

## CALIFORNIA COASTAL COMMISSION

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## RECORD PACKET COPY

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Filed: October 26, 2001  
49<sup>th</sup> Day: December 14, 2001  
Staff: Tiffany S. Tauber  
Staff Report: November 30, 2001  
Hearing Date: December 14, 2001  
Commission Action:

STAFF REPORT: APPEALSUBSTANTIAL ISSUE & DE NOVO

LOCAL GOVERNMENT: County of Humboldt

DECISION: Approval with Conditions

APPEAL NO.: A-1-HUM-01-058

APPLICANT: HUMBOLDT COUNTY DEPARTMENT OF  
PUBLIC WORKS

PROJECT LOCATION: Around the perimeter of the Arcata-Eureka Airport,  
east of Highway 101, in the McKinleyville area of  
Humboldt County (APNs 511-061-05, 511-341-04,  
511-351-09)

PROJECT DESCRIPTION: Installation of approximately 27,000 feet of a 10-  
foot-high, green vinyl-coated chainlink fence topped  
with three strands of barbed wire around the  
perimeter of the 600-acre airport parcel.  
Approximately 11,000 feet of the fence is located  
within the coastal zone.

APPELLANTS: William & Janet Wickman; John Farley & Laurel  
Pistel; and David Fuller

SUBSTANTIVE FILE

DOCUMENTS:

(1) Humboldt County File No. CDP-01-05; (2)  
Humboldt County Local Coastal Program

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**SUMMARY OF STAFF RECOMMENDATION:**

**1. Summary of Staff Recommendation: Substantial Issue**

The staff recommends that the Commission, after public hearing, determine that a substantial issue exists with respect to the grounds on which the appeal has been filed, and that the Commission hold a de novo hearing, because the appellants have raised a substantial issue with the local government's action and its consistency with the certified LCP.

Humboldt County approved a coastal development permit for the construction of a perimeter deer exclusion and security fence around the 600-acre Arcata-Eureka Airport property. Approximately 11,000 feet of the fence is located within the coastal zone, and it is this portion of the approved project that is on appeal to the Commission. The approved fence is a ten-foot-high, green vinyl-coated chain link fence with three strands of barbed wire at a 45-degree angle along the top. An existing four-foot high fence would be removed and the new fence, for the most part, would follow the existing alignment with the exception of approximately 2,000 feet of fence that would be located along the face and base of the coastal bluff in a manner that would avoid the "Object Free Area" adjacent to the end of the runway as required by the Federal Aviation Administration (FAA). The appellants contend that the approved project raises a substantial issue of conformance with the County's LCP policies pertaining to geologic hazards, environmentally sensitive habitat areas, visual resources, and property setbacks.

Commission staff recommends that the Commission find that the development, as approved by the County, raises a substantial issue of conformance with the certified LUP policies regarding minimizing geologic hazards, and preventing significant adverse impacts to environmentally sensitive habitat areas. The exact fence alignment of the portion of the fence that would drop below the top of the bluff was not specified at the time the County approved the coastal development permit. Therefore, the impacts of the fence, including its potential adverse impacts on environmentally sensitive habitat and visual resources and its potential to contribute to geologic hazards were not sufficiently analyzed in the County's findings of approval to demonstrate consistency with the LCP.

**The motion to adopt the Staff Recommendation of Substantial Issue is found on page 5.**

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2. **Summary of Staff Recommendation De Novo: Approval with Conditions**

The staff recommends that the Commission approve with conditions the coastal development permit for the proposed project on the basis that, as conditioned by the Commission, the project is consistent with the County's certified LCP.

The staff has determined that the current project, as approved by the County, is inconsistent with the geologic hazard, environmentally sensitive habitat, and visual resource policies of the certified LCP. For purposes of de novo review by the Commission, the applicant has submitted a revised project description and revised project plans that clarify the proposed location of the fence and other elements of the project since the time the County originally approved the project prior to the appeal to the Commission. As proposed and conditioned, the revised project can be found to be consistent with the County's certified LCP.

Special Condition No. 1 requires that prior to commencement of construction, the applicant submit for the review and approval of the Executive Director, an erosion control plan that describes and maps all proposed temporary and permanent erosion control measures. Special Condition No. 2 requires that construction of the fence and maintenance and security checks along the fence as installed not result in the creation of permanent paths and increased erosion as recommended by the geotechnical report. Special Condition No. 3 requires that the fence be constructed according to the project plans prepared by Humboldt County Public Works and dated November 16, 2001 and the revised project description narrative dated November 28, 2001, which incorporate the recommendations of the geotechnical report.

**The Motion to adopt the Staff Recommendation of Approval with Conditions is found on page 17.**

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**STAFF NOTES:**

1. **Appeal Process**

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603).

Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea or

within one hundred feet of a wetland or stream or three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff.

Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments that constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access and public recreation policies set forth in the Coastal Act.

The subject development is appealable to the Commission because (1) it is located within 300 feet of the top of the seaward face of a coastal bluff; (2) it is located within one hundred feet of a wetland, (3) the proposed fence is not designated as a principally permitted use in the certified LCP, and (4) the fence is a major public works facility.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. Unless it is determined that there is no substantial issue, the Commission would continue with a full public hearing on the merits of the project, which may occur at a subsequent meeting. If the Commission were to conduct a de novo hearing on the appeal, the applicable test for the Commission to consider would be whether the development is in conformity with the certified Local Coastal Program.

The only persons qualified to testify before the Commission on the substantial issue question are the applicant, the appellant and persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing.

## 2. Filing of Appeal

The appellants filed a single appeal (Exhibit No. 5) to the Commission in a timely manner on October 26, 2001 within 10 working days of receipt of the County's Notice of Final Action (Exhibit No. 6) by the Commission on October 16, 2001.

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**PART ONE-SUBSTANTIAL ISSUE**

**I. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE**

Pursuant to Section 30603(b) of the Coastal Act and as discussed below, the staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed. The proper motion is:

**MOTION**

I move that the Commission determine that Appeal No. A-1-HUM-01-058 raises No Substantial Issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

**Staff Recommendation:**

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

**Resolution to Find Substantial Issue:**

The Commission hereby finds that Appeal No. A-1-HUM-01-058 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

**II. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

**A. Appellants' Contentions**

The Commission received one appeal of the County of Humboldt's decision to approve the development from William & Jane Wickman, John Farley & Laurel Pistel, and David Fuller. The project as approved by the County involves the installation of 27,000 feet of fencing around the perimeter of the 600-acre Arcata-Eureka Airport property for deer exclusion and security purposes. Approximately 11,000 feet of the fence is located within the coastal zone, which is the only portion of the approved project subject to

appeal to the Commission. The approved fence is a ten-foot-high, green vinyl-coated chain link fence with three strands of barbed wire at a 45-degree angle along the top. An existing four-foot-high fence would be removed and the new fence, for the most part, would follow the existing alignment. Approximately 2,050 feet of the approved fence would be sited along the bluff adjacent to the east side of Highway 101 to avoid locating the fence within the Object Free Area as required by the Federal Aviation Administration (FAA). The County also approved a Special Permit for major vegetation removal in the coastal zone, as woody vegetation growing on the bluff would be removed within a ten-foot wide strip along the fence alignment. The appellants' contentions are summarized below, and the full text of the contentions is included as Exhibit No. 3

The appellants' contentions involve inconsistency with the County's LCP policies regarding geologic hazards, environmentally sensitive habitat areas, visual resources, and property setbacks as described below.

1. **Geologic Hazards and Bluff Erosion**

The appellants contend that the approved portions of the proposed fence located along the bluff face would create a bluff erosion hazard inconsistent with McKinleyville Area Plan (MCAP) Policy 3.28. This policy, in part, requires that new development assure stability and structural integrity and neither create or contribute significantly to erosion or geologic stability. The appellants contend that the project description as approved by the County was ambiguous and inconsistent with regard to the exact siting of the fence along the bluff and as a result, there is not sufficient evidence to determine whether the fence would be sited in a manner that would minimize erosion of the coastal bluff. The appellants also contend that elements of the project including on-going maintenance and security checks, vegetation clearing, and placement of an impervious surface along the fence alignment were not reflected in the project description and thus, impacts to the bluff associated with these project elements were not addressed as part of the project approval. Therefore, the appellants contend that approval of the project without adequate analysis of geologic stability and erosion issues is inconsistent with McKinleyville Area Plan (MCAP) 3.28.

2. **Environmentally Sensitive Habitat Areas and Wetland Buffers**

The appellants also contend that the project as approved by the County would create an adverse impact to coastal wetlands inconsistent with McKinleyville Area Plan (MCAP) Policy 3.40. This policy, in part, requires that development adjacent to environmentally sensitive habitat areas be sited and designed to prevent impacts which would significantly degrade such areas. The appellants contend that with the uncertainty of the fixed alignment of the fence, there is not sufficient evidence to find that the portions of the proposed fence sited along the bluff face would not degrade the wetlands located along the base of the bluff. The

appellants assert that siting the fence along the bluff face and the associated maintenance of the fence would result in increased bluff erosion and accelerated sedimentation to the wetlands. Therefore, the appellants contend that approval of the project without adequate analysis of the impacts of the project on environmentally sensitive habitats is inconsistent with McKinleyville Area Plan Policy 3.40.

3. **Visual Resources**

The appellants further contend that the project as approved by the County would create an adverse impact to visual resources inconsistent with McKinleyville Area Plan (MCAP) Policy 3.42 which, in part, requires that development be sited and designed to protect views to and along the ocean and scenic coastal areas. The appellants contend that the approved ten-foot-high chain link fence with three strands of barbed would diminish ocean views from public roadways and that the fence and the corridor of vegetation clearing would be visible from Highway 101, a coastal scenic area.

4. **Minimum Yard Setbacks in State Responsibility Area**

The appellants also contend that a 30-foot minimum setback from all property lines is required in the area of the proposed fence. As approved by the County, the fence would be sited along the property lines of several parcels on the west side of Kjer Road with no setback. Thus, the appellants contend that the project as approved is consistent with the certified Humboldt County coastal zoning ordinance.

B. **LOCAL GOVERNMENT ACTION**

On August 16, 2001, the Humboldt County Planning Commission approved a coastal development permit (CDP-01-05) for the construction of a perimeter fence around the 600-acre Arcata-Eureka Airport. The County staff recommended one, five-part special condition requiring that: (1)(a) a letter from a registered engineer be submitted following project completion stating that the engineer was on-site during construction and that all recommendations made in the geotechnical report (Taber, July 2001) were followed to ensure slope stability during and following construction; (1)(b) sedimentation, erosion, and runoff during grading and fill operations be alleviated by temporary control measures such as straw bales in drainage ways and grading slopes; (1)(c) disturbed areas of the site be revegetated after construction and prior to the onset of heavy rains; (1)(d) drainage improvements be incorporated to the satisfaction of the Department of Public Works; (1)(e) fence installation occur during the dormant period for coast checkerbloom (August-December) and staging of equipment and stockpiling of supplies be prohibited in the area where the checkerbloom occurs (fence alignment along Central Avenue).

The Planning Commission, in its action on August 16, 2001, approved the permit with two additional conditions (No. 2 and No. 3) and modified condition No. 1(c). Condition No. 2 required that the fence be a maximum of ten feet high with no barbed wire and be constructed of black vinyl-coated chain link (rather than green). Condition No. 3 required the fence to be sited down the face of the slope (perpendicular to the bluff) towards the toe of the bluff to the area of highest stability, run along the toe of the bluff without entering into wetlands and then back up the bluff (perpendicular to the bluff) to the top. Condition No. 1(c) was modified to require revegetation, with native species, of all disturbed areas and that the vegetation be maintained permanently in place for aesthetic and erosion control purposes.

The permit applicant, Humboldt County Department of Public Works, appealed the approved coastal development permit to the County Board of Supervisors because the modifications and additional conditions imposed by the Planning Commission were not consistent with fence requirements set forth by the Federal Aviation Administration. Furthermore, the applicant appealed the Planning Commission's action because nonconformance with FAA requirements could result in the loss of federal funding for the fence and without the fence, the County is subject to losing its Part 139 Certificate of Operation and could be ordered by the FAA to close the airport.

The Board of Supervisors ultimately upheld the appeal and approved the project as originally proposed. In its action on October 2, 2001, the Board of Supervisors deleted conditions No. 1(c), 1(d), 1(e), and Conditions No. 2 and 3 added by the Planning Commission. The County then issued a Notice of Final Action, which was received by Commission staff on October 16, 2001 (Exhibit No. x).

#### **C. SITE AND PROJECT DESCRIPTION**

The project is located at the Arcata-Eureka Airport property in the McKinleyville area, on the east side of Highway 101, approximately twelve miles north of the City of Eureka, in Humboldt County. The airport is located on a coastal terrace approximately 200 feet above mean sea level. The airport is accessed via Airport Road which borders the airport on the south. The airport property is also bordered by Central Avenue on the east, Kjer Road on the north, and Highway 101 on the west. The western portion of the airport parcel adjacent to the highway is a steep, densely vegetated bluff while the remainder of the site is relatively flat. The Highway 101 corridor through this area provides views of the densely vegetated bluff with scattered homes visible along the ridgeline to the east, and expansive ocean views, including views of offshore rocks and Trinidad Head to the west and northwest. Clam Beach County Park and portions of the Hammond Trail are located on the west side of Highway 101, opposite the coastal bluff.

The approved project involves the construction of 27,000 lineal feet of fencing around the perimeter of the 600-acre Arcata-Eureka Airport. The airport property is bisected by the



coastal zone boundary and approximately 11,000 feet of fence is located in the coastal zone. The primary purpose of the fence is to alleviate wildlife hazards at the airport, namely deer on the runways, and to improve overall security by preventing unauthorized access to the airport property. The presence of deer on the airport property has posed a public safety hazard for several years, as aircraft are subject to striking the deer during takeoffs and landings. Shooting the deer has been used as a short-term control measure in the past, but it is not a suitable long-term solution to the on-going problem and the California Department of Fish and Game will no longer issue depredation permits for this purpose. Harassment attempts have been unsuccessful and the existing four-foot-high perimeter fence is not a barrier to deer. The majority of the fence construction project (90%) is planned to be funded by the Federal Aviation Administration (FAA) which has mandated that a permanent solution be implemented to reduce the current wildlife hazard at the airport.

The approved fence is a ten-foot-high green, vinyl-coated chain link fence with three strands of barbed wire at a 45-five degree angle along the top. An existing four-foot-high fence would be removed and the new fence, for the most part, would follow the existing alignment, with the exception of the proposed alignment on the bluff at the western edge of the property. The Federal Aviation Administration (FAA), prohibits the installation of any structures within the "Object Free Area" (OFA) surrounding the runway. This requires approximately 2,050 feet of the fence to be constructed along the bluff adjacent to Highway 101 in a manner that would avoid locating the fence within the Object Free Area as required by the FAA. The County also approved a Special Permit for major vegetation removal in the coastal zone, as woody vegetation growing on the bluff would be removed within a ten-foot-wide corridor along the fence alignment.

**D. SUBSTANTIAL ISSUE ANALYSIS**

Section 30603(b)(1) of the Coastal Act states:

*The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.*

**1. Appellants' Contentions That Are Valid Grounds for Appeal**

Three of the four contentions raised in the appeal present potentially valid grounds for appeal in that they allege the project's inconsistency with policies of the certified LCP. In all three cases, the Commission finds that a substantial issue is raised.

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

*With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.*

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." (Cal. Code Regs., tit. 14, section 13115(b).) In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development as approved by the County presents a substantial issue with regard to appellants' contentions relating to geologic hazards, environmentally sensitive habitat areas, and visual resources.

a. **Geologic Hazards and Bluff Erosion**

The appellants contend that the project, as approved by the County, located along the bluff face, would create a bluff erosion hazard inconsistent with McKinleyville Area Plan (MCAP) Policy 3.28 which, in part, requires that new development assure stability and structural integrity and neither create or contribute significantly to erosion or geologic stability. The appellants contend that the project description as approved by the County was ambiguous and inconsistent with regard to the exact siting of the portion of the fence along the bluff face and base of the bluff and as a result, there is not sufficient evidence

to determine whether the fence would be sited in a manner that would minimize erosion of the coastal bluff. The appellants also contend that certain elements of the project were not reflected in the project description and thus, impacts to the bluff associated with these project elements were not analyzed as part of the project approval.

LCP Policies:

McKinleyville Area Plan Policy 3.28 states that:

*New development shall:*

- (1) *Minimize risks to life and property in areas of high geologic, flood and fire hazard.*
- (2) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding areas, or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Discussion:

The appellants assert that the location, siting, and alignment of the fence in relation to the steep coastal bluff face was changed after the staff analysis and geotechnical report were prepared, and a revised staff analysis or addendum to the geotechnical report was not prepared to support the change to the siting of the fence. The fence was originally proposed to be located on the bluff face down the slope just far enough so that the fence would not extend above the top of the bluff into the Object Free Area adjacent to the end of the runway. The Planning Commission, concerned about stability at the top of the bluff, added a condition to locate the fence toward the base of the bluff. The appellants indicate that at the Board of Supervisors hearing, the project description was changed and the fence was proposed to run down the face of the bluff toward the toe of the slope, along the base of the bluff, and then back up to the top of the bluff. The Board of Supervisors deleted the condition added by the Planning Commission and thus, the exact siting of the fence along the bluff as approved by the County remains unclear. The findings in the staff report do not reflect the change to the project description or its impacts to the stability of the bluff and thus, the appellant's contend there is not sufficient evidence to demonstrate that the project as approved is consistent with the geologic hazard policies of the LCP.

Furthermore, the appellants contend that on-going maintenance requirements, vegetation clearing, and placement of an impervious surface along the fence alignment were not included in the project description and therefore, impacts to the stability of the bluff

associated with these project elements were not adequately analyzed for consistency with LCP policies regarding geologic hazards. The appellants assert that if the maintenance requirements involve accessing the fence along the bluff on a regular basis by foot or by vehicle for example, such activities could result in significant impacts to the stability of the bluff inconsistent with LUP Policy 3.28.

A geotechnical analysis was prepared for the project (Taber, July 2001). The analysis does not address a specific proposed alignment but rather, sets forth recommendations for constructing the fence for various conditions. Based on the information in the County record, it is not entirely clear exactly where the approved fence is located and thus, it is not possible to determine that it has been sited and designed in a manner that would not create or contribute to geologic hazards, as required by LUP policy 3.28.

Therefore, there is not a high degree of factual or legal support for the County's decision to approve the project as being consistent with the certified LCP. Thus, the Commission finds that the project as approved by the County raises a substantial issue with respect to conformance of the approved project with the LCP policies regarding geologic hazards.

**b. Environmentally Sensitive Habitat Areas**

The appellants contend that the project, as approved by the County would create an adverse impact to coastal wetlands inconsistent with McKinleyville Area Plan (MCAP) Policy 3.40 which, in part, requires that development adjacent to environmentally sensitive habitat areas be sited and designed to prevent impacts which would significantly degrade such areas. The appellants contend that there is not sufficient evidence to find that the proposed fence, sited along the bluff face, would not degrade the wetlands located along the base of the bluff. The applicants assert that siting the fence along the bluff and the associated maintenance of the fence would result in increased bluff erosion and accelerated sedimentation to the wetlands.

**LCP Policies:**

McKinleyville Area Plan Policy 3.40 incorporates Section 30240 and 30233 and states in applicable part:

30240.        *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

*(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.*

30233.        *(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...*

Discussion:

A stretch of coastal wetlands are located at the base of the bluff adjacent to the west side of Highway 101. These wetlands are referred to as the "Clam Beach ponds" and are identified as an environmentally sensitive habitat area in the County's LCP. The appellants note that the findings in the County staff report state that no riparian, wetland, or sensitive habitats will be affected by the proposed project and that the coastal wetlands will not be impacted directly or indirectly by construction of the fence. However, the appellants contend that the County's analysis of the project did not reference any documented information to support these findings, as there was no biological analysis before the County to demonstrate that the project would not adversely impact environmentally sensitive habitat areas. Furthermore, these findings were written prior to action on the original project by the Planning Commission and prior to consideration of the local appeal by the Board of Supervisors. Thus, the findings were written before the project was changed to locate a portion of the fence at the base of the coastal bluff near the wetlands.

As noted in section (a) above, the approved project was ambiguous with regard to the exact siting of the fence along the bluff and with regard to the required on-going maintenance and security checks. Additionally, impacts to the bluff from the required vegetation clearance and impervious surface along the fence alignment were not addressed in the County's findings to approve the project. The appellants assert that significant erosion would result from these activities causing accelerated rates of sedimentation to the wetlands, thereby degrading the wetlands inconsistent with LUP Policy 3.40.

The appellants have not provided any supporting information contrary to the geotechnical analysis in the County record to demonstrate that construction of the fence along the bluff would result in significant erosion. However, the Commission finds that based on the information in the record before the County, it is not entirely clear exactly where the approved fence is located relative to the wetlands and thus, it is not possible to determine that the fence has been sited and designed in a manner that would not result in adverse impacts to the wetlands, an environmentally sensitive habitat area, as required by LUP policy 3.40.

Therefore, there is not a high degree of factual or legal support for the County's decision to approve the project as being consistent with the certified LCP. Thus, the Commission finds that the project as approved by the County raises a substantial issue with respect to

conformance of the approved project with the LCP policies regarding environmentally sensitive habitat areas.

c. Visual Resources

The appellants contend that the project, as approved by the County would result in an adverse impact to visual resources inconsistent with McKinleyville Area Plan (MCAP) Policy 3.42 which, in part, requires that development be sited and designed to protect views to and along the ocean and scenic coastal areas. The appellants contend that the approved ten-foot high chain link fence with three strands of barbed wire located along the bluff face would diminish ocean views from public roadways, and that the fence and the corridor of vegetation clearing would be visible from Highway 101, a coastal scenic area.

LCP Policies:

LUP Section 3.42 incorporates Section 30251 of the Coastal Act and 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.*

Discussion:

The appellants note that the existing airport fence is four-feet-high and the new fence as approved would be twelve-feet-high, resulting in a tripling of the fence height built from "unsightly materials and a fifteen foot wide swath cleared of all vegetation." The appellants assert that the fence would diminish coastal views from public roadways including Kjer Road and Highway 101 and that the vegetation removal would result in landform alteration inconsistent with LUP Policy 3.42. The appellants note that the County's findings for approval which state that the project would "enhance the area's scenic values" are unsubstantiated. As the findings in the staff report do not reflect the specific siting and location of the fence, it is not clear what the visual impact of the fence as viewed from Highway 101 would be, and the appellants contend there is not sufficient evidence to determine the project's consistency with the visual resource policies of the LCP.

The proposed project originally involved construction of a 10-foot-high, green, vinyl-coated fence with three strands of barbed wire. In its August 16, 2001 action, the Planning Commission added conditions requiring changing the color of the fence from green to black, removing the barbed wire, and requiring that all disturbed areas be replanted. The applicant appealed the project to the Board of Supervisors on the basis that the conditions imposed by the Planning Commission were inconsistent with requirements set forth by the FAA. In its action on October 2, 2001, the Board of Supervisors deleted the conditions imposed by the Planning Commission.

The specific siting and design of the fence is largely limited by the requirements set forth by the FAA to ensure that the fence meets the objectives of excluding deer from the airport property as well as prohibiting unauthorized access. However, the Commission finds that based on the information in the record before the County, it is not entirely clear exactly where the fence approved by the County is located and thus, it is not possible to determine that the fence has been sited and designed in a manner that would protect visual resources, as required by LUP policy 3.42. Therefore, there is not a high degree of factual or legal support for the County's decision to approve the project as being consistent with the certified LCP. Thus, the Commission finds that the project as approved by the County raises a substantial issue with respect to conformance of the approved project with the LCP policies regarding protection of visual resources.

**2. Appellants' Contentions That Are Not Valid Grounds for Appeal**

**a. Minimum Yard Setbacks in State Responsibility Area**

The appellants contend that a 30-foot minimum setback from all property lines is required in the area of the proposed fence that borders properties along Kjer Road at the northwestern edge of the airport property. As approved by the County, the fence would be sited along the property lines of several parcels on the west side of Kjer Road with no setback. Thus, the appellants contend that the project as approved raises a substantial issue of conformance with zoning requirements.

**Discussion:**

The County staff report makes findings regarding "Minimum Yard Setbacks in State Responsibility Area" and states that within this area, where applicable, 30-foot minimum setbacks are required from all property lines, except that street frontage may provide the same practical effect. In the staff report, the County finds that no development would occur within these limits. The term "State Responsibility Area" refers to areas subject to fire safe standards set forth in the County's General Plan. These fire safe standards, including minimum setback requirements, are not incorporated into the County's LCP. Furthermore, no portion of the airport property located in the coastal zone is designated a State Responsibility Area. Thus, the Commission finds that this contention is not valid

grounds for appeal because it does not allege an inconsistency of the local approval with the certified LCP.

**Conclusion of Part One: Substantial Issue**

The Commission finds that, as discussed above, the project as approved by the County raises a substantial issue with respect to the conformance of the approved project with the policies of the LCP regarding geologic hazards, environmentally sensitive habitat areas, and visual resources.



**PART TWO-DE NOVO ACTION ON APPEAL**

Staff Notes:

1. Procedure

If the Commission finds that a locally approved coastal development permit raises a Substantial Issue with respect to the policies of the certified LCP, the local government's approval no longer governs, and the Commission must consider the merits of the project with the LCP de novo. The Commission may approve, approve with conditions (including conditions different than those imposed by the County), or deny the application.

2. Incorporation of Substantial Issue Findings

The Commission hereby incorporates by reference the Substantial Issue Findings above.

3. Submittal of Additional Information by the Applicant

For purposes of de novo review by the Commission, the applicant has provided Commission staff with supplemental information including a revised project description and revised project plans. The supplemental information provides clarification of the proposed project and additional information regarding issues raised by the appeal that was not part of the record when the County originally acted to approve the coastal development permit.

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**I. MOTION, STAFF RECOMMENDATION DE NOVO, AND RESOLUTION:**

Motion:

I move that the Commission approve Coastal Development Permit No. A-1-HUM-01-058 pursuant to the staff recommendation.

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 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 certified Humboldt County LCP. 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: See attached Attachment A.**

**III. SPECIAL CONDITIONS:**

**1. Erosion Control Plan**

**A. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the applicant shall submit, for review and approval of the Executive Director, a plan for the design and installation of erosion control measures.**

1. The erosion control plan shall demonstrate that:
  - (a) During construction, erosion on the site shall be controlled to avoid adverse impacts to the bluff and coastal wetlands;
  - (b) The following temporary erosion and sedimentation control measures, or appropriate equivalents, shall be used during construction: straw bale barriers, silt fencing, mulching;
  - (c) Engineering mat or geotextile fabric shall be installed and maintained to cover the 10-foot-wide clear area as proposed along all portions of the fence that extend up and down the bluff face; and
  - (c) Following construction, erosion on the site shall be controlled to avoid adverse impacts on the bluff and coastal wetlands through the use of replanting disturbed areas not covered by the engineering mat or geotextile fabric proposed to be placed within the 10-foot-wide clear area

(five feet on either side of the fence) on the bluff face with native vegetation and mulching areas of bare soil.

2. The plan shall include, at a minimum, the following components:

- (a) A narrative report describing all temporary erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control;
- (b) A site plan showing the location of all temporary erosion control measures;
- (c) A schedule for installation and removal of the temporary erosion control measures;
- (d) A site plan showing the location of all permanent erosion control measures; and
- (e) A schedule for installation and maintenance of the permanent erosion control measures.

- B. Development shall occur consistent with the approved plan. No changes to the approved plan shall occur without a Commission approved amendment to this CDP unless the Executive Director determines that no amendment is legally required.

2. Paths Along the Bluff Face

Construction of the fence and maintenance and security inspections of the fence as installed shall not result in the creation of permanent paths or roads on the bluff face.

3. Conformance with Project Plans

- A. All project construction, including the fence alignment and design, shall be consistent with the project plans prepared by Humboldt County Department of Public Works and dated November 16, 2001 and with the revised project description narrative dated November 28, 2001.
- B. The permittee shall undertake development in accordance with the approved project plans. Any proposed changes to the approved project plans shall be reported to the Executive Director. No changes to the approved project plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

#### **IV. FINDINGS AND DECLARATIONS**

##### **1. Project and Site Description**

The proposed project involves the construction of 27,000 lineal feet of fence around the perimeter of the 600-acre Eureka-Arcata Airport property for deer exclusion and security purposes. Approximately 11,000 feet of the fence is located within the coastal zone. All of the fence would be constructed on County property. The proposed fence is a ten-foot-high, green vinyl-coated chain link fence with three strands of barbed wire at a 45-degree angle along the top. An existing four-foot-high fence would be removed and the new fence, for the most part, would follow the existing alignment with the exception of a portion of the fence that would be sited down to and along the base of the bluff.

For purposes of de novo review by the Commission, the applicant has submitted a revised project description and revised project plans that clarify the proposed location of the fence and other elements of the proposed project since the time the County originally approved the project prior to the appeal to the Commission. Approximately 2,100 lineal feet of the fence would be sited on the bluff face and along the base of the bluff adjacent to the east side of Highway 101 to avoid locating the fence within the Object Free Area adjacent to the end of the runway as required by the Federal Aviation Administration (FAA). The proposed project involves installing a total of 722 feet of fence on the bluff slope from the top of the bluff to the toe of the slope (380 feet going down one side and 342 feet coming up the other side) and 1,400 feet of fence near the base of the bluff. The portion of the fence along the base of the bluff would be constructed outside of wetlands at least 50 feet away from the existing ponds east of the highway. The proposed project also involves removing woody vegetation within a 10-foot-wide area along the fence alignment (five feet on either side of the fence), for a total of 2,502 square feet, which is required by the FAA to be maintained clear of vegetation for maintenance inspections and security purposes. The project includes placing engineering mat or geotextile fabric along the ten-foot-wide clear area to prevent the regrowth of vegetation. The revised project description also proposes the installation of unspecified temporary and permanent erosion control measures and replanting with native vegetation any areas not covered by the engineering mat or geotextile fabric disturbed by construction of the fence.

Finding C of the Substantial Issue portion of this report regarding the site description is hereby incorporated by reference.

2. Geologic Hazards

LCP Policies:

LUP Policy 3.28 of the McKinleyville Area Plan states:

*New development shall:*

- (1) Minimize risks to life and property in areas of high geologic, flood and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding areas or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Section A314-51 of the Humboldt County Coastal Zoning Ordinance states in applicable part:

A314-51. G – ALQUIST-PRIOLO FAULT HAZARD.

- (a) Purpose. The purpose of these provisions is to implement the Alquist-Priolo Special studies Zones act (Public Resources Code Section 2621 et seq.) in order to address potential hazards resulting from surface faulting or fault creep.*

...

*(e) Geologic Fault Evaluation Report Required. Application for a Special Permit for any of the following types of development shall be accompanied by a geologic fault evaluation report prepared by a geologist registered in the State of California, which is directed to the problem of potential surface fault displacement throughout the project site unless such report is exempt or waived;*

- (1) Parcel and final map subdivisions, as defined by the Subdivision Map Act;*
- (2) Construction of any structure for human occupancy;*
- (3) Alterations or additions to structures for human occupancy the value of which exceeds fifty percent of the value of the structure;*
- (4) Any change in use or character of occupancy that results in conversion of a building or structure from one not used for human occupancy to one that is so used.*

(f) Exemption From Fault Evaluation Report Requirements. *Notwithstanding the Geologic Fault Evaluation Report requirements, the following types of development are exempt from the requirement of a Geologic Fault Evaluation Report;*

- (1) Construction, alteration, or additions of three or fewer single family wood frame dwellings or mobilehomes, provided that they do not exceed two stories;*
- (2) Construction, alteration, or addition of four or more single family homes provided...*
- (3) Conversion of an existing apartment complex into a condominium.*
- (4) Any other development that may be exempt or excluded pursuant to the Alquist-Priolo Special Studies Zones Act, commencing with Public Resources Code Section 2621 et seq.*

The Eureka-Arcata airport is located on top of a broad coastal terrace approximately 150 feet high and composed of Quaternary marine deposits of silt, sand, and gravel. The terrace deposits are underlain by rock associated with Pleistocene marine sediments of the Falor Formation, characterized by pebbly conglomerate, sandstone, and siltstone which are indicated to be flat lying. No faults are indicated to pass through the subject site, although splays of the active McKinleyville and Mad River Fault systems extend along the southwest and northeast sides of the airport.

The proposed project involves installing 722 feet of fence on the bluff slope from the top of the bluff to the toe of the slope (380 feet going down one side and 342 feet coming up the other side) and 1,400 feet of fence at the base of the bluff. The proposed project also involves clearing vegetation within a 10-foot-wide area along the fence alignment (five feet on either side of the fence), for a total of 2,502 square feet, which would be protected from erosion and maintained clear of vegetation as required by the FAA for security and maintenance purposes by the placement of engineering mat or geotextile fabric

Alternatives to the siting and design of the deer/security fence are largely limited by requirements set forth by the FAA. The applicant considered several siting and design options which were rejected by the FAA as being unacceptable to meet the objectives of excluding deer from the airport property and providing increased security to prevent unauthorized access to the airport. The FAA requires that an "Object Free Area" be maintained 800 feet beyond the runway to reduce collision hazards. At the Eureka-Arcata Airport, the runway extends to within 215 feet of the bluff edge, and thus, the Object Free Area (OFA) extends over and down the edge of the bluff and the fence is prohibited from being located within this area. The applicant considered constructing the western section of the fence along the top of the bluff with "breakaway" material. However, the FAA allows only frangible items related to navigation within the "50:1 glide path" along the top of the bluff. The applicant also considered materials other than the proposed chain link fence such as a horizontal fence placed on skids at the bluff edge, or an on-the-ground barrier such as a wide cattle-grate or moat. However, these

alternative designs were also rejected by the FAA as being unacceptable to effectively serve as deer/security fence, particularly with regard to any water feature that could attract birds, which would also pose a hazard to aircraft. In a letter to the applicant dated August 29, 2001, the FAA stated, "*The 10' fence with 2' of barbed wire cap is the standard for wildlife protection on airports. To arbitrarily amend the specification for this specific location would negate the standard that USDA and the FAA have determined will adequately prohibit wildlife access to the airport property.*" Therefore, the applicant proposes to place the fence in a manner that would conform with FAA requirements and minimize geologic hazards consistent with MCAP Section 3.28.

A geotechnical assessment of the site and the proposed project was prepared by Taber Consultants, Engineers and Geologists, dated July 2001. The geotechnical analysis made several specific project recommendations to assure slope stability and structural integrity, to minimize the risk of slope failure, and to minimize the potential for erosion. The proposed fence alignment is consistent with the relevant recommendations contained in the geotechnical report including:

"If fence extends down the bluff face, it is preferable that the total on-slope length be minimized, that it be located where gradients are flattest, and be oriented, as nearly as possible, straight downhill. Placing the fence on the previously repaired section of bluff would be desirable based on its greater stability. In addition, erosion in this location is expected to be minimal."

"Where fence posts are placed on slope that is steeper than 1.5:1, the fence post depth into soil should be measured from a point where the post is at least 5 feet horizontally from the slope face. As an alternative, the posts could be installed perpendicular to the slope (i.e. cantilevered) and post embedment increased by an amount equal to the difference between the length of the post above ground and the vertical height of the top of the post above ground. Cantilevered posts extending into the Terrace Deposits (upper unit) should be avoided if possible."

"Where fence posts within 10 feet of the bluff face are necessary, increasing the post depth into the soil is recommended to reduce the potential for adverse effects. Where possible, embedment should provide 10 feet separation between the bottom of the post and the bluff face, up to a maximum embedment of 10 feet."

The proposed location of the portion of the fence to be installed below the top of the bluff would extend straight downhill and traverse the base of the bluff along the flattest gradient as recommended in the geotechnical report. This proposed alignment would avoid constructing the fence across the steeper portion of the slope, thereby minimizing the potential for erosion and bluff instability. The geotechnical report also recommends

placing the fence on a previously repaired section of bluff to provide greater stability. However, it is not feasible to follow this recommendation because the repaired section of bluff referred to in the geotechnical report is located in the central portion of the Object Free Area and as mentioned above, locating the fence in this area is not consistent with FAA requirements.

The recommendations set forth in the geotechnical report regarding the installation of the fence posts are reflected in the construction plans submitted by the applicant prepared by Humboldt County Public Works and dated November 16, 2001. The project plans include fence details for "Normal Condition" (less than 10' to the top of slope), "On Slope Normal Condition" (for slopes greater than 1.5:1), and "On Slope Cantilever Condition" (for slopes greater than 1.5:1). The construction details for each of these conditions are consistent with the recommendations for fence post siting and depths contained in the geotechnical report and cited above.

The geotechnical report further concludes and recommends that:

"Slope failures due to construction of the fence near the bluff top or on the bluff face, if any, are expected to be local, relatively minor events. Construction on the bluff face should be performed with caution to avoid creating paths, disturbed soil, or other conditions that might result in locally increased erosion."

To ensure that erosion is minimized as recommended by the geotechnical report and required by MCAP Section 3.28, the applicant proposes to utilize best management practices to control erosion both during and following construction. The applicant proposes to utilize temporary erosion control materials such as straw bales, silt fencing, and rock water dissipaters. To further minimize erosion along the fence alignment, the applicant proposes to place permanent engineering mat or geotextile fabric along the 10-foot-wide area cleared of vegetation to prevent further prevent erosion along the unvegetated areas. The Commission finds that if the erosion control measures were not implemented properly, or not at all, the proposed project could create or contribute to erosion of the coastal bluff inconsistent with MCAP Section 3.28. Therefore, to ensure that the temporary and permanent erosion control measures are appropriately designed and implemented as proposed, the Commission attaches Special Condition No. 1. This condition requires that prior to commencement of construction, the applicant submit for the review and approval of the Executive Director, an erosion control plan that describes and maps all proposed temporary and permanent erosion control measures.

The applicant has indicated that maintenance and security checks required on a regular basis along the fence would be conducted primarily by viewing the fence down the bluff from the top with the use of binoculars. Maintenance checks and fence repairs would be conducted by walking along the bluff face when necessary. As cited above, the geotechnical report recommends that construction of the fence on the bluff face should



avoid creating paths that might result in locally increased erosion. Therefore, the Commission attaches Special Condition No. 2 which requires that construction of the fence and maintenance and security checks along the fence as installed not result in the creation of permanent paths and increased erosion to ensure consistency with the recommendations of the geotechnical report.

Furthermore, to ensure the fence is constructed in a manner that would minimize geologic hazards, the Commission attaches Special Condition No. 3 which requires that the fence be constructed according to the project plans prepared by Humboldt County Public Works and dated November 16, 2001 and the revised project description narrative dated November 28, 2001, which incorporate the recommendations of the geotechnical report.

The Commission finds that the proposed project would minimize risks to life and property in the area of high geologic hazard, as required by MCAP 3.28. The project, by virtue of its nature, would not involve risks to life in the event of geologic hazard, as the fence is not associated with the construction of habitable structures or otherwise meant for human use. As discussed above, the proposed installation of erosion control measures during and after construction of the fence would minimize risks to life and property by ensuring that the project would neither create or contribute significantly to erosion, geologic stability, or destruction of the site or surrounding area, or in any way require the construction of protective devices. Furthermore, as discussed above, the fence has been sited consistent with the recommendations in the geotechnical report in that it would be located straight downhill and along the flattest, most stable gradient possible while still conforming with FAA requirements for avoiding the Object Free Area. By constructing the fence consistent with the relevant geotechnical recommendations for siting the fence and the specifications for the fence posts, the development would assure stability and structural integrity, consistent with the requirements of MCAP 3.28.

The airport property is also subject to the Geologic Hazard combining zone which is intended to implement the Alquist-Priolo Special Studies Zones Act to address potential hazards resulting from surface faulting or fault creep. Although the airport property is subject to the Alquist-Priolo Fault Hazard combining zone, the proposed fence is exempt from requirements of a geologic fault evaluation report, as the nature of the project does not result in a structure intended for human habitation. Thus, the proposed project is consistent with Humboldt County Coastal Zoning Ordinance A314-51.

Thus, the Commission finds that the proposed development, as conditioned, is consistent with the policies of the certified LCP regarding geologic hazards, including MCAP Policy 3.28, as the proposed development, as conditioned, will minimize risks to life and property, will assure geologic stability and structural integrity and not create or contribute to geologic hazards, or require the construction of protective devices. Furthermore, the project is consistent with Zoning Code Section A314-51 because the fence project is not subject to requirements of the Alquist-Priolo Special Studies Act.

3. **Environmentally Sensitive Habitat Areas**

3.40 **RESOURCE PROTECTION POLICIES AND STANDARDS**

30240. (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*

(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 such areas, and shall be compatible with the continuance of such habitat areas.*

3.41D. **WETLAND BUFFER**

1. *No land use or development shall be permitted in areas adjacent to coastal wetlands, called Wetland Buffer Areas, which degrade the wetland or detract from the natural resource value. Wetland Buffer Areas shall be defined as:*

- a. *The area between a wetland and the nearest paved road or the 40 foot contour line (as determined from the 7.5' USGS contour maps), whichever is the shortest distance, or*
- b. *450 feet from the boundary of the wetland, where the nearest paved road or 40 foot contour exceeds this distance.*
- c. *Transitional agricultural lands designated Agriculture Exclusive shall be excluded from Wetland Buffer Areas.*

2. *Development, except for:*

- ...  
c. *new fencing, so long as it would not impede the natural drainage: shall be sited to retain a setback from the boundary of the wetland sufficient to prevent adverse effects to the wetlands habitat values....*

6. *All development within the wetland buffer shall include the following mitigation measures:*

- a. *No more than 25% of the lot surface shall be effectively impervious.*
- b. *The release rate of storm runoff to adjacent wetlands shall not exceed the natural rate of storm runoff for a 50 year storm of 10 minute duration.*
- ...

- e. *Areas disturbed during construction, grading, etc., within 100 feet of the boundary of the wetland, shall be restored to original contours and sufficiently and promptly replanted with vegetation naturally occurring in the immediate area.*
- f. *Development and construction shall minimize cut and fill operations and erosion and sedimentation potentials through construction of temporary and permanent sediment basins, seeding or planting bare soil, diversion of run-off away from graded areas and areas heavily used during construction, and, when feasible, avoidance of grading during the rainy season (November through April).*

The resource protection policies set forth by Section 3.40 of the McKinleyville Area Plan (MCAP) incorporate Section 30240 of the Coastal Act and require that environmentally sensitive habitat areas be protected from significant disruption of habitat values and development adjacent to ESHA shall be sited and designed to prevent impacts which would significantly degrade the ESHA. Additionally, Section 3.41(D) of the MCAP requires that development located within or adjacent to the wetland buffer shall not degrade the wetland or detract from natural resource values.

A total of approximately 722 feet of the proposed fence would be installed down the face of the bluff on two sides and approximately 1,400 feet of fence would be located near the base of the bluff. Located between Highway 101 and the bluff the base of the bluff is a series of freshwater ponds referred to as the "Clam Beach ponds" which are remnant features from past gold mining activities. Section 3.41A(1)(b) of the MCAP designates the Clam Beach ponds as an environmentally sensitive habitat area. The ponds provide habitat for the northern red-legged frog (*Rana aurora aurora*), an amphibian listed as a "Species of Special Concern" by the California Department of Fish and Game, which unlike red-legged frogs in other areas of the state, is not listed as threatened or endangered in the north coast.

According to a biological assessment prepared by the applicant, the ponds are best described as the duckweed series and the sedge series, interspersed with stands of the mixed willow series (as described by Sawyer and Keeler-Wolf, 1995). All of these are freshwater wetland habitats that are permanently to semi-permanently or seasonally flooded. The open water areas of the Clam Beach ponds support floating aquatic vegetation such as duckweed (*Lemna* spp.), water fern (*Azolla filiculoides*), hydrocotyle (*Hydrocotyle* sp.), and yellow pond-lily (*Nuphar lutea* ssp. *polysepala*). Bordering the open water areas are emergent wetland plants including slough sedge (*Carex obnupta*), soft rush (*Juncus effusus*), small-headed bulrush (*Scirpus microcarpus*), water parsley (*Oenanthe sarmentosa*), common cattail (*Typha latifolia*), and reed canary grass (*Phalaris arundinacea*). In between the ponds are mixed stands of willows (*Salix hookeriana* and *S. lasiolepis*).

The habitat type of the wetland buffer area to the east is the red alder series (Sawyer and Keeler-Wolf 1995), with a canopy of red alder (*Alnus rubra*) and a dense understory of California blackberry (*Rubus ursinus*), salmonberry (*Rubus spectabilis*), and sword fern (*Polystichum munitum*). Also present in lesser amounts in the understory is California wax myrtle (*Myrica californica*), elderberry (*Sambucus racemosa* var. *racemosa*), and stinging nettle (*Urtica dioica* ssp. *gracilis*).

The red alder series continues up the bluff slope in many places almost to the top of the bluff. On the slope, the trees are wind-pruned and form a denser canopy, with less of an understory. On the bluff slope, the red alder series is interspersed with a shrub dominated community best described as the salal-black huckleberry series (Sawyer and Keeler-Wolf 1995). This community also occupies the uppermost ten to thirty feet at the top of the bluff. Common plant species include coyote brush (*Baccharis pilularis*), black huckleberry (*Vaccinium ovatum*), salal (*Gaultheria shallon*), California blackberry, sword fern, bracken fern (*Pteridium aquilinum*), and Scotch broom (*Cytisus scoparius*). A few Sitka spruce (*Picea sitchensis*) also occur on the slope. On the terrace at the top of the bluff, the vegetation changes abruptly to an introduced perennial grassland series (Sawyer and Keeler-Wolf 1995) that is mowed regularly by airport staff to maintain low cover.

The red alder series can be either a wetland or an upland habitat. Red alder is rated by the U.S. Fish and Wildlife Service as a facultative wetland species. Therefore, a plant community dominated by red alder is typically said to have hydrophytic vegetation, but the vegetation does not necessarily indicate the presence of wetlands and often does not. Soils and hydrology are two other important parameters to consider in determining whether a site is a wetland. Along the bluff face at the Eureka-Arcata Airport property in question, the red alder forest occurring on the coastal bluff is clearly upland, as the slope is steep and rocky and does not have wetland hydrology. Toward the base of the slope, the red alder forest functions as a transitional zone between the bluff and the ponds. Within this transition zone, the topography changes from steep slope to flat terrain, and the hydrology changes from upland to wetland.

The ponds are located at approximately 20 feet in elevation. The proposed fence alignment would be located between 30 and 45 feet in elevation and would be located a minimum of 50 feet from the ponds. No development would occur within the wetlands. The fence would be located within the wetland buffer as defined in Section 3.41(D)(1) of the MCAP which requires that no development be permitted which would degrade the wetland or detract from the natural resource value. MCAP Policy 3.41(D)(2)(c) specifically provides that new fencing, so long as it does not impede the natural drainage, is not subject to the wetland setback criteria set forth in MCAP Section 3.41(D)(3-5). All development located within the wetland buffer is, however, subject to the mitigation measures set forth by MCAP Section 3.41(D)(6)(a-f).

The applicants indicate that there are several drainage swales on the bluff where stormwater runs off during the rainy season and are dry during the summer. The Commission finds that if the fence were to be located in a manner that would alter or prevent the flow of these natural drainage swales, the project would be inconsistent with MCAP Section 3.41(D)(2)(c). For example, if the fence footings were located in the existing drainage swales, or the fence was designed in a manner such that a solid barrier was placed across the drainages, runoff would be impeded and would potentially be diverted in a manner that would create additional swales or gullies in the areas around the fence. To prevent impeding the natural drainage, the applicants propose that in locations where the fence would cross a drainage swale, the fence posts would span the swale such that no fill material would be placed in the drainage. Additionally, the open nature of the design of the chain link fencing would allow for surface flows to pass through the fence. The proposed project includes maintaining a 10-foot-wide area cleared of vegetation along the fence alignment and the applicants propose to place engineering mat or geotextile fabric along the cleared areas which would inhibit vegetation growth by limiting light and providing soil cover. The engineering mat or fabric would be pervious to water and thus, would continue to allow for natural drainage. Therefore, the proposed fence would not impede natural drainage, and is consistent with MCAP Section 3.41(D)(2)(c).

MCAP Section 3.41(D)(6)(a-f) requires that all development within the wetland buffer include certain mitigation measures that provide for runoff and erosion control. Mitigation measure 6(a) and (b) require that no more than 25% of the lot surface be effectively impervious and that the release rate of storm runoff to adjacent wetlands not exceed the natural rate of storm runoff for a 50-year storm of 10 minute duration. Approximately 0.047 acres of the fence alignment along the bluff would be covered with engineering mat or geotextile fabric to prevent vegetation growth. The mat or fabric does not constitute an impervious surface and the project does not otherwise involve the construction of any other type of impervious surface. According to the applicant, the calculated natural storm runoff from the original undisturbed ground along the fence alignment down the bluff face (10 feet wide and 380 feet long) is about 0.1 cubic feet per second, or what the applicant describes as a flow similar to that of four flowing garden hoses. As the engineering mat or fabric would continue to allow for storm runoff to infiltrate, the release rate of runoff to the wetlands would not significantly change in a manner that would exceed the natural rate of runoff for a 50 year storm of 10 minute duration. Furthermore, the fence would be sited at least 50 feet east of the wetlands and the intervening densely vegetated area would continue to provide an area of infiltration for storm water runoff prior to being received by the adjacent wetlands.

Mitigation measure (e) set forth in Section 3.41(D)(6) requires that areas disturbed during construction within 100 feet of the wetlands be restored to original contours and promptly replanted with vegetation common to the area. The applicants do not anticipate the need for removing significant amounts of vegetation during construction other than the proposed 10-foot-wide cleared corridor and the construction of the fence would not

involve altering any ESHA or the bluff contours within 100 feet of the wetlands. The applicants propose to replant any areas disturbed by project construction using native plant species following completion of the project. The applicants also propose to restore original contours consistent with mitigation measure (e) should such disturbance occur. Lastly, mitigation measure (f) requires that development and construction minimize cut and fill operations, erosion, and the potential for sedimentation by using sediment basins, replanting, diverting runoff, and when feasible avoiding grading during the rainy season (November through April). The applicants are proposing to implement temporary construction erosion control measures and permanent structural erosion control measures to minimize sedimentation from the proposed project. Additionally, as noted above, the applicants also propose to replant any areas disturbed during construction to minimize erosion. Due to the expansive lineal area of the proposed project, the use of basins to contain sediment is not a practical means of minimizing sedimentation in this case. Furthermore, due to the urgency of the proposed project for public safety purposes, it is not feasible to limit construction of the fence to the non-rainy season. MCAP Section 3.41(D)(6)(f) allows for grading during the rainy season if it is not feasible to avoid grading during this period. Therefore, the Commission finds that the proposed project is consistent with the applicable mitigation measures required by MCAP Section 3.41(D)(6)(a-f).

As noted above, no development is proposed to be located within the wetlands and thus, the project does not involve impacts associated with wetland fill. Therefore, the potential impact to the wetlands at the base of the bluff centers around whether the fence would result in increased erosion and contribute sediment to the wetlands, thereby resulting in potential disruption of habitat values and degradation of the wetland ESHA.

The fence would be placed the maximum distance possible from the wetlands while staying on relatively flat terrain. The proposed fence alignment at the base of the bluff would minimize the amount of cross-slope construction. Locating the fence along steeper gradients further upslope from the wetlands would likely increase the potential for erosion and associated sediment input into the wetlands. The proposed 50-foot minimum setback from the wetlands would continue to provide an area of infiltration for storm water runoff prior to it entering the wetlands and, as this setback area is densely vegetated, it would also function to capture sediment prior to reaching the wetlands. The applicants are proposing the installation of temporary and permanent erosion control measures to further control erosion during and after project construction. Moreover, the nature of the project is such that once the fence is constructed, there would not be any on-going disturbance to the wetland ESHA typically associated with other types of development such as the use of vehicles, frequent human presence, or runoff from impervious surfaces that would result in significant disruption of habitat values, or significantly degrade the wetland ESHA.

To ensure that the erosion control measures are appropriately designed and implemented as proposed to protect the wetlands from sedimentation, the Commission attaches Special

Condition No. 1. This condition requires that prior to commencement of construction, the applicant submit an erosion control plan for the review and approval of the Executive Director. This condition requires that the plan describe the temporary and permanent erosion control measures, show the location of all erosion control measures, and provide a schedule for the installation of all temporary and permanent measures.

To ensure that no development is constructed within the wetland environmentally sensitive habitat area, and that the fence be constructed as proposed to be located at an elevation of 10 to 25 feet above the level of the ponds, the Commission attaches Special Condition No. 2. This condition requires that the project be constructed consistent with the approved project plans prepared by the Humboldt County Department of Public Works and dated November 16, 2001.

Therefore, the Commission finds that the proposed development, as conditioned, is consistent with LUP policies 3.40, as environmentally sensitive habitat would be protected from significant disruption of habitat values, the project is sited and designed to prevent impacts which would significantly degrade the ESHA, and the fence would not degrade the wetlands or detract from the natural resource value, or impede natural drainage.

### 3. Visual Resources

The visual resource section of the McKinleyville Area Land Use Plan (MCAP) incorporates Section 30251 of the Coastal Act, which states in applicable part:

#### 3.42 VISUAL RESOURCE PROTECTION

*30251. 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.*

#### 3.42C. COASTAL SCENIC AREAS

2. *New development proposed with Coastal Scenic Areas which cannot satisfy the prescriptive standards listed in Sections 3.42C and D, respectively, shall be referred to the Design Assistance Committee. The Design Assistance Committee, as defined in the implementation phase of the Local Coastal Program, shall*

*insure that the proposed development is compatible with the goals and objectives of this plan. Findings for approval shall include:*

- ...*  
b. *Alteration of natural landforms caused by cutting, filling, grading or clearing necessary for a building site is minimized and, as appropriate, integrated with the project;*  
*...*
- e. *Vegetation common to the area should be used to integrate the manmade with the natural environment, to screen and soften the visual impact;*  
*...*
- i. *Where views from public roads to the coast or coastal waterways are of concern, the height, width, and setbacks from roads and parcel lines shall be considered to retain as much of the existing view as is possible;*
- j. *Views from public trails, beaches, or public recreation areas into the development site shall also be considered.*

MAP Policy 3.42 states that the scenic and visual qualities of Humboldt County coastal areas shall be considered and protected as a resource of public importance, and that 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, and to be visually compatible with the character of surrounding areas. Additionally, the McKinleyville Area Plan sets forth various standards for coastal scenic areas that are applicable to the proposed project.

#### **Protection of views to and along the ocean and scenic coastal areas**

MCAP Section 3.42 requires that development be sited and designed to protect views to and along the ocean and scenic coastal areas. The coastal bluff on the east side of Highway 101 where a portion of the proposed fence would be located is designated as a "Coastal Scenic Area" in the McKinleyville Area Plan of the County's certified Land Use Plan. The Highway 101 corridor through this area provides views of the densely vegetated bluff to the east, and spectacular, expansive ocean views, including views of offshore rocks and Trinidad Head to the west and northwest. Clam Beach County Park and portions of the Hammond Trail, a multi-use coastal trail, are located on the west side of Highway 101, opposite the coastal bluff.

As discussed previously, a total of 722 feet of fencing would be located parallel to the bluff face consisting of two vertical elements extending from the top of the bluff to the toe of the bluff with a ten-foot-wide area of cleared vegetation along the fence alignment. Approximately 1,400 feet of fencing would be located near the toe of the slope. Views to the ocean from Highway 101 would not be affected by the proposed fence, as the fence would be located entirely on the east side of the highway and therefore, would not in any way alter the view to the ocean to the west.



The vertical elements of the fence and the area of cleared vegetation would be visible from Highway 101, but would not be prominent among the viewshed, as the bluff runs adjacent to the highway for several miles and the fence would extend up the bluff in only two, ten-foot-wide areas. The visual effect would be similar to a utility line corridor extending up a hillside. The horizontal portion of the fence at the base of the bluff would not be visible from the highway, as it would be effectively screened from view by a dense canopy of red alder trees and surrounding dense vegetation that exceeds the height of the fence. As the fence extends back up to the top of the bluff, only two sections approximately 20-30 feet long would be visible from the highway. Beyond these two sections, the proposed fence alignment heads inland and disappears from view behind dense vegetation. When viewed at a distance, as from Clam Beach or the Hammond trail across the beach and Highway 101, the proposed fence would appear small enough such that it would not be a prominent feature of the viewshed from these coastal access and recreation areas, and thus would not adversely impact the view to and along the coastal scenic area from these locations.

The airport property is also bordered by Central Avenue on the east and Kjer Road on the north. Portions of the fence that would be sited along Central Avenue are located outside of the coastal zone. Public views to the scenic coastal area and the ocean from Kjer Road are minimal, as the view is largely obstructed by existing development including the airport facilities and single family homes. Furthermore, Kjer Road is a short, dead-end road used to service residential development and is not heavily used by the public other than to access the McKinleyville Rodeo grounds during scheduled events. Public views to the ocean and the coastal scenic area are limited to slivers of ocean views across residential properties and through existing scattered fences and thus, Kjer Road is not a coastal viewing destination for the public. Therefore, the proposed fence would not result in a significant adverse affect on public views to and along the ocean and scenic coastal areas from these public roads.

Therefore, the proposed project is sited and designed to protect public views to and along the ocean and scenic coastal areas consistent with MCAP Section 3.42.

#### **Visual compatibility with the character of the surrounding area**

The area where the fence would be located along Kjer Road is largely characterized by rural, low-density residential development and by the flat, expansive coastal terrace developed with the airport facilities. The proposed ten-foot-high fence with three strands of barbed wire would result in a change to the visual character of the area along the roadside where a four-foot-high, open-style airport perimeter fence currently exists. Large portions of the fence as viewed from Kjer Road would be located behind existing residential development and other types and heights of fences and would be setback off the road such that the fence in this area would only be minimally visible among other development. In areas where the fence is located adjacent to Kjer Road, the fence would

be more prominent, as there are no other significant structures in the immediate area surrounding the proposed fence location. However, alternatives to the height, design, and siting of the fence that would be less prominent are largely limited by the specifications required by the FAA to meet the deer exclusion and security objectives. For example, a shorter, open-style fence would not provide an adequate barrier to deer and thus, would be unacceptable to the FAA. The visual character of the airport property is in large part defined by the presence of the airport itself. The Commission finds that even though the fence may be more prominent along this portion of Kjer Road, the fence would be compatible with the character of the use of the property as an airport which includes other fences and public works structures and facilities.

The character of the bluff area is largely defined by the densely vegetated slope on the east and the unobstructed views of the ocean to the west. As discussed above, the only portion of the fence that would be visible from the areas surrounding the bluff, namely Highway 101, Clam Beach, and the Hammond Trail would be the two vertical elements of the fence extending up and down the bluff along a ten-foot-wide cleared corridor and a 20-30 foot segment along the top of the bluff. The horizontal fenceline at the base of the bluff would not be visible from the surrounding area, as the dense vegetation in front of and behind the fence exceeds the height of the fence and would effectively screen it from view. Furthermore, the cyclone fence would be coated with green vinyl, which would reduce reflection and blend with the vegetation of the surrounding area.

Therefore, the project has been sited and designed to be compatible with the character of the surrounding area.

#### **Minimization of alteration of natural landforms**

The project would not result in any significant alterations to landforms of the bluff, as the fence would be located along flat ground and existing slope gradients and would not require significant grading. Therefore, the proposed project is consistent with Section MCAP 3.42 and 3.42(B)(1)(a), as alterations to natural contours and landforms would be minimized.

#### **Coastal Scenic Area**

As discussed above, the coastal bluff on the east side of Highway 101 where a portion of the proposed fence would be located is designated as a "Coastal Scenic Area" in the McKinleyville Area Plan of the County's certified Land Use Plan. The Highway 101 corridor through this area provides views of the densely vegetated bluff to the east, and spectacular, expansive ocean views, including views of offshore rocks and Trinidad Head to the west and northwest. Clam Beach County Park and portions of the Hammond Trail, a multi-use coastal trail, are located on the west side of Highway 101, opposite the coastal bluff. MCAP Section 3.42(C)(2) and (D) sets forth standards for development

within coastal scenic areas. (Section 3.42(D) refers to Public Land Resource Buffers and is not applicable to the proposed project).

As discussed above, the proposed project would minimize the alteration of landforms consistent with standard (b) set forth by Section 3.42(C). The project would not result in any significant alterations to the contours of the bluff, as the fence would be located along the existing slope gradient and would not require significant grading. The ten-foot-wide clear area along the fence alignment would be kept clear of vegetation for security and maintenance purposes as required by the FAA. However, the applicant proposes to replant native species in all other areas disturbed by the construction of the fence to further minimize the alteration of the bluff face consistent with Section 3.42(C)(b) and (e).

Section 3.42(C)(i) requires that where views from public roads to the coast or coastal waterways are of concern, the height, width, and setbacks from roads and parcel lines shall be considered to retain as much of the existing view as possible. As discussed previously, views to the coast from Highway 101 would not be affected as the fence is located on the east side of the highway and would in no way impact views to the ocean on the west side. Views to the coast from Kjer Road are minimal and are largely obstructed by existing development, including existing fences, residential development, and the airport facilities.

As noted previously, Clam Beach County Park and portions of the Hammond Trail, a popular trail for coastal recreation are located opposite the bluff on the west side of Highway 101. As required by MCAP Section 3.42(C)(j), views of the fence from these public parks and access locations have been considered. Again, the only portion that would be visible from these areas would be the ten-foot-wide vertical elements extending up and down the bluff face, as the horizontal element would be screened from view by existing vegetation. When viewed from a distance, across Highway 101 and the beach, the proposed fence would appear much smaller such that it would not be a prominent intrusion in the viewshed from these coastal access and recreation areas.

The Commission thus finds that the proposed development, as conditioned, is consistent with MCAP Section 3.42 and 3.42(C), as the project has been sited and designed to minimize the alteration of natural landforms, protect public views to and along the ocean and scenic coastal areas and to be visually compatible with the character of surrounding areas, and to provide for the protection of coastal views from public recreation areas.

## **5. California Environmental Quality Act**

Section 13096 of the Commission's administrative regulations requires 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 requirement of the California Environmental Quality Act (CEQA).

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 substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be found consistent with the policies of the Coastal Act. 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. Mitigation measures that will minimize or avoid all significant adverse environmental impact have been required. 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 impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

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Exhibits:

1. Project Location
2. Vicinity Map
3. Zoning Map
4. Site Location
5. Appeal
6. Notice of Final Action
7. Applicant's Reply to Appeal
8. Original Project Description
9. Geotechnical Report
10. Federal Aviation Administration Correspondence
11. Amended Project Description
12. Habitat Types
13. Fence Design Typical
14. Fence Cross Section
15. Fence Alignment Typical
16. FAA Correspondence

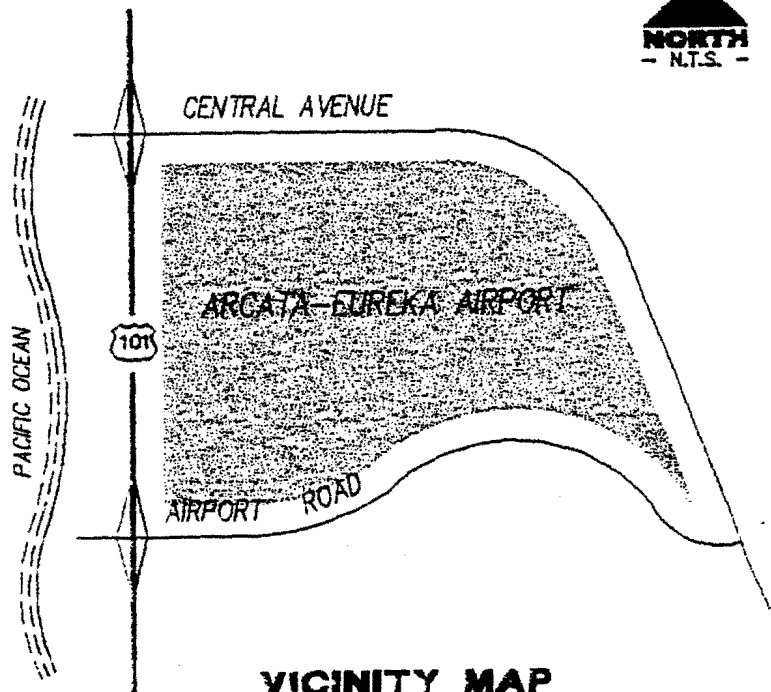
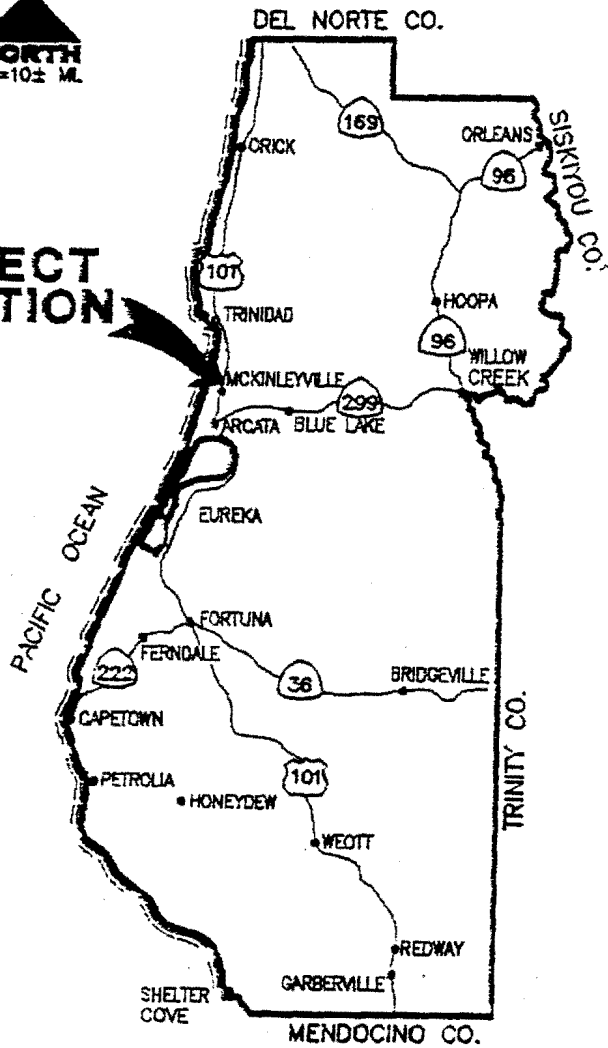
## ATTACHMENT A

### 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.



**PROJECT  
LOCATION**



**VICINITY MAP**

NOT TO SCALE

EXHIBIT NO. 1

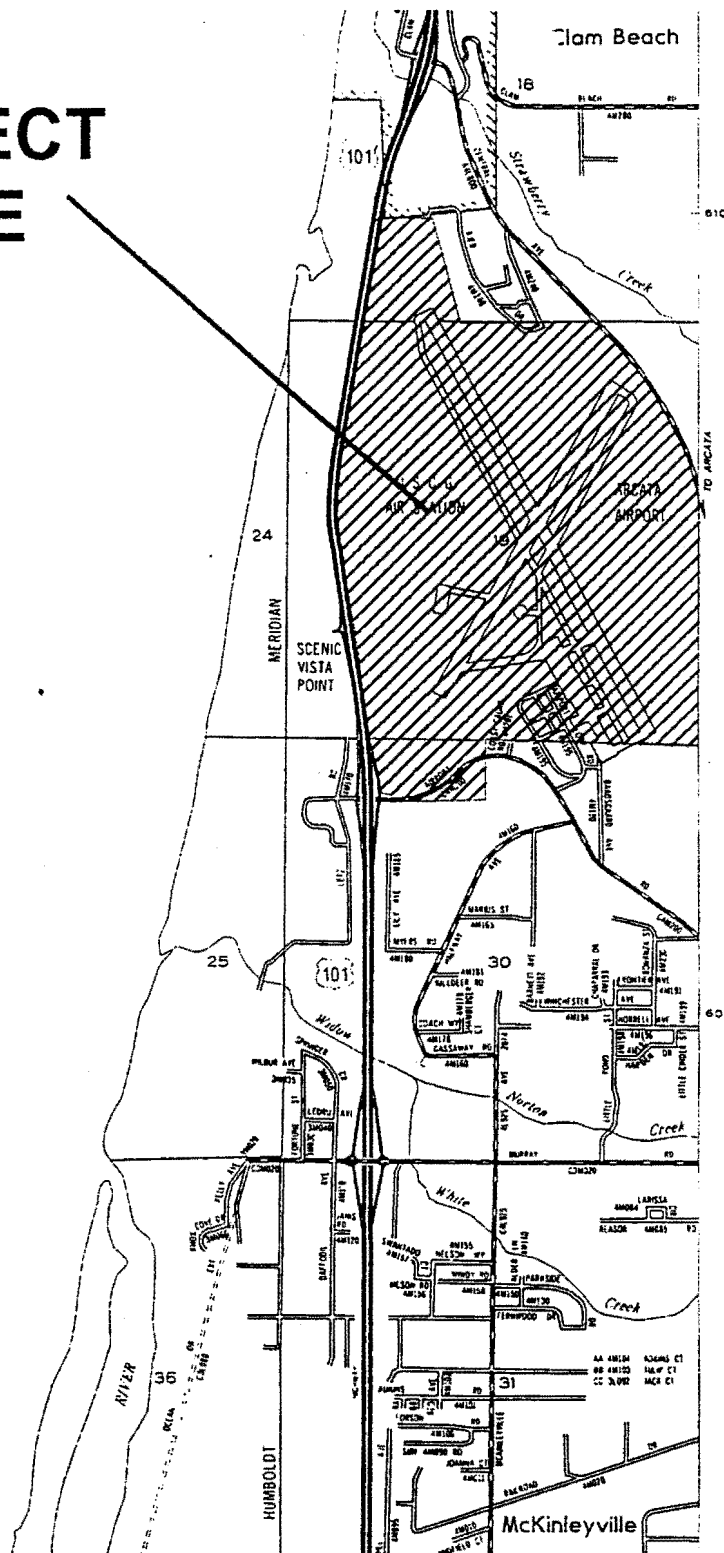
APPLICATION NO.  
A-1-HUM-01-058

HUMBOLDT COUNTY  
PUBLIC WORKS

PROJECT LOCATION

# PROJECT SITE

OCEAN



**Proposed Department of Public Works  
Coastal Development & Conditional Use Permits  
McKinleyville area CDP-01-05/CUP-01-01  
APN: 511-061-05, 511-341-04 & 511-351-09  
Sections 18, 19 & 30 T7N R1E H.B.&M.  
LOCATION MAP**

Map i

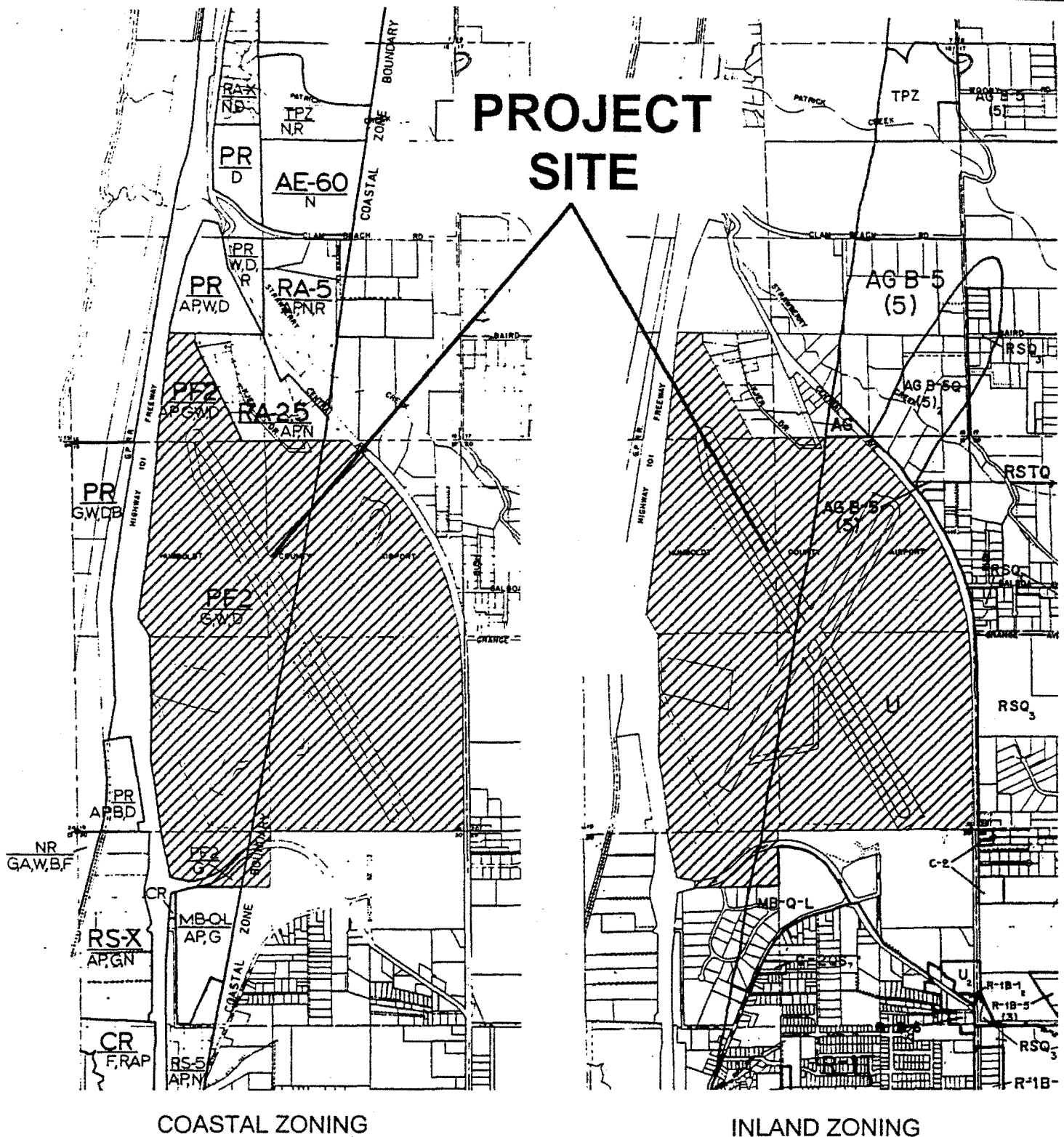
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EXHIBIT NO. 2

APPLICATION NO.  
A-1-HUM-01-058

HUMBOLDT COUNTY  
PUBLIC WORKS

VICINITY MAP



COASTAL ZONING

INLAND ZONING

**Proposed Department of Public Works  
Coastal Development & Conditional Use Permits  
McKinleyville area CDP-01-05/CUP-01-01  
APN: 511-061-05, 511-341-04 & 511-351-09  
Sections 18, 19 & 30 T7N R1E H.B.&M.  
ZONING MAP**

Map

EXHIBIT NO.	3
APPLICATION NO.	A-1-HUM-01-058
HUMBOLDT COUNTY PUBLIC WORKS	
ZONING MAP	



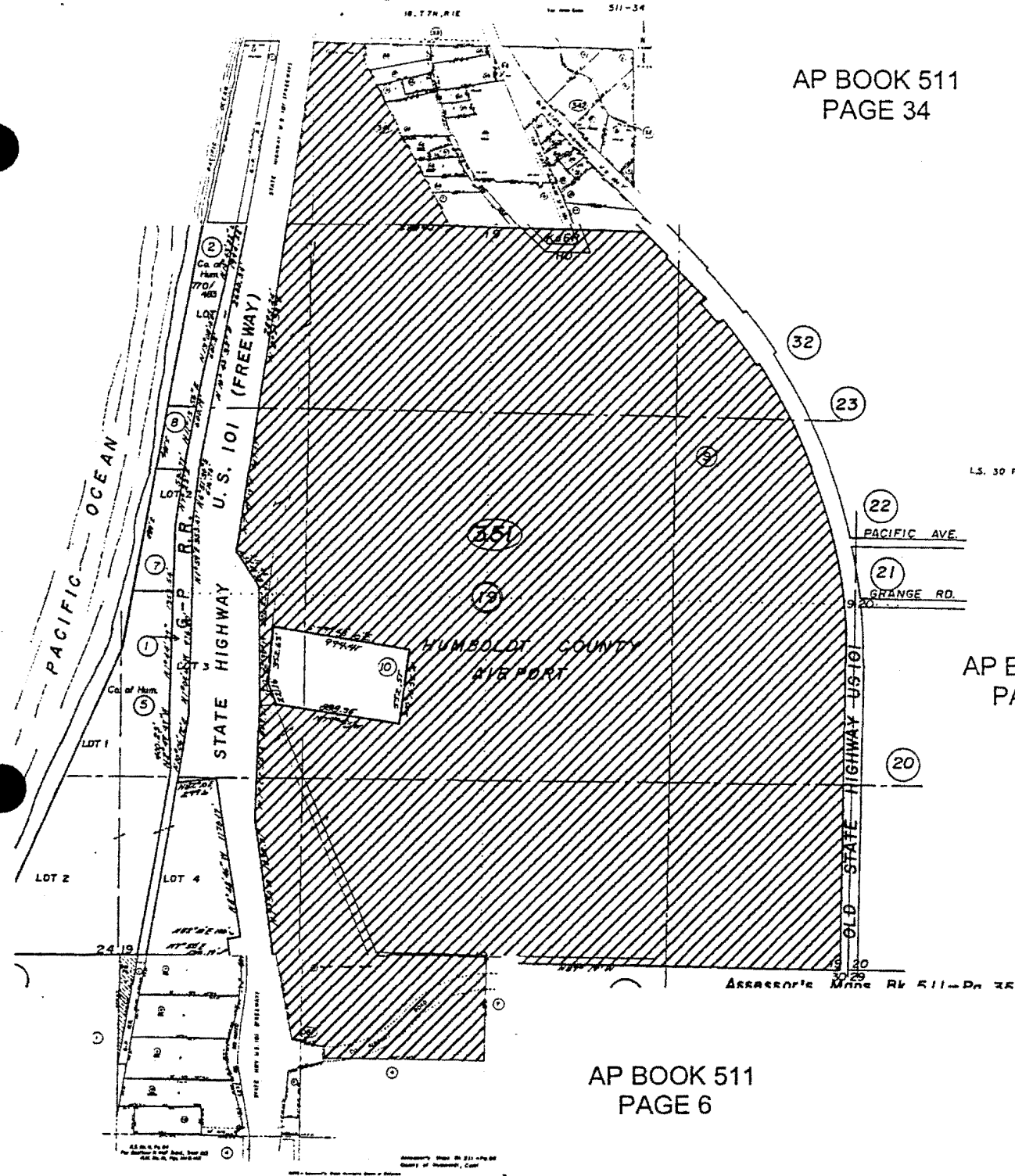
AP BOOK 511  
PAGE 34



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AP BOOK 511  
PAGE 35

AP BOOK 511  
PAGE 6



**Proposed Department of Public Works  
Coastal Development & Conditional Use Permits  
McKinleyville area CDP-01-05/CUP-01-01  
APN: 511-061-05, 511-341-04 & 511-351-09  
Sections 18, 19 & 30 T7N R1E H.B.&M.  
ASSESSOR PARCEL MAP**

Map i

EXHIBIT NO. 4

APPLICATION NO.  
A-1-HUM-01-058

HUMBOLDT COUNTY  
PUBLIC WORKS

SITE LOCATION

## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

MAILING ADDRESS:

710 E STREET • SUITE 200

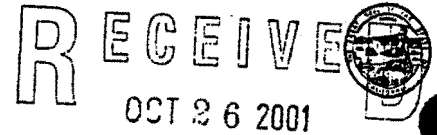
P. O. BOX 4908

EUREKA, CA 95501-1865

EUREKA, CA 95502-4908

VOICE (707) 445-7833

FACSIMILE (707) 445-7877

APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENTCALIFORNIA  
COASTAL COMMISSIONPlease Review Attached Appeal Information Sheet Prior To Completing  
This Form.SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

William & Janet Wickman	John Farley & Laurel Pistel	David Fuller
4590 Kjer Road	4570 Kjer Road	2665 Erie Street
Mckinleyville, CA 95519	Mckinleyville, CA 95519	Eureka, CA 95501
707-839-8196	707-839-8237 Area Code	Phone No. 707-445-8409

SECTION II. Decision Being Appealed1. Name of local/port  
government: Humboldt County, Department of Public Works2. Brief description of development being  
appealed: Eureka/Arcata Airport Perimeter Security/Deer Fence3. Development's location (street address, assessor's parcel  
no., cross street, etc.): Eureka/Arcata Airport in Mckinleyville

4. Description of decision being appealed:

a. Approval; no special conditions: \_\_\_\_\_

b. Approval with special conditions: X

c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial  
decisions by a local government cannot be appealed unless  
the development is a major energy or public works project.  
Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:APPEAL NO: A-1-HUM-01-058DATE FILED: 10/26/01DISTRICT: North Coast

H5: 4/88

EXHIBIT NO.	5
APPLICATION NO.	A-1-HUM-01-058
HUMBOLDT COUNTY PUBLIC WORKS	
APPEAL (1 of 7)	

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator      c. X Planning Commission  
first meeting on 09-16-01
- b. X City Council/Board of Supervisors on 10-02-01      d. Other \_\_\_\_\_

6. Date of local government's decision: 10-02-01

7. Local government's file number (if any): APN 511-061-05 (Mckinleyville area)  
and 511-341-04  
and 511-351-09

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Humboldt County Public Works Dept.  
1106 Second Street  
Eureka, CA 95501

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) Janet Wickman  
4590 Kjer Road  
Mckinleyville, CA 95519
- (2) Laurel Pistel  
4570 Kjer Road  
Mckinleyville, CA 95519
- (3) David Fuller  
2665 Erie Street  
Eureka, CA 95501
- (4) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

2 of 7

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

SEE ATTACHED SHEETS

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Samuel Piste Land Piste

John Farley  
DAVID FULLER

JOHN FARLEY  
DAVID FULLER

Date

Signature of Appellant(s) or  
Authorized Agent

JANET R. WICKMAN

10-25-01

William S. Wickman  
William S. Wickman

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date

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## **Section IV. Reasons Supporting Appeal of CUP-01-01, CDP-01-01 & SP-01-05**

It is our belief that the proposed project does not conform to the certified local coastal program, the McKinleyville Area Plan (MCAP). Our review of the staff analysis and supporting documentation for this project found that some of the pertinent findings presented in the staff analysis were not consistent with and not supported by the information and/or analysis contained in the supporting documentation. Most of our concerns are focused on the steep coastal bluff on the west side of the proposed project which is within the Coastal Zone.

### **Significant Changes in Proposed Project Which Were Not Analyzed:**

The location, sighting, and alignment of the fence in relation to the steep coastal bluff have been changed from what was proposed when the staff analysis and the geotechnical assessment were prepared. Specifically, the project description prepared on July 5, 2001 states that the fence will be "built on the bluff face, down the slope far enough that the fence does not extend above the top of the bluff" (County of Humboldt, Department of Public Works, Natural Resources Division, page 4). However, at the Humboldt County Board of Supervisors public meeting on this project (October 2, 2001), Mr. Don Tuttle explained that the fence at the bluff shall run down the face of the slope perpendicular to the bluff towards the toe of the bluff, then run along the toe of the bluff parallel to the freeway and then back up the bluff face to the top. We believe this is a significant change to the proposed project given that the steep coastal bluff is designated as a "geologic hazard zone" (see attached Department of Public Works Arcata-Eureka Airport Fence Plot Plan) with sensitive coastal wetlands situated beneath an unstable and easily eroded coastal bluff. The staff analysis and geotechnical report do not analyze the environmental impacts of this portion of the project (as described at the public hearing by Mr. Tuttle) and thus these reports cannot reasonably be used to conclude that the goals/standards of the local coastal program (MCAP) were met.

### **Required Maintenance and Security Checks Omitted From Staff Analysis:**

We further believe that the omission of an analysis of the impacts which would be caused by fence maintenance and required fence security checks from the staff analysis and geotechnical report is a significant error. The only impacts considered in the staff analysis and geotechnical report are the impacts of fence construction (as described by the July 5, 2001 document, County of Humboldt, Department of Public Works, Natural Resources Division). However, the maintenance and security checks attendant to the proposed project will have considerable environmental impacts and thus will not meet the stated goals/standards contained in the local coastal program as stated in the staff analysis (Hazards, Geologic, Sec. 3100-3230 (FP) Sec. 3.28 MCAP). These impacts were not considered in the staff analysis or geotechnical report yet are interrelated to fence construction.

The project description states that "woody vegetation growing on the bluff will be removed and/or trimmed as needed within a ten foot wide strip to accommodate the new (fence) alignment." However, during the Humboldt County Board of Supervisors public hearing on this project (October 2, 2001) a county engineer (Mr. Robert Bronkall) described the project as requiring a fifteen foot wide swath of vegetation clearing that must be maintained as long as the fence is standing in order to allow for fence maintenance and for required airport fence security checks. The county engineer further explained that a seven foot wide impervious surface would be installed along the bottom of the fence to prevent vegetation growth underneath and through the fence. The project description makes no mention of the continued clearing of vegetation down and along the bluff face nor the installation of the impervious surface. The staff analysis and geotechnical report contain no analysis of the effects of a permanent fifteen foot wide swath of bare soil with a seven foot wide impervious surface extending down the length of the steep coastal bluff and along the coastal wetlands. Thus, these reports cannot reasonably be used to conclude that the goals/standards of the local coastal program will be met.

In addition, during the Humboldt County Board of Supervisors public hearing on this project (October 2, 2001) Mr. Dan Horton explained that the Federal Aviation Administration requires that the entire perimeter of the fence be checked "twice per shift." We do not know how long a "shift" is but assuming a shift lasts eight hours the fence perimeter would be checked six times per day (2,190 times per year, 43,800 times over the twenty year life span of the fence). Mr. Horton did not describe whether this required security check would be done with all terrain vehicle or by foot. The impacts of an all terrain vehicle climbing up and down the bluff face and traversing the lower portion of the bluff above the coastal wetlands six times per day, particularly during the wet season, would certainly cause and contribute to significant erosion. Even if the security checks were conducted by foot the

impacts would be significant. If security checks were done by foot this may necessitate the installation of a foot trail with safety features such a stairs or even the construction of switch back trail routes for the safety of airport personnel, however, these components were not described or considered in the environmental analysis. Given the magnitude and frequency of the required security checks, the erodibility of the steep bluff face and the requirement that such security checks be done during the wet season, it is certain that this aspect of the proposed project will result in significant erosion. Vehicle or foot trails necessary for security checks were not described in the project description nor were the impacts of these attendant components of the project considered in the staff analysis or in the geotechnical report. Thus, these reports cannot reasonably be used to conclude that the goals/standards of the local coastal program (MCAP) will be met.

**Unsupported Findings Contained in Staff Analysis:**

We assert that the following findings issued in the staff analysis are not accurate and are not supported by relevant documentation:

**Geologic Hazard (Section 3.28 MCAP, Sections 3100-3230 Framework Plan, as cited in staff analysis):**

The applicable goal, policy, or standard cited in the staff analysis is that the proposed project "shall not contribute significantly to erosion, geologic instability, or in anyway alter natural land forms along the bluffs." The staff analysis summary of evidence supporting this finding states that a geotechnical report prepared by Taber Engineers and Geologists (see attached) was prepared and that a registered engineer will submit a letter upon project completion that the recommendations from the geotechnical report were carried out.

The geotechnical report prepared by Taber Consultants, after a limited field check of the bluff site, contains general recommendations with special consideration for the depth of fence posts. The geotechnical report does not list a set of recommendations that, if adhered to, would meet the goals/standards of the local coastal program. The geotechnical report does not conclude that installation of the fence posts at proper depth would meet the goals/standards of the local coastal plan.

Furthermore, three recommendations contained in the geotechnical report will not be adhered to in the current project design:

1) *"If the fence extends down the bluff face, it is preferable that the total on slope length be minimized, that it be located where gradients are flattest, and be oriented as nearly as possible straight downhill."* (Taber Report, July 2001, page 4)

As stated above, the current project design is to extend the fence down the entire length of the bluff face and traversing the base of the bluff perpendicular to the slope. This is obviously inconsistent with the above recommendation and inconsistent with the staff analysis stating the standard/goal would be met by following the recommendations in the geotechnical report.

2) *"Placing the fence on the previously repaired section of bluff would be desirable based on its greater stability."* (Taber Report, July 2001, page 4)

The project design does not route the fence alignment along the previously repaired section of bluff. This is obviously inconsistent with the above recommendation and inconsistent with the staff analysis stating the standard/goal would be met by following the recommendations in the geotechnical report.

As stated above, the geotechnical report only considers construction of the fence but does not address the effects of a permanent fifteen foot wide swath of bare ground and a seven foot wide impervious surface. Also, as stated above, the geotechnical report does not address the effects of required airport security checks of the fence perimeter occurring six times per day. The final recommendation in the geotechnical report is:

3) *"Construction on the bluff face should be performed with caution to avoid creating paths, disturbed soil, or other conditions that might result in locally increased erosion."*

The subsequent maintenance and required security checks would obviously be inconsistent with this recommendation and inconsistent with the staff analysis stating the standard/goal would be met by

following the recommendations in the geotechnical report.

**Biological Resources (Section 3.41 MCAP, Section 3400-3604 Framework Plan as cited in staff analysis) and Coastal Wetland (relevant zoning section):**

These two findings are similar in relation to this project and we have combined them here. The applicable goal, policy or standard cited in the staff report is that "designated sensitive and critical species and habitats shall be protected." The staff report summary of evidence supporting this finding states that no riparian, wetland or sensitive habitats will be affected and that coastal wetlands will not be impacted directly or indirectly by fence construction. The staff report summary of evidence also states that minimal ground disturbance will be required to install the fence. The staff analysis did not cite any documents which support these conclusions.

As stated above, the staff analysis and geotechnical report did not consider the current proposed alignment of the fence extending the length of the steep bluff face nor did these reports consider subsequent maintenance and airport security checks which are attendant to the construction of the fence. The current proposed alignment shows the fence line running uphill approximately fifty feet (as estimated from maps) from the coastal wetlands at the base of the bluff. These wetlands are considered sensitive habitat in the coastal zone (Environmentally Sensitive Habitat Area, ESHA as defined by the Coastal Act) and shall be protected as outlined in section 30233 and 30240 in the Coastal Act. These wetlands are well known to local bird enthusiasts as a place where migrating birds rest, forage and roost. The impacts of fence construction, fence/vegetation maintenance and airport fence security checks were not considered in the staff report or the geotechnical report although it is likely that significant erosion will result from these activities causing accelerated rates of sedimentation to the coastal wetlands. The finding in the staff analysis is not supported and this aspect of the project does not conform to the local coastal program.

**Visual Resources (Section 3540 Framework Plan, as cited in staff analysis) and Design Review:**

We have combined these two findings because of their similarity in relation to this project. The applicable goal, policy, standard as stated in the staff analysis is that "New development shall conserve and protect scenic and visual qualities of coastal areas" and "preserve or enhance an area's scenic values." The summary of evidence which supports the findings states that the fence will "blend in with natural vegetation" and that the fence was designed to "enhance the area's scenic values."

The evidence presented to support these findings is, at best, wishful thinking and at worst made with lack of any data analysis and shows a lack of respect for the protection of scenic coastal values. Currently, the ocean views looking across the flat coastal prairie where the Humboldt County Airport is located are spectacular. Views from Central Avenue, the main avenue through McKinleyville are part of the attraction of the McKinleyville area for residents and visitors. Closer views of the ocean are obtained by the public on Kjer Road, which is the road access for the McKinleyville Rodeo Grounds/County Park and thus is frequently used by nonresidents of the road. Scenic Highway 101 runs parallel to the proposed fence along the bluff. The fence and the required clear area along the fence will be clearly visible from the highway. Currently the airport fence is approximately four feet tall. The proposed project is for a ten foot tall chain link fence with three strands of barbed wire above that for a total fence height of approximately twelve feet. The proposed project, therefore, is calling for a tripling of the fence height, built from unsightly material and a fifteen foot wide swath cleared of all vegetation. The staff analysis makes a claim that this will "enhance the area's scenic values" In fact the proposed fence will seriously diminish ocean views from public roadways. The height of the fence and the materials proposed for fence construction, make the goals/standards for visual resources impossible to meet. The staff analysis did not cite any documents that would lend support to the claim that this fence would meet goals/standards. Common sense tells us that the goals/standards will not be met as the project is currently proposed.

**Minimum Yard Setbacks in State Responsibility Area (relevant zoning section):**

The applicable requirement as stated in the staff analysis is "Where applicable, 30 feet minimum from all property lines, except that street frontage may provide same practical effect." The summary of evidence which supports a development conformance finding, as stated in the staff report says "No development within these limits."

The project, as currently proposed, runs right along property lines of the back yards of several parcels on the west side of Kjer Road, with NO SETBACK. Thus, the finding and the evidence cited

6 of 7

in the staff report are false. This aspect of the proposed project does not conform to the local coastal program as it does not meet the minimum yard setback requirement.

Additionally, because the fence alignment is proposed to run right along property lines at the northwest corner of the project where it will descend at a steep drop over the bluff face, the non-conformance of this aspect of the project poses a serious risk of causing material injury to private property. As stated earlier, we assert that the potential for significant erosion is much greater than stated in the staff analysis and geotechnical report because these documents did not consider the effects of the current proposal nor required maintenance and security checks. Given the highly erodible nature of the bluff slope and the alignment of this fence right along property lines it is highly probable that the fence, over its life span, will cause loss of private property through erosion.

### Conclusions

The proposed project as currently designed does not conform to the certified coastal program for the reasons we have stated above. It does not protect, preserve, or enhance the area's scenic values. It does not consider the impacts of fence construction, necessary maintenance and the impacts of required airport security checks upon bluff erosion. It is possible and feasible for the county to design and install a fence that meets the stated purpose and need (prevent deer from entering airport property and provide security) while meeting the requirements of the local coastal program and the Federal Aviation Administration. Unfortunately the county has not elected to follow such a course of action to this point, thus the reason for this appeal.

Thanks to the California Coastal Commission and staff for time spent on this appeal.

### ATTACHMENTS:

1. \*Geotechnical Report by Taber Consultants, dated July 9, 2001
2. \*Staff Analysis, HCPW
3. \*Project Description (Perimeter Security/Deer Fence) HCPW , Natural Resources Dept.
4. \*Aerial Photograph , Humboldt County Public Works Department, Arcata-Eureka Airport Fence, Detail of Bluff Area, presented to Humboldt County Board of Supervisors on Oct. 2, 2001
5. \*Site Plan by HCPW, dated Sept. 11, 2001, presented to Humboldt County Board of Supervisors on October 2, 2001
6. \*Department of Public Works, Eureka-Arcata Airport Fence Plot Plan, dated July 9, 2001

\*not provided with Humboldt County, Department of Public Works, copy of this Appeal since they are documents provided by the HCPW

copies to:

Director of Public Works, Humboldt County Public Works Department  
Laurel Pistel and John Farley  
David Fuller  
Janet and William Wickman

7 of 7





PLANNING DIVISION  
COMMUNITY DEVELOPMENT SERVICES  
**COUNTY OF HUMBOLDT**  
3015 H STREET  
EUREKA, CALIF. 95501-4484 PHONE (707) 445-7541

Appealable Status: APPEALABLE

Date: October 10, 2001

CALIFORNIA COASTAL COMMISSION  
Eureka Office  
P.O. Box 4908  
Eureka, CA 95502-4908

**RECEIVED**  
OCT 15 2001  
CALIFORNIA  
COASTAL COMMISSION

Subject: Coastal Development Permit  
Notice of Action Taken

Contact: Michael Wheeler

Applicant: Humboldt County Department of Public Works  
Address: %Dan Horton, 1106 2<sup>nd</sup> St, Eureka, CA 95501-0579

Case No.: CDP-01.05 (filed 7/18/01)/CUP-01-05/SP-01-05  
File No.: APN 511-061-05

Following a noticed public hearing, the Humboldt County Board of Supervisors approved the referenced application on October 2, 2001.

Sincerely,

Michael Wheeler, Senior Planner  
Humboldt County Planning Division  
Humboldt County Community Development Services

EXHIBIT NO. 6
APPLICATION NO. A-1-HUM-01-058
HUMBOLDT COUNTY PUBLIC WORKS
NOTICE OF FINAL ACTION (1 of 14)


AGENDA ITEM NO. \_\_\_\_\_

## COUNTY OF HUMBOLDT

For Meeting of October 2, 2001

DATE: August 30, 2001

TO: Board of Supervisors

FROM:   
Kirk Girard, Director of Community Development Services  
Prepared By: Michael Wheeler, Senior PlannerSUBJECT: Humboldt County Department of Public Works  
APN 511-061-05 (McKinleyville area);  
Case Nos: CDP-01-05/CUP-01-01/SP-01-05

## RECOMMENDATION

That the Board of Supervisors:

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the Planning Commission's findings.
3. Consider and adopt the proposed Negative Declaration as required by Section 15074(b) of the CEQA Guidelines..
4. Approve the Coastal Development Permit, Special Permit and Conditional Use Permit.
5. Revise the Planning Commission's Conditions of Approval as requested by the Department of Public Works.
6. Direct Planning to prepare and file a Notice of Determination pursuant to CEQA for the project.
7. Direct the Clerk of the Board to give notice of the decision to the applicant and any other interested party and to publish the summary of the Ordinance within 15 days after adoption by the Board.

Prepared by:   
Michael Wheeler, Senior Planner

CAO Approval: \_\_\_\_\_

## REVIEW:

Auditor \_\_\_\_\_ County Counsel \_\_\_\_\_ Personnel \_\_\_\_\_ Risk Manager \_\_\_\_\_ Other \_\_\_\_\_

## TYPE OF ITEM:

- cc: **HARLESS MCKINLEY LTD**  
**DAN HORTON, AIRPORT DIV.**  
**RICHARD STEIN, NAT. RES.**
- ☐ Consent
  - ☐ Departmental
  - ☒ Public Hearing
  - ☐ Other

## PREVIOUS ACTION/REFERRAL

Board Item No. \_\_\_\_\_

## BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon the motion of Supervisor \_\_\_\_\_  
seconded by Supervisor \_\_\_\_\_  
and unanimously carried by those members present,  
the Board hereby adopts the recommended action  
contained in this report.

Dated: \_\_\_\_\_

Lora Canzoneri, Clerk of the Board

by: \_\_\_\_\_

Deputy

20914

## DEPARTMENT OF PUBLIC WORKS APPEAL

Meeting of OCTOBER 2, 2001

**S U M M A R Y**

On August 16, 2001, the Humboldt County Planning Commission approved an application for a Coastal Development Permit, Special Permit and Conditional Use Permit for the construction of a perimeter fence around the Arcata-Eureka Airport. For their approval of the project, the Planning Commission: 1) modified the fence design by removal of a 3-strand barb wire portion atop the ten foot high fence, and by changing the color of the fence from green vinyl-coated to black vinyl-coated; 2) specified that the fence shall run along the toe of the bluff in the bluff area; and 3) specified revegetation of disturbed areas with native species.

The Department of Public Works has appealed the Planning Commission approval on the grounds that the fence is to be a security fence mandated by Federal Aviation Administration (FAA), and that the Planning Commission's revisions to the conditions of approval would disallow conformance with the provisions of the FAA for security fencing for public airports. Staff believes that these issues have merit due to the security requirements of the fence. Staff recommends that your Board adopt the findings of the Planning Commission, approve the Coastal Development Permit, Special Permit and Conditional Use Permit and revise the Planning Commission approval of the project consistent with the requirements specified by FAA for security fencing of public airports.

**D I S C U S S I O N**

On August 16, 2001, the Humboldt County Planning Commission approved an application for a Coastal Development Permit, Special Permit and Conditional Use Permit for the construction of a perimeter fence around the Arcata-Eureka Airport. At the Public Hearing, the Planning Commission, after hearing testimony and deliberating of aspects of the project, adopted a resolution approving the Coastal Development Permit, Special Permit, and Conditional Use Permit. However, the Planning Commission was not in agreement with all of the Conditions of Approval proposed by staff or on the design of the fence. For their approval of the project, the Planning Commission modified the fence design by removal of a 3-strand barb wire portion atop the ten foot high fence, and by changing the color of the fence from green vinyl-coated to black vinyl-coated. The Planning Commission was also dissatisfied with proposed plans to locate the fence on the bluff slope, and in their approval specified that the fence shall run along the toe of the bluff in this area. Further, the Planning Commission specified revegetation of disturbed areas with native species. The Department of Public Works had requested to leave portions of the project area unvegetated and treated with "soil cement."

The Department of Public Works has appealed the Planning Commission approval on the grounds that the fence is to be a security fence mandated by Federal Aviation Administration (FAA), and that the Planning Commission's revisions to the conditions of approval would disallow conformance with the provisions of the FAA for security fencing for public airports. The Department of Public Works has further indicated that, with the fence design as approved, grant moneys would have to be relinquished and the County would have to completely fund the proj-

32914

**DEPARTMENT OF PUBLIC WORKS APPEAL***Meeting of OCTOBER 2, 2001*

ect. Without the project, the County stands to lose its Part 139 Certificate of Operation and face possible closure of the Arcata-Eureka Airport.

The Planning Commission action on the project was appealed by Dan Horton, Airports Manager on August 29, 2001. The key issues related to this appeal have to do with the Planning Commission revisions to the project design and conditions of approval. Staff believes that these issues have merit due to the security requirements of the fence.

***Recommendation***

Staff recommends that your Board adopt the findings of the Planning Commission, approve the Coastal Development Permit, Special Permit and Conditional Use Permit and revise the Planning Commission approval of the project (i.e. Conditions of Approval) consistent with the requirements specified by FAA for security fencing of public airports.

**FINANCIAL IMPACT**

The applicant and appellants are responsible for all costs incurred in the processing of the appeal of the Coastal, Special and Conditional Use Permits. Cost for the permit review and appeal to be born by the Department of Public Works amounts to \$2,434.53.

**OTHER AGENCY INVOLVEMENT**

The project was circulated to various State and local agencies for comments and recommendations. The Community Development Services Department included all recommendations as conditions of approval.

**ATTACHMENTS**

Attachment A:	Planning Commission staff report and Supplementals
Attachment B:	Appeal letter received August 29, 2001
Attachment C:	Revised Conditions of Approval acceptable to the Department of Public Works

3 4914

**PLANNING COMMISSION  
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA**

Certified Copy of Portion of Proceedings, Meeting of AUGUST 16, 2001.

**SUBJECT:** HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS, McKinleyville Area, Case Nos. CDP-01-05 (filed 7/18/01), CUP-01-01, & SP-01-05; File Nos. APN 511-061-05, 511-341-04 & 511-351-09. (MEW)

**ACTION:** 1. Project read into the record as Administrative Public Hearing, Item #2.  
2. Approve as recommended and conditioned by staff.

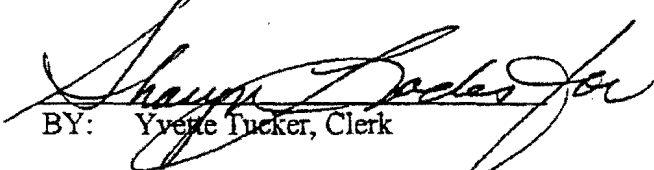
**MOTION:** To make the all required findings, based on the evidence in the staff report; public testimony, and supplemental information, and approve the project subject to the recommended revised conditions of approval.

Adopted on motion by COMMISSIONER SMITH, second by COMMISSIONER MURGUIA, and the following vote:

**AYES:** BLYTHER, EMAD, GEARHEART, HANGER, MURGUIA, & SMITH  
**NAYS:** NONE  
**ABSTAIN:** NONE  
**ABSENT:** RICE

STATE OF CALIFORNIA )  
 )  
COUNTY OF HUMBOLDT )

I, KIRK GIRARD, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at the meeting held on the Date noted above.

  
BY: Yvette Tucker, Clerk

DATE: AUGUST 20, 2001

Last day to appeal to the Board of Supervisors: AUGUST 30, 2001(file with Planning Division).

**THIS PROJECT IS NOT EFFECTIVE UNTIL ALL APPEAL PERIODS HAVE ENDED.**

5914

Post-it® Fax Note	7671	Date	10/16	# of pages	9
To	Tiffany	From	M. Wheeler		
Co./Dept.	CCC	Co.	Planning		
Phone #		Phone #			
Fax #		Fax #			

ATTACHMENT

ATTACHMENT 1  
ed Conditions of Approval

APPROVAL OF THE COASTAL DEVELOPMENT PERMIT AND CONDITINAL USE PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS:

## On-going Conditions:

1. Approval of this permit is based on information in the Plan of Operations Report (July 18, 2001), and shall be operated in accordance with these descriptions, and the following additional requirement:
  - a. At completion of the project, a letter will be required from a registered engineer. The letter should state that the engineer was on-site during construction and should confirm that recommendations made in the Taber geotechnical report for the project were followed to ensure slope stability during and following construction.
  - b. Sedimentation, erosion and runoff during grading and fill operations be alleviated by temporary control measures such as straw bales in drainage ways and grading slopes.
  - c. ~~Disturbed area of the site shall be revegetated after construction activities are completed, and prior to the onset of heavy rains. This condition shall apply to all disturbed areas and vegetation shall be maintained permanently in place for both aesthetic and erosion control purposes. Revegetation shall be with native species similar to adjacent vegetated areas and shall include some Coast Checkerbloom where appropriate.~~
  - d. ~~Drainage improvements shall be incorporated to address runoff water to the satisfaction of the Department of Public Works.~~
  - e. ~~The timing of fence installation shall occur during the dormant period for coast checkerbloom (August - December). Staging of equipment and stockpiling of supplies will be prohibited in the area where the checkerbloom occurs (i.e., fence alignment along Central Avenue).~~
2. ~~The fence shall be ten (10) feet high maximum chainlink fence made from black vinyl coated wire. The fence shall include no barded wire.~~
3. ~~The fence at the bluff shall run down the face of the slope (perpendicular to the bluff) towards the toe of the bluff to the area of highest stability and run along the toe of the bluff without entering into wetlands and then back up the bluff (perpendicular to the bluff) to the top.~~

\* Underlined Revisions based on Planning Commission action at the August 16, 2001 Public Hearing. Strikethrough revisions requested by the Department of Public Works.

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Humboldt County Department  
of Public Works

N 511-061-05 (McKinleyville area)  
511-341-04; 511-351-09

Case CDP-01-05/CUP-01-01/SP-01-05

## ATTACHMENT 2

### Staff Analysis of the Evidence Supporting the Required Findings

**Required Findings:** To approve this project, the Planning Commission must determine that the applicants have submitted evidence in support of making all of the following required findings.

#### Required Findings for Coastal Development Permit

The Appendix to Title III, Division 1, §A315-14 of the H.C.C. specifies the findings that must be made to grant the Coastal Development Permit and Conditional Use Permit. Basically, the Hearing Officer may grant the Coastal Development Permit and Conditional Use Permit if, on the basis of the application, investigation, and submitted evidence, the following findings are made:

1. The proposed development is in conformance with the General Plan; and
2. The use is consistent with the purposes of the zone in which the site is located; and
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
5. Finally, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA.
  - a) The project either is categorically or statutorily exempt; or
  - b) There is no substantial evidence that the project will have a significant effect on the environment or any potential impacts have been mitigated to a level of insignificance and a negative declaration has been prepared pursuant to Section 15070 of the CEQA Guidelines; or
  - c) A negative declaration has been prepared and all significant environmental effects have been eliminated or mitigated to a level of insignificance, or the required findings in Section 15091 of the CEQA Guidelines are made.

Humboldt County Department  
of Public Works

PN 511-061-05 (McKinleyville area)  
511-341-04; 511-351-09

Case : CDP-01-05/CUP-01-01/SP-01-05

### Staff Analysis:

To approve a Coastal Development Permit, Conditional Use Permit and Special Permit for this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making all of the required findings:

**1. General Plan Consistency:** The following table identifies the evidence which supports finding that the proposed project is in conformance with all applicable policies and standards in Chapters 2-4 of the Framework Plan (FP) and McKinleyville Area Plan (MCAP).

Relevant Plan Section	Summary of Applicable Goal, Policy or Standard	Summary of Evidence Which Supports a General Plan Conformance Finding
Land Use: PF §2700 (FP), §5.20 (MCAP)	The purpose of the Public Facility (PF) land use designation is to protect public lands suitable for public and private sector civil service facilities. Principal uses include essential public service facilities.	The proposed project is consistent with a PF land use designation. The fence will provide improved security and safety from deer intrusions onto the airport property and is appurtenant to the airport use.
Urban Limits §2600 (FP), §3.21 (MCAP)	New development shall be located within existing developed areas or in areas with adequate public services.	The nature of the proposed development is consistent with the existing level of development in the project area.
Housing §2400 (FP)	Housing shall be developed in conformity with the goals, policies, and standards of the County Housing Element.	The proposed fence construction does not in any way affect housing goals or policies for the project area.
Hazards §3100 - §3230 (FP), §3.28 (MCAP)	New development shall minimize risks to life and property in areas of high geologic, flood, and fire hazards.	
Geologic:	New development shall assure stability and structural integrity, and shall not contribute significantly to erosion, geologic instability, or in any way substantially alter natural landforms along bluffs.	A geotechnical report prepared by Taber Engineers and Geologists consultants was submitted and approved by the County Building Inspection Division. The primary area of concern is the at the northwest end of the runway where an "object free area" necessitates that the fence not project above the ground surface. This requires that the fence extend over and down below the bluff top at this location ( a distance of approx., 2050 feet). The Taber report confirms that the bluff top failure within a zone 25-35 feet from the edge should be expected to occur albeit "relatively infrequently", most often following high rainfall seasons or events or when under seismic loading. The report concludes that



Humboldt County Department  
of Public Works

N 511-061-05 (McKinleyville area)  
511-341-04; 511-351-09

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		fence installation could induce soil stresses due to wind loads and cyclic movement which might increase failure rates. To offset this potential, the report recommends increasing post depth into the soils when located within 10 feet of bluff face, or substitution of a "barricade" style fence to minimize vertical load and vibration. Specific recommendations for cantilevered posts and placement on slopes steeper than 1-1/2: 1 are provided. Upon project completion, a letter from a registered engineer on-site during construction will be submitted documenting that the recommendations in the report were carried out to ensure slope stability during and following construction.
Flood:	No critical facilities should be permitted within the 100 year flood plain.	The project does not involve the development of critical facilities.
Fire:	Recognized fire protection practices shall be implemented.	The project is located in an area with a low fire hazard rating.
Biological Resources §3400 - §3604 (FP), §3.41 (MCAP)	Designated sensitive and critical species and habitats shall be protected.	No riparian, wetland, or other sensitive habitats will be affected by fence construction. Sensitive species surveys were conducted along the fence route and the only sensitive species identified was Coast checkerbloom (on List 1B of the California Native Plant Society). Direct impact to the plants will be avoided because the new fence will follow the existing alignment throughout the area where the plants are found. Also, minimal ground disturbance will be required to install the new fence and the timing of fence installation will occur during the dormant period for coast checkerbloom (August - December. Staging of equipment and stockpiling of supplies will be prohibited in the area where the checkerbloom occurs.
Cultural Resources §3500 (FP)	New development shall protect cultural, archaeological, and paleontological resources.	No known cultural resources of concern occur in the project area (Source: Environmental Data Bank of the Humboldt County Public Works Department, Natural Resources Division).
Visual Resources §3540 (FP)	New development shall conserve and protect scenic and visual qualities of coastal areas.	The proposed fence will be green vinyl -coated chain link fencing, which will blend in with natural vegetation.
Coastal Access §3.50 (MCAP)	Maximum access and recreational opportunities shall be provided for all people.	The fence will not impact coastal access.

Humboldt County Department  
of Public Works

PN 511-061-05 (McKinleyville area)  
511-341-04; 511-351-09

Case : CDP-01-05/CUP-01-01/SP-01-05

**2. Zoning Compliance:** The following table identifies the evidence which supports finding that the proposed project is in conformance with all applicable zoning policies and standards in the Humboldt County Coastal Zoning Regulations.

<b>Relevant Zoning Section</b>	<b>Summary of Applicable Requirement</b>	<b>Summary of Evidence Which Supports a Zoning Conformance Finding</b>
Public Facility (PF) §A313-19	The purpose of the Public Facility Rural (PF2) land use designation is to protect public lands suitable for public facility development or uses. Principal uses include civic use types and essential services. Conditionally permitted uses include extensive impact civic use which includes airports.	The proposed project is consistent with a PF(2) zoning. The fence will provide improved security and safety for the existing airport use, which is a conditionally permitted extensive impact civic use. Accordingly, the fence is an allowable accessory use.
Design Review (D) §A314-57	New development should be consistent and compatible with applicable elements of the General Plan to preserve or enhance an area's scenic values.	The fence, including layout and construction materials, was designed to be consistent with the character of the surrounding setting and coastal views, and to enhance the area's scenic values.
Alquist-Priolo Fault Hazard (G) §A314-51	A geologic fault evaluation report is required for development in this zone to address potential hazards.	A portion of the southwest corner of the airport is bisected by the McKinleyville Fault and is located within a mapped Alquist-Priolo Earthquake Fault Hazard Zone. However, the fence is not a "project" regulated under the Alquist-Priolo Earthquake Fault Hazard Zone regulations and is exempt from the preparation of a Fault Evaluation Report per Section A314-51F(4) of the Coastal Zoning Regulations. Geologic stability issues were addressed in a geotechnical report on the project area prepared by Taber Consultants. The report was approved by County Building Inspection Division.
Dune and Beach Areas (B) §A314-58	Any development permitted in coastal beach and dune areas shall not be allowed to detract from its natural resource value or its potential for providing recreational opportunity	The fence will not impact the potential for recreational opportunities at Clam Beach County Park and it will not detract from the natural resource value of the beach and dune areas.
Airport Safety Review (AP) §A314-50	Any proposed land use in the vicinity of County airports shall be compatible with airport safety regulations	The fence is located within two miles of the Arcata Airport, but is a structure which will be provide for additional air traffic safety by reducing the possibility of deer entering onto runway areas.
Coastal Wetland (W) §A314-56	Any development in this zone should consider potential impacts to wetlands	The project parcels include a coastal wetland combining zone, but the proposed fence route does not intersect any wetlands, and no wetlands will be impacted either directly or indirectly by fence construction.

Humboldt County Department  
of Public Works

PN 511-061-05 (McKinleyville area)  
511-341-04; 511-351-09

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**3. Development Standards:** The following table identifies the evidence which supports finding that the proposed project is in conformance with all applicable development policies and standards in the Humboldt County Coastal Zoning Regulations.

Relevant Zoning Section	Summary of Applicable Requirement	Summary of Evidence Which Supports a Development Conformance Finding
PF2 Public Facility Rural(Coastal): §A313-20(C)		
Minimum Parcel Size	5000 square feet	No subdivision is proposed
Minimum Yard Setbacks		
Front:	None	No restriction
Rear:	15 feet minimum	No development within these limits
Interior Side:	None	No restriction
Exterior Side:	None	No restriction
Minimum Yard Setbacks in State Responsibility Area	Where applicable, 30' minimum from all property lines, except that street frontage may provide same practical effect	No development within these limits
Maximum Ground Coverage	35 percent	Limit not exceeded
Maximum Structure Height	45 feet	Limit not exceeded

#### 4. Public Health, Safety, or Welfare:

Evidence and Discussion: The Department finds that the proposed project will not be detrimental to the public health, safety, and welfare since all reviewing referral agencies have approved or conditionally approved the proposed project design. The project as proposed and conditioned is consistent with the General Plan and Zoning Ordinances, and the proposed project will not cause significant environmental damage.

**5. Supplemental Findings:** The following table identifies the evidence which supports the applicable supplemental findings.

Finding	Summary of Applicable Requirement	Evidence
Resource Protection Impact Findings §A315-16 (I) (3) Coastal Scenic Areas		
a	The project is sited and designed to be subordinate to the character of the setting.	The fence has been designed to complement the character of the setting and to optimize enjoyment of scenic coastal views.

Humboldt County Department  
of Public Works

PN 511-061-05 (McKinleyville area)  
511-341-04; 511-351-09

Case : CDP-01-05/CUP-01-01/SP-01-05

Resource Protection Impact Findings §A315-16 (I) (5) Coastal View Areas		
a	To the maximum extent feasible, the project is sited so as not to interfere with public view to and along the ocean from public roads and recreation areas.	The fencing was designed so as not to interfere with coastal views from this established scenic viewpoint.
Resource Protection Impact Findings §A315-16 (I) (6a) Coastal Dune and Beach Areas		
i	Development shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.	Fence construction will not detract from the natural resource value of any beach and dune area. The fence will not create any new disturbance at Clam Beach.
ii	There is no less environmentally damaging feasible alternative.	The fence route was chosen where there is no existing public use.
iii	The development will not interfere with the protection of dredge spoils disposal location designated on the Humboldt Area Plan Resource Protection Maps.	The fence is not near any designated dredge disposal locations.
Resource Protection Impact Findings §A315-16 (I) (13-14) Coastal Wetlands and Wetland Buffers		
	Development will be sited and designed to prevent impacts that would significantly degrade wetland habitats.	The proposed fence route does not intersect any wetlands, and no wetlands will be impacted either directly or indirectly by trail construction.

## 6. Environmental Impact:

As required by the California Environmental Quality Act, the CEQA review conducted by the County Public Works Department (Attachment 3) evaluated the project for any adverse effects on the environment which would exclude the use of a Categorical Exemption. This review (see Attachment 4) determined that there is no evidence that the project will have any potential adverse effect, either individually or cumulatively, on the environment. A copy of the Categorical Exemption prepared for the project by the Natural Resources Division of Public Works is included as Attachment 3.

Humboldt County Department  
of Public Works

PN 511-061-05 (McKinleyville area) Case  
511-341-04; 511-351-09

CDP-01-05/CUP-01-01/SP-01-05

**ATTACHMENT 3**  
**Notice of Exemption**

## HUMBOLDT COUNTY

## NOTICE OF EXEMPTION

TO: Secretary for Resources  
1416 Ninth Street, Room 1311  
Sacramento, CA 95814

FROM: Humboldt County  
Department of Public Works  
1106 Second Street  
Eureka, CA 95501

☒ County Clerk  
County of Humboldt

Project Title: Eureka/Arcata Airport Perimeter Security/Deer Fence

Project Location-Specific: Eureka-Arcata Airport in McKinleyville

Project Location-County: Humboldt

Description of Nature, Purpose, and Beneficiaries of Project: The fence is needed as

a long-term measure to alleviate wildlife hazards at the airport. Approximately

27,000 feet of fence will be required. The fence will be 10ft. vinyl-coated chainlink  
with a 3-strand barbed wire extension.

Name of Public Agency Approving Project: Humboldt County Community Development

Name of Person or Agency Carrying Out Project: Humboldt County Public Works

Exempt Status: (Check One)

- ☐ Ministerial (Sec. 15061)  
☐ Declared Emergency (Sec. 15071[a])  
☐ Emergency Project (Sec. 15071[b] and [c])  
☒ Categorical Exemption. State type and section number: \_\_\_\_\_

Resolution 7729, Exemption 3 of the CEQA guidelines adopted by Humboldt County (1977)

Reason why project is exempt: The fence is an accessory structure to an existing  
public facility, with no expansion of existing use.

Contact Person: Richard Stein Telephone: 707-445-7741

\_\_\_\_\_  
Signature of Receiving Party

\_\_\_\_\_  
Title

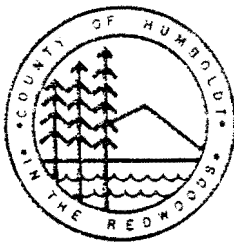
\_\_\_\_\_  
Date received for filing

Albert Campbell for  
Signature of Humboldt County Rep.

Airports Manager  
Title

14 of 14

19



DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE

AVIATION 839-5401

PUBLIC WORKS BUILDING  
SECOND & L ST., EUREKA

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	PARKS	445-7651
ENGINEERING	445-7377	ROADS & EQUIPMENT MAINT.	445-7421
ARCHITECT	445-7493		

CLARK COMPLEX  
HARRIS & H ST., EUREKA

LAND USE 445-7205

November 6, 2001

Tiffany Tauber  
California Coastal Commission  
North Coast District Office  
710 E Street, Suite 200  
Eureka, CA 95501-1865

EXHIBIT NO. 7
APPLICATION NO. A-1-HUM-01-058
HUMBOLDT COUNTY PUBLIC WORKS
APPLICANT'S REPLY TO APPEAL (1 of 11)

RE: Arcata-Eureka Airport Security Fence Project, Appeal No: A-1-HUM-01-058

Dear Ms. Tauber:

The purpose of this letter is to provide rebuttals to allegations raised by the appellants in Appeal No. A-1-HUM-01-058 concerning Coastal Development Permit CDP-01-05 approved by the Humboldt County Board of Supervisors on September 26, 2001.

1. Allegation: "The location, sighting (sic) and alignment of the fence in relation to the steep coastal bluff have been changed from what was proposed when the staff analysis and geotechnical assessment were prepared."

Rebuttal: When the project was heard before the Humboldt County Planning Commission on August 16, 2001, the fence alignment in the bluff area was described in the Public Works Project Report on page 4, third paragraph as "a portion of the new fence to be built on the bluff face down the slope far enough that the fence does not extend above the top of the bluff." Only 2,000 lineal feet of the original 24,000 feet has been realigned, in the bluff area. The alignment was changed by the Humboldt County Planning Commission which specified that "the fence shall run along the toe of the bluff in the bluff area." Therefore, we changed the alignment such that the fence will run down the slope of the bluff in a straight line on each side of the FAA required object free area and along the toe area of the bluff to connect the two vertical fence lengths.

Next, the appellant's state that "we believe this is a significant change to the proposed project given that the steep coastal bluff is designated as a geologic hazard zone with sensitive coastal wetlands situated beneath an unstable and easily eroded coastal bluff." Historically, upper portions of these coastal bluffs sloughed off due to undercutting by groundwater flowing out of a layer some 30 feet below the bluff top. The change that they are objecting to, from an alignment that would traverse across the bluff face to one that would run down the bluff slope to the bluff toe and along the toe, is an alignment

that should reduce erosion potential. As originally proposed 2,050 lineal feet of fence would be constructed on the bluff. The change has decreased the on-bluff fence by 70% to 600 lineal feet of fence. Further, the fence will be located a minimum of 50 feet away from the wetland area at the toe of the bluff. The soil under the cleared 10 foot corridor for the fence will be stabilized with both vegetation and a soil additive called soilcrete.

2. Fence Maintenance and Security Checks

Allegation: "The maintenance and security checks attendant to the proposed project will have considerable environmental impacts and thus will not meet the stated goals/standards contained in the local coastal program..." "...The fence perimeter would be checked six times per day (2,190 times per year, 43,800 times over the twenty year life span of the fence). The impacts of an all terrain vehicle climbing up and down the bluff face...would certainly cause and contribute to significant erosion. Even if the security checks were conducted by foot the impacts would be significant...This may necessitate the installation of a foot trail with safety features such as stairs or even the construction of switch back trail routes..." "...It is certain that this aspect of the proposed project will result in significant erosion."

Rebuttal:

The appellant's argument is incorrect and was made without asking County airport staff how fence maintenance and security checks will be conducted. In fact, security checks will be made visually with the aid of binoculars and night vision devices. It will not be necessary to walk up and down the bluff to perform security checks. No ATV (all terrain vehicle) will be used for security checks on the bluff. It will not be necessary to construct a foot trail, stairs or switch backs on the bluff. Therefore, the actual number of times physical access to the fence alignment in the bluff area will be required is limited to when maintenance or repair is required. Since the fence will be new, constructed of durable materials and relatively inaccessible to the public in the bluff area, the necessity for maintenance or repair should be low the first five to ten years after installation.

The appellant's claim that maintenance and security checks will have considerable environmental impacts is unsubstantiated.

3. Allegation:

"The project description makes no mention of the continued clearing of vegetation down and along the bluff face nor the installation of impervious surface."

Rebuttal:

The project description contained within the Agenda Item Transmittal for the August 16, 2001 Planning Commission meeting states, "The project includes a Special Permit for major vegetation removal in the coastal zone. Woody vegetation growing on the bluff will be removed and/or trimmed as needed within a 10 foot wide strip along this section to accommodate the new alignment."

Furthermore, the Planning Commission took part in a discussion with Public Works Staff during the August 16, 2001 meeting regarding the necessity to maintain a 10 foot wide vegetation free corridor along the entire fence alignment. In fact, the Planning Commission objected to the requirement for a vegetation free strip and conditioned their permit to require revegetation of disturbed areas, including the fence alignment. That condition was one of the reasons that the Public Works Department appealed the



Planning Commission's decision to the Board of Supervisors. Some of the appellants were present during that discussion on August 16, 2001.

In addition, the Federal Aviation Administration (FAA) August 29, 2001 letter to Dan Horton, Airports Manager for Humboldt County, states that the condition for revegetation should be removed from the permit. See the attached copy of the letter, Item 1c. The vegetation removal was proposed because it is necessary for fence installation. Maintaining the 10 foot vegetation free corridor is necessary for inspection and maintenance and to meet the FAA requirement. The cleared fence corridor will be treated and managed so that erosion is minimized.

4. Allegation: "The Geotechnical Report (by Taber Consultants) does not list a set of recommendations that, if adhered to, would meet the goals/standards of the local coastal program. The Geotechnical Report does not conclude that installation of the fence posts at proper depth would meet the goals/standards of the local coastal plan."

Rebuttal: Taber Consultants were retained by the County to evaluate the geologic and geotechnical characteristics of the bluff area and provide conclusions and recommendations for design and construction of the proposed fence. Taber Consultants are familiar with the site having performed previous geotechnical investigations here, the last one in 1997. Taber made specific recommendations for this project which were incorporated into the design and will be put into place when the fence is constructed. It was not within the scope of their contract to determine whether the fence was consistent with the local coastal plan.

It should be noted that on Page 4 of the Taber report, it is stated "Slope failures due to construction of the fence near the bluff top or on the bluff face, if any, are expected to be local, relatively minor events." (copy of report attached).

Although the Taber report does not contain a statement that by following their recommendations, the goals/standards of the local coastal plan would be met, it is of interest that that is exactly what will be accomplished. The appellants' reference to Section 3.28 of the McKinleyville Area Plan (MCAP) and Sections 3100-3230 of the Framework Plan as cited in staff analysis (see Page 16 of Planning Department Staff Report) proves our point. The staff report to the planning commission states that the recommendations prepared by Taber, and approved by the County Building Inspection Division, support a finding of General Plan Conformance and meet the stated goal/standard of the Framework Plan and MCAP that new development shall assure stability and structural integrity and shall not contribute significantly to erosion, geologic instability or in any way substantially alter natural landforms along bluffs. By following Taber's recommendations for design and construction, the County maintains that we will have done so and that the appellant's argument is unsubstantiated.

5. Allegation: "Furthermore, three recommendations contained in the geotechnical report will not be adhered to in the current project design."

A. ... "total on slope length be minimized, located where gradients are flattest and oriented as nearly as possible straight downhill. Current project design is inconsistent with the standard/goal."

Rebuttal: The new alignment from the top of the bluff to the bottom of the bluff, minimizes the on-slope length and run on the flattest parts. By traversing along the bluff

toe, instead of across the bluff face, bluff instability and erosion potential are reduced. This meets the standard/goal of the LCP.

B. "Project design does not route the fence alignment along the previously repaired section of bluff and is therefore inconsistent with staff analysis stating the standard/goal would be met by following the recommendations in the Geotechnical Report."

Rebuttal: Unfortunately, placing the fence alignment down the bluff on the previously repaired bluff section would place it within the FAA mandated object free area and, therefore, is not possible.

C. "Construction on the bluff face should be performed with caution to avoid creating paths, disturbed soil or other conditions that might result in locally increased erosion. The maintenance and required security checks would be inconsistent with this recommendation and inconsistent with staff analysis regarding meeting the standard/goal."

Rebuttal: An experienced firm will be chosen to install this fence and construction on the bluff face will be performed very carefully. As stated above, maintenance and security checks will be performed visually so that no paths will result. The proposed construction, inspection and maintenance procedures meet the standards/goals.

6. Allegation: The project will result in fence construction within 50 feet of the adjacent wetlands and will result in accelerated rates of sedimentation to those wetlands.

Rebuttal: The County's Survey of the bluff area shows the toe of the bluff to be approximately 70 feet from the adjacent wetlands. The land slopes downward at 3% from the toe of the bluff to the edge of the wetland area. Dense coastal scrub forest exists between the bluff toe and the adjacent wetlands. This buffer zone of forest will be undisturbed beyond the 10 foot swath for the fence installation. It is very unlikely that sediment will reach the wetlands.

7. Allegation: The project will not meet the goals/standards of the General Plan or Design Review. The appellants' claim:

A. "Current ocean views looking across the flat coastal prairie where the Humboldt County Airport is located are spectacular. Views from Central Avenue,...are part of the attraction of the McKinleyville area for residents and visitors." "Closer views of the ocean are obtained by the public on Kjer Road...and is frequently used by nonresidents of the road."

Rebuttal: The view west across the airport property from Central Avenue provides a view of the open area between the roadway and the airport terminal. The view contains black top runways, airport buildings and parked aircraft. The ocean is not visible from Central Avenue because the land rises to the west from Central Avenue.

Development along the east side of Central Avenue consists of industrial and residential areas. Some of the residences have tall vegetation along their west property line which screens their view to the west.

The view west from Kjer Road contains a view of residences and outbuildings, chain link and other fences, front and side yards, a portion of an airport runway, and some tall

trees. A horizontal sliver of the ocean may be visible from Kjer Road between some of the buildings.

Neither Central Avenue nor Kjer Road is a designated scenic route for residents or nonresidents. The attached photographs taken along both roads November 11, 2000 illustrate that the appellants' allegation concerning ocean scenic values from these roads cannot be documented.

B. "Scenic Highway 101 runs parallel to the proposed fence along the bluff. The fence and the required clear area along the fence will be clearly visible from the highway. The proposed fence will seriously diminish ocean views from public roadways."

Rebuttal: The fence alignment that will run north/south along the toe of the bluff will not be visible from Highway 101 due to the intervening coastal scrub forest. The only exception to this is the approximately 100 foot wide corridor that was cleared in 1997 to access the bluff repair site. That cleared area has not yet become revegetated, but it will within the next five years. Furthermore, that small opening will hardly make any impression on motorists as they drive past at speeds from 60 to 70 mph in this 65 mph zone.

Portions of the vertical fence alignment that will run from the toe to the top of the bluff will most likely be visible from Highway 101. This is an unavoidable impact caused by the FAA requirement for a 10 foot wide vegetation-free fence alignment. However, since the scenic view of the ocean is to the west, it is unlikely that motorists would choose to look east at the bluff.

The allegation that the proposed fence will seriously diminish ocean views from public roadways is in error because the ocean is west of Highway 101. The fence will be located 140+ feet east of the highway. Therefore, the proposed fence will have no effect on ocean views from Highway 101 and, as noted above, the ocean is not visible from the other roadways adjacent to the project; namely, Central Avenue and Kjer Road except for very far views of the horizon when that is not obscured by the fog, which is prevalent here.

Please note that, in addition, the fence will be coated with green vinyl that will make it blend in with adjacent vegetation.

The Public Works Department acknowledges that the Planning Department staff analysis is incorrect when it states that the fence will enhance the area's scenic values. The very nature of the proposed security fence precludes such a result. Given the recent events of September 11, it should be recognized by all that the relatively insignificant impacts on visual resources and design review requirements must be considered necessary, unavoidable, overriding and not significantly inconsistent with any standards/goals of any Plan.

8. Allegation: The project will be inconsistent with the zoning requirement that buildings must be set back a minimum of 30 feet from all property lines and poses a serious risk of causing material injury to private property.

Rebuttal: The allegation refers to the proposed fence along the back yards of several parcels on the west side of Kjer Road and claims that there is no setback. The new fence will be installed two feet inside (on the airport side) the existing fence line. The FAA will not allow the new fence to be set back 30 feet.

The allegation also claims that running the fence alignment over the bluff face at the northwest corner of the project will pose a serious risk of causing material injury to private property. The fence alignment at the northwest corner in question has been designed to be 165 feet south of a residence and is placed at the object free area boundary. The alleged risk of injury to private property has been reduced to the maximum extent possible while still meeting the FAA requirements.

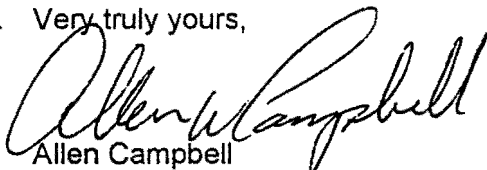
In conclusion, the Department believes that the information provided above successfully rebuts the various allegations and shows them to be insignificant. This project is of such necessity for public safety that the overriding considerations require the denial of the appeal and issuance of the Coastal Development Permit so that the project can go forward. It is imperative for the economic wellbeing of Humboldt County that FAA standards are met in the installation of this security fence so the County is allowed by FAA to continue operation of the airport. If the project is not in place and built to FAA requirements, that agency has told the County they would close the airport to commercial traffic.

Please call any of the following staff if you have questions:

Engineering:	Bob Bronkall	268-2681
Aviation:	Dan Horton	839-5401
Environmental:	Don Tuttle	268-2686
	Richard Stein	445-7741

Thank you for consideration of our responses to these allegations.

Very truly yours,

  
Allen Campbell  
Director

Attachments

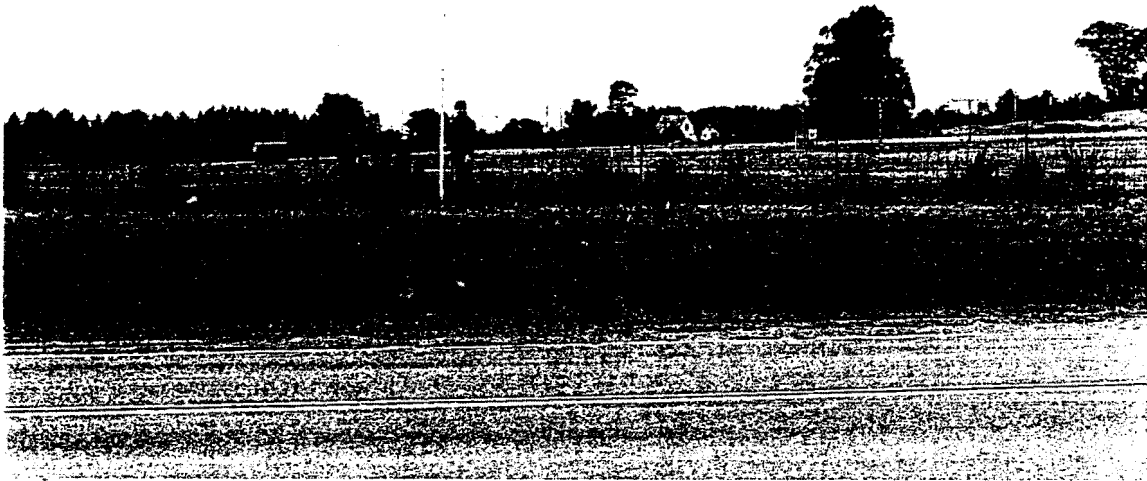
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**ARCATA-EUREKA AIRPORT SECURITY FENCE PROJECT**

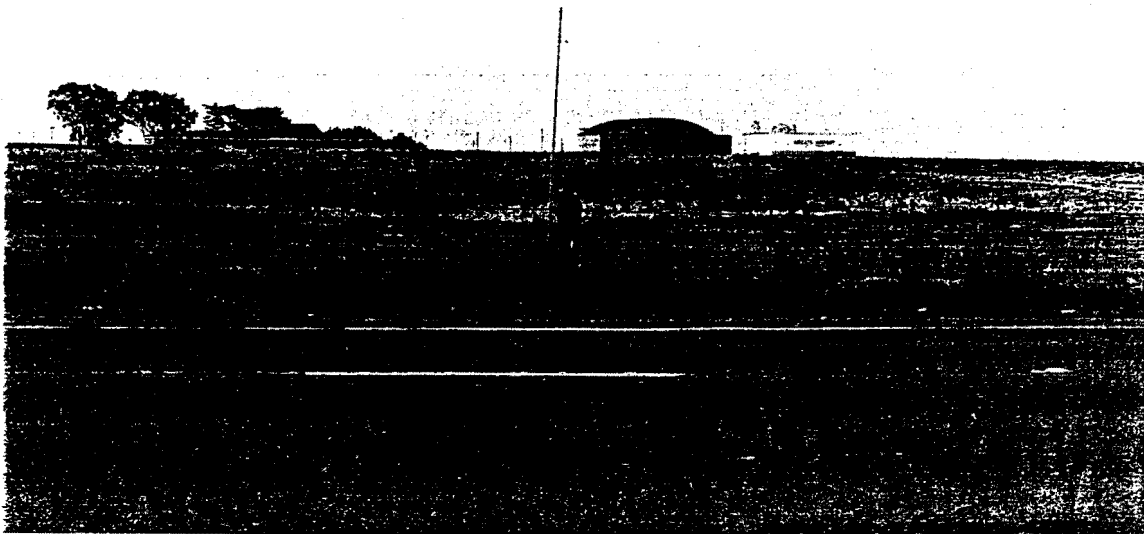
(California Coastal Commission Appeal No. A-1-HUM-01-058)

Submitted by Humboldt County Public Works Department

November 6, 2001



View west (toward airport) from 3445 Central Avenue (Hooven Construction). Flagging on rod is 12 feet high.  
Photo taken 11-14-00.



View west (toward airport) from 3621 Central Avenue. Flagging on rod is 12 feet high.  
Photo taken 11-14-00.

7411

**ARCATA-EUREKA AIRPORT SECURITY FENCE PROJECT**

(California Coastal Commission Appeal No. A-1-HUM-01-058)

Submitted by Humboldt County Public Works Department

November 6, 2001



View west (toward airport) from 4141 Central Avenue. Flagging on rod is 12 feet high.  
Photo taken 11-14-00.



View west (toward airport) from 4171 Central Avenue. Flagging on rod is 12 feet high.  
Photo taken 11-14-00.

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**ARCATA-EUREKA AIRPORT SECURITY FENCE PROJECT**  
(California Coastal Commission Appeal No. A-1-HUM-01-058)  
Submitted by Humboldt County Public Works Department  
November 6, 2001

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View southwest (toward airport) from 4412 Kjer Road. Flagging on rod is 12 feet high.  
Photo taken 11-14-00.



View west (toward airport) from 4454 Kjer Road. Flagging on rod is 12 feet high.  
Photo taken 11-14-00.

9911

**ARCATA-EUREKA AIRPORT SECURITY FENCE PROJECT**

(California Coastal Commission Appeal No. A-1-HUM-01-058)

Submitted by Humboldt County Public Works Department

November 6, 2001



View west (toward airport) from between 4470 and 4484 Kjer Road. Flagging on rod is 12 feet high.  
Photo taken 11-14-00.



View west (toward airport) from 4488 Kjer Road. Flagging on rod is 12 feet high.  
Photo taken 11-14-00.

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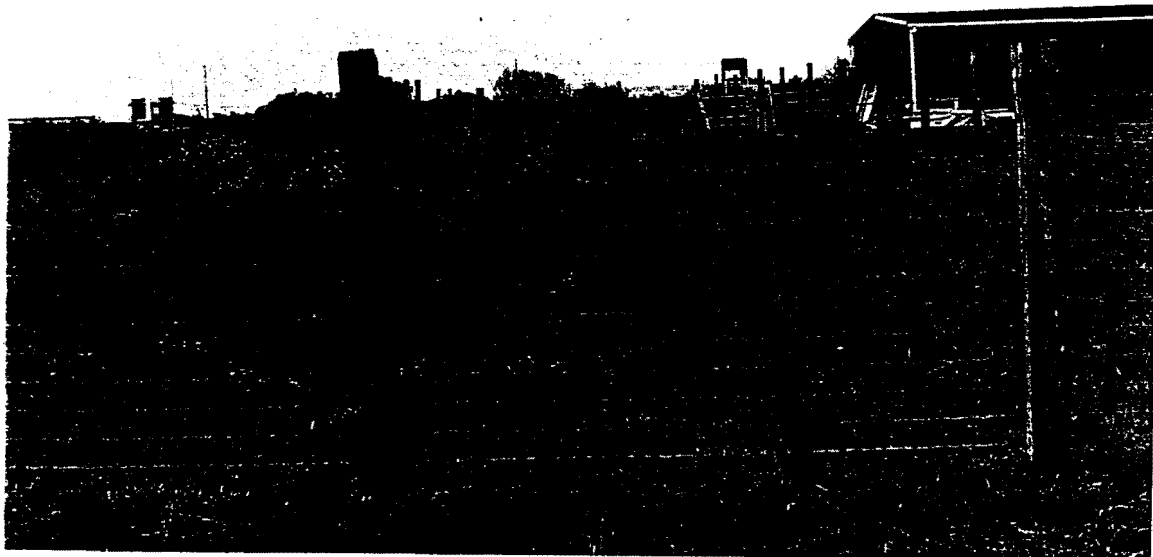


# ARCATA-EUREKA AIRPORT SECURITY FENCE PROJECT

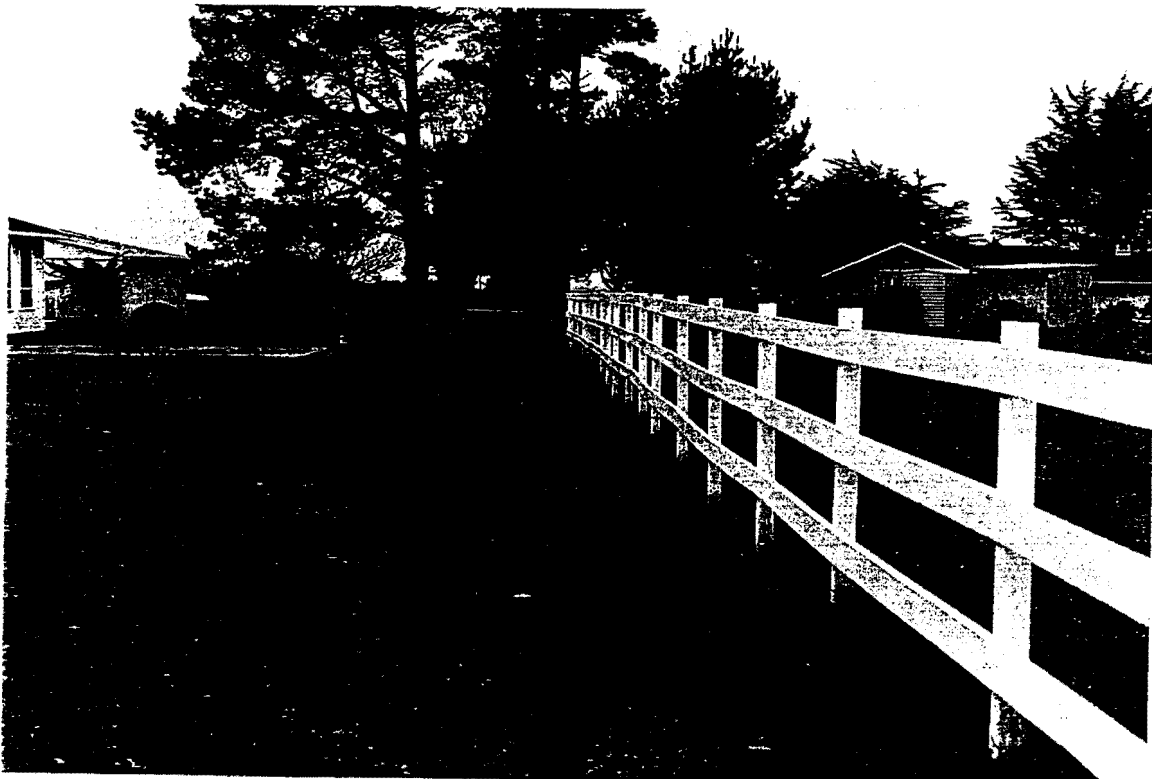
(California Coastal Commission Appeal No. A-1-HUM-01-058)

Submitted by Humboldt County Public Works Department

November 6, 2001



View west (toward airport) from between 4525 and 4520 Kjer Road. Flagging on rod is 12 feet high.  
Photo taken 11-14-00.

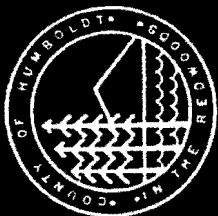


View west (toward airport) from between 4570 and 4590 Kjer Road. Flagging on rod is 12 feet high.  
Photo taken 11-14-00.

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\*3

**County of Humboldt • Department of Public Works**  
1106 Second Street • Eureka • CA • 95501 • (707) 445-7652



## **Arcata-Eureka Airport Perimeter Security/Deer Fence**



Prepared by:

**Natural Resources Division**  
Department of Public Works  
County of Humboldt

July 5, 2001

EXHIBIT NO.	8
APPLICATION NO.	A-1-HUM-01-058
HUMBOLDT COUNTY PUBLIC WORKS	
ORIGINAL PROJECT DESCRIPTION (1 of 13)	

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## PLAN OF OPERATION

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The proposed fence is needed as a long-term measure to alleviate wildlife hazards at the airport and to improve security. Fence construction will be funded by the Federal Aviation Administration (FAA). Approximately 27,000 feet of fence will be constructed around the perimeter of the 600-acre airport parcel. Following FAA guidelines, the green, vinyl-coated chainlink fence will be ten feet high with an additional three-strand barbed wire extension at a 45-degree angle.

Following approval of project plans by the FAA and acquisition of a Coastal Development permit, the project will go out to bid. Construction is scheduled to begin September 2001, and is expected to take 30-60 days to complete. Construction will be in accordance with FAA safety specifications for airport improvements.

The fence will be installed around the perimeter of the airport property (parcels 511-341-04, 511-351-09, and 511-061-05). An existing four-foot high field fence will be removed, and the new fence will, for the most part, follow the existing alignment. Any excess materials will be either salvaged for use elsewhere or disposed of at an approved site outside of the Coastal Zone. The project will not involve any discharges into the ground or surface water.

Fence construction will involve short-term, intermittent increases in air emissions and noise levels. Considering the ambient air emission and noise levels produced by normal airport traffic and by traffic on Highway 101 and Central Avenue, the short-term, intermittent increase in these levels is considered to be less than significant.

Construction activities will not obstruct traffic flow on the neighboring roads, since all of the areas proposed for construction are accessible from inside the airport.

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## PROJECT DESCRIPTION

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### Project Location

The project is located at the Arcata-Eureka Airport, in McKinleyville, Humboldt County, California. Access is via Airport Road, which borders the airport on the south side. The airport is bordered by Central Avenue on the east side, Kjer Road on the north, and Highway 101 on the west (below a steep bluff) (sheet 1).

### Zoning

Part of the project is located in the Coastal Zone and the remainder is inland. In the Coastal Zone, the zoning is Public Facility-Rural (PF2). The airport, which is an "Extensive Impact" civic use type, predates the County's coastal zoning regulations (1985) and is therefore considered to be "non-conforming." Such use may not be expanded or changed to a type not permitted by the County Code. The fence is accessory to existing airport use and is needed for the safety of airport operations; it does not represent an expansion or a change in use type. Construction of the fence does, however, constitute development and therefore requires a Coastal Development Permit, issued by the County Planning Department and within the appeal jurisdiction of the California Coastal Commission.

In the inland portion of the project, the zoning is Unclassified (U). The airport is a public use and is permitted in all zones without needing a permit. This holds true for the proposed fence as well, as an accessory structure to the existing airport.

### Project Purpose

The proposed fence is needed as a long-term measure to alleviate wildlife hazards at the airport and to improve security. There were two deer strikes on the airport's runways within the year 2000. Shooting deer on airport property has been used as a short-term control measure in the past, but it is not a suitable long-term solution, and the California Department of Fish and Game will no longer issue a depredation permit for this practice. Harassment attempts have been unsuccessful. There is an existing boundary fence around most of the airport, however it is only four feet tall and does not constitute a barrier to deer. Considering the current level of hazard to aircraft imposed by the presence of deer, the Federal Aviation Administration (FAA) will close down the airport unless the proposed deer fence is installed.

The dual purpose of the fence is to improve airport security. The proposed fence will help deter unauthorized access into restricted zones.

### Environmental Setting

**Geology.** The Arcata-Eureka Airport is located on a coastal terrace at about 200 ft. MSL. The western border of the airport parcel is a steep bluff. The remainder of the site is relatively flat. Geologic maps for the area indicate that the site is underlain by rock associated with Pleistocene marine sediments of the Falor Formation, characterized by pebbly conglomerate, sandstone and silt. Along the upper terrace surface, Quaternary marine deposits of silt, sand and gravel overlay the Falor Formation, forming flat benches on wave-cut surfaces (Taber Consultants Engineers and Geologists 1997).

The McKinleyville Fault passes through the southwest portion of the site and the Mad River Fault lies within a ½ mile to the northeast of the site. These faults are indicated to have a maximum credible magnitude of 6.75, with corresponding peak rock acceleration for this site of 0.6 g (per CDMG OFR 92-1 and 1996 California Seismic Hazard Map, as cited in Taber Consultants Engineers and Geologists 1997).

In January 1997, a bluff failure occurred a few hundred feet northwest of the north end of the main airport runway. The result was a 100±ft wide, arcuate-shaped scarp at the top of the slope, 60-80 ft. high. Taber Consultants Engineers and Geologists (1997) concluded that the bluff failure occurred primarily as a result of surface infiltration and buildup of seepage pressures within weak soils established on steep, unsupported slopes. Restoration of the bluff was accomplished by the placement of engineered fill and drainage improvements on the affected bluff.

**Vegetation.** As is characteristic of northern California coastal bluffs, the airport bluff is densely vegetated by woody plants, except in the area of recent slope failure. Common plant species include spruce (*Picea sitchensis*), red alder (*Alnus rubra*), coyote brush (*Baccharis pilularis*), silk tassel (*Garrya elliptica*), California wax myrtle (*Myrica californica*), Scotch broom (*Cytisus scoparius*), California blackberry (*Rubus ursinus*), Himalaya blackberry (*Rubus discolor*), thimbleberry (*Rubus parviflorus*), blue gum eucalyptus (*Eucalyptus globulus*), and Spanish heath (*Erica lusitanica*).

On the northeast side of the airport parcel, there is a moderate slope down to Central Avenue. This slope is densely vegetated by Scotch broom, cotoneaster (*Cotoneaster* sp.), salal (*Gaultheria shallon*), bracken fern (*Pteridium aquilinum*), coyote brush, cascara (*Rhamnus purshiana*), and red alder.

The remainder of the project site is relatively flat. Along much of the perimeter where the fence will go, the vegetation is grassy, with blackberry brambles in some locations. The vegetation is mowed regularly. Plant species include sweet vernal grass (*Anthoxanthum odoratum*), tall fescue (*Festuca arundinacea*), velvet grass (*Holcus lanatus*), Queen Anne's lace (*Daucus carota*), and bracken fern.

On a small section on the southeast side, bordering Airport Road, there is a wooded area where Monterey pines (*Pinus radiata*) have been planted. The canopy is dense, as well as the understory of Scotch broom, coyote brush, blackberries, and California wax-myrtle. The FAA recently notified the Airport Manager that the pines need to be cut per FAA requirements. The cutting will be completed before fence installation. This area is outside of the Coastal Zone.

#### **Construction Details**

Approximately 27,000 feet of fence will be constructed around the perimeter of the 600-acre site. Following FAA guidelines, the green, vinyl-coated chainlink fence will be ten feet high with an additional three-strand barbed wire extension at a 45-degree angle. Fence posts will be set in concrete postholes.

There is an existing wire field fence around the perimeter of the airport parcel. The fence is four feet high, which is insufficient to keep deer from jumping over and entering the airport property. Most of the existing fence will be removed. In general, the new fence will follow the existing alignment; therefore, there will be minimal new ground disturbance. Minimal vegetation removal or trimming will be required.

At two locations, the new fence alignment will vary from the existing alignment. One location is on Central Avenue near Kjer Road, on the northeastern part of the site, just north of the Humboldt County maintenance yard. Here there is a slope densely vegetated by Scotch broom, cotoneaster, coyote brush, cascara, and red alder. This is considered good cover habitat for deer. The existing fence runs along the bottom of the slope, but the new alignment will run along the top of the slope, excluding this area of cover habitat from the airport (sheet 4).

The other location where the new fence alignment will vary from the existing one is along the coastal bluff at the end of the runway, on the northwestern portion of the site. There are gaps in the existing fence along the top of the bluff. The FAA prohibits the installation of any structures within the "Object Free Area" (OFA) surrounding the runway. This requires a portion of the new fence to be built on the bluff face, down the slope far enough that the fence does not extend above the top of the bluff (sheets 6 and 7).

Approximately 2,050 feet of fence will be installed on the slope. The fence will be installed in an appropriate manner to minimize the potential for slope failure in this area. An R-1 geotechnical report prepared by Taber Consultants Engineers and Geologists (2001) more fully addresses slope stability in relation to the proposed fence installation. Woody vegetation growing on the bluff will be removed and/or trimmed as needed within a ten-foot wide strip to accommodate the new alignment.

The project will include the installation of gates with the fence. There will be two pedestrian gates allowing access by airport personnel to the runway area, two rolling vehicle gates with electric openers, and eleven additional vehicle gates. The location of all gates is shown on the project plans. Signs will be installed on the gates per FAA requirements.

#### **Permits Required for the Project**

A portion of the project site is located within the Coastal Zone, and therefore requires a Coastal Development Permit. The permit is administered by the Humboldt County Planning Department and it is in the Appeal Zone of the California Coastal Commission.

All project plans must be approved by the FAA.

#### **Financing of project**

The project will be funded by the FAA (90%), the state of California (5%), and the County (5%).

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## CEQA COMPLIANCE

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### Categorical Exemption

The project is exempt from CEQA based on categorical exemption 3 (Resolution 7729) of the CEQA Guidelines adopted by Humboldt County (1977). This exemption specifically includes, "security fencing at public airports." The fence is an accessory structure to an existing public facility, with no expansion of existing use. The fence is needed to protect public safety and without it, the airport would be closed down by the FAA. To meet the requirements of a categorical exemption, it must be clear that the project does not pose a threat of significant adverse environmental impact. The following discussion provides a basis for that finding.

### Environmental Impact Analysis

**Aesthetics.** Visual impacts to neighboring residents and passing motorists were considered from all angles. Highway 101 is a scenic corridor that runs on the western side of the project, at the foot of the bluff. Motorists may look up towards the bluff while driving. The new fence, with its non-reflective green vinyl coating, will not be highly visible against the dense woody vegetation covering the bluff slope. Elsewhere in locations where the fence will be visible, the new structure will simply replace the existing fence and will not constitute a new visual impact.

**Agricultural Resources.** The project will not affect agricultural land or agricultural practices.

**Air Quality.** Fence construction may involve short-term, intermittent increases in air emissions, which will be negligible in comparison with the ambient air emission levels produced by normal airport traffic and by vehicular traffic on Highway 101 and Central Avenue.

**Biological Resources.** The resident deer are blacktail deer, a subspecies of mule deer (*Odocoileus hemionus columbianus*). The fence will be an effective barrier to the deer, and benefit them by removing the danger of being struck by an aircraft, and by precluding the need to shoot or harass them to get them off the airport grounds.

**Sensitive Species.** A California Natural Diversity Database (CNDDDB) report for the Arcata North quadrangle was obtained from the California Department of Fish and Game in December 2000. The CNDDDB is an inventory of reported occurrences of sensitive species and natural communities within particular areas. The species reported for the project area are shown in appendix A, along with the typical habitat in which each is expected to occur.

One sensitive plant species is known to occur on the airport site. Coast checkerbloom (*S. oregana* ssp. *eximia*) is on List 1B of the California Native Plant Society as endangered in a portion of its range (Skinner and Pavlik 1994). Endemic to California, the coast checkerbloom occurs in coastal prairie and/or coastal woodlands. It has been found along roadsides in the Dows Prairie area. The coast checkerbloom typically grows on native soils and is not likely to be found on fill material (Dave Imper, pers. comm. 11-22-00). Imper (2000) reported approximately 200-500 plants growing on the roadside of Central Avenue near Airport Road. Most of the plants reported were growing on the east side of the road and a few were on the west side.



On May 8, 2001, the proposed fence alignment was surveyed. Coast checkerbloom was found in the southeastern portion of the site, growing on the airport site and on the roadside strip bordering Central Avenue near Airport Road (sheet 9). Many of the plants were in bloom at the time of the survey. The checkerbloom was growing with sweet vernal grass, vetch (*Vicia* sp.), wild radish (*Raphanus sativus*), California blackberry, bracken fern, and strawberry (*Fragaria vesca*). It is difficult to estimate the number of individuals because of the rhizomatous habit of the coast checkerbloom. An estimated 100-200 plants were found (not including plants growing on the east side of Central Avenue, outside of the project area).

The new fence will follow the existing alignment throughout the area where coast checkerbloom occurs. Direct impact to the plants will thus be avoided, since minimal ground disturbance will be required to install the new fence. Potential indirect impact to the plants associated with construction activities will be avoided by: 1) timing the fence installation to take place during the dormant period for the coast checkerbloom, between August and December; and 2) prohibiting the staging of equipment or the stockpiling of supplies in the area where the checkerbloom occurs (sheet 9).

No other sensitive plant or animal species are known to occur on the project site. The project will not directly or indirectly impact any known sensitive species.

**Cultural Resources.** Based on review of archaeological records on file in the Environmental Data Bank of the Natural Resources Division of Humboldt County Public Works, there are no known archaeological resources of concern in the project area. If any archaeological resources are discovered during project implementation, all work will cease and an investigation by a qualified archaeologist will be conducted. No known historical resources will be affected by implementation of the proposed project.

**Geology and Soils.** An R-1 geotechnical report is required for the project because of the presence of a geologic hazard zone on the west side of the project site. Taber Consultants Engineers and Geologists (1997) conducted a geotechnical investigation of the airport bluff following a slope failure in January 1997. A geotechnical report (Taber Consultants Engineers and Geologists 2001) was prepared specifically addressing the proposed fence design with respect to slope stability. The fence will be installed in an appropriate manner to minimize the potential for slope failure resulting from the project.

**Hazards and Hazardous Materials.** The project will not involve any hazardous materials.

**Hydrology and Water Quality.** The project will not involve any discharges into the ground or surface water. The project will not affect drainage patterns in the area, and there will be no impacts to water quality resulting from this project.

**Land Use and Planning.** The project is consistent with existing land use and zoning for the area.

**Mineral Resources.** There are no mineral resources of concern in the project area.

*Noise.* Fence construction will involve short-term, intermittent increases in noise levels, which are negligible in comparison to the ambient noise levels produced by normal airport traffic and by vehicular traffic on Highway 101 and Central Avenue.

*Population and Housing.* The project will not affect population or housing.

*Public Services.* The project will provide required and mandated safety measures for air transport, which is an important public service for the community and outlying areas.

*Recreation.* The project will not affect recreational activities in the area.

*Transportation/Traffic.* Construction activities will not obstruct traffic flow on the neighboring roads, since all of the areas proposed for construction are accessible from inside the airport.

*Utilities and Service Systems.* The project will not affect utilities or service systems.

9.8.13

## ARCHAEOLOGICAL CLEARANCE

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The archaeological records on file in the Environmental Data Bank of the Natural Resources Division of Humboldt County Public Works were examined and there are no known archaeological resources of concern in the project area. The new fence will be installed following the alignment of an existing fence. The amount of new ground disturbance will therefore be minimal. If any archaeological resources are discovered during project implementation, all work will cease and an investigation by a qualified archaeologist will be conducted.

No known historical resources will be affected by implementation of the proposed project. The existing fence that will be removed is a wire field fence with no historical significance. No other structures will be affected by the project.

10413

## REFERENCES

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- Imper, D. 2000. Sensitive plant report for Humboldt County R/W-Central Avenue, McKinleyville. Unpublished report on file with Humboldt County Public Works, Eureka, CA.
- Skinner, M.W. and B.M. Pavlik. 1994. California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California. Special Publication No. 1 (Fifth Edition).
- Taber Consultants Engineers and Geologists. 1997. Geotechnical investigation: emergency safety area erosion control project, Arcata Airport, Humboldt County, California.

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## APPENDIX A

**Sensitive Species Reported in the Project Area.** The following species were reported for the Arcata North quadrangle by the California Department of Fish and Game's Natural Diversity Database in December, 2000.

Animal Species	List Status			Habitat	Present on Project Site
	Federal	State	CDFG*		
Coast cutthroat trout	Candidate	None	SC	Small, coastal streams	No
Great blue heron (rookery)	None	None		Marshes, lake margins	No
Northern red-legged frog	None	None	SC	Damp woods and meadows	No
Northern spotted owl	Threatened	None	SC	Old-growth forests	No
Osprey	None	None	SC	Ocean shores, bays, lakes	No
Red tree vole	None	None	SC	Coastal forest	No
Southern torrent salamander	None	None	SC	Shaded streams	No
Western snowy plover	Threatened	None	SC	Sandy beaches, river bars	No
Plant Species	List Status			Habitat	Present on Project Site
	Federal	State	CNPS**		
Beach layia	Endangered	Endangered	1B	Coastal dunes	No
Coast checkerbloom	None	None	1B	Coastal prairie, woodlands	Yes
Humboldt Bay owl's clover	None	None	1B	Coastal salt marsh	No
Maple-leaved checkerbloom	None	None	1B	Coastal prairie, woodlands	No
Northern clustered sedge	None	None	2	Bogs and fens	No
Pink sand verberna	None	None	1B	Coastal dunes	No
Running pine	None	None	2	Damp forests	No
Siskiyou checkerbloom	None	None	1B	Coastal prairie, woodlands	No

\* CDFG (California Department of Fish and Game) Special Status Lists

SC = Species of Special Concern

\*\* CNPS (California Native Plant Society) Special Status Lists

1B = Plants Rare, Threatened, or Endangered in California and Elsewhere

2 = Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere

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## **PARTICIPANTS IN PREPARATION OF REPORT**

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This report was prepared by Annie Eicher and Ann Glubczynski, Environmental Analysts with Humboldt County Public Works (HCPW), Natural Resources Division in consultation with:

Richard Stein, HCPW Environmental Services Manager  
Daniel Horton, Humboldt County Aviation Manager  
Robert Bronkall, HCPW Engineer  
Steve Werner, Supervising Planner, Humboldt County Planning Department  
Joe Mateer, Planner, Humboldt County Planning Department  
Karen Kovacs, California Department of Fish and Game  
Dave Imper, Botanist, SHN Consulting Engineers and Geologists  
Tom Skaug, Taber Consultants Engineers and Geologists

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3911 West Capitol Avenue  
West Sacramento, CA 95691-2116  
(916) 371-1090  
(707) 575-1568  
Fax (916) 371-7265  
www.taberconsultants.com

\*1

July 9, 2001

Humboldt County Department of Public Works  
1106 Second Street  
Eureka, California 95501

Attention: Robert W. Bronkall

Subject: Geotechnical Assessment  
Arcata Airport Deer Fence Project  
Humboldt County, California

1P1/301/71

We have completed a geotechnical assessment of the subject site in accordance with the agreement between Taber Consultants and Humboldt County (County Project No. 911500). The purpose of this study is to evaluate site geotechnical conditions and provide conclusions and recommendations for design and construction of the proposed fence.

This study was limited to review of data in our files pertaining to the site and reconnaissance of the bluff area with respect to bluff/slope stability and the potential for future bluff retreat to affect the design and maintenance of the proposed fence. Reconnaissance included a walking traverse along the bluff top and drive-by observation from Highway 101. Reconnaissance was performed on April 25, 2001 accompanied by Robert Bronkall of Humboldt County Department of Public Works and representatives of County Environmental Department and Airport Maintenance.

No subsurface exploration, soil sampling, or soil property tests were performed as part of this study. Other limitations of this study are discussed in the attached "General Conditions."

#### SITE AND PROJECT DESCRIPTION

Arcata Airport is situated on a broad terrace surface, located north of McKinleyville, in Humboldt County, California. The northeast end of the main runway is near the top of a bluff at the terrace edge. The bluff is about 150 feet high, with Highway 101 located near the base at about elev. 30 feet.

EXHIBIT NO. 9

APPLICATION NO.  
A-1-HUM-01-058

HUMBOLDT COUNTY  
PUBLIC WORKS

GEOTECHNICAL  
REPORT (1 of 6)

Humboldt County Department of Public Works  
July 9, 2001  
Page 2

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Since 1934

1P1/301/71

It is our understanding the proposed project is to consist of construction of a fence at the north end of the airport primary runway to exclude deer and other wildlife from the "object free area" adjacent to the runway. The bluff top extends diagonally across the object free area for a distance of about 1500 feet.

The County has reviewed a number of alternatives for fence design and selected the following options for geotechnical evaluation:

1. A "barricade" style fence constructed in 10-foot sections. This fence would be supported on horizontal members lying on the ground, with no fence posts extending into the ground.
2. A standard fence installed on top of the bluff to the extent possible and, near the runway, extending down and across the face of the bluff. Fence posts on the bluff face would be either vertical or cantilevered (perpendicular to bluff face).

The fence is expected to be 10-feet high chain link topped with barbed wire, but might need to be constructed of non-metallic materials near an antenna at the end of the runway.

#### GEOLOGIC SETTING

Review of our file data and references therein indicate Quaternary marine deposits of silt, sand, and gravel cap the terrace. The terrace deposits are underlain by rock associated with Pleistocene marine sediments of the Falor Formation, characterized by pebbly conglomerate, sandstone, and siltstone. These sediments are indicated to be nearly flat lying. The bluff slope along the west side of the airport is shown to contain several small "active" landslides. No faults are indicated to pass through the subject site, although splays of the active McKinleyville and Mad River Fault systems extend along the southwest and northeast sides of the airport.

#### SITE RECONNAISSANCE

Our geologic reconnaissance and previous site exploration generally confirm the published mapping. Borings performed by our office during study of a bluff-slope failure near the end of the runway (report of "Geotechnical

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Investigation," July 23, 1997) encountered an upper unit of very loose to loose sand and silty sand to depths of about 10 to 15 feet underlain by a lower unit of compact to very dense sand and silty sand with occasional gravel. These units are interpreted as Quaternary Terrace Deposits overlying Falor Formation.

Reconnaissance along the bluff top indicates the surface soil is soft and rodent burrows are abundant. Observation of much of the bluff face is prevented by dense vegetation. Previous studies by our office suggest that failure blocks from the bluff face typically extend 25-35 feet back from the bluff edge. However, smaller slump blocks were observed at many locations during reconnaissance for this study. The upper 50+ feet of the bluff face appears to be typically very steep, on the order of 1:1 (horizontal to vertical) or steeper, with near vertical or near-vertical sections along much of the top.

Below the upper, steepest portion of the bluff face, gradients are flatter, visually estimated at about 2:1 or less. Surface soils in this area appear likely to consist primarily of colluvium/slide debris that has accumulated from erosion and slumping of the upper portion of the bluff. Such soils are likely very loose and may have significant depth.

West of the end of the runway is an area of slope that was repaired based on recommendations presented in our 1997 report. The repair appears to be performing well. It is our understanding from the Airport Maintenance representative that another section of bluff face further to the south was repaired about 15 years ago.

#### **CONCLUSIONS AND RECOMMENDATIONS**

Previous site exploration and reconnaissance for the current study indicate the upper 10 to 15 feet of soil along the bluff top consist of loose to very loose silty sand. Where slope stability is not a concern, these soils, while relatively weak, are considered generally adequate for fence post support. Similar conditions are expected for colluvial soils on the lower portion of the bluff face. Fence post depths should be consistent with good engineering practice. Additional fence post depth for specific conditions is discussed below.

Failures of the bluff face can be expected to occur in future years along essentially all of the bluff, with the exception of areas stabilized using

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Humboldt County Department of Public Works  
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1P1/301/71

appropriate geotechnical design. Failures extending 25 to 35 feet or more back from the existing edge of the bluff should be expected, particularly in years of unusually heavy rainfall, after intense rainfall events, or under seismic loading, but are generally expected to occur relatively infrequently. The frequency of fence repair/replacement necessary due to slope failure is expected to increase with decreasing setback from the bluff top.

In addition to "naturally" occurring failures, lengths of fence with setback less than 10 feet may induce soil stresses due to wind loads and cyclic movement that might increase failure rates. Where fence posts within 10 feet of the bluff face are necessary, increasing the post depth into soil is recommended to reduce the potential for adverse effects. Where possible, embedment should provide 10 feet separation between the bottom of the post and the bluff face, up to a maximum embedment of 10 feet.

From a geotechnical viewpoint, the "barricade" style fence is considered the most desirable option where fence is necessary closer than 10 feet from the bluff top. Although the vertical load and vibration induced by this design is expected to be minimal, setback of 3 feet is recommended.

If fence extends down the bluff face, it is preferable that the total on-slope length be minimized, that it be located where gradients are flattest, and be oriented, as nearly as possible, straight downhill. Placing the fence on the previously repaired section of bluff would be desirable based on its greater stability. In addition, erosion in this location is expected to be minimal. Erosion in other slope areas might provide separation between the ground and fence bottom that would allow animals to pass the fence.

Where fence posts are placed on slope that is steeper than  $1\frac{1}{2}:1$ , the fence post depth into soil should be measured from a point where the post is at least 5 feet horizontally from the slope face. As an alternative, the posts could be installed perpendicular to the slope (i.e. cantilevered) and post embedment increased by an amount equal to the difference between the length of the post above ground and the vertical height of the top of the post above ground. Cantilevered posts extending into the Terrace Deposits (upper unit) should be avoided if possible.

Slope failures due to construction of the fence near the bluff top or on the bluff face, if any, are expected to be local, relatively minor events.

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July 9, 2001  
Page 5

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1P1/301/71

Construction on the bluff face should be performed with caution to avoid creating paths, disturbed soil, or other conditions that might result in locally increased erosion.

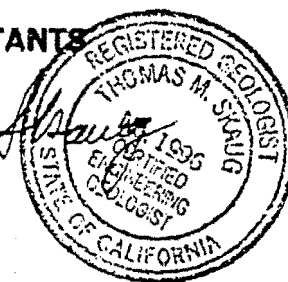
\* \* \* \* \*

We appreciate this opportunity to be of service. If desired, geotechnical evaluation of additional barrier types or more "aggressive" engineering solutions likely can be provided from data in-hand. Please call if you have any questions regarding the above.

Very Truly Yours  
**TABER CONSULTANTS**



Thomas M. Skaug  
Senior Geologist  
C.E.G. 1996



Distribution: (4) Addressee

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1P1/301/71

### GENERAL CONDITIONS

The conclusions and recommendations of this study are professional opinion based upon the indicated project criteria and the limited data described herein. It is recognized there is potential for variation in subsurface conditions and that modification of conclusions and recommendations might emerge from further, more detailed study.

This report is intended only for the purpose, site location and project description indicated, and assumes planning, design and construction in accordance with good engineering practice and the latest applicable codes and regulations. This study pertains only to construction of the fence project described herein; other facilities associated with this project are specifically excluded from the scope of this study.

As changes in appropriate standards, site conditions and technical knowledge cannot be adequately predicted, review of recommendations by this office for use after a period of two years is a condition of this report.

A review by this office of any foundation and/or grading plans and specifications or other work product insofar as they rely upon or implement the content of this report, together with the opportunity to make supplemental recommendations as indicated therefrom is considered an integral part of this study and a condition of recommendations.

Subsequently defined construction observation procedures and/or agencies are an element of work which may affect supplementary recommendations.

Should there be significant change in the project or should soils conditions different from those described in this report be encountered during construction, this office should be notified for evaluation and supplemental recommendations as necessary or appropriate.

Opinions and recommendations apply to current site conditions and those reasonably foreseeable for the described development -- which includes appropriate operation and maintenance thereof. They cannot apply to site changes occurring, made, or induced, of which this office is not aware and has not had opportunity to evaluate.

The scope of this study specifically excluded sampling and/or testing for, or evaluation of the occurrence and distribution of, hazardous substances. No opinion is intended regarding the presence or distribution of any hazardous substances -- or other environmentally-sensitive conditions which may be present -- at this or nearby sites.

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U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

San Francisco Airpo  
831 Mitten Road, Rc  
Burlingame, Californ

<b>EXHIBIT NO.</b> 10
<b>APPLICATION NO.</b> A-1-HUM-01-058
<b>HUMBOLDT COUNTY PUBLIC WORKS</b>
<b>FAA CORRESPONDENCE</b> (1 of 8)

August 29, 2001

Mr. Dan Horton  
Airports Manager  
County of Humbolt  
1106 Second Street  
Eureka, California 95501

Dear Mr. Horton:

**Subject: Exception to Conditions of Approval by Humbolt County Planning Commission, dated August 16, 2001; Case No; CDP-01-05/CUP-01-01, File Nos: APN 511-061-05, 511-341-04, 511-351-09.**

Thank you for providing copies of the Planning Commission's Recommended Conditions of Approval for the Airport Improvement Grant Airport Perimeter Fencing Project. I have concerns that several of the Special Conditions will alter the effectiveness of the fencing project and compromise the ability to maintain the fence in the manner appropriate for such fencing materials.

The stated exceptions are as follows:

On-going Conditions and additional requirements:

1a. Letter from Taber to confirm recommendations made in the geotechnical report were followed during construction:

The fencing project will follow "best construction management practices" and will follow all recommended conditions of the geotechnical report. Though a letter by the Project Engineer is not normally required, it can be provided following project completion.

1b. Sedimentation, erosion and runoff protection:

In Section 10, Subsection 2- Clearing, Grubbing and Removing Existing Fence, provisions for erosion control require approval by the project Engineer. Specific erosion control procedures will be directed by the Engineer.

This Special Condition appears to be a duplication of the project specification requirements.

1c. Revegetation following construction:

The project specifications require the removal of trees and brush for a distance of 15 feet or as required for fence construction. The disturbed areas will be prepared with appropriate ground cover so as to prevent erosion without providing for the regrowth of trees or brush.

The provision for the introduction of the coast checkerbloom plant species in the immediate area of the fencing would be inappropriate and would inhibit the Airport's ability to properly maintain the fence and the protective cleared ground barrier in a timely

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manner. There are several areas on the airport property where the checkerbloom plant flourishes in the wild and the introduction of this plant in the immediate area of the fence would be detrimental to the scope and intent of the project. I request that this condition be removed from the Condition of Approval.

1d. Drainage improvements;

A drainage plan will be implemented by the direction of and to the satisfaction of the Department of Public Works. This item is also a duplication of the specifications prepared by the Department of Public Works. I request that this condition be removed from the Condition of Approval.

1e. Timing of construction project/Staging of Equipment and Stockpiling of Supplies:

It is the intention of the Airport to bid and construct this project within the time specified by this condition. However, if the project is delayed for some unforeseen circumstance past December, the project must be constructed as soon as possible weather permitting. I request that this condition be removed from the Condition of Approval.

All equipment will be staged and supplies stored at the direction of the Engineer in an area consistent with this condition request.

2. Special Condition directing 10' fence without barbed wire cap.

The project is designed to meet the specifications of the design criteria coordinated with the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services and the Federal Aviation Administration, Wildlife Specialists for wildlife fencing projects. The 10' fence with 2' of barbed wire cap is the standard for wildlife protection on airports. To arbitrarily amend the specification for this specific location would negate the standard that USDA and the FAA have determined will adequately prohibit wildlife access to the airport property.

The barbwire top cap is very necessary to keep wildlife from climbing the fence and gaining access to the operational areas. I have personally witnessed wildlife successfully climbing 10' fences without the cap and therefore recommend that the USDA/FAA specifications be followed without amendment. Also, if this condition is not removed from Condition of Approval, the project may be jeopardized due to the nonconforming requirements and assurances of a wildlife proof fence to the California Fish and Game will be negated. I request that this condition be removed from the Condition of Approval and the original specification of 10' with 2" of barbwire be reinstated.

I also feel that the condition that the vinyl coating be black would not be consistent or compatible with the airport environment. The green vinyl coating will blend in with the surrounding rural terrain and will not be as visible to the public or adjacent property owners as would the black vinyl coating material. I request that this condition be removed from the Condition of Approval.

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### 3. Bluff Fencing Location:

The bluff fencing route will be specified by the Engineer to assure that no destabilization will occur due to the project construction. The exact path will be determined in the project final design. The final construction plan will require approval of the Department of Public

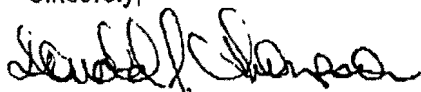
Works and the FAA Airports Engineer. **I request that this condition be removed from the Condition of Approval due to the vagueness of its directions.**

This Airport Improvement Grant Project also includes approximately \$200, 000 for bluff stabilization work.

The construction of this wildlife fence is very important to airport operational safety and must be completed as soon as practicable. This fence project has been approved in the Airport's Master Plan for many years and its lack of construction has raised the ire of the California Department of Fish and Game. The Regional Director was so dismayed at the lack of progress of this project that she purposely withheld the issuance of any depredation permits for the taking of any deer last year. It was only after I issued a letter to the Airport Manager directing that the deer be removed by November 10, 2000 or I would issue a "Notice to Airman" that the airport was closed from "dusk to dawn", canceling all night operations at the airport. Luckily, a Plan was developed in conjunction with the local Native-American Community and the deer were removed from the airport property.

If the Planning Commission or Board has any questions concerning these requests, please contact me at your convenience.

Sincerely,



Donald J. Thompson  
Airport Certification/Safety Inspector

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U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

November 1, 2000

Mr. Dan Horton  
Superintendent of Airports  
County of Humboldt  
1106 Second Street  
Eureka, California 95501

San Francisco Airports District Office  
831 Millen Road, Room 210  
Burlingame, California 94010-1303

RECEIVED  
NOV 08 2001  
CALIFORNIA  
COASTAL COMMISSION

Dear Mr. Horton:

Subject: Wildlife Hazard - Arcata-Eureka Airport

Thank you for sending me the recent history of the efforts to control and remove the resident deer population on your airport. The report adequately reflects the airport's effort to attempt to control or remove the wildlife hazard.

I have also discussed the issues with Noel Myers, USDA Animal Damage Control, on several occasions and welcome his assistance in the attempt to determine a reasonable and responsible solution to the extremely hazardous situation. I have worked with Noel during the past 2 years concerning wildlife and waterfowl issues on other airports in my area and feel that his assistance will aid you in determining a eradication or relocation program at the earliest possible opportunity.

We have also received your request for the perimeter fence project that can be funded this year out of entitlement funds. Please contact Bill Gin, your FAA Project Engineer to coordinate that project.

I appreciate your efforts to accelerate the wildlife harassment program, however, the current deer population is posing a significant safety threat to aircraft that use your airport, especially during the hours of darkness. The significance of that threat was magnified last night with the near miss of 10 deer on the runway during a takeoff operation by United Express. This collision risk has now reached an unacceptable level.

As required by your 14 CFR 139 Airport Operating Certificate, Section .337, "Wildlife Hazard Management" para. f, requires: "Notwithstanding the other requirements of this section, each certificate holder shall take immediate measures to alleviate wildlife hazards whenever they are detected". If a program of relocation or eradication of the current deer population is not in place by 1700L on November 10<sup>th</sup>, I will require that the airport be closed to nighttime operations until the hazard is removed. Also, if the airport does not now have the proper equipment to perform an eradication program, I would hope that you would take immediate steps to procure it.

Once the population is removed, I believe the harassment program and other restrictive measures will discourage repopulation until the perimeter fence project is completed. Please accelerate your coordination with Bill Gin for expediting of that project.

If I can be of any assistance to you on any matter, please give me a call at 650.876.2810.

Sincerely,

Donald J. Thompson  
Airport Certification/Safety Inspector

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11/08/2001 12:23 707-839-3596

HUM CO AVIATION DIV

11/08/2001 10:51 707-542-5303

SO CO AIRPORT

PAGE



U.S. Department  
of Transportation  
Federal Aviation  
Administration

San Francisco Airport District Office  
631 Mitten Road, Room 210  
Burlingame, California 94010-1303

November 7, 2001

Mr. Dan Horton  
Airports Manager  
County of Humboldt  
1106 Second Street  
Eureka, California 95501-0579

Dear Mr. Horton:

Subject: Deer strike, Horizon Airlines - Arcata-Eureka Airport, McKinleyville: 11/08/01

Thank you for the incident report on the deer strike for Horizon Airlines last night. I appreciate your timeliness in providing the incident information.

As you are well aware, the wildlife issue at your airport has been long term and though your remediation efforts of deer population control have been effective in the short term, they have not prevented the continuing use of airport property as an attractive feeding site. As I indicated in my letter of October 2000, it is imperative that proper methods of deer population control and limiting wildlife access must be implemented immediately in order for the operational procedures of the airport not to be impaired or reduced during hours of darkness. In response to that letter, a program of depredation began to eliminate the deer population along with the beginning of the design of a perimeter fencing project to control wildlife access and provide the necessary additional security fencing required by Part 107 within an AIP Grant project.

Though the design has been essentially complete for months, bidding of the project has been delayed due to the approval requirements by the County Planning Commission and the successful appeal by the airport of special conditions requested by a member of the Commission. Additional delays have been incurred by the unsuccessful appeal of the fencing project design in the area of the bluff by adjacent property owners to the Board of Supervisors, and now delays are being incurred by their appeal to the Coastal Commission for the project that falls within the Commission's jurisdiction.

Though the delays incurred have been due to the legal process of appeal before the appropriate local agencies, the delays have exacerbated a very serious safety project and the lack of appropriate fencing was a causal factor in the wildlife incident last night. Due to these continuing problems, further delays in the completion of the fencing project will not be condoned.

As we discussed on the phone several weeks ago, it is imperative that those areas of the project not affected by the Coastal Commission's jurisdiction, must be separated from the project and the bidding process and construction must begin. I understand that those decisions have been made and the project unaffected by the Coastal Commission will be bid in the immediate future.

5 of 8

11/08/2001 12:23 707-839-3596

11/08/2001 10:51 707-542-5383

SO CO AIRPORT

PAGE

2

In light of the incident last night, several airport protocols must be implemented until the fencing project is complete and they are:

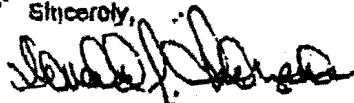
1. Documented monitoring of wildlife will be provided on a weekly basis to me indicating daily deer population counts on the airport;
2. A depredation program will be implemented immediately to remove all deer from the airport property and those animals taken will be documented and reported to me as they occur;
3. Prior to any aircraft departure, an inspection will be conducted to assure that no deer are in the proximity of the runways or taxiways;
4. A "timeline" for the separated fencing projects will be prepared and provided to your FAA Airport Engineer for review and monitoring.
5. A weekly report to your FAA Airport Engineer indicating the project construction status.

If these procedures are not implemented and satisfactorily maintained, "after darkness aircraft operations" will be prohibited until the fencing project is complete and all deer have been successfully removed from the airport.

The incident last night could have become a horrific accident with the loss of 40 lives. Only due to the experience and capabilities of the aircraft crew and the fortunate intervention of "Lady Luck", did we not experience a significant loss of life in an avoidable accident.

It is imperative that you and the County Board of Supervisors relay to the Coastal Commission the importance of this project as a significant safety issue and how it is beyond personal preferences. You must immediately carry that message to the Commission before circumstances require that the airport be closed during hours of darkness. I trust you will relay the success of your efforts to me on a regular basis as required.

Sincerely,



Donald J. Thompson  
Airport Certification/Safety Inspector

6 of 8



DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579  
AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL  
McKINLEYVILLE

AVIATION 839-5401

PUBLIC WORKS BUILDING  
SECOND & L ST., EUREKA

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	PARKS	445-7651
ENGINEERING	445-7377	ROADS & EQUIPMENT MAINT.	445-7421
ARCHITECT	445-7493		

CLARK COMPLEX  
HARRIS & H ST., EUREKA

LAND USE 445-7205

November 7, 2001

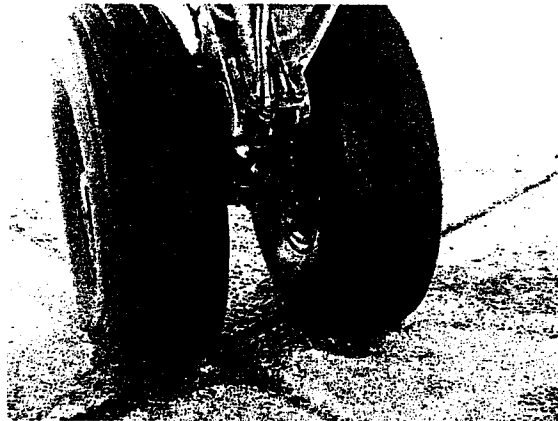
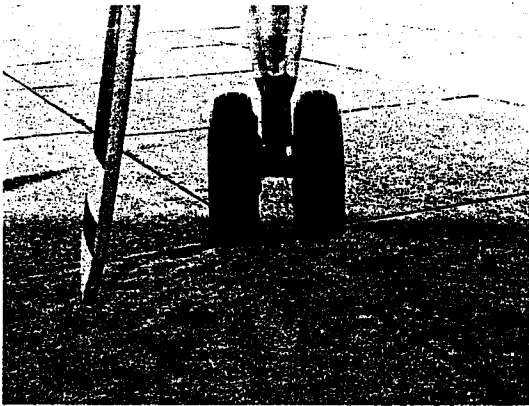
Donald Thompson  
FAA Certification Safety Inspector  
S.F. Airports District Office  
831 Mitten Road, Suite 210  
Burlingame, CA 94010

Dear Mr. Thompson,

I would like to inform you of an unfortunate incident that occurred on the evening of November 6<sup>th</sup>, 2001. Horizon Air was departing Runway 32 at 6:55 p.m. When the aircraft had reached departure speed, a deer ran across the runway and was struck by the aircraft. The aircraft, a Dash 8, was at rotate speed and the nose was off the ground and the deer apparently went under the propeller and between the tires, destroying the hydraulic lines.



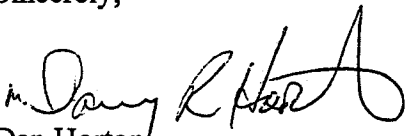
798

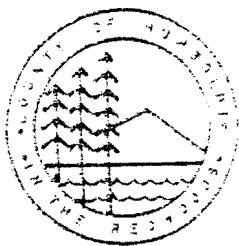


The Pilot aborted his takeoff and returned to the ramp. There were no injuries to the passengers and the aircraft was shut down awaiting inspection and repair.

We in Humboldt County are re-instituting the protocol of last year for problem deer and will try to ensure no deer will be in the Airport Movement Areas. I will advise you of any further information provided by the Horizon Pilot, Company and others involved in this incident.

Sincerely,

  
Dan Horton  
Airports Manager



DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HUMBOLDT

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ARCHITECT 445-7493

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LAND USE 445-7205

November 28, 2001

Robert Merrill  
California Coastal Commission  
North Coast District Office  
P.O. Box 4908  
Eureka, California 95502

EXHIBIT NO. 11

APPLICATION NO.  
A-1-HUM-01-058

AMENDED PROJECT  
DESCRIPTION  
(1 of 20)

**RE: Amendment to Application for Eureka-Arcata Airport Deer/Security Fence**

Dear Mr. Merrill:

As you requested during our conference call November 27, 2001, we are submitting this letter to serve as an amendment to the application we submitted to the Humboldt County Planning Commission on July 6, 2001 for the construction of a deer/security fence at the Eureka-Arcata Airport. On August 16, 2001, the Commission approved a Coastal Development Permit, with conditions, for the project. The FAA notified Public Works in a letter dated August 29, 2001 that several of the conditions added to the permit were unacceptable, therefore, Public Works appealed the Planning Commission's decision to the Board of Supervisors. Once the Planning Commission became aware of the FAA's requirements, their recommendation to the Board was to remove the objectionable conditions and approve the permit. On October 2, 2001, the Board of Supervisors approved CDP-01-05.

On October 26, Appeal # A-1-01-58 challenging the Board's decision was filed in your office by three local residents. The appeal will be heard by the Coastal Commission at their December 14, 2001 meeting in San Francisco. If the Commission finds that the appeal raises a substantial issue, the local approval will be set aside and the Commission will consider the application de novo (as a new one). We appreciate your efforts to complete a staff recommendation on the de novo portion of the appeal to facilitate completion of the Commission's review at the December 14 meeting. We know that you understand the gravity and urgency of the situation. Any further delays in construction of the fence could result in a shutdown by the FAA of nighttime operations at the airport, or worse, another deer strike and the possible loss of lives.

If the Coastal Commission finds that Appeal # A-1-01-58 raises a substantial issue of conformance of the project as approved with the certified Humboldt County Local Coastal Program, for purposes of the Commission's de novo review of the project, the County hereby

amends its original coastal development permit application to make the following changes and clarifications to the project:

Please refer to the application dated July 6, 2001 that we submitted to the Humboldt County Planning Commission for a description of the project, a plan of operation report, AP maps, Coastal Zone boundary map, aerial photos of the project site, a Notice of CEQA Exemption, environmental impact analysis, and archaeological clearance. Attached to this supplemental letter are a revised plot plan and current construction layout plans. Please note that these should replace the plot plan and preliminary construction layout plans submitted to the Humboldt County Planning Commission July 6, 2001. The purpose of this supplemental letter is to provide clarification regarding the fence alignment in the bluff area, and to discuss, more in depth, the three issues of concern regarding conformance with the local coastal program that you noted in our phone conversation yesterday. These are: 1) Wetlands; 2) Geology; and 3) Visual Resources.

### **Fence Alignment**

In designing the fence, the bluff area proved problematic for several reasons. Factors considered in determining the design and placement of the fence included FAA safety requirements, the geological stability of the bluff, and avoidance of impacts to the ponds occurring at the base of the bluff.

To avoid disturbing bluff stability, several designs were considered for placing the fence on the terrace at the top of the bluff, but these were all rejected by the FAA as unacceptable. The FAA requires that an "Object Free Area" be maintained 800 feet past the runway to reduce collision hazards. At the Eureka-Arcata Airport, the runway extends to within 215 feet of the bluff edge, and the Object Free Area (OFA) extends past the edge of the bluff. In addition, a fence constructed at the edge of the bluff would be within the 50:1 glide path, which is also unacceptable.

One idea was to construct this section of fence with "breakaway" material. The FAA does allow some frangible items in the OFA, but we were informed that only items related to navigation are allowable. Also, materials other than the specified chain link fence were rejected by the FAA as being unacceptable to serve the function of a deer/security fence. Another idea was to construct a horizontal fence placed on skids at the bluff edge. This would avoid creating a vertical obstacle to aircraft, but the idea also was rejected by the FAA as being unacceptable to serve the function of a deer/security fence. Suggestions for constructing some kind of on-the-ground barrier such as a wide cattle-grate or moat were likewise rejected. Any water feature could attract birds, which would be a hazard for aircrafts. In a letter dated 8-29-01, the FAA stated, "The 10' fence with 2' of barbed wire cap is the standard for wildlife protection on airports. To arbitrarily amend the specification for this specific location would negate the standard that USDA and the FAA have determined will adequately prohibit wildlife access to the airport property."

One of the potential plans considered was to run the fence down the slope just far enough to avoid creating an obstacle, and then run the fence across the slope. This is the design that was presented to the Humboldt County Planning Commission at their August 16, 2001 hearing. The

design is consistent with a geotechnical assessment of the site and the proposed project done by Taber Consultants Engineers and Geologists in July 2001. The assessment concluded that, "Slope failures due to construction of the fence near the bluff top or on the bluff face, if any, are expected to be local, relatively minor events." However, the across-bluff design was rejected by the Humboldt County Planning Commission when reviewing the Coastal Development Permit application because of concerns about increased erosion and an increased risk of slope failure by crossing the slope:

Alternatively, the alignment was routed downslope to the toe of the slope and then across on flat terrain. This design, the preferred alternative, is also consistent with the Taber geotechnical assessment. The Taber report states, "If fence extends down the bluff face, it is preferable that the total onslope length be minimized, that it be located where gradients are flattest, and be oriented, as nearly as possible, straight downhill."

Refer to the plot plan that accompanies this letter for an overview of the fence project. See sheet 6 of 15 in the construction layout plans for details on the fence alignment in the bluff area, and sheet 15 of 15 for a cross section of the bluff. The currently proposed design in the bluff area will include 722 feet of onslope fence---380 feet going down one side and 342 feet coming up the other side---with 1400 feet of fence between them, running along the toe of the bluff. An area 10 feet wide (five feet on either side of the fence) will be cleared of above-ground vegetation by cutting the vegetation to ground level. It is expected that most of the fence installation can be accomplished with minimal additional clearing. Following installation, the ten-foot wide area will be maintained clear of vegetation per FAA requirements to allow regular inspections of the fence. This will result in a total of 2,502 square feet of vegetation cleared for the project. Any additional areas that must be cleared to allow installation will be revegetated with native plant species following construction. Inspections of the fence will be done from the top of the bluff to the extent possible and by foot on the slope when necessary. It will not be necessary to construct any roads on the slope for the purpose of slope inspection or maintenance.

The following sections contain citations from the *McKinleyville Area Plan of the Humboldt County Local Coastal Program* (Certified by the State Coastal Commission January 7, 1982) are shown in italics, followed by a discussion of project conformance relevant to each section.

## Geology

### Section 3.28      Hazards

30253. *New development shall:*

- (1) *Minimize risks to life and property in areas of high geologic, flood and fire hazard.*
- (2) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding areas or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

A geotechnical assessment of the site and the proposed project was done by Taber Consultants

Engineers and Geologists in July 2001. The consultant had previously investigated the study area following a slope failure in 1997. With regard to the airport fence project, Taber made several specific recommendations to assure slope stability and structural integrity, to minimize the risk of slope failure, and to minimize the potential for erosion. The fence design is consistent with each of these recommendations as follows.

Taber (2001) states, "Where fence posts within 10 feet of the bluff face are necessary, increasing the post depth into the soil is recommended to reduce the potential for adverse effects. Where possible, embedment should provide 10 feet separation between the bottom of the post and the bluff face, up to a maximum embedment of 10 feet." Refer to sheet 3 of 15 of the construction layout plans, "Normal Condition" for design consistency.

Taber (2001) states, "If fence extends down the bluff face, it is preferable that the total onslope length be minimized, that it be located where gradients are flattest, and be oriented, as nearly as possible, straight downhill." As noted in the description of the fence alignment, the currently proposed route is consistent with this recommendation.

Taber (2001) states, "Placing the fence on the previously repaired section of bluff would be desirable based on its greater stability." It is not feasible to follow this recommendation because the repaired section is located in the central portion of the OFA.

Taber (2001) states, Where fence posts are placed on slope that is steeper than 1.5:1, the fence post depth into soil should be measured from a point where the post is at least 5 feet horizontally from the slope face. As an alternative, the posts could be installed perpendicular to the slope (i.e., cantilevered) and post embedment increased by an amount equal to the difference between the length of the post above ground and the vertical height of the top of the post above ground." Refer to sheet 3 of 15 of the construction layout plans, "On Slope Normal Condition" and "On Slope Cantilever Condition" for design consistency.

Best management practices will be used to control erosion both during and following construction. The technical specifications for the project include the following provisions:

Any grading work performed by the Contractor shall be protected from erosion by either rain or wind to the satisfaction of the Engineer. Large trees (over 12" diameter) shall be avoided or shall not be removed until approval is given by the Engineer.

Along the toe of the bluff and on the bluff slope, the 10 foot cleared strip shall be protected from future plant growth and erosion by placement of a heavy duty engineering mat or fabric which will inhibit growth by the elimination of light and provide cover of the soil to stop seed germination, but will allow air and water to pass through. The Contractor will submit to the Engineer for approval the type of mat or fabric to be placed.

The mat or fabric shall be held in position by a positive method which is recommended by the manufacturer and approved by the Engineer. An erosion control system is required to prevent erosion on or under the fabric and to adjacent undisturbed areas. Rocks can be used to dissipate water flow. The contractor will submit to the Engineer for approval the exact erosion control system to be used.



The Contractor shall provide a plan for erosion control during storms or wet periods that will prevent such erosion or will control unavoidable erosion. Materials shall be on hand such as straw bales or silt fence to prevent eroded material from leaving the construction site and entering adjacent natural habitat areas. These materials shall be placed as directed by the Engineer in any storm or winter situation where it is deemed necessary or prudent to have such materials in place.

## Wetlands

### 3.40 RESOURCE PROTECTION POLICIES AND STANDARDS

30240. (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*

(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 such areas, and shall be compatible with the continuance of such habitat areas.*

The Clam Beach ponds are a series of freshwater ponds occurring east of Clam Beach, between Highway 101 and the coastal bluff that arises east of the highway. The ponds are remnant features from past gold mining activities. The *McKinleyville Area Plan of the Humboldt County Local Coastal Program* lists "the Clam Beach ponds" as an environmentally sensitive habitat within the McKinleyville planning area [Section 3.41A(1)(b)]. The ponds provide habitat for the northern red-legged frog (*Rana aurora aurora*), an amphibian listed as a "Species of Special Concern" by the California Department of Fish and Game (CNDDDB Report RF2WIDE dated 12-01-00, Occurrence No. 20).

Following Sawyer and Keeler-Wolf (1995), the ponds are best described as the duckweed series and the sedge series, interspersed with stands of the mixed willow series (photos 3 and 4). All of these are freshwater wetland habitats, permanently to semi-permanently or seasonally flooded. The open water areas of the Clam Beach ponds support floating aquatics such as duckweed (*Lemna* spp.), water fern (*Azolla filiculoides*), hydrocotyle (*Hydrocotyle* sp.), and yellow pond-lily (*Nuphar lutea* ssp. *polysepala*). Bordering the open water areas are emergent wetland plants including slough sedge (*Carex obnupta*), soft rush (*Juncus effusus*), small-headed bulrush (*Scirpus microcarpus*), water parsley (*Oenanthe sarmentosa*), common cattail (*Typha latifolia*), and reed canary grass (*Phalaris arundinacea*). In between the ponds are mixed stands of willows (*Salix hookeriana* and *S. lasiolepis*).

The proposed fence alignment will be a minimum of 50 feet from the Clam Beach ponds (See sheet 15 of the construction layout plans). The fence will be placed the maximum distance possible from the ponds while staying on relatively flat terrain. Placing the fence any further

from the ponds would involve cross-slope construction and increase the potential for erosion and associated sediment input into the wetlands.

### 3.41D. WETLAND BUFFER

1. *No land use or development shall be permitted in areas adjacent to coastal wetlands, called Wetland Buffer Areas, which degrade the wetland or detract from the natural resource value. Wetland Buffer Areas shall be defined as:*
  - a. *The area between a wetland and the nearest paved road or the 40 foot contour line (as determined from the 7.5' USGS contour maps), whichever is the shortest distance, or*
  - b. *450 feet from the boundary of the wetland, where the nearest paved road or 40 foot contour exceeds this distance.*
  - c. *Transitional agricultural lands designated Agriculture Exclusive shall be excluded from Wetland Buffer Areas. (Amended by Res. No. 83-58, 3/15/83)*
2. *Development, except for:*
  - c. *new fencing, so long as it would not impede the natural drainage: shall be sited to retain a setback from the boundary of the wetland sufficient to prevent adverse effects to the wetlands habitat values ....*

The fence will be located within the wetland buffer as defined in the LCP. There are several swales on the bluff where stormwater runs off during the rainy season. These drainages are dry in the summer. In locations where the fence will cross a drainage, the fence posts will span the drainage such that no fill material will be placed in the drainage. The fence will not impede natural drainage, and the 50-foot setback is considered adequate to avoid adverse effects to the ponds, therefore the project is in conformance with the LCP.

The habitat type of the buffer zone is the red alder series (Sawyer and Keeler-Wolf 1995), with a canopy of red alder (*Alnus rubra*) and a dense understory of California blackberry (*Rubus ursinus*), salmonberry (*Rubus spectabilis*), and sword fern (*Polystichum munitum*). Also present in lesser amounts in the understory is California wax myrtle (*Myrica californica*), elderberry (*Sambucus racemosa* var. *racemosa*), and stinging nettle (*Urtica dioica* ssp. *gracilis*) (photos 5 and 6).

The red alder series continues up the bluff slope in many places almost to the top of the bluff (photos 7 and 8). On the slope, the trees are wind-pruned. They form a denser canopy, with less of an understory. On the bluff slope, the red alder series is interspersed with a shrub dominated community best described as the salal-black huckleberry series (Sawyer and Keeler-Wolf 1995) (photos 9 and 10). This community also occupies the uppermost ten to thirty feet at the top of the bluff. Common plant species include coyote brush (*Baccharis pilularis*), black huckleberry (*Vaccinium ovatum*), salal (*Gaultheria shallon*), California blackberry, sword fern, bracken fern

(*Pteridium aquilinum*), and Scotch broom (*Cytisus scoparius*). A few Sitka spruce (*Picea sitchensis*) also occur on the slope. On the terrace at the top of the bluff, the vegetation changes abruptly to grassland that is mowed regularly by airport staff to maintain low cover (photo 9). This is the introduced perennial grassland series (Sawyer and Keeler-Wolf 1995).

6. *All development with the wetland buffer shall include the following mitigation measures:*
  - a. *No more than 25% of the lot surface shall be effectively impervious.*
  - b. *The release rate of storm runoff to adjacent wetlands shall not exceed the natural rate of storm runoff for a 50 year storm of 10 minute duration.*
  - e. *Areas disturbed during construction, grading, etc., within 100 feet of the boundary of the wetland, shall be restored to original contours and sufficiently and promptly replanted with vegetation naturally occurring in the immediate area.*
  - f. *Development and construction shall minimize cut and fill operations and erosion and sedimentation potentials through construction of temporary and permanent sediment basins, seeding or planting bare soil, diversion of run-off away from graded areas and areas heavily used during construction, and, when feasible, avoidance of grading during the rainy season (November through April).*

The technical specifications for the project include, "Along the toe of the bluff and on the bluff slope, the 10 foot cleared strip shall be protected from future plant growth and erosion by placement of a heavy duty engineering mat or fabric which will inhibit growth by the elimination of light and provide cover of the soil to stop seed germination, but will allow air and water to pass through." The total area that will be covered by the mat or fabric is 0.047 acres. The material will be pervious to water and will not impede drainage. The calculated natural storm run-off from the original undisturbed ground that forms the fence alignment down the bluff face (10 feet wide and 380 feet long) is about 0.1 cfs (similar to four flowing garden hoses). The fabric will allow some rainfall to percolate through so that the resulting runoff will be about the same as the natural runoff. This would hold true for the other sections of fence.

Areas disturbed during construction within 100 feet of the wetland are expected to be minimal. If necessary, such areas will be restored to original contours and replanted with native species appropriate for the area. Refer to the technical specifications cited in the "Geology" section for additional provisions to minimize erosion and control sedimentation.

## **Visual Resources**

### **3.42 VISUAL RESOURCE PROTECTION**

30251. *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.*

### **3.42C. COASTAL SCENIC AREAS**

2. *New development proposed with Coastal Scenic Areas which cannot satisfy the prescriptive standards listed in Sections 3.42C and D, respectively, shall be referred to the Design Assistance Committee. The Design Assistance Committee, as defined in the implementation phase of the Local Coastal Program, shall insure that the proposed development is compatible with the goals and objectives of this plan. Findings for approval shall include:*
  - b. *Alteration of natural landforms caused by cutting, filling, grading or clearing necessary for a building site is minimized and, as appropriate, integrated with the project;*
  - e. *Vegetation common to the area should be used to integrate the manmade with the natural environment, to screen and soften the visual impact;*
  - i. *Where views from public roads to the coast or coastal waterways are of concern, the height, width, and setbacks from roads and parcel lines shall be considered to retain as much of the existing view as is possible;*
  - j. *Views from public trails, beaches, or public recreation areas into the development site shall also be considered.*
- (3) *Coastal Scenic Areas (CZ).*
  - (a) *The project is sited and designed to be subordinate to the character of the setting.*
- (5) *Coastal View Areas (CZ).*
  - (a) *To the maximum extent feasible, the project is sited so as not to interfere with public views to and along the ocean from public roads and recreation areas.*

In the Coastal Zone, the airport fence will be visible from Highway 101, a scenic corridor and the Hammond Trail, a multi-use coastal trail. There are no scenic views beyond the fence that will be obstructed when viewed from these locations, nonetheless, the scenic nature of the coastal bluff itself will be somewhat compromised by having the fence run down the bluff face. A total of 722 feet will be located on slope. The longest section of fence, 1400 feet running along the toe of the slope, will be hidden from view by a dense canopy of red alder. At the top of the bluff, two short sections (20-30 feet) will be visible from the coast. Beyond, the alignment heads inland and disappears from view behind dense vegetation. The cyclone fence will be coated with green vinyl, which will reduce reflection and the color will blend in with the vegetation in the surrounding area.

It is not feasible to consider other alignments in order to reduce the visual impact of the fence. It is urgent that a deer/security fence be constructed at the Eureka-Arcata Airport. In order to be effective, the fence must extend around the perimeter of the airport property. In the bluff area, FAA requirements and geotechnical considerations were overriding factors in determining the alignment of the fence.

Call me at 445-7652 if you have questions.

Sincerely,

Donald C. Tuttle  
Deputy Director, General Services

cc: Dan Horton  
Bob Bronkall

Attachment

Photo Exhibit dated 11/16/2001  
Plot Plan  
Project Plans



Photo 3. View looking east of one of the Clam Beach ponds, showing floating aquatic and emergent wetland vegetation with red alder forest in the background.



Photo 4. View looking southeast of one of the Clam Beach ponds, showing floating aquatic and emergent wetland vegetation with red alder forest in the background.



Photo 5. Red alder forest at the base of the bluff, with an open canopy and dense understory. View looking south in the approximate location of the proposed alignment.



Photo 6. Red alder forest at the base of the bluff, with an open canopy and dense understory. View looking north in the approximate location of the proposed alignment.



DEPARTMENT OF PUBLIC WORKS  
COUNTY OF HUMBOLDT

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ARCATA-EUREKA AIRPORT TERMINAL  
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HARRIS & H ST., EUREKA

LAND USE 445-7206

November 16 2001

Robert Merrill  
California Coastal Commission  
North Coast District Office  
P.O. Box 4908  
Eureka, California 95502

RECEIVED  
NOV 16 2001  
CALIFORNIA  
COASTAL COMMISSION

**RE: Alternatives Analysis for Eureka-Arcata Airport Deer/Security Fence on Bluff**

Dear Mr. Merrill:

As you requested at our meeting November 7, 2001, I visited the bluff at the Eureka-Arcata Airport to characterize the habitats in the area and assess the potential for impacts to sensitive habitats by the proposed fence project. Bob Bronkall, PW Design Engineer, and I made a site visit on November 8, 2001. We looked at the ponds occurring on the east side of Highway 101 at the base of the bluff and we walked up the bluff face and along the top of the bluff. We took photographs of the habitats; copies of the photos accompany this letter. See photos 1 and 2 for overviews of the ponds and the bluff vegetation.

**Description of Habitats**

The Clam Beach ponds are a series of freshwater ponds occurring east of Clam Beach, between Highway 101 and the coastal bluff that arises east of the highway. The ponds are remnant features from past gold mining activities. The *McKinleyville Area Plan of the Humboldt County Local Coastal Program* (1989) lists "the Clam Beach ponds" as an environmentally sensitive habitat within the McKinleyville planning area [Section 3.41A(1)(b)]. The ponds provide habitat for the northern red-legged frog (*Rana aurora aurora*), an amphibian listed as a "Species of Special Concern" by the California Department of Fish and Game (CNDDDB Report RF2WIDE dated 12-01-00, Occurrence No. 20).

On November 8, 2001, we looked at the Clam Beach ponds in the vicinity of the proposed Eureka-Arcata Airport Deer/Security fence. Following Sawyer and Keeler-Wolf (1995), the ponds are best described as the duckweed series and the sedge series, interspersed with stands of the mixed willow series (photos 3 and 4). All of these are freshwater wetland habitats, permanently to semi-permanently or seasonally flooded. The open water areas of the Clam Beach ponds support floating aquatics such as duckweed (*Lemna* spp.), water fern (*Azolla filiculoides*), hydrocotyle (*Hydrocotyle*

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1



sp.), and yellow pond-lily (*Nuphar lutea* ssp. *polysepala*). Bordering the open water areas are emergent wetland plants including slough sedge (*Carex obnupta*), soft rush (*Juncus effusus*), small-headed bulrush (*Scirpus microcarpus*), water parsley (*Oenanthe sarmentosa*), common cattail (*Typha latifolia*), and reed canary grass (*Phalaris arundinacea*). In between the ponds are mixed stands of willows (*Salix hookeriana* and *S. lasiolepis*).

The eastern side of the ponds is bordered by the red alder series (Sawyer and Keeler-Wolf 1995), with a canopy of red alder (*Alnus rubra*) and a dense understory of California blackberry (*Rubus ursinus*), salmonberry (*Rubus spectabilis*), and sword fern (*Polystichum munitum*). Also present in lesser amounts in the understory is California wax myrtle (*Myrica californica*), elderberry (*Sambucus racemosa* var. *racemosa*), and stinging nettle (*Urtica dioica* ssp. *gracilis*) (photos 5 and 6).

The red alder series continues up the bluff slope in many places almost to the top of the bluff (photos 7 and 8). On the slope, the trees are wind-pruned. They form a denser canopy, with less of an understory. Sawyer and Keeler-Wolf (1995) note that the red alder series can be either a wetland or an upland habitat. Red alder is rated by the U.S. Fish and Wildlife Service (Reed 1988) as a facultative wetland species, therefore, a plant community dominated by red alder is said to have hydrophytic vegetation. Soils and hydrology are two other important parameters to consider in determining whether a site is a wetland. At the Eureka-Arcata Airport property in question, the red alder forest occurring on the coastal bluff is clearly upland; the slope is steep and rocky and does not have wetland hydrology. At the base of the slope, the red alder forest functions as a transitional zone between the bluff and the ponds. Within this transition zone, the topography changes from steep slope to flat terrain, and the hydrology changes from upland to wetland.

On the bluff slope, the red alder series is interspersed with a shrub dominated community best described as the salal-black huckleberry series (Sawyer and Keeler-Wolf 1995) (photos 9 and 10). This community also occupies the uppermost ten to thirty feet at the top of the bluff. Common plant species include coyote brush (*Baccharis pilularis*), black huckleberry (*Vaccinium ovatum*), salal (*Gaultheria shallon*), California blackberry, sword fern, bracken fern (*Pteridium aquilinum*), and Scotch broom (*Cytisus scoparius*). A few Sitka spruce (*Picea sitchensis*) also occur on the slope. The salal-black huckleberry series is an upland habitat commonly found on coastal bluffs along the North Coast (Sawyer and Keeler-Wolf 1995). On the terrace at the top of the bluff, the vegetation changes abruptly to grassland that is mowed regularly by airport staff to maintain low cover (photo 9). This is the introduced perennial grassland series (Sawyer and Keeler-Wolf 1995) and it is an upland habitat.

### Alternatives Analysis

**No Action Alternative.** Not building the fence (or any section thereof) is not considered a feasible alternative. The hazards posed by 1) aircraft colliding with deer; and 2) security breaches are both unacceptably high under current conditions. Depredation has been used in the past to control deer populations, but this practice will no longer be authorized by the California Department of Fish and Game. Additionally, depredation used as the sole means of controlling deer has proven insufficient to prevent collisions. The Federal Aviation Administration has notified Humboldt County (letters dated 8-29-01 and 11-7-01) that nighttime operations at the airport will be closed down if the fence is not constructed in a timely manner.

*Top of the Bluff.* In designing the fence, the bluff area proved problematic for several reasons. Factors considered in determining the design and placement of the fence included FAA safety requirements, the geological stability of the bluff, and avoidance of impacts to the ponds occurring at the base of the bluff.

To avoid disturbing bluff stability, several designs were considered for placing the fence on the terrace at the top of the bluff, but these were all rejected by the FAA as unacceptable. The FAA requires that an "Object Free Area" be maintained 800 feet past the runway to reduce collision hazards. At the Eureka-Arcata Airport, the runway extends to within 215 feet of the bluff edge, and the Object Free Area (OFA) extends past the edge of the bluff. In addition, a fence constructed at the edge of the bluff would be within the 50:1 glide path, which is also unacceptable.

One idea was to construct this section of fence with "breakaway" material. The FAA does allow some frangible items in the OFA, but we were informed that only items related to navigation are allowable. Also, materials other than the specified chain link fence were rejected by the FAA as being unacceptable to serve the function of a deer/security fence. Another idea was to construct a horizontal fence placed on skids at the bluff edge. This would avoid creating a vertical obstacle to aircraft, but the idea also was rejected by the FAA as being unacceptable to serve the function of a deer/security fence. Suggestions for constructing some kind of on-the-ground barrier such as a wide cattle-grate or moat were likewise rejected. Any water feature could attract birds, which would be a hazard for aircrafts. In a letter dated 8-29-01, the FAA stated, "The 10' fence with 2' of barbed wire cap is the standard for wildlife protection on airports. To arbitrarily amend the specification for this specific location would negate the standard that USDA and the FAA have determined will adequately prohibit wildlife access to the airport property."

*Across the Bluff.* The bluff is considered a geologic hazard, therefore a geotechnical assessment of the site and the proposed project by a geological engineer was required. The assessment was done by Taber Consultants Engineers and Geologists in July 2001. The assessment concluded that, "Slope failures due to construction of the fence near the bluff top or on the bluff face, if any, are expected to be local, relatively minor events."

One of the potential plans considered was to run the fence down the slope just far enough to avoid creating an obstacle, and then run the fence across the slope. This plan was rejected by the Humboldt County Planning Commission when reviewing the Coastal Development Permit application because of concerns about increased erosion and an increased risk of slope failure by crossing the slope.

*Base of the Bluff.* The preferred alternative is to build the fence at the base of the bluff. The Taber report states, "If fence extends down the bluff face, it is preferable that the total onslope length be minimized, that it be located where gradients are flattest, and be oriented, as nearly as possible, straight downhill." Compared to going across the slope just below the top, this design will increase the total length of fence needed going down the hill, however, it will minimize potential for erosion and/or slope failure by avoiding crossing the slope.

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The preferred route will be located 50 to 70 feet from the Clam Beach ponds. Although this alternative places the fence closer to the ponds than any of the other fence alignments considered, the potential for any sediment reaching the ponds is very low because of the 50-70 feet of thickly vegetated buffer zone. The *McKinleyville Area Plan of the Humboldt County Local Coastal Program* (1989) states in Section 3.40(30240)(b) that:

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 such areas, and shall be compatible with the continuance of such habitat areas.

Furthermore, Section 3.41D(1) states:

No land use or development shall be permitted in areas adjacent to coastal wetlands, called Wetland Buffer Areas, which degrade the wetland or detract from the natural resource value.

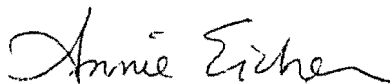
Exceptions to the "development" mentioned above are listed in Section 3.41D(2) and include (c):

new fencing, so long as it would not impede the natural drainage; shall be sited to retain a setback from the boundary of the wetland sufficient to prevent adverse effects to the wetland habitat values...

The preferred alternative is consistent with the provisions of the local coastal program. The fence will not impede natural drainage. The fence will be placed the maximum distance possible from the ponds while staying on relatively flat terrain. Placing the fence any further from the ponds would involve cross-slope construction and increase the potential for sediment input into the wetlands. Best management practices will be used to minimize erosion during and following fence construction.

Call me at 445-7741 if you have questions.

Sincerely,



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Annie L. Eicher  
Environmental Analyst

cc: Tiffany Tauber  
Don Tuttle  
Richard Stein  
Bob Bronkall

Attachment  
Photo Exhibit dated 11/16/2001



Photo 1. View looking south, showing Highway 101, Clam Beach ponds and red alder forest growing up the bluff.

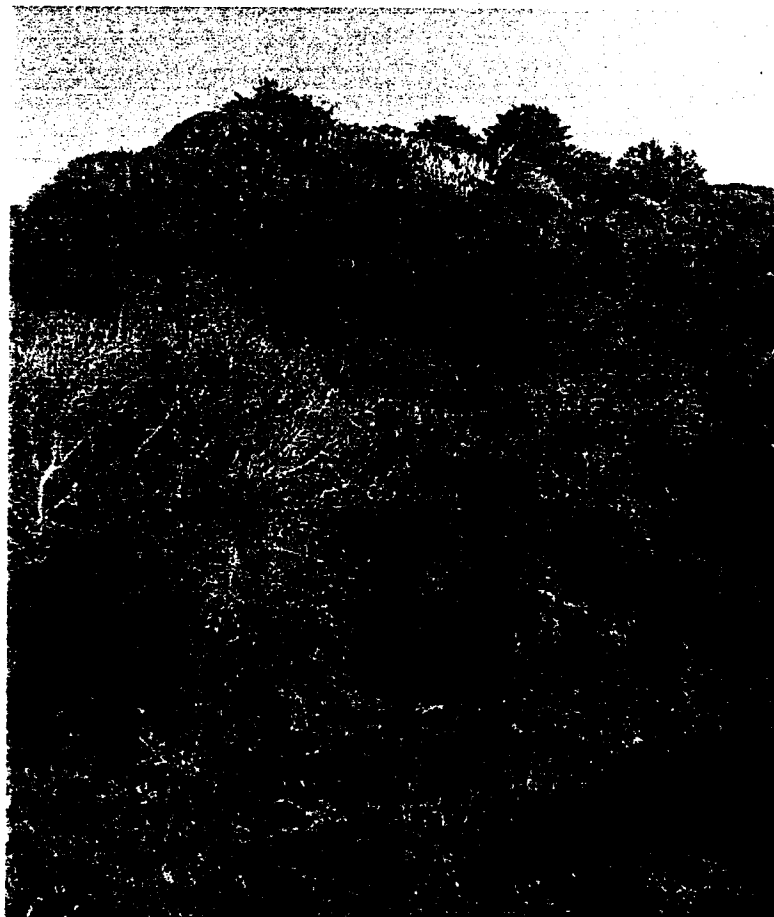


Photo 2. Overview, looking southeast, showing Clam Beach pond in foreground and red alder forest growing up the bluff.

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Photo 3. View looking east of one of the Clam Beach ponds, showing floating aquatic and emergent wetland vegetation with red alder forest in the background.

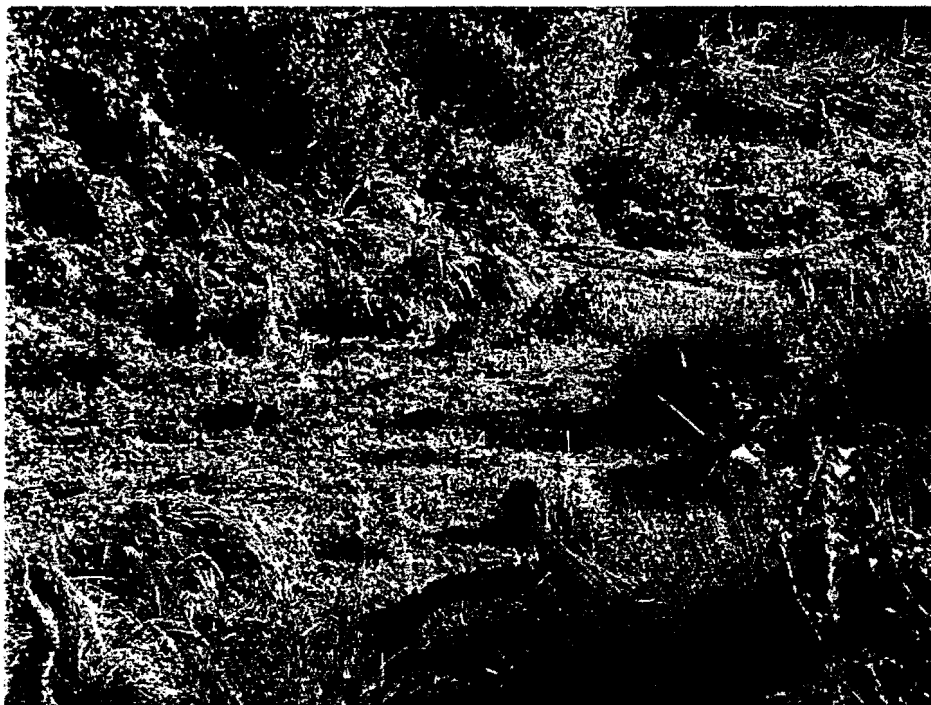


Photo 4. View looking southeast of one of the Clam Beach ponds, showing floating aquatic and emergent wetland vegetation with red alder forest in the background.

Photo Exhibit – 11/16/2001



Photo 5. Red alder forest at the base of the bluff, with an open canopy and dense understory. View looking south in the approximate location of the proposed alignment.

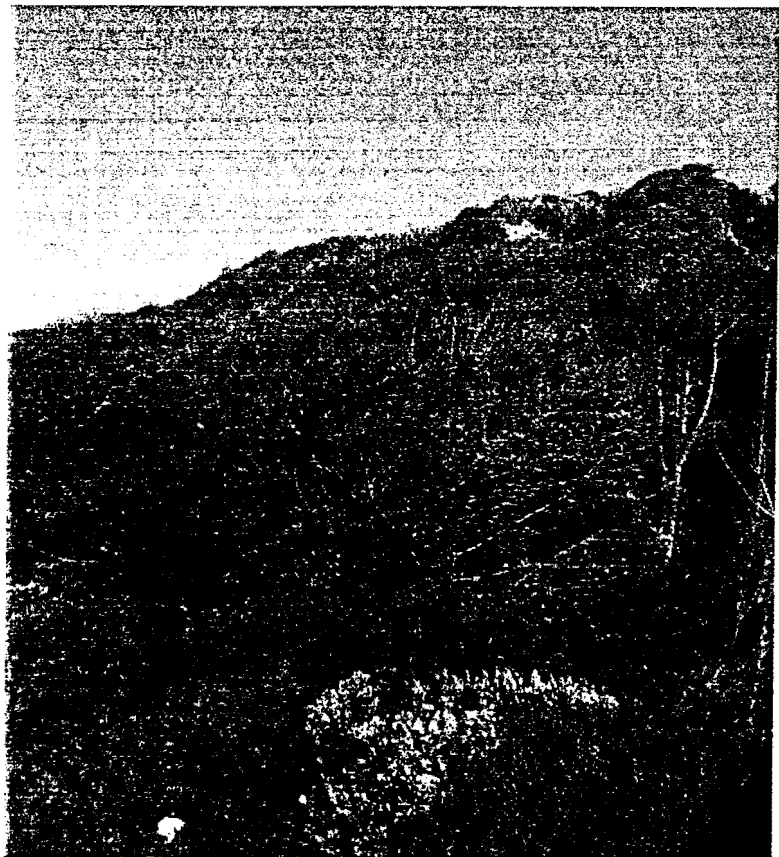


Photo 6. Red alder forest at the base of the bluff, with an open canopy and dense understory. View looking north in the approximate location of the proposed alignment.



Photo 7. View looking north near the top of the bluff, showing transition from red alder forest to salal-black huckleberry scrub.

Photo 8. View looking northeast up the bluff, showing dense red alder forest.

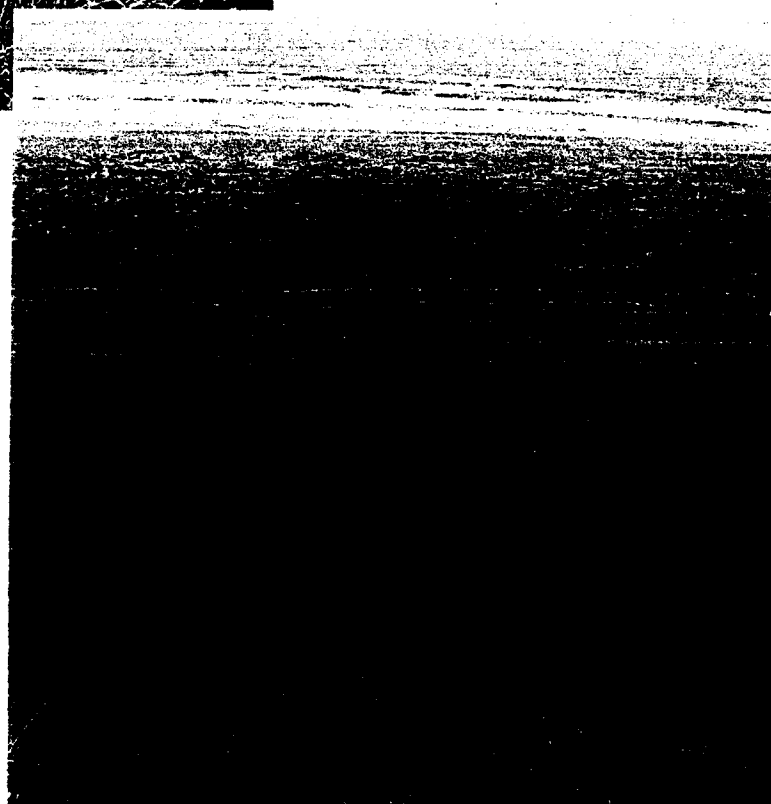


19 of 20



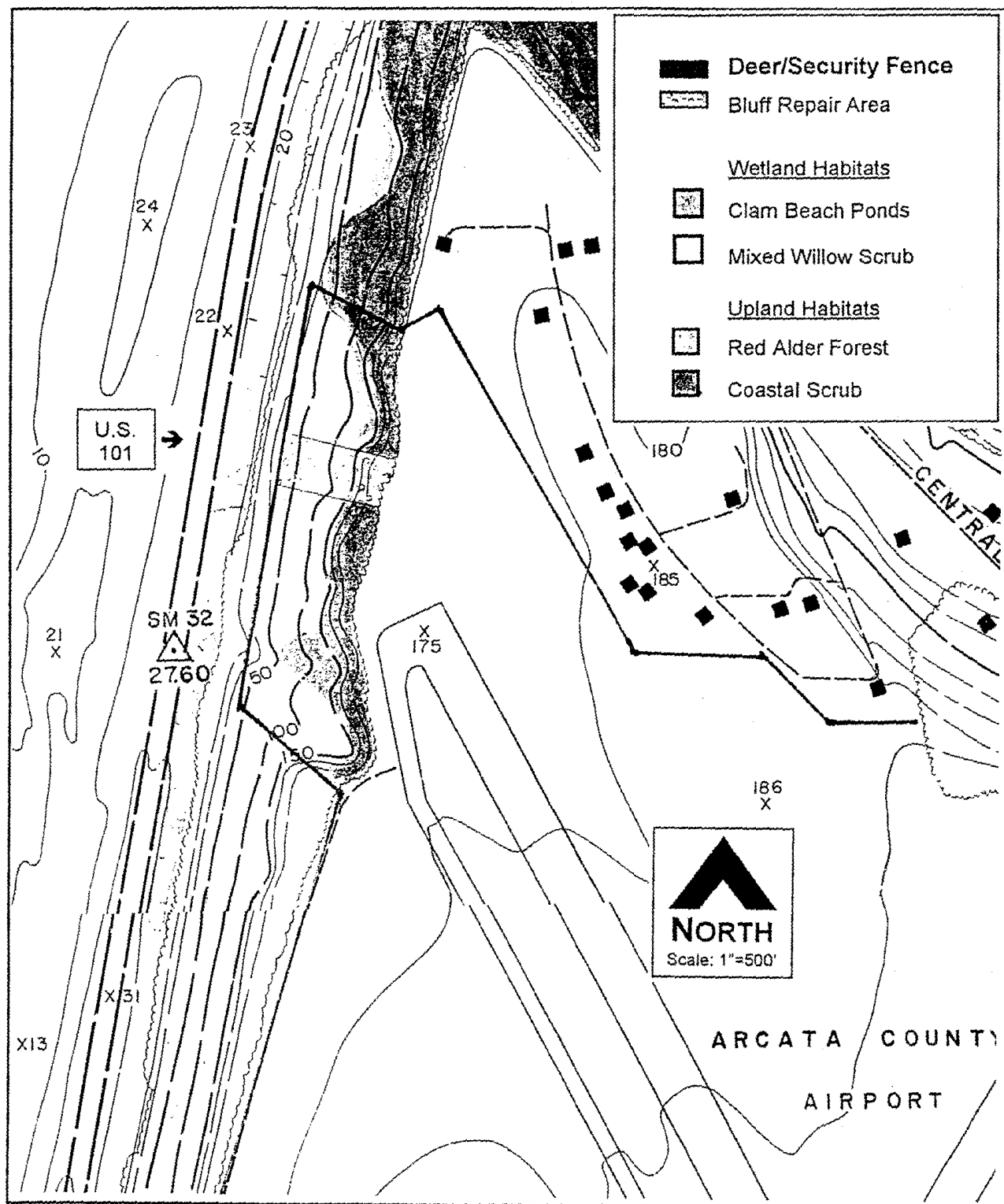
Photo 9. Salal-black huckleberry scrub growing near the top of the bluff, with an abrupt transition to managed grassland on the top of the terrace.

Photo 10. View looking west down the bluff face, showing salal-black huckleberry scrub growing near the top of the bluff, with red alder forest below.



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# **Eureka-Arcata Airport Deer/Security Fence Project:** Habitat types on the coastal bluff region of the project area

Map prepared by Humboldt County Department of Public Works 11/29/

**EXHIBIT NO. 1**

**APPLICATION NO. A-1-HUM-01-058**

**HUMBOLDT COUNTY  
PUBLIC WORKS  
HABITAT TYPES**

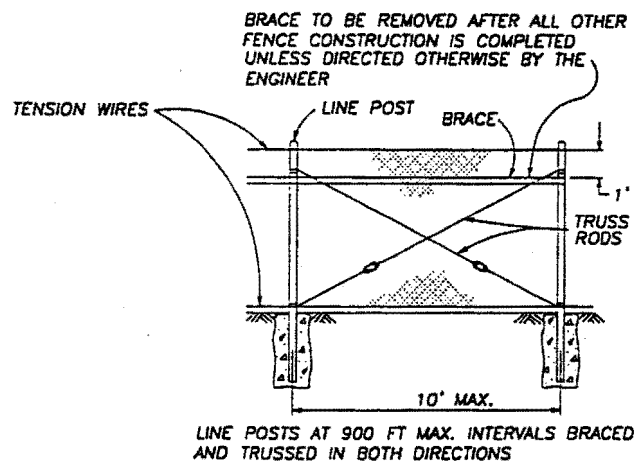
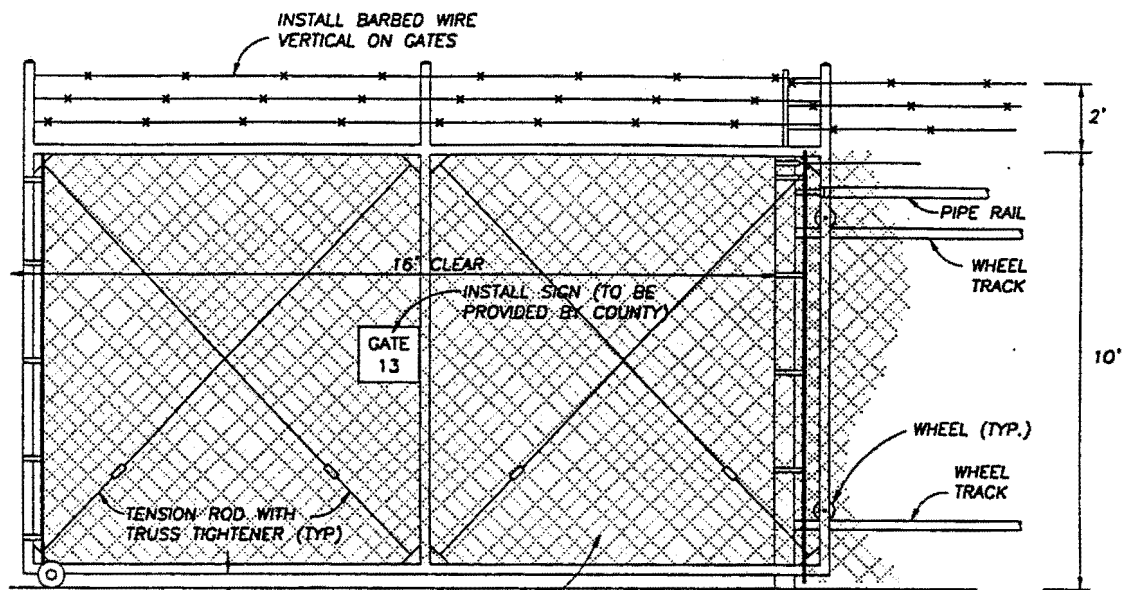
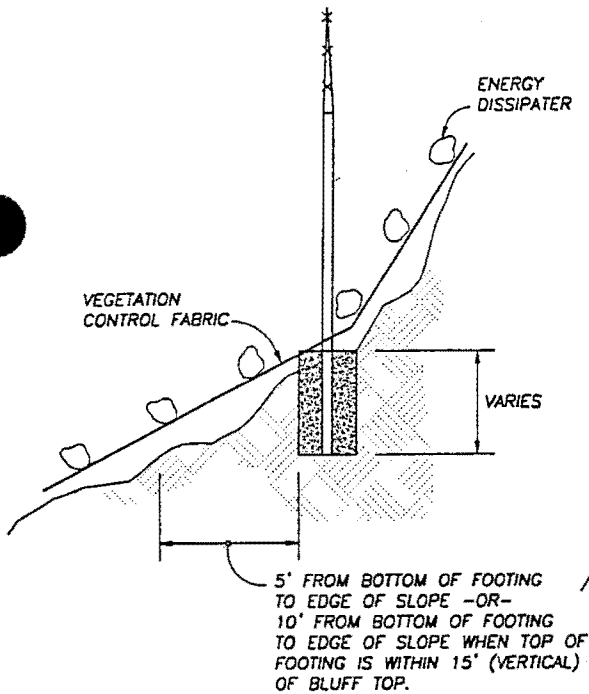


EXHIBIT NO. 13

APPLICATION NO.  
A-1-HUM-01-058

HUMBOLDT COUNTY  
PUBLIC WORKS

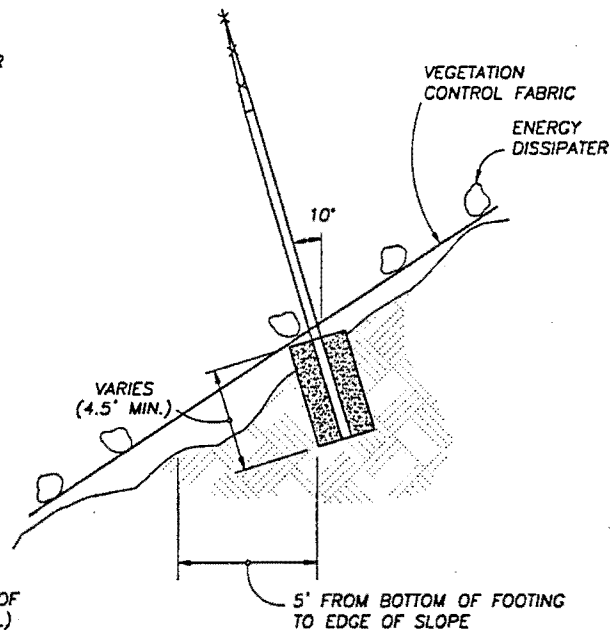
FENCE TYPICAL  
(1 of 2)



NOTE: IN NO EVENT SHOULD THE FOOTING BE LESS THAN THE NORMAL FOOTING DEPTH.

### ON SLOPE NORMAL CONDITION

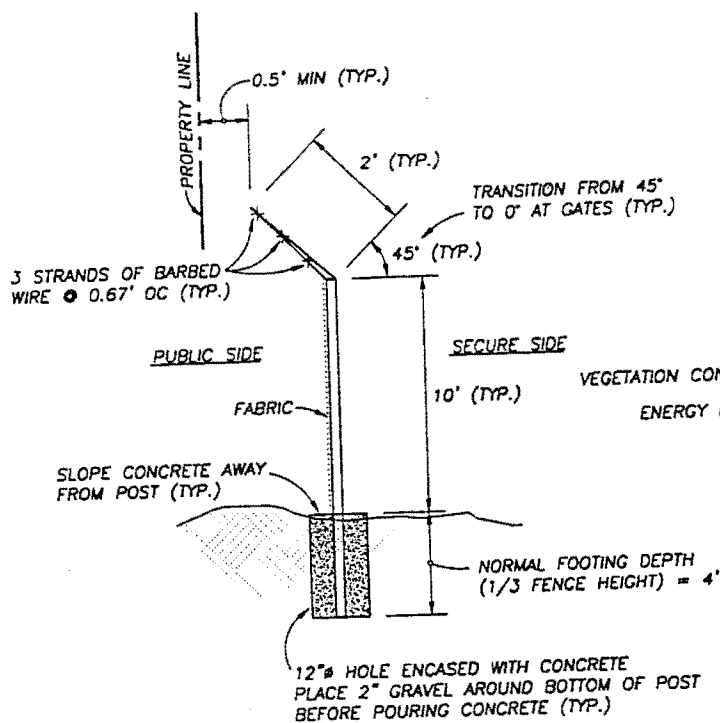
FOR SLOPES GREATER THAN 1.5:1



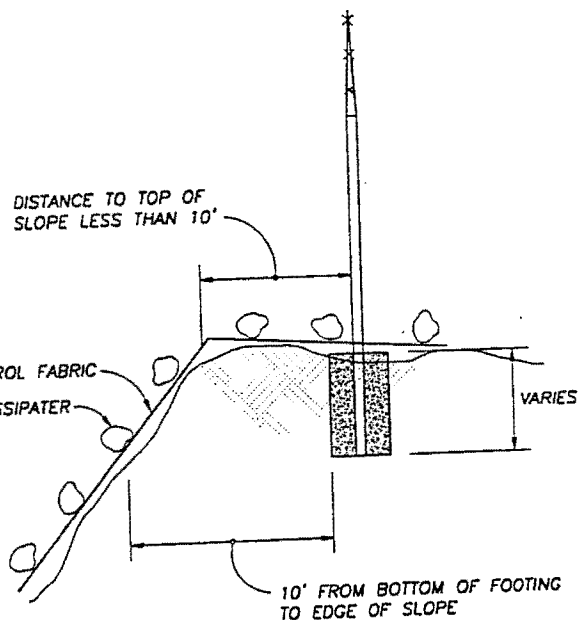
NOTE: UPON APPROVAL OF THE ENGINEER, THE CANTILEVERED OPTION CAN BE USED, IT MUST BE CONTINUED UNTIL AN APPROPRIATE TRANSITION TO VERTICAL IS MADE.

### ON SLOPE CANTILEVER CONDITION

FOR SLOPES GREATER THAN 1.5:1



### NORMAL CONDITION



NOTE: IN NO EVENT SHOULD THE FOOTING BE LESS THAN THE NORMAL FOOTING DEPTH. MAXIMUM DEPTH = 10'

### NORMAL CONDITION LESS THAN 10' TO TOP OF SLOPE

2 of 2

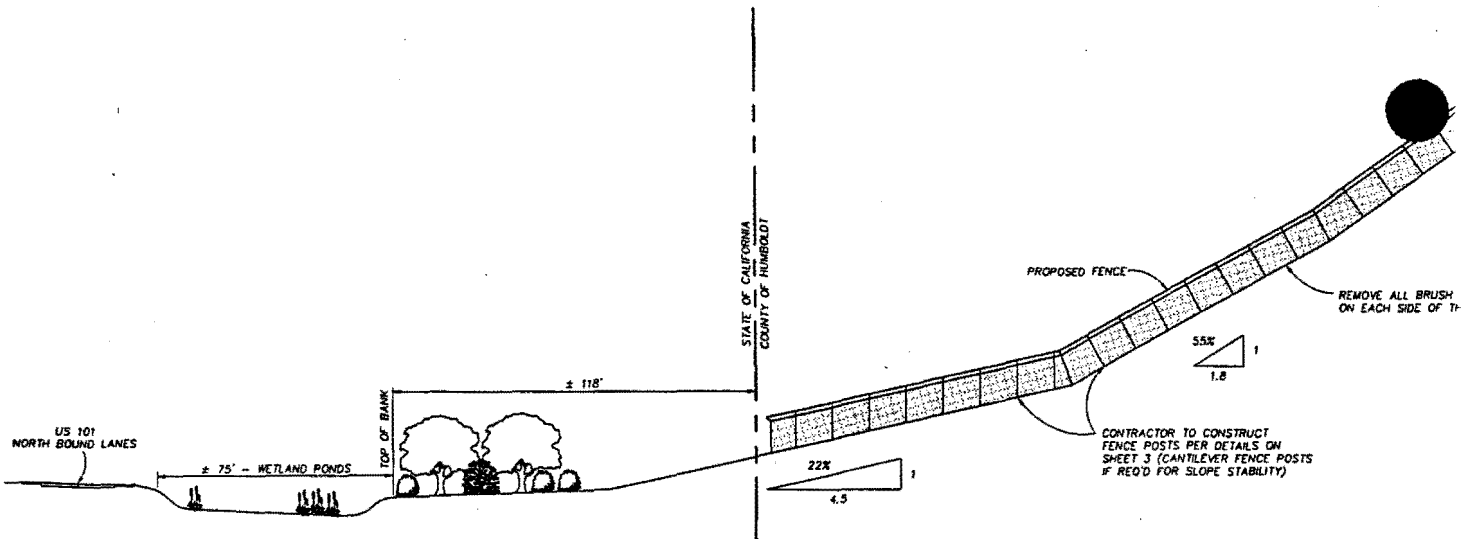
# CONSTRUCTION NOTES

- ① CONSTRUCT 10' TALL CHAIN LINK FENCE WITH 3 STRANDS OF BARBED WIRE PER DETAIL ON SHEET 3
- ② CONSTRUCT PEDESTRIAN GATE PER DETAIL ON SHEET 2
- ③ CONSTRUCT 16' WIDE VEHICLE GATE - ROLLING WITH ELECTRIC OPENER PER DETAIL ON SHEET 2
- ④ INSTALL 16' WIDE VEHICLE GATE WITH (2) 8' HINGED PANELS PER DETAIL ON SHEET 2
- ⑤ SALVAGE EXISTING FENCE FABRIC

## LEGEND

- (SEE SHEET 1 FOR COMPLETE LIST)
- <E> PROPERTY LINE
- X-X- <E> FENCE
- <P> FENCE
- ① CONSTRUCTION NOTE

REVISIONS				ROAD NAME		DESIGN
NO.	DATE	BY	DESCRIPTION	DATE	NO.	R. W.
1					PROJECT NO. 01-08-0010-22	DESIGNED
2					CONTRACT NO. 01180	DRAWN BY
3					DRAWING FILE NAME: L:\PROJECTS\01180\01180\01180.DWG	REVIEWED
4					PLT DATE: 11/16/2001	APPROVED
5					REVISION DATE: 11/16/2001	



**CROSS SECTION OF BLUFF**  
SCALE: 1"=20' HORIZONTAL & VERTICAL

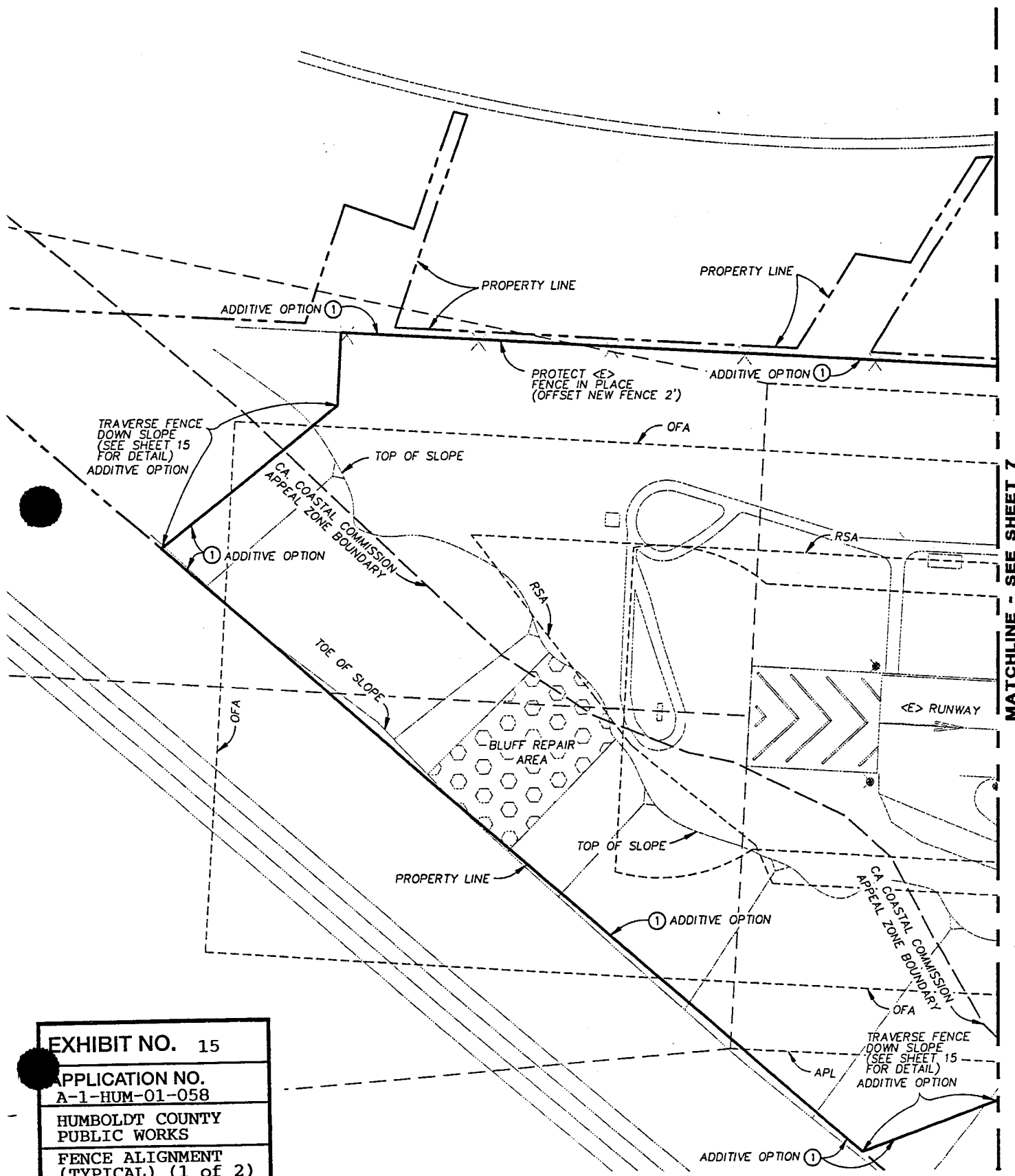
EXHIBIT NO. 14

APPLICATION NO.  
A-1-HUM-01-058

HUMBOLDT COUNTY  
PUBLIC WORKS

FENCE CROSS-  
SECTION TYPICAL

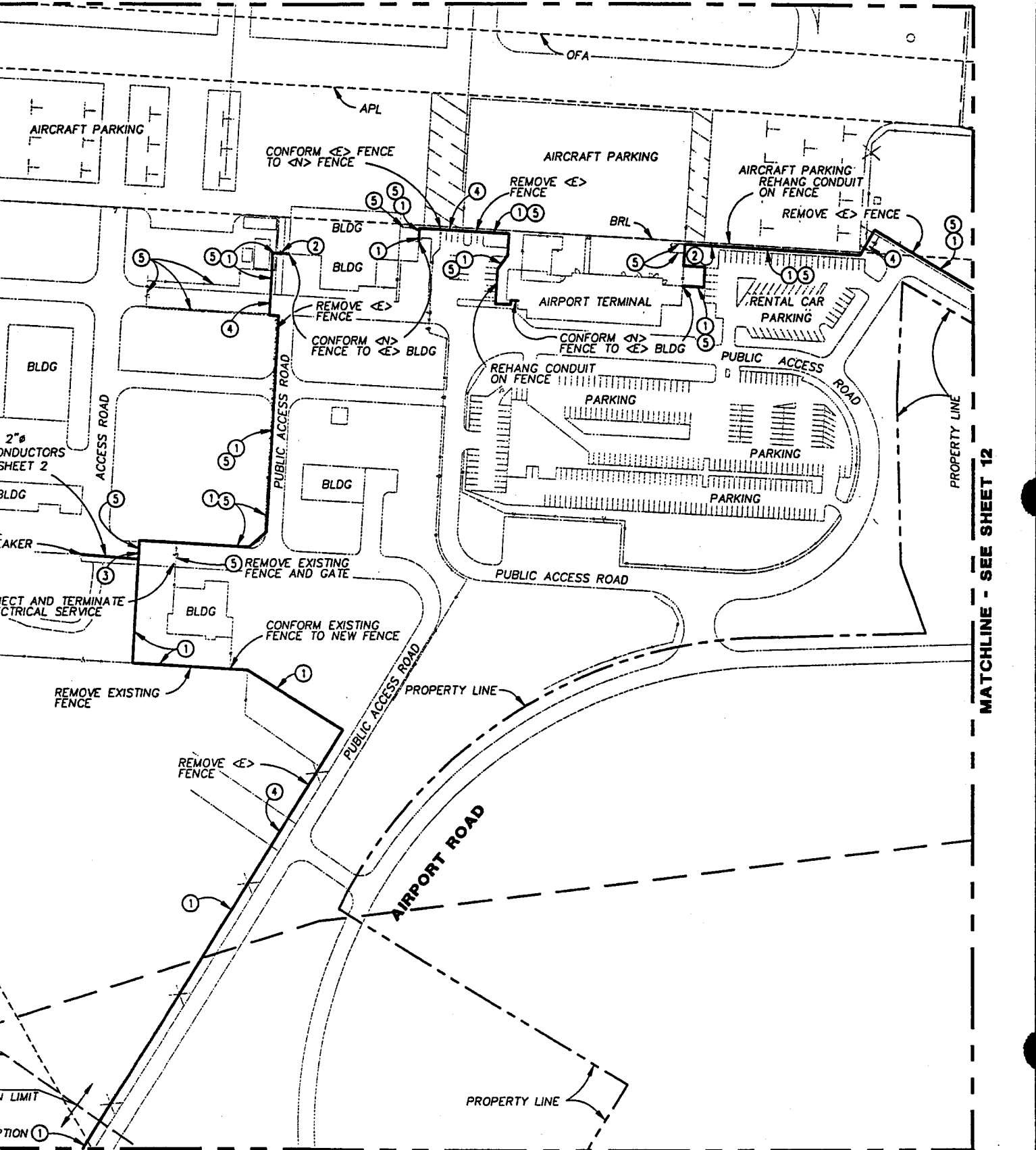
<b>REVISIONS</b> DESCRIPTION      APP'D      DATE		<b>ROAD NAME:</b> ROAD NO.:		<b>DESIGN SECTION</b> R. W. BRONKALL		<b>COUNTY OF HUMBOLDT</b> <b>DEPARTMENT OF PUBLIC WORKS</b>		SHEET <b>6</b> OF <b>15</b>
		PROJECT NO.: AIP 3-06-0010-22		DESIGNED BY: RWB		<b>SECURITY FENCE AT ARCATA-EUREKA AIRPORT</b>		
		CONTRACT NO.: 911500		DRAWN BY: RWB				
		DRAWING FILE NAME: L:\PROJECTS\911500\DWG\LSTRAD6.DWG		REVIEWED BY: CJW		<b>AIRPORT FENCE LOCATION</b>		
		PLOT DATE: 11/16/2001      REVISION DATE: 11/16/2001		APPROVED BY: CJW				



<b>EXHIBIT NO. 15</b>
<b>APPLICATION NO. A-1-HUM-01-058</b>
<b>HUMBOLDT COUNTY PUBLIC WORKS</b>
<b>FENCE ALIGNMENT (TYPICAL) (1 of 2)</b>

REVISIONS		ROAD NAME:		DESIGN SECTION	COUNTY OF HUMBOLDT DEPARTMENT OF PUBLIC WORKS	SHEET <b>11</b> OF <b>15</b>
DESCRIPTION	APP'D	DATE	ROAD NO:	R. W. BRONKALL		
			PROJECT NO.: AP 3-06-0010-22	DESIGNED BY: RWB		
			CONTRACT NO.: 911500	DRAWN BY: RWB		
			DRAWING FILE NAME: L:\PROJECTS\911500\DWG\LS1RA11.DWG	REVIEWED BY: CJW	AIRPORT FENCE LOCATION	
			PLOT DATE: 11/16/2001	APPROVED BY: CJW		
			REVISION DATE: 11/16/2001			

SEE SHEET 8



SEE SHEET 14

MATCHLINE - SEE SHEET 12