



# COUNTY OF HUMBOLDT

For the meeting of: 12/5/2024

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File #: 24-1643

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**To:** Planning Commission

**From:** Planning and Building Department

**Agenda Section:** Consent

**SUBJECT:**

Pacific Gas & Electric Company Vegetation Management and Tree Removal Coastal Development Permit and Special Permits

Record Number: PLN-2023-18263

Assessor Parcel Numbers: 501-201-034, 508-191-014, 508-224-047, 513-151-008, 515-041-013, 515-041-020, 515-141-008, 515-151-029, 515-251-003, 517-101-001, 517-111-001, 517-121-005, 517-121-011, 517-131-016, 518-051-018, 518-072-008, 518-075-003, 519-311-012, and 520-211-001

Orick, Big Lagoon, Trinidad, and Arcata areas

A Coastal Development Permit (CDP) and Special Permits (SP) to allow Pacific Gas & Electric Company (PG&E) to perform vegetation management along the Orick 1102, Big Lagoon 1101, Trinidad 1102, Trinidad 1101, Arcata 1105, and Arcata 1122 12-kilovolt (kV) electrical distribution lines. Work would include the removal of 27 trees at 27 locations. A Special Permit is required for major vegetation removal under Section 313-64.1 of the Humboldt County Zoning Regulations. Equipment to be utilized for this project will include hand and gas-powered tools (chainsaws, hand saws, pruners, chipper, and lift truck where accessible). No ground disturbance in the form of excavation is associated with this work, nor would herbicide be utilized. Tree crews will use existing roadways, driveways, and hiking trails as appropriate. No development is proposed under the project. A Special Permit is required for Design Review where necessary.

**RECOMMENDATION(S):**

That the Planning Commission:

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

- a. 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
- b. Finds the proposed project complies with the Humboldt Bay Area Plan, McKinleyville

Area Plan, Trinidad Area Plan, North Coast Area Plan, and the Zoning Ordinance; 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 located in Humboldt County, along several of PG&E's transmission and distribution lines: Orick 1102 12kV, Big Lagoon 1101 12kV, Trinidad 1101 12kV, Trinidad 1102 12kV, Arcata 1105 12kV, and Arcata 1122 12kV.

**Present General Plan Land Use Designation, Present Zoning, Slope Stability:**

APN	Property Location	Coastal Zone Jurisdiction	Land Use Designation <sup>1</sup>	Zoning Designation	Slope Stability
501-201-034	461 Indianola Road, Bayside	Local	Residential Estates (RE2.5-5) (HBAP)	Rural Residential Agriculture (RA) w/ Manufactured Home (M), Design Review (D) & Flood Hazard (F) Areas Combining Zones (RA-2.5-M/D,F)	Low Instability (1)
508-191-014	1969 Wavecrest Ave, McKinleyville	Local	Residential Low Density (RL) (MCAP)	Residential Single Family (RS) w/ M Combining Zone (RS-7.5-M)	Relatively Stable (0)
508-224-047	N/A	Local	Residential Estates (RE) (MCAP)	RS w/ Alquist Priolo Fault Hazard (G) Combining Zone (RS-20/G)	0

513-151-008	N/A	Local, Appeal, State	Agriculture Exclusive/Prime Lands (AEP) (MCAP)	Agriculture Exclusive (AE) w/ Archaeological Resource Area Outside Shelter Cove (A), Coastal Wetlands (W), F, & Streams and Riparian Corridor Protection Combining Zones (R) (AE-60/A,W,F,R)	Moderate Instability (2)
515-041-013	910 Kay Ave, Westhaven	Appeal	Rural Residential (0-1 unit/acre) (RR (E)) (TAP)	RA w/ Modified Building Standards Including Provision for Manufactured Homes (SM) & D Combining Zones (RA-SM/D)	Parcels in 1 / 2 Zones (C)
515-041-020	906 Kay Ave, Westhaven	Local, Appeal	RR(E) (TAP)	RA-SM/D	C
515-141-008	1167 N. Westhaven Dr, Westhaven	Local	Rural Residential (0-1 unit/2.5 acres) (RR(C)) (TAP)	RA w/ M & R Combining Zones (RA-2.5-M/R)	1
515-151-029	207 Lanford Rd, Trinidad	Local, Appeal	Residential Estates (RE) (TAP)	RS-20-M/G	1
515-251-003	1011 Patrick Points Dr, Trinidad	N/A, Local, Appeal	Commercial Recreation (CR) (TWCPA) and Coastal Commercial Timber (TC) (TAP)	Timberland Production Zone (TPZ); TPZ w/ D & R Combining Zones (TPZ/D,R)	2

517-101-001	N/A	Appeal	Public Recreation (PR) (TAP, NCAP)	Public Recreation (PR) w/ A, D, Beach and Dune Area (B), Offshore Rocks and Rocky Intertidal Areas (O) & R Combining Zones (PR/A,D,B,O,R)	2
517-111-001	4150 Patricks Point Dr, Trinidad	Local, Appeal	PR (TAP)	PR/A,D,B,O,R PR/D,R	Parcels in Many Zones (M)
517-121-005	N/A	Appeal	PR and Residential Estates (RE(1)) (NCAP)	PR/A,D,B,O,R	2
517-121-011	N/A	Appeal	Rural Residential (RR(5)) and Commercial Timberland (TC (160)) (NCAP)	PR/A,W,D,B,F,R; Commercial Timber (TC) w/ D & R Combining Zones (TC/D,R)	2
517-131-016	N/A	Appeal, State	TC(160) (NCAP)	TC/A,D,R	2
518-051-018	N/A	State	Agricultural General-Area of Deferred Certification (AG {ADC}) (NCAP)	RA-20 w/ M, Coastal Elk Habitat (E) & D Combining Zones (RA-20-M/E,D)	High Instability (3)
518-072-008	N/A	Local	TC (NCAP)	TC/E,D,R	C
518-075-003	N/A	Local	Agriculture General (AG) (NCAP)	PR/E,D	2
519-311-012	844 Old State Hwy, Orick	Local	RR (NCAP)	RA-5-Y2.5-M/E,D	2
520-211-001	1665 Hufford Rd, Orick	Appeal	AEP(60) and AG(5) (NCAP)	RA-5M/EDFR; AE60/EDFR	1

Notes: <sup>1</sup> Local Coastal Plans: Humboldt Bay Area Plan = HBAP  
McKinleyville Area Plan = MCAP Trinidad Area Plan = TAP  
North Coast Area Plan = NCAP

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:**

Project is appealable to the California Coastal Commission.

**Major concerns:**

None.

**Executive Summary:** A Coastal Development Permit (CDP) and Special Permits (SP) for PG&E to perform vegetation management along the following 12 kV electrical distribution lines: Orick 1102, Big Lagoon 1101, Trinidad 1102, Trinidad 1101, Arcata 1105, and Arcata 1122. A total of 27 trees at 27 locations would be removed under the project. Work includes removal of dead/dying trees due to drought and beetle infestation. The purpose of the project is to provide safe and reliable electrical service and maintain the mandated clearance levels to comply with federal and state regulatory requirements for public safety and fire protection. As indicated in the table above, the work would be performed on nineteen (19) individual Assessor’s parcels, within the local, appeal, and state jurisdiction of the Coastal Zone. A SP is also required because the diameter of the trees to be removed exceed 12-inch diameter at 4-1/2 feet above the ground and are subject to Section 313-64.1 *Major Vegetation Removal* of the Zoning Regulations (see *Project Location Tree Data and Assessor’s Parcel Number Table*, included in Attachment 2A). Additionally, a SP is required for Design Review where necessary. This permit does not authorize the removal of Tree #24 as shown on the Site Plans on APN 518-051-018 as this tree is within the State jurisdiction of the Coastal Zone and requires a CDP or waiver from the California Coastal Commission.

A portion of the vegetation management work was identified during the Catastrophic Event Memorandum Account (CEMA) or 2<sup>nd</sup> patrol. CEMA or 2<sup>nd</sup> patrol conducts a secondary inspection in the designated High Fire Threat District (HFTD) Tier 3 areas on distribution lines to address any vegetation which poses an imminent threat to overhead electrical facilities. Under the project, CEMA vegetation management work would be performed along PG&E’s Arcata 1122, Trinidad 1102, Big Lagoon 1101 and Orick 1102 12kV distribution lines.

Equipment to be utilized for this project will include hand and gas-powered tools (chainsaws, hand saws, pruners, chipper, and lift truck where accessible). Tree crews will use existing roadways,

driveways, and hiking trails, as appropriate. No ground disturbance in the form of excavation is associated with this work, nor would herbicide be utilized under the project. Debris would either be lopped and scattered to reduce fire risk, stacked and left on-site, or removed from the job site when wood management takes place.

Based on the *Project Location Tree Data and Assessor's Parcel Number Table*, the project would result in the removal of 27 total trees, including the following: nine (9) Monterey pine, four (4) Douglas fir, one (1) grand fir, seven (7) spruce, one (1) redwood, four (4) alder, and one (1) red alder.

A *Biological Constraints Report* (Biological Report) was prepared by Stantec on May 15, 2023 (Attachment 2B). As noted in the Biological Report, review of the project area via desktop review indicated the associated vegetation management work proposed by the applicant has the potential to impact 17 special-status plant species, 23 special-status animal species, and nesting birds. Additionally, several vegetation types and plant communities are located within the work areas, including north coastal forest, closed-cone pine forest, riparian woodland, and freshwater marsh. The Biological Report notes that the project includes removal of one tree within approximately 230 feet of an intermittent stream and that nesting habitat for marbled murrelet and northern spotted owl may be located within 165-330 feet of the work areas, with potential habitat for several other special status species within or near the work area.

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 in accordance with the MRHCP. Implementation of these practices and measures would minimize impacts and no risk of substantial adverse impacts is anticipated. 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. 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.

Per comments received from the Department of Public Works, Land Use Division in July 2023, 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). Based on comments received from Caltrans on August 14, 2023, it is noted there may be access issues for Trees #20, 21, 25, 26, and 27 that 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. Caltrans further notes that a single permit could likely be issued which covers 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 11**).

A similar permit for PG&E vegetation maintenance was approved by the Zoning Administrator on July 6, 2023 (Attachment 3). 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.*

*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 14 and 15.**

*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.*

*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.*

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have recommended approval or conditional approval. (Attachment 4)

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 Assessor's Parcel Number Table
  - B. Biological Constraints Report
  - C. Vegetation Management - Activity Specific Erosion and Sediment Control Plan
  - D. PG&E Best Management Practices for all Vegetation Management Activities



E. Multi-Region HCP Measures - General Field Protocols

3. Zoning Administrator Resolution 23-067
4. Referral Agency Comments and Recommendations

APPLICANT, OWNER, AGENT AND PLANNER INFORMATION:

Applicant

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

Owner

*APN: 501-201-034*

Humboldt Area Foundation, 373 Indianola Road, Bayside, CA 95524

*APN: 508-191-014*

Kevin McCardle, 1969 Wavecrest Avenue, McKinleyville, CA 95519

*APN: 508-224-047*

Ronnie Franklin & Sequoyah Hudson, P.O. Box 2896, McKinleyville, CA 95519

*APN: 513-151-008*

Russell & Debra Copher, P.O. Box 73, Orick, CA 95555

*APN: 515-041-013*

Christina Cunliffe & Graham HWCP TDP, 150 Quail Trail #1, Trinidad, CA 95570

*APN: 515-041-020*

Richard Kiesselhorst & Majorie Kieselhorst-Eckart, 673 Westhaven Drive N, Trinidad, CA 95570

*APN: 515-141-008*

Amy & Bret Jones, 1167 Westhaven Drive N, Trinidad, CA 95570

*APN: 515-151-029*

Gregory & Allyson Niemeth, 317 First Avenue, South Pacheco, CA 94553

*APN: 515-251-003*

Green Diamond Resource Company, 1301 5<sup>th</sup> Avenue, Suite 2700, Seattle, WA 98101

*APN: 517-101-001*

State of California, Sue-meg State Park

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*APN: 517-111-001*

State of California, Sue-meg State Park

*APN: 517-121-005*

State of California, Sue-meg State Park

*APN: 517-121-011*

State of California Department of Parks & Recreation, P.O. Box 2006, Eureka, CA 95502

*APN: 517-131-016*

State of California Department of Parks & Recreation, P.O. Box 2006, Eureka, CA 95502

*APN: 518-051-018*

State of California Department of Parks & Recreation, P.O. Box 2006, Eureka, CA 95502

*APN: 518-072-008*

State of California, P.O. Box 2006, Eureka, CA 95502

*APN: 518-075-003*

State of California Department of Parks & Recreation

*APN: 519-311-012*

West Coast Telephone Co, P.O. Box 152206, Irving, TX 75015

*APN: 520-211-001*

Joseph Hufford, P.O. Box 217, Orick, CA 95555

Agent

None

Please contact Rodney Yandell, Senior Planner, at 707-268-3732 or by email at [ryandell@co.humboldt.ca.us](mailto:ryandell@co.humboldt.ca.us) <<mailto:ryandell@co.humboldt.ca.us>>, if you have any questions about the scheduled item.