

The first EIR of an Art Work: The Running Fence (ID-017)

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This presentation reviews the pioneering environmental impact assessment of a work of art, the Running Fence by Christo and Jeanne-Claude, and its influence on IA knowledge, including aesthetic impact assessment, stakeholder engagement and management of permanent and residual impacts. As the subject of this paper demands illustration, it is accompanied by a poster showing parts of the installation, preparatory drawing by Christo, and key items of the study.



The Running Fence - September 1976

INTRODUCTION

This is the story of the first Environmental Impact Assessment of an art work, the Running Fence by Christo and Jeanne-Claude. The art installation consisted of a veiled fence 24.5 miles (39.4 km) long and 18-foot (5.5 m) high extending across the hills of Sonoma and Marin counties in northern California, United States.

The route of the fence began near U.S. Highway 101 and crossed 14 roads and the private property of 59 ranchers to reach the Pacific Ocean near Bodega Bay. The Environmental Impact Assessment Report (EIR) required by the local authorities ended up as a 450 page tome with many illustrations of significant artistic value. In order to secure the implementation of the Running Fence proponents undertook public consultations where the concept of aesthetic impact and indeed the value of the installation as art were exhaustively discussed.

The local reaction to the project ranged from excitement to resentment and active protest. Several Californians including Expressionist painter Byron Randall protested the piece on the grounds of both land infringement and lack of artistic merit, which produced an initial rejection by the local Zoning Commission. Nevertheless, others appreciated the beauty of the work and supported it strongly before the

local residents and permitting authorities. Following a successful appeal in the end the project was approved, completed on September 10, 1976 and removed 14 days later, leaving no visible trace.

IMPACTS AND MITIGATION

Since this installation is designed to be ephemeral, lasting only 15 days on display, the EIR focuses on the potential adverse impacts during the installation and exhibition, and the adverse impacts remaining after implementation. Beneficial impacts are also summarized but no mention is given to the aesthetic value of the piece, a matter that produced a controversy during public consultation. Mitigation measures are described in detail for every adverse impact identified. In general, the most significant adverse impacts arise from the large numbers of visitors expected to be attracted to the area during the two-week viewing period.

Local Short-Term Impact and the Maintenance of Long-Term Productivity

Increased traffic, a local short-term impact, was expected to affect the local road network for a maximum of two weeks, producing the most significant of all the impacts of the proposed project. Noise may increase with traffic increase during the viewing phase, and air quality would change (but not significantly) with addition of fuel pollutants. In addition, vegetation, if damaged by the construction and removal activities and by the movement of the Fence's materials when in place, would return to normal state within a few years. Therefore, the above impacts could be considered as local short-term impacts, which would not interfere in the long term with the land and its use, the functioning of the road network, or the lives of local residents.

Irreversible Environmental Changes

Soil cores removed for placement of Fence poles and replaced with sand (as well as anchor holes backfilled with sand) would create an irreversible environmental change; one that was somewhat comparable to the usual farm operation of digging post holes for fences. Grasses and herbs were expected to grow back to normal within a few years. If further land sliding should be induced in the coastal bluff area, this would represent an irreversible change; however, its effect on life in the intertidal areas below would be temporary, in the context of the natural processes now occurring in those zones

Growth- Inducing Impact

The event of the viewing of the Running Fence, together with the associated media publicity, would bring much attention (both nationwide and worldwide) to the Sonoma/Marin dairy-farm landscape. The viewing phase would also bring many visitors (possibly as many as 30,000 on a peak day), some of whom may be attracted by the numerous FOR SALE signs in the area. The low-quality agricultural soil, lack of water and sewer service, high land price, high taxes for non-agricultural-preserve land, and restrictions on building in the coastal zone, would tend to discourage land sales beyond the normal rate of such transactions. Thus growth, beyond current rates, was not a likely outcome of the project.

VISUAL AND AESTHETIC IMPACTS

In the original EIR, the adverse visual and aesthetic impacts during construction and display were discussed in detail, but not its aesthetic value, which was considered subjective and outside the scope of the study. The chief potential adverse visual impact was described as the blockage, or the partial blockage, of close-in and panoramic views from residences along the Fence route. Another was the dominance (as opposed to view blockage) of the Fence as an element of the close-in views from some residences. Areas where these can occur include the Penngrove sections on the eastern flank of Meacham Hill and the Happy Acres subdivision, on the southeast side of Meacham Road.

Stakeholder Engagement and the Aesthetic Controversy

An interesting situation, which the EIR preparers had not anticipated, took place during a key public hearing in June 4, 1975. During the hearing people were not as concerned about the adverse impacts and mitigation measures described in the study as on whether Christo's Running Fence was art.

This issue, which in other studies is barely noticed if at all, in this case was considered a very important one, because on it depended whether the affected community, the 59 ranchers through whose properties the installation was going to cross, allowed the art piece to go on or not. Several of the attendees vehemently argued that the Running Fence was not art and for that reason, rather than for its potential impacts as described in the EIR, they opposed the installation.

The verdict from the California Coastal Zone Conservation Commission, the first hurdle in the licensing process, did not take long to follow that meeting, and it was quite damning: "The Commission hereby denies a permit for the proposed development on grounds that the applicant has not met the burden of proof that the proposed development would be consistent with the findings, declarations and objectives of the California Coastal Zone Conservation Act of 1972"

When the EIR was submitted to the Commission, Christo, supported by museum directors and art critics, all outsiders of this area, contended that the proposed Fence and the process of building it was an artistic endeavor of international importance. Local opponents of the fence, including artists and art connoisseurs, considered it a coastal carnival, a promotion, a publicity stunt. Much of the hearing time before local governments considering the proposed fence was spent on artistic merit: "is the fence art or isn't it?"

The applicant's attorney submitted the following description of the project, but at no avail: "The process of developing, planning, implementing - and removing; without a trace - his work of art is the most important artistic aspect of Christo's work. In other words, in this case it's not the 'Running Fence' alone which is artistically important to Christo; the entire process of the engineering work, the legal work related to the acquisition of easements, the interaction with the community and with governmental agencies also are crucial to his art".

The Commission, however, made no finding with regard to the artistic merit, or lack of merit, of the process or project. They contended that Coastal Act did not require that a project be a work of art to be approved, nor did the law allow environmental risk or degradation because a project was determined to be of artistic merit. The Commission was required, under the Coastal Act, to apply to the proposed

development the same standards and judgments that would be applied under the Coastal Act to any other development.

The Commission concluded that, except for the removal aspect, this definition - planning, engineering, obtaining easements and permits, etc. - would qualify every land developer as an artist and every land development as a work of art. The Commission, they said, had to evaluate this proposed development under the Coasts Act as it would every other proposed development, and not accord it special treatment.

Breakthrough

Things were dire for the project and a positive resolution looked a very remote possibility, when a local politician recommended that Christo approach his audience in a different manner, making alliances with interested parties in the local milieu and negotiating with due consideration to the local community's interest. What we nowadays call meaningful stakeholder engagement.

Christo agreed to try and from then on his engagement with the area residents was different. While he and his lawyers were preparing an appeal, he continued taking into account the leadership structure of the community, and engaging people openly about aims and objectives without antagonism, leaving the people to decide the value, aesthetic or otherwise, of the installation.

Finally, after 18 public hearings and three sessions in the superior courts of California that stretched out over two years, the project was approved. Beginning in April 1976, roughly 400 paid workers rose before dawn every day to stretch 240,000 square yards of heavy, woven fabric across the landscape using 2,050 steel poles. The Running Fence was displayed on September 10, 1976, culminating 42 months of collaborative efforts and a 3 million-dollar investment. As planned, it was removed 14 days later, leaving no visible trace.

The Running Fence was a success in every way: i) during planning, construction, exhibition and removal, the project provided employment to several hundred people and revenues to the Sonoma and Marin County communities and local governments; ii) it attracted a large amount of visitors, close to the numbers predicted in the EIR, i.e. 270,000 in 15 days, with 30,000 and 10,000 autos in the peak day; iii) the sale of preliminary drawings and artifacts paid the cost of the project several times over, providing a tidy profit to Christo and Jeanne Claude; iv) the display of the Running Fence proved to be a highly aesthetic experience that convinced many skeptics that it was indeed art.

This “ephemeral” project has attracted continuing attention since it was implemented. Over the years Christo and Jeanne-Claude, as well as various art institutions have run meetings and exhibitions about this installation. In 2008 the Smithsonian Institution purchased the *Running Fence* documentary and related photos and drawings and on September 26, 2010, the Smithsonian American Art Museum opened an exhibition called “Christo and Jeanne-Claude: Remembering *The Running Fence*.” All these events, and particularly the latter, suggest that for many people that interest and attraction has not subsided.

WOULD THINGS HAVE BEEN DIFFERENT NOW?

Impact assessment methodologies and public consultation practices have evolved significantly since the days the Running Fence was exhibited. Christo and Jeanne-Claude have also undertaken a number of high visibility projects, such as the wrapping of the Pont Neuf in Paris and the Reichstag building in Berlin, and the Gates in New York's Central Park, which have sharpened the couple's diplomatic and public relations skills. Conversely, the Running Fence experience has provided valuable lessons as regards the assessment and management of visual and aesthetic impacts and on the manner of making them public.

There are now a number of national and international guidelines pertaining to visual impact assessment and management. Given the location of the Running Fence, it is fitting to focus on the California Department of Transportation (DoT) Standard Environmental Reference, and particularly on the chapter on Visual and Aesthetic Review. Christo's management of the visual impacts of the Running Fence was impeccable and might have influenced the current regulations on visual impacts.

As regards stakeholder engagement, a good contemporary source is IFC's Performance Standards. The IFC Performance Standards on Environmental and Social Sustainability, on which the Equator Principles are based, has become the global sustainability standard for private sector finance. The first Performance Standard (PS1) describes requirements for the assessment of impacts and risks, and of management systems whose objective is systematically to manage the impacts. It also includes guidance for effective stakeholder engagement as well as informed consultation and participation.

IFC also published a Stakeholder Engagement Good Practice Handbook. This document provides guidance on key components of a good stakeholder engagement, including stakeholder identification and analysis, information disclosure, stakeholder consultation, and negotiation and partnership. Christo's team followed the consultation and disclosure requirements of the US National Environmental Policy Act (NEPA) but it proved insufficient to pull the Running Fence project through. After the Zoning Commission's negative verdict, a local politician recommended something that is clearly indicated in IFC's Stakeholder Engagement Handbook: act in partnership with the local community and negotiate taking into account the local interest. This advice, consistent with IFC's Handbook, was critical to Christo and Jeanne-Claude during the difficult campaign to get the Running Fence approved.

CONCLUSION

The environmental impact assessment of the Running Fence and the resulting EIR provided an excellent background to the consultation and licensing processes that culminated in the successful implementation of the project. In turn, the exercise has provided valuable insights to impact assessment practitioners.

The Running Fence installation, which was created according to US and local regulations current at the time, would not have been much different in this respect nowadays. Current good practice on stakeholder engagement, however, might have significantly facilitated the proponent's permitting effort because it provides a comprehensive approach, beyond the traditional consultation and disclosure practice. As Christo and Jean-Claude discovered, this is essential to secure the buy-in of the public and eventually the

social license to go ahead. In current terms this translates as broad community support or, in sensitive cases, free, prior and informed consent.

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Links:

Christo's Web Site: <http://christojeanneclaude.net/projects/running-fence#.UuZ6z9Io7sM>

Smithsonian Web Sites on Christo's Running Fence:

i) Christo: <http://americanart.si.edu/exhibitions/archive/2010/christo/>,

ii) Running Fence: <http://eyelevel.si.edu/2010/04/christo-and-jeanneclaude-on-the-making-of-the-running-fence.html>

III) Running Fence Revisited (video): <http://www.smithsonianmag.com/videos/running-fence-revisited/>

Video regarding the 1975 controversy: <http://www.youtube.com/watch?v=S1ta0NaacfY&noredirect=1>