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STAFF REPORT: REGULAR CALENDAR

Application No.: 9-20-0236

Applicant: Pacific Gas & Electric Co.

Location: Three sites east of Eureka at existing gas pipeline crossings of Freshwater Slough and Ryan Slough, and along Ryan Creek, in unincorporated land in Humboldt County (**Exhibits 1 and 2**).

Project Description: Repair and maintenance activities, including removal of exposed pipeline segments and erosion control.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

Pacific Gas and Electric Co. (PG&E) proposes work on existing natural gas pipelines at three sites east of Eureka in unincorporated Humboldt County (**Exhibit 1**). The three sites are at a crossing of Freshwater Slough (the R-354 site), a crossing of Ryan Slough (the R-519 site), and along Ryan Creek (the RT-102 site) (**Exhibit 2**). Proposed activities at the R-354 site include removing a section of previously retired pipeline and performing levee repairs to address bank erosion. At the R-519 site, PG&E proposes to install a new pipeline crossing under Ryan Slough to replace an existing exposed pipeline, and then remove the existing line. At the RT-102 site, PG&E proposes to address erosion exposing an existing line where it runs underneath an existing berm.

The proposed project qualifies as a repair and maintenance project under the Coastal Act but nevertheless requires a coastal development permit because the project involves work within 20 feet of coastal waters and includes wetland effects. In considering a permit application for a repair or maintenance project, the Commission evaluates the proposed methods of repair and maintenance and does not evaluate the underlying, existing development's conformity with the Coastal Act.

A primary Coastal Act issue raised by the proposed project is the permanent impact to 0.08 acres of wetlands that would result from the project. To mitigate for this impact, **Special Condition 3** requires PG&E to provide compensatory mitigation at the nearby Dead Mouse Marsh at an approximately five to one mitigation to impact ratio. **Special Condition 4** requires that PG&E provide annual reports of site restoration activities and monitoring to ensure that temporarily affected areas are restored to pre-project conditions. **Special Condition 4** also requires PG&E to provide mitigation at a three to one mitigation to impact ratio for permanent impacts to Western sand spurry. To address potential water quality effects, **Special Condition 5** requires that PG&E submit a turbidity management plan for Executive Director review and approval.

The proposed project design incorporates longer-term considerations related to climate change-related effects such as sea level rise. Additionally, the gas infrastructure in the general area will be one of the elements of a forthcoming PG&E assessment of potential climate change-related risks to its infrastructure, tentatively anticipated to be published in 2022.

Staff recommends the Commission find the proposed project, as conditioned, consistent with the wetlands, water quality, ESHA, hazards, and other resource protection policies of the Coastal Act. Staff recommends that the Commission **approve** coastal development permit application 9-20-0236, as conditioned. The motion is on page 4.

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APPENDICES

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EXHIBITS

Exhibit 1 – Project Overview

Exhibit 2 – Project locations

Exhibit 3 – R-354 site detail

Exhibit 4 – R-519 site detail

Exhibit 5 – RT-102 site detail

Exhibit 6 – Mitigated Negative Declaration mitigation measures incorporated into this CDP

Exhibit 7 – Location of Dead Mouse Marsh (proposed marsh mitigation site), including areas of invasive *Spartina*

I. MOTION AND RESOLUTION

1. Coastal Development Permit

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 9-20-0236 pursuant to the staff recommendation.*

Staff Recommendation:

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

Resolution:

The Commission hereby approves Coastal Development Permit 9-20-0236 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. 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 development on the environment.

II. STANDARD CONDITIONS

The Coastal Development Permit (CDP) No. 9-20-0236 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 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. **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 the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

CDP No. 9-20-0236 is subject to the following special conditions:

1. **CEQA Initial Study Checklist Mitigation Measures.** This permit incorporates those mitigation measures identified in the April 2020 document titled “Initial Study/Mitigated Negative Declaration PG&E Pipeline Maintenance Projects” concerning biological, cultural, geological, and paleontological resources that are attached to this report as **Exhibit 6**.
2. **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 and authorizations required to perform project-related work, or evidence that no permits are required. These permits and approvals include:
 - a. **Regional Water Resources Control Board.** Clean Water Act Section 401 Water Quality Certification/Porter-Cologne Water Quality Act Surface Water Discharge Permit, anticipated October 2020.
 - b. **California Department of Fish and Wildlife.** Streambed Alteration Agreement, anticipated October 2020.
 - c. **U.S. Army Corps of Engineers.** Clean Water Act Section 404 permit/Rivers and Harbors Act Section 10 permit, anticipated fall 2020.
 - d. **Humboldt Bay Harbor Recreation and Conservation District.** Harbor District permit, anticipated fall 2020.
3. **Mitigation for Permanent Impacts to Wetlands.** The applicant shall provide mitigation for permanent wetland impacts as described in the document titled “PG&E Pipeline Maintenance Projects Compensatory Mitigation Plan Park Street Marsh (Dead Mouse Marsh) Spartina Removal Humboldt County, California” revised September 2020. The applicant shall provide the Executive Director with copies of annual monitoring reports as described in this mitigation plan.

4. **Site Restoration and annual reporting.** The applicant shall implement the activities described in the document titled “Site Restoration Plan PG&E Pipeline Maintenance Projects”, dated September 2020. Mitigation for permanent effects to Western sand spurry shall occur at a replacement to impact ratio of three to one. The applicant shall provide the Executive Director with copies of annual monitoring reports prepared as described in the plan, and shall implement adaptive management measures to address restored areas that are not achieving performance criteria. After five years of monitoring, if restored areas are not meeting performance criteria, PG&E will provide an updated site restoration plan for such areas for Executive Director review and approval.
5. **Turbidity Monitoring Plan.** PRIOR TO THE START OF CONSTRUCTION, the applicant shall provide to the Executive Director for review and approval a project-specific Turbidity Monitoring Plan. This plan shall contain specific measures to be applied at each aquatic work site, including a description of monitoring at locations up- and down-stream of work sites. If monitoring demonstrates that measured turbidity levels are 20% or more than naturally occurring conditions, the plan shall describe additional best management practices (such as additional sediment control devices or changes in construction practices) or the use of turbidity curtains that the applicant will take to reduce the negative effect of turbidity. The applicant shall implement the turbidity monitoring plan as approved by the Executive Director.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

Pacific Gas & Electric Co. (PG&E) proposes maintenance and repair activities at three sites along its existing gas pipeline system east of Eureka in unincorporated Humboldt County (**Exhibits 1 and 2**). The northernmost location is where a pipeline crosses Freshwater Slough (referred to as the R-354 site by PG&E). South of the R-354 site is the R-519 site at the crossing of Ryan Slough. The third site is south of R-519 and is termed the RT-102 site, adjacent to Ryan Creek.

R-354 site (Freshwater Slough)

The R-354 site is approximately 25 feet upstream of the 134-foot long Park Street crossing of Freshwater Slough (**Exhibit 3**). This site includes an eroded levee bank on the north side of the slough, and a one-foot sinkhole behind the concrete abutment that supports the northern landing of the bridge. An existing, decommissioned 8-inch gas line crosses underneath Freshwater Slough at a depth of approximately nine to 13 feet. At the northern shoreline of the slough the pipeline turns vertically, becoming exposed on the eroded side of the levee. PG&E proposes to remove the exposed sections of pipeline on the northern shoreline to a depth of five feet below the slough bed, abandon the remainder of the pipeline underneath the slough, and undertake levee repairs.

To remove the pipeline segment, PG&E first would use water pressure to press a polyethylene “pig” (a cylindrical- shaped device that fits the interior of the pipeline) through the pipe to help remove hydrocarbon pollutants and then flush the pipe with water, monitoring water pressure to guard against leaks. Wastewater would be captured by a vacuum truck and transported to an approved, offsite disposal facility. PG&E then would fill the pipeline segment underneath Freshwater Slough with concrete and cap it, abandoning it in place.

PG&E would then remove the exposed section of pipeline on the northern side of Freshwater Slough. An excavator on the north bank would excavate around the vertical pipe riser to a depth of seven feet below the surface of the slough bed (water depth at this location is approximately six feet), divers would cut the pipeline at least five feet below the mudline, and the cut portion of the pipeline would be removed. The excavated area would be backfilled with clean, $\frac{3}{4}$ -inch gravel and covered with native sediment. Once the pipeline riser portion is removed, approximately 50 feet of the existing pipeline through the levee would be removed by excavating a trench into the top of the levee, cutting the pipeline into manageable lengths, and disposing at a suitable, off-site location. The trench in the levee would then be backfilled with excavated material.

Finally, the sinkhole would be filled and levee erosion would be repaired. Extending from the bridge 150 feet east, a series of articulated, 8-foot wide by 18.75-foot long concrete mats would be placed on the levee’s waterside slope and extending over its crown. PG&E describes these mats as having several useful aspects: interstitial spaces to enable vegetation growth; no additional excavation is needed for their installation, such as would likely have been the case with rip rap, given the sediment conditions on the toe of the levee/slough bottom; and they can be removed if necessary in a future, levee-system wide effort to address sea level rise (e.g., arising out of Humboldt County planning efforts).

Work at this location would involve two terrestrial work sites, one on the south side of Freshwater Slough east of Park Street and the second on the north side of Freshwater Slough, in an area of pasture used for livestock grazing. Heavy construction equipment would avoid crossing Freshwater Slough through the use of existing roadways on either side of the slough.

R-519 site (Ryan Slough)

The R-519 site is located south of the R-354 site, where an existing, active four-inch pipeline at an approximately 50-foot long crossing of Ryan Slough is exposed on the slough bed north of the Myrtle Avenue bridge (**Exhibit 4**). At this site a new pipeline would be installed using trenchless technology, and the existing exposed pipe would be removed.

To install the new pipeline crossing, two vertical shafts (a jacking shaft and a receiving shaft, both with steel sheet pile-walls to provide support, and a concrete floor to help prevent groundwater intrusion) in upland areas on either side of Ryan Slough would be constructed. These shafts would enable the use of the “pilot tube method,” where a pilot

tube would be pushed through soil underneath Ryan Slough from the jacking shaft to the receiving shaft. The jacking shaft would be approximately 10 feet wide by 30 feet long, and would be 30 feet deep. The receiving shaft would be approximately 10 feet wide, 10 feet long, and 38 feet below grade. PG&E describes this method of installation as follows:

Once the pilot tube reaches the receiving shaft, 20-foot-long joints of product line would be assembled to follow the pilot tube. The 20-foot-long joints would be welded together inside the jacking shaft as they are pressed through the bore. ... The pilot tube method of pipeline installation does not require the use of drilling fluid; therefore, there is no risk of inadvertent returns (frac-out) of drilling fluids to the waterway using this process.

Following installation of the new line, it would then be joined to the existing gas line. Once tie-ins are completed, the two vertical shafts would be backfilled and returned to original grade. If dewatering is necessary during the use of the vertical shafts, groundwater would be placed in tanks to allow solids to settle and then disposed of in the sanitation system or discharged to Ryan Slough (if allowed by the terms of the Regional Water Quality Control Board certification for the proposed project).

Following completion of the new crossing, the existing pipeline exposed on the bed of Ryan Slough would be removed. After pigging and flushing the line, the target section would be excavated on both sides of Ryan Slough to a location with five feet of cover, cut by divers, and removed by a crane operating from an upland work site. Pipeline ends left in place would then be capped. Excavated areas would be backfilled using native material, augmented with trucked-in native fill as necessary.

RT-102 site (along the west side of Ryan Creek)

The RT-102 site is south of the R-519 site along an earthen berm on the west side of Ryan Creek (**Exhibit 5**). There are three sinkholes in the berm, exposing the existing gas line, which PG&E proposes to address through installation of a new box culvert to direct drainage and prevent further erosion of the berm. The berm is an earthen structure on top of an old redwood foundation which supported a rail line. According to PG&E, the redwood foundation has degraded, resulting in gaps that allow stormwater to cause soil erosion and create observed sinkholes.

To address these issues, PG&E would first install a temporary sandbag dam along the west bank of Ryan Creek to isolate the work area. The existing sinkhole/drainage issue would then be remediated by first excavating the berm around the existing pipeline. The portion of the redwood foundation exposed in this excavated area would be removed, and a protective coating would be applied to the existing pipeline. A concrete box culvert would be installed under the pipeline, and a concrete drop inlet with metal grate will be completed. After installation of the culvert, PG&E would reconstruct the berm using engineered fill and excavated spoils, install ungrouted riprap around the drop inlet, and place native soil (stockpiled from the original excavation) across the top of the berm

to match adjacent contours will be completed to finish the remediation. Finally, the site would be restored using native vegetation.

Project schedule

According to PG&E, onsite terrestrial elements are projected to start in spring of 2021. PG&E has a work schedule with in-water work occurring during the aquatic work window, described further in Section IV.D. Project work should require approximately five to six months to complete and is anticipated to be completed by September 2021. Work activities would generally be conducted Monday through Friday (occasionally Saturday) approximately 10 to 12 hours per workday. Weekend work may occur, if necessary, to complete the Project within the defined seasonal constraints.

B. OTHER AGENCY APPROVALS AND TRIBAL CONSULTATIONS

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 gas pipeline repair and maintenance project includes locations within the jurisdiction of Humboldt County, which has an approved LCP, and the retained jurisdiction of the Commission. In June 2020, Humboldt County, 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 its jurisdictions and those aspects within the Commission's retained permit jurisdiction, consistent with Coastal Act Section 30601.3.

Humboldt Bay Harbor Recreation and Conservation District (Harbor District)

The Harbor District adopted a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA) for the proposed project on July 23, 2020. The Harbor District will also be considering a harbor district permit for project activities at the R-354 and R-519 sites, both of which are within its jurisdiction.

U.S. Army Corps of Engineers (Corps)

The Corps has regulatory authority over the project under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 1344) and Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344). The applicant requested federal authorization from the Corps, which anticipates issuing a permit in the fall of 2020, contingent upon Commission authorization of the proposed project. Through the Corps review process, consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service pursuant to the federal Endangered Species Act resulted in letters of concurrence that the proposed project was not likely to affect listed species or their habitats.

California Department of Fish and Wildlife (CDFW)

The proposed project requires a Streambed Alteration Agreement from CDFW, which PG&E applied for on April 22, 2020 and is anticipated to be issued in October 2020.

North Coast Regional Water Quality Control Board (RWQCB)

The RWQCB regulates waste discharges into receiving waters in the project area. On April 22, 2020, PG&E submitted an application for a Section 401 Water Quality Certification for the proposed project, and the North Coast RWQCB is anticipated to issue its Certification and Order in October 2020.

Tribal Outreach and Consultations

During the review of this project, Commission staff reached out to representatives from Native American Tribes understood to have current and historic connections to the project area: the Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, Cher-Ae Heights Indian Community of the Trinidad Rancheria, and the Wiyot Tribe. Contact information for these Tribal Representatives was provided by the Native American Heritage Commission. At the time of publication of this staff report, the Blue Lake Rancheria had provided comment indicating their agreement with the monitoring requirements and discovery protocols incorporated into the project MND. No other Tribal questions or concerns had been brought to the attention of Commission staff. Any concerns raised subsequent to the publication of this report will be included in an addendum to this staff report.

C. PERMIT AUTHORITY, EXTRAORDINARY METHODS OF REPAIR AND MAINTENANCE

The proposed project qualifies as a repair and maintenance project, as it consists of repairs to and maintenance of an existing gas pipeline through replacement of less than 50% of the existing line. 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 object of the repair and maintenance activities. This proposed project would not result in any enhanced capacity or expansion of the existing gas pipeline.

However, even if a project qualifies as a repair and maintenance project under Section 30610(d), 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 described 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....

The proposed project presents a risk of substantial adverse environmental impact pursuant to Section 30610 of the Coastal Act and Section 13252 of the Commission administrative regulations because construction activities would occur within 20 feet of coastal waters and would affect wetlands (as described in Section IV.D). The proposed project therefore requires a coastal development permit under Section 30610 of the Coastal Act 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. 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. This consideration applies to both the proposed work on the gas pipelines as well as to the levee repair aspect of the project.

D. WETLANDS

Coastal Act Section 30233(a) states:

(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.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) 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.

(4) 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.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource dependent activities.

...

(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 proposed project includes work within sloughs and wetland habitats. Applying the Commission's wetland definition, the proposed project would result in a total of approximately 0.08 acres (3463 square feet) of permanent impact to wetlands. This total includes 0.07 acres (3000 square feet) of impact at the R-354 site to open water and cordgrass (*Spartina densiflora*) communities from levee repair and 0.01 acres (463 square feet) at the RT-102 project site to red alder (*Alnus rubra*) wetland as part of the culvert installation. No permanent wetland impacts are anticipated at the R-519 site.

The project also would include a total of 3.17 acres (138,136 square feet) of wetland area that would be temporarily disturbed as a result of excavation, construction access, and stockpile and staging areas. This total includes 1.4 acres (61,002 square feet) at R-354, 0.80 acres (34,736 square feet) at R-519, and 0.97 acres (42,397 square feet) at RT-102. At the R-354 site, areas of temporarily impacted wetlands would primarily consist of the construction access, laydown, and staging areas on the north and south sides of Freshwater Slough, which include vegetation communities characterized as wet meadow with perennial rye grass fields and blackberry (*Rubus ursinis*) brambles. At the R-519 site, temporarily impacted wetlands would include construction laydown and staging areas on both sides of Ryan Slough, which are also wet meadow with creeping bentgrass (*Agrostis stolonifera*) and foxtail (*Alopecurus geniculatas*), as well as pickleweed (*Salicornia pacifica*) bordering the slough. At the RT-102 site, areas of temporary impact would be for construction access and excavation associated with the culvert installation, and consist primarily of red alder forest and disturbed, recently mowed vegetation along the top of the berm.

Because of its effect on wetlands, the project is subject to the three requirements of Coastal Act Section 30233(a). The first requirement is that the proposed activity must fit into one of the seven categories of uses enumerated above (the "allowable use" test). However, because the project is considered repair and maintenance, as described previously, only the methods of proposed construction activity are being reviewed; therefore, this "allowable use" test of Section 30233(a) is not applicable.

The second test of Section 30233(a) requires that there be no feasible less environmentally damaging alternative, and the third test requires that feasible mitigation measures be provided to minimize the project's adverse environmental effects. These two tests are applicable to the proposed project.

Alternatives

For the second test of Section 30233(a), The Commission must find that there are no feasible, less environmentally damaging alternatives to the proposed project by assessing each of the three sites.

At the R-354 site, PG&E considered various approaches for the pipeline removal and levee repair to minimize potential wetland effects. With respect to pipeline removal, PG&E assessed other lengths of pipeline that could be removed, but concluded that: "...the proposed cut-off point of the buried pipeline north of the levee was ... at the optimum distance from the levee..., thereby ensuring that future changes in the alignment of the river and the north levee don't expose the abandoned-in-place pipe end." Thus, PG&E designed the proposed project to reduce the need for future work to address an exposed pipeline and the likely wetland impacts that such work would entail.

With respect to the levee repair at the R-354 site, PG&E assessed the viability of other approaches such as a biotechnical slope repair or the use of rock rip-rap. In fact, rip-rap was the originally proposed approach to the levee repair, but initial, multi-agency review resulted in concern over its larger footprint and subsequent negative effect on in-stream habitat. Because the erosion of the levee extends to the toe of the levee at the slough bed, PG&E rejected a biotechnical approach as infeasible given the relatively dynamic conditions (water currents) in Freshwater Slough. Finally, temporary work spaces have been designed to be the minimal size necessary for the project, and to the extent practicable are located in already-disturbed areas. For these reasons, the proposed activities at the R-354 site are the least environmentally damaging alternative.

At the R-519 site, installation of the proposed new pipe through other methods would involve excavation directly in Ryan Slough and the consequent direct impacts to slough habitats, which have been avoided through the use of the proposed pilot tube method. Similar to the R-354 site, construction work spaces at the R-519 are the minimum size needed and are located in already-disturbed areas as much as practicable. Therefore, the proposed activities at the R-519 site are the least environmentally damaging alternative.

At the RT-102 site, the location and design of the culvert, and thus the rock that would be placed at the mouth of the culvert, is dictated by the existing drainage pattern that is causing the erosion at the berm. PG&E has minimized the project footprint to that necessary for an appropriately-sized culvert. Temporary impacts to wetlands will be minimized through the use of existing, disturbed areas as access and laydown space to the extent practicable. Therefore, the proposed activity at the RT-102 site is the least environmentally damaging alternative.

Mitigation

As summarized above, PG&E has incorporated project design elements to minimize wetland impacts. Additionally, the Mitigated Negative Declaration (MND) includes measures such as worker environmental training and flagging of wetland and riparian habitats near construction sites to further protect wetland habitats. These measures are described in **Exhibit 6** and incorporated into this CDP through **Special Condition 1**.

Despite the incorporation of these measures, the proposed project would result in permanent impacts to approximately 0.08 acres of wetland, predominantly to open

water and cordgrass habitat at the R-354 site and to approximately 0.01 acres of red alder habitat at the RT-102 site. To mitigate for these impacts, PG&E proposes to fund a next phase of an ongoing salt marsh restoration project at Dead Mouse Marsh (also known as Park Street Marsh), which is located 200 feet west of the R-343 site (**Exhibit 7**) and to provide red alder planting.

Dead Mouse Marsh is owned by the Humboldt Bay Harbor Recreation and Conservation District (Harbor District). This marsh is included in the Humboldt Bay Regional *Spartina* Eradication Plan (H.T. Harvey and Associates 2012), a regional, Humboldt Bay-wide plan for eradicating invasive cordgrass (*Spartina densiflora*) that was the subject of Commission approval of CDP 1-14-0249.

As described by PG&E in its Compensatory Mitigation Plan for this project, Dead Mouse Marsh is divided into two different areas (**Exhibit 7**). An approximately 9.5 acre tidal marsh connected to Freshwater Slough has been the focus of two years of *Spartina* removal. An approximately 1.35-acre sized freshwater marsh area in the southern portion of the site is hydrologically connected to the tidal marsh portion of Dead Mouse Marsh through an existing culvert and has not been the subject of *Spartina* removal to date.

Spartina removal in the tidal marsh is described in the Compensatory Mitigation Plan:

The Harbor District is currently working with the [Redwood Community Action Agency, Natural Resources Service or RCAA NRS] to implement a Spartina eradication program and restore native marsh flora to the tidal marsh within the Park Street Marsh and other properties owned by the Harbor District as part of the regional Spartina eradication program. Based on discussions with RCAA NRS, the primary treatment for Spartina removal in the tidal marsh area has been completed with grant funding for marsh restoration and prior treatment was limited to the tidal marsh area and left other areas onsite untreated. The grant funding covered the cost of primary treatment (years 1 and 2) in the tidal marsh area and has now expired.

...

After completion of two years of primary treatment, native salt marsh vegetation is recolonizing this area and continues to expand in cover; however, three additional years of secondary treatment in the tidal marsh area will be necessary to ensure that reinvasion of Spartina is prevented.

As mitigation for the proposed project's permanent wetland impacts and as described in the project Compensatory Mitigation Plan, PG&E is proposing to fund three additional years of *Spartina* removal within the tidal marsh area that has undergone partial treatment. Additionally, PG&E proposes a full five years of treatment in the as-of-yet untreated freshwater marsh area.

The Compensatory Mitigation Plan provides the results of surveys undertaken to assess the amount of invasive *Spartina* that remains within Dead Mouse Marsh. These surveys identified that within the freshwater marsh area, approximately 0.36 acres included *Spartina* at cover densities greater than 61%, 0.03 acres have cover densities between 26 and 60%, and 0.03 acres have cover densities less than 25% (**Exhibit 7**). These cover densities were blended to identify the total area that would be restored as a result of *Spartina* removal in the freshwater marsh, with a small adjustment then made for funding the continuation of *Spartina* eradication within the tidal marsh portion of the site by adding 0.5 percent of its area (*Spartina* presently occupies less than one percent of the tidal marsh.) The result of this calculation is that approximately 0.35 acres of salt marsh habitat would be restored as a result of the PG&E proposal. This total represents a mitigation to impact ratio of approximately five to one, given that there will be a permanent impact of 0.07 acres to Commission-defined wetlands at the R-354 site.

The Compensatory Mitigation Plan describes success criteria and monitoring that PG&E will employ to help ensure success of *Spartina* removal. Monitoring will occur annually during treatment and for five years after treatment. Monitoring results will be compared to conditions in a restored marsh area in the Humboldt Bay National Wildlife Refuge Ma-le'l Dunes Unit, where *Spartina* removal was completed and native marsh species have recolonized. Success criteria for the proposed five-year monitoring period include:

- *Spartina* cover diminishes by at least 50% each year until cover is <5%. If criterion is not met, follow up treatments may be conducted more frequently.
- *Spartina* cover is maintained at a level <5% until regional eradication is achieved. If criterion is not met, more frequent or intensive maintenance treatments will be applied.
- Cover by non-*Spartina* emergent vegetation $\geq 50\%$ by the end of the third year. If criterion is not met and the treatment area appears to have limited influx of native marsh species propagules, planting of native marsh species will be undertaken. If the site appears to be a localized depression with anoxic conditions, revegetation is expected to take longer.
- Vegetation is dominated by native marsh plant species by the end of the fifth year.

Special Condition 3 requires PG&E to implement this Compensatory Mitigation Plan and to provide the Executive Director with annual monitoring reports.

The proposed project also would result in approximately 0.01 acres of impact to red alder wetland at the RT-102 site – this would include the removal of one red alder and two arroyo willows (*Salix lasiolepis*). As mitigation for this impact, PG&E is proposing to plant three red alder and six willow trees at the existing Cock Robin Island tree planting site near the mouth of the Eel River, established as part of the Commission's previous approval of gas pipeline vegetation maintenance activities in CDP 9-17-0408. This location also was selected since future plans being considered by Humboldt County for the berm at the RT-102 site may involve development of a public access way.

The project would also result in temporary wetland impacts, which PG&E proposes to mitigate through implementing a Site Restoration Plan. This plan includes returning temporarily affected areas to pre-project contours and seeding or hydroseeding with an appropriate native seed mix and/or previously stockpiled topsoil (and, in areas currently privately owned and used as cattle pasture, consistent with landowner agreements). The Site Restoration Plan describes the use of reference sites near temporarily affected areas for comparative purposes during monitoring. The plan includes performance criteria to gauge restoration success, including a goal of 75% hydrophytic vegetation cover relative to the reference wetland. Additionally, the plan establishes measures to provide for invasive species control, such as weed abatement through physical removal.

After the first year of restoration, PG&E will prepare a monitoring report for Executive Director review and approval documenting the restoration of temporarily affected areas in meeting these performance criteria. This report will identify adaptive management measures that may be necessary to meet performance criteria, including additional restoration activities if it appears that temporarily affected areas are not recovering and should be considered permanent impacts (therefore, requiring additional wetland mitigation such as that proposed at Dead Mouse Marsh). As described in the Site Restoration Plan, annual monitoring would occur for a period of five years following restoration activities, using qualitative (visual inspection and photographic evaluation) and quantitative (sampling and comparison to reference site) methods. As required in **Special Condition 4**, PG&E shall provide annual reports documenting monitoring activities and results by December 31 of each year, which will include description of measures to ensure the restoration of temporarily affected areas.

Based on the mitigation measures described above, and the inclusion of **Special Conditions 3 and 4**, the Commission finds that the proposed project includes feasible mitigation measures to address wetland impacts. On this basis and based on the findings regarding alternatives, the Commission finds that the project is consistent with Section 30233(a) of the Coastal Act.

E. HAZARDS

Coastal Act Section 30253 states:

New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute to erosion, geologic stability, or destruction of the site or surrounding areas...

The proposed project includes work in sloughs and adjoining areas that are potentially subject to flooding events, both related to storm/rainfall events and longer term consequences resulting from climate-change related effects such as sea level rise. Thus, project design must address such hazards.

At the R-354 site, the design of the levee incorporates consideration of rising water levels by including analysis of site-specific conditions to determine if the proposed remediation would be effective. PG&E incorporated the Commission's Sea Level Rise Guidance in this assessment, and concluded that the selected project design would be the preferred methodology to slow levee erosion from sea level rise and flooding while minimizing other effects to coastal resources.

Similarly, PG&E addressed future conditions at the other two sites. For example, at the R-519 site, the depth of pipeline burial will be as much as 20 feet below Ryan Slough, thus reducing the potential for future exposure of the new crossing. Similarly, the project design at the RT-102 site accounts for future conditions in its design focus to eliminate erosion exposing the timbers underneath the existing berm.

In addition to these work-site specific elements, PG&E is also engaged in longer-term efforts to assess potential future infrastructure effects and subsequent needs related to climate change, including sea level rise. For example, PG&E has been engaged with the ongoing [Humboldt County-led project that is modeling future sea level rise and flooding scenarios](#) as part of their adaptation planning for the Humboldt Bay/Eureka Slough area. This project focuses on the Highway 101 corridor, but maps infrastructure such as PG&E's gas lines as the County develops adaptation options for the area.

Additionally, on September 3, the California Public Utilities Commission (CPUC) adopted an order titled "[Decision on energy utility climate change vulnerability assessments and climate adaptation in disadvantaged communities.](#)" This order requires public utilities, such as PG&E, to "upgrade their infrastructure, operations and services to adapt to climate change, and to ensure safe and reliable energy service to all Californians – including those most vulnerable and disadvantaged" (CPUC 2020). According to PG&E staff, the utility's approach to this CPUC Order will occur in phases organized by geography, and the north coast/Humboldt County area will be a focus in 2022 (Heather Rock, PG&E Climate Resilience Chief, personal communication with Coastal Commission staff John Weber, September 24, 2020). Topics such as sea level rise, precipitation changes, heat events, and wildfire will be assessed and specific adaptation measures will be developed to address the results of these assessments.

PG&E also assessed the potential for pipelines to be affected by seismic activity. The closest active fault is the Arcata South Fault, approximately 5.5 miles away. The three sites are not in an area considered to be highly likely for ground rupture during an earthquake, but are likely to experience ground shaking. Therefore, the MND requires a soils and geologic investigation report as part of final design and construction, with recommendations in accordance with California Building Code for seismic regulation. This measure is incorporated into this permit through **Special Condition 1**.

For these reasons, and with the incorporation of **Special Condition 1**, the Commission finds that the proposed Project will minimize risks to life and property and assure future stability and structural integrity and will not result in enhanced erosion on-site or to adjacent areas, and is consistent with Section 30253 of the Coastal Act.

F. MARINE AND BIOLOGICAL RESOURCES AND WATER QUALITY

Coastal Act Section 30230 states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Coastal Act Section 30231 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 discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Coastal Act Section 30240 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.

Project activities could disturb aquatic and terrestrial species and their habitats associated with Freshwater and Ryan Sloughs and Ryan Creek, as well as upland habitats in and adjoining construction work spaces. Such impacts could occur through direct habitat impacts, direct effects to plant and animal species in the project area, or through effects to water quality.

Marine biological resources

Freshwater Slough, Ryan Slough, and Ryan Creek are a connected water system that is known to provide habitat for salmonids and other fish. Coast cutthroat trout (*Oncorhynchus clarkii clarkii*), coho salmon (*Oncorhynchus kisutch*), steelhead (*Oncorhynchus mykiss irideus*), and chinook salmon (*Oncorhynchus tshawytscha*) have all been documented with this system. Spawning coho have been observed in Freshwater and Ryan Sloughs, and surveys of Ryan Creek and Slough have found rearing Coast cutthroat. In general, salmonid populations in these sloughs are highest in winter and spring because of favorable water conditions, with fish moving upstream in the summer and fall seeking cooler temperatures and higher dissolved oxygen conditions. As described in the project MND, coho and steelhead are anticipated to be upstream of the R-354 and R-519 sites during the time of in-water work at these sites (no in-stream work is proposed at the RT-102 site).

Other special-status fish species that could be present in project area waterways include: Pacific lamprey (*Entosphenus tridentatus*), a state species of special concern; longfin smelt (*Spirinchus thaleichthys*), a state threatened species; and tidewater goby (*Eucyclogobius newberryi*), which is federally endangered and a state species of special concern. Similar to salmonid species, lamprey and longfin smelt would be expected to be more common in the winter and spring months. Tidewater goby have been documented approximately a mile from the project area and are anticipated to be less common during summer, low-flow conditions; suitable spawning habitat for the tidewater goby is not found within the project area.

Two other animal species with special status (both are state species of special concern) are dependent on the aquatic habitats of the sloughs and Ryan Creek and are potentially present in the project area: the Northern red-legged frog (*Rana aurora*) and the Western pond turtle (*Emys marmorata*). The Northern red-legged frog (NRLF) was observed during project biological surveys at the RT-102 site and is considered highly likely to be present at the R-519 site, according to the project MND. The Western pond turtle is considered “moderately likely” to be present at the RT-102 and R-519 sites.

Therefore, the proposed project could potentially effect several special status fish and amphibian species. Impacts to fish could occur through disturbance of individuals present at a work site, or through habitat impacts resulting from in-stream work at the R-519 and R-354 sites. Such habitat impacts are considered to be mostly short-term, associated with construction activities such as removing existing pipelines. At the R-354 site, levee repair work would occur in an area that does not provide spawning habitat; this stretch of the slough is a migratory corridor for fish passing up- and downstream instead. Thus, the levee repair would not result in a loss of spawning habitat for salmonids. Other potential effects to fish species and their habitats could occur through water turbidity increases resulting from disturbance of slough sediments; such turbidity increases are anticipated to be temporary and dissipate because of water currents. Impacts to NRLF and the Western pond turtle could occur through direct impacts of construction activities to individuals of these species and their habitats.

The proposed project includes several measures to provide protection for these fish species, as well as NRLF and the Western Pond turtle. These measures are incorporated into this permit through **Special Condition 1** (see **Exhibit 6**). For example, in-water work will occur during the low-flow summer season, when water temperatures and low dissolved oxygen conditions result in the least favorable habitat conditions for salmonids; the proposed project schedule has been designed to allow in-water work only during the aquatic work window of July 1 through October 15.

To address the potential for construction activities to result in turbidity impacts at aquatic work sites, a turbidity monitoring plan will be implemented during all in-water work to ensure that turbidity levels meet water quality standards. As required in **Special Condition 5**, PG&E will provide a draft of this turbidity monitoring plan for Executive Director review and approval prior to the start of construction. This plan shall contain specific measures to be applied at each aquatic work site, including a description of monitoring at locations up- and down-stream of work sites. If monitoring demonstrates that measured turbidity levels are 20% or more than naturally occurring conditions, the plan shall describe additional measures (such as additional sediment control devices or changes in construction practices) or the use of turbidity curtains that the applicant will implement to reduce the negative effect of turbidity.

Specific to the potential effects on NRLF, and also with benefits to other aquatic species, the proposed project includes several measures that PG&E will implement at the R-519 and RT-102 sites. These are described in **Exhibit 6** and include:

- Staking and flagging of wetted channel segments and areas of riparian scrub to avoid encroachment by equipment and construction crews.
- Prior to ground disturbance activities, a barrier, such as wildlife exclusion fencing, will be placed around the excavation area to prevent NRLF from moving into work areas.
- A NRLF survey of the Project site will be conducted 48 hours prior to ground disturbance. If any life stage of the NRLF is found, and these individuals are likely to be killed or injured by work activities, a qualified biologist will relocate NRLF the shortest distance possible to a location that contains suitable habitat and would not be affected by activities associated with the proposed Project.
- A qualified biological monitor will be present to monitor Project activities during all inwater work and initial ground disturbance that has the potential to impact special-status species. If NRLF is observed within the work area during construction, the biologist will relocate NRLFs the shortest distance possible to a location that contains suitable habitat and would not be affected by activities.

- All refueling, maintenance, and staging of equipment and vehicles will occur at least 60 feet from riparian habitat or water bodies and not in a location from where a spill would drain directly toward aquatic habitat. Prior to the onset of work, PG&E will ensure that the construction contractor has a plan in place for prompt and effective response to any accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
- Tightly woven fiber netting or similar material will be used for erosion control or other purposes at the Project site to ensure that the NRLF do not get trapped. Coconut coir matting is an acceptable erosion control material. No plastic mono-filament matting will be used for erosion control.

To address potential effects of the project to the Western pond turtle, the project includes the following specific measures (see **Exhibit 6**):

- A qualified biologist will conduct preconstruction surveys for turtles and their nests 48 hours prior to ground disturbance. If nests are located, the nest site plus a 50-foot buffer around the nest site will be fenced or flagged to avoid impacts to the eggs or hatchlings. Construction at the nest site and within the buffer area will be delayed until the young leave the nest (this could be a period of many months) or as otherwise advised and directed by CDFW.
- Prior to ground disturbance activities, a barrier, such as wildlife exclusion fencing, will be placed around the excavation area to prevent WPT from moving into the work areas.
- A qualified biological monitor will be present to monitor Project activities during all inwater work activities and initial ground disturbance that has the potential to impact special-status species. If WPT is observed within the work area during construction, the biologist will relocate WPTs the shortest distance possible to a location that contains suitable habitat and would not be affected by Project activities.

A worker environmental training and awareness program will also be required for all contractors and construction workers. This program will be conducted by a qualified biologist.

With the incorporation of these measures and **Special Conditions 1 and 5**, the species that rely on the aquatic habitats within the project footprint will be protected and maintained, and the biological productivity of coastal waters will be sustained.

Other biological resources

In addition to the marine species and habitats present in the project area, habitats are present that support special status plant and animal species. Construction activities associated with the proposed project could potentially effect these species or their habitats, as described below.

Biological surveys of the project area documented Lyngbye's sedge (*Carex lyngbyei*) along the two sloughs and Ryan Creek; Lyngbye's sedge is ranked as "rare, threatened, or endangered in California, although common elsewhere" by the California Native Plant Society (CNPS) (ranking of 2B). Humboldt Bay owl's clover (*Castilleja ambigua ssp. humboldtiensis*) with a CNPS ranking of 1B – rare, threatened, or endangered in California and elsewhere – was identified in the salt marsh habitat in the south side of Freshwater Slough in 2019, and the same survey identified Western sand spurry (*Spergularia canadensis var. occidentalis*, which has a CNPS ranking of 2B) in a similar area; additionally, approximately 40 sand spurry individuals were also identified on the levee that will be repaired on the north side of Freshwater Slough. For this project, as is typical, the Commission designates areas where plant species with such CNPS rankings occur as environmentally sensitive habitat areas (ESHA). As discussed above, however, because the proposed project consists of repair and maintenance activities associated with the existing utility line, 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.

The project footprint will avoid direct impacts to the surveyed locations of Humboldt Bay owl's clover, but Lyngbye's sedge has been identified near the footprint of the R-519 site along the banks of Ryan Slough and sand spurry would be permanently effected by the proposed levee repair at the R-354 site. To address these impacts, PG&E will implement the Site Restoration Plan, summarized previously. Additionally, for the sand spurry, the plan states that areas of permanent impacts to this plant species will be replaced at suitable habitat adjacent to the permanent impact area or at a nearby suitable alternate site (such as Dead Mouse Marsh). As required in **Special Condition 4**, these replacement areas for sand spurry shall be provided at a replacement to impact area of three to one.

The Site Restoration Plan also includes measures to address temporary effects to Lyngbye's sedge, as the plant may be present along the portion of the bank of Ryan Slough that would be excavated to remove the existing pipeline. These measures include stockpiling of topsoil, plant salvage and transportation, and returning stockpiled topsoil following excavation activities.

Sites that are the subject of restoration activities will be monitored for a period of five years, and **Special Condition 4** requires the submittal of annual monitoring reports to the Executive Director. Monitoring reports subsequent to the first year will include the success rate of the planted area(s), as measured by percent cover and will identify adaptive management measures (such as replanting or re-treating areas) to address identified issues in achieving target success rates. If after five years the restored habitat

area(s) do not provide at least 80% cover of planted vegetation, the Permittee will propose a supplemental restoration plan for Executive Director Review and Approval, as required by **Special Condition 4**.

The project also would result in temporary impacts to other upland areas and vegetation communities. To address these impacts, PG&E will implement Site Restoration Plan activities as generally described previously. Reports of site restoration activities in such upland areas will be included in the annual monitoring reports required through **Special Condition 4**.

Biological surveys for the proposed project identified several bird species as either present or with a high likelihood of occurring within the project area. Observed species included the following state species of special concern: Vaux's swift (*Chaetura vauxi*), Northern harrier (*Circus cyaneus*), and yellow warbler (*Setophaga petechia*). Additionally, the white-tailed kite (*Elanus leucurus*), a state fully protected species, and two hawk species on the state watch list were observed during these surveys: Cooper's hawk (*Accipiter cooperii*) and sharp-shinned hawk (*Accipiter striatus*).

Project-related impacts to bird foraging areas associated with the project (such as construction laydown space in pastures) are anticipated to be temporary, and ample foraging areas would remain. However, it is possible that construction-related activities could disturb nesting birds. To address this potential effect, the project MND includes several measures which are incorporated into this permit through **Special Condition 1**. First, vegetation removal and ground-clearing will be scheduled to the extent practicable prior to the initiation of nesting activity (March) or after fledging (August). Additionally, construction activities between March 1 and August 15 shall be preceded by pre-construction surveys to identify nest sites, and appropriate buffers around nests, based on the PG&E Nesting Bird Management Plan as applied to this project, will be established. Buffers around raptor nests will be 350 feet and 100 feet for nests for other species, unless consultation with the Executive Director and CDFW determines that alterations in buffer area would not significantly degrade nesting habitat. Within the buffer area, construction activities would be prohibited until young have fledged.

With the incorporation of these measures and **Special Conditions 1 and 4**, existing terrestrial habitat and special status plant and animal species will be protected and not significantly disrupted. Project-related activities have been sited and designed to avoid significant degradation of terrestrial habitats.

Water quality

The proposed project includes activities within Freshwater and Ryan Sloughs and adjacent to Ryan Creek and could result in water quality impacts. For example, water quality impacts could occur as a result of Project-related soil disturbance resulting in increased erosion and runoff carrying sediment from work areas into the adjacent water bodies. Disturbed areas could cause long-term impacts to water quality from erosion and sedimentation if not properly stabilized, restored, and revegetated.

Several project-related measures have been incorporated by PG&E to address the potential for increased erosion and runoff. First, PG&E will obtain a water quality certification and authorization from the North Coast Regional Water Quality Control Board, and a copy of this approval will be provided to the Executive Director as required in **Special Condition 2**. Additionally, construction activities—including restoration of temporary work sites—are planned to occur within the dry summer months. At the R-519 site, water quality impacts would be reduced through the proposed construction method, since the pilot tube methodology does not use utilize drilling mud and eliminates the potential for an inadvertent release of such mud into Ryan Slough. To further address the potential for erosion and increased runoff, PG&E will develop and implement an Erosion Control Plan, which will contain best management practices, and which is incorporated into this permit through **Special Condition 1**. Additionally, turbidity monitoring during in-water work will be employed as required by **Special Condition 5** and described previously. Finally, as described in **Exhibit 6** and incorporated into this permit through **Special Condition 1**, PG&E will implement a water diversion plan during the temporary (if necessary) diversion of the seasonal drainage at the RT-102 site.

Pigging activities include pumping water through existing pipelines to help flush petroleum hydrocarbon pollutants. PG&E will collect this wastewater and dispose of it properly, but an inadvertent leak could result in an unanticipated discharge into a water body during the flushing process. To address this potential impact, PG&E will monitor water pressures in the pipe during pigging activities to ensure that water pressure does not exceed the capacity of the pipe and that there is not an inadvertent leak. Any sudden changes in water pressure will result in immediate halting of the water pump and investigation and remedy of the cause.

Finally, potential water quality effects could arise through fuel spills or leaks from construction vehicles. To address this possibility, no fueling of vehicles will occur within 50 feet of a waterway, and PG&E will develop and implement an Oil Spill Contingency and Response Plan. Through **Special Condition 1**, this requirement is incorporated into this permit.

With the incorporation of these measures and **Special Conditions 1, 2, and 5**, the proposed project will maintain water quality and control runoff.

In summary, for the reasons described above and with the incorporation of **Special Conditions 1, 2, 4, and 5**, the Commission finds that the proposed project is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

G. 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.

Coastal Act Section 30604(h) states:

When acting on a coastal development permit, the issuing agency, or the commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.

Project activities could disturb or damage archeological and paleontological resources or Native American artifacts by destroying a previously unrecorded resource, or disrupting a site with known resources such that the resource's historic, cultural, or archaeological context is adversely altered.

As part of the review of the CDP application, Commission staff engaged Native American Tribes pursuant to the Commission's Tribal Engagement Policy. Prior to the publication of this staff report, one comment was received, from the Blue Lake Rancheria, indicating their agreement with the monitoring requirements and discovery protocols incorporated into the project MND. As of the publication of this staff report, no other responses from Tribal contacts had been received.

A cultural resources record search and pedestrian survey was conducted for each of the three project sites. At the R-354 project site, eight cultural resources sites were identified, and at the R-519 site three cultural resource sites were identified. The project would not result in negative effects to these features. Two RT-102 cultural resources were identified and no impacts are anticipated from the proposed project. No known paleontological resources have been discovered at the three sites.

However, particularly at the R-354 site, there is high potential for unanticipated archeological resources to be present. To address the potential for unidentified resources to be inadvertently affected by the proposed project, the MND includes three mitigation measures which are incorporated into this permit through **Special Condition 1** (see **Exhibit 6**). These measures provide: for monitoring of project-related ground disturbance at the R-354 by a qualified archeologist and a representative from a Native American Tribe; a worker education awareness program identifying measures to be undertaken in the case of an inadvertent discovery; and procedures for the treatment of inadvertently discovered cultural resources. Additionally, to address the potential impact to unknown paleontological resources, **Special Condition 1** incorporates an MND measure that calls for immediate suspension of work if such resources are discovered, followed by analysis of the significance of the find by an expert and implementation of further mitigation as necessary (see **Exhibit 6**).

For these reasons and the incorporation of **Special Condition 1**, the Commission finds that the proposed Project contains measures to mitigate the potential for negative effects to cultural, archeological, and paleontological resources, and is consistent with Section 30244 of the Coastal Act as well as environmental justice principles as articulated in the Commission's Tribal Consultation Policy.

H. 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 that the permit, as conditioned, is 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 Harbor District adopted a Mitigated Negative Declaration (MND) for the proposed project on July 23, 2020. This MND resulted in a conclusion that the project would not result in significant environmental impacts. This conclusion, combined with the fact that the proposed project involves replacement of existing utility line structures, resulted in a confirmation that the project was exempt from further CEQA review pursuant to CEQA Guidelines 15302(c).

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 ESHA and cultural resources, 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, and there are no remaining significant impacts 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 CEQA.

APPENDIX A: SUBSTANTIVE FILE DOCUMENTS

Coastal Development Permit Application Materials:

Application for Coastal Development Permit 9-20-0236, dated April 22, 2020.

Electronic correspondence from Sean Poirier, PG&E project manager, to John Weber, Coastal Commission staff, regarding project effects on rare plant species, dated October 12, 2020.

Electronic correspondence from Sarah Powell, Padre Associates, to John Weber, Coastal Commission staff, regarding turbidity monitoring, dated October 13, 2020.

Electronic correspondence from Sean Poirier, PG&E project manager, to John Weber, Coastal Commission staff, regarding bird nest buffers, dated October 14, 2020.

Heather Rock, PG&E Climate Resilience Chief, personal communication with Coastal Commission staff John Weber, September 24, 2020.

Humboldt County Planning and Building Department. June 22, 2002 letter to CCC requesting consolidated permit.

Pacific Gas and Electric Co. responses to first and second Notices of Incompleteness, dated June 15, and August 6, 2020, respectively.

Padre Associates Inc. September 2020. PG&E Pipeline Maintenance Projects Compensatory Mitigation Plan Park Street Marsh (Dead Mouse Marsh) Spartina Removal, Humboldt County, California. Prepared for Pacific Gas and Electric Co.

Padre Associates Inc. September 2020. Site Restoration Plan PG&E Pipeline Maintenance Projects. Prepared for Pacific Gas and Electric Co.

Other Documents:

California Public Utilities Commission. 2020. [Decision on Energy Utility Climate Change Vulnerability Assessments and Climate Adaptation in Disadvantaged Communities \(Phase 1, Topics 4 and 5\)](#). Decision 20-08-046, issued September 3, 2020.

Electronic correspondence from Janet Eidsness, Blue Lake Rancheria Tribal Historic Preservation Officer, to John Weber, Coastal Commission staff, regarding project cultural resources requirements, dated October 15, 2020.

GHD et al. 2020. [Sea level rise adaptation plan for transportation infrastructure in the Eureka Slough Hydrographic Area, Humboldt Bay](#), working draft report for Humboldt County July 2020. Accessed October 2, 2020.

H.T. Harvey & Associates. 2012. [Humboldt Bay *Spartina* Eradication Plan](#), prepared for the California State Coastal Conservancy, accessed September 30, 2020.

Padre Associates Inc. April 2020. Draft Initial Study/Mitigated Negative Declaration PG&E Pipeline Maintenance Projects Eureka, California. State Clearinghouse Number 2020059035.