephemeral roadside ditch. Contains marginal habitat for special status alpine marsh violet (<i>Viola palustris</i>) and Townsend's big-eared bat (<i>Corynorhinus townsendii</i>).
RW-V-1152-16	Oakridge Ter. and Myrtle Ave. Myrtle town APNs: 016-171-004, 017-151-007	5 large redwood 1 large grand fir 5 small	108 sq. ft. (H) blackberry (riparian) 1224 sq. ft. (upland)	Lower portion of site consists of wetlands and riparian scrub dominated by Himalayan blackberry, on the banks of Ryan Slough. Slough is designated critical habitat for Chinook salmon and steelhead and suitable habitat for several special status fish species. Streambank contains suitable habitat for special status plant species. Upland portion of the site consists of remnant upland forest (grand fir, redwood) with huckleberry and upland brush understory.
RW-V-9599-15	South of Pennsylvania Ave., Myrtle town APNs: 016-071-014, 016-171-004, 016-172-001, -007, -008	54 large redwood 3 large Sitka spruce 3 large Douglas fir 8 small conifers 1 small oak	540 sq. ft. (upland forest understory brush)	Site consists of a large remnant patch of redwood-dominant conifer forest. Tree removal would include several large redwoods in excess of 50 inches dbh, with the largest at 107 inches (8.9 ft) dbh.
RW-V-1150-16	South of Myrtle Ave. along Ryan Slough, Myrtle town APNs: 016-181-002, 017-164-002, -003	3 small alder 2 small willow 2 small Cascara buckthorn 9 small grand fir	468 sq. ft. (H) blackberry 468 sq. ft. unknown brush (riparian and upland)	Located within the floodplain of Ryan Slough, which crosses the northern portion of the site. Contains mixed riparian and conifer woodland; primary tree species include redwood, Douglas fir, red alder and willow. Contains patches of emergent freshwater wetland, northern end is mapped as palustrine wetland. Contains suitable habitat for special status plants, wildlife and fish species.

* "Large" tree = diameter at breast height (dbh) is 12 inches or greater; "small" = dbh is less than 12 inches.

Table 1 (continued): Gas pipeline right-of-way vegetation maintenance activities proposed under CDP Application No. 9-17-0408

<i>Site #</i>	<i>Location</i>	<i>Proposed Tree Removal*</i>	<i>Proposed Brush Removal</i> (vegetation type)	<i>Existing Conditions /Environmental Setting</i>
RW-V-1146-16	South of Myrtle Ave. along Ryan Slough, Myrtle town APNs: 017-031-013, 017-164-002, 017-173-003, 017-221-001	1 large, 2 small willow 1 large alder 1 large redwood 2 small grand fir	1296 sq. ft. unknown brush (riparian and upland)	Located within the floodplain of Ryan Slough. Contains mixed riparian and conifer woodland; primary tree species include redwood, Douglas fir, red alder and willow. Also contains patches of emergent freshwater wetland. Contains suitable habitat for special status plants, wildlife and fish species.
RW-V-1154-16	Elk River Rd. at Herrick Rd. Pine Hill (franchise area, County ROW)	1 large willow 3 small alder 1 large Douglas fir	1080 sq. ft. unspecified brush (riparian)	400-ft long roadside strip consisting largely of riparian vegetation (red alder, willow). Mapped as a seasonal scrub wetland. Contains an ephemeral stream tributary to Swain Slough. Contains suitable habitat for white-tailed kite.
RW-V-1176-16	Elk River Rd. south of Pine Hill Rd. APN: 305-021-017	None	756 sq. ft. (H) blackberry (non-native wetland)	375- ft long roadside strip within mapped palustrine wetland area; adjacent to both pastured and intact wetland habitat. Vegetation removal would be from a roadside ditch dominated by Himalayan blackberry. Suitable foraging habitat for white-tailed kite.
RW-V-1169-16	Elk River Rd. south of Pine Hill Rd. APN: 304-181-001	None	72 sq. ft. unspecified brush (freshwater wetland)	Located in a freshwater, palustrine wetland within the banks of upper Swain Slough. Contains suitable foraging habitat for white-tailed kite.
RW-V-2765-16 (northeastern segment)	East of Humboldt Hill Rd. at Golden W Dr. APN: 305-041-052	None	720 sq. ft. unspecified brush (freshwater wetland)	Coastal Zone portion of the project site appears to occur within a freshwater wetland complex (<i>Typha</i> spp.) largely surrounded by non-native grassland.
RW-V-2772-15	College of the Redwoods north campus APN: 307-021-021	3 large, 2 small Sitka spruce 2 large, 5 small grand fir	1260 sq. ft. brush (upland)	Located in a patch of mixed conifer forest surrounded by non-native grassland. Site access will require cross-country travel from College of the Redwoods. Brush includes thimble berry, sword fern, native blackberry and Himalaya blackberry, coyote brush and buckthorn.
RW-V-2752-15 RW-V-2758-15	College of the Redwoods north campus APN: 307-021-022	1 large, 2 small grand fir 1 small redwood 1 small Sitka spruce	2088 sq. ft. brush (upland)	Two adjacent project sites located on a hillside in the open space area north of campus. Brush assemblage is similar to RW-V-2772.

* "Large" tree = diameter at breast height (dbh) is 12 inches or greater; "small" = dbh is less than 12 inches.

Table 1 (continued): Gas pipeline right-of-way vegetation maintenance activities proposed under CDP Application No. 9-17-0408

<i>Site #</i>	<i>Location</i>	<i>Proposed Tree Removal*</i>	<i>Proposed Brush Removal</i> (vegetation type)	<i>Existing Conditions /Environmental Setting</i>
RW-V-2767-15	College of the Redwoods north campus APNs: 307-021-022, 307-051-013, 307-061-007	23 large Mont. pine 1 large, 1 small Douglas-fir 1 small grand fir	216 sq. ft. brush at grove edges (riparian)	Located in mixed conifer forest grove dominated by coast redwood (<i>Sequoia sempervirens</i>), Douglas-fir (<i>Pseudotsuga menziesii</i>), incense cedar (<i>Calocedrus decurrens</i>) and non-native Monterey pine (<i>Pinus radiata</i>), with native and exotic shrub understory, including coyote brush and blackberry. Riparian vegetation at grove edges includes willow, red alder, native blackberry. A small watercourse runs along the southern edge of the site.
RW-V-2760-15	College of the Redwoods north campus APNs: 307-011-013, -014 307-021--022	10 large Douglas-fir 2 large Monterey pine	3420 sq. ft. brush at grove edges (riparian) 720 sq. ft. brush within grove (upland)	Located in mixed conifer forest grove dominated by coast redwood (<i>Sequoia sempervirens</i>), Douglas-fir (<i>Pseudotsuga menziesii</i>), incense cedar (<i>Calocedrus decurrens</i>) and non-native Monterey pine (<i>Pinus radiata</i>), with native and exotic shrub understory, including coyote brush and blackberry. Riparian vegetation at grove edges include willow, red alder, native blackberry. A small watercourse runs along the southern edge of the site.
RW-V-2757-15	College of the Redwoods main campus APN: 307-061-007	16 large, 3 small redwoods	108 sq. ft. unspecified brush (upland)	Site consists of remnant coast redwood conifer forest and ornamental vegetation within the main campus, surrounded by developed areas.
RW-V-11479-14	College of the Redwoods main campus APN: 307-011-014	6 willow 1 red alder 2 large redwood 1 large Sitka spruce	none	Site consists of a remnant patch of riparian woodland along a small, unnamed stream and ditch, surrounded by roads and developed areas. Vegetation is dominated by red alder (<i>Alnus rubra</i>), with an understory of native and exotic blackberry, elderberry and willows. The stream and ditch support native emergent wetland vegetation.

* "Large" tree = diameter at breast height (dbh) is 12 inches or greater; "small" = dbh is less than 12 inches

B. OTHER AGENCY APPROVALS

City of Arcata and County of Humboldt

Four project work sites are located within the City of Arcata and 20 sites are located within unincorporated Humboldt County. As such, the proposed project is subject to local ordinances governing tree and vegetation removal and work within road rights-of-way, and work at the individual sites may require Tree Removal and/or Encroachment Permits from the respective local governments.

Consolidated Permit

Coastal Act Section 30601.3 provides the Commission with the authority to act upon a consolidated permit for proposed projects that require a coastal development permit from both a local government with a certified local coastal program (LCP) and the Commission. This authority is triggered if the applicant, local government, and Executive Director (or Commission) consent to consolidate the permit. The standard of review for such permits is the Chapter 3 policies of the Coastal Act, with the certified LCPs providing guidance. The proposed CPSI-related vegetation removal project includes locations within the jurisdiction of two different certified LCPs – those of the County of Humboldt and the City of Arcata. In May and June of 2017, these local governments, with the consent of the applicant and Executive Director, agreed to consolidate permit action under this permit for those aspects of the proposed project within their jurisdictions and those aspects within the Commission’s retained permit jurisdiction, consistent with Coastal Act Section 30601.3.

California Department of Transportation

Vegetation management activities at project sites occurring within State highway right-of-way along Highway 101 require Encroachment Permits granted by the California Department of Transportation (Caltrans) under section 660 of the California Streets and Highways Code.

C. PERMIT AUTHORITY, EXTRAORDINARY METHODS OF REPAIR AND MAINTENANCE

Coastal Act Section 30610(d) generally exempts from Coastal Act permitting requirements the repair or maintenance of structures that does not result in an addition to, or enlargement or expansion of the structure being repaired or maintained. However, the Commission retains authority to review certain extraordinary methods of repair and maintenance of existing structures that involve a risk of substantial adverse environmental impact as enumerated in Section 13252 of the Commission regulations.

Section 30610 of the Coastal Act provides, in relevant part (emphasis added):

Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas: ...

(d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities; provided, however, that if the commission determines that certain extraordinary methods of repair and maintenance involve a risk of substantial adverse environmental impact, it shall, by regulation, require that a permit be obtained pursuant to this chapter.

Section 13252 of the Commission administrative regulations (14 CCR 13000 *et seq.*) provides, in relevant part, for the following (emphasis added):

(a) For purposes of Public Resources Code section 30610(d), the following extraordinary methods of repair and maintenance shall require a coastal development permit because they involve a risk of substantial adverse environmental impact:...

(3) Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:

(A) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;

(B) The presence, whether temporary or permanent, of mechanized equipment or construction materials.

All repair and maintenance activities governed by the above provisions shall be subject to the permit regulations promulgated pursuant to the Coastal Act, including but not limited to the regulations governing administrative and emergency permits. The provisions of this section shall not be applicable to methods of repair and maintenance undertaken by the ports listed in Public Resources Code section 30700 unless so provided elsewhere in these regulations. The provisions of this section shall not be applicable to those activities specifically described in the document entitled Repair, Maintenance and Utility Hookups, adopted by the Commission on September 5, 1978 unless a proposed activity will have a risk of substantial adverse impact on public access, environmentally sensitive habitat area, wetlands, or public views to the ocean...

Section II-B-1-e of the document entitled “Repair, Maintenance and Utility Hookup Exclusions from Permit Requirements” adopted by the Commission on September 5, 1978 states the following, in relevant part (emphasis added):

e. Grading and Clearing. Maintenance activities shall not extend to the construction of any new roads to the site of the work. A permit is required for grading an undisturbed area of greater than 500 sq. ft., removal of trees exceeding 12 inches dbh or clearing more than 500 sq. ft. of brush or other vegetation...

As discussed in the *Project Description and Environmental Setting* findings (Section IV.A, above), the proposed project involves the removal of vegetation as a part of the maintenance of several existing natural gas pipelines within PG&E’s ROW, and is necessary in order to maintain pipeline functionality and safety. Section 30610 of the Coastal Act, Section 13252 of the Commission’s administrative regulations, and the “Repair, Maintenance, and Utility Hook-Up Exclusions from Permit Requirements” guidelines (1978 Utility Exclusions) adopted by the Commission in 1978 provide for the exemption of certain types of repair and maintenance projects from CDP requirements, unless certain “*extraordinary methods of repair and*

maintenance” enumerated in the regulation could “involve a risk of substantial adverse environmental impact.”

The proposed vegetation management along the 24 pipeline segments presents a risk of substantial adverse environmental impact pursuant to Section 30610 of the Coastal Act and Section II-B-1-e of the 1978 Utility Exclusions because the various projects involve the removal of large trees (greater than 12 inches dbh), the clearing of more than 500 square feet (0.01-acre) of brush or other vegetation, and/or would involve the permanent removal of vegetation within 50 feet of an ESHA (riparian habitats and areas with potential to support rare, protected or sensitive plant and wildlife species – see [Table 1](#) and Section IV.D, below) and/or within 20 feet of coastal waters, including streams and wetlands. As presented in [Table 1](#), the proposed vegetation removal involves the removal of a total of 149 large trees and the clearing of X square feet of brush from 24 individual work sites, the majority of which contain riparian woodland ESHA, wetlands and/or coastal streams. The proposed vegetation maintenance project therefore requires a coastal development permit under Section 30610 of the Coastal Act, Section II-B-1-e of the 1978 Utility Exclusions, and Section 13252 of the Commission regulations.

In considering a permit application for a repair or maintenance project pursuant to the above-cited authority, the Commission reviews whether the proposed *method* of repair or maintenance is consistent with the Chapter 3 policies of the Coastal Act. In other words, the Coastal Commission’s authority over repair and maintenance activities applies only to the methods by which a repair and maintenance activity is carried out, not the repair and maintenance activity itself. Also, the Commission’s evaluation of such repair and maintenance projects does not extend to an evaluation of the underlying existing development’s conformity with the Coastal Act.

D. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Section 30107.5 of the Coastal Act states:

“Environmentally sensitive area” means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activity and developments.

Section 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The Humboldt Bay Area Plan section of the Humboldt County LCP includes Natural Resources Protection Development Policy 1a, which provides guidance on the identification of environmentally sensitive habitats in areas around Humboldt Bay:

1. Identification of Environmentally Sensitive Habitats

- a. *Environmentally sensitive habitats within the Humboldt Bay Planning Area include:*
- (1) *Wetlands and estuaries, including Humboldt Bay and the mouth of the Mad River.*
 - (2) *Vegetated dunes along the North Spit to the Mad River and along the South Spit.*
 - (3) *Rivers, creeks, gulches, sloughs and associated riparian habitats, including Mad River Slough, Ryan Slough, Eureka Slough, Freshwater Slough, Liscom Slough, Fay Slough, Elk River, Salmon Creek, and other streams.*
 - (4) *Critical habitats for rare and endangered species listed on state or federal lists.*

The proposed vegetation removal work at the 24 project sites would occur within or adjacent to vegetation communities and habitat types ([Table 1](#)), including riparian woodland and wetlands, which constitute environmentally sensitive habitat areas (ESHA) under the Coastal Act and Humboldt County LCP. Many of the project sites contain suitable habitat for rare and sensitive species and nesting birds that, if present, could be easily disturbed or harmed by the proposed removal of trees and brush. As discussed above, however, because the proposed project consists of maintenance activities necessary to the safe operation of an existing gas pipeline, the Commission reviews only the consistency of the proposed method of maintenance with Coastal Act ESHA policies, and not the consistency of the underlying existing development.

Riparian and Wetland Habitats

Riparian and freshwater wetland vegetation communities are among California's most sensitive habitats due to their high level of productivity, biodiversity, importance as migration corridors, and limited geographic distribution. Historically, these habitat types have also been heavily degraded as a result of stream alteration, vegetation clearing, floodplain development and the draining and filling of wetlands.

Even in Humboldt County, where stream corridors are often less altered than in other parts of the state, riparian woodlands and associated wetland habitats are considered to be highly sensitive. The red alder (*Alnus rubra*) riparian forest community typical of the north coast and present at several project sites is recognized by the California Department of Fish and Wildlife (CDFW) as a rare natural community of highly limited distribution due to its scarcity and declining status in California (CDFG 2010). Remaining areas of red alder riparian forest are ranked by CDFW as S2.2 ("imperiled, moderately threatened in California") and are a high priority for conservation. Other vegetation communities occurring at project sites, including north coast riparian scrub (rank S3.2, "vulnerable, moderately threatened"), freshwater wetlands, scrub wetlands and native blackberry (*Rubus ursinus*) brambles (rank S3) are also considered sensitive habitats by CDFW. North coast riparian habitats have typically been found by the Commission to constitute ESHA, and are designated as ESHA under the Humboldt Bay Area Plan of the Humboldt County LCP and the City of Arcata LCP. Wetland habitats in the Humboldt Bay Area are also designated as ESHA in Humboldt County LCP.

Sensitive Species

The riparian and wetland environments at many of the project work sites also contain suitable habitat for a number of sensitive plant and wildlife species. Sensitive plant species that may occur at project sites include the federal- and state-listed, endangered Western lily (*Lilium*

occidentale), and several species with California Rare Plant Ranks (CRPR) of 1B or 2B, considered by the CDFW to be rare, threatened or endangered in California, with a moderate to high degree and immediacy of threat. Sensitive plant species with the potential to occur in the riparian and wetland habitats at project sites are listed in [Table 2](#).

Table 2: Sensitive Plant Species with Potential to Occur at Project Sites

Scientific Name	Common Name	Regulatory Status*	Work Sites with Suitable Habitat
<i>Carex lyngbyei</i>	Lyngbye's sedge	CRPR 2B	RW-V-2732, -2733, -11464, -1146, -1150
<i>Carex praticola</i>	Northern meadow sedge	CRPR 2B	RW-V-1146, -1150, -1152
<i>Castilleja ambigua</i> var. <i>humboldtensis</i>	Humboldt Bay owl's clover	CRPR 1B	RW-V-2732, -2733, -11464, -1146, -1150, -1152
<i>Chloropyron maritimum</i> ssp. <i>palustre</i>	Point Reyes salty bird's beak	CRPR 1B	RW-V-2732, -2733, -11464
<i>Lathyrus palustris</i>	Marsh pea	CRPR 2B	
<i>Lilium occidentale</i>	Western lily	FE, SE, CRPR 1B	RW-V-2732, -2733, -11464
<i>Viola palustris</i>	Alpine marsh violet	CRPR 2B	RW-V-11464, -2559

*CRPR = California Rare Plant Rank; FE = federally-listed endangered; SE = state listed endangered

Table 3: Special-Status Wildlife Species with Potential to Occur at Project Sites

Scientific Name	Common Name	Regulatory Status*	Work Sites with Suitable Habitat
<i>Acipenser medirostris</i>	Green sturgeon	FT	RW-V-2732, -2733, -11464, -1146, -1150, -1152
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	SC, SSC	RW-V-11464, -1146, -1150, -2559
<i>Elanus leucurus</i>	White-tailed kite	SFP	RW-V-1154, -1169, -1176
<i>Eucyclogobius newberryi</i>	Tidewater goby	FE, SSC	RW-V-2732, -2733, -11464, -2568, -1146, -1150, -1152
<i>Oncorhynchus clarkii clarkia</i>	Coast cutthroat trout	SSC	RW-V-2732, -2733, -11464, -2568, -1146, -1150, -1152
<i>Oncorhynchus mykiss</i>	Steelhead	FT	RW-V-1146, -1150, -1152
<i>Oncorhynchus tshawytscha</i>	Chinook Salmon	FT	RW-V-1146, -1150, -1152
<i>Rana aurora</i>	Northern red-legged frog	SSC	RW-V-2732, -2733
<i>Spirinchus thaleichthys</i>	Longfin smelt	FC, ST, SSC	RW-V-2732, -2733, -11464, -1146, -1150, -1152
<i>Thaleichthys pacificus</i>	Eulachon	FT	RW-V-2732, -2733, -11464, -1146, -1150, -1152

* FE = federally-listed endangered; FT = federally-listed threatened; FC = federal candidate for listing; ST = state listed threatened; SC = state candidate; SSC = state species of special concern; SFP = CDFW "fully protected".

Several of the riparian and wetland project sites also contain suitable habitat for rare and sensitive wildlife species, including Townsend's big-eared bat, a state species of special concern and candidate for listing under the California Endangered Species Act, white-tailed kite, a raptor designated as "fully protected" by the CDFW, and Northern red-legged frog, another state species of special concern. Sensitive wildlife species with the potential to occur in the riparian, wetland and aquatic habitats at project sites are listed in [Table 3](#) (above).

Although the applicant's biological resource assessments did not include avian surveys, the riparian and wetland habitats at the project work sites were determined to provide suitable habitat

for nesting birds. Birds using the project sites may include sensitive species such as raptors and species protected under the Migratory Bird Treaty Act (MBTA).

Based on these considerations, in particular the relative scarcity of intact riparian woodland, riparian scrub and freshwater wetland habitats, their potential to support rare plant and animal species within the project area, and the fact that these resources could easily be disturbed or degraded by human activities or development, the riparian and wetland habitats at the project sites meet the definition of ESHA in the Coastal Act.

Impacts to Riparian and Wetland Habitats

At 17 of the project sites, riparian and wetland vegetation grows directly above the buried gas pipelines or within the area (within five feet of the pipeline for brush; within 14 feet for trees) proposed for clearing. In total, the proposed work at the 12 project sites containing riparian habitat would result in the removal of approximately 1.15 acres (50,000 square feet) of riparian vegetation and 83 individual riparian trees of all sizes, chiefly red alder (*Alnus rubra*) and willow (*Salix* spp.) (see [Table 1](#)).¹ The large majority (0.9 acres) of the affected riparian habitat occurs at a single site, RW-V-2568-16, located in a red alder riparian woodland along a small watercourse approximately half a mile north of Indianola ([Exhibit 2](#)). Most of the riparian vegetation proposed for removal at the sites consists of native species or a mixture of native and non-native shrubs; a relatively small fraction of the total (approximately 0.07 acres, spread over three sites) consists of riparian habitat dominated by Himalayan blackberry. The proposed work at an additional five project sites containing wetland habitats (but lacking riparian habitat) would result in the removal of approximately 0.055 acres (2,450 square feet) of wetland vegetation, including 0.035 acres of primarily native species and 0.02 acres of primarily non-native Himalayan blackberry.

Although the proposed vegetation management activities would not involve the removal of non-woody, herbaceous vegetation, and would not fill or otherwise fully eliminate wetland and riparian habitat areas, the habitat value of the treated areas would be reduced due to the altered vegetation structure (removal of tree canopy and/or shrub understory), resulting in loss of cover, feeding areas, nest sites, and other similar functions. Following the initial vegetation removal effort, PG&E intends to maintain the cleared areas free of major woody vegetation, which would effectively render permanent these habitat alterations.

Impacts to Sensitive Species

In most cases, PG&E's biological assessments found a "low" potential for the sensitive plant and animal species listed in [Table 3](#) to occur at the project sites. However, no focused surveys were carried out to detect the presence of these species, and it remains uncertain whether the sites actually support special-status species. In the absence of more definitive information, the Commission must assume that the proposed vegetation removal work has the potential to affect sensitive plant species, either directly, through inadvertent removal or trampling during project implementation, or indirectly, through the permanent alteration of growing conditions at a given site. Similarly, project activities have the potential to direct harm or disrupt the behavior of rare

¹ For sites containing riparian and/or wetland habitat for which the species or type of brush removal was not specified in PG&E's CDP application, Commission staff has assumed, conservatively, that all the proposed brush removal consisted of riparian or wetland vegetation.

and sensitive wildlife species, and to destroy or alter the riparian and wetland habitats on which they depend.

Upland Habitats & Tree Removal

The proposed vegetation removal activities would also affect upland vegetation communities, in particular redwood and mixed conifer forest vegetation, at multiple project sites ([Table 1](#)). Seven project sites occur exclusively within upland habitats, while five include both upland and riparian/wetland habitats. An additional four sites consist primarily of riparian habitat, but the proposed work would include the removal of a handful of trees of species typically associated with upland forests.

Although north coast conifer forests have not generally been considered to constitute ESHA by the Commission due to their broad extent in the region, they nonetheless provide important habitat for wildlife species, including raptors and nesting birds. Moreover, in spite of its local abundance in Humboldt County, Coast redwood (*Sequoia sempervirens*) is an iconic, globally-rare species that has undergone a significant reduction in range (including the loss of over 90% of old-growth stands) due to intensive logging over the past 150 years. Remaining redwood forest types have been assigned sensitivity rankings of S2 to S3 (“imperiled, moderately threatened”) by the CDFW, reflecting a high degree of sensitivity, comparable to that of the north coast riparian woodland and freshwater wetland habitats discussed above.

In total, PG&E proposes to remove 149 large conifers (defined as trees with diameters at breast height (dbh) of 12 inches or greater) from project sites, including 88 redwoods, 15 Douglas-fir (*Pseudotsuga douglasii*), ten Sitka spruce (*Picea sitchensis*), and 31 Monterey pine (*Pinus radiata*), an introduced species. A substantial fraction of the large trees, including a number of mature redwoods ranging from 50 to 107 inches (5 to 9 feet) dbh, would be removed from a patch of remnant redwood forest at site RW-V-9599-15, in the Myrtle town district on the outskirts of Eureka ([Exhibit 2](#)). The large trees proposed for removal constitute a significant visual resource (*see Section IV.G*, below) and provide suitable habitat for sensitive bird species. Therefore, the removal of these mature trees must be mitigated to avoid substantial adverse environmental effects, especially the permanent loss of potential bird nesting habitat.

Impact Avoidance and Minimization Measures

PG&E’s project description includes several measures intended to reduce the environmental impacts of the proposed vegetation management activities while still achieving pipeline safety goals. To this end, targeted trees and woody vegetation would be cut or trimmed to within 6 inches of ground level rather than uprooted, and no excavation or grading is proposed. Within ESHA, vegetation removal would be performed with hand tools only, and cut vegetation would be hauled to designated locations for chipping. Vehicle travel, parking and equipment laydown/staging would be restricted to existing roads, rights-of-way, and paved or previously-disturbed areas. Vehicle crossings of streams or wetlands would be limited to existing roads. At sites where special status species have the potential to occur, a qualified biologist would be stationed on-site for all work activities, and would perform daily pre-project surveys prior to the start of work to “clear the work area of sensitive species.” At sites where sensitive plant species could occur, PG&E would seek to work outside the blooming season to the extent feasible, and for work during the blooming season, would perform pre-project plant surveys and implement

measures, such as flagging and work restrictions, to protect any identified sensitive plants. A complete list of the applicant's proposed measures is provided in [Appendix B](#).

The Commission believes that the proposed measures will be effective in reducing the adverse effects of the proposed vegetation removal on surrounding habitats. However, in order to minimize project impacts to ESHA and sensitive species, and to formalize PG&E's proposed protection measures, the Commission finds that a number of special conditions are necessary.

In order to minimize the significant disruption of habitat values in ESHA, the Commission is adopting [Special Condition 3](#), which requires PG&E to clearly delineate and demarcate the limits of all project work areas, access routes and staging/laydown areas on project plans and in the field, and to avoid project activities beyond these limits during construction. [Special Condition 2](#) requires the appointment of a qualified biologist to be present on site during all project activities to identify sensitive habitats and ensure that these resources are avoided outside the designated vegetation removal areas. In order to assure protection of sensitive plant and wildlife species, the Commission is also including [Special Condition 4](#), which requires PG&E to carry out pre-project focused surveys of all proposed project sites, including staging and access areas, for the presence of sensitive plant and wildlife species which may have the potential to occur, and to the maximum extent feasible, adjust or limit project activities to avoid impacts to individuals or colonies of sensitive species. Where federally-listed, state-listed or other special status plant species are detected and impacts are unavoidable, PG&E shall, develop and implement a salvage, propagation, replanting and mitigation program, to be submitted to the Executive Director for review and approval, prior to commencing any activity that could potentially impact the sensitive species.

In order to avoid and minimize adverse effects to sensitive wildlife species, the Commission is adopting project site biological monitoring requirements in [Special Condition 5](#). Under this condition, PG&E shall designate one or more qualified biological observers to be present during all phases of the project which involve either vegetation removal activities or the use of heavy equipment. The biological observer(s) shall conduct daily pre-project surveys to determine that the work site is free of sensitive species, and during project activities shall monitor the work area and adjacent habitat for the presence of sensitive wildlife species. If a sensitive species is observed in or near the active work area and is at risk of harm, the biological monitor shall have the authority to suspend work until the animal has left the area or is no longer at risk. In addition, in order to provide protection for nesting birds during project activities, the Commission is including [Special Condition 6](#), which requires PG&E to conduct nesting bird surveys within and adjacent to project sites within a week of any vegetation clearing that would occur during the bird nesting season (defined as February 15 through August 31). Under this condition, if nesting or breeding activity is detected, PG&E shall establish a 300-foot (500-foot for raptors) exclusion zone, to be kept free of disturbance, around the breeding habitat or nesting site, until the juvenile birds have fledged and left the area.

Mitigation

As described above, the combination of the applicant's proposed avoidance and mitigation measures and the Commission's special conditions would minimize adverse effects to ESHA and protect sensitive plant and animal species. Nonetheless, the proposed vegetation maintenance along PG&E's existing gas pipelines would still require the clearing of approximately 1.15 acres of riparian woodland ESHA, and approximately 0.055 acres of wetland habitats considered to be

ESHA under the County LCP, as well as 83 individual trees of riparian species and 149 large (12 inches dbh or greater) conifers that are likely to provide habitat for nesting birds. In order to protect against the significant degradation and disruption of habitat values within ESHA, these effects of the proposed vegetation clearing must be fully mitigated.

As noted in [Section IV.A](#), above, PG&E has proposed to provide funding to the City of Arcata for the planting of new trees as mitigation for project impacts. However, no details on this proposal are currently available. In order to address the significant loss of native and/or major vegetation associated with the project, including riparian and wetland ESHA and large trees, the Commission is imposing [Special Condition 7](#), which requires PG&E to provide a Habitat Mitigation Plan, for Executive Director review and approval, that ensures compensatory mitigation for the habitat alteration and tree losses resulting from the proposed project. Under this Special Condition, the clearing of 1.15 acres of riparian vegetation shall be mitigated through the restoration, which may include either (a) habitat creation or (b) improvement via the removal of invasive or non-native vegetation and replanting with native vegetation, of 3.45 acres of riparian woodland habitat (a 3:1 ratio). Similarly, the clearing of 0.055 acres of wetland vegetation shall be mitigated through the restoration of 0.2 acres of wetland habitat (a 4:1 ratio). The removal of 83 riparian trees shall be mitigated through the planting of 249 native trees (e.g., willow, red alder), while the removal of 118 large native conifers shall be mitigated through the planting of 354 native trees (e.g., redwood, Douglas-fir, Sitka spruce, etc.), achieving a 3:1 ratio of replacement to removal. The removal of 31 large exotic Monterey pine trees, which are deemed to have lesser habitat value for native species, shall be compensated for by the planting of native tree species at a 1:1 ratio.

In this case, because the clearing of trees and woody vegetation from the project sites would degrade, but not destroy, existing habitat values, it is appropriate to use restoration of riparian and wetland habitats, rather than *creation* of new habitat, as a mitigation tool. Moreover, due to the widespread invasion of these habitats in the Humboldt Bay region by non-native species (such as Himalayan blackberry), restoration consisting of invasive species removal following by native species planting will produce tangible benefits for these native habitat types.

[Special Condition 7](#) also requires that the Mitigation Plan specify the locations where habitat restoration and tree replanting would take place and the habitat types and native plants to be used. The condition also requires that the restoration work occur at or in close proximity to the project sites wherever possible. However, because PG&E has indicated that most of the landowners of the affected parcels have refused on-site revegetation, the condition allows for off-site mitigation. The Mitigation Plan shall also include a 5-year monitoring plan and performance standards to assure the success of the habitat restoration and tree planting program.

Restriction on Future Vegetation Removal

As a part of its project description, PG&E proposes to carry out future vegetation maintenance activities within the project work sites on an “as needed” basis. However, no information on the type and extent of future vegetation removal has been provided, and as a result the Commission cannot evaluate the potential for future adverse impacts to ESHA at this time. In order to assure that future vegetation removal is carried out in a manner that protects against the significant disruption of habitat values and is compatible with the continuance of sensitive habitats and species, the Commission is including [Special Condition 11](#), which authorizes under this permit only the specific vegetation removal activities described in PG&E’s CDP application materials

on file with the Commission, and requires that PG&E seek further authorization if and when additional vegetation removal becomes necessary.

Conclusion

For the reasons described above, the Commission finds that the proposed project, as conditioned, will be carried out in a manner protective of nearby environmentally sensitive habitat areas and is therefore consistent with applicable policies of Coastal Act Section 30240.

E. PROTECTION OF COASTAL STREAMS AND WATER QUALITY

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Coastal Act Section 30232 states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Many of the project work sites include or are located adjacent to coastal streams, sloughs, and ditches. At several of the sites, proposed vegetation removal work would occur within the banks of a watercourse (*see* [Table 1](#)). Many of the affected watercourses connect to Humboldt Bay and provide suitable habitat for rare and sensitive estuarine and anadromous fish species, including tidewater goby, longfin smelt, green sturgeon, eulachon, steelhead, and Chinook salmon (*see* [Table 3](#)). If carried out in an uncontrolled manner, the proposed vegetation clearing activities could have several adverse effects on coastal streams and sensitive aquatic species, including habitat alteration from the improper disposal of cut vegetation, increased sedimentation and turbidity related to ground disturbance and erosion, and the introduction of contaminants from spills of fuel or other hazardous materials.

In an effort to minimize the potential for project-related impacts to coastal streams, watercourses and aquatic species, PG&E has proposed to implement a number of impact avoidance and minimization measures for project sites that intersect or are adjacent to a waterway. The complete list of applicant proposed measures is provided in [Appendix B](#); most crucially, the proposed measures would include: (a) prohibitions on project activities within wetted areas of a waterway and on the dragging, disposal or placement of woody debris, chipped material or other materials within the bank or channel of a waterway; (b) limitation of work within the banks of a waterway to foot access, hand crews and manual equipment only, and prohibition of heavy-equipment operation within 25 feet of a waterway; (c) prohibition on stump grinding, chipping or mastication or use of herbicide within the banks of a waterway; (d) directional felling of bank-

top trees away from the waterway; and (e) no refueling of motorized equipment (e.g., chainsaws) or parking of vehicles or mobile equipment within 100 feet of a waterway.

In order to ensure that adverse effects on coastal streams, water quality and sensitive aquatic species are minimized, and to render enforceable the applicant's proposed measures, the Commission is incorporating the applicant's proposed avoidance and minimization measures for streams and anadromous species, contained in [Appendix B](#), into this CDP as [Special Condition 8](#). To provide further protection against hazardous material spills related to project activities and to ensure the necessary response to any spills that may occur, [Special Condition 9](#) additionally requires PG&E to implement specific spill prevention and response measures for the project, including daily vehicle and equipment inspections for leaks, identification of all materials that will be immediately available to respond to project-related spills, necessary telephone contacts for spill notifications, and others.

For the reasons described above, the Commission finds that the proposed project, as conditioned, will be carried out in a manner that is protective of marine organisms, coastal streams and water quality, and will protect against spills of hazardous substances, and is therefore consistent with Coastal Act Sections 30231 and 30232.

F. CULTURAL RESOURCES

Coastal Act Section 30244 states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The project area lies within the traditional territory of the Wiki division of the Wiyot tribe. At the time that Euro-Americans first made contact in this region, the Wiyot lived almost exclusively in villages along the protected shores of Humboldt Bay and near the mouths of the Eel and Mad Rivers. Today, representatives of the Wiyot Tribe are the Table Bluff Reservation Wiyot Tribe, the Blue Lake Rancheria, and the Bear River Band of the Rohnerville Rancheria. The proposed vegetation removal would occur at multiple locations both inland of and near the shorelines of Humboldt Bay and its tributary streams and sloughs. Although no historic structures or archaeological deposits are known to exist at the project sites, the sites are nonetheless located within areas that could contain cultural resources.

The proposed vegetation removal work would not involve any excavation or other significant ground disturbance, limiting the potential for the damage or disturbance of cultural resources. Nonetheless, PG&E has proposed to implement measures for the protection of cultural resources and human remains (*see* [Exhibit 4](#)). In addition, to ensure protection of any cultural resources that may be discovered at the site during construction of the proposed project, the Commission is including [Special Condition 10](#). This special condition requires that if an area of cultural deposits is discovered during the course of the project, all construction must cease and a qualified cultural resource specialist, in conjunction with the Wiyot Tribe, the Bear River Band of Rohnerville Rancheria, and the Blue Lake Rancheria THPOs, must analyze the significance of the find. To recommence construction following discovery of cultural deposits, the permittee is required to submit a supplementary archaeological plan for the review and approval of the

Executive Director, who will determine whether the changes are *de minimis* in nature and scope, or whether an amendment to this permit is required.

The Commission finds that with these measures in place the project will not adversely impact cultural resources and is therefore consistent with Section 30244 of the Coastal Act.

G. VISUAL RESOURCES

Coastal Act Section 30251 states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

None of the proposed project sites would occur directly on the shoreline, and most would occur inland of the first public road. However, several of the projects sites (RW-V-2732-15, -2733-15 and -11464-14) are visible from a Highway 101 scenic corridor between the cities of Arcata and Eureka. Except where blocked by existing development, this stretch of highway provides unobstructed views westward towards Humboldt Bay and eastward towards rural pasture lands and forests, and includes designated “Coastal View Areas” under the Humboldt Bay Area Plan of the County LCP. Other project sites are located along coastal access roads offering scenic views of the surrounding countryside. The proposed vegetation removal, especially the clearing of large trees, would cause some alteration of the visual character of the project sites.

Because the project is a necessary maintenance activity required to ensure the continued safety of existing gas pipelines, the proposed vegetation removal cannot be avoided. However, the effects of the project on visual resources can be minimized through the replanting of trees and native vegetation, as required under [Special Condition 7](#) (see above). Under this special condition, PG&E is required to mitigate for tree losses as follows: (i) Replacement of native riparian tree species at a 3:1 ratio; (ii) replacement of large (12 inches dbh or greater) native trees (e.g., redwood, Douglas-fir, etc.) at a 3:1 ratio; (iii) replacement of large exotic trees (e.g., Monterey pine) with native species at a 1:1 ratio. A detailed tree replacement program, including long-term monitoring and performance standards, must be submitted to the Executive Director for review and approval prior to the commencement of vegetation removal. Tree replanting shall be carried out within or adjacent to project work sites to the maximum extent possible, consistent with pipeline safety and maintenance considerations and landowner approval.

As conditioned, the Commission finds that the proposed project would protect coastal views and minimize adverse effects to visual resources, and is consistent with Section 30251 of the Coastal Act.

H. COASTAL ACCESS AND RECREATION

Coastal Act Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to

protect public rights, rights of private property owners, and natural resource areas from overuse.

Coastal Act Section 30223 states:

Upland areas necessary to support coastal recreation uses shall be reserved for such uses, where feasible.

Five of the proposed work sites (Projects RW_V_2752_15, 2758_15, 2760_15, 2767_15, 2772_15) are located in close proximity to a system dirt access roads and informal trails located on and adjacent to the College of the Redwoods campus, and connecting to the nearby Humboldt Botanical Gardens ([Exhibit 2](#)). While no usage data is currently available, these routes are assumed to be used by the public for outdoor recreational activities (e.g., walking, running, bicycling). More generally, a number of the other proposed worksites are located along public roads (e.g., Highway 101) that are used to access coastal recreation areas. Project activities that resulted in prolonged trail or road closure or significant increases in traffic would thus have the potential to adversely affect coastal access and recreation.

PG&E has indicated that the proposed vegetation removal work at a given site would last one to three days, and would not require the full closure of roads or trails. Temporary lane closures for work along county or city road rights-of-way may be necessary at certain work locations, but in all cases, PG&E would provide traffic control, and any delays or increases in travel time would be minor. Parking of project vehicles and equipment staging could result in the temporary obstruction of dirt roads and trails at work sites near the College of the Redwoods, but PG&E would provide signage and project personnel, as needed, to direct recreational users to alternate routes and around work areas. Any disruptions to recreational access would be minor and temporary.

For these reasons, the Commission finds that the proposed project would be consistent with the public access and recreation policies of the Coastal Act.

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, 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 development has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing biological resources, environmentally sensitive habitat areas, water quality and oil spill prevention and response, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

Appendix A: Substantive File Documents

Coastal Development Permit Application Materials:

Application and Application File for Coastal Development Permit No. 9-17-0408

Certified Local Coastal Programs:

City of Arcata Local Coastal Program (Land Use Plan and Implementing Ordinances), October 10, 1989.

Humboldt County General Plan, Vol. II: Humboldt Bay Area Plan of the Humboldt County Local Coastal Program, December 2014.

Other Reports and Resources:

California Department of Fish and Game (CDFG) (2010). List of Vegetation Alliances and Associations. Vegetation Classification and Mapping Program, September 2010.

Lichvar, R.W., M. Butterwick, W.N. Kirchner and N.C. Melvin (2016). The National Wetland Plant List: 2014 update of wetland ratings. *Phytoneuron* 2014-30: 1–17.

Lichvar, R.W., M. Butterwick, N.C. Melvin, and W.N. Kirchner (2014). The National Wetland Plant List: 2014 update of wetland ratings. *Phytoneuron* 2014-41: 1–42.

Websites

<http://gis.co.humboldt.ca.us/Freeance/Client/PublicAccess1/index.html?appconfig=podgis4>

Humboldt County Planning and Building Dept. GIS Portal

Appendix B:

Applicant's Proposed Avoidance and Minimization Measures (AMMs) for Streams, Waterways and Anadromous Fish

Incorporated into CDP# 9-17-0408 in Special Condition 8

The following AMMs shall be implemented for projects that are adjacent to or intersect a waterway:

- Climber crews shall cut vegetation into manageable pieces and swing/lower wood safely to the ground without disturbing the bed, bank, or channel.
- Cut vegetation shall not be dragged through the bed, bank, or channel of a waterway.
- Any woody debris left on-site shall not be placed within the bank of a wetland, stream, or other waterway.
- Material shall not be chipped within the bed, bank or channel of a wetland, stream, or other waterway.
- No work shall occur within the wetted portion of the waterway, and no material shall enter the waterway.
- Trees shall be directionally felled away from any watercourse only if located at the top of bank.
- No chainsaws or other equipment shall be refueled within 100 feet of a wetland, stream, or other waterway.
- When broadcasting chipped material, it may not enter the bed, bank or channel and shall be directed away from streams, wetland, or riparian habitats.
- Operations and equipment-use within any wetland, stream, or other waterway shall be limited to the following within the project area:
 - Work shall be performed with hand crews only.
 - Access to the work areas shall be by foot only.
 - No heavy equipment (e.g., access vehicle, truck-towed chipper) shall occur or operate within 25 feet.
 - No mastication within the bed, bank, or channel shall occur.
 - No stump grinding shall occur.
- No herbicide (including aquatic-approved) shall be used within a wetland, stream, or other waterway.

The following species-specific AMMs shall be implemented for projects to avoid and minimize impacts to anadromous fish. Contact a PG&E biologist if there are potential impacts to a waterway.

- Employees and contractors performing O&M activities in waterways or riparian corridors will receive environmental training including a summary of acceptable and unacceptable practices and avoidance measures that must be followed to reduce or avoid effects on listed fish.
- Avoid or minimize the disturbance of soil and vegetation adjacent to streams, including the streambed substrate.

- Vegetation removal in and adjacent to streams will be completed without the use of self-propelled mechanical equipment (i.e., Hydro-ax, Brontosaurus, Slashbuster, etc.).
- Water will be free of changes in turbidity that cause nuisance or adversely affect listed fish and habitat.
- Trained personnel with necessary equipment will respond immediately to any accidental release of chemicals, fuels, lubricants, and non-storm drainage water into waterways.
- Mobile equipment will not be parked overnight within 100 feet of aquatic habitat. Stationary equipment (e.g., pumps and generators) used or stored within 100 feet of aquatic habitat will be positioned over secondary containment.