

## CALIFORNIA COASTAL COMMISSION

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## RECORD PACKET COPY

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Staff:	Carrie A. Bluth
Staff Report:	January 28, 2005
Date Filed:	June 24, 2003
49th Day:	August 12, 2003
180 <sup>th</sup> Day:	December 21, 2003
Hearing Date:	March 17, 2005
Commission Action:	

## STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.:	1-03-045
APPLICANT:	Humboldt County Public Works Department
PROJECT LOCATION:	Clam Beach County Park, within the vehicle access area located south of the parking/camping area, McKinleyville area, Humboldt County (APN 511-301-018)
PROJECT DESCRIPTION:	Installation of a gate in the vehicle access area of Clam Beach County Park to prevent vehicle access on the beach after daylight hours and related signage.
GENERAL PLAN DESIGNATION:	Public Recreation
ZONING DESIGNATION:	Public Recreation/Coastal Wetland, Beach and Dune area
LOCAL APPROVALS RECEIVED:	None Required
OTHER APPROVALS REQUIRED:	None
SUBSTANTIVE FILE DOCUMENTS:	Humboldt County Local Coastal Program; Emergency Permit 1-03-043-G

**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends that the Commission approve with conditions the coastal development permit for the proposed development. This coastal development permit application (1-03-045) seeks permanent authorization for improvements approved on a temporary basis under Emergency Permit No. 1-03-043-G, which was approved by the Executive Director on June 30, 2003. The development has already been completed.

The project involves the installation of a gate and related signs in the vehicle access area of Clam Beach County Park. The gate is designed to prevent vehicle access on the beach and waveslope during non-daylight hours, and in so doing, primarily, helps protect nesting seabirds from impacts associated with indiscriminate vehicle use on the beach at night. According to the County, such activity at the site has posed a threat to sensitive resources in the area, and had, just prior to the emergency application, resulted in the loss of an enclosure (a fence-like structure that surrounds the nest for protection) and nest. The emergency permit was, therefore, granted on the basis that a threat to life was found to exist in the form of a potential unauthorized take of nesting Western Snowy Plovers, a federally listed threatened species which nests in exposed beach and dune areas, resulting from vehicles operating on Clam Beach after designated hours. Restricting nighttime vehicle beach access in the non-nesting season also, as proposed, will serve other important purposes. Namely, it will enhance protection of the sensitive dune habitat on the beach, adjacent to the waveslope, which might otherwise face disturbance by indiscriminate operation of vehicles at night.

Pursuant to the Emergency Permit, the proposed work has already taken place. As proposed, the gate and signs have been situated and constructed in a manner which has not significantly degraded sensitive resources adjacent to the project site. With respect to visual resources, the gate and related signs are similar in design to other public recreation structural accessories, and do not block any coastal views. Concerning public access, staff recommends one special condition regarding the terms of operation for the gate. The condition is to ensure that the gate is solely operated as proposed in the application to limit vehicle use between the hours of sunset and sunrise.

As conditioned, staff believes that the project is fully consistent with the Chapter 3 policies of the Coastal Act.

The motion to adopt the staff recommendation of approval with conditions is found on page 3.

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STAFF NOTES:

1. Standard of Review

The proposed project is located in Humboldt County. Humboldt County has a certified LCP, but the proposed project is located within an area shown on State Lands Commission maps over which the State retains a public trust interest and is within the Commission's area of retained permit jurisdiction. Therefore, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

2. Commission Action Necessary

The Commission must act on the application at the March 17, 2005 meeting to meet the requirements of the Permit Streamlining Act.

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

The staff recommends that the Commission adopt the following resolution:

**Motion:**

I move that the Commission approve Coastal Development Permit No. 1-03-045 pursuant to the staff recommendation.

**Staff Recommendation of Approval:**

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

**Resolution to Approve the Permit:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because 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 Attachment A.**

**III. SPECIAL CONDITIONS:**

**1. Use of Gate**

The permittee shall operate the gate in the manner proposed in the application: the gate shall be closed 30 minutes after sunset, and re-opened at sunrise. Any change in the terms of operation for the gate or any physical modification of the gate shall require an amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

**IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares as follows:

**A. Project Permit History**

The development was originally approved on a temporary basis by the Executive Director under Emergency Permit No.1-03-043-G issued on June 30, 2003, (Exhibit 7). The development involved the installation of a gate in the vehicle access area of Clam Beach County Park to prevent vehicle access on the beach and waveslope after daylight. In accordance with the terms of the Emergency Permit, the current application seeks permanent authorization for the installation and use of the gate via a regular coastal development permit.

The Emergency Permit was granted on the basis that a threat to life was found to exist in the form of a potential unauthorized take of nesting Western Snowy Plovers, a federally listed threatened species which nests on the open beach and dunes, resulting from vehicles operating on Clam Beach during nighttime hours. Over the years, certain beach areas have been subject to vehicular use. According to the County, however, indiscriminate use of vehicles at the site at night was posing a threat to the Snowy Plover, and had, just prior to the emergency application, resulted in the loss of a protective enclosure and nest.

**B. Site Description**

The development is located in the vehicle access area of Clam Beach County Park in Humboldt, which is located just south of the parking/camping section of the Park (Exhibit 3). The Park itself is located seventeen miles north of Eureka near McKinleyville, and is comprised of approximately 42 acres running from just north of the mouth of the Mad River to south of Crannel Road, west of Highway 101 (Exhibits 1 & 2).

The immediate project site is within the vehicle access area, and consists of hard packed sand, with little to no vegetation (Exhibits 5 & 6). The surrounding landscape is unvegetated beach zone, unvegetated driftwood zone, and a vegetated coastal shrub zone. Patrick Creek runs 25 feet west of the project area, and Strawberry Creek runs 75 feet south. Bird species noted in the area include song sparrows, white crown sparrows, marsh hawks, black shoulder kites, and the federally listed threatened Western Snowy Plover (*Charadrius alexandrinus*). Clam Beach is a known nesting area for the Snowy Plover. The small shorebird resides and breeds on open beaches, dunes, and gravel bars. Due to their size and cryptic coloring, the birds are highly vulnerable to trampling and disturbance. The nesting season for the Snowy Plover is March 1<sup>st</sup> – September 15<sup>th</sup>. The U.S. Fish and Wildlife Service, in collaboration with the County and others seasonally installs temporary fence exclosures around the nests to help prevent disturbance and trampling by humans, dogs, horses, and vehicles.

The Park is located in close proximity to the residents of McKinleyville, and is also easily accessible from Highway 101 by signed off-ramps. Clam Beach County Park has historically supported a multitude of recreational uses, including vehicular activity on a specific section of the beach.

### **C. Project Description**

The development which occurred pursuant to the emergency permit, and for which authorization is now sought, consists of the installation and use of a gate in a vehicle access area at Clam Beach County Park and the installation of related signage. The gate is used to restrict vehicle access on the beach and waveslope to daylight hours. The application proposes to continue to open the gate at sunrise and close the gate 30 minutes after sunset. The primary purpose of restricting nighttime vehicle access on the beach by gate use, is to protect threatened nesting Western Snowy Plovers from impacts associated with indiscriminate vehicle use and related activity. Restricting vehicle access year-round, as proposed, will enhance protection of the sensitive dune habitat on the beach, adjacent to the waveslope.

The gate was constructed, as planned, at the west end of the vehicle access parking area, between two existing information signs (Exhibits 3, 5 & 6). The gate is 20 feet long x 3.5 feet high, and painted green in color. It is made out of 4-inch iron pipe and was constructed with 6-inch iron pipe anchor posts (Exhibits 4-6).

The applicant also seeks permanent authorization for two new signs which notify the public about the operation of the gate. Both signs are brown in color, with light reflective writing. One is designed to be a permanently fixed-in-place sign, 2 feet by 2 feet on an 8-foot metal post, placed directly adjacent to the gate. This sign reads, "GATE CLOSING ½ HOUR AFTER SUNSET." The second sign is a portable barricade style sign, 2 feet x 2 feet, placed next to the gate. This sign reads, "GATE CLOSING TONIGHT AT \_(TIME)\_."

#### **D. Environmentally Sensitive Habitat Area**

Although the immediate project area consists of hard packed sand, with little to no vegetation, the surrounding landscape at Clam Beach, adjacent to the project site, constitutes environmentally sensitive habitat area (ESHA). The surrounding beach and dune area provides important habitat for various species, including the sensitive Western Snowy Plover. The dunes at Clam Beach County Park and the Snowy Plover nesting areas all constitute environmentally sensitive habitat under Section 30107.5 of the Coastal Act as they are rare or especially valuable habitats and easily disturbed by man.

Section 30240 (b) of the Coastal Act addresses development adjacent to sensitive habitat areas, and requires that development be sited and designed in a manner that protects sensitive coastal resources from adverse impacts, which could significantly degrade those areas, and that it be compatible with the continuance of those habitat and recreation areas.

As discussed in the Project Permit History section above, the proposed development has already been completed pursuant to an Emergency Permit, and has been conducted in a manner consistent with Section 30240 (b). The development which occurred pursuant to the emergency permit, and for which permanent authorization is now sought, required only minor land alteration (0.04 cubic yards of material was removed), and is situated in an area subject to vehicular assault, which, therefore, required minimal vegetation removal during construction. Based on these details and recent site observation (see photos in Exhibits 5 & 6), the completed project does not appear to have significantly degraded sensitive resources adjacent to the project site.

Further, the applicant utilized specific construction procedures designed to minimize potential impacts to resources during the construction phase of the project. Construction occurred over two days and took place only during daylight hours, when ambient noise from the surf and nearby Highway 101 is the highest, thereby minimizing the noise impact of construction on wildlife. Further, although construction involved the use of a backhoe and a concrete truck, this equipment was operated on the hard-packed sand within the vehicle access area, an area already subject to heavy vehicular impact. Finally, no work was proposed in the water. Therefore, the construction phase of the project, as proposed, was designed to be carried out in a manner consistent with Coastal Act policies requiring protection of sensitive resources.

Moreover, the applicant's primary purpose in erecting the gate is to prevent vehicle access on the beach in non-daylight hours, and in so doing protect nesting seabirds from impacts associated with indiscriminate vehicle use on the beach at night. As noted in the Site Description section of this report, Snowy Plovers nest in open sand areas. The nests and the protective enclosures surrounding them can be difficult to see at night, leaving them especially vulnerable to damage from vehicles driving on the beach. Further, the County has reported that other activities such as bonfires and extensive littering had been taking place at night. Abundant litter left in the vicinity of small nesting seabirds, can attract large predatory birds such as Corvids, which put the seabirds at further risk.

Preventing vehicle access on the beach at night during the non-nesting season, as well, should ensure that indiscriminate nighttime driving does not significantly degrade the sensitive dune habitat adjacent to the waveslope. A specific area of the beach that has been subject to vehicular use (the waveslope) is marked with signs. However, the signs are likely to be less visible at night and/or more readily ignored, which can lead to vehicles veering onto fragile dune habitat, resulting in the destruction of vegetation and disruption of dune structure.

Thus, restricting vehicle access at night, when sensitive resources may be the most vulnerable to disruption by vehicles, is compatible with the continuance of an important habitat area on Clam Beach, in accordance with Coastal Act goals. Therefore, the Commission finds that the proposed project is consistent with Section 30240 (b) of the Coastal Act, as the project would not result in a significant disruption to adjacent ESHA and would enhance resource protection efforts directed towards sensitive species, namely the Western Snowy Plover, and fragile dune habitat areas.

#### **E. Public Access**

Coastal Act Section 30210 requires, in applicable part, that maximum public access and recreational opportunities be provided when consistent with public safety, private property rights, and natural resource protection. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30214 of the Coastal Act provides that the public access policies of the Coastal Act shall be implemented in a manner that takes into account the capacity of the site and the fragility of natural resources in the area. In applying these sections of the Coastal Act, the Commission is also limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

Pedestrian access to Clam Beach will be unaffected by the proposed development as no limitation on pedestrian use is imposed by the project and pedestrians will continue to be able to walk around the gate to gain access to the beach. Instead, vehicle access on the beach would be limited to daylight hours, which will be physically prevented by the gate.

The proposed limitation on vehicular access will help to protect fragile coastal resources at Clam Beach, including nesting Western Snowy Plovers and sensitive dune habitat, from threats associated with indiscriminate nighttime driving on the beach. As previously noted, the Snowy Plovers nest in open sand areas. The nests and any protective enclosures and markers installed to protect the nests are very difficult to see at night, particularly to persons in vehicles. To minimize the chances of Plover nests being crushed by vehicles operating at night, the gate is proposed to be closed ½ hour after sunset and re-opened at sunrise. Further, the restriction on nighttime vehicle access will address other associated activities that threaten the seabirds, such as

extensive littering. Abundant litter left in the vicinity of small nesting seabirds, can attract large predatory birds such as Corvids, which put the seabirds at further risk.

Although the nesting season is limited in duration, restricting nighttime vehicle access year-round, as proposed, will serve other important purposes. Namely, it will enhance protection of the sensitive dune habitat on the beach, which might otherwise face disturbance by indiscriminate operation of vehicles at night. Reduced visibility at night could lead to vehicles driving outside of the designated area and onto the sensitive dune habitat adjacent to the waveslope, resulting in destruction of vegetation and disruption of dune structure.

Abundant public access opportunities still exist at Clam Beach, including pedestrian and equestrian use, camping, and public access parking both at the immediate project site, (pedestrian/parking), and to the immediate north and south (equestrian lot and parking/camping).

Thus, operated in the manner proposed, the gate will function in accordance with Sections 30210, 30212, and 30214, which require that maximum public access opportunities be afforded to the public, but only consistent with the need to protect fragile natural resource areas from overuse.

To ensure the gate is operated in accordance with the terms of the proposal only and minimize impacts on public access use consistent with the need to protect fragile natural resources, the Commission attaches Special Condition No.1. The Special Condition requires that a permit amendment be obtained, should there be a change in the hours the gates are utilized or any physical modification of the gate. This requirement will ensure the Commission will be able to review any proposed modification of the use or physical structure of the gate to ensure that public access to the beach is not adversely affected inconsistent with the Coastal Act public access policies. As conditioned, the Commission finds that the proposed project is consistent with the public access policies of the Coastal Act as the installation and use of the gate will continue to provide maximum public access opportunities consistent with the protection of fragile natural resources in the area.

#### **F. Visual Resources**

Section 30251 of the Coastal Act requires that new development be sited and designed to protect views to and along the coast, minimize the alteration of natural landforms, and be visually compatible with the character of the surrounding areas. The proposed gate does not involve any noticeable alteration of landforms. Although the gate will be visible from Highway 101, it will not block views of the ocean. The gate will be green in color, a color found in the dune vegetation in the surrounding area. The low profile of the gate, (3.5 feet high), should help to further minimize any visual impact (see Exhibits 5 & 6). The small two-foot by two-foot brown signs proposed are compatible in their size and design with signs common to other public parks and beaches and will not dominate the visual setting. Therefore, the Commission finds that the proposed project is consistent with Coastal Act Section 30251 as the development would not



block views to and along the coast, will not involve any significant or noticeable alteration of landforms, and would be visually compatible with the character of surrounding areas.

**G. Alleged Violation.**

The gate for which the applicant is seeking permanent authorization is intended to limit the use of vehicles on Clam Beach during nighttime hours. The applicant does not currently propose to affect use of vehicles during daytime hours.

The current and continued use of the beach by vehicles during day time hours as well as the former vehicular use of the beach at night prior to installation of the gate under the emergency permit allegedly constitutes development that has occurred without benefit of a coastal development permit.

Information provided by the applicants indicates that prior to February 1973, when the coastal development permit requirements of the 1972 Coastal Initiative became effective, County Ordinance No. 758 prohibited vehicle use on the beach unless vehicle operators obtained special permits from the County, or the use was in accordance with any resolutions adopted by the County Board of Supervisors that would specifically allow for vehicle use on the beach. No such resolutions were adopted by the County prior to the coastal development permit requirements coming into effect in February 1973. Thus, as of the time the 1972 Coastal Initiative became effective, only very limited vehicular use of the beach was allowed by the County, and only very limited vehicular use of the beach lawfully occurred prior to the coastal development permit requirements coming into effect in February 1973.

According to the staff of the State Lands Commission, local authorities such as Humboldt County can regulate the time, place, and manner of public uses on state lands without needing a lease agreement and thus no approval has been required by the State Lands Commission for County's regulation of vehicular use of Clam Beach. The Coastal Commission is not aware of any other permits that might have been required for vehicular use of Clam Beach prior to February 1973.

Beginning in June of 1973, after the coastal development permit requirements became effective, the County adopted several subsequent resolutions and ordinances to modify the limitations on vehicle use of the beach. Some of these resolutions and ordinances were intended to reduce the County imposed limitations on vehicle use, allowing for greater vehicular use of the beach. A resolution adopted in June of 1973, for example, allowed for unlimited vehicular use seaward of the first line of vegetation. The more recent resolutions and ordinances impose greater limitations on vehicular use of the beach and reduce vehicular use. Regardless of whether a County adopted resolution or ordinance intended to reduce or increase limitations on vehicular use of the beach, each resolution or ordinance that changed the limitations on vehicular use from those that existed in February 1973 when the coastal development permit requirements became effective required coastal development permit authorization.

Section 30600 of the Coastal Act requires that a coastal development permit be obtained for any development within the coastal zone. Section 30106 of the Coastal Act defines development as follows:

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. (emphasis added).

The changes in vehicular use of the beach that resulted from the County's adoption of new ordinances and resolutions since the coastal development permit requirements became effective in February 1973, constitute changes in the density of use of land and/or water and/or access to water, and are thus development under section 30106 of the Coastal Act that require a coastal development permit under Section 30600 of the Coastal Act. To date, no coastal development permits have been granted for the changes in the intensity of use of land, water, or access thereto, that resulted from the County's adoption of new ordinances and resolutions.

As the proposed permanent authorization of the gate would serve to impose limits on vehicular use of Clam Beach that are more similar to the limitations that existed prior to when the coastal development permit requirements became effective than the more recent limitations on vehicular use that were implemented by the County prior to installation of the gate, the Commission's approval of the project serves to reduce the magnitude of the alleged violation. Therefore it is not necessary for the Commission to postpone action on the request for permanent authorization of the gate until such time as the County submits an application to authorize daytime vehicular use of the beach. The Commission may take action on the gate independently of any action the Commission may wish to take in the future on the alleged violations.

Consideration of this application for permanent authorization of the vehicular gate and signs by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the cited alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit. The Commission reserves all rights to pursue

enforcement of the alleged violation independent of the Commission's action on Coastal Development Permit No. 1-03-045.

**H. California Environmental Quality Act (CEQA)**

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. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed project has been conditioned to be found consistent with the policies of the Coastal Act. Mitigation measures which 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.

**EXHIBITS:**

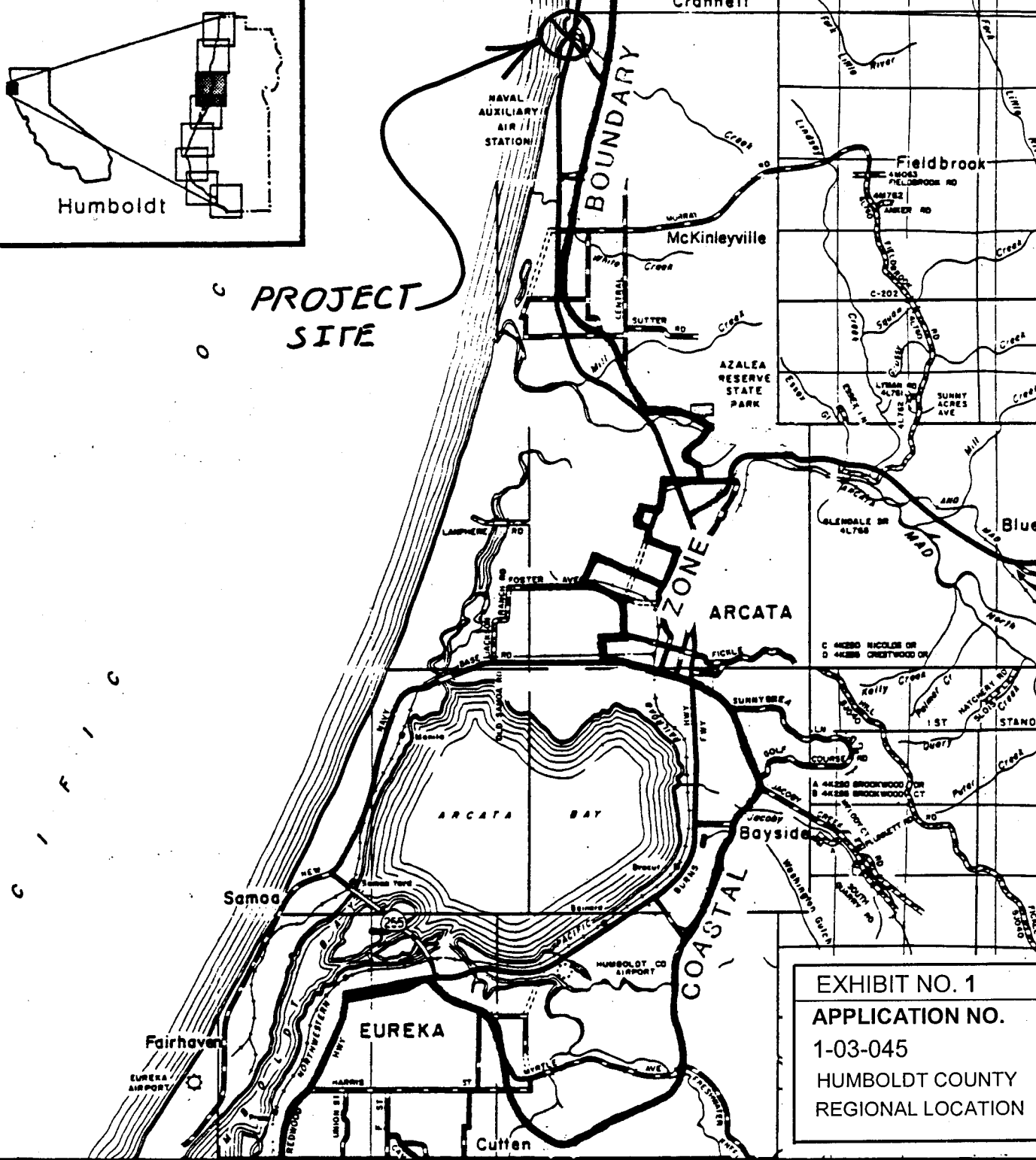
1. REGIONAL MAP
2. PROJECT LOCATION MAP
3. PLOT PLAN/SITE MAP
4. GATE DETAIL
5. COMPLETED GATE PHOTO (1)
6. COMPLETED GATE PHOTO (2)
7. EMERGENCY PERMIT

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.

A B C D E F G H I J K L M N O



PROJECT SITE

EXHIBIT NO. 1  
 APPLICATION NO.  
 1-03-045  
 HUMBOLDT COUNTY  
 REGIONAL LOCATION



### LOCATION MAP



Clam Beach County Park  
Vehicle Access Gates Project  
Project Location Map

Base Map: Arcata North USGS 7.5" Quadrangle  
Map Produced on 18 June 2003  
Humboldt County Public Works Department

Beach Access Point for Vehicles

Clam Beach County Park South Camping Area

OCEAN

1 inch equals 500 feet

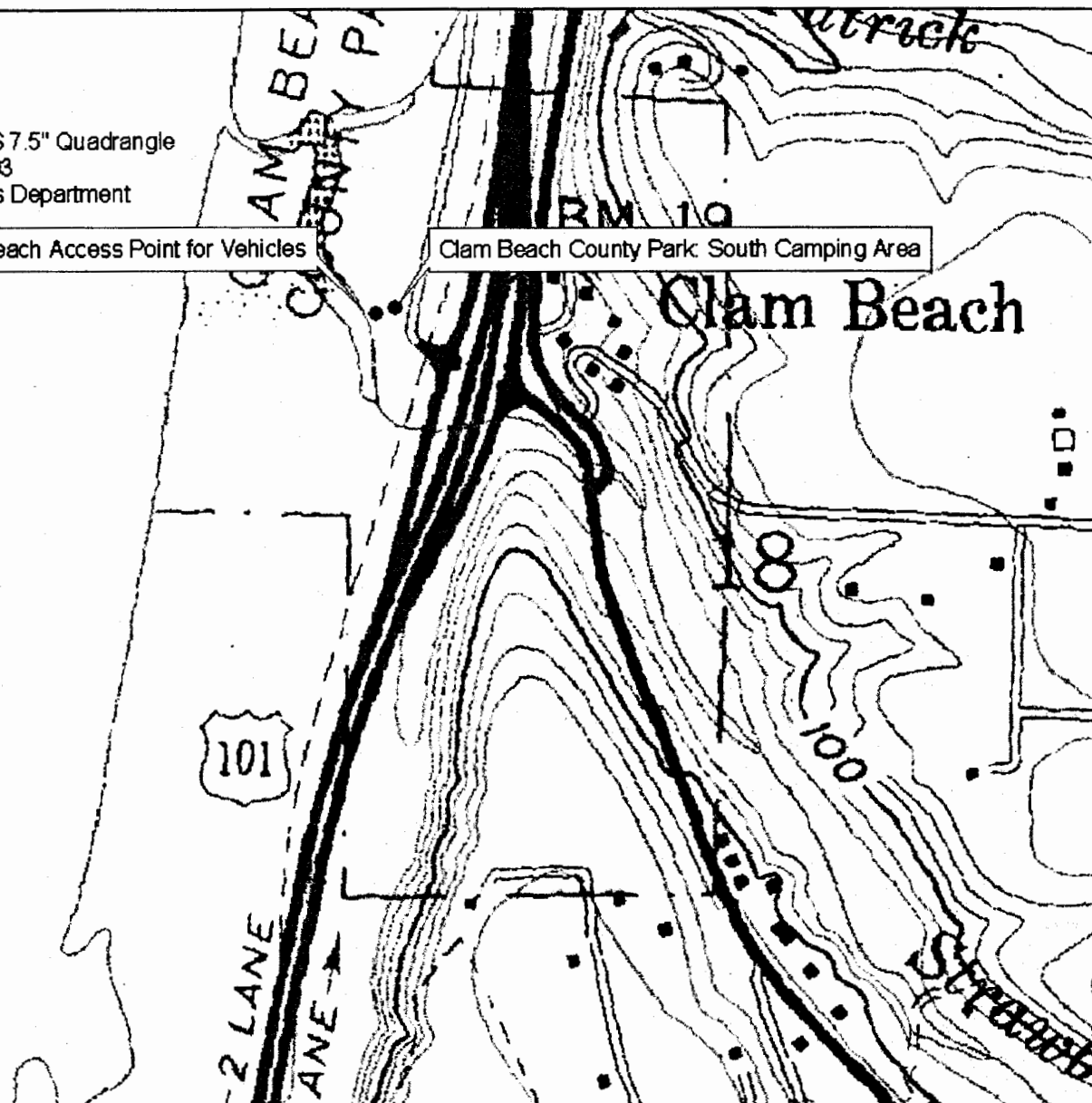


EXHIBIT NO. 2

APPLICATION NO.

1-03-045

PROJECT LOCATION

MAP

COUNTY OF HUMBOLDT  
DEPARTMENT OF PUBLIC WORKS

CLAM BEACH COUNTY PARK

PLOT PLAN

DATE  
02/02

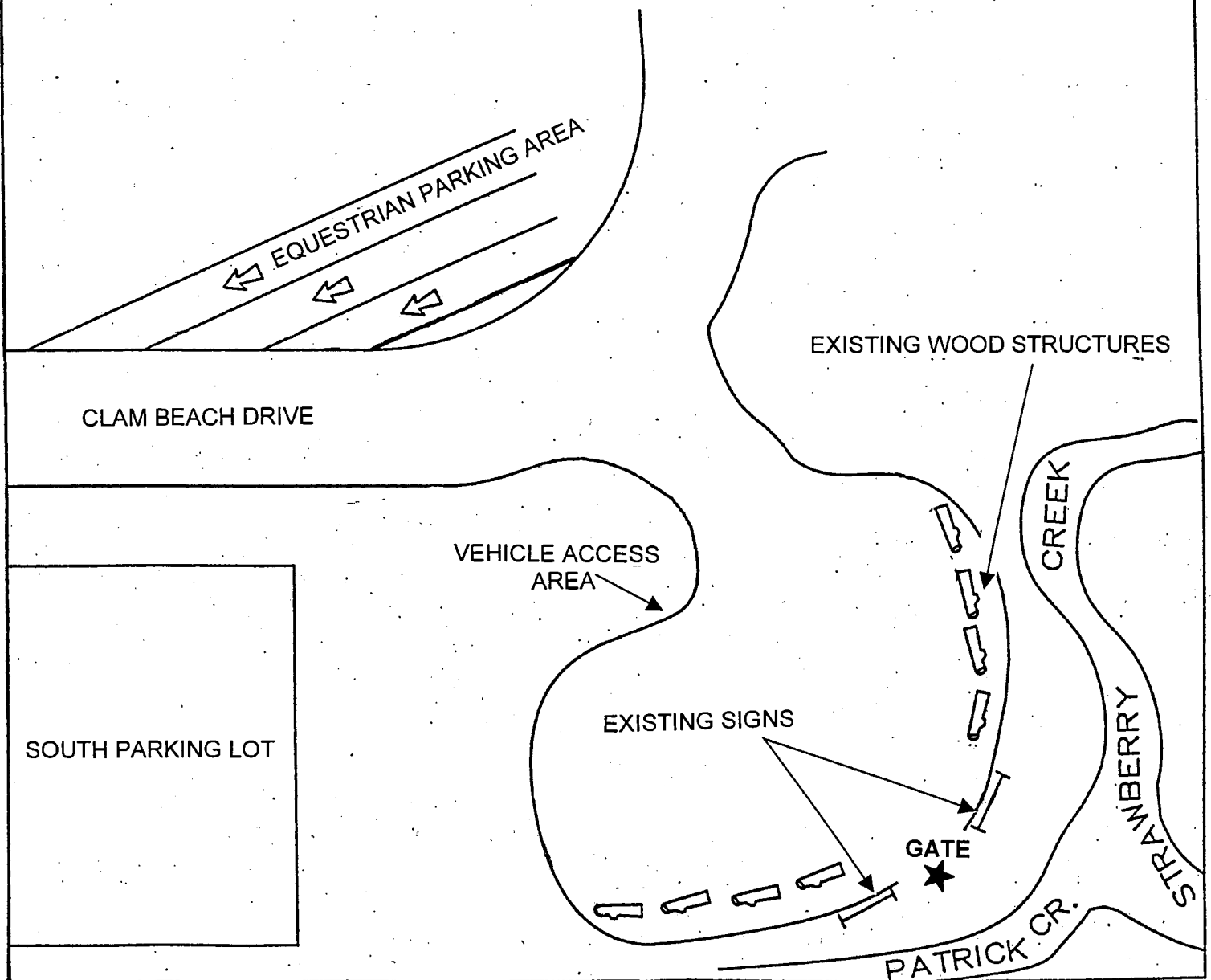
NOT TO  
SCALE

EXHIBIT NO. 3

APPLICATION NO.

1-03-045

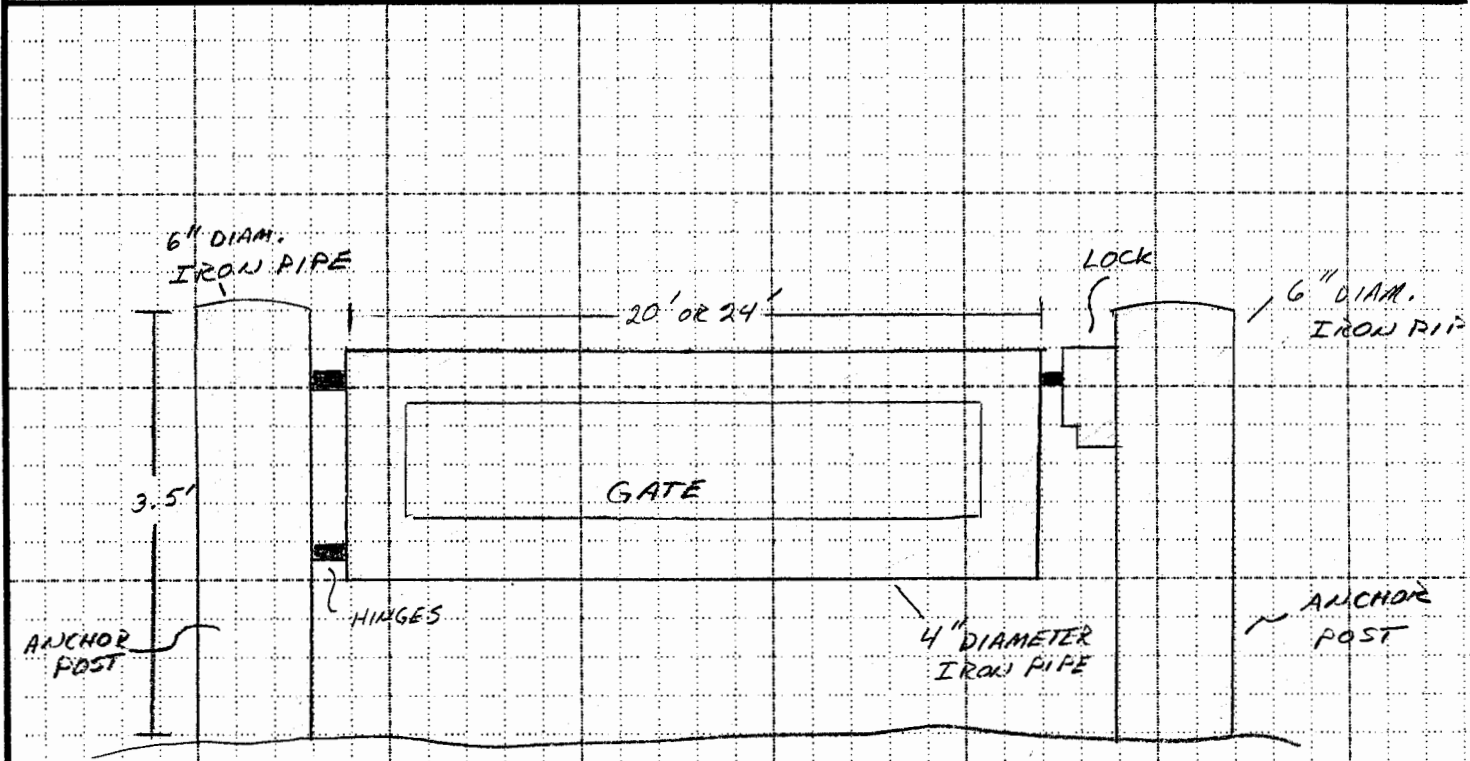
PLOT PLAN/  
SITE MAP





HUMBOLDT COUNTY DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION  
1106 SECOND STREET • EUREKA, CA 95501  
PHONE (707) 445-7377 FAX (707) 445-7409

DATE	PROJ. NO.	MADE BY	CHK'D BY	PAGE
06/19/03	CLAM BEACH GATE	ag		



GATE PLAN

GATE #1 - 20' LONG x 3.5' HIGH

CLAM BEACH COUNTY PARK  
VEHICLE ACCESS GATE

EXHIBIT NO. 4
APPLICATION NO.
1-03-045
GATE DETAIL



CDP 1-03-045 Clam Beach Gate/Right View



EXHIBIT NO. 5
APPLICATION NO.
1-03-045
COMPLETED GATE
PHOTO # 1

CDP 1-03-045 Clam Beach Gate/Left View



EXHIBIT NO. 6
APPLICATION NO. 1-03-045
COMPLETED GATE
PHOTO # 2

## SOUTHERN CALIFORNIA COASTAL COMMISSION

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## EMERGENCY PERMIT

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

Date: June 30, 2003  
 Emergency Permit: 1-03-043-G

### LOCATION OF EMERGENCY WORK:

At Clam Beach County Park within the vehicle access area located south of the parking/camping area, Humboldt County

### WORK PROPOSED:

The proposed work involves installation of two gates at the vehicle access area located south of the parking/camping area at Clam Beach County Park. Clam Beach is a known nesting area for the western snowy plover, a federally listed threatened species. According to the County, there have been numerous recent violations of the County Park Ordinance that prohibits vehicles on the beach waveslope at night (1/2 hour after sunset until sunrise). Vehicle tracks and evidence of bonfires and parties have been found in the area of western snowy plover nests and enclosures and resulted in the recent destruction and loss of an enclosure and nest. The installation of the gates at the vehicle access location would enforce the existing ordinance and restrict vehicles from accessing the beach at night and would provide increased protection of the western snowy plover. The proposed gates would not affect vehicle use during the day and would not have any affect on pedestrian access to the beach, as ample locations for pedestrian access to the beach exist to the north and south of the proposed gate location. The gates would be constructed of 4-inch iron pipe with 6-inch anchor posts and would be approximately 20-feet-long by 3.5-feet-high.

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information that an imminent threat to life exists in the form of potential unauthorized take of nesting western snowy plovers, a federally listed threatened species, from vehicles operating on Clam Beach after designated hours. Therefore, the situation requires immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services: 14 Cal. Administrative Code, Section 13009. The Executive Director of the Coastal Commission hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits, and the development can, and will be, completed within 30 days unless otherwise specified by the terms of this permit;
- (b) Public comment on the proposed emergency action has been reviewed if time allows;
- (c) As conditioned, the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

The work is hereby approved, subject to the conditions listed on the attached page.

Sincerely,

PETER M. DOUGLAS  
 Executive Director

EXHIBIT NO. 7
APPLICATION NO.
1-03-045
EMERGENCY PERMIT
Page 1 of 2

  
 By: ROBERT MERRILL  
 North Coast District Manager

**CONDITIONS OF APPROVAL:**

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. The work authorized by this permit must be completed by July 29, 2003.
4. The permittee shall obtain a regular Coastal Development Permit to have the emergency work be considered permanent. If no such permit is received, the emergency work shall be removed in its entirety within 180 days of the date of this permit, unless this requirement is waived in writing by the Executive Director.
5. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g. Humboldt County, Dept. of Fish & Game, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, State Lands Commission).

As noted in Condition #4, the emergency work carried out under this permit is considered to be TEMPORARY work done in an emergency situation. If the property owner wishes to have the emergency work become a permanent development, a Coastal Permit must be obtained. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as an offer to dedicate and easement) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves.

If you have any questions about the provisions of this emergency permit, please call the Commission's North Coast District Office at the address and telephone number listed on the first page.

Enclosure: Acceptance Form

EXHIBIT NO. 7
APPLICATION NO.
1-03-045
EMERGENCY PERMIT
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