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STAFF REPORT: REGULAR CALENDAR

Application No.: 1-20-0539

Applicant: Pacific Gas & Electric Company

Project Location: North and south of Samoa Blvd., east of Highway 101, near the Arcata Sports Complex and portions of Jacoby Creek, within the City of Arcata, with offsite mitigation for habitat impacts at the Cock Robin Island Unit of the Eel River Wildlife Area, Loleta, Humboldt County

Project Description: Major vegetation removal along electrical transmission and distribution lines, including follow-up authorization for emergency vegetation removal undertaken in 2020 and 2021 and 10 years of on-going vegetation maintenance within a project maintenance area of approximately 11 acres situated along a 2-mile stretch of PG&E's facilities. Associated development includes offsite riparian habitat restoration on 4.78 acres.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

Pacific Gas and Electric Company (PG&E) proposes to implement a 10-year program of on-going vegetation maintenance involving pruning, limbing, brush clearing and hazard tree removal around its electrical distribution and transmission lines and poles. Project activities would occur at several individual sites located within a two-mile stretch along

PG&E's utility corridors east of Highway 101 and west of Old Arcata Road, within the City of Arcata.

PG&E is required to perform reoccurring vegetation management around its utility lines to comply with state and federal laws and regulations, including requirements to maintain minimum safety clearance setbacks to avoid service interruptions. The proposed project qualifies as a maintenance activity for which a CDP is required because the work involves the use of mechanized equipment within 20 feet of coastal waters and streams, and/or within environmentally sensitive riparian habitat areas (ESHA).

The key Coastal Act issues raised by this project are the potential for adverse impacts to ESHA, including riparian woodland, wetlands, coastal streams and sensitive species. In total, the project would result in vegetation maintenance (limbing, pruning, and removing vegetation within 10 feet of poles and tower structures) of approximately 4.78 acres of wetland and riparian ESHA within the 10.86-acre project area over a 10-year permitting period. The project would also include removal of 61 hazard trees (including follow-up authorization for removal of 21 trees and other vegetation already conducted under emergency permit authorizations in 2020 and 2021) in the project area within the 10-year authorization period. 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, PG&E proposes to implement a variety of protective measures to minimize habitat disruption and other environmental impacts associated with the vegetation removal activities. Commission staff recommends Special Conditions 3 through 7 to implement PG&E's proposed measures and additional measures to protect sensitive habitats and offset any impacts to ESHA.

PG&E proposes to mitigate for direct impacts to sensitive habitat areas resulting from removal of vegetation and trees by restoring 4.78 acres of riparian forest off-site, on property owned and managed by California Department of Fish and Wildlife (CDFW). The off-site mitigation property is located approximately 25 miles southwest of the impact site. Staff recommends Special Condition 8 requiring preparation of a final Offsite Habitat Mitigation Plan that provides for, among other things: (1) restoration of at least 4.78 acres of riparian habitat; (2) performance standards that include a minimum of 60 percent cover of native plants by year 5; (3) ten years of monitoring and maintenance; and (4) submittal of annual monitoring reports. If the final monitoring report indicates that the habitat mitigation project has been unsuccessful, in part or in whole, based on the approved goals, objectives, and success standards set forth in the approved final Offsite Habitat Mitigation Plan, the Permittee shall submit a revised or supplemental plan to remediate those portions of the original plan that did not meet the approved goals, objectives, and performance standards.

The 2020 emergency permit for PG&E required that mitigation occur within the watershed, yet PG&E was unable to provide such localized mitigation due to a lack of

ready mitigation projects. To avoid the need for out-of-watershed mitigation for sensitive habitat impacts associated with the Permittee's anticipated utility line maintenance responsibilities in the coastal zone in and around the City of Arcata in the future, staff recommends Special Condition 14 requiring the Permittee submit a stakeholder outreach and mitigation coordination plan ("Stakeholder Coordination Plan") for the review and written approval of the Executive Director within 60 days of issuance of CDP 1-20-0539. Special Condition 14 requires that the Plan establish a process and specify a schedule for outreaching to and engaging with stakeholders to solicit meaningful input and perspectives on wetlands and other ESHA mitigation opportunities within the coastal zone within and around the City of Arcata. Special Condition 14 would ensure that mitigation opportunities for wetlands and other types of ESHA are identified, coordinated, prioritized, and planned for implementation with relevant stakeholders sufficiently in advance of the need for future mitigation.

Staff believes that the vegetation maintenance project, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, Commission staff recommends **approval** of CDP application 1-20-0539, as conditioned.

The motion to adopt the staff recommendation of approval with conditions is found on [page 5](#).

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[Appendix A](#). Substantive File Documents

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EXHIBITS

[Exhibit 1](#) – Location and Affected Parcels Maps

[Exhibit 2](#) – ESHAs, Plant Communities and Potential Impact Areas

[Exhibit 3](#) – Estimated Work Scope Based on Previous Inspections

[Exhibit 4](#) – Additional Project Info (Examples of Vegetation Maintenance and Safety Requirements)

[Exhibit 5](#) – Proposed Bird Nest Avoidance Procedures

[Exhibit 6](#) – Excerpts from Conceptual and Final Draft Offsite Habitat Mitigation Plan

[Exhibit 7](#) – Site Photos

[Exhibit 8](#) – Excerpts from Cultural Constraints Report

[Exhibit 9](#) – Coastal Commission Emergency Permits

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[Exhibit 11](#) – Project Comments and Applicant’s Responses

Table

[Table 1](#). Summary of Proposed Tree Removal by Area

I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** Coastal Development Permit No. 1-20-0539 pursuant to the staff recommendation.

Staff Recommendation of Approval:

Staff recommends a **YES** vote. 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 to Approve the Permit:

The Commission hereby approves a coastal development permit for the proposed development 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

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 applicant 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Other Permits and Approvals.** PRIOR TO THE COMMENCEMENT OF PROJECT ACTIVITIES, the Permittee shall provide to the Executive Director copies of City of Arcata Encroachment and Tree Removal Permits required to perform project-related work, or evidence that no permits are required.

Any changes to the approved project required by other 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. **Permit Responsibility.** This permit authorization requires, and by accepting the benefits of CDP 1-20-0539, the Permittee agrees to and accepts the following:
- A. All activities associated with performing the development authorized pursuant to CDP 1-20-0539 shall at all times be undertaken in full accordance with the terms and conditions imposed by the Commission in conditionally approving CDP 1-20-0539. It shall be the Permittee's responsibility to ensure such compliance by any party to whom the Permittee assigns the right or responsibility to undertake any part of the activities authorized herein; this requirement does not relieve other parties of responsibility for compliance with the permit or immunize such parties from enforcement action by the Coastal Commission's enforcement program.
- B. Permittee shall ensure that any contractor, subcontractor, or other representative of the Permittee and its employees, understand and accept the terms and conditions of CDP 1-20-0539 and all other applicable permits and authorizations imposed or granted by other local, state and federal agencies.
3. **Project Biologist – Qualifications and Responsibilities.** To ensure that the vegetation maintenance work along electrical lines within and adjacent to environmentally sensitive habitat areas (ESHA) is carried out in a manner that prevents impacts that would significantly degrade those areas, PRIOR TO THE COMMENCEMENT OF PROJECT ACTIVITIES AT ANY GIVEN VEGETATION MAINTENANCE SITE, the Permittee shall appoint one or more Project Biologists to implement the mitigation measures required herein.
- A. Qualified Biologist(s). The Project Biologist(s) shall 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.

B. Project Biologist(s) Responsibilities. One or more qualified Project Biologist(s) shall be present at active project work sites during all project activities involving vegetation maintenance work. The Permittee shall ensure that the Project Biologist conducts and implements the following measures before and during any project activities involving mobilization, vegetation pruning, limbing, or removal, or any other repair and maintenance activities that could impact and degrade environmentally sensitive habitat areas, including wetlands, riparian areas, and their associated biological resources:

- (1) The Project Biologist shall be responsible for conducting pre-project surveys and on-site monitoring and overseeing the implementation of all protection measures as described in Special Conditions 4 through 6.
- (2) The Project 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 on their own accord.
- (3) During project activities, the Project Biologist shall monitor for the presence of sensitive wildlife in or near the project area. The Project Biologist(s) shall have the appropriate safety and monitoring equipment adequate to conduct their activities.
- (4) The Project Biologist shall 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.
- (5) The Project Biologist shall have the authority to temporarily halt any project activity that could result in harm to a sensitive species entering within the buffer zones described in Special Conditions 5 and 6, and to suspend those activities until the animal has left the area.

4. **Sensitive Habitat Protection.** As proposed by the applicant to ensure the protection of creeks, wetlands and other environmentally sensitive habitat areas and their associated biological resources, the following measures are required:

A. Limitations on Equipment Use.

- (1) All staging of equipment shall be limited to the existing parking areas.
- (2) Equipment used to remove vegetation shall be limited to chainsaws, weed-whackers, string-trimmers, or non-mechanized hand tools.
- (3) Equipment use within the project area shall be limited to existing access roads and trails, pads, disturbed areas, and unvegetated areas to the maximum extent feasible.
- (4) No vehicles or other mechanized equipment needed for the tree pruning and removal operations shall be driven or operated within (a) wetlands or riparian habitat areas, and (b) landscaped areas and paved pathways of the Arcata Sports Complex facility, except that mechanized vehicles with track-mounted wheels and all-terrain quad vehicles may be used to access landscaped areas at the Sports Complex facility outside the field of play and within 12 feet of the fence line adjacent to the vegetation corridor.

B. Limitations on Vegetation Removal.

- (1) At all sites, vegetation removal shall be limited to the amounts, locations, and individual trees identified in the Permittee's submitted CDP application and as described in [Exhibit 3](#).
- (2) No stockpiling of removed vegetation parts shall occur within the landscaped areas of the Arcata Sports Complex property except in areas that are both outside the field of play and within 12 feet of the fence lines adjacent to the vegetation corridors.
- (3) No chipping of cut tree parts shall be performed on the subject properties.
- (4) The use of herbicides within vegetation management areas is prohibited.

C. Best Management Practices. The Permittee shall use relevant best management practices (BMPs) to protect on-site wetlands and other environmentally sensitive habitat areas from water quality impacts during vegetation removal activities as detailed in the "Proposed Measures" included as [Appendix B](#) and including but not limited to the following:

- (1) Petroleum and hazardous materials spill containment and cleanup materials must be available at the job site. Spills must be immediately cleaned up and contaminated materials disposed of properly. Spills greater than 8 oz. on soil or spills that create sheen on the water must be reported immediately to the supervisor and the Vegetation Management PG&E Representative for appropriate management.

- (2) Disturbance or removal of non-target vegetation within a work site should not exceed the minimum necessary to complete operations.
 - (3) Vehicle use within riparian areas shall be limited to existing roads and dry crossings, and they must be checked and maintained daily to prevent leaks of materials that, if introduced to water, could be harmful to aquatic life.
 - (4) Cleared or pruned vegetation and woody debris (including chips) must be disposed of in a manner to ensure that it does not enter surface water or a watercourse. All cleared vegetation and woody debris (including chips) must be removed from surface water or watercourses.
- D. Debris Disposal. All debris shall be removed from the sites within two days of vegetation maintenance activities at each work location and disposed of through a community free chip program, or at a soil management site, green waste site, or landfill.
- E. Hazardous Materials Management
- (1) Staging, fueling and equipment maintenance shall occur in the designated staging area at least 250 feet away from wetlands, streams, or waterways. Within the staging area, refueling will occur on a pad to capture any drips or spills.
 - (2) All equipment used during work activities shall be free of leaks at all times; and
 - (3) Hazardous materials management equipment including absorbent pads shall be available and immediately on-hand at the project site. Any accidental spill shall be contained rapidly and cleaned up fully. In the event of a spill, the Permittee shall notify the appropriate regulatory agencies immediately.
- 5. Protection of Amphibians and Other Aquatic Wildlife.** The Permittee shall undertake development in compliance with the following avoidance and minimization measures to ensure protection of amphibians and other aquatic wildlife:
- A. Prior to using or moving equipment, or establishing workspaces, the Project Biologist shall inspect the work area, including targeted vegetation to be maintained as well as any previously downed vegetation, for frogs, salamanders, and turtles. If any special status species including but not limited to Northern red-legged frog are observed, they shall be afforded space to leave the active work area or relocated by the Project Biologist outside of the active work area.

- B. While accessing workspaces, the Permittee shall be vigilant to avoid frogs, salamanders, and turtles that may be inadvertently encountered during work activities.
 - C. If species are observed during vegetation maintenance operations, work within the area of species presence shall be halted in a safe manner and the Project Biologist shall establish a no work buffer around the area where the species was observed until the species has left the area or has been relocated outside of the active work area by the Project Biologist.
- 6. Protection of Sensitive Bird Nesting Habitat.** Vegetation maintenance shall be conducted outside the avian nesting season to the maximum extent feasible. If work is conducted during the avian nesting season (March 1-August 15), PRIOR TO COMMENCEMENT OF VEGETATION MAINTENANCE WORK AT ANY GIVEN VEGETATION MAINTENANCE SITE, the Permittee shall undertake development in compliance with all of the following proposed measures to protect nesting habitat areas of rare, threatened, and endangered bird species (hereafter sensitive bird ESHA) from significant disruption:
- A. A survey for nesting birds in and adjacent to the project work area shall be conducted by a qualified biologist according to current California Department of Fish and Wildlife (CDFW) protocols no more than seven days prior to the commencement of vegetation removal activities.
 - B. If any sensitive bird ESHA is detected (i.e., detection of an active nesting area of sensitive species), the biologist, in consultation with CDFW, shall determine the extent of a work-free buffer zone to be established around the nest, and work in the buffer zone shall be delayed until after the young have fledged, as determined by additional surveys conducted by a qualified biologist. The work-free buffer zone shall be a minimum of 300 feet for nesting raptors and a minimum of 100 feet for other special-status bird species.
 - C. The Project Biologist(s) shall be present on site during all vegetation maintenance activities to (a) enforce the protective buffers, and (b) monitor active nests and breeding birds for signs of distress or abnormal behavior. If signs of distress or disturbance are observed, the Project Biologist(s) shall have discretion to enlarge the buffers, halt project activities, or implement other measures necessary to protect active nests and breeding.
- 7. Invasive Species Control.** During the course of routine vegetation maintenance work, and at a minimum once each year during the permit authorization period, the Permittee (or a separate entity receiving funding from the Permittee for invasive species control) shall undertake invasive and noxious species removal by hand from within the project area, focusing at a minimum around areas where vegetation maintenance activities have occurred in each respective year. Invasive and noxious species removal shall include, but not be limited to, English Ivy (*Hedera helix*). Measures to prevent the spread of invasive species during treatment

activities (such as, but not limited to, staging treatment-related materials in areas free of invasive species) shall be implemented to the maximum extent feasible. All removed invasive and noxious plant materials shall be disposed of at an authorized waste facility.

- 8. Final Offsite Habitat Mitigation Plan.** WITHIN 30 DAYS OF COMMENCEMENT OF PROJECT ACTIVITIES, the Permittee shall submit to the Executive Director for review and approval a Final Offsite Habitat Mitigation Plan (“Mitigation Plan”) that substantially conforms with the conceptual plan for offsite habitat mitigation prepared by NCRM Inc. dated April 14, 2022, which generally describes a compensatory mitigation program for offsite mitigation at APN 100-011-14 (owned by California Department of Fish and Wildlife) addressing the adverse impacts to riparian and wetland habitat associated with the proposed vegetation management 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 Mitigation Plan shall be approved by CDFW and 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. For the purposes of the Mitigation 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 Mitigation Plan shall include, at a minimum, the following restoration requirements:
- (1) The Mitigation Plan shall provide for restoration of at least 4.78 acres of riparian woodland habitat, achieving a minimum 1:1 ratio of impact to restoration to compensate for the ongoing pruning, limbing, and limited clearing within 4.78 acres of these habitats and removal of 61 trees (which includes 21 trees already removed under emergency permits issued in 2020 and 2021) under the proposed project;
 - (2) The Mitigation Plan shall provide a description of restoration activities including specific methodologies for invasive species removal and native species reestablishment and shall identify the native species to be planted. The plan shall include, at a minimum, the following components:
 - (a) A description of the proposed mitigation work;
 - (b) A site plan (with topography) that shows the boundaries, habitat types, and acreages of the areas proposed for restoration;
 - (c) A list of locally-native species to be planted within the restoration area. The plan shall specify the source (geographic location) of plant materials to be used. The list also should include native species expected to passively colonize the habitat mitigation area.
 - (d) A description of the size and approximate number of container plants and the rate and method of seed application.

- (e) A schedule for the removal of non-native invasive plants and installation (i.e., planting) of native plants in the restoration area. Planting of native species shall take place in the fall after the onset of the rainy season. The planting schedule shall provide for the targeted completion date of the planting of native plants prior to the end of the 2022/2023 rainy season.
 - (f) 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.
 - (g) If herbicide use is deemed necessary within the riparian restoration mitigation areas, after employing an integrated pest management approach where herbicides are used only after alternative non-pesticide approaches such as grow/mow cycles, grazing, hand removal, and mechanical removal to eradicate non-natives are ruled out. All herbicide work must be completed under the supervision of a licensed and experienced herbicide applicator, all trained pesticide applicators must wear appropriate protective gear, only herbicides certified for use in California must be used, the appropriate herbicide for the respective non-natives must be used, and herbicide application must be done per the exact label instructions.
 - (h) The use of rodenticides is prohibited.
 - (i) No bird nests shall be disturbed at any time.
 - (j) No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Pest Plant Council, (Cal-IPC), or as may be identified from time to time by the State of California shall be employed on the project site. No plant species listed as a 'noxious weed' by the State of California, or the U.S. Federal Government shall be utilized within the property.
- (3) Performance Standards. The final Mitigation Plan shall include interim success criteria, as measured by percent cover and percent of native vegetation within the area(s) (restored habitat) and percent survival (for trees), to be used to evaluate progress during specified periodic years of the monitoring period. The criteria shall include:
- (a) At the end of five (5) years (following the date of commencement), a minimum of sixty percent (60%) of the riparian restoration mitigation areas shall be covered with the respective dominant and associated plants native to these habitats. No more than ten percent (10%) of the restoration area shall be covered with non-native invasive plants, excluding non-native annual grasses. At the end of ten (10) years a minimum of eighty percent (80%) of the riparian restoration mitigation areas shall be covered with the respective dominant and associated plants native to these habitats, and no more than five percent (5%) of

the restoration area shall be covered with non-native invasive plants, excluding non-native annual grasses.

- (b) Native vegetation shall be maintained in good growing condition throughout the life of the mitigation monitoring period, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the final approved Mitigation Plan.
- (c) A specification that cover of Cal-IPC rated “High” and “Moderate” invasive species, excluding non-native grasses, will be less than or equal to 2% by Year 5.

B. Reporting, Maintenance, and Monitoring. The Mitigation Plan shall include, at a minimum, the following components:

- (1) The Permittee shall notify the Executive Director in writing within five (5) days of the date of commencement of the implementation of the approved Mitigation Plan.
- (2) Provisions for submittal within 90 days of completion of the initial plant installation work “as built” plans for the habitat mitigation work that show, at a minimum: (a) an executed final planting plan, including locations, types, and numbers of plants installed; (b) photo-documentation of before and after conditions; and (c) a narrative discussion demonstrating that the initial plant installation work has been completed in accordance with the approved Mitigation Plan.
- (3) A final maintenance plan that includes descriptions of and proposed schedules for weeding, plant replacement, and other proposed maintenance activities.
- (4) Invasive species removal activities shall occur at least twice annually following the initial treatment until performance criteria for native species cover have been achieved (see below).
- (5) Inspection and Monitoring. For ten (10) years following completion of the initial plant installation work, the Permittee shall actively inspect (remove non-native invasive plants and replace dead/dying native container plants) and monitor (sample using quadrats or transects and photo plots where necessary to achieve success criteria) the mitigation area. The Permittee shall inspect the mitigation area no less than once a quarter and sample the mitigation site once in the spring during the first year that follows the initial planting. Thereafter, the Permittee shall inspect the mitigation area at least biannually and monitor in the spring each year.
- (6) Monitoring Reports. For years one (1) and two (2) and every other year thereafter for a total period of ten (10) years, the Permittee shall submit, for the review and approval of the Executive Director, a monitoring report to assure the long-term success of the habitat restoration and tree-planting program. The report shall be prepared by a qualified biologist which certifies that the approved final Mitigation Plan is being

implemented in conformance with the requirements of this coastal development permit.

- (7) The monitoring reports shall include photographic documentation of plant species with photographs taken from the same fixed points in the same directions; and monitoring data including native vegetation percent cover of dominant species in the respective mitigation areas. Subsequent to the first year, documentation during periodic years of the monitoring period specified in subsection A(3) above shall identify the success rate of the restored habitat area(s) and tree plantings relative to the performance standards established pursuant to subsection A(3). Each monitoring report shall include a work plan for the subsequent year, including any necessary recommendations to facilitate mitigation success.
 - (8) Requirements for remediation should the restoration area(s) not meet the approved performance standards. Remediation shall include a requirement that the Permittee submit a remediation plan to the Executive Director that recommends further action and provides a timeline for additional monitoring and reporting. The remediation plan and results of post-remediation monitoring shall be processed as an amendment to this CDP, unless the Executive Director determines that no amendment is legally required.
- C. Ensuring Successful Habitat Mitigation. If the final monitoring report indicates that the habitat mitigation project has been unsuccessful, in part or in whole, based on the approved goals, objectives, and success standards set forth in the approved final Mitigation Plan, the Permittee shall submit a revised or supplemental plan to remediate those portions of the original plan that did not meet the approved goals, objectives, and performance standards. The revised or supplemental plan shall be processed as an amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.
- D. Implement the Approved Final Mitigation Plan. The Permittee shall undertake mitigation in accordance with the approved final Offsite Habitat Mitigation Plan and schedule and other requirements. Any proposed changes to the approved final Offsite Habitat Mitigation Plan shall be reported to the Executive Director. No changes to the approved final Offsite Habitat Mitigation Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
- 9. Protection of Archaeological and Cultural Resources.** The Permittee shall conduct a pre-project training program to educate field personnel about the potential for the inadvertent discovery of cultural and archaeological resources at the project sites, and to familiarize workers with the proposed protection measures summarized in [Exhibit 8](#). If an area of cultural deposits or human remains is discovered during the course of the project, all project activities 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 1-20-0539.

10. **Length of Development Authorization.** Development authorized by this permit is valid for ten (10) years from the date of Commission approval (until July 13, 2032). All vegetation clearing and tree removal proposed after July 13, 2032, shall require a new, appropriate Coastal Act authorization.
11. **Assumption of Risk, Waiver of Liability, and Indemnity Agreement.** By acceptance of this permit, the Permittee acknowledges and agrees (i) that the site may be subject to hazards from storms, flooding, erosion, earth movement, fire, and other natural hazards, many of which will worsen with future sea level rise; (ii) to assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
12. **Liability for Costs and Attorney's Fees.** By acceptance of this coastal development permit (CDP), the Permittee agrees to reimburse the California Coastal Commission in full for all Coastal Commission costs and attorneys' fees (including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys' fees that the Coastal Commission may be required by a court to pay) that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Applicant/Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this CDP. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.
13. **Property Owner Notification.**
 - A. NOT LESS THAN ONE (1) WEEK PRIOR TO COMMENCEMENT OF VEGETATION MAINTENANCE WORK AT ANY GIVEN VEGETATION MAINTENANCE SITE, Permittee shall notify adjacent property owners and residents of the scope of vegetation management activities to occur on the

adjacent maintenance site, the date(s) of proposed work, and contact information for Permittee representatives who could be contacted for property owners to register concerns and requests related to the planned vegetation management work.

- B. Prior to commencement of vegetation maintenance work at any given site, the Permittee shall provide the Executive Director with a summary of measures taken to notify property owners and residents of the scope and timing of vegetation management activities that will occur adjacent to the owners' and residents' respective properties, as described above. The summary shall include the method(s) used to contact the property owners or residents, the timing of such notifications, and a summary of any objections received.

14. Stakeholder Coordination Plan to Develop Mitigation Opportunities in Arcata Watersheds for Habitat Impacts Associated with Future Vegetation Maintenance Work.

To avoid the need for out-of-watershed mitigation for sensitive habitat impacts associated with the Permittee's anticipated utility line maintenance responsibilities in the coastal zone in and around the City of Arcata in the future, which shall be evaluated under separate CDP(s), and to ensure that mitigation opportunities for wetlands and other types of ESHA within and around the City of Arcata, including, but not limited to, areas within the Arcata Sphere of Influence and the Jacoby Creek Watershed (referred to herein as "stakeholder coordination area"), are identified, coordinated, prioritized, and planned for implementation with relevant stakeholders sufficiently in advance of the need for future mitigation, WITHIN 60 DAYS OF ISSUANCE OF COASTAL DEVELOPMENT PERMIT 1-20-0539, the Permittee shall submit, for the review and written approval of the Executive Director, a stakeholder outreach and mitigation coordination plan ("Stakeholder Coordination Plan").

- A. Stakeholder Coordination Plan Requirements. The Stakeholder Coordination Plan shall include, at a minimum, the following components:
- (1) Principal Goals. The principal goals of the Plan shall be to: (a) develop a process and schedule for the Permittee, the City of Arcata, and other stakeholders to communicate and coordinate on identifying and prioritizing habitat enhancement projects that the Permittee could, if needed, potentially develop and/or implement as mitigation for future vegetation maintenance impacts caused by future, separately permitted projects in the coastal zone, and (b) prepare an initial inventory of potential in-watershed mitigation opportunities in the coastal zone that the Permittee could, if needed, potentially develop and/or implement to offset future vegetation maintenance impacts caused by Permittee's anticipated utility line maintenance in the coastal zone within and around the City of Arcata.
 - (2) Stakeholders and Participant Contacts. The Plan shall identify, at a minimum, City of Arcata staff and Jacoby Creek Land Trust representatives as known stakeholders that shall be contacted for

outreach and coordination to explore future mitigation opportunities within the coastal zone within the stakeholder coordination area. The Plan shall additionally provide a list of contact information for individual stakeholder representatives and any contractor, subcontractor, or other representative appointed by the Permittee to engage in the stakeholder outreach and mitigation coordination process required herein.

- (3) Stakeholder Outreach and Coordination Process. The Plan shall establish a process and specify a schedule for reaching out to and engaging with stakeholders to solicit meaningful input and perspectives on wetlands and other ESHA mitigation opportunities within the coastal zone within and around the City of Arcata, including, but not limited to, areas within the Arcata Sphere of Influence and the Jacoby Creek Watershed. A minimum of 3 stakeholder coordination meetings shall occur within 1 year of permit issuance, with at least one meeting within 120 days of issuance of Coastal Development Permit 1-20-0539. In addition, the schedule shall specify benchmarks for deliverables specified in subsection B.
- B. Stakeholder Coordination Plan Deliverables. WITHIN 180 DAYS OF ISSUANCE OF COASTAL DEVELOPMENT PERMIT 1-20-0539 (or as may be extended by the Executive Director for good cause), the Permittee shall submit to the Executive Director a summary of the outcome of stakeholder coordination meetings that provides the following:
- (1) Date of meeting(s)
 - (2) List of participants at each meeting
 - (3) General Assessment of Future Mitigation Needs. A broad description of anticipated vegetation maintenance impacts to ESHA and wetlands within the coastal zone in the Arcata Sphere of Influence and the Jacoby Creek Watershed that may require mitigation.
 - (4) Initial Inventory of Potential In-Watershed Mitigation Opportunities in the coastal zone. Description of any mitigation sites identified, including a summary of location(s), type(s), and size(s) of mitigation area(s), underlying property ownership(s), potential opportunities and constraints, projected timelines for securing mitigation, and next steps needed to pursue mitigation effort(s).
- C. Future CDP Applications. Permittee shall include a copy of the Stakeholder Coordination Plan and associated deliverables with any future coastal development permit applications for vegetation management or other utility maintenance activities proposed within and around the City of Arcata, including, but not limited to, areas within the Arcata Sphere of Influence and the Jacoby Creek Watershed.
- D. Implement the Approved Stakeholder Coordination Plan. The Permittee shall undertake stakeholder outreach and coordination in accordance with the approved Stakeholder Coordination Plan. Any proposed changes to the

approved Stakeholder Coordination Plan shall be reported to the Executive Director. With the exception of identified in-watershed mitigation opportunities enumerated in subsection (B)(4) herein, which may change from time to time, no changes to the approved Stakeholder Coordination Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Location

Pacific Gas and Electric Company (PG&E) proposes to implement a 10-year program of on-going vegetation maintenance at up to 139 sites along a two-mile stretch of its utility lines.¹ The proposed work includes routinely removing vegetation that encroaches within the minimum safety clearance setbacks around lines, poles and towers, limbing and pruning hazard trees, and the anticipated removal within the next ten years of approximately 40 hazard trees (ranging between three and twelve inches dbh²). Vegetation maintenance activities would occur around electrical distribution and transmission lines and poles east of Highway 101 in and around wetland and riparian habitats near the Arcata Sports Complex, Arcata Little League Fields, and the Jacoby Creek-Gannon Slough Wildlife Area within the City of Arcata ([Exhibits 1-2](#)). PG&E is also requesting follow-up CDP authorization for the removal of 21 hazard trees and other vegetation in these same areas that already occurred through emergency permits the Commission issued in 2020³ and 2021.⁴ Prior emergency work and all proposed future work would occur primarily on properties owned by the City of Arcata, although some work would occur on lands owned by the State of California (Highway Patrol), Arcata Little League and Babe Ruth Inc., and one private individual owner⁵.

Because the proposed work will occur in part within wetland and riparian environmentally sensitive habitat areas (ESHAs), PG&E proposes to mitigate for direct impacts to sensitive habitat areas resulting from removal of vegetation and trees by restoring 4.78 acres of riparian forest approximately 25 miles southwest of the impact site at Cock Robin Island on property owned and managed by California Department of Fish and Wildlife (CDFW)⁶.

¹ Arcata –Humboldt 60kV transmission /Arcata 1122 12 kV distribution and Essex Junction – Arcata – Fairhaven 60 kV

² Diameter at breast height (DBH) is measured 4.5 feet above the ground.

³ Emergency CDP G-1-20-0031, issued July 2, 2020

⁴ Emergency CDP G-1-21-0034, issued September 9, 2021

⁵ Development APNs include the following: 501-042-006, 501-042-005, 501-042-010, 501-042-014, 501-042-017, 501-042-024, 503-202-003, 503-202-004, 501-061-001, and 501-061-023)

⁶ Mitigation would occur on APN 100-011-14

Vegetation Removal Methods

PG&E has classified its vegetation management activities for the purposes of the proposed project as consisting of pole and tower clearing, limbing and pruning, and hazard tree removal activities. The proposed work includes removal and trimming of trees and removal of brush where it encroaches within the minimum safety clearance setbacks around lines, poles and towers, but does not involve clear-cutting all vegetation at the project sites.

PG&E proposes to remove vegetation in the proposed specified areas manually using a combination of brush cutters (weed whackers or string trimmers), chainsaws, pole pruners, and hand saws while working from ground level, by tree climbing, or from lift trucks. In addition to removing an estimated 40 trees⁷ over the 10-year permitting period, PG&E estimates that approximately 757 cubic yards of vegetation will be removed annually⁸ from around its distribution and transmission lines and power poles ([Exhibit 3](#)).

PG&E has indicated that tree removal may include individual trees or larger groups of trees that meet the definition of a hazard or danger tree⁹ as a result of landslides, storms, wildfire, drought, insects, or erosion. It also may include green trees that have characteristics prone to causing outages, such as long limbs near lines that tend to blow or break out in storms, shallow root systems that uproot under saturated soils, and exposed roots along road or stream banks. Proposed vegetation management (as well as prior vegetation management carried out under previous emergency permits) includes topping or removing limbs from trees greater than 12 inches dbh. However, trees greater than 12 inches dbh will not be removed. In addition to hazard tree removal, PG&E proposes removal of woody vegetation and vine material from within a 10-foot radius around transmission poles as follows:

- All woody or vine material capable of growing to a mature height greater than 3 feet is removed from the interior of the tower/pole structure and to a distance of 5 feet around the structure.
- All woody or vine material capable of growing to a mature height of greater than 10 feet is removed to a distance of 10 feet around the structure.

⁷ The estimation is an extrapolation based on the 21 trees that were already removed under Emergency Permits G-1-20-0031 and G-1-21-0034 issued in 2020 and 2021, respectively.

⁸ The estimation is an extrapolation based upon vegetation clearing work that occurred under emergency permit authorization in 2020 and 2021.

⁹ PG&E defines "hazard or danger tree" as a tree located on or adjacent to the PG&E right-of-way or facility that could damage PG&E's facilities should it fall where (1) the tree leans toward the right-of-way; or (2) the tree is defective because of any cause, such as heart or root rot, shallow roots, excavation, bad crotch, dead or with dead top, deformity, cracks or splits, or any other condition that could result in the tree or a main lateral of the tree falling. This may include dead, diseased, dying, or green trees. Hazard tree work includes felling hazard trees located in or beyond the PG&E's rights-of-way (in the wire zone, border zone, or hazard tree zone).

- Any limbs or branches growing into contact with a structure are removed to a minimum distance of no less than 10 feet from any portion of the structure.

In instances where trees or other vegetation must be removed from around pole structures, vegetation would be cut down to the ground as low and safely as possible with no excavation. No ground-disturbing activities such as excavation or removal of plant roots are proposed.

PG&E proposes to conduct vegetation maintenance activities throughout the year, at least annually and as needed to maintain compliance with CPUC standards.

B. Permitting Background

Portions of the project area have been the subject of several prior permit actions¹⁰ and a local coastal program amendment¹¹. Among other permit actions, on February 13, 1985, the Coastal Commission granted the City of Arcata conditional approval of CDP 1-84-201 for the construction of the Sports Complex and Campbell Creek Wetlands Riparian Restoration Site. Special Condition No. 3 of CDP 1-84-201 required recordation of an open space easement to ensure protection in perpetuity of Wetlands and Restoration Areas 1 and 2. Special Condition No. 3, as memorialized in the Offer-to-Dedicate the Open Space Easement¹² specifically limits allowable uses within the Open Space dedicated areas to nature study, wildlife and fisheries management, routine maintenance, and passive recreation, as further specified in the recorded Open Space Easement ([Exhibit 10](#)). Although the proposed maintenance activities would remove vegetation within areas protected by the Open Space Easement, the vegetation to be removed is limited to that which constitutes or contributes to hazardous conditions and is thus allowable as “maintenance” under the terms of the Open Space Easement.

Emergency Permit Authorizations

In May 2020, PG&E requested emergency authorization to abate hazardous conditions resulting from rapidly growing vegetation that had encroached within minimum utility line clearance zones. PG&E requested authorization to take immediate action to ensure compliance with federal and state regulatory safety requirements. After receiving

¹⁰ Permit actions associated with portions of the project area include, but are not limited to the following: Coastal Commission CDP Nos. NCR 78-C-290 (Little league ball fields), 1-84-201 (Arcata Sports Complex), 1-90-190 (Little league ball fields expansion), 1-04-009 (utility line replacement), 1-05-017 as amended (Campbell Creek, Gannon Slough, and Beith Creek Restoration), and 9-17-04 as amended (vegetation maintenance around gas transmission pipeline); Emergency Permits G-1-20-0031 and G-1-21-0034 (hazardous vegetation removal); and City of Arcata CDP #134-001-CDP (post-certification # 1-ARC-13-0895; repairs to damaged electrical transmission line).

¹¹ On August 9, 1990, the Coastal Commission certified as submitted LCP Amendment 2-90, redesignating/rezoning to Public Facility 2.28 acres of the 45-acre farmed wetland south of Samoa Blvd. to allow for the expansion of the little league ballfields.

¹² OTD recorded on April 25, 1986 as Instrument No. 7584, Vol. 1795, Records Page 1385 in the Official Records of Humboldt County) and accepted by Jacoby Creek Land Trust September 26, 2006 (Record 2006-28161-2).

additional project details from PG&E on June 29, 2020, Emergency Permit G-1-20-0031 was issued with conditions on July 2, 2020 ([Exhibit 9](#)). Among other requirements, Condition 16 required in part the submittal of a follow-up CDP application within 90 days of emergency permit issuance that includes “a mitigation and monitoring plan to compensate for temporal and permanent loss of riparian wetland habitat resulting from project activities and shall specify locations for mitigation within the same watershed where project impacts will occur.” PG&E submitted its follow-up CDP application on October 1, 2020, but the application was not filed complete before additional hazard abatement activities were needed for the 2021 maintenance season. Therefore, in August of 2021 PG&E requested additional emergency authorization, and on September 9, 2021 Emergency Permit G-1-21-0034 was issued ([Exhibit 9](#)).

C. Jurisdiction and Standard of Review

The proposed project area is located within both the City of Arcata’s coastal permit jurisdiction and the Coastal Commission’s retained CDP jurisdiction area. Pursuant to Coastal Act section 30601.3, PG&E, the City, and the Commission (through its Executive Director) have all agreed to process the required CDP as a consolidated CDP application before the Commission. Thus, the policies of Chapter 3 of the Coastal Act provide standard of review for this proposed project. The City of Arcata’s LCP may be used as guidance.

D. Other Agency Approvals

The project sites are located within the City of Arcata and are subject to local ordinances governing tree and vegetation removal. Work at the individual sites may require Tree Removal Permits from the City. To ensure that PG&E obtains any required remaining approvals from the City, [Special Condition No. 1](#) requires that local approval be obtained and presented to the Commission’s Executive Director prior to the commencement of project activities.

E. Permit Authority, Extraordinary Methods of Repair and Maintenance

Project Purpose and Need

PG&E is required to perform ongoing vegetation management around its utility lines to comply with state and federal laws and regulations, including minimum safety clearance setbacks established by California Public Utilities Commission (CPUC) and enforced by the California Independent System Operator (CAISO). Minimum vegetation setback requirements established by CPUC are based upon the voltage of the line, the type of construction, and field conditions, including a clearance of 18 inches year-round around power lines. Maintenance agreements approved by CAISO further restrict minimum setbacks between vegetation and utilities. Within the project area, utility lines include both 60kV transmission lines and a 12kV distribution line¹³. CPUC requires 18 inches of

¹³ Arcata –Humboldt 60kV transmission /Arcata 1122 12 kV distribution and Essex Junction – Arcata – Fairhaven 60 kV

clearance whereas PG&E's approved Transmission Maintenance Agreement through the CAISO establishes a minimum clearance requirement of 4 feet for 60/70 kV transmission lines, applying the requirements of California Public Resources Code (PRC) section 4293 throughout PG&E's transmission system. Additionally, PG&E maintains a minimum 10-foot setback between woody or vine material and poles/towers, as required by PRC section 4292. Examples of regulatory clearance requirements are depicted in [Exhibit 4](#) (Figure 1). PG&E describes its standard approach to maintaining setbacks between vegetation and utility lines in excess of the minimum clearance requirements as follows:

State regulations require that minimum distances are kept at the time the vegetation is pruned; that is, pruning must be done before limbs and branches grow to within these distances and must result in greater than the minimum distances to allow for new growth. PG&E's standard approach to line clearing is to obtain the maximum amount of clearance possible and for the longest period of time possible, while taking into consideration the overall health of the tree. Limbing and pruning work typically takes place annually, but sometimes is needed more frequently.

Tree limb and branch contact with energized conductors is a potential cause of power outages and a possible ignition source for fires. Thus, maintaining clearances around the utility infrastructure is also needed to provide reliable service, especially during severe weather or disasters. PG&E describes two zones of clearance around utility lines, as follows (see [Exhibit 4](#) for referenced figures).

Line clearing activities for transmission and distribution facilities occur in two distinct zones, as depicted in Figures 2 and 3. The first is within the designated right-of-way (wire zone) where lines, poles, towers, and related facilities are located. The actual right-of-way width, and subsequently the vegetation management zone, may vary, depending on the line voltage and particularly at mid-span to accommodate the maximum sway of the conductors. This zone will be kept clear of trees that can grow into or come within the flashover zone of the conductors.

The second vegetation management zone is variable in width and extends out from the edge of the right-of-way. This zone is depicted in Figure 2 as the border zone. The width of the border zone is determined by terrain, tree height, and sway of the conductors. Limbing and pruning will be completed within the border zone to reduce the risk of trees or branches falling onto lines, or lines sagging or swaying into trees. Some small, low-growing shrubs and plants may be permitted. Additionally, trees within the border zones should not have any portion of their canopies growing adjacent to the lines. Figure 4 illustrates incompatible vegetation in the border zone, and Figure 5 provides examples of swaying and sagging powerlines.

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-2-d 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):

Grading, Clearing and Removal of Vegetation. ... In cases involving removal of trees exceeding 12 inches dbh, grading of any undisturbed area of greater than 500 sq. ft. or clearing of more than 500 sq. ft. of brush or other vegetation, the utility shall consult with the Executive Director of the Regional Commission to determine whether the project involves removal of major vegetation such that a permit is required. A coastal permit is not required for removal of minor vegetation for maintenance purposes (tree trimming, etc.) for safety clearances.

The proposed project involves the repeated removal of vegetation as a part of the maintenance of distribution and transmission lines. Most of the work occurs within utility maintenance easements granted to PG&E and is necessary to maintain the functionality and safety of electrical utilities. 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.” As further described below, California Code of Regulations, Title 14 (“14 CCR”), Section 13252(a) lists extraordinary methods of repair and maintenance that do still require a permit. Among those methods is any repair or maintenance “located in an environmentally sensitive habitat area” (14 CCR § 13252(a)(3)). Since this maintenance project would occur within such an area, it is not exempt, and a permit is required.

The proposed ongoing program of vegetation management at up to 139 sites within 10.86 acres in and around the Arcata Sports Complex, Arcata Little League Fields, and the Jacoby Creek-Gannon Slough Wildlife Area presents a risk of substantial adverse environmental impact pursuant to section 30610 of the Coastal Act and section II-B-2-d of the 1978 Utility Exclusions, because the various projects involve 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 Section IV.F, below) and/or within 20 feet of coastal waters, including streams and wetlands. According to information provided by PG&E, vegetation maintenance around the Arcata Sports Complex and Arcata Little League Fields in 2020 included the removal of vegetation within a 10-foot radius around 23 pole and/or guy wire structures, resulting in 7,222 square feet of cleared vegetation. Vegetation removed during 2020 emergency operations also affected 183,500 square feet of wetland and riparian vegetation (with removal of approximately 369 cubic yards of vegetation) from within portions of the project area, in addition to removal of 18 trees. In 2021, emergency vegetation clearance operations in and around the Arcata Sports Complex, Arcata Little League Fields, and the Jacoby Creek-Gannon Slough Wildlife Area affected 4,612 square feet of vegetation, where removal of approximately 78 cubic yards of vegetation

and three trees occurred within portions of the same project area. As presented in [Exhibit 3](#), the proposed vegetation removal annually is projected to be approximately 757 cubic yards, which includes an estimated 298 cubic yards of vegetation clearing around utility poles.

The majority of vegetation maintenance work would occur within riparian woodland ESHA, wetlands and/or coastal streams. Thus, in this case, although the project is a maintenance project, since the work is to be performed within and adjacent to ESHA and/or within 20 feet of coastal waters and streams, section 13252(a)'s limits on the repair and maintenance exemption do apply, and this project does require a permit to ensure that the method employed is consistent with the Chapter 3 policies of the Coastal Act. Therefore, a coastal development permit is required for this project.

In considering a permit application for a repair or maintenance project pursuant to the above-cited authority, the Commission reviews whether the proposed methods of repair or maintenance are 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. The Commission does consider alternatives with respect to repair and maintenance activities, and in this case, alternatives are discussed in Findings G (ESHA) and H (Water Quality) below. The applicant has included a number of mitigation measures and Best Management Practices (BMPs) as part of the proposed repair and maintenance project ([Appendix B](#)). These measures and others proposed by the applicant are appropriate; however, additional measures are also needed to further avoid, minimize, and, as necessary, mitigate impacts to ESHA, as discussed in the following Findings.

F. Hazards

Section 30253 of the Coastal Act states in relevant part:

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 significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

PG&E is proposing ongoing vegetation management activities to comply with CPUC regulations and abate hazardous conditions. Although the project area is not located within any designated fire risk area, the operation of the utility lines involves an inherent risk associated with the transmission and distribution of high-voltage electrical currents.

Hazardous conditions can and do occur when foreign objects strike or otherwise interfere with electrical lines. Tree limb and branch contact with energized conductors is a potential cause of power outages and a possible ignition source for fires. As noted in Section IV.A, above, hazards abatement can involve removal of trees that meet the definition of a hazard or danger tree¹⁴ that could interfere with the utility lines. As part of the proposed project, PG&E would maintain clearances around poles and towers of flammable vegetation to minimize risks to life and property. To further reduce risk of fire hazards, PG&E proposes removing cut vegetation from each work site within two days of vegetation maintenance activities and disposing of vegetation lawfully at licensed disposal facilities.

Given that the applicant is proposing development in a hazardous area, the Commission requires the applicant to assume the liability from potential fire or other risks and, therefore, imposes [Special Condition 11](#). Additionally, the Commission imposes [Special Condition 12](#) requiring reimbursement of specified costs and attorneys' fees the Commission incurs in connection with the defense of any action brought by a party other than the Applicant/Permittee challenging the approval or issuance of this permit.¹⁵

The Commission finds that the proposed development, as conditioned, is consistent with section 30253 of the Coastal Act, which requires in part that development minimize risks associated with hazards.

G. Environmentally Sensitive Habitat Areas (ESHAs)

Coastal Act section 30107.5 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.

¹⁴ PG&E defines “hazard or danger tree” as a tree located on or adjacent to the PG&E right-of-way or facility that could damage PG&E's facilities should it fall where (1) the tree leans toward the right-of-way; or (2) the tree is defective because of any cause, such as heart or root rot, shallow roots, excavation, bad crotch, dead or with dead top, deformity, cracks or splits, or any other condition that could result in the tree or a main lateral of the tree falling. This may include dead, diseased, dying, or green trees. Hazard tree work includes felling hazard trees located in or beyond the PG&E's rights-of-way (in the wire zone, border zone, or hazard tree zone).

¹⁵ Coastal Act Section 30620(c)(1) authorizes the Commission to require applicants to reimburse the Commission for expenses incurred in processing CDP applications. See also 14 C.C.R. § 13055(g).

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.

Environmental Setting

The proposed vegetation maintenance will occur within riparian corridors along the Campbell Creek Wetlands Riparian Restoration Site that borders the westerly and southerly perimeters of the Arcata Community Park and Sports Complex (“Sports Complex” site). The riparian restoration area also includes two ponded features (one at the northernmost end, and one at the southeast end) that support floating vegetation and wading birds. Lower Campbell Creek flows through the restoration area before entering Gannon Slough. Campbell Creek has historically supported anadromous fish rearing habitat, while Gannon Slough is recognized as a Class I fish-bearing watercourse. Gannon Slough continues south of Samoa Blvd through farmed, predominantly freshwater wetlands before transitioning to tidal influence and ultimately reaching Arcata Bay. Campbell Creek and Gannon Slough both support well-established riparian corridors dominated by willows (*Salix lasiolepis*), alders (*Alnus rubra*), and wax myrtle (*Morella californica*). The herbaceous understory is dominated by sedges (*Carex obnupta*, *Scirpus microcarpus*), native and non-native brambles (*Rubus ursinus* and *R. armeniacus* respectively), water parsley (*Oenanthe sarmentosa*), and rushes (*Juncus spp.*) in freshwater areas; and saltgrass (*Distichlis spicata*) in estuarine areas. Invasive species are prevalent in portions of the project area, such as but not limited to English ivy (*Hedera helix*) within the Arcata Sports Complex site.

The project area is within the Pacific Flyway, a major migratory corridor for many millions of birds travelling between California, Mexico, and Central and South America. The project area provides nesting and roosting habitat for several species of migrating birds and also supports resident birds, and wildlife species, such as, but not limited to, northern red-legged frogs, gray foxes, raccoon, and striped skunk.

Identification of ESHAs

The proposed ongoing vegetation maintenance program would occur at up to 139 sites within the 10.86-acre project area, including in and near freshwater streams, sloughs, and riparian woodland and wetlands ([Exhibit 2](#)) which constitute environmentally sensitive habitat areas (ESHA) under the Coastal Act, as described further below.

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 existing

electrical utilities, the Commission only reviews consistency of the proposed method of maintenance with Coastal Act ESHA policy 30240, and not the consistency of the underlying existing development or the maintenance activity itself.

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. The streams, sloughs, riparian corridors, and wetlands in and around the Arcata Sports Complex, Arcata Little League Fields, and the Jacoby Creek-Gannon Slough Wildlife Area include several sensitive vegetation communities. For example, Red alder/Sitka willow/brambles (rank S3, "vulnerable"), Sitka willow thickets (rank S3?¹⁶), coastal brambles (rank S3), small-fruited bulrush marsh (rank S2, "imperiled"), yellow pond-lily mats (rank S3?), and water-parsley marsh (rank S2) all occur within the project area and are considered sensitive habitats by California Department of Fish and Wildlife (CDFW). Freshwater wetlands, scrub wetlands and native blackberry (*Rubus ursinus*) brambles are also North coast riparian habitats that have typically been found by the Commission to constitute ESHA.

The coastal streams, sloughs and wetlands in and around the Arcata Sports Complex, Arcata Little League Fields, and the Jacoby Creek-Gannon Slough Wildlife Area additionally provide habitats suitable for various rare and sensitive species, including, but not limited to, northern red-legged frog (*Rana aurora aurora*),¹⁷ which has been observed in freshwater habitats throughout the project area. 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 other species protected under Fish and Game Code sections 3503¹⁸ and 3503.5¹⁹.

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.

¹⁶ The question mark ("?") indicates additional sampling and data is needed to determine extent of rarity.

¹⁷ Northern red-legged frog is recognized as a state species of special concern.

¹⁸ Fish and Game Code section 3503 states "It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto."

¹⁹ FGC section 3503.5 states "It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto."

Impacts to Riparian and Wetland Habitats

Vegetation management activities conducted by PG&E in 2020 under Emergency Permit G-1-20-0031 resulted in the removal of 183,500 square feet (or 4.21 acres) of vegetation and 18 hazard trees from within riparian and wetland habitats. In 2021, an additional three hazard trees were removed, and vegetation was removed within 4,612 square feet (0.10 acres total) under Emergency Permit G-1-21-0034. Based upon these trends, PG&E anticipates approximately 757 cubic yards of vegetation removal, including limbing and pruning annually from within the project area, maintaining vine and woody vegetation setbacks around poles and towers, and removing an additional 40 hazard trees over the course of the proposed ten-year program. The trees proposed to be removed are listed by location below, as adapted from PG&E's "Estimated Work Scope" included as [Exhibit 3](#).

Table 1. Summary of Proposed Tree Removal by Area

Site*	Location	Proposed Tree Removal
1	Sports Complex	none
2	Little League Fields	none
3	Gannon Slough	4 alder removals (DBH less than 12 inches) 14 willow removals (multi-stem 8-inch average DBH)
4	Highway 101	6 spruce removals (6-inch DBH)
5	Bayside Cutoff	7 willow removals (8-inch DBH trees)
PC	Pole Clears	7 willow removals (DBH ranging from 4-6 inches) 2 plum removals (6-inch and 10-inch DBH trees)

*Site numbers correspond with numbered areas depicted in Exhibits 1 and 2.

Although the proposed vegetation management activities are designed to minimize impacts to habitat to the extent feasible, the habitat value of the treated areas would be reduced due to the altered vegetation structure (removal of tree canopy and/or shrub and herbaceous understory), resulting in loss of cover, feeding areas, nest sites, and other similar functions within ESHAs.

In several past actions, the Commission has considered impacts to ESHA to be "temporary" if no ground disturbance (e.g., grading) or vegetation removal has occurred and if the area temporarily impacted has recovered to its pre-impact status within one year following the respective impact. Permanent impacts typically include development, including major vegetation removal, within sensitive habitat where such development or major vegetation removal will last longer than one year. In this case, PG&E intends to maintain the utility setback areas free of major woody vegetation, which would effectively render permanent these habitat alterations. Thus, since vegetation removal is proposed and the impact to the habitat will be repeated at least annually to maintain utility infrastructure for a period of ten years under the proposed project, the proposed development will result in a permanent impact to sensitive habitat.

The proposed development constitutes necessary maintenance work to protect and maintain the utility lines and facilities in a manner that minimizes risk of power outages and fire. While the maintenance work requires a permit due to its location in and adjacent to ESHA (see Section IV.E of the Findings), the Commission is required to allow it to proceed so long as the methods of maintenance are designed to be as

consistent as possible with coastal protection standards and appropriate mitigation is included. (See, e.g., Coastal Act Section 30610(f).) Thus, although the proposed development is not a use dependent upon the ESHA resource within the meaning of Section 30240, the work is necessary maintenance that may be permitted with appropriate conditions to address project impacts.

Impact Avoidance and Minimization Measures

As discussed in Finding IV-E above, there are no alternative methods of accomplishing the proposed maintenance project that will avoid ESHA, and the Commission is only able to review the proposed methods by which the applicant will carry out the proposed maintenance activities. PG&E's project description includes several measures intended to reduce the environmental impacts of the proposed vegetation management activities while still achieving safety goals around electrical utility infrastructure. To this end, PG&E has reduced the area of habitat impacts to 4.78 acres within the 10.86-acre project area, as calculated based upon the specific footprints of activity within work polygon areas ([Exhibit 1](#)). 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. For example, in instances where trees or other vegetation must be removed from around poles and/or tower structures, targeted trees and woody vegetation would be cut down to the ground as low and safely as possible rather than uprooted, and no excavation or grading is proposed.

Additionally, equipment used to cut vegetation would be limited to chainsaws, weed-whackers, and non-mechanized hand tools. These and other measures are described in [Appendix B](#) and also include, among other things: (1) limiting vegetation removal to only the minimum necessary to complete required maintenance operations; (2) limiting staging of equipment to existing parking areas; (3) hand-carrying all debris from brush removal and tree pruning off-site and removing to a permitted disposal location offsite; (4) prohibiting vehicles or other mechanized equipment needed for the tree pruning and removal operations from driving or operating within (a) wetland or riparian habitat areas, and (b) landscaped areas and paved pathways of the Arcata Sports Complex facility and the Arcata Little League facility (except that mechanized vehicles with track-mounted wheels and all-terrain quad vehicles may be used to access landscaped areas at the Sports Complex facility outside the field of play and within 12 feet of the fence line adjacent to the vegetation corridor), and (5) prohibiting chipping of cut tree parts on site.

To ensure that PG&E implements the various habitat protection and impact minimization measures as proposed, the Commission attaches [Special Conditions 4\(A\) through 4\(E\)](#), which incorporate PG&E's proposed limitations on equipment use and vegetation removal within the project area that are further detailed in [Exhibit 3](#) and [Appendix B](#).

Additionally, in order to minimize the significant disruption of habitat values in ESHA, the Commission attaches [Special Condition 3](#), which requires the appointment of a qualified biologist to be present on site during all project activities within or adjacent to ESHA to identify sensitive habitats, survey for the potential presence of sensitive species, and ensure that impacts to these resources are avoided. The responsibilities of

the Project Biologist are outlined in [Special Condition 3B](#), which requires in part 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 limiting project activities to avoid impacts to individuals or populations of sensitive species.

To provide protection to sensitive amphibian habitat areas within the project area, PG&E proposes avoidance and minimization measures, including among others AMM-1 which specifies the following:

Prior to using moving equipment or establishing workspaces, inspect the work area or tree materials for frogs, salamanders, and turtles. While accessing workspaces, be vigilant to avoid frogs, salamanders, and turtles on roadways or trails.

If species are observed, halt work in a safe manner and establish a no work buffer around the area where the species was observed. Contact the PG&E biologist for additional assistance.

The avoidance and minimization measures proposed by PG&E provide some protection against the risk of impacts to frogs, salamanders, and turtles potentially present during work activities, but lacks certain specificity needed to ensure that the maintenance work will be implemented in a manner that does not significantly degrade ESHA. For example, PG&E's proposed measures require vigilance to avoid species on roadways or trails but not within other work areas. Therefore, to ensure the method of vegetation maintenance activities maximizes the protection of ESHA, the Commission attaches [Special Condition 5](#), which incorporates PG&E's proposed measure AMM-1 but adds further specificity to require avoidance of rare/listed species within all active work areas. Special Condition 5 additionally specifies that if species are inadvertently encountered within the work area, work shall be safely halted within the area where the species was observed until the species has left the area or has been relocated outside of the active work area by the Project Biologist.

To ensure potential impacts to nesting birds are avoided, PG&E indicates that in addition to a biological monitor being onsite during project activities, their tree crews are trained to follow PG&E's standard nesting bird protection procedures specified in their Migratory Bird Flowchart ([Exhibit 5](#)). PG&E indicates that potential impacts to nesting birds will be avoided or minimized as follows:

Depending on the location, work may be restricted to limited operation periods to protect sensitive species, if feasible, such as nesting bird seasons. Exceptions to this would include emergencies. If work will occur during nesting bird season, the biologist will utilize Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California (U.S. Fish and Wildlife Service 2006) to determine buffers for nesting birds. The analysis takes into account the existing conditions, proposed scope, and distance to nesting habitat when determining reduced buffers. Tree crews are trained on PG&E's

standard nesting bird protection procedures specified in the Migratory Bird Flowchart [\[Exhibit 5\]](#).

In order to ensure 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 March 1 through August 15). If any active nesting areas of sensitive species, the biologist, in consultation with CDFW, shall determine the extent of a work-free buffer zone to be established around the nest, and work in the buffer zone shall be delayed until after the young have fledged, as determined by additional surveys conducted by a qualified biologist. The work-free buffer zone shall be a minimum of 300 feet for nesting raptors and a minimum of 100 feet for other special-status bird species. [Special Condition 6B](#) additionally requires the project biologist to monitor active nests, enforce protective buffers, and implement other measures necessary to protect active nests.

Mitigation

As described above, the combination of the applicant's proposed avoidance and mitigation measures and the Commission's special conditions will somewhat reduce the scale of the project's adverse effects on ESHA compared to what would otherwise occur. Nonetheless, the proposed ongoing vegetation maintenance along PG&E's existing utility corridor will result in the repeated disturbance of approximately 4.78 acres of wetland and riparian ESHA as well as removing a total of 61 individual trees that otherwise provide potential habitat for sensitive nesting birds. As described in Finding IV(E), PG&E is required to perform ongoing vegetation management around its utility lines to comply with state and federal laws and regulations, including minimum safety clearance setbacks established by the CPUC and enforced by the CAISO. In past permit actions, the Commission has found that, in order to ensure that the method of repair work is as consistent as possible with section 30240 of the Coastal Act, mitigation should be provided for permanent impacts to ESHA as a result of proposed repair and maintenance activities. Similarly in this case, the Commission finds that due to the significant permanent impacts to environmentally sensitive wetland and riparian habitat areas as described above, mitigation is necessary to offset the anticipated impacts.

PG&E has proposed a Habitat Mitigation Plan ([Exhibit 6](#)) for anticipated ESHA impacts, which includes the restoration of 4.78 acres of riparian forest off-site, on property owned and managed by California Department of Fish and Wildlife (CDFW), as discussed further below.

Off-site Compensatory Mitigation for Direct Impacts

Although Emergency Permit G-1-20-0031 required mitigation within the same watershed as project impacts, PG&E was unable to locate a suitable mitigation site

within the same watershed affected by project activities²⁰. As a result, off-site mitigation is proposed on property (APN 100-011-14) located approximately 25 miles southwest of the project area at Cock Robin Island (south of Eureka, in Loleta near the mouth of the Eel River). PG&E currently has another unrelated mitigation project underway on 4.15 acres of the same site²¹ and a signed Memorandum of Understanding with CDFW allowing for the use of an additional 4.78 acres of the site to perform compensatory mitigation for the anticipated impacts detailed in this report.

The proposed restoration area occurs on the banks of the Eel River estuary in an area that is adjacent to a larger (350 acres) riparian restoration area established and managed by CDFW. Since its purchase by CDFW in the mid-1990s, riparian habitat restoration at the site was identified by CDFW as a high priority due to its habitat value for several state and/or federally listed threatened and endangered species that inhabit adjacent Eel River riverine habitats (including three species of salmonids and the Western Yellow-Billed Cuckoo). The proposed mitigation area occurs in an area devoid of riparian vegetation that is adjacent to the larger riparian restoration area established and managed by CDFW. As described in PG&E's proposed Habitat Mitigation Plan dated May 23, 2022, the proposed mitigation area on Cock Robin Island would contribute towards CDFW's goals of restoring additional riparian habitat at the site, thereby supporting species that depend on wetland, stream and riparian habitats, including sensitive species of fish and wildlife that inhabit the lower Eel River. The Commission commonly requires mitigation in the form of creation or significant restoration at a 3:1 ratio (acres of restored habitat to each acre of impacted habitat) for permanent impacts to rare habitat or sensitive habitat areas containing habitat that support state or federally listed rare, threatened, or endangered species, species of special concern, or riparian or wetland habitat (e.g., CDP 9-17-0408 (PG&E), 1-11-039 (Caltrans), and CDP 1-11-023 (Northcoast Regional Land Trust), among others). Rationale for the 3:1 mitigation ratio has included but has not been limited to: 1) the significant time gap between the impact causing the loss of ecosystem function at the development site and the successful attainment of meeting mitigation area final performance standards, and 2) recognition that there is uncertainty that habitat creation or restoration will be entirely successful.

Prior to submittal of the proposed Habitat Mitigation Plan, mitigation proposals by PG&E focused on tree planting and replacement but did not account for ongoing disruptions to shrub and understory vegetation within the riparian habitats resulting from the repeated vegetation removal throughout the 4.78-acre area. Commission staff worked with PG&E

²⁰ PG&E's efforts to identify feasible mitigation options that would compensate for permanent loss of wetland and riparian habitat resulting from project activities within the same watershed included contacting staff from City of Arcata, Friends of the Dunes, Cal Trout, US Fish and Wildlife Service, and Redwood Community Action Agency between 2020 and 2021. Mitigation opportunities were either lacking, on lands with ownership and/or land use limitations, or of insufficient size and type.

²¹ PG&E is currently undertaking restoration work on a nearby portion of Cock Robin Island in association with mitigation required for unrelated project impacts authorized by a prior permit action (CDP 9-17-0408).

to develop an approach that recognized the full impact of its vegetation management activities in the project area.

Following discussions and site visits with Commission staff, including the Commission's staff ecologist (Dr. Laurie Koteen), PG&E transmitted (1) a revised Conceptual Plan ([Exhibit 6](#)) dated April 14, 2022 that includes a preliminary proposal for planting locally-native riparian shrub and tree species in a 4.78-acre open grassy area adjacent to other restoration sites, and (2) a draft Habitat Mitigation Plan dated May 23, 2022 that provides additional details on the mitigation concept. As detailed in Tables 1 and 2 and Figure 4 of the draft Habitat Mitigation Plan (Exhibit 6), PG&E will plant the 4.78-acre area with 608 individual riparian trees (to mitigate for the removal of 61 trees and 1,900 individual riparian shrubs to mitigate for the overall disturbance to 4.78-acres of wetland and riparian habitat. The proposed plan also calls for encouraging the growth of existing patches of native California blackberry (*Rubus ursinus*) that are establishing at the site. The proposed planting is expected to occur in the Fall of 2023.

PG&E's draft Habitat Mitigation Plan describes the overall objective as follows:

The overall objective of this HMP is to integrate rapidly growing riparian trees and shrubs, and to discourage the non-native grasses and forbs through canopy cover shading to complement the native plant community that currently exists onsite. A benefit of the restoration planting is the increase in riparian structural diversity for wildlife habitat. The goal is to accelerate the process of natural recruitment from a fallow field to riparian woodland scrub habitat.

Proposed species in the mitigation plant palette include red alder (*Alnus rubra*), black cottonwood (*Populus balsamifera trichocarpa*), wax myrtle (*Morella californica*), sitka willow (*Salix sitchensis*), coyote brush (*Baccharis pilularis*), red elderberry (*Sambucus racemosa*), salmonberry (*Rubus spectabilis*), thimbleberry (*Rubus parviflorus*), and California rose (*Rosa californicus*), among others. Recognizing that restoration of riparian forest habitat likely will take longer than five years to achieve maturity, the draft Habitat Mitigation Plan includes a schedule for ten years of maintenance and monitoring to ensure that planted trees and other riparian vegetation will reach riparian forest restoration goals by the end of the project period.

PG&E's proposal to mitigate for impacts occurring to approximately 4.78 acres within the 10.86-acre project area by restoring 4.78 acres of riparian habitat at Cock Robin Island will result in a mitigation ratio of 1:1 between overall area of habitat impacted and the acreage of habitat restored. In this case, the Commission finds the proposed mitigation ratio appropriate for several reasons. First, vegetation maintenance primarily entails the trimming and limbing of vegetation in limited areas directly around utility lines and pole structures requiring a smaller radius of vegetation removal. Furthermore, tree removal is limited to the targeted removal of specific trees determined to pose a hazard to utility operations. This approach minimizes vegetation maintenance and tree removal so that existing ecological functions and services can be preserved on site to the maximum extent possible. Second, PG&E indicates the calculated 4.78 acres of impacted habitat overestimates the area of vegetation impacts, because portions of the

work area polygons contain vegetation that does not require maintenance or will only require work on a sporadic basis. Thus, not all vegetation within the 4.78-acre calculated area would be removed or otherwise impacted and therefore the provision of new habitat will be higher than the 1:1 ratio. Third, PG&E's proposed restoration includes a large tree planting ratio that will provide substantial canopy and refuge for wildlife at the mitigation site. Finally, in the north coast area, the higher precipitation encourages faster vegetation growth and recovery rates than in the central or south coast areas. For the above reasons, the Commission finds that the ratio is adequate to offset the effects of the proposed utility maintenance project.

To ensure that PG&E follows through on its proposal to mitigate for habitat impacts associated with vegetation maintenance activities and to develop and implement a final Offsite Habitat Mitigation Plan that includes riparian habitat restoration and enhancement along with ten years of maintenance and monitoring of the restoration site, the Commission imposes [Special Condition 8](#). This condition requires that the applicant submit, for the review and approval of the Executive Director, a final Offsite Habitat Mitigation Plan ("Mitigation Plan") that substantially conforms with the conceptual plan for offsite habitat mitigation prepared by NCRM Inc. dated April 14, 2022, but which includes specific details for, among other things: (1) restoration of at least 4.78 acres of riparian habitat on APN 100-011-14 (owned by CA Department of Fish and Wildlife); (2) performance standards that include a minimum of 60% percent cover of native plants by year 5; (3) ten years of monitoring and maintenance; and (4) submittal of annual monitoring reports. If the final monitoring report indicates that the habitat mitigation project has been unsuccessful, in part or in whole, based on the approved goals, objectives, and success standards set forth in the approved final Mitigation Plan, the permittee shall submit a revised or supplemental plan to remediate those portions of the original plan that did not meet the approved goals, objectives, and performance standards.

To help in the establishment of vegetation, rodenticides are sometimes used to prevent rats, moles, voles, gophers, and other similar small animals from eating the newly planted saplings. Certain rodenticides, particularly those utilizing blood anticoagulant compounds such as brodifacoum, bromadiolone and diphacinone, have been found to pose significant primary and secondary risks to non-target wildlife present in urban and urban/wildland areas. As the target species are preyed upon by raptors or other environmentally sensitive predators and scavengers, these compounds can bio-accumulate in the animals that have consumed the rodents to concentrations toxic to the ingesting non-target species. Therefore, to minimize potential significant adverse impact of rodenticide use to other environmentally sensitive wildlife species, [Special Condition 8A\(2\)\(h\)](#) requires the final Mitigation Plan shall include a prohibition against the use of any rodenticides on the property.

Stakeholder Coordination for Future Mitigation Opportunities Within Arcata Watersheds

While City of Arcata does not currently have feasible mitigation sites available that would align with the timing of the subject project, the City has expressed concerns over the scale and scope of project activities proposed in this watershed and a desire to partner with PG&E in advance of any future permitting efforts. As discussed above in

Finding IV-B, some of the proposed vegetation maintenance occurs within the City's Campbell Creek Wetlands Riparian Restoration Site, which is protected by an open space conservation easement (that allows for routine vegetation maintenance) held by the Jacoby Creek Land Trust (JCLT). The JCLT similarly expressed interest in the need for clear communication and advanced coordination between PG&E and its consultants for future mitigation opportunities. Although JCLT holds an open space easement on City property along Campbell Creek in the area affected by proposed project activities, JCLT was not contacted by PG&E or its consultants during project scoping efforts. The land trust is currently in the process of evaluating potential wetland and riparian restoration projects that could be developed in the future, several of which are likely to be identified on City and JCLT properties that could afford future mitigation opportunities for any habitat impacts associated with future development projects. PG&E has previously identified future reoccurring maintenance activities in Arcata requiring CDP authorization that include but are not limited to pole and lattice tower replacements, maintenance of communication equipment and other utility infrastructure, and installation of "shoo-fly" and/or "inter-set" temporary support structures.²²

The Commission finds it necessary to ensure that mitigation opportunities for wetlands and other types of ESHA are identified, coordinated, prioritized, and planned for implementation with relevant stakeholders sufficiently in advance of the need for future mitigation. This will help address the situation here, where the prior emergency permit for PG&E required that mitigation occur within the watershed, yet PG&E was unable to provide such localized mitigation due to a lack of ready mitigation projects. Therefore, to avoid the need for out-of-watershed mitigation for sensitive habitat impacts associated with the Permittee's anticipated utility line maintenance responsibilities in the coastal zone in and around the City of Arcata in the future, the Commission imposes **Special Condition 14**. As conditioned, Special Condition 14 requires among other things that the Permittee submit a stakeholder outreach and mitigation coordination plan ("Stakeholder Coordination Plan") for the review and written approval of the Executive Director within 60 days of issuance of CDP 1-20-0539. Special Condition 14 requires that the Plan establish a process and specify a schedule for outreaching to and engaging with stakeholders to solicit meaningful input and perspectives on wetlands and other ESHA mitigation opportunities within the coastal zone within and around the City of Arcata, including, but not limited to, areas within the Arcata Sphere of Influence and the Jacoby Creek Watershed. Special Condition 14 additionally requires the Permittee to include a copy of the Stakeholder Coordination Plan with any future coastal development permit applications for development proposed within and around the City of Arcata, including, but not limited to, areas within the Arcata Sphere of Influence and the Jacoby Creek Watershed.

²² PG&E originally proposed to include other repair and maintenance activities as part of the subject CDP application 1-20-0539, including pole and lattice tower replacements, equipment maintenance, and shoo-fly installations within the project areas described herein. Because the other proposed developments raised additional Coastal Act questions (including wetland fill and visual impacts), PG&E narrowed the scope of the current project to only include the currently proposed vegetation maintenance.

On-site Non-native Invasive Species Control

Although the mitigation measures proposed offsite by PG&E at Cock Robin Island will offset the direct loss of habitat resulting from ongoing vegetation maintenance in the project area, the potential exists that the ongoing vegetation maintenance in ESHA could result in further degradation in the project and adjacent areas through the spread of invasive species (such as but not limited to, English ivy within the Arcata Sports Complex site). If left uncontrolled, English ivy can displace native vegetation by shading, injuring, and in some cases killing trees and understory vegetation under the weight of its heavy vines, thereby disrupting ESHA services and functions. The Commission finds that given the severe damage that could result to wetland and riparian ESHA if the ivy and other non-native invasive plant infestation remains unchecked, removal of the ivy and other invasives is necessary to prevent the spread of non-native invasives.

Therefore, the Commission attaches [Special Condition 7](#) requiring invasive species control within the vegetation maintenance area. Special Condition 7 requires the Permittee (or a separate entity receiving funding from the Permittee for invasive species control) to undertake invasive and noxious species removal by hand from within the project area at least once each year during the permit authorization period, focusing at minimum on removing English ivy from around areas where vegetation maintenance activities have occurred in each respective year. Special Condition 7 further requires that all removed invasive and noxious plant materials shall be disposed of at an authorized facility.

Conclusion

With the proposed measures to avoid and minimize impacts to sensitive species and wetland and riparian habitat as further protected by the requirements of Special Condition Nos. 3 through 7, the repair and maintenance activities as conditioned are designed to minimize disruption to sensitive species and ESHA. Furthermore, the proposed off-site habitat mitigation discussed above, is required because the permitted maintenance work does have adverse impacts on ESHA.

H. Coastal Streams and Water Quality

Applicable Coastal Act Provisions:

Section 30231. 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.

Section 30232. 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 containments 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. 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. 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.

To incorporate feasible alternatives that 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 vegetation management project sites that intersect or are adjacent to a waterway. The complete list of applicant proposed measures is provided in [Appendix B](#); most notably, the proposed measures 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 (e.g., AMM 4 and AMM 5); (b) limitation of work within the banks of a waterway to foot access, hand crews and manual equipment only (e.g., AMM 6), (c) prohibition on vehicles or other mechanized equipment needed for the tree pruning and removal operations from driving or operating within riparian habitat areas, (d) prohibitions on refueling vehicles and equipment (excluding chainsaws) within 250 feet of the edge of wetlands, streams, or waterways (e.g., FP-15); and (e) no herbicide use.

As previously discussed, in order to ensure that PG&E implements the various water quality protection measures as proposed, the Commission attaches Special Conditions [4\(A\) through 4\(D\)](#), which incorporate PG&E's proposed limitations on equipment use and vegetation removal summarized above as further detailed in [Exhibit 3](#) and [Appendix B](#). Also as discussed previously, PG&E has also proposed protection against hazardous material spills and leaks related to project activities (e.g., BMP-9, BMP-11 and FP-15). Therefore, to ensure the necessary response to any spills that may occur, the Commission attaches as [Special Condition 4E](#) measures PG&E has proposed to implement specific hazardous materials management and spill prevention and response measures for the project, including ensuring equipment is free of leaks, identification of all materials that will be immediately available to respond to project-related spills, possession of 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.

I. Archaeological Resources/ Tribal Consultation

Coastal Act section 30244 states:

Where development would adversely impact archeological 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 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. Three federally recognized Tribes in the region – the Wiyot Tribe, the Blue Lake Rancheria, and the Bear River Band of the Rohnerville Rancheria – include citizens of Wiyot ancestry that are culturally affiliated with the greater Humboldt Bay region Wiyot ethnographic area as mapped by the Tribes.

PG&E conducted a cultural resources investigation for the Areas of Potential Impact²³ (API), and prepared a report dated October 7, 2020. The investigation included a desktop sensitivity assessment, examination of cultural resources data from PG&E's GIS database, review of cultural resources studies from the Northwest Information Center, a Native American Heritage Commission (NAHC) Sacred Lands File search and correspondence sent on October 7, 2020 to the Tribal Historical Preservation Officers (THPOs) of the Wiyot Tribe, the Bear River Band of Rohnerville Rancheria, and the Blue Lake Rancheria.

Comments sent from the Blue Lake Rancheria THPO to PG&E via electronic mail (email) on October 15, 2020 additionally identified a significant cultural site within the project area and recommended standard Inadvertent Archaeological Discovery Protocol should be included as a condition of the CDP.

Additionally, as part of the Commission's review process, on April 22, 2022, Commission staff reached out to cultural and environmental representatives from the Wiyot Tribe, the Bear River Band of Rohnerville Rancheria, and the Blue Lake Rancheria. No written comments have been received to date other than receiving updates to contact information for tribal representatives, and the additional tribal contacts were subsequently notified of the project accordingly.

The proposed vegetation removal work will 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 ([Exhibit 8](#)). In addition, to ensure

²³ PG&E defined the API for the purposes of its cultural resources investigation as a 100-foot area around the transmission line (50 feet on either side of centerline).

protection of any cultural resources that may be discovered at the site during the proposed project, the Commission is including [Special Condition 9](#). This special condition requires that if an area of cultural deposits is discovered during the course of the project, all project activities 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 project activities 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. Additionally, [Special Condition 9](#) requires PG&E to conduct a pre-project training program to educate field personnel about the potential for inadvertent discoveries of archaeological resources.

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.

J. Visual Resources

Coastal Act section 30251 states in applicable part:

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 of visually degraded areas.

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and requires in applicable part that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas.

The existing utility poles and lines are located east of Highway 101 in an area that is not designated as a highly scenic. However, the project sites are visible to the public travelling along the Highway 101 corridor. Except where blocked by sporadic development (such as the California Highway Patrol station and sports complex), the stretch of highway south of Samoa Blvd. provides unobstructed views to the east of rural pasture lands, riparian areas, and forests. North of Samoa Blvd., the project area is situated immediately adjacent to Highway 101 and surrounded by mature trees that screen inland views. The proposed vegetation removal is not expected to alter the visual character of the area because vegetation would be selectively removed to maintain overall composition while ensuring safety and regulatory compliance thresholds are achieved. Furthermore, within open space rural pasture lands the lines

are located a minimum of 900 feet east of Highway 101 and thus views of the transmission lines are distant. As indicated previously, the project will not result in any ground disturbance, and use of access equipment such as lift trucks or bucket trucks would be temporary and visually similar to other vehicles seen travelling along the highway corridor.

Thus, the Commission finds that the project as proposed is consistent with Coastal Act section 30251.

K. Period of Authorization

The applicant has requested authorization to undertake vegetation management activities on an annual basis as needed for a period of ten years. The Commission has, on occasion, granted multi-year permits for such activities²⁴ including in 2020, when the Commission granted authorization to PG&E under CDP 9-17-0408-A2 for a 10-year program of ongoing vegetation maintenance along gas transmission lines. In this case, the Commission chooses to grant the requested ten-year period of development authorization. Therefore, the Commission attaches [Special Condition 10](#), which limits the authorized development to ten years.

Given the fact that circumstances can change over time and techniques for addressing vegetation management needs can also evolve, Special Condition 10 requires that all vegetation clearing and tree removal proposed after the ten-year authorization period shall require a new coastal development permit.

L. California Environmental Quality Act (CEQA)

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment. The Coastal Commission's regulatory program for reviewing and granting CDPs has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of environmental review under CEQA (CEQA Guidelines Section 15251(c)).

The Commission incorporates its findings on Coastal Act consistency as if set forth in full herein. All public comments received to date have been addressed in the findings above, which are incorporated herein in their entirety by reference. As discussed above,

²⁴ e.g., CDP No. 3-04-72 Moss Landing Harbor District routine pier replacement; CDP No. 3-00-034 Santa Cruz Port District routine maintenance dredging; CDP No. 3-02-047 Monterey Harbor routine operations and maintenance; CDP No. 1-03-004 Reclamation District levee repair and maintenance; CDP No. 1-07-041 Humboldt County Public Works Department Jacoby Creek bridge sediment management.

the project has been conditioned to be consistent with the Chapter 3 policies of the Coastal Act. As specifically discussed in these above findings, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the Commission finds that the proposed development, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative, has no remaining significant environmental effects, either individual or cumulative, and complies with the applicable requirements of the Coastal Act to conform to CEQA.