



COUNTY OF HUMBOLDT

For the meeting of: 12/5/2024

File #: 24-1642

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Pacific Gas and Electric, Humboldt Bundle #5 Tree Removal Coastal Development Permit (CDP) and Special Permits (SP)
Record Number: PLN-2024-19052
Assessor Parcel Numbers (APN): 517-155-006, 517-155-015, 518-012-002, 518-012-007, 518-012-025, 518-012-026, 518-012-027, 518-062-004, 518-072-007, 518-072-008, 518-075-001, 518-075-003, 518-075-005, 518-112-006, 518-072-007, 518-072-002, and 518-062-021
Freshwater Lagoon to Orick Area

A Coastal Development Permit (CDP) and Special Permit (SP) to authorize vegetation management activities under or adjacent to Pacific Gas & Electric Company's (PG&E) Essex Junction - Orick 60 kilovolt (kV) transmission line. PG&E is requesting the permit as the owner operator of the electrical infrastructure. The proposed scope of work includes the removal of 80 trees at 75 locations. A Special Permit is required for major vegetation removal under Section 313-64.1 of the Humboldt County Zoning Regulations. No subsurface disturbance will occur during these activities. This work is along existing PG&E distribution lines and would not introduce new infrastructure. Tree crews will use existing roads to bring vehicles and equipment close to the work areas. Vehicles and equipment will remain on existing roads and trees will be accessed on foot. A Special Permit is required for Design Review as necessary.

RECOMMENDATION(S):

That the Planning Commission:

Adopt the Resolution (Attachment 1) which does the following:

- a. Finds the proposed project complies with North Coast Area Plan, and the Zoning Ordinance; and
- b. Finds the project exempt from CEQA pursuant to Section 15301 *Existing Facilities* and Section 15304 *Minor Alterations to Land* of the CEQA Guidelines, and that there is no substantial evidence that the project will have a significant effect on the environment;

and

- c. Approves the Coastal Development Permit and Special Permits subject to the recommended conditions of approval (Attachment 1A).

DISCUSSION:

Project Location:

This project is in Humboldt County, along PG&E's Essex Junction - Orick 60 kilovolt (kV) transmission line. The project area runs from the Freshwater Lagoon Area just south of Orick to the Big Lagoon area.

Table 1: Present General Plan Land Use Designation, Present Zoning, Slope Stability

APN	Property Address	Coastal Zone Jurisdiction	Land Use Designation ¹	Zoning Designation	Slope Stability
517 155 006	N/A	Local	TC	PR/E,W,D,F,R	M
517 155 015	N/A	Local	T;TC	TPZ/E,F,R	D
518 012 002	N/A	Appeal	PR,TC	PR/AEWDBFR;NR/W	3
518 012 007	N/A	Local	PR,TC	PR/A,E,W,D,B,F,R	D
518 012 025	N/A	Local	TC	TPZ/E,R	3
518 012 026	N/A	Local	PR,TC	PR/A,E,W,D,B,F,R	3
518 012 027	N/A	Local	PR,TC	PR/A,E,W,D,B,F,R	D
518 062 004	N/A	Local	AG	PR/E,D	2
518 072 007	N/A	Appeal	RR	RA-10-M/A,E,W,D	D
518 072 008	N/A	Local	TC	TC/E,D,R	C
518 075 001	N/A	Appeal	TC	TPZ/E,W,D	C
518 075 003	N/A	Local	AG	PR/E,D	2
518 075 005	N/A	Local	TC	TPZ/E,W,D	C
518-112-006	N/A	Local	TC	TPZ/E,W,D,R	2

518 072 007	N/A	Appeal	RR	RA-10-M/A,E,W,D	D
518 072 002	N/A	Local	RR,TC	TPZ/E,W,D,R	C
518 062 021	265 McDonald Creek Rd.	Local	AEP,CR	AE-60/EDFR;CR/EDFR	C
¹ (NCAP) North Coast Area Plan					

Density: Various.

Environmental Review:

Project is exempt from environmental review per Section 15301 *Existing Facilities* and Section 15304 *Minor Alterations to Land* of the CEQA Guidelines.

State Appeal: The project is appealable to the California Coastal Commission.

Major concerns: None.

Executive Summary: Pacific Gas and Electric seeks a Coastal Development Permit (CDP) and Special Permit (SP) to authorize vegetation management activities under or adjacent to the Essex Junction - Orick 60 kilovolt (kV) transmission line. Pacific Gas & Electric Company (PG&E) is requesting the permit as the owner operator of the electrical infrastructure. The proposed scope of work includes the removal of 80 trees at 75 locations. The purpose of the vegetation removal is to maintain safe and reliable electric service and mandated clearance to comply with federal and State regulatory requirements for public safety and fire prevention. As Indicated in the Table 1 above, the work would be performed on or directly adjacent to 18 individual Assessor’s parcels, within the local and appeal jurisdiction of the Coastal Zone. A Special Permit (SP) is required because the diameter of the trees to be removed exceeds 12-inches diameter at 4-1/2 feet above the ground and are subject to Humboldt County Code Section 313-64.1 *Major Vegetation Removal* of the Zoning Regulations. Details on tree species, location, diameter, height, and work type can be found in Attachment 2A. Additionally, a Special Permit is required for Design Review where necessary.

Tree crews will use existing roads to bring vehicles and equipment close to the work areas. Vehicles and equipment will remain on existing roads and trees will be accessed on foot. The equipment to be utilized includes hand tools, bucket trucks, chippers, and chainsaws. All cut vegetation will be either lopped and scattered or dragged off-site and chipped if accessible. Herbicide use is not prescribed as part of project activities.

Based on Attachment 2A, Work Areas and Scope of Work, 80 total trees, including: 17 alder, 34 coast redwood, three douglas fir, six grand fir, one hemlock, 18 spruce, and one willow tree will be cut

down.

A Biological Constraints Report (Biological Report) was prepared by Stantec Consulting on March 20, 2024 (Attachment 2B). As noted in the Biological Report, desktop review of the project area indicated the associated vegetation management work proposed by the applicant has the potential to affect five special-status animal species and nesting birds. The work areas fall within the coverage area for the PG&E Multiple Region Operations and Maintenance Habitat Conservation Plan (MRHCP), under which the work activities are classified as E10a (Vegetation Management -Routine Maintenance). All work will adhere to the Best Management Practices (BMPs) established in the MRHCP. Several vegetation types and plant communities are located within work areas, oak woodland, mixed conifer, redwood, riparian, and ruderal/landscaped areas. The biological report notes that the project work areas may include suitable habitat for: marbled murrelet, *Brachyramphus marmoratus*, northern spotted owl, *Strix occidentalis caurina*, winter run steelhead, *Oncorhynchus mykiss irideus*, and the tidewater goby, *Eucyclogobius newberryi*.

Critical habitat for Marbled Murrelet overlaps all work areas (except 72, 76, and 84), which involve removal of one Hemlock (*Tsuga* sp.) with a 45-inch diameter breast high (dbh) and 147-foot height, eleven coastal redwoods (*Sequoia sempervirens*) ranging between 26-69-inch dbh and 100-193 foot height, and eight spruce trees (*Picea* sp.) ranging between 26-99 inch dbh and 108-202 foot height. These trees may provide suitable nesting habitat, however, given the limited scope of work, selective removals of hazard trees, and with the implementation of the Avoidance and Mitigation Measures (AMM) in the Multiple Region Operations and Maintenance Habitat Conservation Plan (MRHCP), impacts to Physical and Biological Features will be minimized. Critical habitat for steelhead (northern California DPS) and the tidewater goby is within 250 feet of Work Areas 60, 188, and 192; however, Work Area 188 is across Highway 101 from the aquatic resource. With implementation of the AMM's no impacts are anticipated to aquatic species as work will not be in the aquatic habitat.

With the implementation of Avoidance and Minimization Measures (AMMs) and Best Management Practices (BMPs), the project will minimize impacts to protected habitats, special-status species, roosting bats, and nesting birds to a less than significant level.

Per the Biological Report, work associated with the project falls within PG&E's *Multi Region Operations and Maintenance Habitat Conservation Plan* (MRHCP). All work locations fall under the MRHCP activity type E10a (Vegetation Management Routine Maintenance). The MRHCP provides PG&E with federal take authorization for all gas and electric operation and maintenance activities in the Plan Area during the 30-year permit term. In addition, PG&E proposes implementation of standard Vegetation Management best management practices (BMPs) and Avoidance and Mitigation Measures (AMMs) in accordance with the MRHCP. Implementation of these practices and measures would minimize impacts. Conditions of approval require implementation of these measures (**Condition of Approval 2**) and prohibit the use of herbicides under the project (**Condition of Approval 4**) to ensure impacts associated with the project are minimized.

Tree removal on property utilized for residential and public use is an allowed accessory use of land in all the zoning districts listed in Table 1 above. Due to the adjacency to critical public infrastructure the proposed tree removal is deemed consistent with the design review criteria needed to make a finding of approval for the special permits in the D combining zone. Where the tree removal is to involve a commercial species and generate a profit, the tree removal would constitute commercial timber production, and a use permit would be required. In the present case, the tree removal would not constitute commercial timber production because the removal will not result in a net profit after deducting the cost of permitting and tree removal. The project is conditioned to require the applicant to furnish documentation verifying that the activity at completion is not a for-profit operation. If the property owner requests it, the fallen trees will be left onsite.

The proposed development is consistent with the purposes of the combining zones that are in place for the subject parcels. Combining zones existing in the project area are the: Archaeological Resource Area Outside Shelter Cove (A), Beach and Dune Area (B), Design Review (D), Coastal Elk Habitat (E), Flood Hazard Area (F), Manufactured Home (M), Streams and Riparian Corridor (R), and Coastal Wetlands (W) combining zones in which the sites are located. Technical documentation has been submitted showing that the vegetation removal is consistent with applicable development standards of the zone districts. As previously discussed, the project is not anticipated to have significant impacts on sensitive species, watercourses, or sensitive habitats, and, due to the lack of ground disturbance associated with the project, it is anticipated there would be a low risk of impacting cultural resources. Additionally, the project would not be anticipated to significantly impact beach and dune areas, coastal elk habitat, rocky intertidal areas, streams and riparian corridors, or coastal wetlands. However, to ensure potential impacts are minimized to the greatest extent feasible, the applicant proposes implementation of best management practices (BMPs) related to protection of biological and cultural resources. Conditions of approval require implementation of the BMPs, as well as prohibiting the use of herbicides under the project to ensure impacts associated with the project are minimized.

The project was referred to the Northwest Information Center, the Bear River Band of the Rohnerville Rancheria, the Blue Lake Rancheria, The Big Lagoon Rancheria, and the Trinidad Rancheria on May 30, 2024. The proposed vegetation management work requires standard Best Management Practices (BMPs) and the Resource Protection Measures identified with the Cultural Resources Summary (CRS) submitted with the application and kept on file with the Humboldt County Planning Department. Conditions of approval include the Inadvertent Discovery and Human Remains protocols as well as compliance with the resource protection measures identified in the CRS.

Per comments received from the Department of Public Works, Land Use Division in August 8, 2024, the Department issues Annual Encroachment Permits to utility companies. PG&E obtains an Annual Encroachment Permit yearly from this Department and is responsible for complying with the terms of the encroachment permit (see **Conditions of Approval 5-10**). Any work to occur within the State right

-of-way would require an Encroachment Permit from the California Department of Transportation (Caltrans). The project was referred to Caltrans on 05/30/2024. No response was received from Caltrans however, worksites 8, 49, 50, and 53 -58 may require crews to access the trees from the shoulder of Highway 101. As such, a site-specific encroachment permit would be required to park and stage equipment within the Caltrans-controlled access right-of-way. A single permit could likely be issued, which would cover all locations within the State right-of-way where access to the trees would be needed. Conditions of approval require obtaining an Encroachment Permit from Caltrans, as necessary, for any work to be performed within the State right-of-way (**Condition of Approval A.11**).

A similar permit for PG&E vegetation maintenance was approved by the Zoning Administrator on July 6, 2023 (Attachment 4). Prior to approval, and during the public hearing, the Zoning Administrator added the following two conditions to the conditions of project approval for the project due to public concerns regarding vegetation management on their properties:

Prior to the removal or pruning of any trees, the landowners whose property over which the Pacific Gas and Electric Easement lies as well as any adjacent property owners, the removal/pruning of those trees shall be coordinated with the property owners. Pacific Gas and Electric shall attempt to coordinate with the property owners a minimum of three times, two of which shall be in writing, before removal and or pruning commences. If after three (3) attempts there is no response from the property owner, Pacific Gas and Electric is free to pursue the vegetation management.

And

Pacific Gas and Electric shall promptly remove all brush piles from the project site. No dead/dying piles of vegetation shall be left unless expressly requested it be left for the property owner's private use.

During PG&E vegetation maintenance associated with the approved permit, complaints were received from landowners who assert that no correspondence or communications from PG&E were received for several of the vegetation removal visits to the subject parcels and that brush piles have been left on-site. During discussions between Department Staff and PG&E regarding the landowner complaints, PG&E expressed that it was difficult reach out to landowners more than one time in writing as conditioned; however, it is current practice to attempt at least three times to contact the property owners and/or customer of record on properties where vegetation management inspections or tree work is planned, and that automated notifications go out via Email, Text, and/or Interactive Voice Response to property owners/customers in the project area prior to the start of their inspection or tree work, to inform them that work is occurring in their area. Regarding requirements and standard practices for leaving materials on property, PG&E stated that tree branches and limbs that are less than four inches in diameter are either chipped and hauled away or cut into smaller pieces and spread on site. Larger wood remains in a safe position on site as this wood legally belongs to the property owner.

After consideration of the information received from PG&E, Staff has developed the following two

modified conditions which have been added to the conditions of approval for this project as **Conditions of Approval 13 and 14.**

Prior to the removal or pruning of any trees covered under this permit, the landowners whose property over which the Pacific Gas and Electric Easement lies shall be notified, with at least one notification in writing a minimum of ten days prior to the action.

And

Pacific Gas and Electric shall promptly chip and haul away or lop and scatter all less than 4-inch diameter material from the project site. Wood greater than 4 inches in diameter shall be left for private use unless removal is requested and authorized by the property owner. On site chipping and grinding activities, including land application of processed materials, are acceptable for management of wood waste provided they do not create a nuisance, or public health and safety hazard. On site burial of wood waste and slash is not permitted by state and local regulations. There may be situations where PG&E is unable to relocate or haul wood due to safety, environmental or accessibility concerns.

There had been some discussion with PG&E's agent regarding modifying conditions 13 and 14 for vegetation removal projects; the modified conditions above are acceptable to the applicant and compatible with the findings made in resolution.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have recommended approval or conditional approval. (Attachment 3)

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Planning Commission could elect to add or delete conditions of approval. The Planning Commission could deny approval if unable to make all the required findings. Staff has concluded the required findings in support of the proposal can be made. Consequently, staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval
 - B. Project Description
 - C. Site Plans
2. Applicant's Evidence in Support of the Required Findings

- A. Project Location Tree Data and Scope of Work
 - B. Biological Constraints Report
 - C. Vegetation Management and Erosion Control - Best Management Practices
 - D. Multi-Region HCP Measures - General Field Protocols
3. Referral Agency Comments and Recommendations
- A. Humboldt County Department of Public Works, Land Use Division
4. Zoning Administrator Resolution 23-067

APPLICANT, OWNER, AGENT, AND PLANNER INFORMATION:

Applicant

Pacific Gas & Electric Company, 850 Stillwater Road, Sacramento, CA 95605

Owners

State of California, State Parks, Po Bx 2006, Eureka, CA. 95502

California Redwood Company, 1301 5Th Ave #2700, Seattle, WA. 98101

Green Diamond Resource Company, 1301 5Th Ave #2700, Seattle, WA. 98101

Redwood National Park, 1111 Second Street, Crescent City, CA 95531

Two Crows Country Llc Co, 9890 Bodega Hwy, Eureka, CA. 95503

Agent

None

Please contact Andrew Whitney, Associate Planner, at 707-268-3735 or by email at awhitney2@co.humboldt.ca.us <<mailto:awhitney2@co.humboldt.ca.us>>, if you have any questions about the scheduled item.