

NOTICE

NOTICE OF PUBLIC HEARING TO CONSIDER OVERRULING THE AIRPORT LAND USE COMPATIBILITY PLAN INCONSISTENCY DETERMINATION FOR THE HUMBOLDT BAY TRAIL SOUTH PROJECT NEAR MURRAY FIELD AIRPORT

Humboldt County Department of Public Works is providing notice that on January 6, 2022, at 9:00 a.m., or as soon thereafter as the matter can be heard, the Humboldt County Board of Supervisors will hold a public hearing to receive public comment and testimony regarding the proposal for Humboldt County to consider overruling the Airport Land Use Compatibility Plan inconsistency determination for the Humboldt Bay Trail South Project near Murray Field Airport.

PROJECT TITLE: Humboldt Bay Trail South

Airport: Murray Field Airport

DISCUSSION: The Humboldt County Board of Supervisors serves as the Governing Board of the Humboldt County Airport Land Use Commission (“Humboldt County ALUC”). On October 5, 2021, the Humboldt County ALUC determined that the Humboldt Bay Trail South Project (“Project”) is not consistent with the 1993 Airport Land Use Compatibility Plan (“ALUCP”) because a portion of the Project is situated within compatibility zone A associated with Murray Field airport and Table 2a of the ALUCP prohibits all non-aeronautical structures within this zone. The term “structure” is not defined in the ALUCP and is interpreted broadly to mean any object constructed with multiple components and having a fixed location on the ground. The portion of the Project within zone A includes placement of aggregate base and asphalt and construction of a 48-foot-long trail bridge. Alternative alignments for the trail outside zone A are not feasible due to the constraints of Humboldt Bay and Highway 101. Because the trail is not required for aeronautical purposes, the portion of the Project located within zone A conflicts with the compatibility criteria in Table 2a. Therefore, based on a strict interpretation of the compatibility criteria, it follows that the Project is not consistent with the ALUCP.

Public Utility Code Section 21676 and Section 21676.5 state that a local agency may overrule an airport land use commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purpose of the commission’s statutory authority. Here, the Board of Supervisors serves as the governing body of the local agency implementing the Project in addition to serving as the governing board of the Humboldt County ALUC. The purpose of an airport land use commission’s statutory authority is “to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses” [Public Utility Code Section 21670(a)(2)].

The following considerations support a finding that approving the Project is consistent with the purpose of the Humboldt County ALUC’s statutory authority:

- Portions of Highway 101 and the Northwest Pacific railroad are situated within compatibility zone A for Murray Field. The segment of Highway 101 between Eureka and Arcata has the highest average daily traffic within Humboldt County. Highway 101 was initially developed in 1923 and Murray Field was developed in the late 1930s and early 1940s. The first ALUCP for Humboldt County was adopted in 1979. Therefore, the transportation corridor was already devoted to uses incompatible with the ALUCP when the ALUCP was adopted. The Project will improve the transportation corridor by providing a paved path separated from the roadway of Highway 101 for use by pedestrians and bicyclists. The paved path will be situated on the opposite side of Highway 101 from Murray Field, thus enabling pedestrians and bicyclists to be further away from Murray Field than they would otherwise be if traveling along Highway 101.

- The intent of land use safety compatibility criteria is to minimize the risks associated with an off-airport aircraft accident or emergency landing (ALUCP Section 3.2.1). The principal means of reducing risks to people on the ground is to restrict land uses in order to limit the number of people who might gather in areas susceptible to aircraft accidents (Section 3.2.2). Land uses of particular concern are ones in which the occupants have reduced effective mobility, such as schools, hospitals, and nursing homes (Section 3.2.3). The Project does not involve an occupied structure and will not create a gathering point resulting in a high concentration of people. The portion of the Project within compatibility zone A does not include amenities such as benches, kiosks, or viewing areas that would encourage gathering.
- In the event that an aircraft is forced to land away from an airport, risks can be minimized by providing as much open land area as possible within the airport vicinity for a pilot to attempt a controlled emergency landing away from the runway. Open land is defined as land free of structures and other major obstacles such as walls, large trees, and overhead wires and with minimum dimensions of 75 feet by 300 feet. Clustering of development is encouraged to increase the size of open land areas (Section 3.2.5). The location of the proposed path is in a very marginal location for a pilot to attempt a controlled emergency landing due to the presence of Highway 101, Eucalyptus trees, and the waters of Humboldt Bay. Locating the path within the transportation corridor and along the levee of the Brainard Mill site meets the intent of clustering development around airports and leaves the adjacent tidelands unobstructed.
- The portion of the Project within compatibility zone A will generally be at ground level except for the pedestrian bridge. The bridge railings will have a height of approximately five to six feet above ground level and will not penetrate airspace protection surfaces or create an airspace obstruction.

In summary, the Project will be situated in an area already devoted to uses incompatible with compatibility zone A in the ALUCP, and the Project will serve to partially mitigate safety hazards by allowing pedestrians and bicyclists to travel further away from Murray Field. The Project will not create an occupied structure or airspace obstruction within zone A and will not encroach on open land suitable for emergency aircraft landings. Based on the information provided herein, Public Works recommends that the Board find that the Project is consistent with the purpose of the Humboldt County ALUC's statutory authority, overrule the determination of inconsistency with the ALUCP, and direct the Humboldt Bay Trail South Project to proceed.

PURPOSE OF NOTICE: The purpose of this notice is to inform the Humboldt County ALUC and the Division of Aeronautics of the Department of Transportation, in accordance with Public Utility Code Section 21676 and Section 21676.5, that the Department of Public Works plans to recommend that the Humboldt County Board of Supervisors overrule the Airport Land Use Compatibility Plan inconsistency determination for the Humboldt Bay Trail South Project near Murray Field Airport.

ADDRESS WHERE COMMENTS MAY BE PROVIDED: Written comments should be addressed to Humboldt County Department of Public Works – Environmental Services, 1106 Second Street, Eureka, CA 95501

REVIEW PERIOD: The review period begins November 17, 2021, and ends December 20, 2021. Comments regarding the proposed decision and findings are invited. Comments received by the end of the review period will be considered before the Board of Supervisors makes their decision.

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