

CALIFORNIA COASTAL COMMISSION

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W16b

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 Staff: Melanie Faust
 Staff Report: March 23, 2012
 Hearing Date: April 11, 2012
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: **1-11-046**

APPLICANT: **California Department of Transportation**

AGENT: **Robert Syverson**

PROJECT LOCATION: U.S. Highway 101 right-of-way, immediately north of Eureka, near the Murray Field County Airport and Humboldt Bay, on the outer shoulder adjacent to the southbound highway lanes.

PROJECT DESCRIPTION: Remove seven mature trees at the southernmost end of a Eucalyptus windrow adjacent to the highway.

STAFF RECOMMENDATION: **Approval with two special conditions (future development restriction; nesting bird protection).**

MOTION & RESOLUTION: **Page 3, below.**

SUMMARY: STAFF RECOMMENDATION

Humboldt County, operator of Murray Field – a local airport just north of Eureka – has been notified by state inspectors that Federal Aviation Administration standards require the removal of seven mature Eucalyptus trees posing a safety hazard to airport operations. Objects within the area of concern to the airport must be limited to a maximum height of twenty feet; the subject trees average over 100 feet in height, and grow within the right-of-way of the adjacent Highway 101 corridor. The airport's runway takeoff and landing

approaches cross directly over the perpendicular highway lanes. Caltrans proposes to remove the subject trees in response to the County's request.

The seven trees proposed for removal are located at the southernmost end of a linear Eucalyptus plantation forming a continuous windrow almost 1.5 miles long. Caltrans estimates that the windrow is at least 80 years old. Caltrans states that the windrow contains 770 similar mature trees averaging more than 100 feet in height, with a combined aerial canopy area of approximately 6,500 square feet. The subject seven trees, including two with multiple trunks (which in one case count as two trees because the trunks fork below the four-foot mark) comprise less than 1% of these trees, and only about 68 square feet of the canopy.

The windrow partially screens highway views of an industrial lumber mill and yard located between the highway corridor and Humboldt Bay. To recover part of the screening effect of the trees, Caltrans proposes to cut the trees to ground-line but retain the living stumps. Eucalyptus trees tend to re-sprout vigorously, and Caltrans would permanently maintain the new limbs within the twenty-foot height restriction required by airport operations. The re-sprouted vegetation would restore some of the screening of the adjacent industrial lumber yard presently provided by the subject trees.

Strict compliance with the schedule imposed on the County Airport calls for removal of the trees by July 2012. The nesting season for birds lasts through September 1; Caltrans indicates, however, that no nests have been sighted in or near the subject trees during previous inspections. Nevertheless, Caltrans proposes that a qualified biologist would undertake a nesting survey within the two weeks prior to implementation of tree removal, and if nesting is observed, the trees would be removed after the fledglings have permanently left the nest(s).

Due to the special visual character and local significance of the Eucalyptus windrow, and the beneficial screening effect the windrow provides for the protection of public coastal views, removal of the Eucalyptus trees constitutes major vegetation removal requiring a coastal development permit. Staff recommends that the Commission impose **Special Condition 1** (future development) to notify the applicant that future tree removal within the windrow would require a new permit or an amendment to CDP 1-11-046. To ensure that any maintenance or tree removal is planned to avoid the bird nesting season, **Special Condition 2** would require such activities to be undertaken only after September 1 or before March 1.

The Motion and Resolution commence on page 3, below.

STAFF NOTES:

1. Jurisdiction and Standard of Review

The proposed project is located within the unincorporated boundaries of Humboldt County, in an area of filled former bay lands subject to the Commission's retained permit

jurisdiction. Therefore, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:

The staff recommends that the Commission adopt the following resolution:

MOTION:

I move that the Commission approve Coastal Development Permit No. 1-11-046 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment.

II. STANDARD CONDITIONS: See Attachment A.

III. SPECIAL CONDITIONS:

1. Future Development Restriction

This permit is only for the development described in Coastal Development Permit Application No. 1-11-046. All development authorized by Coastal Development Permit No. 1-11-046 must occur in strict compliance with the proposal set forth in the application for the permit as modified by the special conditions. Any (a) deviation from the plan proposal, (b) additional major vegetation removal including the removal of any additional Eucalyptus trees within the linear windrow along the Highway 101 corridor between Eureka and Arcata commencing at approximately Post Mile 81.14 Southbound, as identified in Coastal Development Permit Application No. 1-11-046, or (c) other changes to the proposed project may require a new coastal development permit or an amendment to this permit, unless the Executive Director determines that no amendment is legally required.

2. Nesting Bird Protection

- A. Tree removal shall only occur during the period after September 1 and prior to March 1 (outside of the bird nesting season) unless a survey for the presence of active nesting and/or roosting habitat is first conducted by a qualified biologist and the survey results demonstrate that no nesting birds are present in the trees slated for removal or in the adjacent trees that could be disturbed by the tree removal activities.
- B. The trimming of new growth sprouting in the project area subsequent to removal of the seven Eucalyptus trees shall only occur during the period after September 1 and prior to March 1.

IV. FINDINGS & DECLARATIONS

The Commission hereby finds and declares as follows:

A. Project Location and Description

1. Project Setting, Purpose and Background

The project site is located in the unincorporated area of Humboldt County, just north of the City of Eureka, along the southbound U.S. Highway 101 right-of-way, adjacent to the traffic lanes, near Humboldt Bay, at Post Mile 81.14. The site is located within an area of filled former Humboldt Bay lands subject to the retained permit jurisdiction of the Coastal Commission. (See Exhibits 1-4).

Humboldt County maintains a local airport (Murray Field) on the southern (inland) side of the proposed project site. The Caltrans Division of Aeronautics evaluates the safety of local airports on behalf of the U.S. Department of Transportation, Federal Aviation Administration (FAA). One of the FAA standards requires local airports to maintain a safe buffer area adjacent to the takeoff and landing corridors of the airport's runways. The buffer area is designed to increase the safety of aircraft relying only on instrument-based navigation, or using the airport's runways at night. The FAA requires all objects within the buffer area to be limited to a maximum height of twenty (20) feet.

In 2009, a Division of Aeronautics inspection of Murray Field determined that seven mature Eucalyptus trees growing within the highway right-of-way across from the airfield are located within the buffer area and exceed the twenty-foot height limit. The subject trees are located at the southerly-most end of a long Eucalyptus windrow that lines approximately 1.5 miles of the southbound Highway 101 lanes near the airport. (See Exhibits 3-5). Most of the approximately 770 trees in the 80-year-old windrow (including the subject seven trees) are mature Eucalyptus trees reaching more than 100 feet in average height. The Aeronautics Division notified the County that the non-compliant trees must be trimmed to the pertinent standard or removed within three years (by July 8, 2012). The trees are growing within the right-of-way of the highway corridor, which is controlled by Caltrans. The County requested therefore that Caltrans secure the necessary permits and either trim or remove the trees on the County's behalf.

In response to the County's request, a Caltrans arborist evaluated the seven trees of concern and determined, as discussed below, that trimming the mature trunks to the required twenty-foot line would not be feasible. The arborist recommended, and Caltrans proposes, that the trees be cut to the ground line and allowed to stump-sprout new limbs that would thereafter be maintained within the twenty-foot maximum height limit.

The Eucalyptus windrow in the highway corridor is a well-known local landmark of special community significance, and contributes to the character of the open spaces and greenways separating the developed areas of Eureka and Arcata. In addition to its status as a featured landmark within the Eureka – Arcata highway corridor, the windrow also screens and softens the views highway travelers would otherwise have of the industrial timber mill facility and lumber storage yard located between the highway and Humboldt Bay. The stump-sprouted limbs would restore some of the screening function that would be reduced by the removal of the above-ground portion of the seven tree trunks. (See Exhibits 3-5).

The trees of the windrow are rooted in the unpaved sloping highway shoulder beyond a guard rail protecting the windrow; the slope descends to a narrow, unlined ditch then rises along the opposite bank formed by the shoulder of the adjacent railroad ballast (supporting fill) slope. The ditch is delineated as a wetland, and carries highway runoff into the Bay. Caltrans biologists have undertaken numerous negative biological surveys of the channel while evaluating other highway projects in the same area. Caltrans has not located sensitive plant or animal species in the area of the ditch near the subject trees. Caltrans biologists have stated that the drainage is adversely affected by the significant amount of Eucalyptus leaves and bark that accumulate in the ditch, and have suggested that the chemical compounds in the Eucalyptus detritus may retard the growth of locally native plant species, limiting the potential habitat value of the drainage. For these reasons, the wetland ditch is not presently considered to be Environmentally Sensitive Habitat (ESHA). No excavation or fill of the wetland is proposed.

Colonies of Monarch butterflies tend to roost seasonally in some Eucalyptus groves in central and southern California. Monarchs are occasionally seen on the North Coast, but the main migration corridors of the Monarchs are located south of this region. Observations of Monarch colonies in the Eucalyptus trees near Humboldt Bay have never been recorded.

2. Development Proposal

Caltrans proposes as described above to cut and remove the main portion of the trunks of the seven subject trees to the ground-line, while leaving the living stumps in place. Caltrans proposes to allow the stumps to re-sprout new limbs from the ground-line. Caltrans proposes to maintain the new branches at a height not to exceed the airport's twenty-foot safety limit, thereby restoring much of the screening value of the original trees.

The proposed work would require up to two days for completion, and would be undertaken before mid-July 2012, potentially during a single weekend. The highway lane adjacent to the trees would be closed off, and controlled through-traffic would be limited to one lane while the work is completed. Minor, but insignificant delays to coastal travelers may occur for brief periods during that time.

Heavy equipment, such as bucket trucks, would be staged from the paved highway apron; no vehicles would be parked or operated within the wetland area (the adjacent drainage channel discussed above). No excavation or fill of the wetland area is proposed. The stumps of the subject trees would remain in place; no disturbance of soils would occur. The trees would be removed in small sections and the resultant debris contained and removed; debris would not be dropped into the wetland for recovery. Caltrans proposes to remove all produced wood and debris from the site immediately upon completion of each day's work; no debris would be left on the road shoulder while the adjacent lane is in public use (thereby preventing hazards to motorists and bicyclists). All debris would be cleaned up and removed at the completion of the proposed work; the guard rail separating the location of the subject trees from the paved highway shoulder would remain in place (if damaged inadvertently during the tree removal, the guard rail would be restored to its original condition with the same style, design, and materials as the existing rail).

Mature trees located within the Eureka-Arcata Highway 101 corridor are known to provide significant habitat for migratory birds, and in some cases, the trees also provide shading that increases the habitat value of special status aquatic species present within most of the sloughs and channels near the corridor. No birds are presently nesting in or adjacent to the trees proposed for removal. The subject trees do not shade aquatic habitat inhabited by sensitive species; as described above, the adjacent drainage ditch is a non-ESHA wetland and no sensitive species are known to inhabit it.

Although Caltrans biologists have determined that there are currently no active bird nests within or near the trees proposed for removal, the annual nesting season has just begun, and ends on September 1. Caltrans notes that to meet the airport's compliance schedule, the subject trees must be removed by July 2012. Caltrans proposes therefore that a qualified Caltrans biologist would survey the trees within two weeks prior to the scheduled removal; if active nests are located in the subject trees or in trees close enough to be disturbed by the removal activities, Caltrans proposes that the work would be delayed until the fledglings have completely abandoned the nests, even if the compliance schedule is delayed slightly to protect the nesting birds.

B. Protection of Visual Resources

Section 30251 (Scenic and visual qualities) states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the

character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The Highway 101 corridor between Eureka and Arcata is the primary public coastal access route through the North Coast Region. The corridor provides coastal visitors with expansive views of Humboldt Bay and the surrounding open spaces, wildlife refuges, and pastoral agricultural lands comprising a greenbelt between the cities of Eureka and Arcata. In addition to the regional coastal visitors using the highway, the corridor between Eureka and Arcata is traveled almost daily by the majority of local commuters driving (and bicycling) between the region's main residential and employment nodes (McKinleyville, Arcata, and Eureka). The reduced speeds of the corridor (a 50 mile-per-hour limit is presently in place due to the corridor's designation as a special safety zone) allow drivers and their passengers to enjoy spectacular views, including sightings of the numerous species of local and migratory birds easily observed from passing vehicles.

Many local residents consider the 80-year-old Eucalyptus windrow to be a community landmark of special significance, and local pilots have even suggested in public testimony that they rely on the expansive windrow as a visual navigation tool in the Humboldt Bay area. The windrow contains approximately 770 mature Eucalyptus trees with an average height exceeding 100 feet, and a combined canopy area of approximately 6,500 square feet. Caltrans estimates that the windrow stretches approximately 1.5 miles along the southbound lanes approaching the City of Eureka. The windrow has acquired local historical status, though Caltrans states that the windrow does not qualify for "historical landscape" status from a statewide perspective. Nevertheless, Caltrans has received substantial written testimony from local residents noting that the windrow is a visual resource of special beauty, contributing a unique element to the character of the landscaped highway corridor. Caltrans staff has explained that a substantial amount of public comment in support of preserving the windrow was received at a Caltrans Public Forum on December 3, 2008 (the forum was provided for the Eureka-Arcata Highway 101 safety improvement project, which is subject to pending Federal Consistency certification review tentatively planned for a May 2012 Coastal Commission hearing).

In addition to being a community landmark in its own right, the Eucalyptus windrow also screens and softens public views of the industrial timber facilities located between the highway corridor and Humboldt Bay. The seven trees Caltrans proposes to remove specifically screen public views of an adjacent timber mill lumber storage yard (see Exhibits 3-5).

The subject seven trees occupy a very small portion of the overall windrow, and removal of the trees for airport safety will not substantially impact the windrow's health or stature. The trees Caltrans proposes to remove are located at the southerly end of the windrow and the loss of the small set of trees in that location would not produce a "gap" interrupting the overall symmetry of the linear plantation. The removal of a small number of trees, which

constitute less than one percent (1%) of the total number of mature trees within the windrow, would not be significant. In addition, as noted previously, Caltrans proposes to allow sprouting of new limbs from the living stumps of the seven trees and would maintain the new limbs within the pertinent 20-foot height limit in the future. The new vegetation would help to restore some of the beneficial screening effect that the existing tree trunks presently provide. Caltrans estimates that the re-sprouting limbs would screen the line-of-sight of coastal travelers looking toward the lumber yard within a few years after the removal of the main trunks.

Although the presently proposed removal of seven trees would not significantly affect the overall character and presence of the Eucalyptus windrow, the incremental loss of other trees in other areas of the windrow could diminish its visual character and adversely affect its function as a screening feature for views of adjacent industrial development. The loss of other trees could also affect the distribution of winds, as the trees function as a partial windbreak. Some changes in the windrow's physical composition could have the potential to redistribute the forces of prevailing winds to the detriment of remaining trees near, for example, a gap created within the windrow. Removal of trees from the Eucalyptus windrow constitutes major vegetation removal and is therefore development pursuant to Section 30106 of the Coastal Act. Thus, removal of the trees from the windrow requires coastal development permit authorization. To ensure that the applicant is aware that future removal will require additional coastal development authorization and to ensure that the Commission will have the opportunity to review a coastal development permit application to consider the preservation and protection of the windrow, the Commission attaches **Special Condition 1 (Future Development Restriction)**, which requires that significant additional vegetation removal within the windrow, including the removal of any trees, or the significant trimming of other trees within the windrow, would be subject to a new permit or an amendment to CDP 1-11-046 unless the Executive Director determines that no amendment is legally required. Because mature trees such as those comprising the subject Eucalyptus windrow may provide nesting habitat for birds, the Commission also attaches **Special Condition 2 (Nesting Bird Protection)**, which is a companion requirement specifying that any tree removal or trimming that is approved, including the future maintenance trimming of the stump-sprouted limbs as necessary to comply with airport safety limits, must be undertaken during the period after September 1 and prior to March 1 (outside of the bird nesting season).

The Commission finds therefore that as conditioned to ensure that all proposed future removal or trimming of trees within the windrow would be subject to a new CDP or an amendment to CDP 1-11-046 (unless the Executive Director determines that no amendment is legally required) pursuant to **Special Condition 1**, and as conditioned to ensure that such activities are undertaken in a manner protective of nesting birds pursuant to the requirements of **Special Condition 2**, that all feasible mitigation measures have been provided to minimize adverse environmental effects on visual resources consistent with Section 30251 of the Coastal Act.

C. California Environmental Quality Act (CEQA)

The Department of Transportation (Caltrans) served as the lead agency for the project for California Environmental Quality Act (CEQA) purposes. The Department found the subject proposal qualified for a “Class 1” categorical exemption to environmental review, pursuant to Section 15300 et. seq. of the CEQA Guidelines (14 CCR §§15000), as a categorically exempt form of development.

Section 13906 of the California Code of Regulation requires Coastal Commission approval of a coastal development permit application to be supported by findings showing that the application, as modified by any conditions of approval, is consistent with any applicable requirements of CEQA. Public Resources Code Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would significantly lessen any significant effect that the activity may have on the environment.

The Commission incorporates its findings on conformity with Coastal Act policies at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed herein in the findings addressing the consistency of the proposed project with the Coastal Act, the proposed project has been conditioned to be found consistent with the policies of the Coastal Act. As specifically discussed in these above findings which are hereby incorporated by reference, mitigation measures which will minimize all adverse environmental impacts have been required. These required mitigation measures include requirements that: a) limit future activities such as the cutting or thinning of mature trees within the subject Eucalyptus windrow (**Special Condition 1**), and b) restrict any future tree removal that may be authorized, or maintenance trimming of vegetation for airport safety, to the annual seasonal window outside of the bird nesting season (**Special Condition 2**). As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified potential impacts, can be found to be consistent with the requirements of the Coastal Act and to conform to CEQA.

D. List of Exhibits

Note: Some exhibits are shown in color in the on-line version of the staff report:

<http://www.coastal.ca.gov>

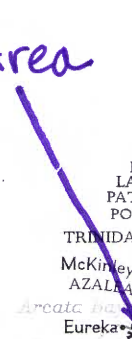
1. Regional Map
2. Area Map
3. Project Area Features
4. Boundary between City and County areas near project site
5. Photographs of trees proposed for removal

Attachment A

STANDARD PERMIT 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.

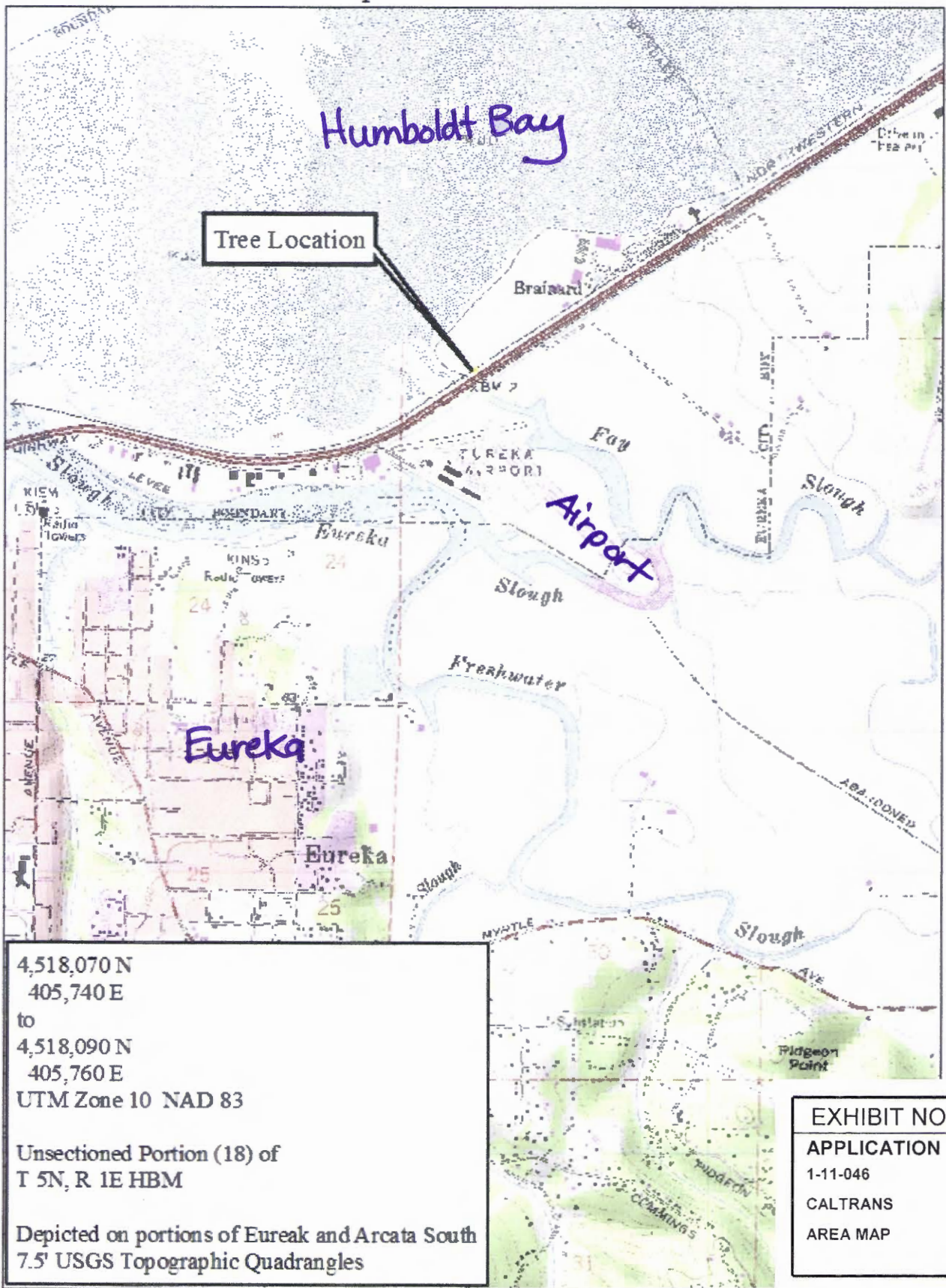
Project Area



1" = 34.8 miles

EXHIBIT NO. 1
APPLICATION NO.
1-11-046
CALTRANS
REGIONAL MAP

1-Hum-101
 Postmile 81.14
 Proposed Tree Removal



Tree Location

Humboldt Bay

Eureka Airport

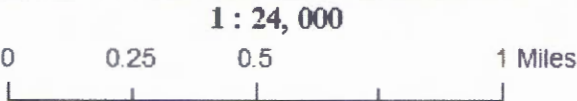
Eureka

4,518,070 N
 405,740 E
 to
 4,518,090 N
 405,760 E
 UTM Zone 10 NAD 83

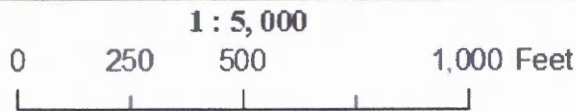
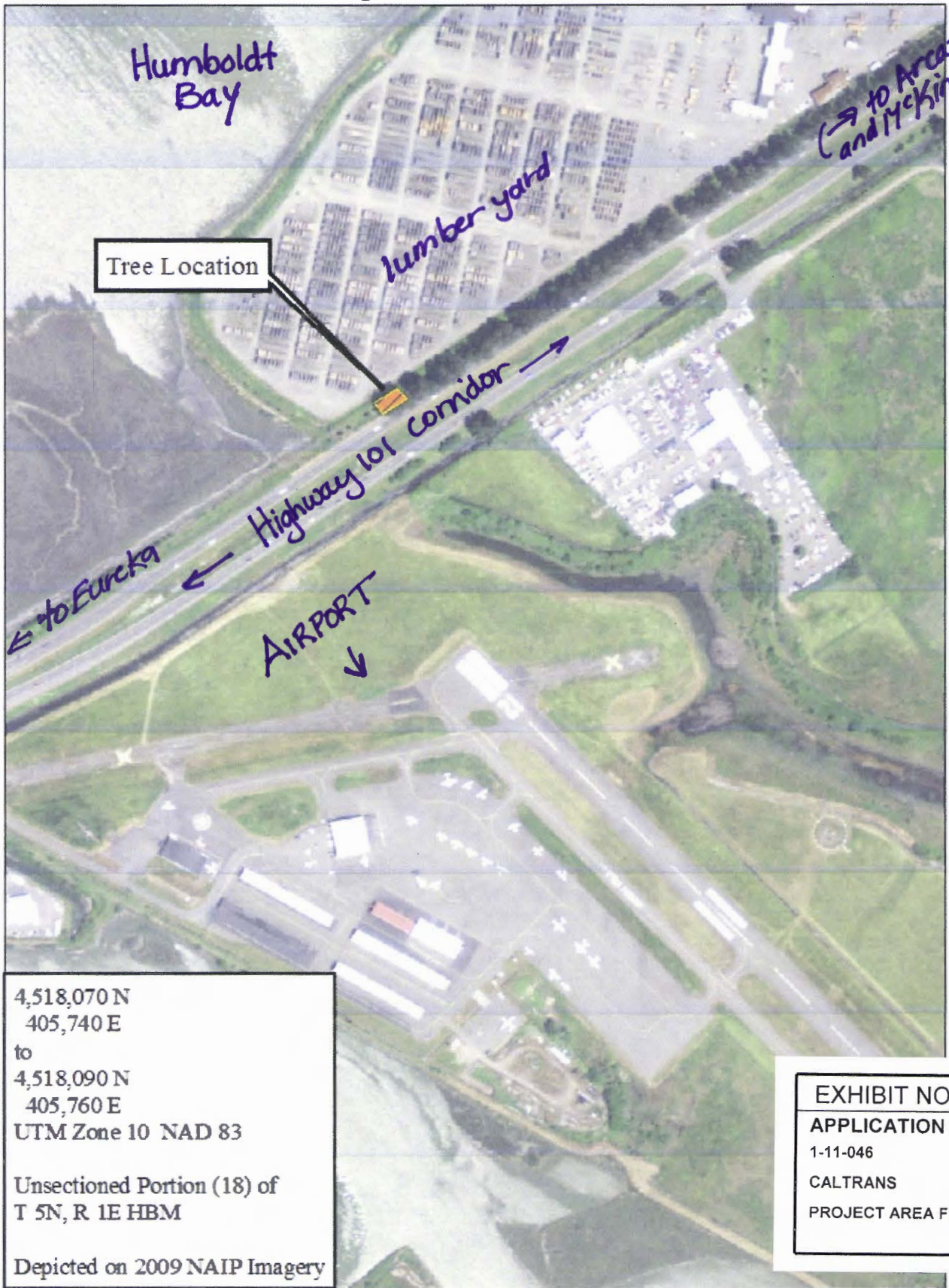
Unsectioned Portion (18) of
 T 5N, R 1E HBM

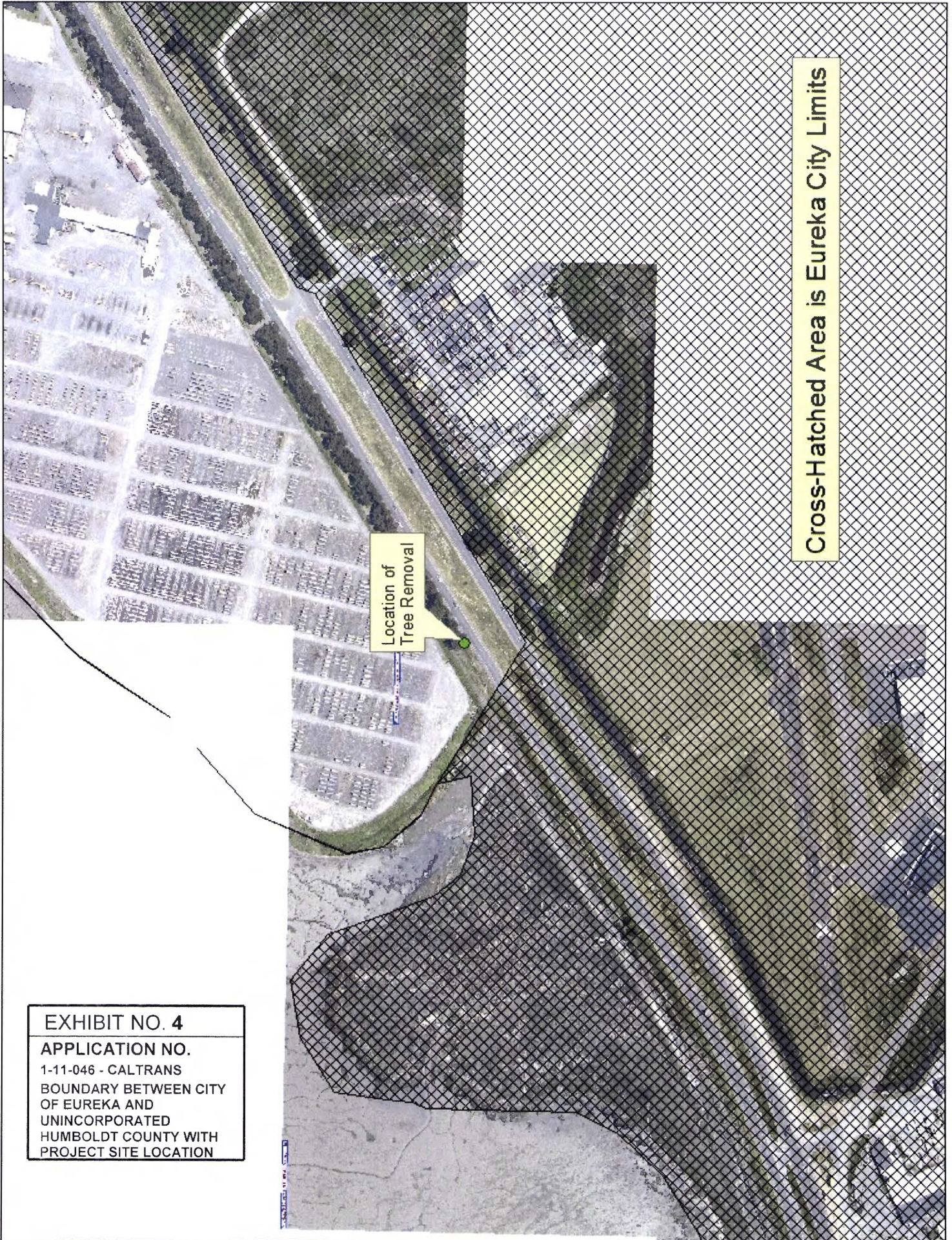
Depicted on portions of Eureka and Arcata South
 7.5' USGS Topographic Quadrangles

EXHIBIT NO. 2
 APPLICATION NO.
 1-11-046
 CALTRANS
 AREA MAP



1-Hum-101
Postmile 81.14
Proposed Tree Removal





Cross-Hatched Area is Eureka City Limits

Location of Tree Removal

EXHIBIT NO. 4
APPLICATION NO.
1-11-046 - CALTRANS
BOUNDARY BETWEEN CITY
OF EUREKA AND
UNINCORPORATED
HUMBOLDT COUNTY WITH
PROJECT SITE LOCATION

Photo Documentation for Eucalyptus Tree Removal for Murray Field Airport: Hum-101-81.14

Shown below are the seven trees to be removed: Six individual trees, two are multi-stem with one branching below four feet so is counted as two. CRC can be seen in the background.



Photo below shows the vigorous nature of the re-sprouting after removal of aerial parts.



Photo below shows the density of re-growth for screening potential.



EXHIBIT NO. 5
APPLICATION NO. 1-11-046
CALTRANS
PHOTOGRAPHS OF TREES PROPOSED FOR REMOVAL