



COUNTY OF HUMBOLDT

For the meeting of: 12/5/2024

File #: 24-1644

To: Planning Commission

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

PG&E Vegetation Management Coastal Development Permit (CDP) and Special Permits (SP)
Record Number: PLN-2024-18999
Assessor Parcel Numbers (APN): Listed in **Attachment 1D**
Orick Area to Fields Landing

A Coastal Development Permit (CDP) and Special Permit (SP) to authorize vegetation management activities under or adjacent to multiple 12 kilovolt (kV) distribution lines found within electrical utility rights of way running between south Eureka and Orick. Pacific Gas & Electric Company (PG&E) is requesting the permit as the owner operator of the electrical infrastructure. The proposed vegetation control activities will occur at 106 work areas and include 88 tree removals and 125 brush removals. All the trees being removed are 13 inches in diameter at breast height (DBH) or greater, with a maximum DBH of 99 inches and a maximum height of 150 feet. Location-specific work prescriptions are provided in Attachment 3: Work Areas & Scope of Work. 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. Herbicide use is not part of the project.

RECOMMENDATION(S):

That the Planning Commission:

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

- a. Finds the project complies with the Humboldt Bay Area Plan, McKinleyville Area Plan, Trinidad Area Plan, 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 conditions of approval (Attachment 1A).

DISCUSSION:

Project Location:

This project is in Humboldt County, along several of PG&E's transmission and distribution lines: CZ Trinidad 1102, CZ Humbay 1101, CZ Orick 1102, CZ Arcata 1122, CZ Fairhaven 1103 and 1104, CZ Big Lagoon 1101, CZ Harris 1109, and CZ Janes Creek 1102.

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

See table in **Attachment 1E**.

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: Pacific Gas and Electric seeks A Coastal Development Permit (CDP) and Special Permits (SP) for PG&E to perform vegetation management along several of Pacific Gas and Electric's (PG&E's) distribution lines: CZ Trinidad 1102, CZ Humbay 1101, CZ Orick 1102, CZ Arcata 1122, CZ Fairhaven 1103 and 1104, CZ Big Lagoon 1101, CZ Harris 1109, and CZ Janes Creek 1102. 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. PG&E proposes vegetation management activities under or adjacent to multiple distribution lines throughout Humboldt County. As indicated in Attachment D, the work would be performed on or directly adjacent to 36 individual Assessor's parcels, within the local and appeal jurisdiction of the Coastal Zone. 80 work areas are within the "Local" jurisdiction of the Humboldt County Local Coastal Program. The following work areas fall within Coastal Zone Appeal Jurisdiction: 8, 10-19, 49-58, 65, 92-94, 101, and 105. A Special Permit (SP) is required because the diameter of 88 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 conditions 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*, 105 total trees, including: seven alder, 22 cascara, five coast redwood, three Douglas Fir, one eucalyptus, three grand Fir, one hawthorn, eight Monterey cypress, 12 Monterey pine, ten red alder, eight spruce, and seven willow trees. Of those trees 88 exceed 12-inches diameter at 4-1/2 feet above the ground. The remaining work sites are brush removals including *rubus* species and various vines.

A *Biological Constraints Report* (Biological Report) was prepared by Environmental Resource Management 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 six special-status plant species, nine special-status wildlife species, roosting bats, and nesting birds. Special Status is defined as Federally Endangered, Threatened, Proposed Endangered, Proposed Threatened or Candidate (FE, FT, FPE, FPT, FC); State Endangered, Threatened, Candidate, Rare or Species of Special Concern (SE, ST, SC, SR, SSC); Fully Protected (FP); species covered by the Bald and Golden Eagle Protection Act (BGEPA); California Rare Plant Ranks (CRPR) 1 or 2 (1B.x, 2B.x); and California Department of Fish and Wildlife Species of Special Concern (SSC). 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. Additionally, several vegetation types and plant communities are located within work areas, mixed conifer forest, redwood forest, freshwater wetland, and ruderal/landscaped areas. The Biological Report notes that the project work areas may include habitat for: coast fawn lily (*Erythronium revolutum*), ghost-pipe (*Monotropa uniflora*), seaside bittercress (*Cardamine angulata*), woodnymph (*Moneses uniflora*), minute pocket moss (*Fissidens pauperculus*), twisted horsehair lichen (*Sulcaria spiralifera*). Potential impacts include individual plants being crushed during work activities by work equipment, failing limbs, and personnel on foot; however, seed banks and roots will remain intact. The implementation of BMPs will minimize potential impacts to these species; with the implementation of BMP impacts to special-status plants will be less than significant.

Steelhead, and other aquatic species: Work area 18 is within 250 feet of a mapped perennial tributary of Redwood Creek. There is no barrier to fish passage, and work area 18 is approximately 212 feet away from a mapped perennial tributary of Redwood Creek. The work area is separated from the stream by Hufford Rd. Work areas 22 and 23 are within 250 feet of a mapped intermittent tributary of Freshwater Creek. The work areas are separated from the stream by Woodgulch Rd. Additionally, another CNDDDB record (2020) maps the presence of steelhead in Redwood Creek, an anadromous mapped perennial stream. Work area 18 is within 250 feet of a mapped perennial tributary of

Redwood Creek. Work area 18 is separated from the stream by Hufford Rd. Given the distances to the streams, impacts to aquatic resources are less than significant.

Wildlife species: foothill yellow-legged frog - north coast DPS (*Rana boylei* pop. 1), SSC, marbled murrelet (*Brachyramphus marmoratus*), northern red-legged frog (*Rana aurora*), SSC northern spotted owl (*Strix occidentalis caurina*), Pacific tailed frog (*Ascaphus truei*), Ring-tailed cat (*Bassariscus astutus*), Sonoma tree vole (*Arborimus pomo*), southern torrent salamander (*Rhyacotriton variegatus*), western pond turtle (*Emys marmorata*), 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.

A biological monitor is recommended for work areas 16, 17, 49-51, and 53-59 because these work areas are within approximately 50 feet of aquatic resources.

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 A.2**) and prohibit the use of herbicides under the project (**Condition of Approval A.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. 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.

A referral response from the Northwest Information Center indicated that cultural resources research had identified previously recorded cultural resources intersecting the area of potential effect, and the local Native American tribe(s) should be contacted regarding traditional, cultural, and religious heritage values. The project conditions require compliance with the Cultural Resources Summary

submitted as an attachment to the project. The proposed vegetation management work requires standard Best Management Practices (BMPs) which include the Inadvertent Discovery and Human Remains protocols. With the implementation of Resource Protection Measures (RPM) identified in the Cultural Resources Summary, impact to cultural and historic resources will be less than significant.

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). 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 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 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.

County staff and PG&E staff have reached agreement that the conditions listed above are acceptable.

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, modify or delete conditions of approval. Staff has concluded the required findings in support of the proposal can be made.

ATTACHMENTS:

1. Draft Resolution
 - A. Conditions of Approval

- B. Project Description
 - C. Site Plans
 - D. List of Project Parcels and Landowners
 - E. Present General Plan Land Use Designation, Present Zoning, Slope Stability
- 2. Applicant's Evidence in Support of the Required Findings
 - A. Project Location Work Areas and Scope of Work
 - B. Biological Constraints Report
 - C. Assessor's Parcel and Address Table
 - D. Vegetation Management - Best Management Practices
 - E. 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

See Attachment 1D

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.