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STAFF REPORT: REGULAR CALENDAR

Application No.:	**1-23-0808**
Applicant:	**Pacific Gas and Electric Company (PG&E)**
Location:	Within the Arcata Marsh and Wildlife Sanctuary, north of 600 South G Street, Arcata, Humboldt County (APNs: 503-241-013, 503-241-014, 503-241-015, & 503-241-016).
Project Description:	Inspect and repair an existing buried 8-inch diameter gas transmission pipeline involving excavation of two 12-ft. by 8-ft. by 11-ft.-deep bell holes and 105 cu. yds. of grading.
Staff Recommendation:	Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

Pacific Gas and Electric Company (PG&E) proposes inspection and repair activities at two locations (referred to as EC20-137B-C and EC20-137B-D) along an existing buried 8-inch gas transmission pipeline located within the Arcata Marsh and Wildlife Sanctuary in the City of Arcata. After completing initial inspections, PG&E will determine if the 8- to 10-foot section of pipeline requires repair or in-kind replacement. After the pipeline repairs are completed, excavations will be backfilled, construction materials and equipment will be removed, and the site will be restored to pre-construction conditions, including stabilizing soils with erosion control measures and implementation of a site Restoration Plan.

The major Coastal Act issues raised by this project include impacts to wetlands and other marine resources, water quality protection, and the location of the development in a popular park and recreation area adjacent to the coastal trail. The proposed project will avoid permanent impacts to wetlands, but temporary impacts to surrounding wetlands will occur from staging, construction access, and potentially vegetation trimming. Staff recommends **Special Conditions 1-A(i-xii)**, to protect water quality and sensitive habitat areas by requiring the permittee adhere to the specific measures proposed in their application including, but not limited to, the following: (1) protecting existing vegetation by limiting disturbance to designated work areas; (2) using geotextiles and mats to reduce erosion, stabilize soil, and retain moisture for plant growth; (3) reduce sedimentation and runoff by implementing silt fencing, biodegradable fiber rolls, protecting storm drain inlets, covering stockpiles prior to qualifying storm events and during rain events, and storing materials away from watercourses; and (4) and requiring spill cleanup supplies are kept onsite at all times. Additionally, staff recommends **Special Condition 2**, which requires the appointment of a qualified biologist to be present on site during all project activities within or adjacent to wetlands to identify sensitive habitats, survey for the potential presence of sensitive species, and ensure that impacts to these resources are avoided.

Staff further recommends **Special Condition 4** requiring nesting bird surveys be completed within a week of any project activities that would occur during the bird nesting season and **Special Condition 3** requiring measures to protect amphibians and other aquatic wildlife within all active work areas.

To ensure that all impacts to wetlands are restored to pre-project conditions, staff recommends Special Condition 5, which required submittal and implementation of a final Restoration Plan, and Special Condition 6, which requires submittal of a Habitat Impact Validation Report, which requires the permittee submit a report comparing the extent and nature of impacts as estimated in the permit application with those actually observed following construction.

Finally, staff recommends Special Condition 1-B, which requires the permittee implement the Traffic Control Plans submitted with the application, provide detour routes, and promptly reopen the small section of coastal trail and public parking that will be closed during construction.

Staff believes that the proposed project, as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act. The Motion to adopt the staff recommendation of **approval** of CDP 1-23-0808 with conditions is found on page 4.

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LIST OF EXHIBITS

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Exhibit 5 – Biological Constraints Report
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Exhibit 7 – Proposed Restoration Plan
Exhibit 8 – Water and Soil Summary
Exhibit 9 – Traffic Control Plans

I. Motion and Resolution

A. Motion

I move that the Commission **approve** Coastal Development Permit Application No. 1-23-0808 pursuant to the staff recommendation.

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

B. Resolution

The Commission hereby **approves** Coastal Development Permit Application No. 1-23-0808 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

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid, and development shall not commence, until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration**. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation**. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment**. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land**. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

This permit is granted subject to the following special conditions:

1. **Construction Standards, Restrictions, and Responsibilities.** The permittee shall ensure that all on-site workers and contractors understand and agree to observe the standards and limitations for work outlined in this permit and in the detailed project description included as part of the application submittal, as revised by special conditions of CDP 1-23-0808.

   A. General BMPs. The permittee shall implement the construction-related "best management practices" (BMPs) and field protocols (FPs) proposed by the permittee as part of the permit application (Exhibits 4 and 5), except as modified below:

      i. Scheduling. Construction activities and implementation of erosion and sediment controls shall be sequenced with consideration of local climate and other environmental factors.

      ii. Minimization of Land Disturbance and Preservation of Existing Vegetation. Land disturbance (e.g. clearing, grading, and cut-and-fill) shall be minimized; grading activities shall be phased to avoid increased erosion and sediment; existing vegetation shall be protected for natural erosion prevention and sediment trapping; and work and traffic routes shall be conducted within designated areas.

      iii. Geotextiles and Mats. Mats shall be utilized to reduce erosion, stabilize soil, and retain moisture for plant growth, and exposed soil shall be covered prior to rain events.

      iv. Silt Fences. Silt fences shall be installed on level contours as a sediment barrier for sheet flow.

      v. Biodegradable Fiber Rolls. 100% biodegradable fiber rolls shall be installed on level contours to intercept runoff, reduce velocity, and control erosion.

      vi. Storm Drain Inlet Protection. Drain inlets within 200 feet downgradient of construction and staging activities shall be protected from sediment runoff.

      vii. Material Delivery and Storage. Temporary storage/stockpiling shall be located near the construction entrance and away from waterways.

      viii. Stockpile Management. Stockpiles shall be covered and bermed prior to qualifying precipitation events (QPE) and during rain events.

ix. Spill Prevention and Control. Spill cleanup supplies shall be maintained onsite at all times. Fueling and maintenance of construction equipment and vehicles shall be conducted off site if feasible. Any fueling and maintenance of mobile equipment conducted on site shall take place at a designated area located at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible (unless those inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.

x. Solid Waste Management. Construction waste shall be stored only in areas and receptacles designated for temporarily storing these wastes.

xi. Sanitary/Septic Waste Management. Portable toilets shall be equipped with containment and secured to prevent tipping. Facilities shall be staged at least 50 feet from watercourses and traffic circulation.

xii. Liquid Waste Management. The discharge of pollutants to the storm drain system or to watercourses as a result of the creation and collection of non-hazardous liquid wastes shall be avoided. Washout locations, if utilized, shall be secured, within containment, and covered prior to rain events.

B. Traffic Control and Public Access. In accordance with the permittee's proposal as outlined in the Traffic Control Plans (Exhibit 9), all pedestrian and bicycle traffic shall be directed to an alternate path that is contiguous with the surrounding pathways. The trail closure and use of public parking for staging shall begin shortly before or concurrent with the subject repair and maintenance activities and shall promptly cease after authorized development is complete. The public trails and other public access amenities shall be fully restored to pre-project conditions after the project is complete.

2. **Project Biologist – Qualifications and Responsibilities.** To ensure that the development within and adjacent to sensitive habitat areas is carried out in a manner that prevents impacts that would significantly degrade those areas, PRIOR TO THE COMMENCEMENT OF DEVELOPMENT, 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:

i. At least a bachelor's degree in biological sciences, zoology, botany, ecology, or a closely related field;

ii. 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,

iii. 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 ground disturbance. 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/or degrade wetlands and their associated biological resources:

i. 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 3 through 4.

ii. 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.

iii. 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.

iv. 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.

v. 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 3 and 4, and to suspend those activities until the animal has left the area.

3. **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 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, turtles, and other aquatic wildlife that may be inadvertently encountered during work activities.

C. If any such wildlife are observed during project activities, work within the area of the individual(s) shall be halted in a safe manner and the Project Biologist shall establish a no work buffer around the area where the individual(s) was observed until it has left the area or has been relocated outside of the active work area by the Project Biologist.

D. To prevent the inadvertent entrapment of Northern red-legged frogs and other aquatic wildlife, all excavated, steep-walled holes or trenches more than one foot deep shall be covered at the close of each working day by plywood or similar materials or, if that is infeasible, one or more escape ramps constructed of earthen fill or wooden planks shall be installed.

4. **Protection of Sensitive Nesting Bird Habitat.** Project activities shall be conducted outside the avian nesting season to the maximum extent feasible. If any vegetation removal is conducted during the avian nesting season (March 1-August 15), the Permittee shall undertake development in compliance with all of the following measures to protect environmentally sensitive nesting bird habitat areas (hereafter nesting bird ESHA) from significant disruption:

   A. NO MORE THAN SEVEN DAYS PRIOR TO THE COMMENCEMENT OF VEGETATION REMOVAL, 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) recommended survey protocol(s).

   B. If an active nesting area of a special status bird species is detected, a construction-free buffer zone shall be established around the active nests of raptors for 500 feet, and of other nesting bird species for 300 feet. A smaller buffer of no less than 300 feet for raptors or 100 feet for other bird species may be established when the biologist submits a statement for the review and approval of the Executive Director demonstrating the 500/300-foot buffer is infeasible and documenting why no significant adverse impacts to the nesting birds will occur with the revised buffer, including impacts from construction sounds. Buffers shall be maintained until the young have fledged, as determined by additional surveys conducted by a qualified biologist.

   C. The Project Biologist(s) shall be present on site during all vegetation removal 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.

   D. The Permittee shall submit to the Executive Director the results of the surveys required in subpart A above prior to commencement of development, including a map that depicts the location(s) of any active nests identified, the associated buffer zones, and a narrative that describes the

survey details (e.g., dates, methods, personnel and their qualifications), results, and measures proposed to avoid disturbance of nesting bird ESHA.

5. Restoration Plan for Temporary Wetland Impacts.

A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT 1-23-0808, the permittee shall submit, for the review and approval of the Executive Director, a revised Restoration Plan that substantially conforms with the plan submitted as part of the permit application prepared by Integral Consulting Inc. dated October 2023 (Exhibit 7) except which shall be modified to include the following:

i. The goals, objectives, and performance standards shall be revised to specify that areas of temporary disturbance within wetlands, including work areas EC20-137B-C and EC20-137B-D and any other disturbed sites, shall be (i) restored to pre-construction elevations in a manner that does not result in depressions, ridges, or mounds, (ii) decompacted, and (iii) re-seeded with regionally appropriate native seed mix.

ii. A list of species in the seed mix proposed to be spread in the work areas post-construction demonstrating that the mix will be composed of regionally appropriate native species only.

iii. Restoration success criteria that include, at a minimum: (a) plant species diversity similar to the pre-construction conditions (b) total ground cover of native vegetation similar to the pre-construction conditions(s); (c) no more than 1% cover of invasive species ranked ‘high’ by the California Invasive Species Council; and (d) annually, at least 14 continuous days of inundation or soil saturation in the upper 12 inches of the soil column. “Pre-construction conditions” shall be based on the surveys required per Special Condition 6-A-i. Methods for judging restoration success shall also be described and supported by a clear technical rationale.

iv. Provisions for monitoring the restoration site for a minimum of one year to confirm wetland impacts are temporary as expected and the area is restored to pre-construction wetland conditions within one year.

v. Provisions for reporting the monitoring results to the Executive Director at the end of the monitoring period. The report must evaluate whether the restoration site(s) conforms to the goals, objectives, and performance standards set forth in the approved final Restoration Plan.

vi. Provisions for submittal to the Executive Director a Habitat Impact Validation Report consistent with Special Condition 6 within 90 days of completion of construction.

B. If the final monitoring report indicates that the site has not been restored to pre-construction conditions within one year from the completion of construction, based on the approved success criteria set forth in the approved final plan, the permittee shall submit a revised or supplemental plan to compensate for those portions of the original plan that did not meet the approved success criteria. 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.

C. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

6. Habitat Impact Validation Report for Temporary Wetland Impacts.

A. Within 90 days of completion of development, the permittee shall submit to the Executive Director a report comparing the extent and nature of impacts as estimated in the permit application with those actually observed following construction. The report shall include the following information at a minimum:

i. Pre-Construction Surveys. Pre-construction baseline studies and site photos shall document, at a minimum: the relative cover of dominant vegetation and invasive species in each work area, and the vegetation community's age class/structure; wetland delineations; and dates of pre-construction surveys and site photos.

ii. Post-Construction Surveys. For each habitat, post-construction surveys and site photos shall document, at a minimum: the physical extent and acreage of all impacts; the activities that occurred within the area, including any vegetation clearance or death, or ground disturbance; and wetland delineations. Post-construction surveys shall be completed within 90 days of completion of project activities in the area and for impacts expected to be characterized as temporary, additionally document, at a minimum: the dates of initial and final project-related disturbance to the habitat; each vegetation community's species diversity, the relative cover of dominant and invasive vegetation species, and the vegetation community's age classes and/or size structure distributions.

B. If the Executive Director determines the actual project habitat impacts calculated in the impact validation report required under subpart A above substantially differ from anticipated habitat impacts projected in the permit application, the Permittee shall submit a revised Restoration Plan and/or habitat mitigation plan for the review and approval of the Executive Director proposing compensatory mitigation consistent with the following requirements:

i. Habitat impacts shall be mitigated onsite if feasible or offsite if necessary pursuant to the final approved revised Restoration Plan and/or habitat mitigation plan, in accordance with the following minimum ratios: Any impacts determined to qualify as short-term temporary shall be mitigated at a 1:1 ratio (acres of creation or substantial restoration/acres of impacts); long-term temporary impacts shall be mitigated at a 1.5:1 ratio; permanent impacts shall be mitigated at a minimum ratio of 3:1 for upland ESHA and riparian impacts and 4:1 for other wetlands, where these base ratios assume mitigation as habitat creation or substantial restoration and include no net loss of wetlands by a minimum 1:1 in kind habitat creation or substantial restoration. Alternatively, a functionally equivalent amount of habitat preservation and enhancement shall be met.

ii. The definitions of temporary and permanent impacts shall be as follows: “Short-term temporary impacts” are those that are restored within 12 months of initial construction activity disturbance; “Long-term temporary impacts” are those that may occur for up to a 24-month period from the initial disturbance but require no more than 12 months from the conclusion of construction activity disturbance to fully recover. Any impacts that do not meet these parameters shall be considered permanent impacts and mitigated for pursuant to sub-section A-iii of this special condition.

iii. The revised or supplemental plan shall be processed as an amendment to this CDP, unless the Executive Director determines that no amendment is legally required.

7. Final Revised Soil and Groundwater Management Plan.

A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT 1-23-0808, the permittee shall submit, for the review and approval of the Executive Director, a revised “Water and Soil Summary” that substantially conforms with the plan dated April 9, 2024 (Exhibit 8) except as modified by the following requirements:

i. Following initial excavation of the area planned for the bell holes to inspect the gas transmission pipeline and sniff holes to repair the pipeline, as applicable, five-point composite confirmation soil and sediment samples shall be collected from the walls and the floor of the excavation area to evaluate contaminant concentrations in remaining soils and sediment. Concentrations of contaminants shall be evaluated using environmental screening levels (ESLs) of significance that could be harmful to Humboldt Bay aquatic life using the San Francisco Regional Water Quality Control Board (SFRWQCB) ESLs for aquatic life (SFRWQCB 2019). Sampling results shall be submitted to the Executive Director for review and written approval.

ii. Following initial excavation of the area planned for the bell holes to inspect the gas transmission pipeline and sniff holes to repair the pipeline, as applicable, groundwater shall be containerized until a representative sample has been sampled and characterized. Concentrations of contaminants shall be evaluated using environmental screening levels (ESLs) of significance that could be harmful to Humboldt Bay aquatic life using the San Francisco Regional Water Quality Control Board (SFRWQCB) ESLs for aquatic life (SFRWQCB 2019). Sampling results shall be submitted to the Executive Director for review and written approval.

iii. If test results reveal that dioxins and furans (measured in TEQs) or other constituents of concern are encountered at ESLs of significance that could be harmful to Humboldt Bay aquatic life, the permittee shall submit an updated Soil and Groundwater Management Plan that provides additional recommendations to mitigate the potential for mobilization of constituents of concern. The revised plan shall be processed as an amendment to this CDP, unless the Executive Director determines that no amendment is legally required.

iv. If tests results reveal that dioxins and furans (measured in TEQs) or other constituents of concern are encountered at ESLs or significance that could be harmful to Humboldt Bay aquatic life, the permittee shall additionally submit, for the review and written approval of the Executive Director, a Debris Disposal Plan for the proper handling and disposal of contaminated soil, groundwater, and any other contaminated debris. The plan shall identify authorized disposal site(s) where materials will be lawfully disposed of and describe the manner and schedule by which the materials will be removed from the construction site. The Debris Disposal plan shall be processed as an amendment to this CDP, unless the Executive Director determines that no amendment is legally required.

B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

8. **Great Redwood Trail Agency (GRTA) Approval.** PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT 1-23-0808, the permittee shall submit to the Executive Director for review and written approval evidence that clearly demonstrates that the GRTA has formally agreed in writing that the permittee may undertake the proposed development within the railroad right-of-way pursuant to Coastal Development Permit 1-23-0808 and as conditioned by the Commission herein.

9. **Protection of Archaeological and Tribal Cultural Resources.**

A. If an area of tribal cultural and/or archaeological resources is discovered during ground-disturbing activities, all construction shall cease, and the permittee shall immediately notify and retain a tribal cultural resource specialist and, if needed, at the recommendation of the tribal cultural specialist, a qualified archaeologist to analyze the significance of the find in consultation with the Native American Tribes listed on the NAHC list. A qualified Archaeologist means qualified at a minimum by the California Office of Historic Preservation (OHP) standards. The tribal cultural resource specialist and archaeologist, if needed, shall immediately notify the Tribes on the NAHC list. Significance testing may be carried out only if acceptable to the affected Native American Tribe(s), in accordance with a Significance Testing Plan. An "exclusion zone" where unauthorized equipment and personnel are not permitted shall be established (e.g., taped off) around the discovery area that includes a reasonable buffer zone recommended by the monitor(s). Project activities may continue outside of the exclusion zone.

B. Should human remains be discovered on-site during the course of the project, immediately after such discovery, the on-site archaeologist and/or Native American monitor shall notify the county coroner within 24 hours of such discovery, and all construction activities shall be temporarily halted until the remains can be identified. An "exclusion zone" may be established around the discovery area. If the county coroner determines that the human remains are those of a Native American, the coroner shall contact the NAHC within 24 hours, pursuant to Health and Safety Code Section 7050.5. The NAHC shall deem the Native American most likely descendant (MLD) to be invited to participate in the identification process pursuant to Public Resources Code Section 5097.98. The landowner/permittee shall comply with the requirements of Section 5097.98 and work with the MLD person(s) to preserve the remains in place, move the remains elsewhere onsite, relinquish the remains to the descendants for treatment, or determine other culturally appropriate treatment. Within five (5) calendar days of notification to NAHC, the permittee/ landowner shall notify the Coastal Commission's Executive Director of the discovery of human remains and identify any changes to the proposed development or mitigation measures that may be needed related to the inadvertent discovery. The Executive Director shall maintain confidentiality regarding the presence of human remains on the project site. The Executive Director shall determine whether the identified changes are de minimis in nature and scope.

C. A permittee seeking to recommence project activities within an exclusion zone following discovery of tribal cultural and/or archaeological resources (excluding the discovery of human remains, which shall follow Section 5097.98 as noted in (B) above) shall submit a Supplementary Archaeological Plan (SAP) prepared by the project archaeologist in consultation with the Native American Tribes listed on the NAHC list. The SAP shall be submitted for the review and written approval of the Executive Director. If the Executive Director approves the SAP and determines that the SAP's recommended changes to the proposed development or mitigation measures are de minimis

in nature and scope, construction may recommence after this determination is made by the Executive Director in writing. If the Executive Director approves the SAP but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.

IV. Findings and Declarations

The Commission hereby finds and declares as follows:

A. Project Description

Pacific Gas & Electric (PG&E) proposes necessary inspection and repair activities at two locations (referred to as EC20-137B-C and EC20-137B-D) along an existing buried 8-inch gas transmission pipeline (Exhibits 1 and 3). The EC20-137B-C work area is approximately 2,174 square feet, and the EC20-137B-D work area is approximately 2,275 square feet. The pipeline (137B) was installed in the 1950s and crosses beneath a segment of abandoned railroad now owned by the Great Redwood Trail Agency.

PG&E proposes to “grub” (i.e., cutting vegetation close to the soil) and cover the work areas in construction matting to minimize ground disturbance, as necessary. PG&E will excavate two “bell holes” measuring 12 feet long by 10 feet wide by 10 feet deep (12’ x 10’ x 10’) around the pipeline in each work area (Exhibit 3) to allow for access and inspection. Shoring with steel of excavations will be necessary during construction to support the excavation for worker protection. Due to the presence of a high groundwater table, it is anticipated that water management (dewatering of excavated areas) will be necessary during excavation activities. Open sump pumps will transport discharge via a dewatering line to a filtration staging area located on South G Street for testing of the water prior to discharge. Pipeline repairs are dependent on the results of the inspections but could include recoating, installing a sleeve, or replacing an 8- to 10-foot segment of the pipeline in kind.

If after completing initial inspections PG&E determines that the subject section of pipeline needs to be replaced, two 6-foot-long by 6-foot-wide by 6-foot-deep (6’ x 6’ x 6’) “sniff holes” would be excavated to accommodate the replacement work (Exhibit 3). [A “sniff hole” is an excavation to the top of a pipeline where electronic gas indicators are placed to ensure no gas migrates to the welding location during pipeline replacement]. The northern sniff hole work area is 89 square feet, and the southern sniff hole work area is 342 square feet. The pipeline would not be expanded or enlarged and would be replaced in kind.

After the pipeline repairs are completed, excavations will be backfilled, construction materials and equipment will be removed, and the site will be restored to pre-construction conditions, including stabilizing soils with erosion control measures.

PG&E may use the following equipment at the site: excavator, backhoe, front loader, vacuum truck, work trucks, compressor, welding truck, x-ray truck, open sump pumps, and hand tools. Construction is expected to last approximately seven weeks.

B. Project Location and Environmental Setting

The project site is located at the southern end of the City of Arcata, within the Arcata Marsh and Wildlife Sanctuary, near the junction of U.S. Highway 101 and South G Street, in Humboldt County (Exhibit 1). The Arcata Marsh and Wildlife Sanctuary (AMWS) is located on the northeastern shoreline of Humboldt Bay and includes 307 acres of freshwater marshes, salt marshes, tidal sloughs, grassy uplands, mudflats, brackish marshes, approximately 5 miles of walking and biking paths, and a Visitor Interpretive Center. The AMWS is integrated with the City's Wastewater Treatment Plant (WWTP), which consists of a corporation yard (which houses the primary treatment plant, garages, and equipment) and a series of oxidation ponds, treatment wetlands, and enhancement marshes that are used to treat wastewater before discharging the effluent into Humboldt Bay.

The project site is immediately east of Butcher's Slough, which flows into Humboldt Bay near the project site. Wetlands are present within the project area, as discussed in Finding IV-G below. More broadly, the project site is bound by industrial development to the east, the WWTP corporation yard to the south, and marine and estuarine open space lands bounded by recreational trails to the west and north. The project site ranges from 3 to 5 feet above sea level and is primarily vegetated by non-native grasses and vines in the uplands, native grasses in the wetlands, and brackish and freshwater marsh vegetation along the tidally influenced slough channel.

Project staging and filtration staging are proposed along approximately 4,447 square feet of the west shoulder of South G Street, just north of the project site and directly across the street from 520 and 530 South G Street. Site access for construction is proposed along an existing paved pedestrian trail/bike path that enters the Arcata Marsh and Wildlife Sanctuary from the south near 600 South G Street.

C. Standard of Review

Although the City of Arcata has a certified Local Coastal Program (LCP), the project site is entirely within the Commission's retained permit jurisdiction, which includes tidelands, submerged lands, and areas shown on State Lands Commission maps over which the State retains a public trust interest. Therefore, consistent with Public Resources Code sections 30519(b), the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

D. Other Agency Approvals

The project requires no other agency approvals.

E. Evidence of Legal Interest in Subject Property

Under section 30601.5 of the Coastal Act, an applicant for a CDP does not need to be the owner of a fee interest in the property on which the proposed development is located as long as the applicant can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development, and as long as all holders or owners of any other interests of record in the affected property are notified in writing of the permit application and invited to join as co-applicants. In addition, section 30601.5 requires that the applicant demonstrate authority to comply with all conditions of approval prior to issuance of a CDP.

The applicant is not the legal owner of the properties on which the subject development will occur and therefore requires various authorizations to carry out the project. PG&E has provided copies of the easements that they hold through the City of Arcata's properties giving them the right to repair and maintain the portion of the pipeline that crosses through the City's land. In addition, PG&E has provided a copy of an encroachment permit from the City of Arcata to complete the proposed project. The project also requires authorization from the Great Redwood Trail Agency (GRTA), as the pipeline crosses beneath their railroad right of way. PG&E has not provided a copy of the final authorization from GRTA. Therefore, the Commission attaches **Special Condition 8** requiring the permittee submit evidence that GRTA has formerly agreed to allow PG&E to complete the proposed development within the railroad right-of-way prior to issuance of the subject CDP.

F. Permit Authority, Extraordinary Methods of Repair and Maintenance

Coastal Act Section 30610(d) generally exempts from Coastal Act permitting requirements the repair or maintenance of structures that does not result in an addition to, or enlargement or expansion of the object of the repair and maintenance activities. The proposed project qualifies as a repair and maintenance project, as it consists of inspection and potential repair/replacement in kind of a segment of an existing buried gas pipeline, and it does not involve an addition to or enlargement of the subject gas pipeline, which was originally installed in approximately 1958. The footprint of the existing pipeline will not be altered. Furthermore, while the reliability of the line will improve, the service provided will not be expanded. This proposed project would not result in any enhanced capacity or expansion of the existing gas pipeline.

However, even if a project qualifies as a repair and maintenance project under Section 30610(d), the Commission retains authority to review certain "extraordinary methods of repair and maintenance" of existing structures that involve a risk of substantial adverse environmental impact, as described in Section 13252 of the Commission's regulations.

Section 30610 of the Coastal Act states, in relevant part:

> *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.) states, in relevant part:

(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 riprap, 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.…

In this case, the proposed repair and maintenance project will occur within coastal wetlands (as discussed in Finding IV-G below) and has the potential to adversely impact water quality and other coastal resources. Therefore, the repair and maintenance method is extraordinary and requires a coastal development permit under Section 30610(d) of the Coastal Act.

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

G. Wetlands

Coastal Act Section 30233 states, in relevant part (emphasis added):

> *(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*
>
> [...]
>
> *(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
>
> […]
>
> *(b) Dredging and spoils shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation...*
>
> *(c) In addition to the other provision of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary...*

Section 30108.2 of the Coastal Act defines "fill" as "earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area." Additionally, the Commission has long considered grading, excavating, and other ground-disturbing activities in coastal wetlands, riparian areas and estuaries to be a form of dredging or fill.

As part of the permit application, PG&E submitted a Biological Constraints Report (Exhibit 5) that identified, located, mapped and evaluated biological resources within the project area and a 100-foot buffer around the proposed project that could potentially be impacted by the proposed project. Additionally, PG&E submitted a Wetland Delineation report that summarized the hydrology, soil, and vegetative conditions and mapped wetlands (Exhibit 6) within the project area and 100-foot buffer. The results of these two reports are summarized in the following paragraphs.

Freshwater emergent wetlands are present in the southern portion of the surveyed area and are dominated by a mix of woody and herbaceous vegetation, including coyote brush (*Baccharis pilularis*), red fescue (*Festuca rubra*), spear saltbush (*Atriplex patula*),

Himalayan blackberry (*Rubus armeniacus*), Pacific blackberry (*Rubus ursinus*), broadleaf cattail (*Typha latifolia*), water parsley (*Oenanthe sarmentosa*), and cinquefoil (*Potentilla anserina* ssp*. pacifica*). The proposed project will temporarily disturb a total of 0.023 acres (approximately 1,002 square feet) of freshwater emergent wetlands during construction, specifically 0.015-acre (approximately 653 square-foot) wetland in work area EC20-137B-C and a 0.008-acre (approximately 349 square-foot) wetland in work area EC20-137B-D. These anticipated wetland impacts would result from necessary staging and construction access to the buried pipeline, including covering work areas in composite construction matting, use of heavy equipment for adjacent excavation, and potentially vegetation trimming.

Other wetlands present in the surveyed area that will not be directly impacted by the project but could potentially be indirectly affected include riverine wetland habitat present in the southeast portion of the project area, saltwater marsh wetland in the western and central portion of the project area, and forested wetland habitat in the northern portion of the project area. The riverine wetland habitat is influenced by freshwater runoff from the pasturelands to the east, as well as the tides within the saltwater marsh to the west. The saltwater marsh wetland habitat is directly influenced by the tidal action on Humboldt Bay. Although much of this area is dominated by mudflat, vegetation observed at the site include seaside arrow-grass, Dense-flowered cordgrass, marsh jaumea (*Jaumea carnosa*), Humboldt Bay owl's clover (*Castilleja ambigua* ssp*. humboldtiensis*), slender pickleweed, and spear saltbush. The forested wetland habitat is dominated by broad-leaved deciduous trees and shrubs and is seasonally flooded. Dominant vegetation in this habitat consists of arroyo willow (*Salix lasiolepis*), Pacific blackberry, stickywilly (*Galium aparine*), and sweet vernal grass. Other species present in this habitat include velvet grass (*Holcus lanatus*), soft brome (*Bromus hordeaceus*), sword fern (*Polystichum munitum*), annual bluegrass (*Poa annua*).

The coastal sloughs and wetlands in and around the Arcata Marsh and Wildlife Sanctuary provide habitats suitable for various rare and sensitive species, including, but not limited to, northern red-legged frog (*Rana aurora aurora*),[1] which has suitable habitat within and around the project site and was observed immediately south of the project site in 2017. The project site is also within the Pacific Flyway, a major migratory corridor for many millions of birds travelling between California, Mexico, and Central and South America. The wetland habitats in the project work sites were determined to provide suitable habitat for one or more species of birds protected under the federal Migratory Bird Treaty Act. The project area provides nesting and roosting habitat for several species of migrating birds and also supports resident birds, as well as other types of wildlife species, such as amphibians.

Therefore, the staging, construction access, and potential vegetation clearing within wetlands necessary for conducting inspections and potential repairs to the gas transmission pipeline will disturb the wetlands and has the potential to disturb or harm

[1] Northern red-legged frog is a state species of special concern.

rare and sensitive wildlife associated with the wetlands, including nesting birds and special status amphibians and other aquatic species. As discussed in Section IV-E of this report, because the proposed project consists of repair and maintenance activities necessary for the safe operation of an existing pipeline, it is an allowable use of the wetlands as an incidental public service purpose to ensure the safety of existing pipelines. Furthermore, section 13252 of the Commission's regulations only requires the Commission to review consistency of the proposed methods of repair and maintenance with the Coastal Act's Chapter 3 policies, like section 30233, and not the consistency of the underlying existing development that is subject to the repair and maintenance activities.

The primary purpose of the proposed project is to inspect and repair an existing buried gas transmission pipeline to ensure the safe and continued use of the pipeline. Due to the location of the existing pipeline underground within wetlands and techniques necessary for pipeline inspection and testing, temporary impacts to wetlands are unavoidable. Thus, the only less environmentally damaging alternative would be the "no project" alternative. Under the "no project" alternative, the objectives of the project would not be met. As the project is necessary to maintain the pipeline, the "no project" alternative is not a feasible, less environmentally damaging alternative to the proposed project as conditioned.

PG&E has proposed several measures intended to reduce the environmental impacts of the proposed repair and maintenance activities while still achieving safety goals around utility infrastructure (Exhibit 4). These include various measures to protect water quality, including, but not limited to, the following: (1) protecting existing vegetation by limiting disturbance to designated work areas; (2) using geotextiles and mats to reduce erosion, stabilize soil, and/or retain moisture for plant growth; (3) reduce sediment and runoff by implementing silt fencing, biodegradable fiber rolls, protecting storm drain inlets within 200 feet downgradient of construction activities, covering stockpiles prior to qualifying storm events and during rain events, and storing materials away from watercourses; and (4) minimizing the risk of pollutants from contaminating wetlands and watercourses by ensuring solid waste is contained in areas or receptacles designed for such waste, preventing the discharge of pollutants by ensuring washout locations are secured and contained, and requiring spill cleanup supplies are kept onsite at all times. The Commission attaches **Special Conditions 1-A(i-xii)** to require implementation of these appropriate water quality protection measures.

Additionally, PG&E has proposed to implement a variety of protective measures to minimize habitat disruption and other environmental impacts associated with the vegetation clearing activities (Exhibit 5, pg. 19-20). These include field protocols identified in the Biological Constraints Report (Exhibit 5), submitted as part of the application. The field protocols include, but are not limited to the following: (1) parking vehicles and equipment on pavement, existing roads, or other disturbed areas; (2) minimize potential for covered species to become trapped, injured, or killed in pipes, culverts, or under materials or equipment by inspecting pipes and culverts prior to moving pipes and culverts; (3) stockpile soil within established work site boundaries and locate stockpiles so as not to enter water bodies, stormwater inlets, other standing

bodies of water; (4) prohibit vehicular and equipment refueling within 250 feet of the edge of wetlands, streams, or waterways, and if refueling must be conducted closer to wetlands, construct a secondary containment area subject to review by an environmental field specialist and/or biologist; and (5) identify wetlands, ponds, and riparian areas and establish and maintain a buffer of 50 feet around wetlands, ponds, and riparian areas and if maintaining the buffer is not practicable the field crew will implement other measures, such as flagging access, as prescribed by the biologist to minimize habitat impacts. The Commission attaches **Special Conditions 1-A(i-xii)** to require implementation of these habitat protection measures.

Although the numerous measures listed above proposed by the applicant are appropriate to protect water quality and surrounding sensitive habitats, in some cases they are not specific enough to ensure the protection of amphibians and other aquatic wildlife, nesting birds, and other rare/listed species. For example, nesting bird protection as proposed by the applicant (Exhibit 5, FP-18) requires that nests with eggs and/or chicks be avoided and that if discovered, work will be stopped until the crew can obtain clarification from a biologist or the Avian Protection Program Manager on how to proceed. While this field protocol is important, it is not as proactive as the nesting bird protections set forth in Special Condition 4, including but not limited to requiring pre-construction nesting surveys. Therefore, the Commission attaches the following conditions to further protect the surrounding habitat.

To minimize the significant disruption of habitat values in wetlands and sensitive habitat, the Commission attaches **Special Condition 2**, which requires the appointment of a qualified biologist to be present on site during all project activities within or adjacent to wetlands 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 2-B**, 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 ensure potential impacts to amphibians and other aquatic wildlife are avoided, the Commission includes **Special Condition 3**, which requires avoidance of rare/listed species within all active work areas. Special Condition 3 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, the Commission includes **Special Condition 4**, which requires PG&E to conduct nesting bird surveys within and adjacent to the project sites within a week of any project activities that would occur during the bird nesting season (defined as March 1 through August 15). If any active nests of special status species are present in the area, 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 4-B** additionally requires the project biologist to monitor active nests, enforce protective buffers, and implement other measures necessary to protect active nests.

In addition to the various measures to avoid and minimize impacts to wetlands and the wildlife within them discussed above, as part of the permit application PG&E submitted a Restoration Plan prepared by Integral Consulting Inc. dated October 2023 (Exhibit 7). PG&E proposes to restore both work sites (EC20-137B-C & EC20-137B-D), including temporarily impacted wetlands and non-wetlands, to pre-construction conditions. Table 1 below shows the performance standards and success criteria proposed in the Restoration Plan.

Table 1. Performance Standards

Performance Standard	**Success Criteria**
1. Minimum percent of reference site absolute cover of native vegetation	No less than reference site
2. Minimum percent of reference site native species richness	No less than reference site
3. Cover of “High” Cal-IPC species	Less than or equal to reference sites

Since the proposed Restoration Plan does not describe clear minimum standards by which to measure the success of the restoration, the Commission attaches **Special Condition 5**. This condition requires the permittee to submit a revised Restoration Plan for the Executive Director’s review and approval that clarifies that temporarily disturbed wetlands shall be restored, provides revegetation details, and provides final success criteria for the restoration site related to plant species diversity, invasive species coverage, and evidence that the area displays indicators of wetland hydrology.

PG&E will submit a monitoring report that documents site conditions one year after completion of construction. The report will compare monitoring results with the final performance standards to indicate the extent to which the disturbed areas were successfully restored to pre-construction conditions within the year following construction. Aside from post-construction spreading of native seed mix, work areas are planned to be restored through passive restoration. However, if monitoring demonstrates that passive restoration has not achieved site recovery after one year, Special Condition 5-B requires PG&E to submit a revised or supplemental plan to compensate for those portions of the original plan that did not meet the approved success criteria.

To ensure that any unanticipated wetland impacts are appropriately restored and, if needed, mitigated for as well, the Commission also includes **Special Condition 6-A,** which requires the permittee to submit a Habitat Impact Validation Report. The report will include pre- and post-construction evaluations of the vegetation in the work areas to verify the extent of impacts. If the report demonstrates that the actual project habitat impacts substantially differ from anticipated habitat impacts following completion of construction activities, Special Condition 6-B requires that the permittee submit an updated Restoration Plan that provides additional recommendations to mitigate for the impacts to wetlands.

Therefore, as conditioned, the Commission finds that the project includes all feasible mitigation measures to minimize all potential significant adverse impacts to wetlands consistent with Section 30233 of the Coastal Act.

H. Protection of Marine Resources and Water Quality

Section 30230 of the Coastal Act states (emphasis added):

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

Section 30231 of the Coastal Act states (emphasis added):

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

Section 30232 of the Coastal Act states (emphasis added):

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

As discussed in previous section, the project site is largely surrounded by wetlands and sloughs. Therefore, adverse impacts to the water quality of the wetlands, sloughs, and Humboldt Bay could potentially occur as a result of various project activities, including inadvertent sedimentation and discharge of fuels, lubricants, and debris.

However, as discussed in previous sections, **Special Condition 1** requires PG&E to adhere to the BMPs proposed in the permit application to minimize erosion and the discharge of sediment and pollutants during and post-construction and control runoff.

As part of their permit application PG&E also submitted a Water & Soil Summary, which includes proposed measures to address potentially contaminated soil and groundwater. Because of the longstanding historical use of the site as a lumber mill, there are likely to be contaminants of concern on the property – including dioxins and furans. From the 1950s through the 1980s, lumber mills around Humboldt Bay used the wood preservative pentachlorophenol ("penta"), which was inadvertently dispersed into the environment through the use of dip tanks for treating lumber and through the use of conical burners to burn treated wood waste. Given the likely presence of dioxins and furans in the surrounding area, excavation required for inspection of the gas transmission pipeline in potentially contaminated soil could result in mobilization or discharge of contaminants to groundwater, which is likely hydrologically connected to Humboldt Bay. As no known appropriate testing has been completed in this area, the status of contamination in the area proposed for ground disturbance is unknown.

Although many of the measures included in PG&E's Water and Soil Summary are appropriate (such as containing groundwater until a representative sample is characterized, filtration of groundwater prior to discharge, and halting work if visual or olfactory observations indicate the presence of contaminated soil/groundwater), additional measures are required to ensure that ground disturbance associated with the gas transmission pipeline inspection and repair, does not inadvertently mobilize or discharge constituents of concern to the Humboldt Bay environment. For example, the plan does not require the sampling of soil or groundwater following initial excavation and does not specify the environmental screening levels (ESLs) of significance to evaluate the concentration of contaminants.

Thus, to ensure no contaminated soils or groundwater degrade the water quality of surrounding wetlands and sloughs, the Commission includes **Special Condition 7** which requires submittal and approval by the Executive Director of a revised Soil and Groundwater Management Plan. The Soil and Groundwater Management Plan will require that five-point composite confirmation soil and sediment samples be collected from the walls and the floor of the excavation area to evaluate contaminant concentrations in remaining soils and sediment. Dewatered groundwater will similarly be contained and tested. Concentrations of contaminants shall be evaluated using environmental screening levels (ESLs) of significance that could be harmful to Humboldt Bay aquatic life using the San Francisco Regional Water Quality Control Board (SFRWQCB) ESLs for aquatic life (SFRWQCB 2019). If test results reveal that dioxins and furans (measured in TEQs) or other constituents of concern are encountered at ESLs of significance that could be harmful to Humboldt Bay aquatic life, the permittee shall submit an updated Soil and Groundwater Management Plan that provides additional recommendations to mitigate the potential for mobilization of constituents of concern and shall submit a Debris Disposal Plan to ensure the materials are properly disposed of.

Therefore, as conditioned, the Commission finds that the project includes all feasible mitigation measures to minimize all potential significant adverse impacts on water quality consistent with Sections 30230, 30231, and 30232 of the Coastal Act.

I. Public Access

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from overuse. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects, except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or where adequate access exists nearby. Section 30211 of the Coastal Act requires that development not interfere with the public's right to access gained by use or legislative authorization. Section 30214 of the Coastal Act provides that the public access policies of the Coastal Act shall be implemented in a manner that takes into account the capacity of the site and the fragility of natural resources in the area. In applying sections 30210, 30211, 30212, and 30214, the Commission is also limited by the need to show that any denial of a permit application based on these sections or any decision to grant a permit subject to special conditions requiring public access is necessary to avoid or offset a project's adverse impact on existing or potential access.

The subject site is located between the first public road and the sea and is surrounded by existing public access trails within the Arcata Marsh and Wildlife Sanctuary (AMWS). As described in Section IV-B, the AMWS includes approximately five miles of pedestrian and bicycle trails, a public boat launch and an interpretive center. The trail system within the AMWS connects to the Humboldt Bay Trail and is an important public access point to Humboldt Bay.

The project will have some temporary, minor impacts on public access. During the extent of repair and maintenance activities, which is expected to last approximately seven weeks, three public parking spaces will be closed for use by the general public to be used for construction parking. There are approximately 40 parking spaces at the South G Street entrance to the Arcata Marsh and Wildlife Sanctuary, therefore the majority of public parking will remain open for public use. Furthermore, additional public access parking for the AMWS is available 500 feet north on South G Street as well as various at other locations near trail access points on South H Street and South I Street. Signage directing the public to the additional available parking will be placed in the parking lot.

Additionally, a small portion of the trail connecting the Arcata Marsh Interpretive Center to the Humboldt Bay Trail, which is a segment of the California Coastal Trail, will be closed to pedestrian and bicycle traffic during construction to ensure public safety during the project activities. A detour alternative for pedestrian and bicycle traffic will be established along the shoulder of South G Street that is contiguous with the surrounding public paths. Refer to Exhibit 9 for the Traffic Control Plan submitted as part of the permit application.

To ensure that impacts to public access are minimized, the Commission attaches **Special Condition 1-B** which requires the applicant to adhere to the Traffic Control Plan submitted as part of the application. The Traffic Control Plan includes an alternate route for pedestrian and bicycle traffic due to closure of a portion of the public trails. Special Condition 1-B ensures that the detour will be contiguous with the surrounding paths and that the closure of the trail shall promptly cease after the authorized development is complete.

The Commission thus finds that the proposed development, as conditioned, will not have any significant adverse effects on public access and is consistent with the requirements of the Coastal Act sections 30210, 30211, 30212, and 30214.

J. Parks and Recreation Areas

Section 30240 of the Coastal Act states, in applicable part (emphasis added):

> *…(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.*

As described in Section IV-A of this report, the project site is located in the northeastern portion of the Arcata Marsh and Wildlife Sanctuary, a significant habitat and recreation area that includes 307 acres of freshwater marshes, salt marsh, tidal sloughs, grassy uplands, mudflats, brackish marsh, approximately 5 miles of walking and biking paths, a boat launch and an Interpretive Center.

As described in previous sections, there will be some unavoidable habitat and public access impacts. However, these impacts will be short-term and temporary and various measures will be implemented to minimize them and restore temporarily impacted areas to pre-construction conditions. To ensure PG&E implements the various habitat protection and impact minimization measures as proposed, the Commission attaches **Special Condition 1,** which incorporates PG&E's proposed best management practices and requires adherence to the proposed Traffic Control Plan and prompt reopening of the temporarily closed public access areas. To ensure that all disturbed areas are fully restored as proposed, the Commission attaches **Special Condition 5,** which requires finalization and implementation of a site Restoration Plan.

Therefore, the Commission finds that the proposed development, as conditioned, will prevent impacts that would significantly degrade the adjacent recreation area, consistent with the requirements of Coastal Act section 30240.

K. Archaeological and Tribal Cultural Resources

Section 30244 of the Coastal Act 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 Wiki division of the Wiyot Tribe. The Tribe is understood to have included three tribal divisions (Patawat, Wiki, and Wiyot), each associated with a water-related resource (the Mad River, Humboldt Bay, and the lower Eel River, respectively) and each speaking a common language (Selateluk). Settlements existed all around Humboldt Bay and along the banks of many of the streams and sloughs in the region. 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. Although the project site has been disturbed in the past, there is still the potential for buried archaeological and/or tribal cultural resources to occur within the project area and, therefore, for the proposed ground disturbing activities to incidentally impacts these resources.

As part of the application, PG&E submitted a Cultural Resources Report, prepared by Stantec Consulting Services and dated September 22, 2023. The report found that no previously recorded cultural resources were identified within the project area of potential effect (all areas of potential ground disturbance and a 100-foot radial buffer around excavations) and no new cultural resources were identified during the field survey. The report concluded that since neither the CHRIS records search, secondary research, a pedestrian survey, and buried site sensitivity analysis identified any cultural resources within the project area of potential effect (APE), the sensitivity analysis for the APE was considered low to moderate and that no additional fieldwork or project monitoring was recommended. Since there is always a possibility that buried archaeological deposits could be discovered during construction, recommendations regarding inadvertent discovery were included in the report.

In December 2023, Commission staff referred the project to the tribal representatives with known interest in the project area region, consistent with the Commission's adopted Tribal Consultation Policy[2]. To date, Commission staff has not heard from any of the contacted tribal representatives regarding the subject project. However, to ensure protection of any cultural resources that may be discovered at the site during construction, the Commission attaches **Special Condition 9**. This special condition requires that if an area of cultural deposits is discovered during the course of the project, all construction must cease and a qualified cultural resource specialist must analyze the significance of the find in conjunction with the THPOs for the Wiyot Tribe, the Bear River Band of Rohnerville Rancheria, and the Blue Lake Rancheria. To recommence construction following discovery of cultural deposits, the applicant is

[2] https://documents.coastal.ca.gov/assets/env-justice/tribal-consultation/Adopted-Tribal-Consultation-Policy.pdf

required to submit a supplementary archaeological plan for the review and approval of the Executive Director, who determines whether the changes are de minimis in nature and scope, or whether an amendment to this permit is required.

As thus conditioned, the Commission finds the proposed project is consistent with Coastal Act section 30244.

L. California Environmental Quality Act (CEQA)

Section 13906 of the Commission's administrative regulations requires Coastal Commission approval of CDP applications to be supported by a finding showing the application, as modified by any conditions of approval, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are any feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission's review, analysis, and decision-making process for CDPs and CDP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, this report has discussed the relevant coastal resource issues with the proposal and the Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. All public comments regarding potential significant adverse environmental effects of the project received by the Commission prior to preparation of the staff report have been addressed. As discussed above, the proposed project has been conditioned to be consistent with the policies of the Coastal Act. As specifically discussed in these above findings, which are hereby incorporated by reference, 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 that would substantially lessen any significant adverse impacts, either individually or cumulatively, that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and thus conforms with CEQA.

APPENDIX A

SUBSTANTIVE FILE DOCUMENTS

CDP Application File No. 1-23-0808 (initially received 10/27/2023)