

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
710 E STREET • SUITE 200
EUREKA, CA 95501-1865
VOICE (707) 445-7833
FACSIMILE (707) 445-7877

MAILING ADDRESS:
P. O. BOX 4908
EUREKA, CA 95502-4908

RECORD PACKET COPY

F11b

Date Filed:	July 22, 2003
49th Day:	September 9, 2003
180 th Day:	January 18, 2004
Staff:	Robert S. Merrill
Staff Report:	April 1, 2005
Hearing Date:	April 15, 2005
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 1-01-004

APPLICANTS: MICHAEL & CAROLYN HARMON

PROJECT LOCATION: At 1080 Kane Ridge Road, east of the intersection of Kane Ridge Road and Kane Road, in the Big Lagoon area of Humboldt County (APNs 518-051-24 and 518-012-16)

PROJECT DESCRIPTION: (1) Grade an approximately two-acre area that includes a previously existing logging road and log landing and remove vegetation to improve an approximately two-acre building site for a future home at the end of an existing gravel road north of Kane Ridge Road; (2) install a well to serve the future home site; (3) improve an existing gravel road to the building site by installing a culvert, grading, and placing additional

rock; (4) grade and clear stumps and other cut vegetation from an approximately one acre area south of Kane Ridge Road; and (5) reseed disturbed areas and plant western azalea in an approximately two-acre area to the south of Kane Ridge Road. All of the development except the planting of a portion of the azaleas has already been completed without benefit of a coastal development permit.

GENERAL PLAN DESIGNATION
(UNCERTIFIED):

Agricultural General, 20-acre density (AG20)

ZONING DESIGNATION
(UNCERTIFIED):

Rural Residential Agriculture, minimum 20-acre lot size, Special Designation for Manufactured Home Building Type Modification and Coastal Elk Habitat combining zones (RA-20-M/E)

LOCAL APPROVALS RECEIVED:

Humboldt County Special Permit

OTHER APPROVALS REQUIRED:

None

SUBSTANTIVE FILE DOCUMENTS:

Humboldt County Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve with conditions the coastal development permit application.

The permit application seeks after-the-fact authorization for vegetation clearing and grading work and the installation of a water well on a vacant 20-acre parcel known as 1080 Kane Ridge Road, east of Big Lagoon and Highway 101 in Humboldt County. The application also seeks authorization for the proposed planting of approximately 20 western azalea plants in an approximately two-acre area to the south of Kane Ridge Road. The property is located on a hillside in a sparsely developed rural area containing forested and open coastal scrub shrub vegetation. The property is within an area of deferred certification, in an inland area of the coastal zone.

The clearing and grading work occurred at two different sites on the property. In the northeast portion of the subject property, the clearing and grading work was performed in a two-acre area to convert a former log deck and logging road used for a previous timber harvest operation into a building site and driveway for a future residence. At the second site in the mid-southern portion of the subject property, the clearing and grading work involved the removal of leftover vegetation, stumps, and slash from previous vegetation clearing performed by P.G.& E. to maintain the right-of-way of a high voltage transmission line and to clear brush and tree saplings.

Although the Commission is not reviewing a proposal to construct a home at the present time, Commission approval of the building pad may create the expectation for current and future landowners that a home would likely be approved at this location. Thus, the Commission must consider not only the consistency with the Coastal Act of the proposed building pad, but also the consistency with Coastal Act policies of the development potential created by the building pad.

Staff believes that the proposed development will not result in significant adverse impacts to coastal resources and is consistent with the Chapter 3 policies of the Coastal Act. The building site is located in an area locally zoned for single-family development in an area able to accommodate the development. As the installation of a well and a septic system on the property have previously been approved by the Humboldt County Department of Environmental Health and other residences in the vicinity of the project have been successfully served by on-site water wells and septic systems, adequate water and septic capability would likely be available to accommodate a future home. The development is located approximately 2/3rds of a mile due inland of Highway 101 and will not adversely affect views to or along the coast and any future development of a house on the building pad would be largely screened from view from public vantage points. Although future construction of a home would require additional geotechnical investigation to determine engineering design criteria for foundations and other aspects of the future home, a geologic evaluation has determined that the graded areas are stable and were constructed in a manner that does not contribute to geologic instability and does not show significant erosion. The grading utilized best management practices and the project includes drainage improvements that minimize water quality sedimentation concerns.

Much of the surrounding area is known to support habitat for the western azalea (*Rhododendron occidentale*) which has been designated in the uncertified Humboldt County general plan as environmentally sensitive. The western azalea is largely endemic to California and the range of the species is limited. However, the species is not protected under state or federal endangered species laws as a rare, threatened, or endangered species, and the species is not listed as a Class 1 or 2 species in the California Natural Diversity Database. Thus, it is not clear whether the western azalea in this location qualifies as environmentally sensitive habitat under Section 30107.5 of the

Coastal Act. It's possible that the clearing and grading work could have disturbed western azalea plants. Because the plants do not grow on the site in dense populations and cannot be easily distinguished from other plants in aerial photographs, it is impossible to determine whether any western azalea plants were previously growing in the two areas of the site that were graded and cleared. However, no substantial evidence of disturbance of the western azalea exists in the record. In addition, the applicants propose to plant 20 additional western azaleas at a suitable location in the southeast portion of the property several hundred feet away from the proposed building pad where western azalea would be expected to survive on the subject property as part of the project. The applicants expect that the plants would have at least a 50% survival rate allowing at least nine or ten plants to survive, a figure which corresponds to the number of plants that could have been growing on the three acres of graded and cleared area if the plants were growing in the graded areas at a density of 1-3 plants per acre which is equivalent to the high end of the reported average density of western azalea found in several locations elsewhere on the property. To ensure that the landscaping is performed consistent with the applicants' stated goals and objectives for the landscaping, staff is recommending Special Condition No. 2 which would require the applicants to submit a final landscaping plan that provides for the planting and maintenance of 20 western azalea plants in the southeast section of APN 518-051-24 as identified by the applicants as well as prohibit the planting of invasive exotic plant species may be planted with the proposed landscaping of the site to ensure that any environmentally sensitive habitat in the vicinity of the property is not significantly degraded by the proposed project as required by Section 30240(b) of the Coastal Act.

Therefore, staff believes the proposed development is fully consistent with the new development, geologic hazard, water quality, visual resource protection, ESHA protection, and all other applicable policies of Chapter 3 of the Coastal Act.

The Motion to adopt the Staff Recommendation of Approval with Conditions is found on page 5.

STAFF NOTES:

1. Standard of Review

The proposed project is located in the Big Lagoon area of Humboldt County. Humboldt County has a certified LCP, but the subject property is located within an area of deferred certification. Therefore, the standard of review that the Commission must apply to the project is the Coastal Act.

2. Commission Action Necessary

The Commission must act on the application at the April 15, 2005 meeting to meet the requirements of the Permit Streamlining Act.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 1-01-004 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

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

II. STANDARD CONDITIONS: See Attachment A.

III. SPECIAL CONDITIONS:

1. Permit Expiration and Condition Compliance

Because some of the proposed development has already commenced, this coastal development permit shall be deemed issued upon the Commission's approval and will not expire. Failure to comply with the special conditions of this permit may result in the institution of an action to enforce those conditions under the provisions of chapter 9 of the Coastal Act.

2 Final Landscaping Plan

A. WITHIN 90 DAYS OF COMMISSION APPROVAL OF COASTAL DEVELOPMENT PERMIT NO. 1-01-004, or within such additional time as the Executive Director may deem appropriate, the applicant shall submit, for review and written approval of the Executive Director, a final landscaping plan that substantially conforms with the landscaping proposal to plant 20 western azaleas in the southeast section of Assessors Parcel Nos. 518-051-24 and 518-012-16 as generally depicted in the letter dated March 4, 2005 submitted by Rick Storre of Freshwater Farms (Exhibit No. 6) and incorporated into the project description by the letter dated March 17, 2005 submitted by applicant Michael Harmon. The final landscaping plan shall also conform to the following requirements:

1. The plan shall demonstrate that:
 - (a) 20 western azalea plants shall be planted in the site identified and generally depicted in the March 4, 2005 letter submitted by Freshwater Farms in the southeast portion of Assessors Parcel Nos. 518-051-24 and 518-012-16.
 - (b) all planting will be completed by December 31, 2005,
 - (c) the required plantings will be maintained in good growing conditions through-out the life of the project, and whenever necessary, shall be replaced with additional western azalea plants to ensure that at least 9 of the western azalea plants survive at the site in compliance with the landscape plan, and
 - (d) only native and/or non-invasive plant species shall be planted. No invasive exotic plant species shall be planted in the southeast portion of Assessors Parcel Nos. 518-051-24 and 518-012-16, as generally depicted in Exhibit No. 6.
2. The plan shall include, at a minimum, the following components:
 - (a) a map drawn to scale showing the type, size, and location of all plant materials that will be planted, the topography of the area to be planted,

the location of the planted area in relation to property boundaries, roads, and all other major features of the property,

- (b) a description of plant establishment techniques to be used for planting the vegetation (e.g., depth of planting hole, irrigation, fertilization, etc.);
- (c) provisions for monitoring and remediation of the entire planting area of the landscaping plan in accordance with the approved final landscaping plan for a period of five years after planting of the vegetation that includes the submittal for the review and approval of the Executive Director of annual monitoring reports prepared in conjunction with a qualified professional by September 30 of each year. The annual monitoring reports must evaluate whether the planting area conforms with the goals, objectives, and performance standards set forth in the approved final landscaping plan. If the final report indicates that the planting effort has been unsuccessful, in part, or in whole, based on the approved performance standards, the applicant shall submit a revised or supplemental planting plan to compensate for those portions of the original plan which did not meet the approved performance standards. The revised planting program shall be processed as an amendment to this coastal development permit; and
- (d) a schedule for installation of plants.

- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan 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:

The Commission hereby finds and declares:

A. Background

The permit application seeks after-the-fact authorization for vegetation clearing and grading work and the installation of a water well on a vacant 20-acre property known as 1080 Kane Ridge Road, east of Big Lagoon and Highway 101 in Humboldt County (See Exhibits 1-3). The application also seeks authorization for the proposed planting of approximately 20 western azalea plants in an approximately two-acre area to the south of Kane Ridge Road. The clearing and grading work occurred at two different sites on the

property. At the first site in the northeast portion of the subject property, the clearing and grading work was performed to convert a former log deck and logging road from a previous timber harvest operation into a building site and driveway for a future residence. At the second site in the mid-southern portion of the subject property, the clearing and grading work involved the removal of leftover vegetation, stumps, and slash from previous vegetation clearing performed by P.G. & E. to maintain the right-of-way of a high voltage transmission line. At both sites, a certain amount of brush and tree saplings were also cleared. The mixed brush included composed of salal, huckleberry, salmon berry, himalaya berry, and other species. The tree saplings included approximately ten spruce trees with a diameter-at-breast-height (dbh) of less than 12 inches, and five spruce trees larger than 12" dbh.

B. Site Description

The subject property consists of one legal 20-acre parcel identified by two assessors parcel numbers (APNs 518-051-24 and 518-012-16) and is located in a non-certified area on the slopes of Kane Ridge at an elevation of approximately 550 feet above mean sea level at 1080 Kane Ridge Road in the Big Lagoon area of northern Humboldt County (Exhibit Nos. 1-3).

The subject property is located on the slopes of a coastal ridge inland of Highway 101 and has a southwest aspect overlooking Big Lagoon and the Pacific Ocean. The parcel has a moderate slope of between 10 and 15%. The subject property is within a rural residential area of mostly 20-acre lots that is sparsely developed with single-family residences. Commercial timberlands adjoin the subject property to the east.

Kane Ridge Road is a publicly maintained gravel road that runs from the northeast to the southeast through the property. The western boundary of the property fronts on to a second public road, Kane Road, but the principal access to the property is off of Kane Ridge Road.

An approximately 100-foot-wide P.G. & E. power line right of way that runs from the northeast to the southwest bisects the property. P.G. & E. has periodically cleared vegetation from the right-of-way over the years to maintain the power line.

The first graded and cleared site in the northeast portion of the subject property, is approximately two acres in size and originally was created as a log landing as part of a timber harvesting operation that occurred in the early 1990s (See Exhibit 4). The logging operation was approved by the California Department of Forestry and Fire Protection under Timber Harvest Plan No. 1-90-737-HUM, and as such, was not subject to coastal development permit requirements. The filled area has a maximum thickness of approximately 12 feet along the pads outboard edge. The grading work that occurred in

MICHAEL & CAROLYN HARMON

1-01-004

Page 9

2000 re-contoured this log landing to reduce the steepness of the cut banks above and below the log landing and to remove tree stumps, slash, and existing vegetation. The site was successfully revegetated with an erosion-control seed mix that includes coarse grasses and forbs. Other native and non-native species have also become established within the graded area including yarrow (*Achillea millefolium*), wild iris, lupine (*Lupinus rivularis*), coltsfoot, and bracken fern (*Pteridium aquilinum*).

A gravel driveway which originally was constructed as a logging road extends northward from Kane Ridge Road several hundred feet to the first cleared and graded area. The road has been rocked and includes a culvert. An 8-inch diameter, corrugated, black plastic drainage pipe extends west from the culvert. A well approved by the Humboldt County Department of Environmental Health in 1991 was installed in the early 1990's along the east side of the driveway near the cleared and graded area. Modifications to the driveway, installation of the drainage facilities, and installation of the well occurred in 2000 without benefit of a coastal development permit.

The second cleared and graded site is a one-acre area south of Kane Ridge Road along the east side of the power line right-of-way (See Exhibit 4). According to the applicants, this area was cleared to remove tree stumps, logging slash and vegetation debris from previous work by P.G. & E to clear the power line right-of-way. The grading created a relatively level bench area with a maximum thickness of approximately four feet along its outboard edge. This cleared area was revegetated with coarse grasses and forbs in a manner similar to how the first graded and cleared area was revegetated. A mix of other native and non-native plants similar to those that have become established at the first graded area have also become established in this second graded area.

According to a biological assessment prepared for the applicants, the vegetation of the site and the surrounding area is composed of two dominant vegetation types that are characteristic of coastal areas in the region: coastal coniferous forest and coastal scrub-shrub. Most of the ungraded portions of the site are vegetated by coastal coniferous forest with remnants of coastal scrub-brush vegetation. Plant species associated with these two vegetation types found on the property include the tree species of red alder (*Alnus rubra*), Sitka spruce (*Picea sitchensis*), and cascara (*Rhamnus pushiana*); the shrub species of wax myrtle (*Myrica californica*), red flowering current (*Ribes sanguineum*), thimbleberry (*Rubus parviflorus*), and salmonberry (*Rubus parviflorus*), and understory species of pearly everlasting (*Anaphalis margaritacea*), wild iris (*Iris douglasiana*), ox-eye daisy (*Leucanthemum vulgare*), and coltsfoot (*Petasites frigidus*).

Western azalea, considered regionally sensitive, is established in the Kane Ridge area, generally occurring in moderate to open canopies along stream banks and in moist thickets that have an overstory of redwood and other evergreen species. According to a recent survey by the applicants' landscape contractor, western azalea have been found in various places on the property with an average density of approximately 1-3 plants per

acre. Because the plants do not grow on the site in dense populations and cannot be easily distinguished from other plants in aerial photographs, it is impossible to determine whether any western azalea plants were previously growing in the two areas of the site that were graded and cleared.

No creeks, streams, or other wet areas are located on the property or within the immediate vicinity. Roosevelt elk are known to occur within the general vicinity of the site. Roosevelt elk habitat covers the majority of the coastal hills between Trinidad and the Del Norte County border. The elk tend to forage in open grasslands and elk scat has been found in such areas on the subject property.

The subject property is located within an uncertified area of Humboldt County's Local Coastal Program. In 1982, the Kane Road area was not certified by the Coastal Commission as part of the North Coast Area Land Use Plan because of substantial issues relating to: (a) litigation over alleged illegal subdivisions in the area, (b) the presence of the native Western Azalea and the absence of any protection or management plans for this species; (c) the minimum parcel size necessary to ensure agricultural productivity and to avoid adverse impacts to potential timber production on surrounding lands; and (d) general water quality and scenic view concerns, including the protection of Roosevelt Elk habitat areas.

The uncertified local zoning for the area is Rural Residential Agricultural with a manufactured home and elk protection combining zones. The local zoning allows a single-family residence as a principal and compatible use. The uncertified land use plan for this area designates the project vicinity as a Coastal Scenic Area.

C. Specific Project Description

The specific development for which the applicants' are seeking authorization includes the following:

1. Re-contour an approximately two-acre former log landing/future home site to reduce the steepness of the cut banks of the log landing and to remove tree stumps, slash, and existing vegetation by clearing and grading approximately 2,000 cubic yards of material;
2. Clear an approximately one-acre area south of Kane Ridge Road and east of the power line right of way by clearing and grading approximately 200 cubic yards of material;

3. Improve an existing roadway that extends from Kane Ridge Road to the re-contoured building site by clearing vegetation, installing a culvert, and placing gravel along the roadway;
4. Install an 8-inch diameter, corrugated, black plastic drainage pipe that extends westerly from the driveway culvert;
5. Revegetate both cleared areas with an erosion-control seed mix that includes coarse grasses and forbs;
6. Install a water well along the east side of the driveway; and
7. Plant 20 western azalea plants in an approximately two-acre area to the south of Kane Ridge Road.

All of the development has been completed except the planting of the 20 western azalea plants.

D. Locating and Planning New Development

Section 30250(a) of the Coastal Act states that new development shall be located within or near existing developed areas able to accommodate it or in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized.

The proposed development includes among other development, the preparation of a building pad for the future development of a home, but does not propose the actual development of the home itself. The applicants indicate they have no plans at the present time to develop a home, but may want to develop a home in the future or may eventually decide to sell the property as is with a building pad but without a constructed home. Development of a future home would require additional coastal development permit authorization.

Although the Commission is not reviewing a proposal to construct a home at the present time, Commission approval of the building pad may create the expectation for current and future landowners that a home would likely be approved at this location. Thus, the Commission must consider whether a home could potentially be constructed on the building pad in the future consistent with the Coastal Act. Therefore, these findings address not only the consistency of the development currently proposed with the Coastal Act, but also the consistency with Coastal Act policies of the development potential

created by the building pad. In making such findings, however, the Commission in no way binds a future Commission to approve a particular home on the building pad. Separate coastal development permit authorization must be obtained for any proposed house, and when the Commission acts on such an application, the Commission will need to take into account the particular details of the specific house proposed and the circumstances pertaining to the development and the site at the time, and may or may not find the proposed house consistent with the Coastal Act.

The proposed development is located in a rural area where one single-family home per parcel is a principally permitted use. Most residences in the area obtain water from wells and rely on on-site septic disposal systems to treat wastewater. As noted previously, a well was installed in 1991 on the subject property along the east side of the driveway near the cleared and graded area. Although the well was approved by the Humboldt County Department of Environmental Health in 1991, no test results of the quantity and quality of the groundwater obtained from the well have been submitted. According to the mitigated negative declaration prepared for the project by Humboldt County, a septic system was also approved by the Health Department in 1990. As part of any application that may be submitted in the future for construction of a home on the site, the applicants would need to provide test results and confirmation from the Health Department that the well or some other suitable water source is available that would provide sufficient water to adequately serve the residence. Similarly, the applicants for any future home would need to provide information demonstrating that a site for a suitable septic system to serve a house exists on the property. However, given that the installation of a well and a septic system on the property have previously been approved by the Humboldt County Department of Environmental Health and that other residences in the vicinity of the project have been successfully served by on-site water wells and septic systems, adequate water and septic capability would likely be available to accommodate a future home.

As discussed in the findings below, the proposed development as conditioned will not contribute to geologic instability and will not have significant adverse impacts on environmentally sensitive habitat, water quality, visual resources and other coastal resources. As also discussed in the findings below, a future home can potentially be constructed on the building pad in a manner that would not have significant adverse impacts on coastal resources.

Therefore, the Commission finds that the proposed development is consistent with Coastal Act Section 30250(a) to the extent that it is located in a developed area able to accommodate it, and the development will not cause significant adverse effects, either individually or cumulatively, to coastal resources.

E. Protection of Environmentally Sensitive Habitat Areas (ESHA)

Coastal Act Section 30240 states:

- (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.

Coastal Act Section 30107.5 states:

“Environmentally sensitive area” means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

There are no known wetlands or riparian areas on the subject property. The property does contain habitat for the western azalea and Roosevelt Elk, two species that have sometimes been considered environmentally sensitive in the past. Potential impacts to each of these habitats and their mitigation are discussed in the following two sections:

1. Western Azalea

The subject site is located within an area known to be habitat for the Western Azalea (*Rhododendron occidentale*). The plant species generally occurs in moderate to open canopies along stream banks and in moist thickets that have an overstory of redwood and other evergreen species. The species is largely endemic to California and there are particular varieties of western azalea that are somewhat unique to the Kane Ridge area. The Humboldt County general plan, which has not been certified for this area, recognizes the habitat of the western azalea as environmentally sensitive. In previous actions on coastal development permit applications, the Commission has also recognized areas where the western azalea is found as environmentally sensitive and has required both deed restrictions and other special conditions to protect the plant's habitat area (e.g. 1-86-204 [Croft], 1-88-73 [Bumble Bee/Hennings], and 1-88-255 [BueaPre], 1-97-031 [Harmon]). However, to be considered environmentally sensitive under section 30107.5 of the Coastal Act, a species or its potential habitat must be of a nature that it could be easily disturbed or degraded by human activities. In addition, the habitat or species must be either rare or especially valuable because of its special nature or role in the ecosystem. Although the western azalea can be easily disturbed by grading and other human activity, the plant is not particularly rare. The species is not protected under state or federal endangered species laws as a rare, threatened, or endangered species. The species is also not listed in the California Natural Diversity Database as either a Class 1 or 2 species, an

indication that it is not rare. Thus, it is not clear that the western azalea and its habitat in the Kane Ridge area is environmentally sensitive habitat as defined by Section 30107.5 of the Coastal Act.

The Commission need not determine in its action on this project whether the western azalea or its habitat constitute environmentally sensitive habitat as there is no evidence that the proposed project would actually affect western azalea. Although past grading activity that has been performed on the site for which the applicants are now seeking authorization could have disturbed any western azalea that might have been growing in the affected areas, no substantial evidence of disturbance of the western azalea exists in the record. According to a recent survey by the applicants' landscape contractor, western azalea have been found in a few locations on the seven-acre property with an average density of approximately 1-3 plants per acre. Thus the plants are known to be present on the subject property, but in very low numbers and at a very low density. Because the plants do not grow on the site in dense populations and cannot be easily distinguished from other plants in aerial photographs, it is impossible to determine whether any western azalea plants were previously growing in the two areas of the site that were graded and cleared.

The applicants propose to plant additional western azalea on the subject property as part of the project. The applicants' landscape contractor has identified a suitable location in the southeast portion of the property several hundred feet away from the proposed building pad where western azalea would be expected to survive. The applicants propose to plant 20 western azaleas in this area with the expectation that the plants would have at least a 50% survival rate allowing at least nine or ten plants to survive. As noted above, there is no substantial evidence in the record that the three acres of graded and cleared area on the site for which the applicants are now seeking authorization contained western azalea prior to the grading and clearing activity. However, nine plants would correspond to the number of plants that could have been growing on the three acres of graded and cleared area if the plants were growing in the graded areas at a density of 1-3 plants per acre, which is equivalent to the high end of the reported average density of western azalea found in several locations elsewhere on the property.

The applicants have not submitted a final landscaping plan for the proposed planting of western azalea plants. To ensure that the landscaping is performed consistent with the applicants' stated goals and objectives for the landscaping, the Commission attaches Special Condition No. 2. The condition requires that the applicants submit a final landscaping plan for the review and approval of the Executive Director that provides for the planting of 20 western azalea plants in the location identified by the applicants in the southeast portion of Assessors Parcel Nos 518-051-24 and 518-012-16, as generally depicted on Exhibit 6. The plan must also demonstrate that all planting will be completed by December 31, 2005, and that the required plantings will be maintained in good growing conditions throughout the life of the project to ensure that at least 9 of the western azalea plants survive at the site.

Finally, the plan must demonstrate that only native and/or non-invasive plant species shall be planted in the southeast portion of Assessors Parcel Nos 518-051-24 and 518-012-16, as generally depicted on Exhibit 6. No invasive exotic plant species may be planted consistent with the final landscaping plan. Although the subject property may not contain environmentally sensitive habitat (ESHA), the site is located approximately 2/3rds of a mile due east of the coastal lagoon known as Big Lagoon, where riparian habitat, marsh vegetation and estuarine wetland environmentally sensitive habitat exists. The ESHA located near the site could be adversely affected if non-native, invasive plant species were introduced in landscaping at the site. Introduced invasive exotic plant species could spread into the ESHA and displace native riparian and wetland vegetation at Big Lagoon. The requirements of Special Condition No. 2 that only native and/or non-invasive plant species be planted in the southeast portion of Assessors Parcel Nos 518-051-24 and 518-012-1, as generally depicted on Exhibit 6, will ensure that the ESHA near the site is not significantly degraded by the proposed project as required by Section 30240(b) of the Coastal Act.

2. Roosevelt Elk Habitat

The property is located within an area designated in the uncertified Humboldt County general plan as potential elk habitat. This designation is intended to ensure that development within the range of the Roosevelt Elk is sited and designed to prevent impacts that would significantly disrupt elk use. The biological assessment prepared for the project indicates that Roosevelt Elk have been observed on the property and that the elk may be attracted to the open grasslands of the subject property for foraging. Although the range of the species is limited, the Roosevelt Elk is not protected under state or federal endangered species laws as a rare, threatened, or endangered species. The Roosevelt Elk is a harvested animal and according the staff of the Department of Fish and Game, the Roosevelt Elk population in the area is expanding and doing well. Therefore, the Commission finds that the use of the subject property by elk does not make the subject property an environmentally sensitive habitat area for Roosevelt Elk, as no evidence has been presented that the Roosevelt Elk or its potential habitat on the site is either rare or especially valuable because of its special nature or role in the ecosystem, as is necessary for an area to be considered environmentally sensitive under section 30107.5 of the Coastal Act. Nonetheless, the proposed development will not adversely affect the elk habitat. The biological assessment indicates that the clearing work that has been performed as part of the development may have enhanced elk habitat by providing more open grass areas for foraging. In addition, the applicant is not proposing any fencing that could impede elk migration and no significant habitat displacement would necessarily occur, either as a result of the development authorized by Coastal Development Permit Application No. 1-01-004 (the current application) or in the future if a home is authorized on the building pad as part of a separate permit granted by the Commission or its successor agency. The two-acre building pad represents only 10% of the 20-acre property and the remaining acreage are and would likely remain as natural habitat.

3. Conclusion.

As proposed and conditioned, the proposed project would not result in any significant adverse impacts to environmentally sensitive habitat. It is not clear whether western azalea habitat meets the definition of environmentally sensitive habitat contained in Section 30107.5 of the Coastal Act. Whether or not the western azalea is considered environmentally sensitive habitat, the proposed project as conditioned would not have significant adverse impacts on the azalea habitat. The development does not encroach into any known western azalea habitat and the proposed planting of western azalea would be located several hundred feet away from the graded and cleared area where the potential exists for a house to be proposed in the future. The proposed landscaping has also been conditioned to prohibit the planting of exotic invasive vegetation that might encroach into off-site environmentally sensitive habitat at Big Lagoon and other locations. In addition, although not considered environmentally sensitive, the project would not adversely impact or displace elk habitat. Therefore, the Commission finds that the project as conditioned will protect environmentally sensitive habitat areas against any significant disruption of habitat values and the project will prevent impacts which would significantly degrade adjacent environmentally sensitive habitat areas, consistent with Section 30240.

F. Protection of Water Quality

Coastal Act Policy

Section 30231 of the Coastal Act states as follows:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30230 requires the protection of coastal waters to ensure biological productivity, protect public health and water quality. New development must not adversely affect these values and should help to restore them when possible.

The grading and clearing work for which the applicants are seeking authorization involved the placement of fill and the excavation of portions of a moderately sloping

hillside. Such earth work creates the potential for stormwater runoff through the affected area to erode soil and contribute to sedimentation of coastal waters down slope of the development.

Based on the mitigated negative declaration prepared by the County for the project, the engineering geologic evaluation prepared by the consulting geologist, and a biological assessment prepared for the project, the grading work was performed utilizing best management practices to temporarily control erosion from construction, and included drainage improvements to permanently control erosion from the affected area. The construction period best management practices included spreading straw over the areas disturbed by construction and revegetating the graded areas with an erosion-control seed mix that included coarse grasses and forbs. The permanent drainage improvements included the installation of a ditch on the uphill side of the graded building pad, a culvert under the driveway, and an 8-inch drain line connected to the culvert. This drainage system carries flow from draining down hill towards the building pad and driveway and conveys the water to a discharge further downhill beyond the graded area. No drainage improvements were installed around the lower bench or graded area as the topography in that particular location does not cause runoff from uphill areas to flow through the graded area and the site is free draining.

The erosion control measures employed serve to reduce potential storm water runoff related water quality impacts and are generally consistent with measures the Commission has required in other projects to mitigate significant adverse water quality impacts to ensure consistency with Section 30231 of the Coastal Act. In addition, no creeks, streams, or other wet areas are located on the parcel or within the immediate vicinity. Furthermore, the area is very sparsely developed. Thus, sedimentation from runoff from the site would be further reduced by the filtering of the runoff by down slope vegetation and the natural absorption of runoff into the ground. As discussed in the Geologic Hazards finding below, a consulting geologist evaluated the site for the applicants after completion of the grading. In a report dated July 17, 2003 (see Exhibit 5), the geologist concluded that neither of the two graded and cleared areas on the property exhibited signs of significant erosion.

Therefore, the Commission finds that by controlling runoff, the proposed development is consistent with the requirement of Coastal Act Sections 30231 that the quality of coastal waters, streams, wetlands, and estuaries be maintained.

G. Visual Resource Protection

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and requires in applicable part that permitted development 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.

Nearby areas such as Big Lagoon and surrounding forested areas are scenic in nature, but in actions on previous permit applications in the Kane Ridge Road area, the Commission has not determined that the area is highly scenic. The project site is located approximately 2/3rds of a mile due inland of Highway 101, and due to the hillside topography and intervening forested areas, the site is not visible from Highway 101. In fact, the site is visible from only a limited number of public vantage points, including certain portions of Kane Road and Kane Ridge Road on or very near to the subject property, a small portion of the approximately 3-mile-long sand spit that separates Big Lagoon from the ocean, and from parts of the open ocean itself. Views of the site from the sand spit and the open ocean are very distant and through shrouding tree cover.

The building pad and any future home development on the pad are sited where they do not and would not block views to and along the coast from Kane Road, Kane Ridge Road or any other public vantage point. Although the grading work that has occurred created a flat building pad on a site where the natural topography is sloped, the grading did not result in significant alteration of the hillside or affect a ridgeline. Therefore, the development minimized the alteration of natural landforms.

The grading and clearing work that has occurred is visible from portions of Kane Road and Kane Ridge Road, although vegetation and the slightly rolling hillside topography screen the graded areas from most places along these roads. These features would also partially screen any future home developed on the building site from view. The project included reseeding the graded areas with grasses and forbs which have grown to cover the affected areas. Other vegetation from the surrounding area has also recolonized much of the graded areas so the vegetative cover of the two graded areas approximates the appearance of the surrounding coastal scrub shrub landscape. In addition, the remaining vegetation the applicants propose to plant on the property consists of 20 native western azalea plants in an area in the southeast portion of the property which will blend with the other native vegetation on the property. Future development of a home on the building site would also be compatible with the character of the area as other scattered homes are visible from other vantage points along both Kane Ridge Road and Kane Road. Any view of a future home on the building pad from the Big Lagoon sand spit would be very distant and tempered by the surrounding vegetation. The home site is located too far below the top of the ridge for either the building pad or any future home site to rise above the ridgeline when viewed from the sand spit or the ocean. Therefore, neither the building pad and other development for which the applicants are seeking authorization under the current application nor the potential for future development of a home on the building pad would be out of character with the surrounding area.

Therefore, the project would be consistent with Section 30251, as the project would not adversely affect views to or along the coast, result in major landform alteration, or be incompatible with the character of the surrounding area.

H Geologic Stability

Section 30253 states in applicable part:

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 area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs...*

Coastal Act Section 30253 requires in applicable part that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard and neither create nor contribute significantly to erosion or geologic instability.

The grading of a total of approximately three acres in the two separate sites on the property for which the applicants are now seeking authorization involved the placement of fill on a hill slope. Such grading raises concerns whether the grading would trigger failure of the underlying hill slope, instability within the fill prism itself, and/or drainage issues that may result in excessive erosion. A consulting geologist evaluated the site for the applicants after completion of the grading. In a report dated July 17, 2003 (see Exhibit 5), the geologist concluded that none of these conditions are present or imminent. With regard to the two-acre area (upper bench) graded to create the future building site, the reports states:

There is no geomorphic evidence of instability in either the fill prism itself or the underlying hill slope. The bench surface is intact, and the slope below the fill toe exhibits no evidence of bulging or yielding to suggest it is deforming under the surcharge load imparted by the fill prism. Slumping within the cut bank near the southern end of the bench appears to be confined to the cut, and does not extend into the underlying hill slope... Drainage of the upper bench is adequate, and is not resulting in significant site erosion. Erosion potential appears to have been successfully mitigated by creation of an inboard ditch and placement of a culvert beneath the access road, which discharges to an existing swale. The entire work area appears to have been revegetated; the vegetation was well established at the

time of our reconnaissance, and has largely eliminated erosion of the bench, and both the cut and fill slopes...”

With regard to the one-acre area south of Kane Ridge Road (lower bench) graded to remove stumps and cut vegetation, the geologic reports states:

The lower bench consists of a relatively thin fill prism that is free draining and does not require drainage improvements. Earthwork at the lower bench site was very limited and has a negligible potential of generating future impacts.

Based on the geologic evaluation, the Commission finds that the grading and clearing work for which the applicants are now seeking authorization is consistent with Section 30253 of the Coastal Act as the grading minimized risks to life and property and neither created nor contributed significantly to erosion or geologic instability.

The Commission notes however, that the geologic report indicates that the geologic evaluation did not evaluate the adequacy of the graded benches as building pads. The reports state that such an evaluation would require subsurface investigation. Such a geologic evaluation would determine whether there is a need for special foundations or other additional measures to minimize risks of geologic instability associated with the future development of structures on the benches. Therefore, additional geotechnical evaluation that includes borings and/or other subsurface investigation must be submitted as part of any future application that may be submitted for development of a home on the property, so that the Commission can evaluate the conformance of any such proposal to develop a house on the property with Section 30253 of the Coastal Act.

Although future construction of a home would require additional geotechnical investigation to determine engineering design criteria for foundations and other aspects of the future home, a geologic evaluation has determined that the graded areas are stable and were constructed in a manner that does not contribute to geologic instability and does not show significant erosion. The grading utilized best management practices and the project includes drainage improvements that minimize water quality sedimentation concerns. . Therefore, the Commission finds the proposed development consistent with Section 30253 of the Coastal Act.

I. Violation

Much of the development for which the applicants are seeking authorization has already been completed without benefit of a coastal development permit. The completed development includes the clearing and grading of both the approximately two-acre former log landing/future home site and the approximately one-acre area south of Kane Ridge Road, improvement of the existing roadway that extends from Kane Ridge Road to

the re-contoured building site, the installation of the 8-inch diameter, corrugated, black plastic drainage pipe that extends westerly from the driveway culvert, the revegetation of both cleared areas with an erosion-control seed mix, and the installation of the water well along the east side of the driveway. Only the proposed planting of 20 western azalea plants in an approximately two-acre area to the south of Kane Ridge Road remains to be done.

Although development has taken place prior to submission of the subject permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject property without a coastal development permit. Special Condition No. 1 ensures that this permit is deemed issued upon Commission approval, and that it will not expire, as development has already commenced and is mostly completed.

J. California Environmental Quality Act

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

The Commission incorporates its findings on conformity with Coastal Act policies at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed herein in the findings addressing the consistency of the proposed project with the Coastal Act, the proposed project has been conditioned in order to be found consistent with the policies of the Coastal Act. As specifically discussed in these above findings which are hereby incorporated by reference, mitigation measures which will minimize all adverse environmental 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.

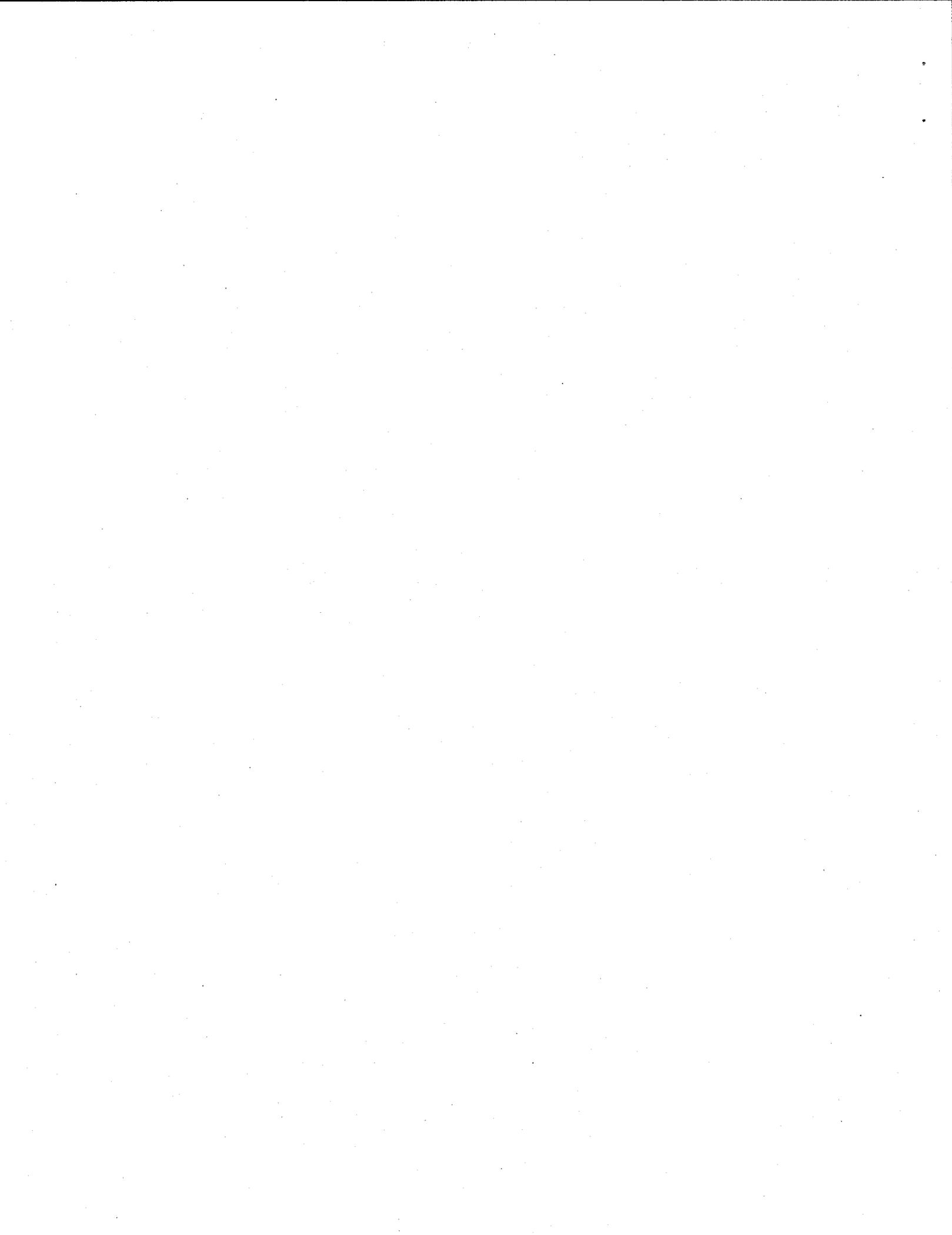
EXHIBITS:

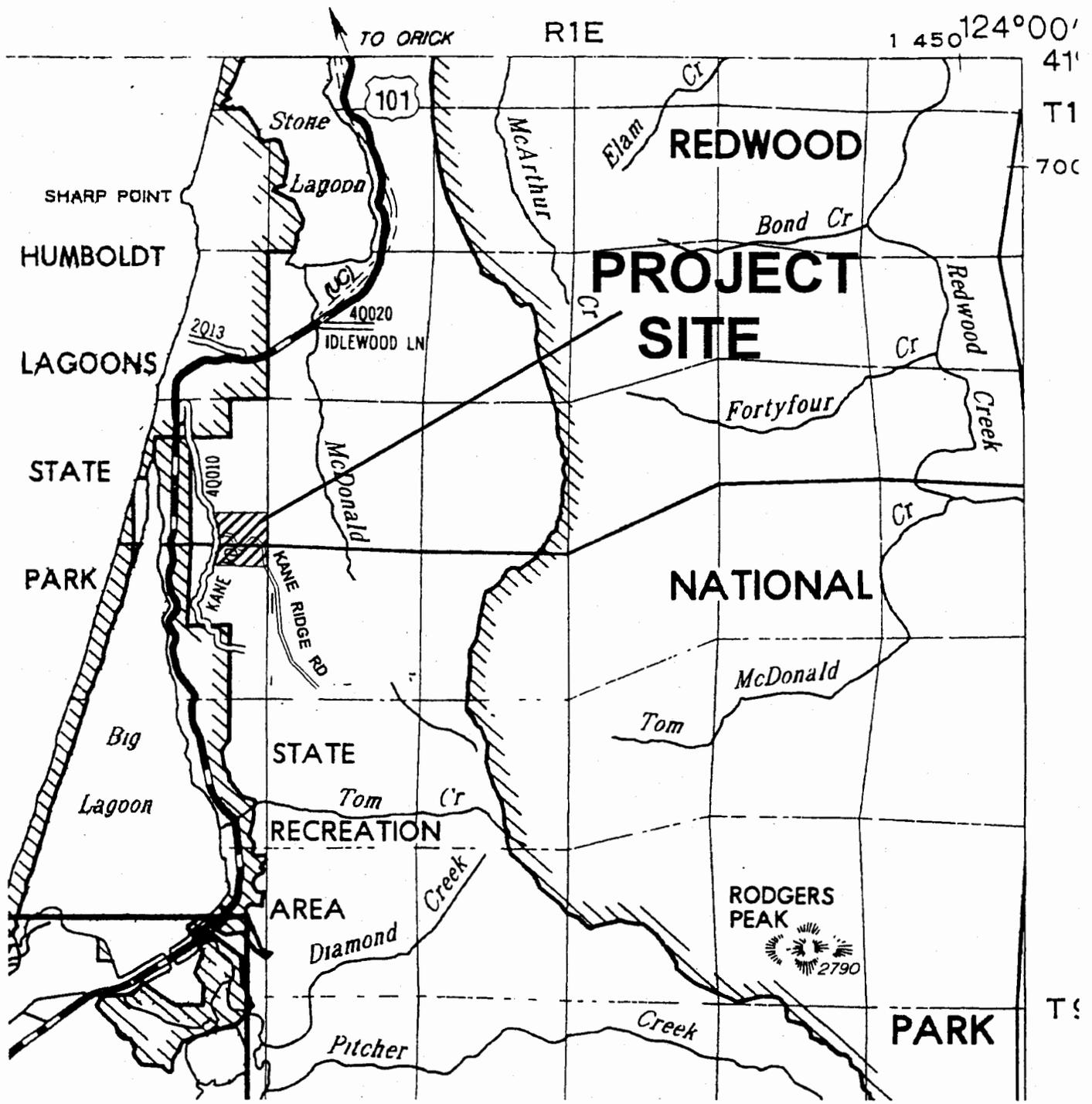
1. Regional Location Map
2. Vicinity Map
3. Parcel Map
4. Site Plan
5. Geologic Evaluation
6. Landscaping Recommendation

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. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
3. 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.
4. 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.





Proposed Harmon
Big Lagoon Area
APN: 518-012-16, 518-051-24
Section 6 T9N R1E H.B. & M.
Section 31 T10N R1E H.B. & M.
LOCATION MAP

EXHIBIT NO. 2 APPLICATION NO. 1-01-004 PROJECT VICINITY MAP



Map is not drawn to scale.

SUBJECT PROPERTY

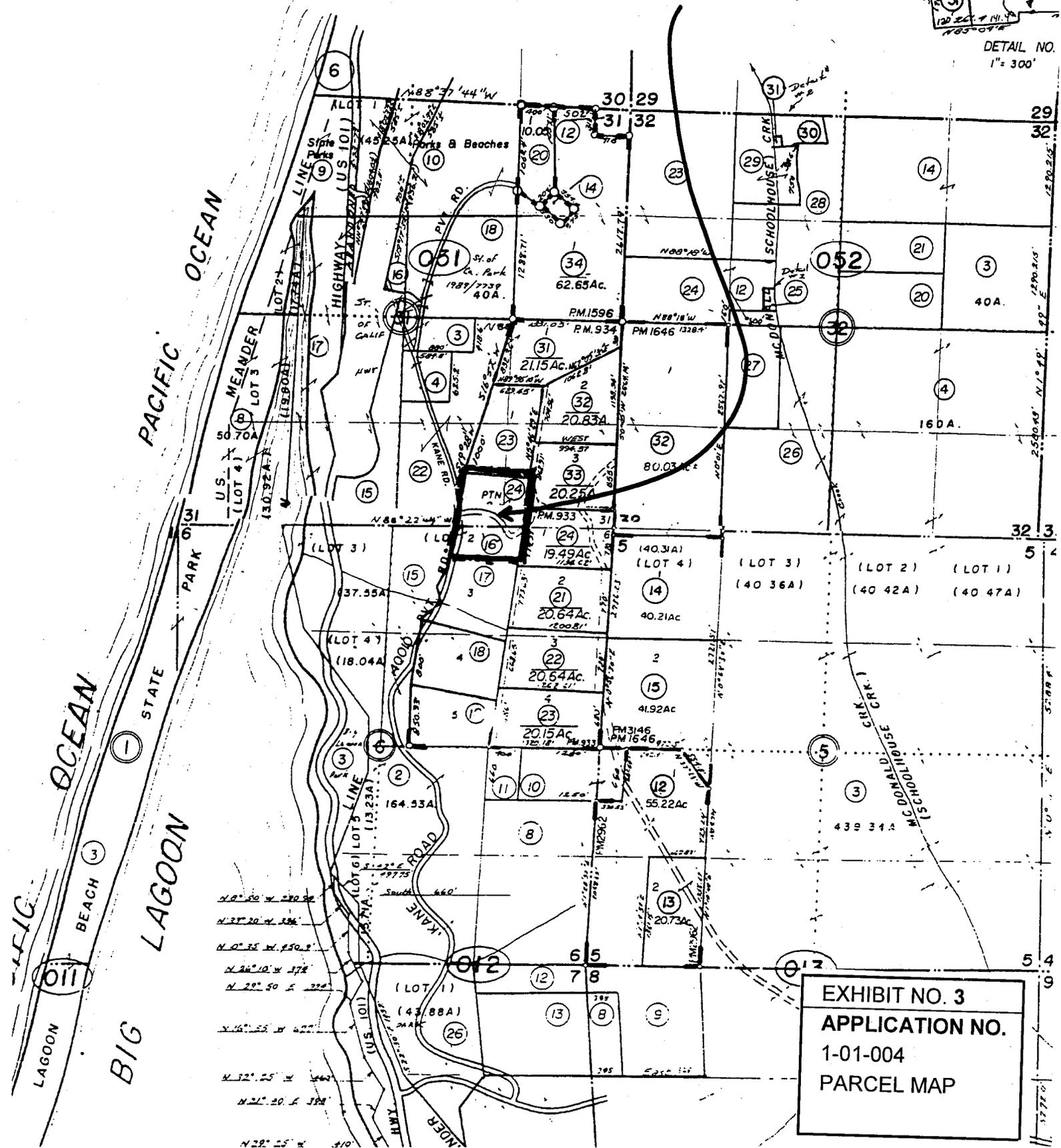
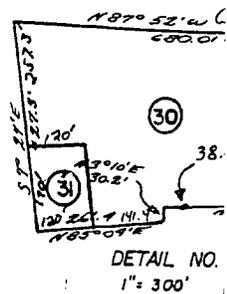
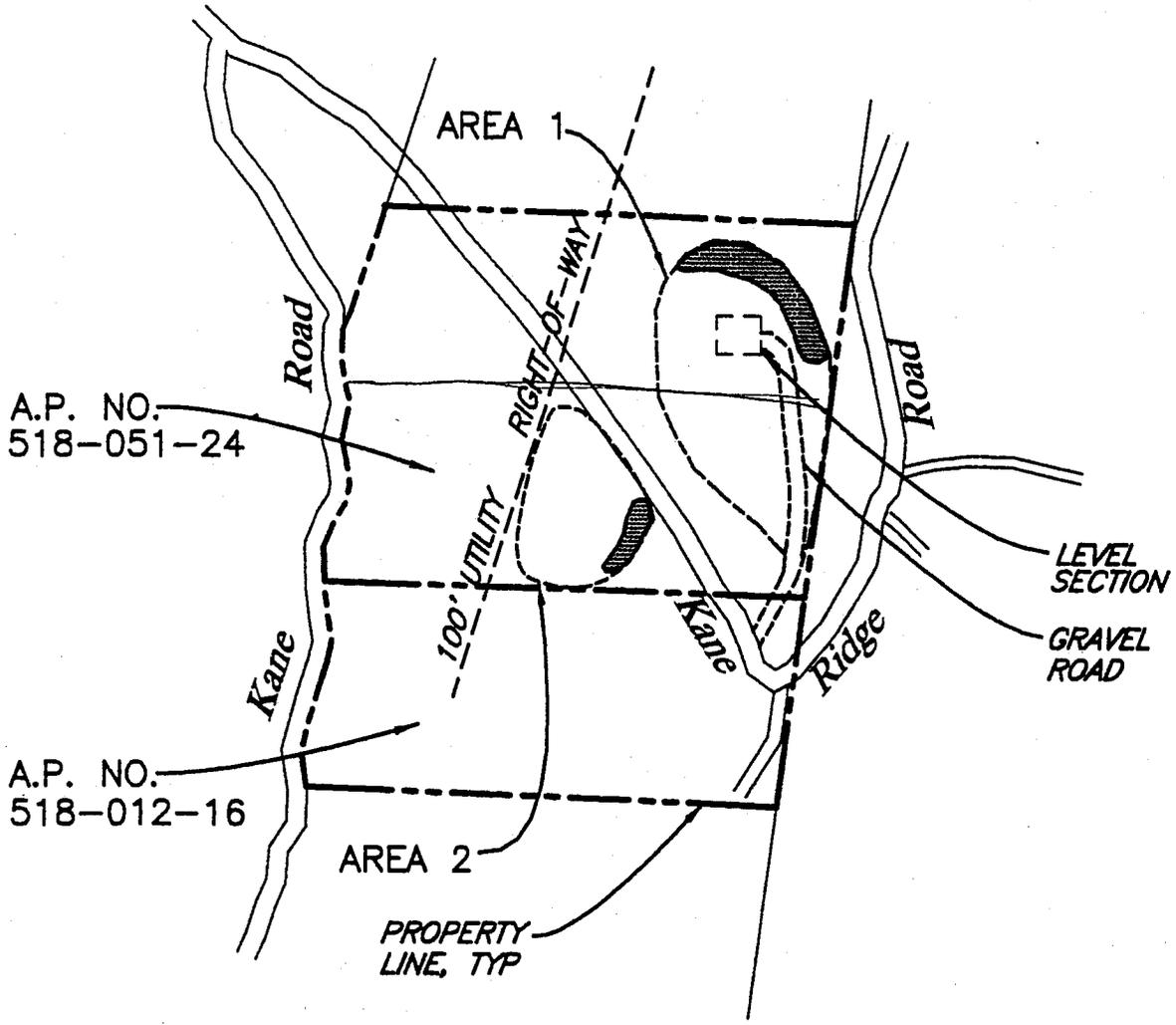


EXHIBIT NO. 3
APPLICATION NO.
1-01-004
PARCEL MAP



AREA 1 = GRADED FOR
FUTURE
BUILDING
SITE

AREA 2 = GRADED
AND CLEARED

ALL LOCATIONS ARE APPROXIMATE
ALL BOUNDARIES ARE APPROXIMATE



002082-SITE.DWG

HARMON PROPERTY

EXHIBIT NO. 4
APPLICATION NO.
1-01-004
SITE PLAN



Reference: 002082

July 17, 2003

Michael and Carolyn Harmon
247 Nichols Drive
Arcata, CA 95521

EXHIBIT NO. 5

APPLICATION NO.

1-01-004

GEOLOGIC EVALUATION

(Page 1 of 4)

Subject: Engineering Geologic Evaluation of Kane Ridge Road Property

Dr. and Mrs. Harmon:

This letter presents the results of our engineering geologic evaluation of your property (APN 518-051-24) on Kane Ridge Road just east of the north end of Big Lagoon, in Humboldt County, California. Specifically, we investigated the potential impacts associated with non-permitted grading that was conducted at the lot. It is our understanding that subsequent to the completion of earthwork at the site, the County of Humboldt and the California Coastal Commission expressed concern regarding the suitability of the grading, which was completed without the appropriate permits, and requested a geotechnical inspection. The purpose of our inspection was to determine whether the grading, as completed, poses a significant environmental hazard in its current configuration, or whether substantive changes should be made to minimize the potential impacts. We specifically did not evaluate the suitability of the grading completed at the site for construction purposes; that determination would require subsurface investigation, which was beyond the scope of this investigation. We visited the site on June 12, 2003 and conducted a brief site reconnaissance.

We understand that site grading was completed in November 1999, and apparently consisted of expansion of an existing logging road and landing to create a large bench and access road on the upper lot and creation of a smaller bench on a lower lot. We have no information regarding the construction methods utilized during site earthwork (that is, compaction effort, thickness of lifts, and so on), so we can only evaluate the condition of the finished product.

Field Observations

The subject lot occupies moderately sloping ground that slopes toward the southwest. Fill thickness associated with the bench on the upper lot is estimated at 10 to 12 feet at the thickest point, along the outboard edge of the pad. The surface of the upper bench appears intact, and exhibits no evidence of movement. The fill slope along the western (outboard) edge of the upper bench, and the cut slope along the eastern (inboard) edge, are moderately sloping and for the most part, intact. A zone of earthflow-related slumping has impacted a portion of the cut bank near the southern end of the upper bench. This area is characterized by a 1 foot high scarp bounding a zone of broken ground; the slide appears recently active. It has resulted in ground settlement of about 4 inches around the collar of the water well casing located near the slide head. The failure appears to be confined to the cut bank, and likely resulted from loss of toe support associated with excavation of the cut. The adjacent access road is undeformed, such that there is no evidence that the slide extends beneath the road; in other words, the movement in the cut bank is not associated with an underlying, deep-seated landslide. There is no other evidence of mass wasting occurring at the site.

Drainage of the upper bench occurs via an inboard ditch along the back edge of the surface. The ditch drains into a culvert, which in turn flows to an 8-inch corrugated plastic drainline that extends down the hill within an existing swale. The drainage is currently functioning effectively, although the culvert inlet is being buried by slide debris at the toe of the bank failure, and will soon be blocked.

Erosion potential at the site appears to have been mitigated after the completion of grading activities by planting grasses, alders, and other plant species, or by spreading hay. This vegetation was well established at the time of our reconnaissance. We did not observe any evidence of significant erosion occurring at the site.

The lower bench is located west of Kane Ridge Road. It is considerably smaller than the upper bench, reaching an estimated thickness of about 4 feet. The surface of the lower bench is free-draining and does not involve any drainage improvements. There is no significant erosion occurring at this site.

Conclusions

The grading conducted at the site does not appear to be associated with significant environmental impacts, and does not appear to pose a significant threat of causing future impacts. The primary concerns relative to this type of earthwork are associated with placement of fill on unstable ground, which may trigger failure of the underlying hillslope, instability within the fill prism itself, and/or drainage issues that may result in excessive erosion. We evaluated the site for these conditions, but observed no evidence that any of them are present, or imminent. There is no geomorphic evidence of instability in either the fill prism itself or the underlying hillslope. The bench surface is intact, and the slope below the fill toe exhibits no evidence of bulging or yielding to suggest it is deforming under the surcharge load imparted by the fill prism. Slumping within the cut bank near the southern end of the bench appears to be confined to the cut, and does not extend into the underlying hillslope.

Erosion potential of the graded areas appears to have been adequately mitigated. Drainage of the upper bench is adequate, and is not resulting in significant site erosion. Erosion potential appears to have been successfully mitigated by creation of an inboard ditch and placement of a culvert beneath the access road, which discharges to an existing swale. The entire work area appears to have been revegetated; the vegetation was well established at the time of our reconnaissance, and has largely eliminated erosion of the bench, and both the cut and fill slopes. The culvert beneath the access road will require periodic maintenance to ensure it is not blocked by slide debris. Based on our observations of site conditions, it is our opinion that these drainage and erosion prevention improvements meet the County Standards (County of Humboldt, Department of Public Works, Grading, Erosion Control, Geologic Hazards, Streamside Management Areas, and Related Ordinance Revisions Title III, Land Use and Development Division 3, Building Regulations Section 331-12).

The lower bench consists of a relatively thin fill prism that is free draining and does not require drainage improvements. Earthwork at the lower bench site was very limited and has a negligible potential of generating future impacts.

Michael and Carolyn Harmon
Engineering Geologic Evaluation of Kane Ridge Road Property
July 17, 2003
Page 3

As mentioned above, we specifically did not evaluate the graded benches for suitability as building pads. That evaluation would require subsurface investigation, which was not within our work scope.

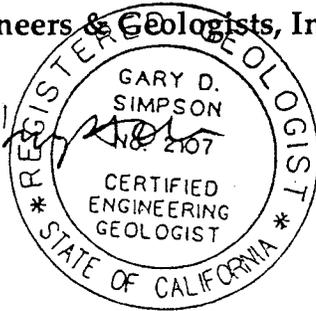
We hope that this letter provides you with the information that you require at this time. If you have any questions, or require further information, please do not hesitate to call our office.

Respectfully,

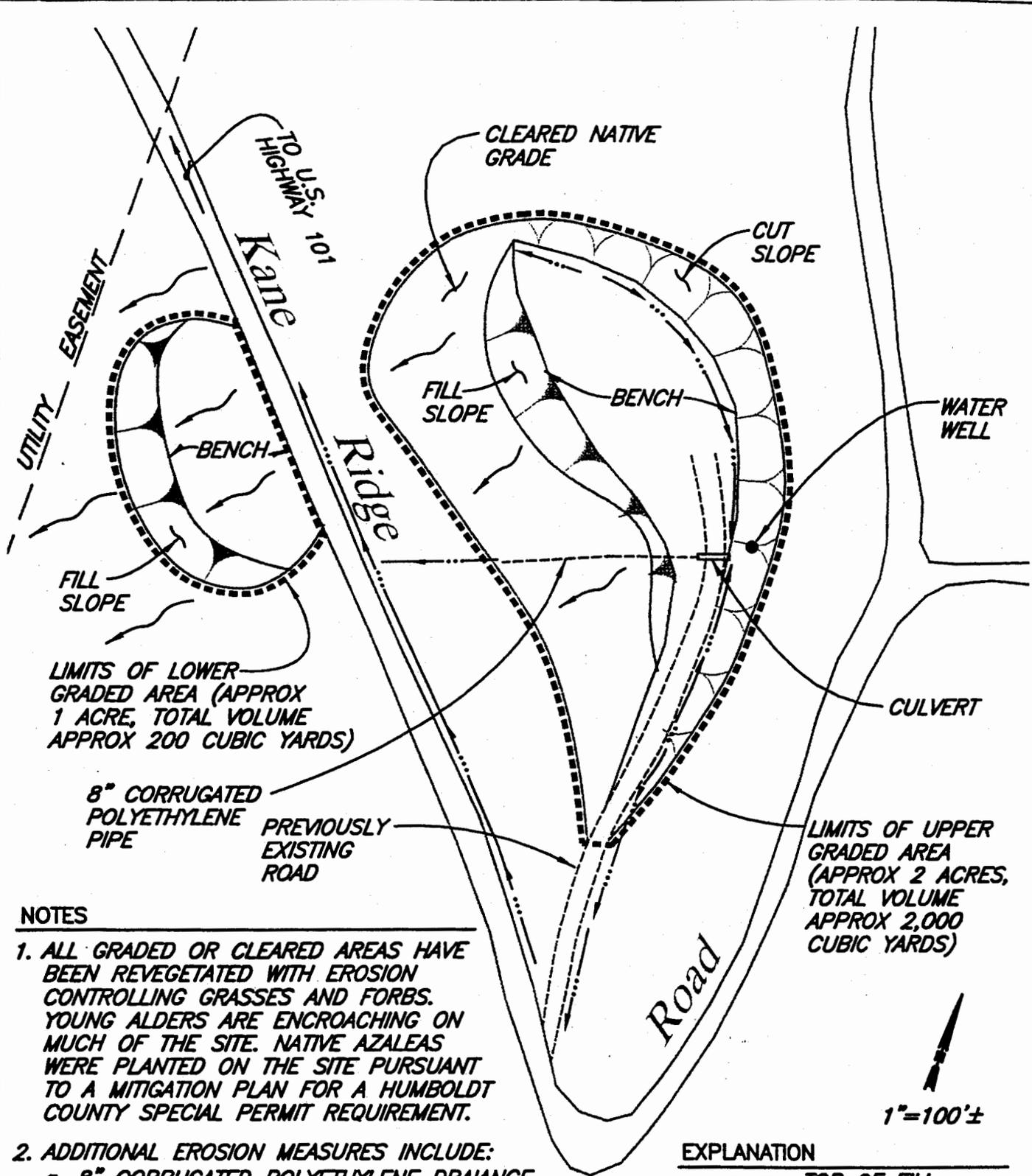
SHN Consulting Engineers & Geologists, Inc.



Gary D. Simpson, C.E.G.
Senior Geologist
707/441-8855



GDS/ACW:lms:med



LIMITS OF LOWER GRADED AREA (APPROX 1 ACRE, TOTAL VOLUME APPROX 200 CUBIC YARDS)

8" CORRUGATED POLYETHYLENE PIPE

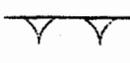
PREVIOUSLY EXISTING ROAD

LIMITS OF UPPER GRADED AREA (APPROX 2 ACRES, TOTAL VOLUME APPROX 2,000 CUBIC YARDS)

NOTES

1. ALL GRADED OR CLEARED AREAS HAVE BEEN REVEGETATED WITH EROSION CONTROLLING GRASSES AND FORBS. YOUNG ALDERS ARE ENCROACHING ON MUCH OF THE SITE. NATIVE AZALEAS WERE PLANTED ON THE SITE PURSUANT TO A MITIGATION PLAN FOR A HUMBOLDT COUNTY SPECIAL PERMIT REQUIREMENT.
2. ADDITIONAL EROSION MEASURES INCLUDE:
 - a. 8" CORRUGATED POLYETHYLENE DRAINAGE PIPE AND CULVERT UNDER ROAD ON UPPER AREA.
 - b. VEGETATED DITCH ON EAST SIDE OF PREVIOUSLY EXISTING ROAD.
 - c. SITE APPEARS TO HAVE BEEN SPREAD WITH HAY PRIOR TO RE-SEEDING.
 - d. NEW DRAINAGE FEATURES LEAD TO NATIVE DRAINAGE FEATURES WITH VEGETATION INTACT.
3. ALL LOCATIONS ARE APPROXIMATE.

EXPLANATION

-  TOP OF FILL SLOPE
-  TOP OF CUT SLOPE
-  DIRECTION OF SURFACE DRAINAGE
-  DRAINAGE DITCH

4 of 4

FRESHWATER FARMS

A · WETLANDS · NURSERY

Bob Merrill
California Coastal Commission
710 E Street, Suite 200
Eureka, CA 95501

March 4, 2005

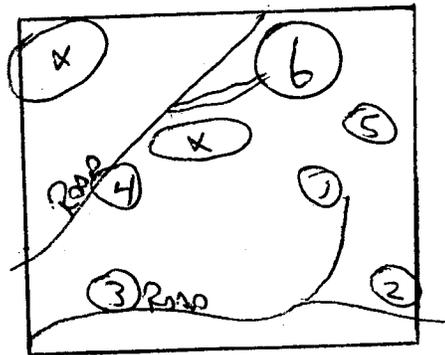
RE: Harmon Property on Kane Road – Big Lagoon

Dear Bob,

At the end of last year Michael Harmon and I spent half of a Saturday morning and walked his site on Kane Road – both checking on the azaleas we planted last winter and attempting to determine where the mature azaleas were - on site.

There were six sites we spent time looking over- our findings are as follows;

1. Lower mid-west section- 1 acre – no azaleas found
2. South west section – 1 acre - none found
3. Northwest section – 1 acre – one azalea found.
4. Mid-north section – we installed 40 plants here – two found.
5. Mid-south section – 1 acre – two plants found.
6. No plants seen – but good site for planting.



x plants installed
last fall (03)

Recommendation: Assume density of 1-3 plants per acre. Three acres were cleared for a home site. To restore the site nine azaleas should be replaced and survive.

Advise: Install 20 additional plants at site six to guarantee that 9-10 plants will survive.

Thank you for this opportunity to respond, please let either Michael Harmon or me know if this is acceptable.

Regards,

EXHIBIT NO. 6
APPLICATION NO.
1-01-004
LANDSCAPING
RECOMMENDATION

5851 MYRTLE AVENUE · EUREKA · CA · 95503-9510

(800)200-8969 · (707)444-8261 · FAX (707)442-2490 · www.freshwaterfarms.com

